

In connection with outer basin diversion is almost impossible to understand. They would be affected by any diversion except if this bill becomes law, the Department of Water Resources would specifically exempt these benefits in determining public interest. I believe this is another area where LB 252 classifies out of basin people as second class citizens. Now what I am really trying...the point I am really trying to make is that the bill I am afraid is designed not for regulation but for the injection of these six points and separate lawsuits, for example, could be brought on each one of the six points, or seven as the case might be now. So, consequently, this legislation would be tied up in court a long period of time. Consequently, we don't get any benefit from the legislation whatsoever as long as it is tied up in court. Why then do we process the bill instead of waiting for the end of our studies that we all know about, why don't we wait for the end of those studies and then come in with a bill based on those studies and the hearings on those studies? And it is for that reason that I make the motion. Thank you.

SENATOR NICHOL: Senator Kremer, did you wish to speak to this?

SENATOR KREMER: Mr. Chairman, I will speak to the kill motion. I was going to speak in opposition to the bill, but it means the same thing to speak against the kill motion. First of all, I would like to lay the foundation for my argument as to why I oppose the bill and support the kill motion. I would like to start out by quoting the Chief Justice when he made the statement as to why the Supreme Court overturned the ruling of the court in 1936 with reference to the Osterman case. I would like to have the members of the Legislature note carefully what the Chief Justice had to say, and I am quoting now: "On reading of the Nebraska Constitution and the statutes applicable thereto as well as our subsequent decisions in the Ainsworth Irrigation District versus the Bejot case, also the Metropolitan Utilities District versus the Merritt Beach Company case", it goes on to say that "All this leads us to the conclusion that it is appropriate for us to reexamine... to reexamine our holding in the Osterman case". It goes on to say, "The language of the Nebraska Supreme Court is clear and unambiguous with regard to use of water". Now note this, The Nebraska Constitution, Article XV, Chapter 4, provides, "The necessity of water for domestic use and for irrigation purposes in the State of Nebraska is hereby declared to be a natural want. That is important. The full impact of that provision has in recent times been so clear that further or additional reference to or citation to support that declaration is unnecessary." The Nebraska Constitution...the same article provides, now he is quoting