

April 16, 1981

LB 252

SENATOR DWORAK: Question of the Chair. I have an amendment to the Vickers amendment. Would that not....

SENATOR NICHOL: Senator Vickers has not presented the second half of his amendment as yet.

SENATOR DWORAK: Okay.

SENATOR NICHOL: Senator Vickers, did you wish to do so at this time?

SENATOR VICKERS: Yes, Mr. Chairman. Mr. President and members, the second half of the amendment, now that the first half has been decided by the wishes of the body, is very simple. It strikes lines 13 and 14 on page 6, and it says, "any reasonable and foreseeable future beneficial uses of the water in a basin of origin". If you really and truly believe that transbasin diversion of water is wrong and that it should probably never take place, then I think you should vote against my amendment. If, on the other hand, you think that maybe there might be places in the State of Nebraska where at times it might be all right to take some water from one basin and take it to another, then I suggest you vote for my amendment. If you are worried about the future protection of the area that the water might be coming from, and we might as well be honest about it, we are talking about the Platte River, if you are worried about the future of that area and you are worried that by taking that language out you won't be protected in the future, I would remind you to look at subsection 5 where it talks about the economic, environmental and other benefits of leaving the water in the basin of origin for current or future beneficial uses. You are already protected. But I think any attorney, good, bad, or indifferent, could hold up any transfer of any water from any river under section 4, because I believe anybody could say that at some point in time in the future we are going to have some beneficial use of the water in the basin. Some of the projects that have been proposed in the past and voted down by the people would suddenly be back to life again, even if just for discussion purposes. We might want to build midstates again. We might want to build a numerous number of projects again. I think that language is weighted entirely too heavy toward not transferring water, and remember, as I said a little bit ago, I think we should be honest and try to set up the rules so that it doesn't weigh it too heavily toward one side or the other. Obviously, I don't think that is this body's intention. It seems to me from the vote on the last amendment that this body's intention is to prohibit transbasin diversion in spite of what the Supreme Court says. I think