

this body was very comfortable with the Osterman decision in 1936 and has been ever since. We didn't have to address the issue. We could just simply go back home and tell the folks that it is unconstitutional to take water from one basin to the other and therefore we don't want to deal with it, therefore we don't even want to talk about it. Well, I remind you that it is legal, it is all right under the Constitution. The Supreme Court said it was. Now if it is all right under the Constitution, is it all right for us to sit here in this body and say, no it is not, we know better than the Department of Water Resources, we know better than anybody else, therefore we are going to set up the rules under the guise of putting up the rules that the Director can use but we are going to set the rules under such a fashion that we know which team is going to win when this ball game is played? I don't think that is right. I don't think that is fair, and I don't think we should do it. Therefore, I think that lines 13 and 14 at least should be stricken from page 6, section 5. And I urge the body's adoption of this amendment.

SENATOR NICHOL: We are now speaking to the second half of the Vickers amendment, and I have six speakers on. The next one is Senator Wagner. Do you wish to speak to this?

SENATOR WAGNER: Mr. Speaker, members, I really think this is one of the more important portions of this whole bill, and let me tell you why, because a lot of times on some of these projects you are talking about many, many years down the road. There is one in my district that has taken twenty-five years to bring it on the line and just starting on construction. I think we have got to look into the future for some of the needs of these basins, and if we don't we are certainly going to hurt them and for that reason I would certainly oppose Senator Vickers' amendment. I don't think we need to strike any language like that out of that bill, and I would certainly oppose it.

SENATOR NICHOL: Senator Beutler. Senator Howard Peterson.

SENATOR H. PETERSON: (Microphone not on)...of the body, I think this particular portion of the bill is probably one of the very important portions, and contrary to what Senator Vickers is saying, we do have in our area a project that is known as the Prairie Bend project, some over a hundred thousand acres of land to be irrigated, some big storage to be developed, water rights that have been granted for quite a number of years, and it is important that before we divert water out of the Platte Valley that we develop that project and know we have water to develop it.