

like to commend Senator Beutler for his honesty in looking at both sides, in attempting to look at both sides of the issue. Even though Senator Beutler and I have disagreed on some of the amendments to this bill I certainly agree with Senator Beutler on this particular one. Senator Lamb says that he is in favor of transbasin diversion but I suggest to this body that if we adopt the Lamb-Wagner amendment we will in all actuality never have any transbasin diversion. If you will notice they are striking I think it is three and four of the criteria and then they are putting down in the language that I tried to amend a little bit ago, they are putting down in the language that says "application shall be denied if" and then they will have two criteria with their amendment. But the first criteria as it is in the bill. The second criteria is "it shall be denied if there are present or reasonably foreseeable future beneficial uses for the water in the basin of origin." Now think about that a minute. You know that there has got to be some arguments made that there can. . . in the reasonably foreseeable future, whatever that is that there might be some beneficial uses for water. You are going to deny it based on that no matter what the other criteria is. It will always be denied. If we are going to set down the rules, again I emphasize to this body that is what we are doing, we are putting down the rules that they operate under. There are members of this body that I am sure hated to see the supreme court rule as they did last year. They didn't want to deal with that issue. Now we are dealing with it. So now they are trying to come up with some way to prohibit it through legislation. I don't think that is right, I don't think it is fair. Whether you are pro or con on this issue I don't think that is our job to make that decision. I think our job is to set down the criteria and then let the courts use that criteria, let the director of the Department of Water Resources use that criteria but to put in criteria that is so strongly on one side or the other is wrong. I would urge this body's rejection of this amendment.

SPEAKER MARVEL: Before we continue it is my privilege to present from Senator Burrows district 38 students from Stoddard School, Beatrice, Nebraska, teachers are Mrs. Workman and Mrs. Hertlein in the north balcony. Will you hold up your hands so we can see where you are? Are they gone? Okay. Also from Senator Maresh's district 16 students from Fairmont, Nebraska High School, Mr. Walburn is the teacher, in the north balcony. There you are, okay. Senator Hoagland.