

passed in 1972 by this Legislature, set up a framework plan that has been built on since that time with the agencies requiring to use that blueprint. That has partially been filled. Senator Beutler himself has helped pass some of those laws, has helped frame some of those rules that we live by. Are we going to say to the Federal Energy Regulatory Commission, disregard the nearly hundred years of traditional water right and water use in this state? The order that was given by FERC took water that was guaranteed by our state law for irrigators and caused it to run to the Missouri and out of our state and at the time it was released gave no beneficial use to anyone. We want to put in place, and we've already passed a bill in this Legislature this year to allow the negotiations between Central Public Power, NPPD and FERC to proceed by allowing Central legally to be able to negotiate further instream water rights. Senator Morrissey has referred to a guaranteed instream flow. Ladies and gentlemen, there is no such thing as a guaranteed instream flow. When there is no water in the reservoir, there's no water in the mountains, there is no flow. You know our federal government has an ability to spend money like water, but through some of these regulations, as you see, they're trying to spend water like money. They can't go to the mountains in the western part of the United States and cause it to rain or snow and that's our problem. In areas of excess moisture when we have high snow pack, these kinds of regulations can be made to work and they can work. We can have an adequate instream flow that has been regulated. We have some very well-recognized authorities on water at the University of Nebraska in Lincoln, Ray Bently (phonetic) and Vincent H. Dreeszen, and they have prepared for use by the public or whoever it might be necessary a statement about the current situation in the Platte River compared to what it has been in the past. In part that says, despite all claims to the contrary,...

SPEAKER BAACK: One minute.

SENATOR ELMER: ...the current hydrological equilibrium reached through the regulation of river flow has provided the benefits of flood protection, environmentally sound ground water, protection of hydropower, water for irrigation, flat water recreation and a significantly enhanced riverine habitat for migratory water fowl, indigenous species of birds, fish and mammals, and the order for reregulation of releases from Lake McConaughy is both hydrologically and economically unsound and unrealistic. I urge you to help me get this thing out of