

of Texas v. State of New Mexico, over the Pecos River Compact, which was decided in 1987. The special master concluded that between 1950 and 1983, the Pecos River Compact required New Mexico to have delivered 340,100 acre feet more water than Texas had received. The U.S. Supreme Court ruled that not only prospective relief could be provided, but also that the court could provide Texas remedy, and that that remedy could include repayment in water and assessment of monetary damages. New Mexico was ordered to pay Texas \$14 million and to deliver the acre feet of water. The cost to acquire the water rights to fulfill the water judgment have been estimated at \$40 million over 10 years. Court cases are not the impetus for this legislation, but they do serve to educate us on the extent of potential impact. What we do here today is to determine what is good policy for the future of Nebraska, not just stave off a lawsuit. If the policy is good and necessary, and I believe it is, then we should do it, lawsuit threat or no. Thank you. (Inaudible) the rest of my time to Senator Beutler.

SPEAKER WITHEM: Senator Beutler, about three and a half minutes.

SENATOR BEUTLER: Senator, I thank you. I think I'll waive that for the moment and try to fit better into the flow of the conversation, once we get going again.

SPEAKER WITHEM: Thank you, Senator Beutler. Senator Elmer.

SENATOR ELMER: Thank you, Senator Withem. To continue where I left off, I started to mention that there's a negotiating team that is made up from citizens from Nebraska and Kansas, from the Republican River...the Republican River Management Association, which is a combination of the three Republican River NRDs, the Upper, Middle, and the Lower, some personnel from the Department of Water Resources, and their counterparts from Kansas. In visiting with one of the negotiating team, last week, I understood that progress is being made, no promises whether lawsuits will be entered or not. However, I would like to point out that if we adopt Senator Brashear's amendment and take this tool away just at the time when we're being threatened by suits or enjoined, we're cutting off our feet to try to hide, because we can't get there if we cut our feet off. If we do not have in place a method for us to handle our water policies within Nebraska, someone, in case there is a suit, and we might