

think the administrator of surface water in the state, who you know is DWR, probably has the power, and we certainly make clear that they have the power, under this bill, to require best management practices of everybody before they shut down anybody. But beyond that then you're totally correct in how the system would progress.

SENATOR WEHRBEIN: Okay. I was going to speak somewhat to Senator Schellpeper. I see he's not here. My point was he's saying it's unfair to ground water users to have their water taken, or I guess to not be able to pump unlimitedly is what he's saying. And I will be the first to admit I appreciate much the value of irrigation water to Nebraska. In fact, my memory says, a couple years ago, 82 percent of corn in Nebraska comes from irrigation, in terms of bushels, not in terms of acres. So we...it's...it's absolutely necessary to have successful irrigation. On the other hand, I wonder what's fair about the water rights as we allocate our surface water today. Junior holders, as I would understand it, are left out. And those of us, if I was on a stream, I have no water if it's already been appropriated. So I don't know but what we already have a sense of unfairness in our water law under the surface water, which we do control. So I don't know how far to take that fairness issue. Now I'll switch to ground water. What we're saying now it's first in right, I guess, for those that have...that are pumping the ground water. And if they can pump forever and mine it to the extent that there is...it's lowered, I agree with Senator Coordsen, water is cycled. I don't know whether we actually ever use it all up, but it certainly ebbs and flows in cycles, and we run through periods of drought, obviously in Nebraska, as well as periods of surplus water. The ground becomes a giant reservoir, in a sense. But to claim that we can unlimitedly pump ground water forever in certain areas bothers me. I can't quite see that there's any other way but to get into this area of control. So then if we switch and let NRDs do that, which I concur, and I think Senator Dierks is right, that's (interrupted)...

SPEAKER WITHEM: One minute.

SENATOR WEHRBEIN: But my concern is what to do between states. And I would wonder if an NRD in a given area, and we'll use the Republican Valley, because that's one of the points of contention at this point, if one would concur, if two would