

SENATOR DIERKS: Yes.

SENATOR ELMER: Would you also agree then that because they are shared that if the resource begins to show signs of depletion that we should be able to regulate it for the benefit of all users concerned?

SENATOR DIERKS: I do agree with that, and that's happening, and it will continue to happen without 108.

SENATOR ELMER: That's correct. And the point I want to make, based on our prior conversation, is that regulation of ground waters users in northeast Nebraska, especially, will result from the depletion of aquifers, not from 108. And the NRDs, if such a...you know, if such a depletion begins to occur, currently does have and exercises the power to regulate pumping for the best management practices, and even in the case that we now show in the Upper Republican, they do have the power to stop future development. Now I'd like to go to some questions that Senator Hudkins was asking from Senator Schrock. In the Republican River we have a situation where 40 percent of the basin is in Kansas, 10 percent in Colorado, and 50 percent in Nebraska. Conservation practices, such as farm ponds, terraces, "ecofarming," minimum till are practiced universally by agricultural people, no matter whether they're in Nebraska, Kansas, or Colorado. And they all do similar things and try to retain as much of the natural water that God gives us on their land. And both...in all three of the states, Kansas, Colorado, and Nebraska, in the case of our Republican River, recognize that those numbers of acres that are within the basins all approximately are treated the same as far as conservation practices are concerned. So the amount of water that's retained by those practices within each state represents a proper share of the river basin's water to be shared and used for beneficial purposes by those farmers because they have retained them on those acres, which very closely parallels the percentage of water that's due each state from the basin. So the question in our particular instance is not whether that water is not being put into the stream, because we're all not putting it there in equal proportion, it's the question of how much is remaining that is entitled to be used by each state. So the conservation practices that you talk about are not at question, nor are they taken into consideration for the quantity of stream flow that