

parts of it I would agree with, and I think Senator Jones had stated something, we all need to share and share alike. But there's one real big problem. If this is passed, we have a constitutional provision that this would violate. I think it will be found unconstitutional. Till we change the constitution, this is...should not even be considered. So things have to come first. This really has to be looked at. Till the constitution's changed, it's...I think it's a real violation. You're messing with the water rights that have been established in the constitution. It's a property right, that water right on surface water, and here Senator Dierks is asking to change that in terms of the law. Another point that I think needs...maybe needs to be brought up is there's all this concern that it will completely devastate ground water and some...maybe even surface water irrigators. I don't believe that's totally accurate. Today we have, and it was in 1971, a decree with Kansas on the Blue River system. That was done in 1971. The state of Nebraska, for a five-month, six-month period, primarily the summer irrigation season, has the...and in that decree it states that Nebraska must control its ground water/surface water irrigators. Have they ever done anything to do that? No. There's been times, I'm sure Kansas has felt, in those regulations to meet that, Kansas has said you have to make sure a certain amount of water is coming down the Blue River system into Kansas and, to my knowledge and how I understand there hasn't, I don't believe, any restrictions been done on irrigators. Nebraska has that ability now, and I'm not so sure that we've ever. So the potential impact, it's something that really isn't just taken lightly, and here we are, we're going to jump in and put regulations down and control, controls like seems to be portrayed here with 108. There's a need to implement this so we can look into the future and we have something established, we have a framework to work from. Historically, I don't think we're going to abuse it. In fact, I'm sure. Historically, we have other situations. Ground water is not going to be shut off. So, on those two points, I have to oppose this amendment and I think it's important that we remember we do have regulations...

SENATOR COORDSEN: One minute.

SENATOR AVERY: ..and with this decree that asks that we do that, that's set out in statute or in federal law with the agreement with Kansas, and we haven't exercised that to its fullest. So