

SENATOR BEUTLER: Senator, I'm not sure exactly what you want me to respond to, but my position in this all along has been that whether or not Kansas sues, it behooves us to be prepared for all eventualities. First of all, you don't get involved with a special master or original jurisdiction or the federal court taking over the matter and doing what they will and imposing upon Nebraska their will. You don't get involved in that if you're able to work out with the party with whom you have a conflict, the disagreement. Now, it's not possible for us to talk on the floor in public about the nature of the disagreement and where we think the parties actually are and that sort of thing for obvious reasons, but if we were convinced that we needed to take some action and perhaps that action we were convinced that we needed to take was relatively mild, we need to establish some best management practices for ground water users in a particular area, if we're talking about the Kansas dispute in the Republican Valley; and if we do that then we feel we will be comporting to the compact and maybe Kansas will feel that way too, if we can do those things. But right now our people on the compact and our people who deal with this situation are not able to do that because they have no legal authority to tell an NRD, one or more of them who deal with the ground waters, they have no authority to tell ground water users directly, for example, that in certain areas best management practices need to be established in order to alleviate the possibility of a federal lawsuit and losing control of the situation. Who knows where Kansas is. Maybe they'll file a lawsuit anyway. If they do file a lawsuit, I think that whoever is the master settling the matter certainly has the power...

SENATOR COORDSEN: One minute.

SENATOR BEUTLER: ...power to ignore your local laws and say what will be done and how it will be done and to what extent it will be done. Most of the things that they would probably require us to do would require us to then pass a bill like 108 anyway in order to facil..., if we want to retain an NRD system, in order to get to the point where we can work with the NRDs and have them institute whatever program comes out of the federal government. And I believe that what would come out of the federal government, out of the master, would be far more workable if they knew we had a mechanism in place that they could fit into and tell us what to do using that mechanism. But