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FLOOR DEBATE

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do what they do. They try to improve their land, they try to improve their economic base, and they drilled irrigation wells. Most of them were in the upland areas that do not affect the river. Most of them were below Harlan County, where they do not affect the river. It's amazing that Lovewell Reservoir in Kansas, where a good share of the Kansas irrigation water comes from, that reservoir fills every year, and that's from return flows below Harlan County. Also, I would say that these farmers did nothing illegal. Whether the NRD showed good judgment or not could be debated. I passed the bill that you referred to, and it was actually kind of retroactive, because it was passed in 2001, but it took effect as of January 1, 2001, that wells drilled after that date in basins where interstate water litigation was taking place could be treated differently by the NRDs. I will tell you, the Lower Republican NRD took notice of that. They supported me in that action, because I'd talked to them beforehand. They supported me in that action, and they did take a strong look at that before they decided to set their allocations, and their conclusion was that it wouldn't help the situation very much, and that if they did control those wells at a different rate, that it would not provide much more benefit to those in the area. So I appreciate the discussion. The problem with LB 962 is it should have been passed three or four years quicker. And you may blame me for that if you want to, although I would have probably been a political casualty in the last election. But that would have been minor compared to what maybe we could have benefitted if we'd have passed this bill quicker. But politically, I want you to take a look at what I passed out. And if you go down about halfway down the line, you'll see that our former Attorney General says that if Kansas sues, it will lose. It's clear at the bottom of the page. They'll lose just like our football team...their football teams lose. Their water lawyers will lose. They do not have a case. Well, up until this settlement, we'd only been out of compliance one year. But the thing that bothered me the most--and I remember the day this came out--is, he said that Nebraska is not using more than its share of Republican River water. Even if ground water were added to river flows, the compact does not include ground water, was said by our Attorney General. So I think our body here and our state has some obligation to support the irrigators and to support that economy down there, because the Attorney General,