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FLOOR DEBATE

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to our people is so important. Leadership is so important, and I want to just illustrate a little piece of what happened politically on this issue that made it so much harder for everybody in the state. This is the rhetoric of our Attorney General in 1996: Our forefathers' dreams of a land liberated from the ravage of drought by the life-giving waters of irrigation must not be trampled beneath the rush of expedient, shortsighted and misguided good intentions, he said. He said, Nebraska is not using more than its share of Republican River water, even if the ground water were added to the river flows. The compact does not include ground water. Now you come to 1998; the Attorney General is continuing to say this. Here's the transcript from LB 921 in 1998. Senator Beutler, reading from the compact: The compact says that what is subject to the compact is the virgin water supply which is defined to be the water supply within the basin undepleted by the activities of man, undepleted by the activities of man. And Michael Jess says...Michael Jess was director of Water Resources at that time: I think you are reading from the document. I say I am. I said, what would you say...now, would you say that ground water pumping is an activity that is a depletion of man? Mike Jess says, certainly, and that's why it's been included in our calculations. And he says, we've been including them in our calculations since the 1950s. But what's going on at the public level? And what is the responsibility of the NRD managers, as elected officials, to know what's really going on and to speak to the people? What is our obligation to speak to the people? The Attorney General says these things in the face of things like this. We're talking about a New Mexico case...a Texas dispute that has been recently decided, a Colorado-Kansas dispute. Senator Beutler: In both of those cases, alluvial ground water, that is ground water related to the surface water, were included in the settlements by the federal courts under whatever definitions, whatever old definitions pertained to those, in those states. Is that...is that not accurate? Mike Jess says, yes; it's my understanding, yes, i.e., in two recent major cases ground water had been included--further evidence of the total lack of leadership in this state. All right. You want the killer, though? Here it is. Now, in our case, Nebraska's case with Wyoming, I ask, was the subject of ground water a subject of discussion? And remember, we're downstream