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FLOOR DEBATE

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sides, but when we talk about getting sued by another state, we're all in the same boat, riding the same rough waters. And what concerns me about this language on page 3, beginning in line 7 is that we're talking about the Department of Natural Resources making a determination that, in fact, we have in essence breached our contract, and then go so far as to require them to identify the number or the amount of the damages that we would owe to another state. This, I think, is dangerous territory when we talk about litigation with another state that a federal court would hear. If we have the department saying yes, we broke the law, or we breached the contract, rather, or...you know, it's like saying, the state of Nebraska shall determine a State Patrol car driven by a State Patrol trooper was negligent, and the damages are this much. And then you go to court and you argue against the negligence. In this case here we have the state of Nebraska, you know, a state agency saying, yes, we breached the contract, that's an affirmative statement, and yes, we owe them \$2 million, just hypothetically. If we have that kind of a situation and then we go to court, what position does that put us in? That's my concern. I think, Senator Beutler, I would have rather talked to you off the floor about this. I just kind of was perusing through this and found it, and I would appreciate your feelings on it, Senator.

SENATOR CUDABACK: Senator Beutler, about 2, 30.

SENATOR BEUTLER: Now Senator Flood, that was the same argument we heard about everything, including moratoriums. You know, don't have a moratorium, because it's admitting we're using too much water. The fact, I think, Senator, is that all this is pretty much above table now. They've settled upon ways of calculating and figuring out how much...how they're calculating the water. We're all doing it the same way. There are no secrets here anymore, as I understand it, and so there is no point to trying to hide the cards anymore, you know. And this provides an accurate mechanism, to the extent that at least you know about how much water you're dealing with. Still, the pricing of the water is something that will be, you know, a matter that will have to be determined over time and negotiated over time. There's still not, as far as I can tell, a very good price put on water, an agreed-upon price on water. So, you