

INTERVIEW WITH LEE ORTON
BY DAYLE WILLIAMSON

February 13, 2014

1 MR. WILLIAMSON: It's February the 13th, 2014, and
2 this is Dayle Williamson, and I'm interviewing Lee Orton
3 today. Lee started with the natural resources -- Nebraska
4 Soil and Water Conservation Agency in May 1969. So, Lee,
5 thanks very much for joining us today for an interview. And
6 give me some of your background, where you grew up and where
7 you went to school and college for our background.

8 MR. ORTON: I was born and raised in northeast
9 Nebraska, near Sioux City, South Sioux City, Nebraska,
10 actually, graduated from high school there and came to the
11 University of Nebraska in 1960. And after graduating from
12 my undergraduate degree, my wife, Rita, and I moved to
13 Kansas City where I worked for RH Macy's Department Store
14 Company for about three years. Decided that I didn't want
15 to grow old quickly working in the retail business, so I
16 came back and went to law school. And I graduated from law
17 school in May of 1969 and joined the then Soil and Water
18 Conservation Commission. When I got out of law school, I
19 had no inkling that I was going to be doing these kinds of
20 things, quite frankly. And I had not even taken Dick
21 Harnsberger's water law course when I was in law school.
22 So, I think Warren Fairchild had the good sense to tell me
23 that I probably needed to learn a little bit about water
24 law, and the Commission actually sent me to the University
25 of Wyoming to their law school in the summer of 1969. Spent

1 about three weeks out there going to an intensive water law
2 program that was taught by Dick Harnsberger who became a
3 really good personal friend through that relationship along
4 with Frank Trelease who was the dean of the law college out
5 there and an internationally recognized water law
6 specialist, and a woman from Rutgers University, by the name
7 of Eva Morreale Hanks. So, I got some intensive water law
8 training and it was phenomenal, probably the best thing I
9 could have ever hoped to do to learn and understand what was
10 going on.

11 I joined the Commission at a point in time where
12 the Modernization of Resource Districts publication had
13 already come out and there was a lot of work already had
14 been done on LB 1357 at that point in time. And an awful
15 lot of the political discussions with the various
16 organizations that were involved in that process, including
17 the old Soil and Water Conservation Association and so forth
18 were already well underway. So, I kind of watched much of
19 that stuff develop, sort of at a distance, I guess, but I
20 became involved almost immediately in working on the legal
21 and institutional aspects that were a part of the state
22 water planning process. And under the guidance of Mike
23 Fischer (phonetic), who was my boss in the organization, and
24 Warren Fairchild, and I suspect maybe even you, Dayle, to
25 some extent, but my activities were relegated to a lot of

1 the state water planning activity during that period of
2 time. And occasionally, I had the opportunity to be
3 involved in the discussion in the Legislature when the
4 legislative bill was actually being considered. Back in
5 those days, you could walk on and off the legislative floor
6 with no limitation whatsoever. There were no glass doors
7 there. The senators' offices were typically at their desk
8 on the floor, and if you needed to visit with people like
9 Maurice Kremer, who was kind of the champion and father on
10 the floor of the Legislature of this legislation, you just
11 went out and had a folding chair and you sat beside him at
12 the work desk and gave him the answers he needed to respond
13 to the debate. So, occasionally, when there were issues
14 that I was familiar with, I got called on to do some of
15 those things along with Mike, and along with Warren, and I
16 suspect, Dayle, you were probably out there on the floor a
17 time or two as well in that process.

18 So, we watched much of that development occur. I
19 was not at the Soil and Water Conservation Convention that
20 year where the issue was debated, finally, and the
21 legislation then moved ahead after the association had taken
22 its action and so forth with regard to that legislative
23 bill. So, I watched all of that stuff, was involved in some
24 of it at that point in time, and then got much more involved
25 in it in the next several years. Mike Fischer left -- I

1 don't remember for sure when, but during those interim years
2 between the passage of the legislation in 1969 and the
3 ultimate implementation in 1972, Mike was gone. And so I
4 was much more involved in some of the interim study activity
5 that took place that resulted in a whole series of
6 legislative initiatives to try to change the bill before it
7 finally went into effect. I'm still convinced to this day
8 that some of the things that that interim study committee
9 did were serious mistakes that they should have left the
10 legislation the way it was, because we would have
11 accomplished the things that were intended there a lot
12 better, I think, if we had left that alone. And I think the
13 biggest example of that was the removal of the ability for
14 Central Nebraska Public Power and Irrigation District to
15 establish a natural resources division that would have been
16 the NRD in that area. That's one of the reasons why
17 Tri-Basin NRD exists today, because it was built around the
18 boundaries of Central. And frankly, if we had left that
19 legislation in place, I'm convinced we'd have had an
20 integrated management plan in place in that part of the
21 state 25 or 30 years before we began worrying about those
22 things, and we would have done a much better job with the
23 problems we have today in trying to solve those
24 difficulties.

25 There are probably some other examples of that as

1 well in that legislative process that shouldn't have
2 occurred, but ultimately did, obviously, and that's the game
3 of politics. So, it's important, I think, to acknowledge
4 that and recognize it and say, maybe we'd have been better
5 off if we hadn't done some of those things.

6 I was involved a great deal in the implementation
7 of the NRDs, because I was frequently, I think almost all
8 of the time involved as the hearing examiner for the
9 boundary establishment of the NRDs over the years, and
10 involved, to some extent, in the debates that the Commission
11 had and the staff worked on and so forth with the various
12 different formations and shapes and sizes of what the NRDs
13 were going to look like. Dayle, you know there were lots of
14 maps with lots of different kinds of district combinations
15 out there, and when we finally went into the field and
16 started conducting the hearings, I was the guy that had to
17 sit people down when they were getting out of hand and try
18 to make sure that we got a good record on those boundaries.

19 MR. WILLIAMSON: I might say, you did a super job,
20 too. And mentioning that we could sit next to the senators,
21 you know, the senators decided they would do the boundaries
22 and we were all on the floor by individual senators when
23 they tried to do that, and they finally gave it back to us.
24 So, it was 33 boundaries when we started, and so that
25 was -- well, you mentioned that interim study, and there

1 were several bills changed, and you mentioned some of the
2 critical changes or they thought were critical that they
3 made at the time, and so that's very interesting. But the
4 bill passed in 1979, and then describe -- I mean, it passed
5 in 1967, and then it took quite a while with the interim
6 changes.

7 MR. ORTON: It did. And it finally went into
8 effect, of course, in July 1st of 1972.

9 MR. WILLIAMSON: Right.

10 MR. ORTON: So, there were a couple of years in
11 there where things went on, for the most part, I think maybe
12 in a positive way, although, we can all remember little bits
13 and pieces, obviously, of the turmoil that was created by
14 people who didn't like that change.

15 MR. WILLIAMSON: Right.

16 MR. ORTON: I want to say, at this point in time,
17 one of the things I learned as still a young kid at that
18 point in time, I guess, was to watch all these people who
19 were just terribly opposed to change, just because it was a
20 change. And I said to myself over and over again at that
21 period, I said, "When I get older, for God sakes, don't get
22 caught up in that idea." Change is not necessarily bad just
23 because it's change. And much of the opposition we had to
24 the NRDs and to the boundaries and to everything else we
25 were doing back then, came from people who just wanted the

1 status quo. And we can't exist that way. Change has to
2 occur, obviously, and sometimes it's very painful, but it
3 needs to be accepted and willingly understood, I think. The
4 boundary process was one last-ditch opportunity for a lot of
5 those opponents, but we had lots of other things we had to
6 deal with, as well. The infamous Gold Dust Twins,
7 obviously, always come back to my mind, Erv Matulka
8 (phonetic) and Charlie Goff (phonetic). And those two guys
9 were tenacious in their activity to try to stop this
10 process. And they befriended an important politician, as
11 well, Jim Exon, who once upon a time opposed the NRDs, but
12 eventually, came, I think, to be a supporter. When he
13 recognized things needed to be done differently and so
14 forth. So, he, in his later years, claimed to be a champion
15 of the NRDs even though he was an early opponent to the
16 process. And Charlie and Erv did a good job of keeping him
17 informed on the issues they thought were critical and
18 important, and of course, there were a lot of people like
19 you and others that more than likely had to work close with
20 him to make sure he got the right information in that
21 process.

22 MR. WILLIAMSON: Yeah, and I might add in there,
23 Lee, that the so called Gold Dust Twins, they had the ear of
24 the farm editor of the *Lincoln Journal*, Glen Kreuzcher.

25 MR. ORTON: He did, indeed.

1 MR. WILLIAMSON: And so, the *Lincoln Journal* came
2 out and I'm quoting here from the *Lincoln Journal*, but they
3 called the NRD legislation "a 33-headed bureaucratic
4 boondoggle that would create a state-controlled tax-eating
5 monster with power of eminent domain."

6 MR. ORTON: It's kind of scary thoughts, isn't it?
7 So many people suggested the NRD movement was what they
8 called a "end of local control," complete loss of local
9 control. Now we think of the NRDs as local control in the
10 epitome. And so we've gone from one extreme to the other
11 obviously. And I guess that's the way life is and that's
12 the way politics are, obviously. You never see the pendulum
13 in the center point very often. It always goes from one
14 extreme to the other, and we've been at both ends with the
15 NRD program.

16 I had an old gentleman that followed us around at
17 those public hearings. I think he attempted to testify at
18 maybe six or eight of them as a matter of fact. He'd get on
19 the bus and follow us to the next town. I don't remember
20 the guy's name. He was from North Platte. I do remember.
21 It was George Brownfield.

22 MR. WILLIAMSON: Oh, yeah.

23 MR. ORTON: You remember George?

24 MR. WILLIAMSON: Oh, yeah, I remember that now.
25 You're bringing back memories of many years ago.

1 (Laughter.)

2 MR. ORTON: I finally had to just put him down,
3 because he'd give the same speech every place he went. And
4 I finally had to tell him, "George," I said, "We've heard
5 this presentation now several times. I'm going to have to
6 just call you out of order and tell you to sit down." And
7 he got pretty upset with me, but --

8 MR. WILLIAMSON: Well, yeah.

9 MR. ORTON: -- he quit following us at that point,
10 so maybe we did him his favor, I don't know.

11 MR. WILLIAMSON: Now, 25 days before the NRD law
12 was to go into effect, why we had a lawsuit filed from
13 southeastern Nebraska, and of course, you were the attorney
14 that had to help us work through that. Do you recall
15 anything about going to district court? I recall it was
16 just a couple days before July the 1st.

17 MR. ORTON: It was -- I don't remember how close
18 it was, but it was mighty close, yeah. And the court,
19 obviously, heard the case from the bench. We didn't have a
20 jury or anything else involved in it.

21 MR. WILLIAMSON: No.

22 MR. ORTON: Our official representative was from
23 the Attorney General's Office, Ralph Gillen. And they
24 wouldn't let us sit there and represent the State. They had
25 to be a Deputy Attorney General to do that, so I sat at

1 Ralph's elbow and tried to make sure he knew what was
2 actually happening, because he was the trial attorney, but he
3 didn't know squat about NRDs. And so, all of the
4 information that he would present and most of the
5 questioning of witnesses and so forth, we'd have to feed all
6 that to him. And I think we did a pretty good job,
7 obviously, keeping him posted, and the judge ruled in our
8 favor. So, the program went into effect, but in order to
9 make sure he could unwind it if he needed to, the Court kept
10 all of the accounts separate for a period of time until the
11 appeal was over. So, all of these districts which were
12 trying to operate new -- with new directors and so forth,
13 all consolidated and merged, had to also then keep all that
14 money segregated for a period of time, so that if they did
15 find out at the Supreme Court level that the program was
16 unconstitutional or illegal in some way and they had to put
17 the SWCDs and the watersheds all back in place again, their
18 money would be intact.

19 Now, interestingly enough, we had a few districts
20 out there who thought they were going to try to beat the
21 gatekeeper, I guess, and so they secreted all that money and
22 transferred it to other places so it wouldn't go into the
23 NRDs. I don't know if you remember the Webster County
24 effort, because they had a big chunk of money.

25 MR. WILLIAMSON: I remember.

1 MR. ORTON: They had a big chunk of money that
2 they'd done through business of the SWCD, I suspect planting
3 grass and trees and things of that nature. I don't
4 remember, but it was probably in excess of \$50- or \$60,000.

5 MR. WILLIAMSON: A lot of money then.

6 MR. ORTON: It was a lot of money. And they
7 transferred it to a local association so the NRD wouldn't
8 get it and take it away from Webster County. I'm not sure
9 we ever got that money back. I think we let it stay where
10 it was, but --

11 MR. WILLIAMSON: And I remember those were the
12 nicest board members. We liked them really well. They were
13 very -- we had some problems in Otoe County, too.

14 MR. ORTON: Yes, we did. That was kind of the
15 hotbed -- well, that was a hotbed of watersheds. I mean,
16 there were a lot of watershed districts down that. That
17 local board of the NRD down there, with all the people that
18 had to serve, I think there were 150 or 200 directors in
19 that area of the state, in the Nemaha Basin. And they were
20 governed and ruled by an executive board of 21 for the first
21 couple of years until we got the elections in place and so
22 forth.

23 So, lots of interesting things occurred.
24 Consolidation and merger is a tough nut, obviously. I mean,
25 you watch that with school districts. You watch it with

1 everything else. And obviously, the water organizations
2 were the same way. So, the fact that we got through this
3 was a miracle, I guess.

4 Over the years, after I worked with the Commission
5 for two and a half years, I'm going to digress a little bit,
6 I left the State employ, and went to work for the
7 association, the NARD. And in that capacity, not only did I
8 have a chance to work with the NRDs that were created, and I
9 came to them in 1973, I guess, a year after the NRDs
10 actually went into business, I got a chance to travel all
11 over the country giving speeches about NRDs to other states
12 who were looking at it. I don't think there was another
13 state anywhere that had the guts enough to do what we did.

14 MR. WILLIAMSON: And I think that's still the
15 case.

16 MR. ORTON: I think it is, too. And I'm not sure
17 that they could have done it, frankly. We -- Nebraska is,
18 first of all, very unique and very creative, and I think
19 they should be proud of that fact. But the fact that we
20 have a unicameral legislature that isn't political in
21 nature, as much as many of the other states. And the fact
22 that we had a good strong leadership cadre in the Soil and
23 Water Conservation Commission and a staff that worked for
24 the State and so forth, made all the difference in the
25 world. The other states just didn't have those little

1 elements they needed to take the political choice they
2 needed to have. Some of those other states have done some
3 things in going in the direction of NRDs giving districts
4 some taxing capability and some other things that they need
5 to carry out their job, but there's still just a whole
6 plethora of small, special-purpose districts in most states.
7 And I think they have to struggle getting things done in
8 water resources because of that.

9 MR. WILLIAMSON: Well, those are good comments,
10 Lee, and as we interviewed Clayton Yeutter the other --
11 recently, he was the chief of staff for our governor, the
12 governor was Nobby Tiemann at the time, and he noted how
13 strong the governor was. So he said, "We had it from the
14 top down." He's mentioned that. And he also outlined all
15 the things that were happening in the Tiemann
16 administration, and it's as long as your arm, including
17 starting income tax and sales tax.

18 MR. ORTON: Yep.

19 MR. WILLIAMSON: But he said, the governor would
20 never let down on anything, including NRDs, no matter how
21 people beat on him.

22 MR. ORTON: Interesting that you would mention
23 that, because while I was in law school, I actually worked
24 for the State. I was in the legal division for the Tax
25 Commissioner's office. And we wrote most of the rules and

1 regulations to make the sales/income tax work after the law
2 passed. There wasn't a day went by that we didn't create
3 some kind of a new rule and regulation to make that system
4 work for what was then called Tiemann's Tariff, because of
5 Governor Tiemann being the person that supported that.
6 Obviously, he had no choice. When he came into office, the
7 property tax for the State of Nebraska had been declared
8 unconstitutional. And so the State had no funding mechanism
9 unless they adopted something and that sales/income tax was
10 the new thing in Nebraska to replace that lost revenue from
11 property tax. So, we had a legal division then in those
12 days. I think it's bigger than they probably ever had. We
13 had five lawyers and at least six law clerks that worked in
14 that division writing rules and regulations every day. And
15 the legislators would show up in our office to find out what
16 it was they'd done, because they didn't know how to answer
17 the questions when they got them. We were inventing the
18 answers to all the little stuff that was in that
19 sales/income tax law.

20 MR. WILLIAMSON: Well, that is really interesting
21 and that sure ties in with what I'll call the turmoil of the
22 times, because lots of things were happening, but it worked
23 well. Now, you mentioned the appeal. The law was actually
24 appealed to the Supreme Court, and I know -- and you, no
25 doubt, helped us work through that.

1 MR. ORTON: Yeah, I was involved in the process
2 all the way through. In fact, I think, maybe parts of the
3 briefs that got filed, we actually wrote in our office, and
4 then the Attorney General would put his blessing on it and
5 it would go on upstairs. The Supreme Court ultimately held
6 the law constitutional except for the composition of the
7 Commission itself, which was tested. Well, I think that
8 maybe was a mistake that the Supreme Court shouldn't have
9 made, because the people that were on there, representing
10 university issues and so forth that were not allowed to be
11 there anymore, were people that brought a lot of really good
12 expertise to that Commission. The Commission had, as it
13 does even now, representatives of the local institutions,
14 the NRDs ultimately that were on that Commission, but there
15 were also people from State agencies, and the university,
16 and even some people from the feds that were advisory to
17 that Commission that I think brought a lot of good common
18 sense and technical skills to the Commission that they
19 needed to do their job. So, I think the Commission lost
20 some expertise when the Supreme Court did what it did, but
21 you got to live with what's there.

22 I guess, the fact that we saved the NRD concept
23 itself is important. And so we considered that a victory no
24 matter what happened, obviously, and the Commission managed
25 to move on and do the things it needed to with a changed

1 membership.

2 MR. WILLIAMSON: Can you tell us something about
3 the Nebraska Association of Resources Districts? Prior to
4 the time NRDs went into effect, why, there was an
5 association, but no employees or any thing like that. And
6 so, as another important step was taken as the association
7 came on board with employees, and were you their first
8 employee?

9 MR. ORTON: Yeah, I think I was. The Commission
10 back in those days, the Soil and Water Commission and the
11 old Soil Conservation Association, utilized staff from the
12 Commission, frankly, to help them sort of on a volunteer
13 basis. Hazel Jenkins did a lot of things for them. And you
14 did a lot of things for them, and Duane Chamberlain did a
15 lot of things for them. And others on the staff just kind
16 of donated their services, I guess, as a part of their
17 employment condition at the Commission to help the
18 association function.

19 It became pretty apparent early on, I think,
20 though, that with the significant growth in the authority
21 and the capability of the NRDs themselves, they needed a
22 stronger association as well. I don't even know for sure
23 who the other people were that were competing for that job,
24 but I applied for it and was hired and retained, I think, in
25 July of 1973 as their first full-time employee. The office

1 for the association was a little cubicle about eight feet
2 square in the basement of my house. That didn't last very
3 long, because I was on the road a lot and my wife got real
4 tired of getting office phone calls while I was out. That
5 was way before the days of cell phones, obviously. And so,
6 you had one telephone line and we actually had a telephone
7 that had two lines on it, but when it rang, it had to get
8 picked up. So, we ultimately ended up moving into an office
9 and relocated several times over my ten years with the
10 association.

11 But those were good growth years, too, for the
12 association. A lot of things were being learned, yet, by
13 the districts and the association was doing a lot of things
14 to try to help them get their job done. Many things that
15 are still in place today got started back then, including
16 employee benefits program packages that we administered
17 there and so forth, and we helped them with legislative
18 activity. And we helped them in the early days with an
19 awful lot of education programs, because the NRD staffs, by
20 nature, weren't very big at that point in time either. And
21 they were very unspecialized in their operating capability.
22 As they grew up, obviously, that changed a great deal and
23 many of the districts now have full-aligned staffs with all
24 the expertise they need for all purposes, and that makes a
25 big difference in that regard, as well. But I'm pretty

1 proud of the fact that the association grew with the natural
2 resources districts, and, I think, did a pretty good job
3 with representing their needs and interests at the capitol
4 building. We always had fights with politicians in those
5 days, and the NRDs were still kind of the phantom
6 organization in those days. Most people didn't know who
7 they were and didn't much care. That's changed a lot. Now
8 NRDs make headlines almost every day now. So, I guess those
9 times have changed, sometimes for the better, maybe
10 sometimes not so much so.

11 MR. WILLIAMSON: Can you remember anything about
12 the legislation that didn't allow NRDs to even build a
13 building?

14 MR. ORTON: Oh, yeah. The problem we had was,
15 that before the NRDs came along, the educational service
16 units were being organized, and they made the mistake, I
17 think, of starting to build office complexes, is maybe a
18 good description. The Legislature saw that happening, so
19 they said, by God, we're not going to let that happen again,
20 so the NRDs couldn't even own a building. They had to rent
21 and lease space they could find and so forth from
22 everywhere. And lots of times, that stuff was kind of jury
23 rigged, because it was not a good solution to the problem,
24 obviously. Ultimately, the NRDs were given authority, I
25 think, when the Legislature recognized maybe they weren't

1 the cash cows everybody thought they would be and the
2 spender of money that they shouldn't spend and so forth.
3 So, most NRDs have nice facilities now and functional
4 facilities that do a pretty good job for them. That came
5 with a period of time.

6 I also remember a few times when we had some
7 rather crazy things going on. We had a state senator who
8 saw a piece of activity in a western Nebraska district that
9 was called the Wild Horse Project. And that senator thought
10 we were buying and selling wild horses instead of fixing a
11 reservoir on a small tributary of the Platte River. So we
12 had to straighten that kind of thing out, obviously, from
13 time to time, as well. Crazy, silly things.

14 MR. WILLIAMSON: A lot of things come up. And I
15 imagine in your early years with the association, you had a
16 lot of training sessions for employees, because it was a big
17 growth time to handle the NRDs.

18 MR. ORTON: Yeah, we had training sessions for
19 employees of districts as they came on board. Early on we
20 gathered managers together to have a chance to share
21 information and knowledge and understanding. One of the
22 things we did in those early years, though, and it was
23 partly, I think, maybe at the insistence of the boards
24 themselves, but I think maybe just good common sense as
25 well, those managers' meetings were not allowed to be just

1 managers. They had to have representatives of the board
2 members as well in attendance so that the board would make
3 sure that things weren't going on that shouldn't be, I
4 guess, maybe is a good way to describe it. I think that's
5 changed now. Managers now meet pretty much by themselves,
6 good, bad or otherwise. But those training programs were, I
7 think, well received and pretty helpful as well. We also
8 did a lot of training of directors themselves. We had
9 problems with directors not knowing and understanding all of
10 the added responsibilities that the NRDs had that didn't
11 exist with the old conservation districts. And so, there
12 was a need to help them understand not only their
13 responsibilities, but just good practical ways to help them
14 learn how to lead. And I think those were good successful
15 programs as well. We also had candidate workshops from time
16 to time so that people who did want to run for the board
17 could learn and understand what they were supposed to be
18 doing as well. But in those days, we didn't have a plethora
19 of candidates. Lots of times people didn't volunteer to be
20 on an NRD board. There were a lot of times in some of the
21 districts that had, maybe boards that were a little too
22 large where they ended up having to appoint people, because
23 nobody would run. And I think there might have even been
24 some times when there were vacancies on those boards that
25 should have been filled and didn't, because not even anybody

1 would volunteer. So, I don't think that's true anymore. I
2 think that's generally in pretty good shape, although,
3 turnover ain't all bad. Occasionally having some new faces
4 on the board, bringing new concepts and new ideas aboard is
5 a good thing, obviously. I think we learned that early on
6 when the Legislature said, because there aren't very many
7 municipal people on these boards, because they're mostly
8 farm organizations and so forth, the Legislature required
9 those first boards to have people from the cities and
10 villages appointed so that there was an urban perspective.
11 And I think that was a good thing that happened. It was
12 probably one of the positive changes in the early stage that
13 made certain that both urban and rural interests were
14 represented and had a chance to be involved.

15 MR. WILLIAMSON: Well, that's really a good point.
16 Can you say anything about the size of the districts? Why
17 was starting out with the 21 -- possibility of 21 members on
18 a district board?

19 MR. ORTON: Well, of course, we were consolidating
20 hundreds of directors down to a pretty small number to begin
21 with, so you had to find a way to accommodate. And I guess
22 maybe that was also a step in the direction of trying to be
23 certain that there wasn't that pervasive feeling of a loss
24 of local control, so that there were people from all over
25 the area, obviously, that were on those boards of directors.

1 I'm not sure that I ever agreed that 21 was a good
2 number. But that was what it took to politically make the
3 system work, obviously. And we've got a lot of districts
4 that still have 21 board members. I think that's too many.
5 I thought it was that way then and I think it still is
6 today, quite frankly. I think when you've got a governing
7 board that is that big, it's easy to hide behind numbers and
8 not be an active part of the decision-making process. And
9 in this day and age when the districts have the
10 responsibilities they've got, I think it's even more
11 critical that we have smaller governing bodies maybe, so
12 that there's more responsibility taken.

13 MR. WILLIAMSON: Well, the Salt Valley Watershed
14 here in Lincoln, they are good supporters and they had 21
15 members.

16 MR. ORTON: You think that might have been maybe
17 the reason why that occurred?

18 (Laughter.)

19 I think that was probably true of the other
20 advisory boards, too, wasn't it, like the one in the Central
21 Platte? They had a board with 21.

22 MR. WILLIAMSON: Right. They had large numbers,
23 because they were sort of patterned after the Salt Valley
24 Watershed, which had been in operation for a long time and
25 had great management and great board members. So, they --

1 and they saw the need for it. They didn't worry about going
2 away.

3 MR. ORTON: Well, we had good strong support from
4 those kinds of interest groups and I think that was part of
5 the reason that the effort was successful.

6 MR. WILLIAMSON: That's for sure. Are there other
7 things that you'd like to comment on?

8 MR. ORTON: Well, I expect I could editorialize
9 for a long time, but maybe that would get me in more
10 political trouble than I deserve.

11 (Laughter.)

12 I have to say that the NRDs over the years have
13 been just great. They've done good things for Nebraska.
14 They've allowed for regional decision-making, because we
15 have such a diversity of geology, hydrology, and all of
16 those things that I think are important to have some unique
17 characteristics in various parts of the state, what we did
18 there was a good thing. But I also want to reiterate what I
19 said 30 minutes ago and that is, we should not be reluctant
20 to look at change. After 40-plus years of the NRDs, maybe
21 there are some things that we could do better, and I think
22 we need to constantly be looking at that. The NRDs are the
23 result of one part of a state water planning process that
24 was a very big effort, obviously, in Nebraska. We were kind
25 of leaders in the state water planning activity back in

1 those days in the '60s and '70s, and that's kind of gone
2 away. And that frustrates me a lot, because some of the
3 things that go on today need strong State policy positioning
4 and we don't do much of that at this point in time. We've
5 left that responsibility, right, wrong, or otherwise to the
6 NRDs. And while they do a good job at the local level, they
7 might not always be doing the things that are in the best
8 interest of the broader picture for the state. So, I think
9 it's time to look at some of those kinds of things. We've
10 tried unsuccessfully for many, many times over the years to
11 get the state better invested in water and we still aren't
12 there. And it's been left to the NRDs and to the individual
13 landowners to make all of the investments in water. And I
14 think that's wrong. It's wrong from the standpoint that
15 we've let people do those things, in fact, even encouraged
16 them. And now we tell them they have to change, because
17 they've gone too far in one direction or another. We get
18 what we deserve, because we weren't investing ourselves in
19 that process.

20 So, while Nebraska's doing some really great
21 stuff, there's a lot of things we still don't do very well,
22 and I think we need to always be looking at that
23 possibility.

24 MR. WILLIAMSON: Well, those are great comments,
25 Lee, and I want to commend you. You started out as a young

1 attorney stepping into the water, and you've been working
2 very diligently for a great many years on water issues in
3 many areas, and certainly in the state of Nebraska, so,
4 you've added a lot to our historical discussion of the NRDs.
5 And thank you so much for taking the time to do this
6 interview and giving your views on how the -- the start of
7 the NRDs and some of the things that have happened that
8 time, so thanks a lot.

9 MR. ORTON: Thanks for the opportunity.

10 MR. WILLIAMSON: Our pleasure

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