

had many people say that if you use the water or lose it I'm not sure that is a good method to follow, but by the same token if we are going to have applications for water it seems to me the basin of origin should be under some sort of burden to say, look this is why it shouldn't be taken, this is why it shouldn't be approved. So it seems to me the burden should be switched around a little bit and I urge the body's adoption of this amendment.

SPEAKER MARVEL: Senator Beutler. Do you want to speak to the . . .

SENATOR BEUTLER: Yes, Mr. Speaker, members of the Legislature, I do very strongly oppose this amendment. Again it is an amendment, as Senator Vickers forthrightly says, to shift, to shift the weight of the bill as a whole from a bill slightly in favor of the basin of origin to as I would perceive it to a bill in favor of transfers. It makes a very strong shift in that direction. Now in the law we have in each and every law case one party or the other has the burden of proof. Has the duty of going for it and affirmatively showing by preponderance of the evidence that they have proven their case. The way the bill is structured now the party who would seek to take the water from the basin of origin would be the one who would have to prove his case. If you adopt this amendment you would shift it around the other way. You would say that anybody can take water from a basin of origin unless the basin or origin can prove that they need the water. So you can do it either way, but I would recommend to you and strongly urge you to reject the amendment and to retain the present philosophy of the bill which is that those who seek to take water from the basin of origin should at least have the duty of affirmatively going for it and proving their case. Thank you.

SPEAKER MARVEL: Senator Dworak.

SENATOR DWORAK: Mr. President, colleagues, I too oppose Senator Vickers amendment. It appears to me that if I have the beneficial use of something by virtue of where I live, what I paid for my property, how I selected where I reside, compensated the people for this benefit that I enjoy, somebody desires to take it away from me on the grounds that it is surplus or excess I certainly think that they ought to prove beyond reasonable doubt that this is surplus or excess. I don't believe that I should be thrust in the position where I am forced to prove what beneficially is mine. So I strongly urge the rejection