

April 23, 1981

LR 252

SENATOR NICHOL PRESIDING

SENATOR NICHOL: Senator Wagner.

SENATOR WAGNER: Mr. Speaker and members, I too have similar feelings because I think you are really, when we sit down and look at our water and trying to look into the long range future needs that very definitely the basin of origin I think has to have some protection in there. It is the area in which the water is coming from and the basin there ought to very definitely have the right to that water. Now I'm not against transbasin diversion either, but I have a very strong feeling about the basin of origin ought to have some protection to the water that is in that basin. Therefore this is the reason that I support the amendment and I would ask you to support the amendment too. Thank you.

SENATOR NICHOL: Senator DeCamp, are you in the room? We will go to Senator Beutler and then we will come back to Senator DeCamp if he returns.

SENATOR BEUTLER: Mr. Speaker and members of the Legislature, I would like to very strongly oppose this amendment. To date so far in the debate on 252 you have seen numerous attacks on the bill from those who are in favor of looser restrictions on transfers, those who favor transfers. Now you are seeing an attack from the opposite direction from those who would protect the basin of origin absolutely. I do not agree with Senator Lamb that this shifts it slightly in favor of the basin of origin. This particular amendment has the effect of destroying the entire balancing test that we are trying to set up because the change that it makes is in the bottom line. What it is saying is that...it is saying two things. It is saying one, you look at all of these factors and do this balancing test and if the weight isn't on the side of the basin of transfer you reject it or it is setting up an alternative test. It says in part B that you reject the transfer if there are present or reasonably foreseeable future beneficial uses of water in the basin of origin. In other words by that type of structuring you throw out the whole balancing act as far as the factors are concerned and if you can come up with one present or reasonable or one use in the reasonable foreseeable future if you could just come up with one of those then under the law you would reject the application. I submit to you that in almost all cases you are going to be able to come up with a few beneficial uses in the basin of origin. The question is how important and how much weight to give to those uses