

SENATOR HOAGLAND: Mr. Speaker and colleagues, I wonder if Senator Lamb would yield to a question. Senator Lamb both Senator Beutler and Senator Vickers have argued that in the basin of origin there is always going to be foreseeable future beneficial uses, I mean that is just always going to be the situation. I wonder what your response to that argument is.

SENATOR LAMB: . . . I don't agree Senator Hoagland. If a basin has surplus water to me that means that there is a surplus of water which is not being used beneficially now and not in the foreseeable future. So, I don't see all of the bad things that the people are reading into this amendment. It certainly does give the basin its needed protection. But, if you just read the amendment carefully there are present or reasonably foreseeable future beneficial uses for the water in the basin of origin. I think that is logical. I think that is the way it should be and I don't think that it is going to stop transbasin diversion. It is only going to stop transbasin diversion in those cases where it should not be transferred in the first place because there is a reasonably foreseeable use beneficial use for that water where it is already located.

SENATOR HOAGLAND: But Senator Lamb, isn't there always going to be a situation where there may be some domestic use? Or there maybe some irrigation use that somebody could always say "may in the reasonable future" be undertaken by somebody? And, use that as a basis for denying an application?

SENATOR LAMB: I don't see that as a problem. If that is true, if there is a reasonably foreseeable use then I say no, the water should not be transferred. But, in those basins where there is excess water, where there is no reasonably foreseeable and those are the words that I think you have a definition for and most lawyers know more about what they mean than the rest of us, but those...that is a phrase that means things to people in this business that is really significant. I think it is a proper phrase in this case.

SENATOR HOAGLAND: Thank you Senator Lamb. Let me just say in conclusion colleagues that I am inclined to agree with Senators Kremer, Beutler and Vickers. I think the kind of language that Senator Lamb has chosen to use here is going to shut down transbasin diversion under almost any circumstance because to me somebody can always point to a reasonably foreseeable future beneficial use out there somewhere. Somebody may be thinking of coming in and putting in a Prudential