

May 6, 1981

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and Hemingford, there is going to be a very determined interest and you are going to have it explained to you in language you can understand and you are going to have to go back and explain why you gave away that right. Now I think that I have the right to take exception to the amendment and the manner in which it is being offered. It has been defeated before on a different stage of consideration. I recognize that and we can consider it again and again and again but I want you to understand what you are doing. Now if you want to vote for it, that is your prerogative but don't go back home and say, "I didn't understand what I was doing" and don't come out to my territory or anywhere else and say, "Well, they are all the same". They are not the same, ladies and gentlemen. There are distinct differences. In some areas of the state there is an interrelationship. In some areas there is no interrelationship. It needs to be determined on an individual basis and at the present time it can be handled as such. If you follow this line of thinking...

SENATOR CLARK: You have thirty seconds left.

SENATOR SCHMIT: ...then I think you should take a look at the Hoagland amendment which was just laid upon your desks. Ladies and gentlemen, step by step, inch by inch, yard by yard, you are stepping into a trap from which you can't escape and for which there will be no apology. I ask you to oppose the amendment.

SENATOR CLARK: Senator Haberman.

SENATOR HABERMAN: Mr. President, fellow legislators, I feel this is too serious of an amendment for us to decide on this afternoon. If you just look at what it says, it says, "Interference with present or reasonably foreseeable use of surface water in the district". Now what are the guidelines? Show me some guidelines so I can go home and tell my people on my radio program or when I meet them on the street what this does. Show me some input in a public hearing on this surface water issue. We have ground water control issues. Public hearings were held within the ground water control areas, they were held within the state just on that issue. This issue has not been discussed statewide. This is a dangerous issue for us in a few minutes here to adopt to a bill and I will tell you this. There is some special interest to this surface water right in a district. In my district we have ground water control. We have metered wells. We are doing everything we can to control the water but there are some people south of us in another area who are saying, "You are taking our water. It is our water. You are using our water." This has not been proved. This has not been proved. They haven't gone to court to prove this. They