

of land how much they own. Okay, they could go this direction then we're going to talk about acre feet of water and there is a difference. They could say we're going to give you fifty acre feet of water per year. Then if you go on and develop more land you're going to get fifty acre feet and if you irrigate a hundred acres you're only going to get six inches. Then if you own another half section and you irrigate that too you're only going to get three inches. So what you are doing, you are limiting the water that can be applied to an acre of land as it develops into the area of irrigation. So it can be interpreted either way. If we go Senator Vickers' direction then the board has the authority to provide for less water than the person that does not expand his irrigation program and there is a difference. We need to watch that. So if we're going to go by the Doctrine of Correlative Rights this means that we're all going to share and share alike, we cannot adopt Senator Vickers' proposed amendment to the bill. That is my problem. We've got to go one way or the other. To substitute for the Vickers proposal we have got back in the bill the authority to call a moratorium for one year at a time only. Then the board is to review what is happening, has this been effective? Shall we continue? They can continue for another year. So it is a substitute for what Senator Vickers is trying to put back into the bill the right for a moratorium, therefore, I oppose the Vickers amendment.

SENATOR CLARK: Senator Haberman. Senator Schmit.

SENATOR SCHMIT: Mr. President, members of the Legislature, I think that Senator Kremer has outlined it very definitely and very thoroughly. I just want to point out and I wasn't listening to all of it so I don't know for sure if he mentioned or not, but that in the case of the Upper Republican where they attempted to allocate more inches of water to the ditch irrigator than to the sprinkler irrigator, the court said they couldn't do that. They had to give each irrigator an equal amount. Now if I take, if I understand Senator Vickers correctly, he is saying that there might be a need to allocate more inches of water to one individual than another. I don't believe the courts, based upon what has happened, the courts are not going to allow that. If you're in a single area and you decide that ten inches of water per acre is the maximum for the pivot irrigator then that shall also be the maximum for the ditch irrigator but it does not mean, and here I agree with Senator Vickers and our bill allows this, it does not mean that a ditch irrigator if he chooses to raise rice cannot concentrate the water