

to space wells but I did put a limitation on it in the bill. Now we have gone beyond that which is our agreement and we were anxious to provide for variances in a hardship case. A person that needs to come closer than the rule established by the Resource District, they can get a permit and if it is reasonable that permit will be granted. So the way the amendment is now drafted, I wholeheartedly support it.

SENATOR CLARK: Senator DeCamp.

SENATOR DeCAMP: Just to say this is more than just a compromise or concession. It is a major part of the bill because the whole issue is what controls are available. The conversation is local control and you are giving probably one of the biggest tools possible. I support it. It is a major grant of authority to the NRDs in their management plan, maybe bigger than anything else you could think of, and I applaud Senator Kremer for yielding on this point and Senator Vickers and the others for agreeing that it is time to reach a settlement and make the bill go so I support it completely.

SENATOR CLARK: Senator Schmit.

SENATOR SCHMIT: Mr. President and members of the Legislature, I concur with what Senator Kremer has said. I visited with Senator Beutler and Senator Vickers, discussed with Senator Vickers my concern, that I was afraid that there might upon some occasion be an NRD that might use the restriction on the limitation to adapt to land use regulation rather than the control of water. And I explained to Senator Beutler that if it became apparent to this Legislature that the restriction on well spacing was being used not for the regulation of the water but for the regulation of the land use that I would ask him to take a look at it again in future years and we could approach it in that manner. There is one other point I want to make here, and I have made it many times, both before committees and on this floor. I believe that it would not be possible, I do not believe the courts would allow well spacing limitations so restrictive as to deny an overlying landowner the right of access to the water that was under his land, and because we have placed in the bill other methods whereby we can regulate the withdrawal of water, I am willing to go along with this proposal. As Senator DeCamp has pointed out, it is a major concession, not a minor one, and is something which should not be viewed as a minor concession. It is as I have said before on this floor so frequently when you run a number of amendments through, some of which are important and some of which are less important, we have a