

tendency to view them all a bit casually so I would hope that you would read the amendment well, understand it. If you have any questions, ask Senator Kremer, Beutler, or Vickers to give their interpretation of it if they haven't already done so but I think that we want to recognize that I have...in the original draft of the bill it was not my recommendation to have well spacing limitations in the bill. I did not address that issue but I think that if we want to do it in this manner we should recognize that it is for the purpose of regulating the water withdrawal and not for the purpose of regulating land use. I want that intent stated on the floor, and if anyone has any other ideas about it, then I would hope that we would discuss it at this time. It is to be used for control of water and not for control or land use regulatory measures. Again I want to emphasize my earlier point, I do not believe the courts would allow an NRD to adopt well spacing limitations that were so restrictive as to deny the overlying landowner the right to the benefit of the use of the water without the use of the correlative principle which Senator Kremer has advocated for so long. So I support the amendment and I congratulate Senator Vickers and Senator Beutler on their working with us on this amendment and I thank them for withdrawing the other amendments.

SENATOR CLARK: Senator Koch.

SENATOR KOCH: Mr. Chairman, I move the previous question.

SENATOR CLARK: You are the last one so you have moved it. Senator Vickers, do you wish to close on your amendment or do you have anything further? Senator Beutler, do you want to close on it?

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, we have talked about water long enough I think. This is a big change and this change along with the changes that Senator Schmit and Senator Kremer made when they came back with Request #2505 makes it a piece of legislation that you might argue is a very good piece of legislation or you would argue at the very worst that it is a so-so piece of legislation but certainly it is a much better thing than what we had at the end of last session. So I certainly hope you will adopt this amendment and bring this discussion to an end temporarily. Thank you.

SENATOR CLARK: The question before the House is the adoption of the Vickers amendment. All those in favor vote aye, opposed vote nay.