

little is left in this bill, after we've done away with all conjunctive use, after we've protected all the irrigators' rights, I want to be sure what is left in the bill is something, a needed something. And this amendment, in my opinion, puts the whole bill in jeopardy and I don't think Senator Moore wants to take that position. I don't think he wants to do in the bill, and so I would invite him to negotiate on the matter on Select File if he truly believes, after consultation with people who are knowledgeable in water law, that this amendment does anything more than what I have suggested. Thank you.

SPEAKER BAACK: Thank you, Senator Beutler. Senator Wickersham, you're next.

SENATOR WICKERSHAM: Senator Beutler, if you'd respond just briefly. I understand some of your concern about striking the language that Senator Moore's amendment would address, but I'm wondering is not your legislation really saved by the provisions that concern the instream use where you're expressly in later sections of the bill making public water supply and instream use that is available or subject to appropriation? So I'm wondering if you haven't really got two sets of language there and even though you may wish for specific reasons to retain the language that Senator Moore strikes, it seems to me that your bill is still saved by the language that is in the latter sections.

SENATOR BEUTLER: I think, Senator Wickersham, that you can make that argument, but I don't want to rely upon that argument. It has been the custom statutorily whenever the right to appropriate is given, to say so directly in the statutes, in that particular statute that we're talking about. I think you could make the argument and perhaps it is adequate and if after consultation with some additional water experts they are going to tell me that there will be no mistake on this, I'd be glad to look again at how I'm looking at it. But for right now I feel entirely uncomfortable striking completely that particular section and unless you can tell me some damage that it does, I would wonder why you want to strike it, I guess.

SENATOR WICKERSHAM: Well, I think my concern about leaving the language in there is that it may set up a separate appropriation standard or system aside from the instream use appropriation process and rights that are addressed later on in the legislation. I would not want to have dual appropriative rights without any standard set up for the first one and I would