

SENATOR BEUTLER: Senator, I don't remember. I don't know what book, or what text book, or what authority that actual language came from. I believe it came from our own agencies here in the state. This is language that was requested by the Farm Bureau and the Corn Growers and the Cattleman's Association, so we put it in there so that they would not be conce...would be satisfied as to exactly the nature of the right.

SENATOR ELMER: Thank you. Then from that we can progress to the next step, that if these particular municipal wells that we're talking about are recharged, then how would this definition then apply to the...all the other types of wells in the same kind of context or locations?

SENATOR BEUTLER: Senator, it would not apply to any other groundwater wells whatsoever. This bill doesn't give the director of water resources any authority over any groundwater wells.

SENATOR ELMER: In a court of law would the contents of this particular statute be interpreted by a court to...to mean that the Legislature has recognized that wells are recharged from surface water legally?

SENATOR BEUTLER: Run that one by me once more, Senator.

SENATOR ELMER: Okay. In a court of law we statutorily...we have statutorily defined groundwater recharge of wells. In a court couldn't they use that definition in application to a lawsuit involving a well, whether it was municipal or not?

SENATOR BEUTLER: No, I don't believe that they could because this definition is there for a specific purpose, and that specific purpose relates to the appropriation of an instream flow. Now, certainly they could use that definition in any litigation related to the obtaining of that instream flow right, however, that definition wouldn't go beyond that limitation as it is defined in the bill.

SENATOR ELMER: Okay. Then the next question would be, if we got into very dire circumstances, as far as water use is concerned, and a municipal water supplier needed to make a call on the water and issue this just compensation's been talk...been talked about on the bottom of line 8...bottom of page 10, the