

Section 46-296 of the statutes, and 46-226.01, you'll see that there has been conjunctive use of groundwater and surface water in this state, recognized by statute, for a number of years at the instigation of irrigators who were interested in that, particularly irrigators in Dawson County and that area who currently have incidental groundwater recharge rights, and that incidental groundwater is surface water that's coming directly out of a river. So it is wrong to say that this is the first instance of conjunctive use. Secondly, this bill has nothing to do with preferences. Preference...the preference, with regard to different kinds of water users, are in the Constitution. This bill does not purport to, nor could it change the Constitution. Agricultural use will continue to come ahead of industrial use, domestic use will continue to come ahead of all other uses. This bill does not change that. Nor will this bill with this amendment allow the cities to come ahead of any current appropriator of surface water, or of groundwater, for that matter, because the right that they will obtain will be a right dated as of 1992. We have taken out of the bill all reference to rights that may accrue at the time that the well was first used. So, it's first in time, first in right, strictly speaking. And when they obtain their rights it cannot be before the effective date of this bill. So, they will come after all, all current users of the water, whether it be for irrigation, or industrial, or municipal, or whatever uses. They cannot obtain any rights that are had by those existing users, unless they exercise the already existing preference system with regard to the domestic use element, and that could be done before this bill existed. This bill has no effect, one way or another, on the preference system. I think it's unfair, Senator Coordsen, to say, Senator Beutler, you should put this bill off...

SPEAKER BAACK: One minute.

SENATOR BEUTLER: ...till next year. I can't tell you why, I don't have any reasons, but you should just put it off until next year. I don't think it would be fair...I don't think you would think it would be fair if I asked it of you with one of your bills. We have tried very honestly and very sincerely to deal with each and every substantive amendment that has been suggested to us. And I believe that we have done that. Senator Lamb complains that groundwater users are not protected under the law. That is incorrect. Groundwater users have a completely different and sophisticated system of law that has