

induced groundwater recharge shall mean the process by which water withdrawn from wells, subsurface collectors or other facilities near a stream is replaced by stream water. As I read that language, and I guess I'm posing a question now to Senator Beutler, is that not recognizing conjunctive use between groundwater and surface water, Senator Beutler, by that definition?

SENATOR BEUTLER: Senator...

PRESIDENT MOUL: Senator Beutler.

SENATOR BEUTLER: ..Senator Johnson, I think that we all know that if we're going to give municipal groundwater suppliers a right to instream flows, surface water instream flows, for the limited purpose of their water wells that obviously that is a conjunctive use. Yes, it is a conjunctive use. It's not the first conjunctive use in our law. Intentional groundwater storage provisions are in our law, as you well know. Incidental groundwater storage provisions are in our law, as you well know. Senator Schmit, Senator Lamb, yourself, myself, all the urban legislators voted for that conjunctive use relating to incidental use and intentional use. That was conjunctive use. This is conjunctive use. This state, in the future, must resolve in total its surface water and its groundwater systems which, as you know, do not correspond in terms of the legal principles involved. Now, I don't know how to answer your question better. Yes, this is conjunctive use but it is conjunctive use that is limited strictly by the definitions in this bill to municipal water suppliers and their wells.

SENATOR R. JOHNSON: Senator, I will explain my amendment further. Basically, my amendment would strike this definition so that you know what I'm trying to do. Again, it goes back to a concern that we're expanding this bill beyond just an instream flow or a water appropriation or whatever you want to call it for municipalities. We're also now expanding this bill to include the recognition of water, both surface and groundwater, and a growing concern I think among groundwater users, as I said before, of having these two bodies of water law superimposed on each other and generally, as Senator Lamb indicated previously, with surface water rights superseding, in most cases, groundwater rights, there's a general concern what this language would do to many of the wells in or near our natural streams in this state. In fact, I had a conversation with a couple of