

close to town. Maybe that would be more or less of a nuisance than it would a taking.

SENATOR CHAMBERS: Right, and the state has...if you all, who are supporting this, want to take away the power of the state and political subdivisions to protect people from nuisances then this is absolutely, utterly insane. And if you all support that, and think that's what the law should be, then I don't see any point in arguing with you because you're beyond discussion. But I'm going to ask Senator Bromm for his example. Senator Bromm, give me an example, and if it's just that the state shouldn't have the power to abate a nuisance with...oh, okay.

SENATOR BROMM: I understand what you're saying about nuisance, Senator Chambers, and my intent would not be to permit somebody to maintain a nuisance or something like that.

SENATOR CHAMBERS: Okay.

SENATOR BROMM: But we're going to be facing, perhaps, some significant changes in water law, perhaps, and if regulations would or could be drafted under the water laws which would restrict, for example, the location of wells within so many feet of streams by the Department of Water Resources, in certain parts of the state that would have a large impact on the value of the land. Now the water doesn't belong to the landowner and so I don't think he's entitled to be compensated for that because it's the public's water.

SENATOR CHAMBERS: So that's not a taking. Show me a taking.

SENATOR BROMM: Well, yes, it is, because it renders his property worth less money but he doesn't get compensated for it. And if they're going to do that, this would simply do it with open eyes, at least.

SENATOR CHAMBERS: Senator Bromm, do you know is it your belief that the term "property" carries with it the idea of ownership?

SENATOR BROMM: Yes.

SENATOR CHAMBERS: That it's something which somebody owns. If the landowner does not own the water which we're talking about, the landowner cannot speak of that as his or her property.