

economy, and that's why it is a concern. I have just a couple questions and I wondered if Senator Beutler might help explain to me. As I understand, surface water irrigators do have a constitutional right...is that...

SENATOR CROSBY: Senator Beutler.

SENATOR STUHR: ..right?

SENATOR BEUTLER: I think that's right, Senator. They have a certain level of constitutional protection by virtue of their being language in the constitution with respect to surface water appropriators.

SENATOR STUHR: And are they...or will there...or is there language that they will be compensated if there is a loss or such?

SENATOR BEUTLER: Well, I think it depends on the circumstances. First of all, I think that the Department of Water Resources, which has authority over those appropriators, does have the right to require them to use best management practices and to do those things that conserve the water to the maximum extent possible, even to the extent perhaps of lining canals, if that were thought to be an appropriate thing to do in a particular area.

SENATOR STUHR: Do...

SENATOR BEUTLER: But there are circumstances also where I think probably the court would say they would have to be compensated. But in shortage situations, for example, where it's first-in-time, first-in-right, if those at the bottom...if there's not enough water for those at the bottom of the system, certainly they're not compensated if they don't get water in that particular instance. But it's true...I think what you're saying, generally, is true. They have a higher level of protection by virtue of being in the constitution than, probably, other users of water.

SENATOR STUHR: So...and ground water users are not constitutionally protected?

SENATOR BEUTLER: Well, I wouldn't say that they're...there are