

SENATOR BEUTLER: ..and back in the latter part of the 19th century when the farm community got together and decided what kind of surface water system they wanted, that community decided that first-in-time, first-in-right was the philosophy that they wanted to adhere to...

SENATOR HUDKINS: But in this...

SENATOR BEUTLER: ..and so...and not equal sharing, and so that was the decision made at that time and that's carried forward to this time.

SENATOR HUDKINS: But in this case the surface appropriation comes ten years after the ground appropriation. So a later surface appropriation is going to take precedence over a ground water user?

SENATOR BEUTLER: Well, it depends on...I mean lots depends on the situation. I don't know if you can answer that question directly, Senator, and I assume to begin with that there is...you have proven some interrelationship between ground water and surface water. Until you get 108 in place and can protect a ground water user in that situation to some extent, I suppose that the systems are considered unrelated in law.

SENATOR HUDKINS: Well, I think some of these questions that we're asking are just some of the questions that everyone is asking and until we know how some of these conflicts are going to be addressed, we're really not sure what we're voting on. And I would give the rest of my time to Senator Dierks.

SENATOR COORDSEN: Thank you, Senator Hudkins. Senator Stuhr. Pardon me. I didn't hear you. Excuse me.

SENATOR DIERKS: How much time do we have left?

SENATOR COORDSEN: One minute.

SENATOR DIERKS: Senator Elmer, would you like to go on with your telling us about the Kingsley Dam?

SENATOR ELMER: Your original question was, in the Kingsley Dam relicensing project process, how would 108 interface with that? Is that correct?