

debated by the Governor's Water Council. It is undoubtedly what will become the policy of this state, I believe, whatever its shortcomings. I think I see an amendment, is that...not quite. Ah, we don't see the right amendment, so you may have to listen to me some more (laughs) about this issue...

PRESIDENT ROBAK: One minute.

SENATOR WICKERSHAM: ...or else someone may, I may just stop and see if anybody else thinks that the concept of grandfathering is an important one and makes much of a difference in this bill. And certainly, if you do not, that would influence, probably not very much, I guess, the course of what I think is going to happen with this bill tonight, but I can assure that the concept is a very important one and that this, the bill as it stands before you, represents a departure, a fairly significant departure, from existing ground water law and that it is one which I think ultimately will prove to be unwise.

PRESIDENT ROBAK: Thank you, Senator Wickersham. Senator Beutler.

SENATOR BEUTLER: Madam Lieutenant Governor, members of the Legislature, I think I can honestly say that there was no one concept in 108 that was more discussed, more heatedly debated, and upon which there was more philosophic disagreement internally in the Governor's Water Council and internally amongst the rural representatives to the Governor's Water Council than this particular issue. And I didn't get to hear all of what Bob said, but that whole philosophic conflict runs throughout our history. When surface water came into being, it was first in time, first in right. And obviously, that sort of concept gives priority to, precedence to, favors the first to make an investment and it protects investment, at the expense of young farmers, new farmers, people who come after, people who may be in positions to better economically use land, for that matter. Not a perfect system, but it's been with us and it's ingrained in our culture and mentality for over a hundred and what, a hundred and some years now. So that history is there on the surface water side. And on the ground water side, ground water not being important enough throughout most of our history to even deal with it statutorily, much less constitutionally, we dealt...we let the courts deal with it. And the courts came down with the correlative rights doctrine that...that Senator