

Elmer, followed by Senators Hudkins, Dierks, Hillman, Beutler, and Schimek.

SENATOR ELMER: Thank you, Mr. Chair. First of all, this bill does not have attendant cost. Studies don't need to be done unless a conflict arises. An NRD doesn't have to make a study unless a conflict arises. We don't have to make a study unless a lawsuit is entered, unless a grievance is issued. Only in those circumstances would there be a study. And that study would be limited to whatever small or large area that might be encompassed. We have no crystal ball. We have no idea that the bill will even be used for sure or when. So bringing along an idea that this bill is going to be a \$10 million A bill is preposterous. I'd like to try to answer Senator Hudkins' questions a little bit if I may, regarding quantities of appropriations, the examples that you used. First of all we're dealing with two separate types of law. Surface water law and appropriations of so many acre feet remain untouched and unchanged as does the correlative rights of ground water users. Diversions on the surface water areas are defined in so many cubic feet per second. And those diversions are made without restriction. As long as there's adequate flow in the rivers there's no problem. The same thing is true in the diversion of ground water, when you pump it. As long as there's adequate supply of water in the ground water table and it's not declining or threatening other ground water users out of the same aquifer, there is no restriction on what you can pump. The only control area in the state, currently, is in the Upper Republican in Chase and Dundy counties. And there every individual that pumps for irrigation purposes is allowed a certain number of inches per acre each year over an average of five years. So if you have two rainy years and do not pump, you can put on all of the five-year allocation in the next three. So that your water is available when you need it, not that you have to take it, it's shared by everyone. In practicality in times of shortage, irrigation districts that furnish surface water, if they see that they're going to be restricted and might have to exercise their seniority, in practice they use correlative rights and share the shortage with the other irrigation districts and allocate the number of acre feet per farmer on the same basis that you would allocate ground water use, or correlatively, so that no individual is wiped out and everyone shares in the economic problem. You don't have individuals that aren't able to irrigate. They might be required to use some less water. So