

golf courses would be...would be granted approval to do their...do the water transfer. They would be allowed to do that if they had 200 acre feet or less, anything greater than that, they would have to go through a permit process. And that's the nature of the amendment as brief as I can make it. Thank you, Mr. Speaker.

SPEAKER BAACK: Thank you, Senator Bernard-Stevens. Discussion. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, I would like to oppose the amendment because, as I indicated to you earlier, this is something that goes to the broad question of water transfers, and it seeks to pick out and do piecemeal something on a small part, something that should be thought of and dealt with on a broader scale, and thinking with respect to all different types of users of water who may care to transfer water. And maybe we need to back up a little bit and talk about when and why you can't transfer water, generally speaking, or if you can't, and why you can't, and what the rule is. But, basically, we're talking just about ground water here, not about surface water. We're talking just about ground water. And the rule with regard to ground water is that a person can use all of the ground water they have under their land, on their over-lying land, and only on their over-lying land, and only to the extent that they can use it for a beneficial purpose. Okay, that's the rule. And under that rule, common law rule, the common law is you cannot transfer your water away from the over-lying land. Agricultural users cannot transfer water from the over-lying land. Commercial users, industrial users cannot do that, except there are a couple of exceptions. One, municipal, municipalities can transfer, but they have to go through a permit process; and, two, heavy industrial users, 3,000-acre feet or more can transfer, but they need to go through a permit system. As a general matter, with irrigators, with most commercial users, with domestic wells you cannot transfer water, and particularly without a permit. Now, for the first time, to my knowledge, a proposition is before you to transfer water without a permit of any type. And pay attention to the fact that you are allowing golf courses to transfer water without a permit, which means agricultural users still could not transfer water with or without a permit. Other kinds of commercial users, other than golf course users, cannot transfer water with or without a permit. Domestic users could not transfer water with or without a permit, except municipalities under the