

problem that currently exists, and that even the opponents of the bill recognize exists when you have a 3,000 foot...acre foot threshold and nothing below that. I would urge you to adopt the Bernard-Stevens amendment and then advance LB 789 on to E & R for engrossing. Thank you, Mr. President.

SPEAKER BAACK: Thank you, Senator Hall. Senator Beutler, you're next.

SENATOR BEUTLER: Mr. Speaker, members of the Legislature, Senator Hall, I have long appreciated your standing up for the little guy, you have done that time and time again on this floor. And I have no doubt of the genuineness of your response to societal situations in terms of...of how you feel. But if I'm thinking through this problem clearly, I think what the committee amendment proposes to do, as opposed to the Bernard-Stevens amendment, is to, one, bring the little entrepreneur onto the bus; and then, two, go beyond that and give other little guys who might be affected by that little entrepreneur, other little people the chance to have a voice in whether that water should be transferred. You're absolutely correct, I don't know why in 1980 something, I know it was...it came out of the Panhandle, Sam Cullen, I think, got the ground water or got the Industrial Ground Water Act passed. And for some reason he was only interested in one particular operation that they thought they were going to set up, up there, which they never did. I don't think there's ever been a transfer under the act, period, because it applied only to 3,000 and above, just ignored 3,000 and below because they didn't want to get involved in the mess they knew that was there; didn't have the courage to deal with that. So they just dealt with Sam Cullen's big proposed operation up there. And the law was passed. And Senator Hall is right, it didn't give the little guy a chance to transfer, just left him under the common law. And what the Natural Resources Committee has said is that's wrong, he should have the same opportunity to transfer that the big guy does, and the committee amendment brings him into the system. But it doesn't bring him into the system at the expense of other little people out there who might be affected by that transfer, the transfer made by that other small guy, that small entrepreneur. And so I would argue with you, Senator, that if you're looking at all the little guys that there's a better solution than what's being offered to you by this particular amendment. With respect to the dominance of the common law, as it's interpreted by our courts today, I wanted to read you from