

AMENDMENTS TO LB 862

(Amendments to Standing Committee amendments, AM2004)

Introduced by Carlson, 38.

1 1. Insert the following new section:

2 Sec. 3. Section 46-739.01, Revised Statutes Supplement,
3 2009, is amended to read:

4 46-739.01 (1) Notwithstanding any other provision of law,
5 no district shall approve a transfer of certified water uses
6 or certified irrigated acres or allow a ground water user or
7 landowner to participate in a financial or other incentive program
8 established pursuant to subsection (8) of section 46-739 unless
9 the person seeking such transfer or participation in such program
10 has submitted to the district a report of title issued by an
11 attorney or a registered abstractor, on a form prescribed by the
12 district, reflecting (a) the owner and legal description of the
13 land from which the certified water uses or certified irrigated
14 acres are to be transferred or which is the subject of such program
15 and (b) the existence of all liens, evidenced by the filing of
16 a mortgage, trust deed, or other equivalent consensual security
17 interest, against the land from which the certified water uses
18 or certified irrigated acres are to be transferred or which is
19 the subject of such program and the name and address of each
20 such lienholder, if any. If the report of title reflects the
21 existence of any lien evidenced by the filing of a mortgage, trust
22 deed, or other equivalent consensual security interest, written

1 consent to such transfer or participation in such program shall be
2 obtained from each such lienholder. The district may assess a fee
3 against the person seeking such transfer or participation in such
4 program to recoup its costs in reviewing the report of title. This
5 subsection does not apply to a transfer of certified water uses or
6 certified irrigated acres resulting from: A one-time transfer of
7 four acres or less; participation in a financial or other incentive
8 program that involves the transfer, purchase, or retirement of four
9 acres or less; or a transfer that involves one landowner on a
10 single tract of land in which there is no reduction or increase in
11 certified water uses or certified irrigated acres and the transfer
12 involves an improvement in irrigation efficiency.

13 (2) Approval of a transfer of certified water uses or
14 certified irrigated acres or authorization of a ground water user
15 or landowner to participate in such financial or other incentive
16 program by a district shall not affect the rights of any lienholder
17 who is not reflected in the report of title and from whom the
18 required consent was not obtained. Such a lienholder may bring an
19 action against the person seeking such transfer or participation
20 in such program for damages or injunctive or other relief for any
21 injury done to the lienholder's interest in land or use of ground
22 water resulting from such transfer or participation.

23 (3) This section does not limit the right to resort to
24 other means of review, redress, or relief provided by law.

25 2. Renumber the remaining sections and amend the repealer
26 accordingly.