

action now to set up that framework, the result of which will be not to end litigation altogether but which, I believe, will substantially cut down on the litigation over the years on this issue, and will give direction to all concerned. I hope that gives you a picture of where we are right now. What does the bill do? The sum and substance of the bill is on page 6, and if you would, I would ask you to turn to page 6 of the bill. Section 5 on page 6, it talks about an application and this is the application filed with the Director of Water Resources. And it says in determining whether denial of the application is demanded by the public interest, that there are certain factors that will be considered by the Director, and those factors are set out 1 through 6 following the initial paragraph. The economic, environmental and other benefits of the proposed interbasin transfer and use; any adverse impacts of the proposed interbasin transfer and use; any current beneficial uses being made of the unappropriated water in the basin of origin; any reasonable foreseeable future of beneficial uses of the water in the basin of origin; the economic, environmental and other benefits of leaving the water in the basin of origin for current or future beneficial uses; and six, alternative sources of water supply available to the applicant, and then seventh, to remind you of the committee amendment, which added number seven, alternative sources of water available to the basin of origin for future beneficial uses. Then in the following paragraph is the crux of the whole bill, the bottom line, lines 20 through 23 on page 6. And it says, basically, the application shall be denied if the benefits to the state from granting the application do not outweigh the benefits to the state from denying the application. The test then is the greater benefit test looking to the state as a whole. You might say just reading the language that it is a fifty-fifty bill, whichever side is greater weighted, that is how we will go. If there are more benefits to transferring the water, we will go that way. If not, we will leave the water in the basin of origin. But to be truthful with you, I think the bill is slightly slanted toward the basin of origin, as I think it should be, by virtue of the fact that the burden of proving these things is on the applicant, is on the person seeking to take the water from the basin of origin. That would be his burden of proof. But it has been my intention to try to come up with a formula that is balanced in nature, and I think that I have succeeded to a large extent. At least the way the sides have developed so far, the City of Lincoln is not happy because it doesn't protect the basin of origin enough....

SENATOR NICHOL PRESIDING