

SENATOR MATZKE: Thank you very much, Mr. President, and I appreciate Senator Beutler's deferring the questions to me. This is a very technical bill which deals with the administrative procedures before the Department of Water Resources. The amendments were actually worked out between myself and the Department of Water Resources and they're very technical and just clear up some of the language. This bill actually does three things. It amends Section 46-209 to require that the Department of Water Resources grant a hearing when it is requested by a party to a proceedings where a hearing has not already been held. Quite often, the Department of Water Resources will, itself, instigate an adjudication procedure to adjudicate water rights and may do that without a hearing. This would merely grant to a party the right to a hearing in that case. Secondly, the bill also amends Section 46-226.02 to provide that an application for recognition of incidental underground water storage is subject to the limitation that the rate, quantity, or time of surface water diversion shall not be increased from that approved for the appropriation at the time the application is filed. In other words, it sets a date for a reference point. This is a very technical amendment but it clears up some problems that occurred in litigation. And, finally, the bill adds a new section that says at the time of the hearing, if there is any other proceeding pending before the department, the result of which would affect the exercise of the appropriation under consideration, the proceedings shall be consolidated. From a practical standpoint, often there will be two proceedings going at the same time before the Department of Water Resources, one an adjudication of water rights, water rights for irrigation, and also an application for recognition of incidental underground water storage. They are, by definition, related. If they are related, then this bill would require that they be considered at the same time. Again, these are very technical procedural changes. We reviewed them carefully with the Department of Water Resources. They worked out a couple of word changes and the committee amendments put a 15-day limitation on the request for a hearing. Other than that, the bill was without opposition and it was reported out by the committee on a vote of eight to zero. I would request that the...first, that the committee amendments be adopted and then that the bill be advanced.

SENATOR LANDIS: Thank you, Senator Matzke. There are no lights on, would you like to close on the committee amendments? Waives