

if they have any objections. There are two processes in the bill for transfers. The first one concerns adjudication and adjudication is a process whereby the Department of Water Resources can hold a hearing and extinguish a water right if it has not been used for three years or if there is an excuse such as lack of water, failure to maintain ditches by an irrigation company, for example, war, other acts that would prevent use. Then there is a tenure excuse. But the first portion of the bill deals with that adjudication process. And what it allows is an irrigation district to, in effect, self-adjudicate with cooperation and oversight from the Department of Water Resources. Typically, adjudications have been a heavily contested proceeding. You will have initially a hearing. You might even have appeals to the District Court. You might potentially even have appeals to the Supreme Court. All of that, seems to me, to be a rather inefficient and prolonged process. It is not necessary, in my opinion, to go through that process in order to arrive at the result which is a clear delineation of the grounds or the land to which water may be applied under a specified water right. Allowing the districts to simply file a map with the Department of Water Resources and to certify the lands to which they have applied water within the last ten years meets that objective. Now if the Department of Water Resources has any concerns about that map, they can hold a hearing. They can, in effect, go through an adjudication process. The bill does not prevent the Department of Water Resources from adjudicating a district if they believe it is necessary or appropriate. It simply provides an alternative process if it looks like it's going to work. Now within that process, within that map filing, the district may find that it's necessary to transfer water from one tract to another. Now there is an existing set of statutes that deal with transfers. Those statutes are not supplanted and districts could still use those statutes if they chose to. What we are hoping to do in LB 99 is give them a simplified process, a unified process...

PRESIDENT ROBAK: One minute.

SENATOR WICKERSHAM: ...so they can simply file a map and do it all at once, again, I would say with oversight from the Department of Water Resources. The second kind of transfer that is allowed, and Senator Beutler alluded to it, is a transfer after this initial map filing, after this, in effect, self-adjudication process has been undertaken. Then there is a recognition that the irrigation district, with the consent of