

the landowners, has an ongoing need to be able to manage delivery of water within the district. So it allows again a transfer process to be conducted at the local district level, again, with oversight from DWR, reports have to be filed with DWR, again with an opportunity for a hearing if any landowner within the district has any potential objections. Now the...I think...

PRESIDENT ROBAK: Time. Thank you, Senator Wickersham. Your light is next. However, before I introduce you, Senator Janssen has some guests visiting the Legislature this morning. There are 39 fifth graders here from Howard Elementary School in Fremont, Nebraska and their teacher. They are all in the north balcony. Will you stand and be recognized, please. Welcome to the Legislature. Senator Wickersham, you may continue.

SENATOR WICKERSHAM: Thank you, Madam President. I don't know if the students are going to find this a very interesting bill. But at least it's interesting to me so I guess I'll keep going. Don't know what else to do. And if...if Bernard-Stevens was here, I would note that although this is a water bill, it is not one of those d-a-m bills, so maybe we can...but I don't...maybe this isn't a spelling class up there. There are (laughter)...there are perhaps a couple more aspects of the committee amendments that I should note for you. I did note that even though this bill provides for two additional transfer processes for water rights, it does not supplant the existing transfer statutes which could certainly be used by an irrigation district or others who wish to utilize them. There is a provision in Section 2 of the committee amendments to which I would call your special attention, and that is a section which codifies my understanding of current law regarding the relationship of the...between the irrigation district, canal company, etcetera, and the landowners who actually use water. There is a peculiar situation where the district holds the water right in its name but it doesn't own the land typically to which the water is applied. And where that water is applied there is then a constitutionally protected property right and that is the interest of the landowner. We have carefully, I hope, selected the words in Section 2 so we neither enlarge nor diminish that right of the individual landowners who now receive water under the auspices of a water right actually held by a district or others. That's the reason we have used the word "modify". The word "modify" encompasses both diminishment or increase, so it is not...it is not intended to be a change from what we see the