

and the only procedure available was to go apply for a new water right to this small piece of land which, one, probably wasn't...was an enormous burden just to do it for a small piece of land, and, secondly, the mechanism simply wasn't there to do it. So with respect to all of these kinds of transfers and with respect to a number of other situations that are listed in the committee amendment, we are saying that we are going to provide a window time up until December 1st, 1996 where, under certain circumstances, people can go in and apply to the Department of Water Resources for a transfer permit on all of these pieces that perhaps they did not have an opportunity or were inappropriately transferred at earlier points in time in our history. But we've been very careful about to be sure that the amount of water that was overall appropriated to these lands in these particular districts could not be increased by virtue of the mechanism being exercised in LB 302. So no one is going to get any more water and we are limiting the transfers to within the district and we are limiting it to pre-1983 transfers, which are those transfers that did not have the benefit of an existing transfer law. There are a lot more details to be flushed in or to be discussed as a part of this concept but I think that that's the basic concept and I think from there I will let Senator Wickersham take over. He has done the real rough work on this and has stayed with this for a period of months working through one draft or another until I think it is a real fine solution to a problem that needs a solution, needs a solution in order to treat people equitably, I think. And, with that, I will end, Madam President. Thank you.

PRESIDENT MOUL: Thank you, Senator Beutler. Senator Wickersham, followed by Senators Elmer, Witek and Jones.

SENATOR WICKERSHAM: Thank you, Madam President, and I did appreciate Senator Beutler's explanation of the bill. I think he did a good job of it and, hopefully, didn't confuse you too much, but in case you were confused, we also passed along an explanation. And between Senator Beutler and myself maybe we can confuse you, but I hope not. There is one other provision in the bill that I think should be called to your attention and that is the provision in Section 2 which makes a change in the cancellation statutes. There are people who are of the opinion, and, in fact, there is some language in Supreme Court cases which indicates that if you are cancelling a water right, that the cancellation somehow automatically occurs after three years of nonuse and that it's cancelled without a hearing, without any