

cannot do that, cannot do that. Now that doesn't mean that just because Game and Parks applies for it that they get it. That's just the opening part of the process. What this bill is saying is that the key organization to run scenic rivers can't even apply for it, can't even apply for it. Even when they do apply for it, even if Game and Parks has control and they do make an application, they don't decide. It is decided in accordance with our statutes and there are several very intricate statutes here about how it is decided. And Mike Jess who is Director of Water Resources is the one who makes the decision on the instream appropriations. There is a real judicial process that is involved. Certain criteria have to be met. It says an application for an instream appropriation shall be approved by the Director of Water Resources, if he or she finds (1) there is unappropriated water available to provide for the instream appropriation, the appropriation is necessary to maintain the instream use or uses for which has been requested, the appropriation will not interfere with any senior surface water appropriation. So it's not like the irrigation interests are wiped out of the process if you change to Game and Parks. All it means is that recreational interests have a chance. It just means an application can be filed and then Mike Jess is going to see whether it interferes with any senior surface water appropriation and he is going to see whether the rate and timing of the flow of the river is amendment necessary to maintain the instream uses. He is going to see whether the application is in the public interest, so there is a whole set of criteria that has to be met even by the entity that applies which hopefully would be Game and Parks. But if you can't even apply, you can't even get the process started and that's what makes this whole system a hollow joke really unless you change in accordance with Senator Lindsay's suggestion.

**SPEAKER BAACK:** Thank you, Senator Beutler. Senator Nelson, you're next. That won't be necessary, yours is the last light on, Senator Nelson. Senator Lindsay, do you wish to close on your amendment?

**SENATOR LINDSAY:** Thank you, Mr. Speaker, members, I think some of the debate that came up here is pretty instructive on I think what we are doing and what we ought to be doing. When this bill came before Government Committee, it came solely for the purpose of sending a message to Washington on the Niobrara on the scenic river bill. That is done now. What we have to look at is how this bill going to affect the state, and it really wasn't