

## LEGISLATIVE BILL 109

Approved by the Governor March 4, 1981

Introduced by Wagner, 41

AN ACT to amend section 46-209, Reissue Revised Statutes of Nebraska, 1943, relating to the Department of Water Resources; to provide for the costs of a transcript of the department; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 46-209, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

46-209. The Department of Water Resources is given jurisdiction over all matters pertaining to water rights for irrigation, power or other useful purposes, and drainage, except as such jurisdiction is specifically limited by statute. Such department shall adopt rules governing matters coming before it. It may refuse to allow any water to be used by claimants until their rights have been determined and made of record. It may request information relative to irrigation, water power, and drainage works from any and all county, irrigation, power, or drainage officers and from any other person or persons. It shall have public hearings on complaints, petitions, or applications in connection with any of the above matters. Such hearings may be had at the time and place designated by the department. The department shall have power to certify to official acts, compel attendance of witnesses, take testimony by deposition as in suits at law, to examine books, papers, documents, and records of any county, party, or parties interested in any of the matters hereinbefore mentioned, or have such examinations made by its qualified representative, and shall make and preserve a true and complete transcript of its proceedings and hearings. If a hearing is held at the request of one or more parties, the department may require each such requesting party and each person thereafter who requests to be made a party to such hearing to pay the proportional share of the cost of such transcript. Upon any hearing, the department shall receive any evidence relevant to the matter under investigation and the burden of proof shall be upon the person making the complaint, petition, and application. After such hearing and investigation, the department

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shall render a decision in the premises in writing and shall issue such order or orders duly certified as it may deem necessary.

Sec. 2. That original section 46-209, Reissue Revised Statutes of Nebraska, 1943, is repealed.