

replacement of the well is treated as a new well or not with regard to whether it's a new well or not, with regard and its relationship to the domestic wells. Section 2, Paragraph 4 establishes if a domestic user drills a replacement domestic well, he must take existing irrigation well development into account when he drills the new well. In other words, here a domestic well user drills a new well he should be cognizant of the fact that irrigation is in process and especially as an irrigator sets his pump into motion there could be a cone of depression that could affect the domestic well, or he should be aware that because of the irrigation that uses this resource is developing he should be cognizant of the fact that there could be a lowering of water table, and then he should, by all means, at least drill his domestic well to what we call a reasonable depth, or take into consideration what's happening. Section 2, Paragraph 5 clarifies 27. It's not to change the preference statute of the law, and I tried to explain that the other day. Now we're not talking about the time of shortage here, we're talking about a resource that's being used, and if we get into an area where there's a shortage, the preference statute holds. It does not change that whatsoever, because domestic will have preference over agriculture or irrigation. And last of all, 27, I'd like to call your attention to it is likely to be invoked only when conflicts generally appear in the artesian aquifer. Any other aquifer, where it is not under pressure, where the water is not under pressure, there will be very little chance you could identify the person that's causing the problem, so we're dealing basically with an artesian aquifer. It in no way denies a person to have his day in court. It does not do that. As I have tried to explain before, I think we're attempting here only to give some guidelines, so that if you choose to come up, the Legislature has at least been active and been aware of the power problem and done what, I think, we ought to be able to do to give some guidelines so the disputes will be at a minimum. I move the adoption of the amendment.

PRESIDENT: The Chair recognizes Senator Duis.

SENATOR DUIS: Mr. President, I'd like to ask a question or two of Senator Kremer, if I might.

PRESIDENT: Senator Kremer, will you respond?

SENATOR KREMER: I will.

SENATOR DUIS: Senator Kremer, I'm a little concerned about