

the amendment, which of course follows quite closely with the bill as it was originally prepared. I'm wondering if you are saying in Section Number 2 that even no matter whether the domestic well was in prior to the irrigation well, if it was not drilled to a reasonable depth, that it still...that would make it so that it would be...that the irrigation well would be prior to it. Now how would they know what would a reasonable depth be if it was put in prior to the irrigation well?

SENATOR KREMER: Your question is this, that if the domestic well is in there ahead of the irrigation well, then what is his status and...

SENATOR DUIS: Well, what it says here, Senator Kremer, is that even though the domestic well was in prior to the irrigation well, if it wasn't drilled to a reasonable depth, there was no liability, and what would be the determination of what that reasonable would be prior to the drilling of the irrigation well?

SENATOR KREMER: Well I think we discussed this word "reasonable" the other day, Senator Duis, and I can't explain it. It's used in the statutes many, many places many times I would suppose that the best way I can define it would be just common sense.

SENATOR DUIS: Well, let's say, for instance, if a domestic well was down 90 feet, and they were getting plenty of water for their livestock, and the house, and so on and so forth, and then the irrigation well was drilled, and they lost their water, who would make the determination whether that 90 feet was reasonable or not?

SENATOR KREMER: Well, it depends on where that static water level is. If the static water level was at 91 feet, I don't think it would be down a reasonable depth.

SENATOR DUIS: Say the well was drilled in 1926 for domestic purposes, and the water table at that time say was at say at 70 feet, that in the years that passed between 1926 and now it had dropped to say 93 feet. I'm curious...you understand what I'm getting at? It concerns me, because I didn't know why the (b) part of that had to be added to Section Number 2.

SENATOR KREMER: Let me...let me confer with our counsel. We did have them go over this and be sure that we took care of the questions you raised. In the way the bill was drafted