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LB 27

the other day it said that if the domestic well was already there and was down a reasonable depth, and the irrigator came in later, it had no bearing on it.

SENATOR DUIS: Well, the point I'm trying to get at, Senator Kremer, is maybe the reasonable depth in 1935 is not the reasonable depth in 1978 when they drill the other wells.

SENATOR KREMER: Yes. I think I get what you're getting at, but we tried to explain the other day if the domestic well is there already.

SENATOR DUIS: She's there, and the reasonable depth when it was put in in 1935 was above what it is right then.

SENATOR KREMER: I understand.

SENATOR DUIS: But who knows it?

SENATOR KREMER: Well, if the irrigator comes later, that domestic has...he's protected.

SENATOR DUIS: No, he isn't. Not according to this, because it says very distinctly there the domestic well was not drilled to and pump not set at a reasonable depth. Then they go on and explain reasonable depth in Subsection 2, and I'll let you in on a secret, I think he's pinned to the wall.

SENATOR KREMER: Well, Senator Duis, the questions you raise in Subchapter 2 refers to Subchapter 1.

SENATOR DUIS: I realize it does. It gives a definition of reasonable depth.

SENATOR KREMER: Yes.

SENATOR DUIS: But who knows what that reasonable depth was in 1935 when that well was put in?

SENATOR KREMER: Well, he's there first so he's protected.

SENATOR DUIS: No, he isn't, because your....

SENATOR KREMER: I think he is.

SENATOR DUIS: Your Subsection (b) distinctly says that he's not protected if the domestic well was not drilled to and pump not set at a reasonable depth in 1935.