

SENATOR GEORGE: Yes, Mr. President. I still have some problems with the bill, LB 27, as such, but I can also understand that the owner of the irrigation well needs that kind of protection, therefore, I don't think I could vote for the Duis amendment to strike (b), because if a domestic well has been drilled after the irrigation well is in place, and let's say the irrigation well is a hundred feet, and the domestic well driller goes down to 50 feet, then most certainly the irrigation owner should not be responsible. So I think I would like to keep (b) in the bill. I think the basic problem, really, is, and I would still also like to have Senator Kremer make some comments on that... let's assume the irrigation well is down 200 feet, and a domestic well driller comes later on...that's the question which is addressed by this bill, and he drills it to a reasonable depth, and let's say he drills it down to 250 feet. That, I guess, should be reasonable. But after, maybe three years because of high usage of the irrigation well, that domestic well is dry, then Senator Kremer, according to LB 27 the domestic well owner couldn't even go to court, and his well would be dry. What we are doing then is we are really rearranging our priorities, and so far we say domestic wells, which includes the use for the family as well as for livestock should come first, and I think we are really tampering with LB 27 with our priorities, and those are my basic doubts, but I certainly would like to keep (b) in the bill. Thank you.

SPEAKER MARVEL: The Chair recognizes Senator Kahle, and then Senator Vickers, then Senator Lamb, and then Senator Cullan. Senator Kahle.

SENATOR KAHLE: Mr. President and members, Senator Duis, would you restate your question, or the part that you were concerned about, so I would surely understand what you're talking about?

SENATOR DUIS: Well, Senator Kahle, I made the amendment only for the purpose of discussion, you know, so we could bring it to a head, but what I'm concerned about under Subsection (b) would be the determination of what was a reasonable depth at the time that well was put in. Say, the well was put in in 1935, or say '25, and now the water table is down say 15 feet from what it was then, who knows what when it was put in what the reasonable depth was. That's the thing that bothers me, because the definition that comes along later...and they call anticipation in it.

SENATOR KAHLE: Well, Senator Duis, I guess...and I'm not sure