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that's what this says, but what we're talking about is reasonable at the time and place that we're talking about today.

SENATOR DUIS: In other words then, if you put a domestic well in in 1935 and say he was 15 feet into water...

SENATOR KAHLE: Might not be reasonable today.

SENATOR DUIS: ...may not be reasonable today, but we're going to use reasonable today, not when he put it in.

SENATOR KAHLE: Well, I think it's the only way it will work because of the flexibility of the water table, and even... I'm sure you've known in the past that the water table has changed enough in a given year even without irrigation to make a well go dry.

SENATOR DUIS: I fully understand, Senator Kahle, and yes, I know that. The thing of it is, I want it made clear on this tape what is meant by this, because when they go to court just like they did out in our area, that Judge is going to sit up there and he's going to be the one who will determine what we have said here. And I think if this is going to be there, then they should add to this...the domestic well was not drilled to and the pump not set at the reasonable depth at the time the irrigation well was installed. Do you understand what I mean? Pin it down, because that will determine whether I can vote for or against the bill, and a lot of other people.

SENATOR KAHLE: Well, I think your point's well taken. I think what Senator Kremer was trying to do here is to avoid the nuisance suits that might come up with a friction between a couple of landowners and a domestic well, and what you're bringing out is that we may be complicating that rather than solving it.

SENATOR DUIS: Well, the thing that I'm worried about, Senator Kahle, is the fact had that language been in the bill at the time of the hearing, the hearing may have been entirely different than it was right now, at the time.

SENATOR KAHLE: Well, one other thing that I wanted to mention while I have the floor is that most wells in a great part of our state are drilled down to what we call shale, or a hard clay, or a pan of some kind. Most irrigation wells, even though they may not need to be that deep, and I would guess that once you hit that strata you're limited as to what you