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LB 27

lot but it does become a new domestic well, if you are talking about domestic wells and there is an irrigation well owned by a neighbor, I think this bill would then say that that new domestic well should be drilled to a reasonable depth before he would have any kind of a chance or right to win a case in court if he hung that new well or that new pump in a very, very shallow area of the groundwater supply.

SENATOR MARESH: So, Senator Kremer, you are saying that if the irrigation well stayed the same depth and was moved over to drill a new hole, that prior use be established for this as the time when the first well was drilled, but if a domestic well was drilled, then they should be drilled deep enough to provide a good water supply?

SENATOR KREMER: I would think so, Senator.

SENATOR MARESH: I think that should be clarified for the record. Thank you.

PRESIDENT: The Chair recognizes Senator Murphy.

SENATOR MURPHY: A question of Senator Kremer. Senator, has this proposition of the use of the word "reasonable" been run past the Attorney General's Office?

SENATOR KREMER: Not in this case it has not and you and I are both aware that this word "reasonable" has been a problem through the years and it is used many, many times and I suppose in this case the courts would have to determine, if it went to court, and that is the only time we have a problem is when it goes to court, the court would have to determine what the circumstances are, what the thickness of the aquifer is, the depth it has been drilled and I don't think it would be too difficult for the courts to determine what we mean by reasonable. It depends upon a lot of things, of course, and for me to stand up here and tell you what I mean by the word "reasonable", I just can't do it.

SENATOR MURPHY: I agree with the proposition you are setting forth in the bill, Senator Kremer, but I have the same uncertain feeling about that word "reasonable" and I wonder if it might be well to ask the Attorney General if we should include in this a definition of reasonable with some guidelines to the court as to what "reasonable" would incorporate. Possibly we could add it on Select File. I certainly would not want to interfere with the progress of the bill because like I say, I concur in what you are trying to do.