

February 7, 1979

LB 27

either by drilling in an area in which we know that there's going to be a lowering of the water table, or drilling in a cone of influence that we know that there's immediate drops in water levels, and your amendment would put a burden on the irrigation well that's way over and above the normal responsibility. Please consider carefully, Senator George, the effect of your amendment and possibly you might withdraw it.

SPEAKER MARVEL: Senator Cope.

SENATOR COPE: Mr. President and members, first of all I think Senator George's amendment is too general. I think it would be difficult in a court case. I have a question to ask of Senator George. Senator George, if a number of years ago a domestic well is drilled, say with a 10 foot draw down, which would be sufficient for domestic use, over the years there is a natural lowering of the water level... let's say it lowers 5 feet, now it seems to me with your amendment this would preclude any irrigation wells going in in that area, that is, unless they wanted to go in and pay the damages of lowering this one domestic well, is the way I understand your amendment. Would you answer it?

SENATOR GEORGE: No, Senator Cope, I don't want to tamber with that section I guess you are referring to that we debated with the Duis amendment, which was finally dropped under (b), the domestic well was not drilled to and the pump not set at a reasonable depth. I think we could require that and I don't want to change that that a domestic well should be at a reasonable depth, if this is just a...

SENATOR COPE: But it was a reasonable depth at the time it was drilled. It had all the water and in fact the reserve.

SENATOR GEORGE: Well then, you are getting again into a situation where that domestic well came first?

SENATOR COPE: Yes, the domestic well was first.

SENATOR GEORGE: Well, that is not addressed in LB 27 at all. We are not, according to Senator Kremer, we don't change that if the domestic well was there first and the irrigation well comes in later, that man is liable. LB 27 does not change that. We are talking only about the situation...

SENATOR COPE: You're sure that...