

February 7, 1979

LB 27

SPEAKER MARVEL: Senator Warner, do you wish the floor? I have...Senator Kelly, do you wish to speak again on the motion? Senator Nichol, your light is still on. Senator George, the Chair recognizes you.

SENATOR GEORGE: Mr. President, was there nobody else that wanted to speak to the amendment? I just put my light on for closing.

SPEAKER MARVEL: Senator Beutler's light's on, why don't I recognize him first, and then I'll recognize you.

SENATOR GEORGE: I'd just like to close, thank you.

SPEAKER MARVEL: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, it just seems to me that where you have a situation where an irrigation well is drilled to a certain depth, and it has a peak cone of depression in the heavy summer months, and a domestic user comes along and drills below that cone of depression, substantially below the top of the water level, if then at a later point in time the water level drops and the cone of depression of the irrigation well spreads out, in effect, and takes away the domestic well's user...or water, then in that case the irrigation well should be liable to the domestic user. I believe that there should be a limitation on, and some explanation to the courts in interpreting the phrase "reasonable depth". A domestic well user coming after the irrigation well user should go down below the peak cone of depression, and should go down a substantial distance below the water level, but I don't think...I think it is, in effect, changing the priority system if you're saying that for all time in the future the irrigation right is going to come first, and I don't believe it should be that way.

SPEAKER MARVEL: Senator Cullan, do you wish to be recognized again?

SENATOR CULLAN: Yes, Mr. President, I would like to ask a question of Senator Beutler, and I was a little concerned about his discussion here. Senator Beutler, I take it then that you are...I'm not sure from your discussion whether you are opposed, or whether you are in support of Senator George's amendment.

SENATOR BEUTLER: I am very strongly in support of the amendment.

SENATOR CULLAN: So it's your contention then that an irriga...