

or from even a general drop in water level, that is a very understandable statement of where he is...is it, as you stated in your example, he drilled below the cone of influence. Now this shows to the court that he was doing his very best to protect himself against that irrigation well. On a later date damage comes to him, he's on top of the game and really probably king of the mountain, because he could easily show that he did, in his power, the best he could to potentially protect himself from the damage that has happened to him, and under those conditions let this record show in this floor debate that the damage would be to the irrigation well owner, because the domestic user attempted to protect himself against the damage which occurred, and this is what the argument is all about, is to define the ground rules in which the court actions can follow. Now in your example if the user had just stuck his domestic well down far enough to get into the water, and the cone of influence came in and took the water away, the irrigation well would not be liable for that. But in the case where he took the draw down in the area into consideration and the normal changes...there's an example out in our country in the Platte Valley we get normal cyclic changes in the water level of six, eight, ten, twelve, fifteen feet. We measure it in our warehouse every month, and this is very standard for that water to go up and down like a yo yo. If you come in there in a wet year and put the well down ten feet, you'd have a good well, but nobody does anything wrong except mother nature, and pretty soon you're ten feet out of the water with your well. Now that should not be an irrigator's fault. You should be aware of that change when you're drilling in that area, which those who drill are aware, and they protect themselves from it. When you drill in an area that you can be damaged by an irrigation well, and you can show that you tried to protect yourself from it, and you're still damaged, then the damage goes to the irrigation well. Thank you, Mr. Speaker.

SPEAKER MARVEL: Senator George, do you wish to close on your amendment?

SENATOR GEORGE: Yes, Mr. President. I fully agree with Senator Beutler's comments. I also agree with Senator Kelly's comments. This word "substantial" has nothing to do with natural changes in the water level. Obviously, the irrigation man should not be responsible for any natural changes that could be ten...fifteen feet. The word "substantial" is a crucial part of this amendment. As to Senator Cullan's comments, we can only say, sure, we do have philosophical differences on this floor because Senator Cullan is more