

domestic well if: There are two ifs. The irrigation well was in use prior to use of the domestic well. So in other words, if the irrigation well was there first and along comes a fellow that drills a domestic well, if he is there first, the irrigation well owner and operator does have some protection. Number two, that the domestic well was not drilled to or equipped at a reasonable depth for the purpose... No, excuse me. Is that language right? There is a period. The language is right. The domestic well was not drilled to or equipped to a reasonable depth. In other words, if the domestic well was installed and sunk in the first twelve inches of water, he would have no protection. Now the #2: For the purposes of a subsection (1) of this section, in determining whether a domestic well was drilled to and equipped at a reasonable depth, consideration shall be given to, but not limited to: Now we have an Attorney General's opinion. I think Senator Murphy raised the question of what do you mean by reasonableness, so this makes an attempt to address that issue. The Attorney General's opinion does address itself to the term of reasonableness and what it means and... He went on to say that Black's Dictionary defines the word reasonable as "Just; proper. Ordinary or usual. Fit and appropriate to the end in view." It addresses itself to the characteristics of the aquifer principally dealing with the depth of the aquifer, how much water is there there and to what extent could the water table be drawn down before it would affect either one of them. (b) Whether the depth was sufficient to avoid anticipated temporary or permanent interruptions in pumping because of the operation of those irrigation wells in use at the time the domestic well was drilled. Subsection (3) goes on: If an irrigation well is abandoned and replaced in accordance with section 46-602, the Revised Statutes, the replacement well shall maintain for purposes of this section, the same date. That establishes the date and it holds that priority. Number (4) is a section that some question of whether it should be there and I am one of them. It does give some protection to the domestic well but it in no way addresses itself to the well. If it is replaced and again is not good down to a reasonable depth. That is the only objection I have to Section (4). I offer the whole amendment for discussion. I do have a problem with Section (4) and I think Senator Maresh does not want to speak on Section (4) and I understand there is an amendment to this entire package that would strike Section (4). I am informed that this will be coming before us, the Section (4) that