

March 13, 1979

LB 27

I have a little question and probably would support the proposed amendment to strike Section (4).

SPEAKER MARVEL: The following lights on, Senator Lamb, Senator Rumery, Senator Cullan, Senator Maresh and Senator Sieck. I will recognize Senator Lamb first.

SENATOR LAMB: Mr. President and members of the Legislature, a question of Senator Kremer, please.

SPEAKER MARVEL: Senator Kremer, do you yield?

SENATOR LAMB: Senator Kremer, my question has to do with the lines 8 through 12 on page 544. It indicates that the irrigation well was in use prior to the domestic well and the domestic well was not drilled or equipped at a reasonable depth. Then if you have a domestic well which was not drilled to or equipped at a reasonable depth but was prior to the irrigation well, then as I read it the domestic well would still have priority. Is that not true? Because the and is in there, it has to have both of those things.

SENATOR KREMER: I am inclined to think you are right. It does not address...

SENATOR LAMB: In other words, you could have a domestic well which was just barely in the aquifer but if it was drilled prior to the irrigation well, it would have preference even though it was drilled to a very shallow depth. I am questioning that part of it.

SENATOR KREMER: I guess what we are trying to do here, Senator Lamb, is protect the person who was there first and I think you are right. You know that domestic well is hanging in shallow water, he is going to be protected.

SENATOR LAMB: Would there not be cases that arrive where a domestic well was just barely in the aquifer and for some other reason the water table dropped just a slight amount because of drouth, then the irrigation well would be blamed for something that it was not really responsible for and since the domestic well was there first, then that would cause problems for the irrigator even though he was not really to blame because the very slight drop in the water table was due to some other factor.

SENATOR KREMER: Senator Lamb, I am aware of the problem that you have raised and I agree with you, however, I