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think what we are doing here is grandfathering in the domestic well that is there prior to the installation of the irrigator coming in.

SENATOR LAMB: Then it is your intention to give priority to that domestic well, however poorly constructed, merely because it was there before the irrigation well?

SENATOR KREMER: Well it would be a case by case determination. I think... I would like to repeat what I said, Senator Lamb, what we are doing in a lot of other issues. We are grandfathering in an existing condition. I don't like it but nevertheless that is the thing that we face today in many things. Some things are there by virtue of the fact they are ahead of something else and that is what has happened in this case.

SENATOR LAMB: I guess my point is that it is going to be very difficult to prove that the very slight drop in the water table which may make the domestic well useless, should be charged to the irrigator and I am wondering, would it be proper to substitute "or" instead of "and" in the line 9? Would that give sufficient protection to the domestic well?

SPEAKER MARVEL: You have one minute left.

SENATOR KREMER: Well, it would certainly do that but it would take away the priority established by being in use prior to and the installation of the irrigation well.

SPEAKER MARVEL: Senator Rumery.

SENATOR RUMERY: Mr. President, I would like to ask Senator Kremer a question if he would yield.

SPEAKER MARVEL: Senator Kremer.

SENATOR KREMER: Yes, I will.

SENATOR RUMERY: Would you review for us the priority use of water in Nebraska as provided in the constitution, please?

SENATOR KREMER: The constitution, Senator Rumery, addresses itself to surface water. The statutes, as far as priority are concerned, addresses itself to... priority of use as related to underground water as addressed in the statute is not in the constitution,