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as I understand it, and it is in this order. Domestic comes number one, agriculture number two and industry and manufacturing number three.

SENATOR RUMERY: That is the way I recall it also but have there not been court cases already in Nebraska where an irrigator...it is established in court that an irrigator had damaged a neighbor's domestic well and the courts decreed he must do one of two or three things. He must dig the neighbor's well deeper or quit using his own irrigation well. As I understand it there are court cases like that. Is this true in your understanding?

SENATOR KREMER: Yes, sir. This is true. There is only one court case that I know of and that is in the Madison area and it applied to an artesian condition where it could be definitely be proven who was responsible with the problem that the domestic user experienced because of the drilling of the well. Whenever there is an artesian condition, it is quite easy to identify who is responsible. When it is not artesian or pumping out of a basin, so to speak, it would be most difficult if not impossible to identify who is responsible.

SENATOR RUMERY: I was wondering here in the case of this proposal we have before us, even though the domestic well was put in after the irrigation well, do I understand he doesn't have these same rights that he would have if his well had been there first? I guess the thing that bothers me is that I don't think that we want to do anything to put the domestic well owner in jeopardy with his well on his place and I wondered if this was going to take care of it with what you propose here.

SENATOR KREMER: The sum total of what we are trying to do here is give some guidelines as to who is responsible for what and encourage a domestic user when he runs into a problem because of development of the use of water for irrigation purposes, we encourage him to drill his replacement well to a reasonable depth and that we can all get along in using the water that we have available to us but in attempting to answer Senator Lamb's question, I tried to establish the fact that it is just a procedure that we protect the person that is using this particular resource, in other words, grandfather in the existing users.

SENATOR RUMERY: Will this place the burden of the cost on the irrigator or on the owner of the domestic well?