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LB 27

Will the domestic well owner have to stand this expense himself?

SENATOR KREMER: Which expense are you talking about?

SENATOR RUMERY: Well, to drill his well deeper, for instance. Will he have to...?

SENATOR KREMER: Oh, yes, unless he has his day in court and the court says they can identify where his problem comes from. The court would have to say the person that caused the damage is going to have to lower his well, the same as in the case in the Madison area, would be my opinion.

SENATOR RUMERY: In other words, that would be just about like it is now then. Is that right?

SENATOR KREMER: I am saying that I think everyone will continue to have his day in court or try to get...

SPEAKER MARVEL: Thirty seconds.

SENATOR RUMERY: Thank you very much.

SPEAKER MARVEL: Senator Cullan, do you wish to be recognized?

SENATOR CULLAN: Mr. President, members of the Legislature, Senator Rumery, I am glad that you raised some debate concerning the preference and the beneficial uses of water and the priorities on the beneficial uses of water and that that discussion has been held. I think it must be clear that this bill does not affect the priority system as far as water is concerned. It simply is a set of instructions to the court as to where the liability should lie when disputes arise between different users but it should be very clear, and I think this has already been said but I think it is worth repeating, Senator Kremer, that this bill does not affect the priority system, that in times of shortage domestic use will still be the number one use and even though the wells may have to be deepened, human consumption and livestock will still have their priority over irrigation or recreation or industrial use. So I just thought it was very important to make that clear. Senator Sieck is going to propose an amendment to this bill striking Subsection (4) and I would just take this moment to say I support his amendment. I think that Subsection (4) is very poorly written and I think it will add a great deal of confusion and it is also in my mind, very unfair.