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LB 27

SENATOR MARESH: Yes, Mr. Speaker. I hope we reject the Sieck amendment because my amendment is coming with clarification that the replacement well has to be drilled to a reasonable depth. I would like to call your attention to the fact that there are paid lobbyists working for the irrigators but there is nobody representing the domestic wells except we, here in the Legislature so let's look out for the domestic wells right here. Thank you.

SPEAKER MARVEL: Senator Cullan, do you wish to be recognized? We are speaking to the Sieck amendment.

SENATOR CULLAN: Yes, Mr. President and members of the Legislature and Senator Kremer, in particular, Senator Kelly, I think that this issue is becoming somewhat confused and the language here in Section (4) and the purpose of this language needs to be reviewed. Senator Kelly talked about the timing and the time and the dates of these wells is important. Senator Kelly is assuming that in some fashion or another the appropriative system is being applied to groundwater and I don't understand that. Senator Kelly, I wonder if you would respond to that. Why is the timing important and what should the date of a well have to do with this particular piece of legislation? I don't understand your comments.

SPEAKER MARVEL: Do you yield, Senator Kelly?

SENATOR KELLY: Yes. Mr. Speaker, the answer that I would have in my mind is when you set the date for the replacement well as of the date of the abandoned well, "this can put it in ahead of the irrigation well and make the irrigation user pay for the replacement well." That is what makes the date important.

SENATOR CULLAN: But, Senator Kelly, if it is proven under the criteria already established in these particular amendments, if it proven that the irrigator has caused that damage he will pay for the well anyway. Why should he have to pay for a replacement well if it was not drilled deep enough when it was replaced? I don't understand that. Maybe I am not following you.

SENATOR KELLY: Forget this particular section. There is a domestic well in place and you put in an irrigation well and you take the water away from the domestic well, the irrigator is going to pay damage for the domestic well.