**1806 PROPERTY: DAMAGE TO A GROWING CROP**

Question asks what amount will reasonably compensate (plaintiff) for the damage to (his) (her) (type of crop).

Under normal conditions, a growing crop will mature and be sold for a certain price. When a growing crop is damaged, reasonable compensation to the owner is measured by the difference between the probable market value the original crop would have brought at maturity if it had not been damaged and the amount brought by the actual crop. From this difference, however, you should deduct the expenses the (plaintiff) saved by not having to cultivate, harvest, and market the damaged portion of the crop.

In determining the probable market value of (plaintiff's) original crop, you should consider the crop production figures on the land in other years and the average of these production figures. You may also consider the market value of undamaged (type of crop) from other fields in the same area in the year (plaintiff)'s crop was damaged.

In comparing the damage crop with crop projection figures in other years or crop production from other fields in the area in the same year, you may consider variations in weather conditions, variations in planting and cultivation methods, and any other factors which might affect production.

The determination of damages to growing crops cannot always be made with mathematical precision; you should award as damages, however, an amount which will fairly compensate (plaintiff) for the loss.