

Governor's Economic Summit: Future of the Ogallala Aquifer  
**Submitted General Comments**

**Category: Education, communication, cooperation\***

With the horrible drought going on in nearly every state South of Kansas and the stresses on all water it is apparent that there will be a greater burden on these resources. As population increases and global demand increases for grains, vegetables, and other cultivated crops we will need to find ways to use water more efficiently, without wasting it. For example watering when the plants do not need it. Seed selection, technology, education, testing, and other methods of progressive farming will need to be employed to ensure that demand can be met with limited resources. Farmers typically do not adjust to change. But in order to stay productive we all must change and adjust our management to what is ahead. Research is going on constantly by companies and universities, but how do we apply this? A possible solution is by having a more aggressive state extension office, state agriculture, and federal agriculture to look toward the future knowing that farming will be more difficult. Farmers are getting older and younger people are less interested than the generations before. We have to cultivate the minds of young persons in ag type activities and help more mature farmers to adjust to current conditions. I look forward to the future of farming and hope we all remain optimistic that God will bless our industry.

If more of the public would become aware of the role that playas (lagoons, buffalo wallows) play in the recharge of the Ogallala Aquifer I believe there would be a greater interest in setting these low indentations aside in either a Wetland Reserve Program (WRP) or a Continuous Conservation Reserve Program (CCRP).

Covering the western half of Kansas I make landowners/producers aware there are funds available from USDA/NRCS/FSA in setting aside the 20,000 plus playas in western Kansas which would help the recharge of the aquifer and at the same time create an income that could reduce their input costs.

Protection of the Ogallala Aquifer has been a passion of mine. Without water for crops, industry and for the inhabitants of western Kansas we will become a desert and the economy of the state would suffer. We feed the world out of our breadbasket and without the aquifer many would go hungry

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**Category: Enforcement of laws, regulations, or enforcement activities and needs \***

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**Category: Intensive Groundwater Control Act comments\***

**Uncertainty in the current IGUCA process.** Currently there is too much uncertainty for the regulated stakeholders to be seriously interested in using this tool. Need to consider amending the current process to appropriately allow more local direction of IGUCA corrective control provisions. We'd suggest amending current IGUCA statutes and regs to provide for a more locally designed and controlled process - only for proactive IGUCA requests within GMDs that have been developed and are consistent with current law and GMD management plans. By authorizing the local GMD to submit a complete management proposal along with their IGUCA request that becomes the focus of the IGUCA hearing and designation process, and, requiring a post-hearing chief engineer determination of the proposal's consistency with current law and the GMD management program, and, finally a decision to either adopt it entirely, reject it and stop the local IGUCA request process, or return it for amendments that will make it consistent, the locals are assured of not getting what they don't want. Additionally, the public's due process is retained, all the current elements of an IGUCA remain intact, and an important check and balance is retained by the chief engineer. We feel that this singular and focused change to the current IGUCA process would be beneficial.

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**Category: Law, legal needs, review of current law, etc \***

a) Farm Bill. The federal Farm Bill can affect both resource use and economic returns. We suggest changes in the 2012 Farm Bill that promote water conservation, AND simultaneously do not negatively affect economic conditions. The concept is a Farm Bill that provides cost-neutral crop subsidies for reduced water consumptive cropping choices - in specially managed areas - for water savings without any economic reduction. The specially managed areas would include at least IGUCAs and areas that have been litigated and are under restrictions – either interstate or intrastate. In all cases, the areas must be formally closed to new appropriations and must have a management goal of reducing water use. b) AWEP. AWEP is another program affecting water use and economic returns. We suggest this program be amended to allow permanent partial water right retirements/set asides in order to allow the least efficient water use to be enrolled from participants. This will allow participants to maximize their application efficiencies from their remaining water use resulting in reduced consumptive water use with the least economic impacts. We suggest the State Water Plan Fund and appropriate state agency budgets are enhanced with special emphasis on western Kansas and particularly the High Plains Aquifer. Suggested support efforts could include:

- a) Grants to existing water conservation Foundations for permanent reductions of consumptive water use with resulting economic considerations;
- b) Enhanced groundwater monitoring that will support conservation efforts - i.e. a monitoring well array for designated high priority areas based on the cooperative Index Well Study Program;
- c) Hydrologic studies for public consumption of all designated high priority areas as a pre-requisite for public discussion of enhanced management;
- d) A limited irrigation demonstration in designated high priority areas showing how to obtain the most economically efficient water use under a limited irrigation regulatory program using the latest irrigation technology - such as soil moisture probes linked to irrigation scheduling software and remote irrigation system operations.

The group I was listening in on agreed that they were 100% against the EPA proposal for everything that is not navigable. They felt the State has everything covered that needs to be. Also they were very concerned about the depletion of the aquifer and were will to make it a pay as you use deal. In other words, if a tax was put upon the water use, they would use less and they could live with that.

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**Category: Limits or limiting use\***

Watching the Missouri River flooding this year, yet again, made me wonder why the Corps of Engineer hasn't developed flood control reservoirs downstream to contain the runoff and prevent flooding of homes and farms downstream?

A series of reservoirs to contain 500 year flood waters would reserve the water for later use by municipalities and farmers in all the downstream states and prevent flooding from destroying lives and homes.

Another use for the reservoirs could be to recharge the Oglala Aquifer system. That would require canals to channel the water to Central Kansas to recharge the aquifer, but given the series of droughts we've had this past decade, I think it would be key to assure our nation's food supply should the droughts continue to worsen. Having lived in Arizona, I've seen it is certainly possible to create such a canal system.

I hope these thoughts are useful to you on both issues.

I am a fourth generation Haskell county resident who has used the aquifer in our operations for nearly 60 years. After attending the meeting in Colby, I feel the producers did not present any ideas to help with extending the life of the aquifer, other than the gentleman in the opening session that suggested a user fee for the aquifer. I support this idea with the following criteria: assuming a 24 acre inch allotment, users would be able to use 14 acre inches with no user fees applied, any of the 10 remaining acre inches...up to the 24...would cost them a dollar per acre inch in user fees. We must apply this on actual use based on the last 5 year history...not on a 25 year history of what is allotted to the well. This revenue stream would begin to generate funds for the state to purchase water rights from land owners.

- Apply corrective measures to the entire districts, not just HPA areas. It needs to involve all water right holders. The declines need to be addressed on the large scale, and it also takes away the boundary problems with a high priority area. Currently, the guy whose well is just outside a high priority area benefits from the reductions made on the wells inside the HPA. (Mike has more wells outside of SH-4 than within, so he isn't saying this just to minimize his personal impact.
- He is supportive of a % cut across the board (such as 10% cut).
- Priority of a water right should be a factor in the reductions, at least to an extent.
- The State needs to take a role in over-seeing the reductions and providing decisions.
- Reduce waste by many producers – many situations with those that pump continuously for many months, those that use end guns (or improvised center pivots to water the corners)
- Have all water users participate; just because one type of use has higher revenue returns (ex: a feedlot), don't exempt them from making the same concessions irrigators must make.

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**Category: Other\***

Feed lots in Kansas or perhaps in other areas do the same thing...continuously run water in their stock tanks to water cattle in the winter time to keep them from freezing. Feedlots should be required to install float valves with shutoffs to keep water from running continuously and also install stock tank heaters; whether they are electric or gas fired.

The feedlot consumption of water is horrendous. To my understanding Scott County, Kansas has the largest number of feedlots in Kansas and we should start here.

I want to be sure that a concern I have and have heard from others is included in the conversation regarding the future of the Ogallala Aquifer. After listening to everyone voice opinions and facts about our water supply, it struck me that there is an important piece of this topic we aren't talking about.

That missing piece is, "Where do we look for, and how can we develop, clean water supplies, other than the aquifer, to support the future of western Kansas?"

I come from a state that has had to deal with dwindling water supplies. The eventual resolution was to build a huge aqueduct that runs the length of the state to deliver vital water supplies to cities and farms on the other end. It was a very expensive and highly controversial project, but it got done. The point is, we'll never resolve the issue if we don't take some risk...political and otherwise.

There's going to be resistance, even out right anger, but by staying the course and standing in the face of traditional resistance to change, we can be successful.

The other state I refer to is California. We spent billions of dollars building the aqueduct that carries water from the northern region to the south. Water that was necessary to support all the development that followed its construction. It took guts and toughness. We're just as capable here in Kansas too.

We're not talking about being thirsty, we're talking about life or death for our region and ultimately for our state. Without an adequate water supply to support growth, Kansas as a part of this nation will be marginalized to the point of vanishing from the national discourse.

Water in adequate supply isn't just another issue; it is the most important domestic issue we face. No water - no recruitment. No recruitment - no workforce. No workforce - no recruitment, etc. Nothing is left except the continuing decline of our state.

The multiple millions of taxpayer dollars we are planning to spend to recruit people and businesses will be lost without addressing the question, "where will the water come from?"

The future of the Ogallala Aquifer, indeed our whole water supply, isn't just important...it is primary to any future we may have.

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When I asked Brownie where the recharge of the aquifer came from, he said stream banks, eluded to sand hills, and other impoundments. I think we need to increase the number of retention dams in the western part of the state. Now many locals will say that there is not enough runoff to make it worthwhile. I disagree with this because while in the day to day year to year precipitation this may be true we have rain events that could make this practical. I will use the Kirwin reservoir as an example. In the last 30 years the Kirwin reservoir and its irrigation district were denied water two or three years because the reservoir was almost dry. Then a 12 inch downpour south west of Phillipsburg filled it in about 10days. This occurred a couple of times and this year I was told they released water over the spillway again. The main rain events have happened every 10 years or so. I feel the state needs to offer to assist farmers and ranchers with the building of dams to impound more water that happens to fall sporadically. Here in Mitchell county a couple of years ago we had 17inches in a small area of the county. While in attendance at the Summit eating lunch, another attendee made mention of a 16 inch event at Kinsley a couple years ago. According to the Soil Tilth Lab at Des Moines, IA. global warming will make these types of violent storms more prevalent. I feel runoff water is a wasted Kansas resource. The rough lower quality land is where these would be placed. Other than the expense of construction we really have nothing to lose and potential for more aquifer recharge. After attending the meeting in Colby, it became abundantly clear that our only hope for Western Kansas is a big canal project from Fort Peck, Montana on the Missouri river all the way to the panhandle of Texas. I had no idea that 80% of the water rights need to be shut off to maintain status quo. This is a catastrophic issue!!!!!! This will not allow economic incentives to work because 20 can't buy out 80. I hope that you will put a task force together to discover the feasibility of such project.

I understand that you are hosting a summit on the aquifer. I have an idea that might be of use. The aquifer is charged in east Nebraska, close to the Missouri River. Depending on elevation, channel water from the River to a Reservoir built over the charging spots. I understand that the recharging process takes a long time, but with today's technology, I think we could speed up the process, with drilling and filtration. The cost can be spread around between the states that benefit from the project. The good thing about this is that we are using water that otherwise would be lost to the Mississippi and then the Gulf of Mexico.

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Robert Meistrell  
Technology in Society  
Dr. Robert Howell  
25 July 2011

A Perspective on the Ogallala Aquifer in Kansas

I grew up in a small town located in North Central Kansas. We didn't worry about water. There was a swimming pool and watering the yard, washing the car seemed like there was an endless supply of water to our community. In my mid-twenties, I decided to move onto the family farm south of town. Our land is at the Eastern edge of the Ogallala Aquifer in Rooks County. The aquifer on my land is fairly shallow and comes to the surface in spring's part of the year. A rude awakening followed moving to the farm when I discovered the aquifer had been contaminated by leaking oil wells in the area. At great expense, a 3000 gal. cistern was constructed. For the next four and one half years I hauled all the water our family used for drinking, washing clothes, taking baths, etc. The aquifer was unsuitable for watering livestock or yards so we planted Buffalo grass and did not raise livestock. Eventually, we joined a rural water district that had drilled wells into the Ogallala Aquifer west of us about twenty miles. That solved our household needs and after a few years the aquifer cleared up enough to water livestock and the yard.

An article in *The American Well Owner* gives a short history of The Ogallala Aquifer; "it is the largest aquifer in the United States and one of the largest aquifers in the world. It is referred to as the High Plains Aquifer in most technical reports because it underlies portions of eight states in America's central "high" plains (predominantly Nebraska and Kansas), encompassing an area of about 174,050 square miles. As with most aquifers it receives recharge [new] water primarily through infiltration of rain and snow melt from the surface". The article goes on to say "The Ogallala formation is the main rock unit of the High Plains Aquifer and is named after the town of Ogallala in southwestern Nebraska where the rock is exposed at the surface" (American Well). I am at the East boundary of the Ogallala rock formation in Rooks County where the exposed rock is in the bluffs above my farm.

As I am directly affected by the Ogallala Aquifer, issues concerning it peak my interest immediately. One local current event and a section from our text in Contemporary Technology caught my attention. The headline from the Hays Daily News read "Time for water law change is now" (Hays Daily). "The time to change state law to secure the future of the Ogallala Aquifer is now", Gov. Sam Brownback told water planners and a smattering of irrigators Thursday at the governor's summit on water held in Colby (Hays Daily). According to the article, reapportionment will shift legislative seats east, away from direct representation of landowners above the Ogallala Aquifer. Many attending stated that "water rights are property rights" (Hays Daily). This statement brought up the question, "was this an assumed right or something passed by the legislature"?

In 1957 the Kansas legislature amended the 1945 Water Appropriation Act to state expressly that water rights are "real property right[s]" (Peck). In John Peck's article "Protecting the Ogallala Aquifer in Kansas from Depletion", he further states; "The Division of Water Resources (DWR) granted numerous irrigation permits during the 50s and 60s, despite the Act's express protection against granting new permits that would impair existing water rights or adversely affect the public interest. Legislative concern in the late 60s led to the enactment of the 1972 Groundwater Management District (GMD) Act. The three GMDs in Western Kansas adopted regulations that attempted to control the rate of aquifer depletion, but these regulations did not affect then-existing water (Peck).



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In Chapter nine of Contemporary Technology (Environmental Issues) under water management, the statement "The history of water management shows that, each time a water source is diverted or altered, there are unintended consequences", prompted even more questions about the Ogallala Aquifer.

Beginning in the early 1940's and increasingly after the end of World War II, high discharge gas-powered center-pivot turbine pumps were employed in many areas over the Ogallala aquifer for agricultural irrigation purposes. These large capacity pumps have withdrawn water at a rate that significantly exceeds the recharge back to the Ogallala aquifer. The average annual fall in the water table of the aquifer between 1980 and 1999 according to the USGS was 3.2 feet (American Well). According to the Kansas Department of agriculture, the Ogallala Aquifer water table has declined more than 50 ft. west of Dodge City and 5-20ft. west of my land in the ten years from 1999-2009 (KSDA).

I have come to the conclusion that strong political influences from Western Kansas have dominated policies made by the Division of Water Resources (DWR) in the Groundwater Management District (GMD). At the governor's summit on water held in Colby, most attendees were directly affected economically by the Ogallala Aquifer. The governor's statement to them seemed more politically motivated than addressing the issue. "This discussion about the Ogallala Aquifer is key to the economic future of our state," Gov. Brownback said. "Without Ogallala water, agriculture and all of its related businesses could not be sustained, manufacturing could not continue, recreational opportunities would diminish and the towns in the area would cease to exist" (Infozone). I completely disagree with the governor and no doubt, his was a political statement much the same as Washington politicians are telling us about raising the debt limit. Irrigators have abused this natural resource for the past 70 years with the attitude of it being an "endless" supply of water. These irrigators feel it is their "right" to use the Ogallala Aquifer to their benefit no matter the consequences. The DWR has had a policy in the past of "use it or lose it". This attitude has to change. Western Kansas must go back to growing crops that are not water dependent. We must pass legislation that requires no more water is withdrawn from the Ogallala Aquifer than is replenished yearly.

A common sense approach was made by Kansas Secretary of Agriculture Dale Rodman. He stated: "Managing the Ogallala Aquifer in a way that both benefits agriculture today and sustains the valuable water resource for future generations is crucial to the success of the state" (Infozone).

I rely on the Ogallala Aquifer to sustain my family and my farm. I am affected every day by those that abuse this aquifer. We, as Kansans, must work together to preserve this essential natural resource.

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Submitted General Comments

**JOHN T. SMITH**

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Tuesday, July 12, 2011

Gov. Sam Brownback  
State Capitol  
300 SW 10th Ave., Ste. 241S  
Topeka, KS 66612-1590

Dear Gov. Sam,


I noted with some interest a column in the July 11 *Hutchinson News* regarding the Ogallala Aquifer (copy enc). And an economic development summit on the aquifer you will be holding July 21 in Colby. While being unable to attend that meeting, I would like to share a few thoughts regarding the water issue.

First, let me say I share the concerns of many in the need for prudent and conservative use of water. The old cliché is apropos – it's the lifeblood of western Kansas.

Second, and on a larger scope, I support the efforts to pursue the abuse, by Colorado and Nebraska in particular, and the enforcement of the interstate water use pacts which impact our rivers and recharge.

Maybe more importantly, however, it is my belief that **the underlying Kansas water policy of "use it or lose it" is contrary and counterproductive to a conservative and conservation approach to ground water use.** It may have been "right" for the times of its adoption 50-70 years ago but I do not believe it is right for now. From my personal experience in trying to grow and develop southwestern Kansas, the statutory or regulatory requirement to force drilling and pumping prematurely just to retain a water right is counter to conserving water, as well as financial resources, until needed. But for pending court determinations it is likely certain residential and business opportunities and attractions I have been involved with in recent years in southwest Kansas might be lost because of the application of the "use it or lose it" policy, negatively effecting the area economy. I think this policy needs to be reconsidered.

Sincerely,



John T Smith

Enc

# Ogallala Aquifer's ace in the hole

On July 21, Gov. Sam Brownback will conduct an economic development summit in Colby on the future of the Ogallala Aquifer:

The Ogallala is one of the world's largest underground reservoirs of fresh water, stretching from South Dakota to Texas. It is an important engine of economic development in the western one third of Kansas.

Despite this region's low precipitation levels, irrigation from the Ogallala allows farmers to raise water-intensive and profitable crops such as corn, soybeans and alfalfa. In addition to irrigation, the presence of the aquifer has spurred the development of the meat processing industry around Dodge City, Garden City and Liberal, enabling this part of the state to grow in population when other rural areas have experienced declines.

The main problem is that irrigation from the Ogallala surpasses its capacity for recharge. For about one-third to one-half of aquifer's boundaries in Kansas, a tipping point is at hand. Within the next decade, if not sooner, irrigators no longer will be able to pump enough water consistently to fully irrigate their corn and soybeans fields.

Economists refer to the aquifer as a common pool resource. Common pool resources are prone to exploitation because the action of a single individual has little impact on the availability of the resource for themselves or others.

*Insight Kansas*



**Joseph Aistrup**

Thus, irrigators, acting alone, do not have strong incentives to conserve the aquifer's water, especially if they see their neighbors doing little to contribute to this goal.

Unfortunately, Kansas water laws only reinforce these incentives against conservation. They require irrigators to use their water rights or lose them.

Economists note that collective action by nearly all users of a common pool resource like the Ogallala is the key to any effective policy change aimed toward sustainability. Collective action in western Kansas, however, sounds like big government, a less-than-popular alternative.

Brownback deserves much credit for taking on this difficult issue. Even though we have known for years that the Ogallala is threatened, no governor to date has taken a notable leadership role to begin the process of moving beyond the status quo.

Moreover, Brownback, in comparison to his predecessors, has credibility with the Ogallala's stakeholders. He was the Kansas

secretary of agriculture in the late 1980s. At that time, the Kansas Water Office was in the Department of Agriculture.

Finally, Brownback understands the political culture of irrigators and other Ogallala stakeholders. They will not cotton to a solution that is imposed from on high. Thus, the summit in Colby will feature a roundtable of stakeholders discussing the future of the aquifer, the role of each individual in shaping this future, and what the state can do to help.

Of all the issues Brownback faces, this may be the toughest to address. Finding a set of policy solutions that will lead to the aquifer's long-term sustainability has been and will continue to be elusive because it requires collective action that changes the status quo. But if anyone can pull it off, it may be Brownback. He has the credentials and respect of these stakeholders. They may be willing to change for Brownback in ways that they never would consider otherwise.

If successful, the long-term economic vitality of this rural region of Kansas would be given a much-needed boost. This would create a legacy for rural economic development that Brownback would rightfully be proud to claim.

*Joseph A. Aistrup is a professor of political science at Kansas State University and is co-principal investigator of a National Science Foundation grant studying the Ogallala Aquifer.*

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**Submitted General Comments**

August 11<sup>th</sup>, 2011

Dear Governor Brownback,

On July 23<sup>rd</sup>, 2011, in the Garden City Telegram, you asked for ideas for the Ogallala Aquifer Conservation Reform.

I was born and raised in Western Kansas and have been a Kansas resident all of my life. I have been involved in water issues since 1945 in Western Kansas. In 1945, the Arkansas River had water flowing year round. Many Kansas residents and Kansas legislators are not aware of this fact. However, Colorado started to dam the Arkansas River with the intent to use the extra water flow. After Colorado dammed the Arkansas River, the Kansas economy lost billions due to the loss of water. As a result, Kansas and Colorado began to feud over water issues. The Arkansas River Compact was formed to help solve problems between the two states including water issues.

As time went on, Colorado would not cooperate with Kansas and continued to restrict the water flow to Kansas. At that time, Kansas didn't have enough money to file a lawsuit against Colorado to help solve the water issues. An Arkansas River Compact member from Kansas by the name of Carl Bentrup was also member of the Associated Ditches. He asked the members from the Associated Ditches to get involved to help the lawsuit. The Associated Ditches members contributed personally and gathered enough money to hire attorneys to file the lawsuit. I am a member for the Associated Ditches and also a member of the Arkansas River Litigation Advisory Committee. Over the years, we have fought to bring water back to Kansas.

We are again about to lose a share of our water through Sunflower Power Cooperative. I attended 2 public meetings with Sunflower Power Cooperative. During the public meetings, Sunflower Power Cooperative has denied and refused to make comments on water issues. It would appear that they are trying to hide facts from the public. It is a known fact that the Sunflower Power Cooperative draws moisture from the earth to create moisture needed in the Sunflower Plant. On average, a rural farmer uses water 120 to 150 days a year. Sunflower Power Cooperative draws water 365 days a year. The amount of moisture used by Sunflower Power Cooperative will almost triple with the new expansion plant.

I will not deny that this expansion plant would boost the economy for a short time, but Kansas does not have the extra moisture to share. I hope that we as Kansans wake up in time to help preserve Kansas. I would enjoy the opportunity to discuss this issue with you further. If this is a possibility please contact me by mail. Thank you for your time.

Sincerely,



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