

March 14, 2023, Hearing,
Kansas Senate Agriculture and Natural Resources Committee

Proponent Testimony of David L. Pope on HB 2279, as amended by House
Committee

Mr. Chairman and members of the committee,

My name is David L. Pope. Thank you for the opportunity to offer testimony in support of passing House Bill 2279, as amended by the House. I believe this legislation is important and necessary to deal with the groundwater depletion in the High Plains Aquifer system managed primarily by the Groundwater Management Districts (GMDs) in Kansas.

I served as Chief Engineer, Division of Water Resources, Kansas Department of Agriculture from 1983 to 2007. At the end of my testimony is a summary of my 50 years of water related work experience in Kansas prior to my retirement, especially as it related to the Water Appropriation issue, including my service as the first Manager of the Southwest Kansas Groundwater Management District No. 3 (GMD#3) during the period 1976 to 1978.

I believe HB 2279 provides a necessary and an important process to deal with the management of the High Plains Aquifer, and especially the ongoing depletion of the Ogallala portion of the Aquifer in Western Kansas. I believe the provisions of Section 2 are appropriate and especially important, including the requirements of each Groundwater Management District to identify priority areas of concern in its district, along with setting reasonable boundaries for them based on the criteria outlined in the bill using data from the Kansas Geological Survey or other approved sources. The required educational and outreach process, and especially the development of an action plan to reasonably address the identified concerns in each area are important and necessary steps, as is the review and approval of the action plan to be submitted to the Chief Engineer on the defined schedule, as well as the authority to act if a GMD fails to do so.

Hopefully, with oversight of the Chief Engineer, these GMD action plans will be effective in substantially reducing the rate of depletion. I appreciate and recognize the progress being made by the Northwest Kansas GMD#4 through establishment

of Local Enhanced Management Areas (LEMAs), and by the existing and proposed LEMAs in the Western Kansas GMD#1.

In summary, I support HB 2279, as amended by the House Committee. There have been several past attempts to address this issue, and it is now more important than ever given the extent of the on-going depletion to deal with this issue as outlined in the bill. I recall various discussions over the years during my time as Chief Engineer with the GMDs, where they were urged to take more action to deal with the ongoing depletion. Some of that has now occurred, but more needs to be done, especially in GMD#3.

David Pope Experience: Prior to my full retirement in 2020, I spent over 50 years working as a Licensed Professional Engineer in Water Resources Engineering and Water Administration positions. I was an Extension Irrigation Engineer with the KSU Cooperative Extension Service between 1971-1976 in Manhattan and Garden City, with emphasis on educational programs related to the conservation and management of water. I then served as the first Manager of the GMD#3 between 1976-78. In addition to establishing an office, well location maps and records, policies were adopted in the first Management Plan to essentially double the spacing for new non-domestic wells and existing wells. By 1978, a Revised Management Plan was adopted that established an Allowable Appropriations system that effectively closed about 2/3rds of the district to new permits. A few years later essentially the whole district was closed by regulation to new appropriation of water for non-domestic uses.

In 1978, I began working for the Kansas Department of Agriculture, Division of Water Resources as Assistant Chief Engineer, and then served as Chief Engineer-Director between 1983 and 2007. I administered laws for water appropriation, water structures and interstate water issues, including four Compacts with other states. Two of these required extensive litigation before the U.S. Supreme Court, with lengthy trials before a Special Master, where I testified numerous times. While these cases consumed a lot of my time, they were extremely important in the protection of the Kansas Compact entitlement to water from upstream States for these interstate streams. I worked my last 13 years before full retirement as a consulting engineer in the water management field, including 4 years as Executive Director of the Missouri River Association of States and Tribes, and then part time for a several other clients mostly in Kansas.

Regarding Water Appropriation issues, while I was Chief Engineer many areas in Kansas were fully appropriated and closed to new appropriations of water in the 1980's, including many stream and alluvial valleys in central and western Kansas outside of the Groundwater Management Districts. A comprehensive set of Rules and Regulations was adopted over a period of several years. These included safe yield criteria for all aquifer systems outside the GMDs, including consideration of impacts to streams and rivers. During my time as Chief Engineer, eight Intensive Groundwater Use Control Areas (IGUCAs) were established. We also implemented and enforced Minimum Desirable Streamflow's developed in the 1980's pursuant to legislative enactment. A more comprehensive water use monitoring system was established and mandatory water meters were required in the state, and in cooperation with the GMDs. I worked with each of the GMDs to promulgate recommended rules and regulations to implement the policies of the district.

Of the eight IGUCAs established during my time working with the State of Kansas, all of these except one, the Arkansas River IGUCA, are outside of the three western GMDs and the Ogallala Aquifer.