

STATE OF KANSAS



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KANSAS WATER OFFICE

Al LeDoux
Director

Bill Graves, Governor

July 30, 2002

The Honorable Sam Brownback
303 Hart Senate Office Building
United States Senate
Washington, DC 20510-0001

Dear Senator Brownback:

Thank you for sponsoring S. 2773, the "High Plains Aquifer Hydrogeologic Characterization, Mapping, Modeling and Monitoring Act." As you know, the Kansas Water Authority endorsed this effort as one component of a comprehensive program to extend and conserve the life of the High Plains aquifer.

The Western States Water Council met in Bismarck, North Dakota on July 26, 2002, and adopted a position on S. 2773. The Kansas Water Office supports the Western States Water Council recommendations to modify the funding in section 3 (b) to be 75% for the state component and 25% for the federal component.

The Kansas Water Office wholeheartedly supports this bill. We also want to reiterate our interest in additional legislation to address voluntary incentive based programs, education assistance and research on improving agricultural production in water short areas. We are ready to assist in whatever manner necessary to proceed on these other components. We will continue to defer to your leadership in deciding the best approach to address the High Plains situation with future legislation.

The Kansas Water Authority has previously adopted the "Mayo Committee" report as the basis for a comprehensive federal-state-local program to extend the life of the High Plains aquifer. The Kansas Water Authority endorsed the effort by the Western States Water Council to craft proposed legislation to implement the "Mayo Committee" report recommendations. Attached is the proposed legislation that contains these recommendations. I believe that this additional legislation, in conjunction with S. 2773, is critical to the comprehensive program necessary for the long-term viability of the High Plains aquifer.

Thank you again for sponsorship of S. 2773 and I look forward to continuing to work with you toward comprehensive management of the High Plains aquifer in Kansas.

Respectfully,

A handwritten signature in black ink, appearing to read "Al LeDoux".

Al LeDoux, Director
Kansas Water Office

AL:MAF:dl
Attachment

cc: Governor Bill Graves
Kansas Water Authority /A
Tony Willardson, Western States Water Council

A BILL

To further continued economic viability in the communities on the High Plains by promoting sustainable ground-water management of the Ogallala Aquifer.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Plains Aquifer Conservation and Environmental Preservation Act."

SEC. 2. FINDINGS; PURPOSE; POLICIES

(a) FINDINGS -- Congress finds the following:

(1) A reliable source of groundwater is an essential element of the economy of the communities on the High Plains.

(2) The High Plains Aquifer consists largely of the Ogallala Aquifer with small components of other geologic units.

(3) The High Plains Aquifer experienced a dramatic decline in water table levels in the latter half of the 20th century.

(4) The decline in water table levels is especially pronounced in the Southern Ogallala Aquifer, with areas in the states of Kansas, New Mexico, Oklahoma, and Texas experiencing declines of over 100 feet in that from 1950 to 1997;

(5) The saturated thickness of the High Plains Aquifer has declined by over 50 percent in some areas, the percentage of the High Plains Aquifer which has a saturated thickness of 100 feet or more declined from 54 percent to 51 percent in the period from 1980 to 1997.

(6) The decreased water levels in the High Plains Aquifer coupled with higher

pumping lift costs raise concerns about the long-term sustainability of irrigated agriculture in the High Plains.

(7) Hydrological modeling at the United State Geological Survey indicates that in the context of sustained high groundwater use in the surrounding region, that reductions in groundwater pumping at the single farm level or at a very local level of up to 100 square miles, have a very time limited impact on conserving the level of the local water table, thus creating a disincentive for individual water users to invest in water conservation measures.

(8) Incentives must be created for conservation of groundwater on a regional scale, in order to achieve an agricultural economy on the High Plains that is sustainable.

(9) Federal, State, tribal, and local water policy makers, and individual groundwater users must have access to reliable information concerning aquifer recharge rates, extraction rates, and water table levels at the local and regional levels on an ongoing basis for water conservation incentives to be effective.

(b) PURPOSE. - - The purpose of this Act is to promote groundwater conservation on the High Plains in order to extend the usable life of the Ogallala Aquifer.

(c) GENERAL POLICIES. - - For purpose of carrying out this Act, the following general policies shall be considered:

(1) States are to maintain primary jurisdiction over the allocation, priority and use of water resources in each State.

(2) Conserving the High Plains Aquifer will require commitments and action at the national, State, local, and individual levels.

(3) Federal assistance should support State mechanisms for solutions and enhance voluntary incentive based programs.

(4) States should identify priority High Plains Aquifer decline areas and wetlands and streams dependent on aquifer baseflow. Programs funded by this act should target funds to these priority areas.

(5) Water conservation programs funded by this Act shall result in reduced depletion of the High Plains Aquifer.

(6) Irrigation is energy intensive. Rising energy costs coupled with low-commodity prices will be a deciding factor for many farmers in ceasing irrigation. Assistance for producer education and planning is needed to transition from water intensive agriculture.

(7) The consequence of reduced irrigation will have a direct economic impact on secondary and tertiary businesses. Economic development assistance for communities is needed prior to the reduction of irrigation in the region.

SEC. 3. DEFINITIONS.

For the purpose of this Act:

(1) HIGH PLAINS AQUIFER. - - The term "High Plains Aquifer" is the groundwater reserve depicted as Figure 1 in the United States Geological Survey Professional Paper 1400-B, titled Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

(2) HIGH PLAINS. - - The term "High Plains" refers to the approximately 174,000 square miles of land surface overlying the High Plains Aquifer in the States of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas and Wyoming.

(3) WATER CONSERVATION MEASURES. - - The term "water conservation measures" includes measures which enhance the groundwater recharge rate of a given piece of land, or which increase water use efficiencies.

SEC. 4. WATER CONSERVATION ASSISTANCE

The Secretary of Agriculture shall allocate funds to each High Plains State under a Federal block grant program to the High Plains States for the States to pay producers for voluntary reduction in water use in accordance with the general principles of this Act as described in Section 2(c).

SEC. 5. RESEARCH

The Secretary of Agriculture shall provide financial assistance to land grant universities in the high plains states to enhance research and extension education in water conservation, increasing economic value of agricultural output per unit of water, and crops suitable for low water farming in accordance with the general principles of this Act as described in Section

2(c). A portion of water conservation research funds are to be made available on a competitive basis to any university or research organization within the high plains states.

SEC. 6. EDUCATION.

The Secretary of Agriculture shall provide financial assistance to the High Plains States to provide educational programs in accordance with the general principles of this Act as described in Section 2(c). The States shall to the extent practical cooperate with private conservation education organizations that provide non-bias conservation education programs in the High Plains States in the administration of these programs. Cooperative multi-state efforts are also encouraged. Education activities shall include but not be limited to include the following:

(1) Water conservation workshops for producers, crop consultants, and agricultural groups throughout the High Plains region. Workshops may encourage decreases in irrigation levels by educating producers that maximum yield does not equal maximum profit. Provide guidelines for maximum profit level of irrigation.

(2) Training and periodic update workshops for individuals responsible for administering water conservation programs.

(3) Public education and High Plains Aquifer information for learners of all ages to increase public awareness and understanding of the High Plains Aquifer. Educational efforts should also be targeted for State and local decision makers to allow more informed decisions, and to increase public understanding and input into those decisions.

SEC. 7. REPORT ON IMPACT OF COMMODITY PROGRAM

The Secretary of Agriculture shall prepare a report regarding the impacts of the commodity programs administered by the U.S. Department of Agriculture on the water resources of the High Plains Aquifer. In particular, the report shall address the economic incentives and disincentives, if any, created by those programs with respect to the willingness of producers in High Plains Aquifer decline areas to modify cropping patterns to change from

high water intensive crops to a low water intensive crops through low volume irrigation or dryland production. The report shall address and make recommendations regarding opportunities through modifications to the commodity programs to encourage producers to conserve the groundwater resources of the High Plains Aquifer. The report shall be submitted to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Resources of the House of Representatives and the Governor of each High Plains State no later than two years after the date of the enactment of this Act.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$200,000,000 for fiscal years 2004 through 2013 to carry out the purposes of this Act. Of that total amount - -

(1) there are authorized to be appropriated \$16,000,000 for each such fiscal year for States for water conservation assistance under Section 4 of this Act;

(2) there are authorized to be appropriated \$1,000,000 for each such fiscal year for states for research programs under Section 5 of this Act;

(3) there are authorized to be appropriated \$3,000,000 for each such fiscal year for States for education programs under Section 6 of this Act.