

February 9, 2023, Hearing,
Kansas Legislature, House Water Committee

Written Testimony of David L. Pope

Mr. Chairman and members of the committee,

My name is David L. Pope. Thank you for the opportunity to offer written comments in support of House Bill 2279. At the end of my testimony is a summary of my water related work experience in Kansas.

I believe HB 2279 is a necessary and an important step in the right direction. I suggest the bill be amended to limit its provisions to the Ogallala portion of the High Plains Aquifer, where the depletion problem is most acute, which would correspond to Groundwater Management Districts 1, 3 and 4, as the conditions are very different for GMD's 2 and 5. I recommend the bill target areas with 50 years or less of estimated usable life of the aquifer. I also believe that time is of the essence and that the Groundwater Management Districts (GMD) should be required to identify "priority" areas of concern that are in most need of action first, based on hydrological information to be supplied by the Kansas Geological Survey (KGS). The KGS information should include information such as its estimated usable lifetime maps and related information. This should allow each GMD to identify areas of concern, and set boundaries of these areas by July 1, 2024, as set forth in the bill, and hopefully "priority" areas sooner.

I support the bill's provisions in Section 2(b)(2) requiring each GMD to conduct an educational and outreach program in each area, and develop Action Plans to address identified concerns. Action Plans can then be submitted to the Chief Engineer by July 1, 2026, although it may be better to require a portion of these to be submitted sooner, by July 1, 2025. These action plans should be required to be effective in substantially reducing the rate of depletion. I appreciate and recognize the progress being made in Northwest GMD #4 through establishment of Local Enhanced Management Areas (LEMA), and the current activity underway to develop LEMA's in Western Kansas GMD #1.

By way of comparison regarding Water Appropriation issues, while I was Chief Engineer beginning in the 1980's, many areas in Kansas were closed to new appropriations of water, 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 GMD's, which also accounted for impacts to streams and rivers. During my time with KDA-DWR, eight Intensive Groundwater Use Control Areas (IGUCA's) were established. DWR-KDA also implemented and enforced Minimum Desirable Streamflow's in the mid 1980's pursuant to legislative enactment.

In summary, I support HB 2279, especially with potential amendments to address the issues identified.

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, regarding conservation and management of water. I then served as the first Manager of the Southwest Kansas Groundwater Management District between 1976-78. In addition to establishing an office, well location maps and records, policies were adopted to essentially double the spacing between new large capacity wells. By 1978, an Allowable Appropriations system was established

that effectively closed about 2/3rds of the district to new permits. 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. I worked my last 15 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.