Rex Buchanan: Good morning. I'm Rex Buchanan, the former director of the Kansas Geological Survey. The date is September 3, 2020. I'm at my home in Lawrence, Kansas, interviewing former representative Carl Holmes, who is at his home in Liberal. Carl's interview is part of the Kansas Oral History Project series, examining the development of water policy during the 1970s, '80s, and '90s. In these interviews, we explore water policy through the eyes of legislators, farmers, administrators, and environmentalists, and others who were involved in development of that policy.

Carl is a native Kansan who has lived and farmed in southwest Kansas most of his life. He represented the 125th District in the Kansas House of Representatives from 1985 until 2013. He holds a bachelor's degree in business from Colorado State University. During his time in the legislature, Carl chaired committees that dealt with natural resource and energy issues. He developed expertise in related areas through his involvement in the National Conference of State Legislatures and other national organizations.

In 1977, Carl was elected to the Plains, Kansas, City Council. He was appointed mayor of Plains in 1982 and served the city in that capacity until 1989 when he moved to Liberal. Carl also served on the board of the Groundwater Management District #3 of southwest Kansas.

The Kansas Oral History Project is a nonprofit corporation created to collect and preserve oral histories of Kansans who were involved in shaping and implementing public policy during the last half of the 20th century. Recordings and transcripts of these oral history interviews are accessible to researchers and educators through the Kansas Historical Society and the State Library of Kansas. The Kansas Oral History Project is supported by donations from individuals and grants from Evergy and Humanities Kansas.

Good morning, Carl, and thanks for agreeing to contribute to this oral history series. It's good to have you.

Carl Holmes: Good morning. It's good to have this opportunity. I appreciate it.

RB: I appreciate you doing this. You're an important person to hear from in this process. Let's start with just a little bit of background. My experience with you, I associate you very strongly with Liberal [County seat of Seward County], but obviously your original connections are from Plains (town in Meade County), not very far from Liberal, but a smaller town. Was your father a farmer? What were you doing in Plains? Tell us a little bit about that.

CH: I farmed from 1962 until 1986. With health problems, I had to get out of farming. Starting in about 1964 or 1965, I had a fertilizer chemical business that I ran until the early eighties, and I got out of that. I just have an extensive farm background. Farming has been in my family forever. Both my parents were teachers at one time, and then my dad was a school board member for fifteen years, so kind of a dedication to public service. I tried to carry that on.

RB: When did you move from Plains to Liberal, and what was the reason for that?

CH: I moved to Liberal in the summer of 1989. That was the end of my term as mayor of Plains. I decided not to run for re-election. I knew with the population that the district was going to get smaller. Plains was in Meade County. I knew it would probably get lopped off. My major voter base was in Liberal. That was the main reason why I moved to Liberal was to be sure I could still stay in the 125th District instead of the 115th District, which is to the east of 125th.

RB: What year did you first run for the legislature?

CH: I ran for legislature in 1984. During that election, I spent—of course, being from Plains, a small town, I really didn't worry about the vote out of Plains. My opponent in Liberal had been the mayor of Liberal. So I spent every day from Labor Day until Election Day, walking the streets in Liberal, going door to door. I spent all my time over here. I ended up winning the election by, I think, as I recall, a 2:1 margin in Liberal, which I felt was pretty good, running against a former mayor of Liberal.

RB: What made you want to run for the legislature at that point? Plains is not a very big town, a step up from—no offense, but the step from mayor of Plains to being in the legislature is a pretty big leap. What made you want to go do that?

CH: I had been around the legislature quite a bit. My first experience was in 1958, when my dad was a personal friend of the Speaker of the House. I had an opportunity to spend the last night of the budget session in the House Chamber, when they couldn't pass the budget. I followed that up with I was on a Regional Planning Commission and also involved with the League of Kansas Municipalities.

In 1981, we had the severance tax fight going on in the legislature. I spent the last week or ten days in Topeka following that, and then I spent most of the 1982 session in Topeka following the debate on the severance tax. In 1984, the Vice President of the Kansas Senate was from Plains, Charlie Angell. Charlie told me in 1984, he said, “I'm not going to run for re-election in the Senate. You need to run for the legislature.”

Charlie kind of pushed me forward on that. But before that because of other situations, I had had a long, good experience with Ross Doyen, who was in the Senate and became Senate President. I'd been familiar with quite a few people. I'd been around the legislature before I went in that direction.

RB: It feels to me in reading the background material that you prepared before we had that conversation that some of the experiences you've already touched on, and some of them that you touch on in that document, but real early on, you sort of got bitten, maybe not by the political bug, but at least the public policy bug, or maybe both of them. Is that a fair—

CH: It was the policy side. I started out on the Plains City Council because I felt like they needed to move forward. The city of Plains had been going backwards. They wouldn't expend any money to upgrade things in Plains. I felt like we needed to move forward. So, I got involved with that in the mid-seventies and decided to run for the City of Plains Council, and I was given opportunities. When I was elected, I was put on the Southwest Regional Planning Commission as the representative from Plains. So, with that, I had the opportunity to work with nineteen counties and sixty-five city commissioners in southwest Kansas, which four years later, I became president of the [Southwest] Regional Planning Commission.

But I had had a long experience with water. We drilled our first irrigation well in 1955, south of Plains. With the water well, Dad didn't really follow the rules — he didn't apply for the water right. When we drilled the second well in 1963, I found out that the water right had never been filed. I filed water rights on the well drilled in 1955, plus the one in '63.

At that same time, I had the opportunity for a week or two to spend as a roughneck on a water well drilling rig. Then with Plains and Liberal being located on the Ogallala Aquifer we're mining water in western Kansas. Talk about maintaining the aquifer or anything, but traveling in Colorado, I saw so many ghost towns when the gold and silver ran out. We're in that situation in southwest Kansas. We're mining water. Yes, we might have a little recharge, but not that much, and our water tables show that. They've been declining ever since 1955.

RB: Just in general terms, given that where you are in southwestern Kansas, even if you didn't go into this with a background related to water, it would be pretty hard for anybody representing that part of the world not to become conversant with groundwater and natural gas issues, just because of the natural resource issues that face your part of the world. I think that's a fair statement, wouldn't you say?

CH: Yes.

RB: I assume to a certain extent through your background related to irrigation and farming, and then some of the planning and policy backgrounds that you talk about, is then when you get elected to the Board of the Groundwater Management District [(GMD)], is that your first real official role in terms of the water side of the world? Is that a fair statement?

CH: That came a little bit later. When I got on the City Council, we were in a situation where we had to deal with water on the City Council. I found out the city water rights were not up to snuff in the city of Plains. I got involved with the Chief Engineer [Kansas Department of Agriculture, Division of Water Resources] on that. The Chief Engineer at that time was Guy Gibson. Guy Gibson and I spent a fair amount of time together working on bringing the water rights for the city of Plains up to date.

Then following Guy Gibson [as Chief Engineer] was Dave Pope. In 1983, I went up to talk to Dave about a situation in southeast Seward County, where we had a saltwater intrusion

artesian well in the freshwater zone. I wanted to get a moratorium put on deep wells for irrigation in that area. Shallow wells would be okay, but there's a clay layer that lies between the freshwater and the saltwater zone, and every time a driller went through that, that way was an extra place where artesian saltwater could come up in the freshwater.

With that, meeting Dave Pope, I spent, there were three different times averaging three to four hours a piece. I basically had ten to twelve hours of water education from Dave Pope in 1983. We talked about the whole gamut of water rights and how you manage water in the state of Kansas. I have to give a lot of credit to Guy Gibson and Dave Pope for really educating me on water in the state of Kansas.

RB: So then what year are you first elected to that GMD board?

CH: I was elected to the GMD in early 1984. I ran an at-large position, and I took out one of the founding members of the Groundwater Management District. He wasn't very happy about that, but with my contacts within the Regional Planning Commission, I had contacts throughout the GMD. I got involved in that in probably January or February of '84, and then about two months later is when Charlie Angell told me that I should run for the legislature. My involvement with the Groundwater Management District came before I ran for the legislature.

RB: But both of those things though, within a couple of years, you were both on that GMD board and then also a member of the House from that part of the world.

CH: The other thing that gave me a little background, I was involved with Kansas League of Municipalities. In 1981, the League of Municipalities formed a Water Policy Committee with City Council members from across the state. I had the opportunity, I was appointed to that by Ernie Mosher, who was the head of the League, on the Water Policy Committee. It ended up being kind of a training ground for a future president of the League. Three or four of them, including myself, later became president of the League of Municipalities. It was because of the city's concern about water availability for future expansions of cities in the state of Kansas.

RB: So, you come at this both from the irrigator's perspective and a municipality's perspective, which is a little unusual in my experience. Most folks in the water world tend to be one or the other and very seldom have both of those backgrounds at the same time.

Obviously, I assume you were pretty familiar with the GMD prior to the time that you ran to be on the Board. Was there any particular issue that caused you to want to be on that Board? What were your thoughts about the GMD in southwestern Kansas at the time you ran or prior to and then when you ran?

CH: I liked the local control of the Groundwater Management Districts over their area of the people that were using the water. I had watched the GMD from 1981 forward after I got on the Water Policy Committee for the League. Between municipal and farming usage of water, I just

felt like it was important for me to get involved in the Groundwater Management District. I didn't have anything I was trying to accomplish necessarily, but just to represent both the cities and the agricultural community on the Groundwater Management District Board.

RB: When you got elected to that—and I want to come back to that when we finish up again—what were your impressions with how southwestern Kansas was doing at that time in the mid-1980s? The GMD was relatively new. It had been around long enough to get established and do some things. Dave Pope, who was the Chief Engineer, came from that part of the world. What were your thoughts about how the GMD was doing? Was it satisfying that local control goal effectively at that point, do you think?

CH: I felt like it was. It was a time period that they were starting to put in new rules and regulations regarding Groundwater Management Districts. I really didn't have a beef with the Groundwater Management District, but I had already come to the conclusion that we were mining water in southwest Kansas out of the Ogallala, and we need to take a look at it from that perspective.

RB: So then you get elected to the legislature and go to Topeka, you wind up on the committees that deal with those issues. Was that something that you requested? How did that come about?

CH: In the summer of 1984, I met with [Rep.] Mike Hayden, who was Speaker of the House. I told him I was running for the legislature. He gave me some advice. One of his pieces of advice was that I should get Harry Kivett to be my campaign manager. Mike Hayden was from Atwood (town in Rawlins County), and Harry Kivett had been an instructor at Atwood. That was the connection between Harry Kivett and Mike Hayden.

I expressed at that time when I talked with Mike Hayden that I was interested in water and energy issues. When the appointments came out in November, December of '84, Mike appointed me to the House Energy and Natural Resources Committee. That's how I got on that.

Just as a side point, there was another legislator from southwest Kansas that felt very strongly he should be on the same committee, House Energy and Natural Resources Committee, because he had been involved with the GMD for years. Just a side point, [Rep.] Dave Heinemann was on the House Energy and Natural Resources Committee, and he took himself off of it so this other legislator could be appointed to the Energy and Natural Resources Committee.

RB: That's an interesting story because, again, obviously, Dave being from Garden City, he had the same sort of interests in those same kinds of issues, particularly water that you all had had. Who was the chair of that committee at that time when you were first appointed to it?

CH: [Rep.] Ron Fox was the Chairman, and I remember the first session of the legislature very vividly because we [the Committee] met in the old Supreme Court Chambers, and the chamber

was pretty much filled up with people in the audience because basically the entire session was spent on establishing a water plan, and how a water plan should work. Of course, all the different interests were at the table, and the regular committee room was not big enough. Most all of the hearings were held in the old Supreme Court Chamber.

I remember that the leaders of the committee sat up in the chairs that the judges usually sat in when it was the old Supreme Court Chamber.

RB: That's an impressive room with the portraits of all the justices around. It's kind of a different feel than the standard committee hearing rooms. So, at that point, much of the legislation establishing sort of how water would operate at that point is being developed by—how involved were you as a freshman legislator at that point?

CH: It was, of course, a new learning experience for me from a different perspective, dealing with water. But because of my background in both municipal and irrigation water, I inserted myself whenever I felt it was appropriate. I don't remember anything real specifically about it. I just remember it was a very detailed debate and discussions and a good learning experience for people on the committee.

RB: My memory is that Ron Fox was from like the Overland Park, Johnson County area, right?

CH: Yes.

RB: I also remember him as a legislator who worked pretty hard too—was pretty detail oriented to remember legislation, but obviously, you would have had a pretty different perspective coming from southwestern Kansas, I would think.

CH: That's correct. I believe the vice chairman, I don't recall his name right now, was from more central Kansas. Of course, [Rep.] Ken Grotewiel is from Wichita. The leadership of the committee, two or three members were from urban areas, and one was from a rural area.

RB: At what point do you then become vice chair of that committee?

CH: My second term in office. In 1987, I became Vice Chair. Back then because of the workload, there were two subcommittees. There was a Subcommittee on Natural Resources, and there was a Subcommittee on Energy, and I was appointed chairman of the energy side subcommittee, and [Rep.] Dennis Spaniol was the Chairman of the committee at that time. I remember the three of us plus Ken Grotewiel, who was ranking minority [member], the four of us would usually get together on planning committee functions and so forth.

RB: That was one of the questions I wanted to try to get at a little bit. As I look at all of the legislation you've been involved with, I have a couple of questions about it. Let me start with just sort of an observation, and I'll come back to the second question. I was always impressed

when I sat in on hearings that you were involved with over the years at how detail oriented you were, how much homework you had done. I know some of that might be background from southwestern Kansas, but a lot of it was clear that you were very well versed in the almost minute detail of much of the public policy documents, not just the legislation, but the documents involved. I'm not quite sure what my question is, but not every legislator was quite as well as informed as you were, I guess. Any thoughts about that? What was your motivation there? Is that just the kind of person you are?

CH: Well, I try to educate myself on the issues as much as possible, and that's where—the background I had both with city water rights, irrigation water rights, watching Groundwater Management District, having the opportunity to spend a lot of time with Guy Gibson and Dave Pope on very deep discussions on water, and it wasn't too much schooling—I did take a geology course at KU with Curtis McClinton. That's another story, but anyhow I had a geology background at KU in a course there. It was just the opportunities I had to educate myself. Of course, working on city water rights and individual water rights, I had to dig out that information any way I could. I just had a lot of people to help educate me, not in educational institutions, but in working situations with energy and water both.

RB: Would you say that that background came from a combination of—my impression was always, too, that you carefully read preparatory materials. It wasn't just conversations, right?

CH: Right.

RB: And a lot of that reading material is not the most scintillating reading material on the face of the planet. It can be pretty technical and dense, but I assume you were wading through that stuff as well, right?

CH: Yes. Like I said, I'd gotten out of the fertilizer business in about 1980-'81, and because of health issues, I was getting out of farming. That gave me the opportunity to really get in-depth on issues because I had the farm rented out. I wasn't having to make those decisions. I had the time to spend with it, and I liked to try to educate myself so as to not only make decisions but impart information to the people around me through different educational means.

RB: To me, that always really showed when I was over there in hearings. So to go back then to the legislative process, in those years—you come along in that committee at a time when it is beginning to generate a lot of important legislation in the eighties related to natural resources, issues in general, water in particular. It's a lot of that legislative—generational legislation, is that collaborative? When I see a bill come through that committee, was it you? Was it joint people? Was it agency staff? Was it all of the above? Where were those bills coming from?

CH: A lot of the early-on bills came from the Office of [the Kansas] Water Authority. They were basically driving the picture—Dave Pope, Joe Harkins, after '86, John Strickler who was with the Governor's office were all involved with trying to push water forward. I think with [Governor]

Mike Hayden being from northwest Kansas, that became an issue for him, too, to push water policy and develop good water policy for the state of Kansas.

RB: A lot of that was coming from the agencies per se as opposed to some of the legislators that you mentioned so far?

CH: As I recall. Of course, with the water plan funding, that was a major push by Mike Hayden, who was Governor. Of course, all the other water energies got behind that.

RB: A lot of that legislation occurs from between '85 and 1990. As I've done these interviews with other folks—by the way, one of the most recent ones we did was with Ken Grotewiel—what would you say was the most significant legislation in that process? We've tended to focus a lot in these conversations on that water plan funding fight because it's an interesting story. Is it the most significant thing that happened in that time period? What were the other significant things if it was or it wasn't?

CH: I think the water plan funding was the most significant because the water plan idea had already been—they had some committees on it in 1984, I believe. So '85 was the development of the water plan and putting in place the laws and rules and regulations concerning water. But the water plan was being funded at that time with about eight million dollars, as I recall, from the state general fund. And the idea was to change that funding from state water plan to fee-sourced funds. Of course, one of the big fights was, should irrigators pay for a tax on the water that they were pumping? Of course, that became a very, very volatile issue. The irrigators didn't want to pay for the water, and so the session we dealt with the water plan was very contentious for everybody involved with it. I remember Joe Harkins and I remember John Strickler coming into my office, begging for a reason to support it.

My feeling was that if we were going to pass a fee structure on these different entities, that that should be a new fee that would add on to current funding. I did not want to take away the eight million dollars that had been coming out of the state general fund. So, I held out. I guess I was kind of the thorn in the side for everybody because whenever they tried to bring it to the floor, whenever we had a committee vote, I was opposed to that because they were only going to get the money from fee structures. I wanted that eight million dollars to stay in there that was coming from the state general fund. Of course, the final compromise was eight million dollars in fee funds, two million dollars from EDIF funds, Economic Development Initiative Fund, and six million dollars from the general fund. That would get more money into the water plan so they could do more significant projects.

That was finally the compromise as far as I was concerned that allowed me to vote for it was when they decided to include those funds. Little did I know at that time, I was still a youngster, that the Appropriations Committee could undo a piece of legislation every year. It wasn't too many years after that that the general fund portion, the EDIF fund portion started going down because the Appropriations Committee was not paying attention to the laws it had passed.

RB: That water plan funding cleared a really tough hurdle, but then over time has been whittled away by various removal techniques to the point that it isn't really what it was when it started out.

To go back, I assume that you opposed any sort of fee on the irrigators themselves as part of that water plan fee fund, that you were opposed to that. I assume that that's a fair statement, isn't it?

CH: That would be a fair statement, and the way around that was, we put fees on fertilizer. We put fees on chemicals and other ways to help raise that money. As I recall, the fee on municipal water was three cents per thousand gallons. The municipal was paying, and then the agricultural community was paying through funds on herbicides and insecticides and fertilizer and so forth. It was an indirect tax on farmers, an indirect tax on irrigation.

RB: Obviously there was a lot of water-related legislation that's come through in this same time period from, say, '85 to '90. Anything else in addition to that water plan funding that you would particularly point out as important?

CH: We had minimum stream flow. Another area that I was very interested in was securing the water out of federal reservoirs. Besides working with irrigation water and municipal water in western Kansas, I felt it was very, very important that the reservoir water in eastern Kansas, especially the federal reservoirs, made it available to municipalities.

In 1984, when I was running, Senator Charlie Angell, who was Vice President of the Senate, also was involved in the Energy and Water Committee on the Senate side, and he included me in a lot of the discussions dealing with reservoir water and acquiring that water space in the reservoirs. One of my priorities had been all along is to secure that water out of the reservoirs. Over a period of years with different steps and so forth, we were able to acquire that water from the federal reservoirs. There were several battles trying to get through that, including dealing with the Tulsa Corps of Engineers not really wanting to honor the original agreements that some of the water would be available for the state usage. Of course, the water at Wolf Creek [Nuclear Power Station] was necessary for the cooling systems, but it was very important to me to make sure that eastern Kansas would have water out of the reservoirs for future growth in cities.

RB: That's another pretty technical issue, one that I followed less because it was a surface water issue as opposed to a groundwater issue, which I was more interested in, but that again is a fairly complex issue with a lot of financial implications. It's interesting to me again that you took that on, given the part of the world that you're from.

CH: I remember we got the funding bill for reservoirs through, and I remember [Rep.] Rochelle Chronister was Chair of the Appropriations Committee, and she came to me and said, “We're

going to fund the $22 or $24 million for the purchase of federal reservoir water"—I believe it was the Pooled Money Investment Board, which I think was indirectly from—I don't recall now, but I remember how excited I was that finally we were going to get the money spent to acquire that water. There again, eastern Kansas did not have the advantage we had of the underground reservoir for water. They needed to depend upon surface water for future water supplies.

Of course, at that time, we were also having the battle with Wichita wanting to go up to Milford Reservoir and run a pipeline from Milford down to Wichita. One of my concerns was that they'd come to western Kansas, drill water wells in the Ogallala Aquifer, and let the water run downhill in the pipeline to Wichita. Another one of my big pushes was the Water Transfer Act. I remember that one, Senator Bob Vancrum was concerned that I was going to mess up the Johnson County water district's ability to get water out of the Kansas River for southern Johnson County.

We put a mechanism in place of water transfers with pretty stiff requirements, if you're going to transfer water from one basin to another. That to me was very important. I know at that time, besides the Milford--Wichita connection, there was a connection from Hays going down and trying to acquire water along the Ark[ansas] River around Kinsley [County seat of Edwards Co.]. Of course, that had been an interbasin transfer also.

RB: And that discussion still goes on. That Hays project has tripped that request for transfer. That's still in process. One other thing that I was also really struck by when I was reading the background material that you prepared was also the level of involvement you had in groundwater quality issues. Everybody talks about quantity related to Ogallala, but particularly clean-up issues. Does your interest there come out of issues in Liberal? Where did that arise from?

CH: I would say the principal thing that got me involved in that was the problem I had in Liberal. We have a nice big packing plant, and they had a water well that VOCs [volatile organic compounds] showed up in. There was a person that worked for National Beef who is also on the City Council -- or City Commission -- here in Liberal. I got real involved with that. I was shocked at the amount of contamination sites around Liberal from different sources, trying to pin down where the VOC was coming from in their water well, but likewise contamination from underground gas storage tanks, contamination from the west side of town. They were using VOCs to clean compressor parts for the Panhandle Eastern Pipeline Company and just dumping the VOCs on the ground. They kind of had a pit they let it go into and the dry cleaning and the grain fumigants, there were all these different sources. I really got the education on what happened here in the city of Liberal when they were trying to locate the source of the VOCs.

With that, I realized that we needed to get real involved with protection of groundwater especially but all water from contamination by manmade sources like VOCs and other sources. That's what really got me involved with that.

RB: That's striking to me. VOCs are volatile organic compounds. I'm pretty familiar with those issues related to dry cleaning. The city of Hutch [Hutchinson, Kansas], the city of Wichita, a lot of those cities have longstanding projects trying to clean up water contamination from various sources. Liberal doesn't come to my mind quite so quickly until I read what you had prepared about it as having dealt with that issue. Again, you come from an area that in my mind is relatively rural. Obviously, you're being pretty influenced by urban issues as well, right?

CH: Yes. We ran legislation for clean-up of dry-cleaning facilities, VOCs. I'm trying to think of what else. That was kind of the second area. I had another piece of legislation before that for clean-up. It kind of became a source, but one of the things that bothered me was the way the grant programs were being run for municipal water supplies and wastewater treatment plants, the grant monies, which is one-time monies, and because of an experience I had with the city of Plains on one of the grant applications, I was very supportive and pushed for legislation that would take the grant money, especially those coming from the federal government, and putting them into revolving loan programs.

The first revolving loan program we got involved with was wastewater, and the idea was to buy down the interest rate with the federal dollars instead of putting it out in grants. As near as I could tell, since that program was put in place, there's been around 425 million dollars loaned to cities for wastewater treatment plants.

Then we followed that up with the freshwater public water supply. That grant program has had over 800 million dollars now loaned out for municipalities for water. So, it was the idea of taking grant monies and turning them into revolving loan money so they could be used over and over to buy down interest rates for municipalities and clean up the freshwater and wastewater treatment plants.

RB: I know again from personal experience those programs have been really important to some of the smaller towns in the state that couldn't otherwise have afforded water treatments that they've gone to. To sort of shift gears then, talk a little about becoming chair of—was it still Energy and Natural Resources when you became chair? What year was that? How did that come about?

CH: I was supposed to become chair in 1991. The Democrats took control of the House. That meant I was ranking minority member on the Energy and Natural Resources Committee. Then in 1993, I became chairman of the Energy and Natural Resources Committee. With that, I had two vice chairmen, one of them for Natural Resources and one for Energy. We were running a lot of bills through. I was one that would try to go out and solicit legislation before the legislature started so staff could start drafting bills.

One of the things that the House and Senate committees like to do, they like to bundle bills, put more than one bill into a bill. In order to kind of prevent that on the committee that I chaired, I used a subcommittee format quite a bit with minor bills where the subcommittees met as a

committee to hear testimony and make recommendations, and the full committee would assess the work of the subcommittee and then pass or not pass the legislation.

Then I would appoint different committee members instead of the chair, the vice chair, and the ranking minority to the conference committees with the Senate. Therefore, they could not bundle bills because each of the bills had a different group of people negotiating it. I put the people on that that were on the subcommittees that had the experience of the original hearings and everything to bring that expertise to the conference committees, and then after the conference committees would meet, at times we'd go in towards the end of the session, and most of the committee would be in the room, and we'd just change individuals from bill to bill. Then after the conference committee would take place, I would critique each of the members on how they performed while doing the conference committee work. As a result of that, there were a fair number of committee members that became future chairman of the different legislative committees.

RB: How long were you chair of that committee? When does it split into basically two halves?

CH: I was chair in '93, '94, '95, '96 sessions, and then in the '96 session, the Speaker in 1997 decided he was taking me off that committee as Chairman. That is when they split into two full committees—one was the Energy and Utilities Committee, and the other one was the Natural Resources Committee. That was in 1997. They put me on the Appropriations Committee, which I really didn't want, but the Speaker makes those determinations.

Another thing that I have to jump back on, in '91, '92, Representative [Ken] Grotewiel and myself had determined that sometimes people were telling a little bit different story to the budget committees than they did to the policy committees. Ken and I started sitting in on budget committee hearings for the House Agricultural and Natural Resources Budget Committee. With that, when I was moved off of the Energy and Natural Resources Committee and put on the Appropriations Committee, I chaired the Agriculture and Natural Resources Budget Committee. I chaired that for a couple of years and then had the opportunity to come back. I came back as the chair of the Energy Committee in the '99 session.

RB: When does that committee get divided and split out, the Energy side, from the Natural Resources side?

CH: 1997.

RB: One of the things I was going to comment on, and obviously we're here to talk about water, but the fact that that committee dealt with both water and energy issues, and the fact that you came from southwestern Kansas where you were dealing with both water and particularly natural gas issues. In my world, there was sort of a realization maybe a little bit later of how interconnected those two issues are, that people tend to want to look at them as separate issues—water in one basket and energy in another basket. People today talk about the

water/energy nexus and the overlapping of those. Really when that committee is dealing with both of those things and you're coming from a part of the world that's dealing with both of those things, that nexus must have been apparent to you even at that time.

CH: Yes. The situation was not where I lived and where I farmed in Meade County, but over the Hugoton Natural Gas Field, a lot of those farmers were getting gas for free for irrigation purposes. Where I was at in Meade County, we had to use pipeline gas. We always had high-priced gas. If you take a look at a map, the biggest declines in Ogallala have been over where the Hugoton Gas Field was, where they were getting free gas and therefore wasting water.

I can remember one particular area in the sixties and seventies, a farmer had in Seward County an irrigation well, and they ran the water down a road ditch for three or four miles to farm field. I always thought that was such a waste, where they wouldn't have them pay for the gas, which is your high cost of pumping. It was just natural. So, you look at a map. Where I'm at, the decrease in water levels has been not as much as what it's been in the area where they had the Hugoton gas field.

RB: The [Kansas Geological] Survey began measuring water levels out there in the mid-1990s, took over that program. At that time in southwestern Kansas, you'd see a lot of wells that were powered by Hugoton gas. Today you don't see that because of the declines of production out of the Hugoton. You see a lot more electric submersible pumps and diesel and that sort of thing. When we first started doing that, yes, you did see a lot of those pumps powered by natural gas.

CH: Today the Hugoton Gas Field is 92-94 percent depleted. They had the issue with the hydrogen sulfide gas, and that was one reason to get the gas taps to a farmer's house as far as the gas leaks back then. So just a make-up of the mining of gas like you mine gold and you mine silver and mining water out of aquifers is eventually going to deplete.

RB: I want to come back to that. Before we do, and I don't know how much you want to comment on this. I was always impressed with the productivity of your committee and the expertise that you brought to it. What happened that you got removed as chair of that committee? I don't know how much you want to talk about that, but it was a pretty striking thing. I know that it bothered you personally, too. I remember some of these conversations.

CH: I enjoyed the Energy and Natural Resources Committee. The Speaker, of course, makes committee appointments, and I was more moderate than what the Speaker was. The Speaker was very conservative, and some Republican committee members complained to the Speaker that I was being too fair to the Democrats in working in committee.

Then also in the summer of '96, before I got taken off in '97, we had an issue dealing with retail wheeling of electricity. The Speaker didn't like the fact that the committee worked the bill so hard. In fact, as I recall, we had in the summer of '95 and '96, on the retail wheeling issue, we had probably thirty, forty meetings, and they were all-day meetings in the old Supreme Court

Chamber. The Speaker didn't like the fact that the way I ran the committee, being fair to everybody on the committee, and took me off, and as punishment, put me on Appropriations, which most people would love to be on, but I didn't care to be on a budget committee.

RB: I know that in the conversation we had with Ken Grotewiel on this topic, Ken talked a lot about the education that he got coming out of Wichita, being on your committee. And because he was a Democrat, that speaks a little bit to the kind of thing—it sounded like you guys had a real good working relationship. That's what it seemed to be at the time, and that's what he said in retrospect. Is that right?

CH: I had a good working relationship with Ken, and I enjoyed it. I'll relay a story that happened after Ken left the legislature and [Rep.] Bob Krehbiel, my ranking minority member. We were running a lot of bills. It was the end of the session, and we had a 7:00 AM morning meeting on an environmental issue. We had about a three-hour debate on that issue. Towards the end of the debate, Bob Krehbiel, the ranking minority member, leaned over to me and he said, "I think this is going to be a tie vote." That was kind of on what he was listening to on the debate. I said, "Yes, I think it's going to be a tie vote." He said, "What are you going to do?" I said, "I'll tell you when I break the tie." I never wanted a person to vote based upon what they thought I did. I felt like I was trying to be the educator. It was up to them to make the vote, and I didn't want anybody to tie the vote from where I was at but from where the policy issue was at. I never asked a committee member ever for a vote a certain way on a bill.

RB: You continued your involvement on the energy side in particular, I remember. At one point then are you no longer in the legislature? When did that happen?

CH: I left the legislature in 2013.

RB: So, you get a long additional time period. Am I correct in my memory that you tend to be a little more active on the energy side in those years after that? Is that fair?

CH: Right. After the '99 session, I was back as chair of the Energy Utilities Committee. I still had my finger in the pot on water issues because I was on the budget committee for Ag and Natural Resources, which included water issues. So, with that, I could still deal with the water issues and still had input when the agencies came in on water issues.

I think the last piece of legislation I had worked with on water was in the 2012 legislative session. It became very apparent that we were having major problems on all of our federal reservoirs with siltation. In fact, on the Kansas Geological Survey [Field Conference] tours we'd done a year or two before that, as I recall, we got on Black Hawk helicopters and flew over John Redmond Reservoir, looking at the silt.

I had been to a place north of Lawrence, where they had actually dredged a small reservoir, very, very expensive. The last piece of legislation that I got to run through my committee

because it was tied to Wolf Creek [Nuclear Power Station] —I ran a piece of legislation that allowed for the creation of improvement districts at a reservoir where the water users could assess themselves, and that money would be used for stream bank stabilization above the reservoirs.

Shortly after I left the legislature, I recall they dredged John Redmond Reservoir, but my idea with the Wolf Creek deal was—I don't think they ever implemented it—but if they would have implemented that, the ratepayers of electricity would have been paying the bill because Westar would have been able to transfer their costs to the electric users and use that money for stream bank stabilization above the reservoir.

RB: Clearly again a good example of that interconnectedness between energy and water and environmental issues in general, it seems like to me. Carl, you clearly recognize this mining element of the Ogallala and obviously recognized it pretty early on. You were maybe not there at the very beginning when GMDs were formed, but you come along in the mid-eighties when a lot of important stuff is starting to happen on the water side. As you look back on your involvement and you see where things stand today, how has it all worked out? Did all of those things that you all were involved with in the eighties, did they do what you meant for them to do? How effective was it all? How successful was it all?

CH: I think the change we've seen in irrigation out here was when irrigation was first started, it was flood irrigation. Flood irrigation to a certain degree is pretty wasteful of water. A lot of times, you overwater because you run the water down a half-mile rows, which you should only run down quarter-mile rows. As a result, the upper end of the field becomes saturated very deep, and the lower end just get enough for a crop. I think that one of the things that has really helped this area is when we went to sprinkler irrigation. That way, you had uniform water distribution throughout the sprinkling circle. I think GMD #3 [Southwest Kansas Groundwater Management District No. 3], which is the one I was involved with, probably the first if not one of the first ones that disbanded end guns because end guns on sprinkler systems are very inefficient. We've gone from sprinkler systems with the flappers on top of the pipe to now with them dragging hoses behind the sprinkler systems. Whereas originally you had a well that would pump 2,000 gallons a minute, now it may pump 800 or 900 gallons a minute, which is enough for a sprinkler system, using drag lines behind it, to get the water down in the surface. You're eliminating evaporation loss and everything. It's by far more efficient today than what it was when it started out.

RB: It's more efficient, but the problem remains.

CH: The problem remains. We're going to see the time that irrigation being no longer existent in southwest Kansas over the Ogallala. I do believe there will be enough water there for municipalities, but it will be very low pumping-rate wells that will be left in the very bottom of it. Of course, as we continue to pump the Ogallala down, the water quality starts to deteriorate.

It's not the good quality water that we had back in the fifties and sixties, especially where they had [access to the] Dakota [aquifer].

RB: In particular, the Northwest Kansas GMD [No. 4] has been active with Local Enhanced Management Areas, where they've cut back voluntarily, and I don't have to tell you the details of this kind of approach, but they've cut back voluntarily over annual increments in certain areas in order to extend the life of the aquifer. That approach hasn't gotten much traction in southwestern Kansas in terms of dealing with the problem. Why not? What should we be doing that we're not doing?

CH: Of course, the limits are voluntary. They're not mandatory. I think one of the big differences was that the depth of the Ogallala, as I recall, was quite a bit deeper, thickness-wise, than what it is in northwest Kansas. In northwest Kansas, they were into the recharge thing a lot earlier than what they talked about in southwest Kansas. In southwest Kansas, I know in some areas wells are being abandoned because the production has dropped so much, especially I believe up in the Scott City area. We're seeing fringes on the western side of the Ogallala and southwest Kansas with dropping wells, whereas in Plains, between Plains and Meade, which is fourteen miles, there's a fault line there. That fault line is just like an underground dam. We're right about the dam. So, think about a reservoir. If you're pumping water, at the beginning of the reservoir, you're going to run out of water before they get to the dam because that's the deepest part. That's kind of where we're at in my area. We're pumping water, except we've had a saltwater intrusion.

The original wells in my area were drilled to death to 400 feet, and the water table in 1955 was 155 feet. I believe the water table today is down close to 300 foot. You've involved in that more than I am. I think it's around 300. We still have 100 foot of water left. Some of the wells that are being rebuilt in our area are going down to 500,550 feet to get that very last tail [bit] of water.

In fact, it reminds me of when I was involved with the city of Plains, we drilled a new municipal well. When we drilled a test well, there was good water down to around 400, 420 feet and then from about—a place where there wasn't much water—then we picked up more water from 450 down to 550. When we made the decision to drill the new city water well, the debate was whether to go down to 400 feet or go on down to 550. My argument was that we should drill a well down to 550, the bottom of the Ogallala so that the people in the 2030s and 2040s would still have water.

We put in a stainless-steel screen and put in an extra heavy-duty casing, and that was put in a sixteen-inch well, which most municipal wells are only twelve inch. Looking out at the future water supply of Plains, by spending a few extra dollars early, we could secure a water supply for the city that goes into the future.

RB: In some respects, the issues that northwestern Kansas has begun to deal with are the same issues that are going to show up in southwestern Kansas are already to a certain extent—every

year we find a certain amount of wells that have been abandoned because they're just basically not productive. It's just a matter of time before those same issues show up in southwestern Kansas.

CH: Right.

RB: Has that local control component that you talked favorably about and there was a philosophy behind GMDs, does that work?

CH: You can argue that both ways. I think that going to the sprinkler systems really helped the life of the aquifer. The only way we can preserve the aquifer is to shut down all the water usage as a point of economics, when they want to do that.

RB: But clearly there's some sort of middle ground there between shutting people down completely and cutbacks, kind of the way the GMD up at northwestern Kansas has gone about it. The perspective I get from being here in Lawrence is that the GMD has focused attention in recent years in southwestern Kansas on bringing water in. There's a lot of discussion about an aqueduct, moving water out of the Missouri River or wells along the Missouri River as opposed to cutbacks in irrigation from depleted Ogallala wells. That's the perspective I have. Is that reality, do you think?

CH: [Rep.] Keith Farrar, who was in the legislature before I came to the legislature, was the first person I knew of that was pushing for bringing in water from the Missouri River basin or bringing it in from big reservoirs in South Dakota. It's not feasible. You cannot get enough money on an agricultural product to pay the cost of transporting water from the Missouri River basin to southwest Kansas. It's just not going to happen.

In California, where they've got the canals, you've got high intensity cropping for agriculture products that go into human food production. Ours is corn and milo. I have seen one thing happen here in the last eight or ten years, and that is that we've seen a lot of cotton being grown in southwest Kansas, and cotton takes a lot less water than what corn and milo takes.

RB: Right.

CH: I think we're seeing the revolution here of going to crops that use less water. This has been what brought cotton into west Texas is that all their water down in that area, the Ogallala, was pumped with free gas. They've dropped most of those crops and gone to cotton because it uses less water. Last year was not a good year for cotton, but from what I've seen this year out driving around, we have a lot of cotton planted this year in Kansas.

RB: It does feel, at least from a distance, a little bit like what will happen here is sort of a slow-motion revolution where you begin to raise different crops like cotton, or you're doing more

dryland corn or more dryland wheat. It won't be one of those overnight things, but that sort of cropping patterns will change over time.

CH: One more interesting fact, Liberal, Kansas has the largest single building cotton warehouse in the United States.

RB: Really? Even bigger than down in west Texas?

CH: Oh, yes. The key is single building. We have the largest single building cotton warehouse in the United States. It's fed by the cotton gin in Moscow [town in Stevens County, Kansas] and the cotton gin in south-central Kansas, and there's some cotton that comes down here from Oklahoma. They bring the cotton in here from this huge warehouse and then from there, it's shipped all over the world based upon the desired quality of cotton.

RB: Carl, as we finish up here, you've talked a lot about your influences. You've mentioned some people. Is there anybody that we haven't touched on here that's been particularly influential in this career that you've had that we haven't talked about? You mentioned Ross Doyen and Mike Hayden and Charlie Angell. Keith Farrar, you just tossed out, a lot of old names that were very involved in the Legislature. Anybody else?

CH: Well, of course, Mark Rude who's chair of the GMD No. 3, worked for the Kansas Water Authority before he came out to Southwest Kansas GMD [No. 3]. I appreciate the amount of input from my committee members. When we held hearings, I always held my questions until last. So many chairmen would immediately ask the questions, and the committee members just kind of slough off. I made the committee members ask the questions before I asked my questions. I have to give credit to the committee members because they brought a different perspective from each of their legislative districts. There again, I have to commend the staff that I worked with. I had tremendous staff the entire time I was in the Legislature. The Kansas Geological Survey [Field Conference] tours were very educational and really helped me in the background of water issues and energy issues. I was involved with the first Kansas Environmental Leadership Program, a pilot program in the state of Kansas. That brought a lot of information to me. I've had just a lot of different sources. I really have to give credit to a lot of different sources, some groups of people besides individuals that helped in my education.

RB: And as a result, you had your fingers in an awful lot of legislation then from over the course of about thirty years. Is there a piece or two of legislation that you would look back on at this point, particularly water related but maybe energy as well, is there a piece of legislation or activity that you would look back in that career that you've had with particular pride, that you're proudest of at this point?

CH: I'm glad to have been involved with the water planning from the first legislation forward. I'm proud of the revolving loan programs that were set up to buy down interest rates on clean water and wastewater and drafting those solutions, underground storage tanks. With energy, I

was very involved with electric transmission to get electric transmission in the state, to give us security issues and renewable issues. After 9/11, I was very, very actively involved with security issues involving energy utilities to try to keep the lights on in case we had another attack. I could write a book on that. For two or three years, I lived out of a suitcase when I was not in session.

With the *Kansas [vs] Colorado* lawsuit for the Ark[ansas] River basin, I had the opportunity to work with the Attorney General's office, the Kansas Water Authority, the Kansas Water Office, and a Chief Engineer on dealing with that issue, and I had the opportunity to attend the U.S. Supreme Court hearing in [Washington] D.C., when we held the hearings on the lawsuit for *Kansas [vs] Colorado*. I was involved in a lot of meetings, involved in *Kansas [vs] Nebraska* on the Republican River and trying to resolve those issues.

I had an opportunity as a legislator to be involved with a lot of staff dealing with interstate water issues that were interesting and a lot of trips out of state and elsewhere, a lot of meetings to Nebraska, trying to negotiate with them before we end up in a lawsuit. Just those experiences are ones I'll never forget.

RB: You've also done all that from a corner of the state that's pretty physically far removed from Topeka. Were you a pilot as well? I have a vague memory of you up at the airport in Russell to go look at a CO_2 [carbon dioxide] injection project, that you flew an airplane. Is that right?

CH: Yes, I became a private pilot in 1967. I got my instrument rating in 1970. During the session and after the session, depending on what the committees were, I would fly back and forth to Topeka, which was a two-hour flight versus a six-hour drive. Sitting on the Administrative Rules and Regs [Regulations] Committee, I had an opportunity to see Administrative Rules and Regs from the entire state's perspective. A lot of times, when we went up to Administrative Rules and Regs Committee meetings, I would have my wife drive, and I would go through all the administrative rules and regs that were going to be discussed and put the sticky notes on for my questions. I became known as the nitpicker on the Administrative Rules and Regulations. There were a couple of other nitpickers—[Senator] Stan Clark was a nitpicker. [Rep.] Jan Pauls was a nitpicker. [Rep.] Laura McClure was a nitpicker. We kind of had our own little clique in Administrative Rules and Regs. A lot of the agencies knew that 99 percent of the questions were going to come out of the nitpicker section of the Administrative Rules and Regs.

RB: I've got to tell you, anybody that can read Administrative Rules and Regs, my hat is off to you. That's the kind of reading that you do late at night if you want to nod off pretty quickly. And yet the devil's in the details a lot of times. It's the most important stuff. I'm impressed you could take that on, but it sounds like you had some help in that process there, too.

CH: One other issue is the Hutchinson [County seat of Reno County] explosion issue with water. That was my experience I had as a teenager and so forth. I'll never forget in committee when I

asked who was responsible for regulation of the underground storage field at Hutchinson, both the KCC [Kansas Corporation Commission] and KDHE [Kansas Department of Health and Environment] pointed fingers at each other. That was the problem. Neither one of them were regulating what happened after that went from storage of LP [gas] into natural gas storage, and the extremely high pressures that were used under natural gas storage. I remember I was a nitpicker in the committee on that. At that time, I asked all the questions first. That session was completely recorded in minutes by my secretary. And then being on Administrative Rules and Regs after the legislature was dealing with it, I got to be the nitpicker there. The background on that really helped with the Hutchinson explosion situation.

RB: That was a tough one for all sorts of reasons obviously because of loss of life and property damage. It did generate some pretty significant changes in terms of how underground storage was handled, which is I think a lot of those changes have been a success story after the fact, but that was certainly a difficult time, again one where a little bit of the energy and water issues come together, but especially energy in that case.

I really enjoyed talking to you today, Carl. You have a breadth and a depth of knowledge that's pretty unusual here. I'm tickled we were able to do this. It would have been hard for us to get out to Liberal to do this in person. Maybe it would have been better, but maybe it's good that the pandemic got us motivated to try some other, different technology, and we can apply it in other ways. I may drop you a note also afterwards if you have some thoughts about some other people from southwestern Kansas that we ought to talk to, particularly from the irrigation community. I can let you know who we've talked to so far and who we'd like to talk to. I would like to pick your brain about that, but we can do that offline. I appreciate you taking the time to do this, and I'm glad it worked out. Thank you very much for doing this today.

CH: I just appreciate the opportunity. It got me back in the old minute books I have, and it got me back into a lot of memories that took place many years ago. I end up primarily on the energy side, not the water side. It allowed me to get back into that. I really enjoyed going back through and putting that paper together that I tried to distribute to you and Mary to help me.

RB: This may not be the right way to put it, but you certainly know where a lot of the bodies are buried, and it's good to be able to talk to you about it today. Thank you very much for doing it. I'll drop you a note when we get done here with some other questions about some other folks. Thank you very much, Carl.

CH: I appreciate it. Have a good day.

[End of Interview]

