Rex Buchanan: Good morning. The date is September 19, 2019. We are at the Kansas State Historical Society in Topeka, Kansas. We're here to conduct an interview that is part of the Kansas Oral History Project series, examining the use of water policy during the ‘70s, ‘80s, and ‘90s through the eyes of policymakers, administrators and others who were involved during those decades.

I am Rex Buchanan, former director of the Kansas Geological Survey, and today I'm interviewing David Pope, who served the state from the late 1970s until 2007 as Assistant Chief Engineer and Chief Engineer-Director of the Division of Water Resources of the Kansas Department of Agriculture, a key state agency responsible for implementing water policy in the state. In those roles, David was responsible for execution of state laws governing the conservation, management use, and control of water and water courses. David advised governors, legislative committees, and individual legislators on water policy and related natural resource issues.

David also represented the state on interstate entities charged with working on water-related matters that crossed state boundaries. As such, he provided leadership in efforts to protect the state's interest in interstate rivers and aquifer systems and worked to resolve disputes with other states when they occurred. During his tenure as Chief Engineer, David provided technical support during litigation to enforce interstate water compacts and was called as an expert witness on several occasions. Prior to his service in the Division of Water Resources, David was a manager of the Southwest Kansas Groundwater Management District #3 and an Extension Irrigation Engineer for the Cooperative Extension Service at Kansas State University.

Thank you, David, for agreeing to be part of this project. I appreciate it.

David Pope: I look forward to it. Thank you.

RB: Let's start off sort of at the beginning of your career. Obviously, your career has spanned almost all of the decades that we're interested in hearing—you played key roles throughout that process. Let's start back at the beginning. You were at K-State [Kansas State University] [Cooperative] Extension [Service (Extension)] and then became involved with the Groundwater Management District [(GMD)] in Southwestern Kansas. Talk a little bit about how that happened in your career.

DP: As you indicated, my first role here in Kansas was working with the Cooperative Extension Service at K-State.

RB: And you went to Oklahoma State [University] to school, right?

DP: That's correct. I grew up in Oklahoma on a farm, and I went to Oklahoma State University [(OSU)] where I got my bachelor's and master's degrees in Agricultural Engineering.

RB: Then you just took this job right out of OSU with K-State Extension?

DP: After a brief period in the military, yes. My first role was in Manhattan [, Kansas]. I was working as the junior member of a two-person team of Extension Irrigation Engineers, and so in that capacity, I really got indoctrinated into the state, its people, and its water resources.

RB: What year was this?

DP: 1971.

RB: So, predating really when a lot of the water regulation response to the Ogallala [Aquifer] issue [inaudible] comes along?

DP: That's correct. It was at the very beginning of the transition in our state between the development era, which had been so rapid in the 1950s and particularly '60s and moving over into the conservation and management era. That's what I really had the interest in. I really brought kind of a new perspective to what was going on, I think, at that time with the program.

RB: When you first started there, was there that sense of infinite resource in terms of the Ogallala [Aquifer] that you read about or had the reality already set in?

 

DP: The reality had set in. It was still a transition, but there had been some extensive studies, as you well know, Rex, done by Kansas Geological Survey and the US Geological Survey to study various aquifers, county by county and region. The [Kansas] Water Resources Board had published extensive reports. One that comes to mind was called *Irrigation in Kansas* [*:Planning for Development* (1967)], and it really documented more extensively on a regional basis, county by county as well, about the extent of the water supplies, the aquifer, and the problems.

RB: And that Water [Resources] Board was a stand-alone agency. It was not part of at the time the State Board of Agriculture or anything else.

DP: That's correct. I think they started in 1955 and began planning and studies, and that evolved into more of the policy role the further we got.

RB: You said that you brought a new perspective when you came to that position at K-State. What are you talking about?

DP: K-State and the Cooperative Extension Service had spent a lot of years helping irrigators and people interested in development. I remember the guy I worked with, Russell Herpich, was very knowledgeable, considered "Mr. Irrigation" in Kansas at the time. He always talked about the wise use and responsible management. It was not just "Go develop it ad hoc," and he became well aware, toward the latter part in particular, that something has got to change. I wasn't just me coming in, but everybody was aware of the water level declines, the things that were going on. The role there was really working with individuals and groups, irrigation associations and others. There was a statewide group called the Kansas Irrigation and Water Resources Association, and we started working with them closely.

So again, that shift was one that took place over several years in terms of discussion. The irrigators and water users around the state, particularly in the west, were aware of the problem. That's what led to the discussion, "What are we going to do about this?" I remember hearing from my predecessor Chief Engineer, Guy Gibson. He talked about times when they went to Western Kansas to have meetings and talk to people. The response he told me was probably a little cruder than it actually happened but was "We went to talk to them about the serious concerns, water level declines. They said, 'Why don't you

 

get in your car and go back to Topeka?'" That was the beginning of the discussion. Now that changed over time.

RB: Somewhat.

DP: Somewhat. There's still a bit of that, in all fairness. The discussion started taking place with some of the leaders, this included people from the west, about even if we don't want State control, we need to deal with the groundwater declines. That led to the concepts of the Groundwater Management District Act that was adopted in 1972, after an earlier kind of failed attempt. Therein led to quite a bit of the effort.

RB: Did that idea, basically that's local control. It is a governmental agency. It's a local governmental agency, but it's an attempt to bring local control to a regional problem, in effect a way to phrase it.

DP: That's right. I think the statute speaks in terms of allowing the local landowners and water users to determine their own destiny with respect to the use of groundwater so long as it's not inconsistent with state laws and policies.

RB: As that process went on, did it feel like you were inventing something or taking an idea from someplace and adapting it to Kansas needs? How did that feel? Do you remember?

DP: Kansas was pretty early in the process of enacting that type of a role. I actually worked with people in various states when I was with K-State because Nebraska was wrestling with some of the same sorts of things, Colorado, Texas. Their laws were very different, but each of those states were enacting laws, allowing these local districts of one kind or another to be created.

RB: Different names and different responsibilities and roles. Everybody's trying something on a local basis because a lot of the cause of that attitude that you exactly talked about with Guy [Gibson].

You were in Manhattan when you first started with Extension. Did you go out to Garden City as part of that job?

 

DP: I did. When I was hired, K-State was in the process of creating area extension offices. They weren't ready yet. So, I was really hired with the idea that I would move to Garden City and be the area Extension Irrigation Engineer for their southwest and south-central Kansas, and a counterpart that was hired about the same time as I was went to Northwest Kansas. I moved to Garden City in 1973. That really began my career of really getting out there and working with people, local groups, and understanding the problems more. Initially it was really educational programs, but on water-related, how to do things better. But then it evolved pretty quickly into this role of providing assistance and education about this idea of a Groundwater Management District [GMD)]. So, I was involved in that.

RB: Were you headquartered at that Extension farm east of Garden City?

DP: Not initially. There was an office in Garden City.

RB: So, you were in town. But that farm was out there, right?

DP: That's correct. The experiment station was there. But those two, I wouldn't say got merged, but collocated [later] in terms of the extension agents versus the research staff.

RB: So as part of Extension, you were involved with those conversations about the formation of a GMD in southwestern Kansas.

DP: That's right. Because of my role and working with local leaders, there was an interest in forming a GMD. What I did was assist the steering committee that had been created to go about the process of doing that and going out and holding educational meetings in all the counties in the district to tell them about this option. I wasn't in the role of promoting.

RB: It wasn't your job to sell it, but it was to explain—

DP: Explain what it could do, what are the options, state control versus local or whatever, how it would work. That's where I really got engaged in the groundwater management district concept.

 

RB: Was there a lot of resistance?

DP: You know, really not. I think people recognized the need. We had a really good steering committee of people that were kind of broad minded and knew the nature of problems and really wanted to do something about it.

RB: We're going to come back to sort of do a judgment about how this worked. Part of the reason, David, I'm so interested in this topic is that issue of local control versus state control, versus federal control, that runs all through the water world.

DP: Yes.

RB: It's a constant issue, but I think this sort of local control approach has implications, not just in the water world, but for every unit of government in terms of how well—everybody talks about local control. They want local control. Let's talk about how well it works. That's part of the reason why I'm so focused on this.

RB: Did it have to be basically a vote of landowners to create that GMD?

DP: That's correct. The statute defined what's termed an eligible voter, and all of these discussions led to an election that was held in February of 1976. That was the decision whether or not to form the Groundwater Management District. In that particular case of Southwest Kansas, it passed by over 80 percent of the eligible voters.

RB: This is a big district, the biggest district of any of them, covering a lot of counties, really kind of the 600-pound gorilla in the room, when you talk about GMDs in Kansas.

DP: It's the most extensive portion of the Ogallala [Aquifer] and High Plains Aquifer System. There are twelve counties in the GMD at this point. There was another county. That's another whole story, kind of a different aquifer system over in Hodgeman County.

 

RB: Then there is the vote for the creation of the district. Was the Board established at that same time as that election? Is that then a subsequent step?

DP: It's a subsequent step. It's right away. After the election, then one of the jobs of the Steering Committee was to call the first annual meeting, and there's been an annual meeting in February ever since. So, at that meeting, the people that showed up that were voters then elected the first Board of Directors. That group then became the governing body, and, of course, the members sort of—some of them go off over time, and some have stayed several years and all that. That's what happened there.

RB: Talk a little bit about then the next step in your career as part of that process.

DP: This is kind of interesting. I viewed my role there as an Extension Irrigation Engineer and education. But I had assisted the Steering Committee and then the Board. I helped make the arrangements for the Board meeting and said, “Let's meet over here” and got together. They kind of looked to me at being kind of the staffing of that thing. At the first Board meeting, we talked for a little while. They talked about their role and what they needed to do. Somebody said, “We're going to need to hire staff. We're going to need to have a manager.” Somebody looked over at me and they said, “David, would you like to be the manager of Groundwater Management District #3?” It wasn't something I had lobbied for or anything like that. I said, “I need to think about it and talk to my wife” and things like that. Right away, I answered the question yes, that I would go to work for them.

RB: You're leaving a position at K-State that is relatively secure.

DP: That's right.

RB: To go to an entity that's just been established that nobody knows quite what it looks like. I can see some people looking at that and saying, “What a terrific opportunity to influence a really important issue.” I'd see other people saying, “I don't this so. I've got a pretty good thing here.”

 

DP: I've looked back over the years. I was pretty adventuresome and a little wet behind the ears at the time, but I accepted that under these circumstances. We had no office. We had no money. We had no management plan. It was Square 1. We had no records. We worked with the legislature to get a bill passed to provide a funding mechanism.

RB: Based on ground within the district.

DP: Yes.

RB: Acreage.

DP: But that couldn't start until January 1.

RB: Of '77?

DP: Yes, '77. There was about nine months before that was going to take place. I went to work for the district effective in June.

RB: Did they pay you with an IOU?

DP: For the first three months.

RB: Really?

DP: They did, literally. The treasurer actually wrote me checks, but I agreed not to cash. We were in a hurry. We were on a mission. I started actually in June of 1976, and between the February period and June, I wrote the first management program on the side, still working for K-State. We got that submitted to the Chief Engineer, got it approved. It became effective, and the Board adopted it in June, which is when I started work.

 

DP: We rented an office. I went down to the office, and we got some small—I'll call it a loan to operate with, not sufficient for the whole thing, but for the rent and operating. I walked into the office with a card table and a portable typewriter. That's where we started.

RB: How many years were you in that job?

DP: About two and a half. It was really not extensive in my whole career—

RB: But the absolute critical time in terms of the formation of the thing.

DP: And it was a memorable part of my career.

RB: You mentioned you got it approved by DWR [Kansas Department of Agriculture, Division of Water Resources]. I know this is a big question, and I'm going to ask for a short answer. How does that relationship work between the GMDs and DWR? You're talking about local control within the framework of state law as it comes to water. How does that connection work?

DP: Let's talk about how that's evolved over time. I think early on, there was not as much interest from the state in jumping into the regulatory side of things. So, the GMDs, and I think this is true basically of all five of them, stepped up in a leadership role to say, “We want to address this issue.” The Division of Water Resources was good to work with, and they were supportive of the various things we needed to do, but they certainly wanted and expected the districts to be the lead.

RB: So, in effect the GMDs take a leadership role, and the DWR serves as sort of the sign-off once the direction coalesces.

DP: That's right. They were certainly helpful in regard to saying, “No, you can't do this. If you want to do this, that's okay.”

RB: They had legal staff and all that kind of stuff.

 

DP: That's correct. That's right.

RB: Eventually the GMDs just developed. But at the outset, I assume they didn't.

DP: That issue evolved in a pretty cordial way for over the years. That kind of tended to change in terms of different roles, different things.

RB: In the district.

DP: But in those early years, we were trying to move fast. In those days, you didn't have to have formal rules and regulations. That came along later. We were starting with policies that were formed within the management program. The first thing right off the crack was well-spacing. There had been essentially no restrictions in terms of new wells. There was like a guide to judgment of a quarter mile. We went to half-mile well-spacing. It's now been refined into 2,300 feet.

DP: About a year later or so, we came up with the concept of how do we limit the new appropriations of groundwater? We've got this problem and it's just going to get worse.

RB: There was already the recognition that there were certainly areas that are over appropriated.

DP: That's correct.

RB: You said you started in June of '76. So, you were there until the tail end of '78? Does that sound about right?

DP: I was actually there through the fall of 1978.

RB: What did you do at that point?

DP: I became Assistant Chief Engineer for the Department of Ag's [Agriculture] Division of Water Resources. Essentially, I was kind of out of the blue recruited for that role, and then, of course, that just

 

meant that I could apply, but ultimately, I was hired for the position. Initially I was kind of shaking my head about “Why would I want to do that? I'm happy here. This is where there's a lot of action going on.” The then Secretary of Agriculture kind of convinced me that, “Hey, this role can possibly result in you coming Chief Engineer.”

RB: Guy Gibson was close to retirement age. Who was Secretary of Ag then?

DP: Bill Duitsman, originally when I was first hired. It turns out there was no guarantee, and he made that clear, but that was a new position, and it was a time to become familiar with the various laws and responsibilities of DWR and to sort of be groomed, if you will.

RB: At a critical time.

DP: At a pretty important time.

RB: In those two-plus years at the GMD in southwestern Kansas, what were the biggest—you got the mechanisms in place to become an entity, but what would you say were the biggest accomplishments outside of that kind of—

DP: I think probably, obviously a challenge of getting all the records and all the different things, but we were very interested in limiting new groundwater development. So, the major policy was developed while I was there. This was kind of negotiated in terms of what this would be, was the allowable appropriation policy. That basically was intended to analyze each application for a new groundwater permit and determine whether water was really available for appropriation.

The policy went into effect. It effectively closed about two-thirds of the geographical area of GMD #3 by that one policy in July of 1978. Now that is sometimes referred to as the 40 percent depletion over a 25-year period. One of my regrets over time, even though I wasn't totally responsible for those numbers. I did come up with the concept by observing what was being done in Colorado and New Mexico pretty recently, and it was what had been upheld by the courts in those states was setting a reasonable rate that water could be withdrawn from the Ogallala [Aquifer] because that had never been done before.

 

DP: The part that I say that I have some reservations about, the terminology and how that was done, our goal was to close those areas that were fully developed and that had water level declines. It was really not to say it's okay to deplete 40 percent in 25 years. There wasn't much new development after that point.

RB: I remember this really early on. A lot of times, that got referred to as planned depletion.

DP: That's correct. I never liked that term.

RB: But it is the term—

DP: Used by some.

RB: At least my memory was, for those three GMDs in western Kansas, policy [was] planned depletion, and there may be other terms for it, but that was the way I remembered it. The idea is the same.

DP: The idea is the same. Again, I like the concept of allowable appropriation, but it's the same concept. Northwest Kansas, I think, used that terminology in particular. That was a means to an end. It wasn't perfect, but it had a big effect.

RB: You know, Dave, to go back to that because as time goes by, the word “sustainability” begins to be use more and more.

DP: That's correct.

RB: Obviously not just in water but throughout the environmental movement. When it comes to Kansas, the language that’s already in place that everybody is using, at least for those three districts, is planned depletion, and sustainability has a terrible time as a word making a foothold anyplace. To my mind, it [planned depletion] was an accurate reflection of attitudes. Do you think that's wrong?

 

DP: No, I think you're right. It was a big step at the time.

RB: I'm not disagreeing with that.

DP: In terms of attitudes of people, of saying I remember in those early days, when that was adopted and people coming into the office and said, “What do you mean, I can't get a new permit for a well?” A new permit is a little bit of a misnomer. There was a permit to appropriate water, but it wasn't until January 1 of 1978 that you really needed, mandatorily, a permit to appropriate water for a new well. That was something we lobbied for in the legislature because we were in a situation to get a water right, you had to file an application and get a permit, and it would be developed into a water right, but you could go out and drill a new well without anything until January 1, 1978.

DP: So here I was in 1976, '77, '78. Our tools were a little limited. Now people didn't want to make a big investment unless they thought they were going to get the protection of water rights. So that was the only thing that kept people, slowed them down with that. So, we had to deal with all the illegal wells and just a variety of things that went on during this timeframe.

RB: I know we're really getting down in the weeds on GMDs, but I think this is really important stuff, and you're at the heart of it all. One of the criticisms that you hear then in the coming decades is “The State allowed us to overappropriate, and it's the State's fault that we have a problem out here. If the State had done its job, we wouldn't be in the mess we're in.” I can't tell you how many times I've heard that. I think that argument is disingenuous, but I've heard it over and over again.

DP: I have too, and it is disingenuous. The State didn't take as aggressive a role as they could but remember what I just described. The law wasn't even in effect until—the water appropriation effect had been since 1945, but the mandatory part came in at 1978. In all fairness, it was the GMDs and with help from the then Water Resources Board and DWR to go to the legislature and put some teeth into it.

RB: So, in effect, what you're saying is if you didn't want to worry about a water right, there was nothing to stop you from drilling a water well.

 

DP: Unless you directly impaired somebody with a senior water right.

RB: I just want to be clear about the difference there because it is important. So, you go then from Garden City to Topeka as part of that DWR job.

DP: Right.

RB: How long were you in that role before Guy [Gibson] retires?

DP: About five years.

RB: So quite a while.

DP: Yes.

RB: What transpires in that time period? What are you dealing with then?

DP: There was a pretty major transition that took place between the time I got there and, of course, later. During the five years, Guy Gibson, with all due respect to him, I liked the guy, but he liked to do everything case by case. No policies were written for all practical purposes and no rules. It was time, and this was a statewide role, not just Western Kansas. Lee Rolfs was hired as legal counsel about the same time as I came into the system as Assistant Chief Engineer. The two of us were tasked with the idea of drafting all the series of administration policies and procedures that would be used to guide this process of appropriation of water and all kinds of other things related to dams and the whole deal.

We did a lot of work on that, and then a few years later, the legislature enacted a law that said, “You can't just regulate with policies. You have to have formal rules and regulations.” We then began writing rules over time. Many of those happened later. So, it was a transition thereof instead of just handling the paperwork, if you want to use that terminology, it was starting some real regulation.

 

RB: That sort of thing may not sound like the most exciting work in the world, but it's also one of those "devil's in the details" kind of things.

DP: That's correct.

RB: So, you're in effect an engineer that's now coming in almost—when it comes to water, water law is kind of everything. But you obviously had Lee's help in this process.

RB: There was also in that period from '78 to '83, there is, I think, there may have been a recognition of the finite nature of groundwater in the Ogallala [Aquifer], there's also the recognition that we've got to be doing more than we're doing. Don't you think that's fair in that five years that that really comes to fruition?

DP: Absolutely. That transition did take place there. Then the bigger changes, of course, happened from 1983 on, but substantial ones were starting to happen there. It was true throughout the state, not just the groundwater.

RB: Not just out west.

DP: There were a lot of things we were dealing with. Part of that was because of droughts. The seventies were a dry period, a drought period. We were dealing with floods, the whole range of hydrologic conditions in the state of Kansas. But with regard to water rights, some of the things we were dealing with was the depletion of streams, for example, the alluvial valleys in Northwest Kansas, Beaver Creek and Sappa [Creek] and Prairie Dog Creek and the Solomon River system, Smoky Hill [River], all of the issues were very apparent to us. So, all of a sudden, we were dealing with this—

RB: We've got reservoirs that are drying up because there's no stream flowing into it. Eventually the Ark[ansas] River goes dry. If you look back on that, it feels like a little bit of a slow-motion—Bill Hambleton [former Director of the Kansas Geological Survey] and I used to argue. Bill would always say, "The water situation is not a crisis. It's a big problem, but it's not an immediate crisis." I would always

 

argue, “It feels like a crisis to me.” As you look back on it, it looks even more apparent that that's what's going on.

RB: Guy [Gibson] leaves in '83. Did you have to go through a search to replace him?

DP: They did. That's right. I was essentially one of the candidates, but they went through the search, and people applied and did interviews.

RB: I remember, just from an external perspective, it looked pretty clear as to what was going to happen there. I don't think there was a lot of question, was there?

DP: I don't know. I certainly didn't know. Of course, Secretary Duitsman passed away in the meantime. Any perception that he had predetermined that I was going to be the guy went out the window.

RB: This was the Board of Ag[riculture] at that point.

DP: It's the Board of Ag at that time. The new Secretary of Agriculture that was hired after Bill Duitsman was Harland Priddle. Harland and I really worked well over the years, but I remember in the interview process, and I was selected, but then for a number of years then, that was really a good relationship. He understood the role of the Chief Engineer by law, but yet we were part of the Board of Agriculture. So, there were issues there that we dealt with administratively and overall things, but again Harland recognized that statutory role.

RB: You take that job in '83.

DP: That's correct.

RB: And you were in that position until when?

DP: 2007. Twenty-four years.

 

RB: A long time. As you look at that time period, there are an awful lot of things going on in that time period that we could talk about. We're going to have to sort of focus on certain things. Pick two or three of your biggest—I don't know if “accomplishments” is quite the word I'm looking for here, but two or three of the issues that you look back on now and say were the biggest or the most challenging, whether they got resolved or not.

DP: I would say a substantial part of my career, as it turned out, was dealing with interstate water issues, and I want to just mention, there were four compacts, two of those we had serious concerns about compliance. We spent a lot of years and a lot of time dealing with what became the Kansas v. Colorado case [Kansas v. Colorado, No. 105, Original, Supreme Court of the United States] on the [Arkansas] River.

RB: Which starts in '85, I think.

DP: Yes. Then later on, the Republican River Compact dispute. I won't say more about those, but I feel good about the fact, even though it took a lot of time and effort and money, we were able to get compliance in both cases.

Secondly, I would mention that we had a problem with stream flow. This was both central—I mentioned a couple of examples there in the eastern part of the state. Working with what became the Kansas Water Office by then, we came up with a concept of Minimum Desirable Streamflow. Starting in April of 1984, I believe it was, we got a statute passed to allow water to be withheld to maintain and establish Minimum Desirable Streamflow. That turned out to effect, I think, twenty-three streams and rivers in the state. Eventually those specific numbers got established. Those were implemented. I think it's very important for the central and eastern part of the state.

RB: I'd agree. I think those minimum desirable streamflows really [are] a big step in terms of surface water and sort of recognizing that rivers have certain rights almost.

DP: I guess the other thing I would say is, and, of course, in that role, it's much broader than the groundwater issues and whatnot, although they're very, very important, in the central and eastern parts of the state, we were dealing with times of plenty like floods and too much, and we were dealing with

 

droughts. One of the things working with Joe Harkins, who was then the Director of the Kansas Water Office, that we came up with, we had some drought exercises. We were very concerned about that.

That led to a program in working with the U.S. Army Corps of Engineers. We had to get some storage acquired and a whole bunch of things that are real complicated, but we came up with what's called the River Assurance Program. That was taking reservoirs that had storage that the state had under contract, and really managing it to maintain flows in a series of the rivers to satisfy municipal and industrial water uses during drought in a coordinated way, so we could get through droughts, operate the reservoirs as a system in case where there's more than one, and we did that in three river basins—the Kansas, the Neosho-Cottonwood, and the Marais des Cygnes. Those really have stabilized the water supply, and also the instream flow protection of those river basins. I think those are pretty important situations.

RB: Why don't we take a quick break here? When we come back, we'll pursue some of the specific things during that time when you were Chief Engineer?

DP: All right.

RB: We're back with Dave Pope. Dave, when we broke, you were talking about sort of the issues and challenges that you look back on that you regard as particularly important. One of them that you didn't mention that I think about all the time is Cheyenne Bottoms and some of the machinery that was used to deal with the problem there. I think most folks in Kansas know Cheyenne Bottoms is a big wetlands area in the central part of the state, important as the central flyway for migrating waterfowl. It's been there historically for a long, long time. At least in my memory, in the sixties, seventies, it really begins to struggle with lack of flow into the refuge, and the resulting impact that has on migrating wildlife.

There's a recognition within the state again in the eighties that we've got a really severe problem. We've got to do something about it. But what do we do? It depends a lot on surface water flow and the things that you mentioned in terms of stream flow are now manifesting themselves, and we've got a problem. So, what did we do?

 

DP: Well, as you indicate, with the background there, there was certainly a problem. I was approached some time towards the late eighties by a number of interests, expressing concerns about the lack of flow into the Cheyenne Bottoms, of course, which is fed by both the Arkansas River and then diversions from the Wet Walnut Creek.

The [Kansas] Department of Wildlife and Parks actually is a holder of a very senior surface water right to each of those sources. Particularly on the Walnut Creek side of that, they were an issue that was very close. That was probably considered the more important source at that point in time. Through discussions, I said, "We've got the possibility of considering a way to deal with that, and there's a role"—part of that area is within Big Bend Groundwater Management District #5. So, we needed to have staff have discussions with them. I was really kind of holding back because of a potential quasi-judicial role in the future, but ultimately then with the information that came to bear, I decided to initiate proceedings for what's known as an Intensive Groundwater Use Control Area [(IGUCA)], covering parts of the three counties of Barton, Rush, and Ness [counties] in the Walnut Creek drainage.

RB: What does that mean? An IGUCA, what does that do?

DP: Well, it was a statute that was enacted in, I think it was the late 1970s, that allows different tools from a legal perspective, an administrative perspective, to deal with water shortages, especially where there's a regional situation rather than just two individual rights against each other. This looked like it would be a tool that might have the possibility of working.

RB: There were already some of those in place at that time.

DP: Yes, there were some other intensive groundwater control areas around the state. I think there's a total of eight so far. This was one of the later ones and one in which we had both surface water and groundwater to deal with because of the hydraulic connection between those two sources. In essence, when I initiated proceedings for that process, that sets forth sort of a quasi-judicial process, which started with a pre-hearing conference, a notice to the public that this is an issue that's going to be dealt with in some way. We do not have a set of proposed rules or anything like that laid out. This was to deal with an issue. As it turned out, there were I think a dozen individual parties that range from irrigator-

 

related groups to cities to environmental groups. I think there were three of those, the Natural Resources Council, the Sierra Club, I believe it was, and maybe one other. They were active. We also had—there was industries. There was just a variety of different—

RB: Stakeholders.

DP: They wanted to participate in this hearing process. After the pre-hearing conference, then we set forth the schedule. People said, “We're going to need some time to get prepared for this, do studies, things of that nature.” That all happened in, it would have been 1990, I guess.

RB: In effect, the proposal there was for a percent reduction.

DP: There was no proposal going into the hearing. People made proposals at the time of the hearing. Essentially it was up to the Chief Engineer after collecting all of the evidence to determine how to solve this problem. That issue came into play, and basically it was pretty apparent, based on the record that there was a significant problem leading to impairment of the senior downstream surface right. I'll say as an aside, this was a highly emotional issue, a lot of attention to it. The first day of the hearing, 500 people showed up. Most of them were angry.

RB: Well, people's livelihoods were at stake.

DP: Exactly.

RB: And on the other side, people care about birds and wildlife. That's what I want to talk about. This is no minor thing that you're dealing with. You eventually arrive at a solution that by and large appears to have worked. But part of the reason it worked was that sort of consensus-building process of bringing all those people into the room, even if they might have been unhappy at the outset. You were listening to a lot of people in order to come up with a solution.

DP: That's correct. There were really two aspects of that. There was the formal hearing. It was all a part of the hearing, but the formal part was where the twelve parties, eleven or twelve, whatever it was,

 

represented by attorneys, we essentially had a trial. Each of the parties could call witnesses, give testimony under oath. That was the part where we were collecting evidence and facts and technical information. There was another phase of the hearing, which was primarily one day, mostly in the evening, I think if I recall, where we said, “People that are not represented by one of the formal parties can come and speak their piece.” We had those people come in one by one, come up and give statements. I was the hearing officer for that also and listened to those comments to ask questions, things like that. That was also part of the record. That ranged all the way from the guy that likes to fish in the creek to people with an environmental interest in Cheyenne Bottoms, birdwatching, wetland, all these different kinds of issues.

RB: What was the solution that you eventually came up with?

DP: After an extensive hearing, and I'll say parenthetically just for interest, this was right during the period when I was called to testify in the Kansas v. Colorado lawsuit, while the prehearing stuff took place in the spring. I actually was on the witness stand for that case and then had a two or three-week break. I went back and held the hearing, the first week of the hearing. Nobody thought it would go beyond a week. It actually went way into the spring. But the first week of it was going on then. Then I came back from the holding of the hearing back to California for the trial. It was a busy time period. Back to the question about what we did. After reviewing the record, all the studies, we issued an order and made the first, to my knowledge, legal findings that had occurred in the state that it was necessary to conjunctively manage surface water and ground water.

RB: Which is a big deal. It took a lot of other states a long time to come to that.

DP: That's right. We could deal with both surface water and ground water. We hadn't really looked at the effect of groundwater pumping on surface water in the same way.

RB: Right.

DP: We'd had areas where we'd closed because of concern about groundwater pumping affecting streams, but this was a bigger, more complicated issue.

 

RB: For what it's worth, Dave, I would say in the world that I live in, everybody today just sort of acts like it's [the connection between groundwater and surface water] a given. Nobody ever talks about it because they assume it's true, and everybody's always known that it's true. Well, that's not true. There was a long period where people treat—they talk about groundwater and surface water as two distinct entities.

DP: Anyway, from a legal administrative perspective, we brought those together. We had to in order to solve this problem. Then in terms of—there's something in the IGUCA statutes that we were talking about earlier, there's a lot of tools that are provided and options to deal with more of a regional problem, separate and apart from pure First-in-Time, First-in-Right, although that's still our basic premise of our water law system. The challenge I thought was to integrate those to come up with a solution that would work, in addition to closing the area and mandatory metering and things like that. Basically, we looked at the situation and came up with a way of reaching what we consider sustainable use. To protect the downstream senior surface right, you really have to manage the aquifer in such a way that you have flow. You have the base flow component as well as—

RB: So that the aquifer can contribute to the stream flow.

DP: That's correct. That was essentially the primary part of the water supply except for the real wet periods. So, we made that determination and then how to do it. We determined a number based on hydrologic studies that were part of the evidence for the hearing system. How much water can be safely withdrawn and still protect the downstream flows sufficiently? Well, it turned out to be about half of what was currently being used. This was a pretty big deal in terms of the cuts that were going to be necessary. Basically, in Kansas law, we have what's called "vested rights," the right to continue the beneficial use of water that was made before June 28, 1945, when the Water Appropriation Act became effective. So, they were not reduced because of the way the laws read, and they were there first. They were only required just to conserve, required to have conservation plans.

DP: Then the Appropriation Rights that went from 1945 up through the current time, and the area had been closed even before this hearing, but not too awful long, the 1980s or so. We basically determined

 

after the vested rights are satisfied, how much water can be used from appropriations under the allocation we determined under sustainable yield? That turned out to be about half the water rights. But the story doesn't end there. Basically, I also used a part of the law that had not been used before to my knowledge, and that was reasonable use. So, we determined not only the fact that they had a water right, but how much water does it really take to produce the crop if you're irrigating efficiently and applying water in the best way possible. So based on reasonable use, we limited the senior water right holders to that. There were some numbers, 11, 12, 13 inches, depending on the specific location per year on average, and translated those into then a five-year allocation. If you had 12 inches on average, but put on a five-year period, that meant during a dry year, you could use more up to the extent of your original water right or less in a wet year. People then adapted. It gave them the flexibility to manage their water better.

DP: Those allocations for the senior water rights because they were having to limit themselves to the reasonable needs, allow then for some amount for what we called the junior rights. These were after about the mid-1960s. They ended up with like 5 or 6 inches.

RB: What it, in effect, does is at least in theory legally you could have gone in and started major regulatory decisions according to First-in-Time, First-in-Right and looked at junior water right holders first and shut them off. But rather than shut off that group, to a certain extent, you spread the pain is what I'm trying to get.

DP: Yes.

RB: Everybody didn't suffer equally, but everybody had a role as opposed to just strictly the very most junior rights. Is that fair?

DP: Yes, in general. There was priority applied because we had three categories: the vested rights, and then what we called the seniors, and then the juniors got a very limited amount of water. But the reason we did that was in part what you described, but in part the practicality of having—if you have somebody that is sixty miles upstream of the impaired surface right, that has a different effect over time than somebody who's right next to the creek, down in the lower—we were looking at the system. It was a

 

systems management rather than a—you could go out there, “Where are all of these seniors and juniors?” It really was pretty impractical to solve it that way. We did use priority in the way I described.

RB: It wasn't so much a legalistic approach, as it was—it was a systems approach, I guess is the best word.

DP: Yes.

RB: The reason why I'm spending so much time on this, and I would say as people look back today, it worked, right?

DP: Yes. I think the good news out of this was the computations were pretty good in terms of the evidence, and while there were some ups and downs in the aquifer, it's in balance overall basically, as I understand it still. The Cheyenne Bottoms is getting water for the most part. Maybe it's not perfect all the time, but they're getting enough to maintain the wetlands, as important as they are. Because we've limited the pumping to that sustainable component that we've determine, I've had people out there that were really kind of upset to start with, in all fairness, have told me years later, “You know what? It turned out to work.” Our water levels are stable now. It fluctuates some, but our wells now can pump better.

RB: Exactly.

DP: So, while we were on the way down and really struggling, particularly in dry years, now year in and year out, we've got water. They have less to pump, and they had to adapt and become—

RB: But they've adjusted, and they seem to economically have at the end of the day, come out okay.

DP: They made determinations. We gave them a lot of flexibility, where they could use the water and from which well over that multi-year period of five years. Again, I think if they manage it carefully, rotate crops, whatever they need to do, they can make it work.

 

RB: The reason I'm spending so much time on this is because today, we face a very similar situation with Quivira National Wildlife Refuge, which is south of Cheyenne Bottoms. It has many of the same issues as far as I can tell that Cheyenne Bottoms had, surface flow in a different basin with Rattlesnake Creek, but many of the same issues, and is struggling right down that same road. A lot of times, one of the things I hear out of those conversations is to look at what was done, and you were a part of it, so were a lot of other people, at Cheyenne Bottoms as a model and apply it to Quivira. Why or why not? Either one.

DP: I think there's certainly some lessons there that could be applied. There are some differences. I'll say this. The differences, it's a regional aquifer system. It's more complex in terms of the effect of groundwater pumping and when that occurs and affects the stream. But in a broad sense, no, there's a real strong analogy. It is a downstream senior surface right. It happens to be for the important wetland. The reality, whether it's for a wetland or not, is not the issue. In a broader sense, yes, there's a public interest, but there's the seniority of the various rights.

RB: It's also different in the sense that it's a federal agency that holds that right as opposed to a state agency.

DP: That's correct, and so it's not that the federal government can use its powers as a whole. It's still a state water issue, but, yes, that is important in regard to it being a national wildlife refuge. I think the tools that were used could be applied and have not been at least yet. What happened after the Cheyenne Bottoms, Wet Walnut Creek IGUCA issue, is the people from down in that area could see the handwriting on the wall. They came forth and said, “Hey, can we talk about this? Is there another way to do this?” We ended up spending several years working through what we called the Basin Management Program to work with local people, the water right holders, the others involved, certainly Quivira folks, and try to come up with a program that would try to solve the problem.

DP: Now they wanted to give an attempt with volunteer-incentive-based programs. Some of that was what was called the Water Rights Buyback Program that we were trying to do, and they did some of that. There was also End Gun [a large sprinkler on the end of a center pivot irrigation mechanism] removals, water conservation, the water banking program, a variety of different things that were tried. Unfortunately, while that went on for several years, it really didn't have the effect in my view of what

 

was hoped for. I'm sure it made some benefits. So now we're kind of back with the issue because streamflow depletions continue to occur. That's an issue that I know Dave Barfield is working with as Chief Engineer.

RB: This may not have risen to quite the level of urgency at the time you were there, but in that process did you think about an IGUCA at that point for Quivira?

DP: I did. I was certainly thinking in the back of my mind at least about that, that this was an issue. Fish and Wildlife Service had come to us and had concerns. People were concerned and said, “That's what's going to happen,” and frankly we were looking at that issue, but we never got to the step of starting the process formally. That's when again the stakeholders got together themselves, the people from the Rattlesnake Partnership Group, which was Water PACK [Water Protection Association of Central Kansas] and GMD No. 5, and the Quivira folks and others and said, “Hey, we think we can solve this in a way that's less harsh. That's what was worked with for a number of years.

RB: But it hasn’t really panned out that way.

DP: It didn't pan out as good as we had hoped, as quickly as we hoped.

RB: Do you think some of this, I would say again from my perspective, watching what went on with the IGUCA at Cheyenne Bottoms, and what eventually went on with the LEMA up in northwestern Kansas, a lot of those success stories are a function of a lot of conversation and consensus building. Now it feels a little bit like the situation down at Quivira have divvied up sides that have dug in their heels to the point that those kinds of conversations are very difficult to have.

DP: I'm not a participant in that, so I don’t know the inside, but that's the perception that I get as well, Rex. It's unfortunate, but nevertheless, there's sometimes a role for a regulator that has to step in and make decisions. I think that's the thing that's being considered at this point as I understand it. Again, there's a variety of tools, and augmentation has been looked at. That's part of the solution, but you have this base flow component with the depletion of the Rattlesnake Creek by long-term pumping. So, I think that's the challenge.

 

RB: In all fairness, a lot of times those conversations and that consensus building would not take place if there weren't the fear of a hammer hanging out there in terms of the regulatory world. If they weren't concerned about administering water rights, they might not come to the table. It's the knowledge that's out there that brings people to the table.

RB: I know this is a pretty abrupt transition, but I think the lessons learned here is what is the ultimate value of these kinds of conversations. If you look back now from having been there at the birth of one of those GMDs, if you want to put it that way, and then in a very different role as DWR, as the process went on, how successful have those GMDs delivered on the promise of their creation?

DP: I think it's a mixed story in my view with some successes and some I think that have not made the progress that I had hoped for. I would say of the five Groundwater Management Districts, that two of those I believe have been, or are in the process at least of being very successful. Equus Beds Groundwater Management District No. 2 early on developed a Safe Yield set of rules and have managed the aquifer based on that and including looking at the effect on the stream.

RB: Just to be clear, Safe Yield is in effect of yields, it's almost another word for sustainability? Is that a fair statement?

DP: It is, and sustainability is really a better term in my view. The term “Safe Yield” was used initially because—and they did this in their case—looked at not only how much water can be withdrawn based on average annual recharge to an aquifer system, but the effects on a stream, in this case, the Little Arkansas River. So, with modeling from both, I believe, the Kansas and U.S. Geological Surveys and the district provided tools. They looked at the effect on the stream as well. I think, year in, year out, while there have been challenges, I think that's worked pretty well.

RB: In terms of looking at water levels, I think that looks like pretty much a success story, but the other district would be Northwestern Kansas.

 

DP: That's correct. I believe, particularly in more recent years, they have tried to make that transition first with LEMA [Local Enhanced Management Area] No. 6 in Sheridan County, Sheridan 6, that I think they used for a five-year period to see how this would work. They had a lot of consensus among the water right holders there, and I think the records have shown that that's really worked pretty well with substantial reductions in use but still being able to maintain the economic values.

RB: And just for the recording, LEMA is a Local Enhanced Management Area in which, basically, the landowners within a certain area agree to a percent reduction over—a percent or an absolute reduction over time.

DP: This is based on a five-year period. I think they had a 20 percent reduction based on actual use.

RB: They did that in concert with DWR, but in effect, the impetus for that came from the local area as opposed to DWR. I think that's a fair statement.

DP: It is a fair statement. Part of what happened was particularly after the Walnut Creek IGUCA, Intensive Groundwater Use Control Area, that scared a few people in terms of saying, "Wow, this is pretty significant."

RB: "Here's what Dave Pope could do to us if he decided to."

DP: Some of the folks from the GMDs, including up in Northwest Kansas, said, "Boy, we really want to do something, but we're a little bit afraid if we ask what we're going to get." I couldn't sit there and guarantee them without having held a hearing and looked at the evidence of what was going to happen. I was trying to assure them, "Hey, if you make a proposal, that's going to carry a lot of weight" that deals with issues.

RB: In effect, it's sort of a reverse in the direction that the impetus is coming from. I would say, and I think everybody would agree, that Sheridan [County] 6 [LEMA] thing is a big deal that everybody, not just in Kansas but around the country and even to a certain extent around the world, are watching really closely to see how successful it is. I think, by and large again, it appears to be highly successful.

 

RB: And there are other things you can point to in Northwestern Kansas as either successful attempts or attempts that are less successful to try to deal with issues. They may not have always taken flight, but there was a lot of conversations, a lot of proposals, a lot of attempts. Why does that come out of Northwestern Kansas and not Southwestern Kansas, where you started out?

DP: Well, that's a good question. I think historically there have been differences in those areas that I've observed. It's kind of hard to describe and incremental, but sort of the attitude of people.

RB: Almost like cultural differences.

DP: Cultural differences. The aquifer system in Northwest Kansas, it's a smaller piece of the Ogallala [Aquifer] but still important, multi-counties, but I think all the way back years ago, it's been a product of Board members, a product of leadership from the staff and others to be interested in dealing with the issues. Without being critical of Southwest Kansas, I'm just saying I think there's always been a little bit more—it's a big area. There's a lot at stake—huge agribusiness involvement with the feed lots and hog operations and mega-dairies, a variety of things that are a part of that agribusiness-based economy in Southwest Kansas, and more apprehension of local versus state, I guess.

DP: It's hard to describe, and that's just kind of off the top of my head, some views. There are some good folks out there, but I believe the farms are big. I mentioned early on that the steering committee and the Board members that I worked with were local leaders that really wanted to look long term. They knew the problems, and they'd gone through the seventies and periods like that with drought and water-level drops, alarming situations. Ark[ansas] River dried up and all of these different things. Now, I think economic times go up and down. Farms are a lot bigger. It's more commercial, if I can use that term.

RB: Industrial is the word that I use. It feels that way when you drive around out there.

DP: It's just a different culture than it was.

 

RB: And politically I think there's been a hardening of attitudes in this process, too. When we've had these other conversations, there's a discussion within the legislature about how much less bipartisanship there is in the legislature or between the governor and legislature. To a certain extent, I think that weighs into some of what's going on out there in Western Kansas as well.

DP: I think that's probably right. We certainly over the years in all of those times pretty much through my career enjoyed a bipartisan approach to water in the Kansas legislature. There were a lot of people, at least one of which is present here, a former legislator in the room, and people that really wanted to look at the issues in a broad way. That was very helpful. It's just a part of the culture these days, not just in Kansas, but in other places. Things are a little bit more adverse.

RB: How do you think a hundred years from now, when somebody else is sitting in this room having similar kinds of conversations with whoever is at DWR, maybe fifty or a hundred years from now, how do you think they're going to look back at what Dave Pope did? What do you think they're going to say?

DP: I hope they'll look back on a positive basis. I think there was a lot of things that I think we did and tackled, but history is a judge of what happened. It's easy to take today's knowledge and views and try to apply those to twenty, thirty, forty years ago. I've been in this business forty-eight years now, one way or the other. There's always a little apprehension there. But in terms of taking some of those initial steps and applying them around the state, including Western Kansas, I think—I'm not sure history is going to judge the end result as favorably as I would have hoped because we have really not tackled the big long-term depletion problems in Western Kansas as much as I had hoped originally.

RB: I would agree with that. In light of that, if you could now go back to that Dave Pope that was helping develop these concepts of GMDs out in Garden City in 1976, what would you do differently today? Again, I'm not being critical of anything anybody did at the time, but you do know a lot more today about what worked and what didn't than you did at the time. What would you say that Dave Pope to do differently?

 

DP: I don't think the effect would have been so much different, but I would have probably instead of working with the Board to develop the Allowable Appropriation Planned Depletion, I would have said, “Let's look at a sustainable situation.”

RB: Right out of the chute.

DP: Yes. Maybe at most 1 percent per year depletion or something like that, knowing there was depletion. Remember that policy is dealing with new development, but I think it would have been better. The effect on the vast majority of the district would have been the same in terms of closing to new appropriations, but there was a part of the district that would have been subject to more rigorous review plus new appropriations, but more importantly than that because I don't think the end result of new development would have been that much different, but the philosophy—

RB: The attitudinal—

DP: And the attitude is, “We want this to be sustainable.”

RB: Exactly.

DP: The next step that we never got to was how do we reduce existing pumping and existing appropriations as needed, whichever method, whether it be IGUCA or other ways, LEMA in more recent years, that kind of stuff, I think that's the bullet that needs to be looked at carefully.

RB: I think that's a really important point. Maybe part of the point here is how important language is in this whole process. I remember during one of the myriad of Ogallala [Aquifer] studies that I was involved with, I tried to insert the word “sustainable“ into whatever the document was. This was during Al Ledoux's [time] in the Water Office, and whoever edited the report made sure to go back, find every time I used “sustainable,” take it out, and replace it with something else. By that point, that people were recognizing the importance of sustainability, sustainability is a four-letter word. If we had started out as being part of the conversation—once it was a four-letter word, it's really hard to go back and put

 

it into the conversation. If it had been part of the conversation from the beginning, it would have been easier.

DP: I will say this. That's, I think, true as it relates to the Ogallala [Aquifer]. I will say that in 1994, I promulgated rules for all areas of the state of Kansas outside the Groundwater Management Districts that required sustainability for all new appropriations. So, we have dealt with safe-yield management, sustainable management concerning both surface water and groundwater in the rest of the state for a long time. That affects the Kansas River Valley out here, all the streams in Eastern Kansas, the streams and alluvial valleys. I think that's been successful.

DP: It's really this issue that the GMDs were formed with this concept of determining their own destiny within the laws and policies of the state of Kansas, and the state of Kansas has deferred all these years to that, and I think as the years went by, maybe some of that should have been rethought. Maybe it should still be in terms of if it doesn't get done, at what point, does the State step in? That's a tough issue.

RB: It is a tough issue, but the argument you may have just made is that at the end of the day, that whole argument about local versus state control, and it may just say there's a limited amount of what you can do with local control. I don't want to go off on this tangent, but I remember Wayne Bossert once saying to me, “It's really hard to talk about cutting somebody off in terms of the amount of water they're pumping when you've got to go drink coffee with them every day.” I think that gets at the heart of a lot of the impediment to what sounds like a good deal in local control.

DP: I think it goes back to that issue of originally the people that were involved were wanting to deal with that problem. It started with the basic issues we talked about here. My belief is that they wanted to go further, even though it would be more difficult, but there's been a change over time. I think that is unfortunate.

RB: For example, if you were the executive director of the GMD in Southwestern Kansas and you wanted to be very aggressive in terms of groundwater depletion, you'd probably be out of a job pretty fast.

 

DP: You could be.

RB: Again, it's that sort of issue of local versus state control and sort of what realistically can work and what realistically can't work.

DP: Yes. These are tough issues.

RB: Probably also had the State decided not to do it as a local control issue, and the State was just going to come in and say, “We're going to solve your problem,” that probably wouldn't have worked really well either.

DP: The real world is—I found this during my career and tackled a lot of tough issues. Very seldom was that me just sitting in the corner office in Topeka and saying, “This is what it's going to be.” There were some examples of that in all fairness, but it was a process of trying to build consensus and working with people.”

DP: I was out in the state a lot in speaking engagements and meeting with various groups.

RB: And listening to people.

DP: Not just the GMDs, but a lot of other areas to try to tell people, “Hey, look, here's what's going on. Here's the studies. Here's the options that we have to deal with and try to build consensus to deal with those,” and we dealt with a lot of those that occurred in various areas of the state.

RB: Well, you and I dealt with a relatively minor one in terms of water rights related to beneficial use for sand pits.

DP: Yes.

RB: We spent incredible amounts of time in what most people would regard as a relatively small issue. You were always willing to come out and spend that time. One of the things I never heard any criticism

 

of was you weren't willing to come out and sit and kill an entire day with those kinds of consensus-building conversations. They may not be happy with the results, but it wasn't because you sat in Topeka and ignored phone calls. I never heard anything like that.

DP: I appreciate that, Rex. Yes, the sand pit issue is a pretty good example of that. That was a very controversial issue, and we ultimately worked through it and determined a solution that I think worked for both them and got the issue dealt with.

RB: In retrospect it worked. It was at times a slow, painful process, and that may be the ultimate lesson of water in this state is if you're going to get something done, it is going to be a slow, painful, time-consuming process that involves a lot of conversation, but that's really about the only say to do it, short of going to court for long periods of time.

DP: There's certainly lots of examples of that, too.

RB: What I think I want to do is finish up and say those of you who are reading this or watching this may be frustrated that we didn't talk much about Kansas [v. Colorado] and the role of that [case], but I think we'll take that topic on in another time. I think it sort of deserves its own attention. It's a critically important issue again that deserves a lot more time than we can give it this morning.

DP: Yes.

RB: With that, I want to thank you, Dave. I think this whole period in the state's water history is fascinating. You were around. I think I said yesterday, you knew where the bodies were buried. That might not be the best way to put it, but you know what I mean.

DP: I enjoyed my career. It was tough at a lot of junctures, a lot of hard work, a lot of hours, but I appreciate you talking to me about it here today. Thank you, and I enjoyed working with you, Rex, over the years, too.

RB: Thank you.

 

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