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TESTIMONY BY SCOTT WALL FOR

THE NATIONAL CORN GROWERS ASSOCIATION ON

THE HIGH PLAINS AQUIFER HYDROGEOLOGIC CHARACTERIZATION, MAPPING AND MODELING ACT, S. 212

HOUSE SUBCOMMITTEE ON WATER AND POWER

OCTOBER 30, 2003

Good morning, Chairman Calvert and Ranking Member Napolitano. Thank you for inviting me to testify on S. 212.

My name is Scott Wall. I am a corn and wheat producer from Yuma, Colorado. My family and I farm just under 1,000 acres, much of it irrigated. I am a member of the National Corn Growers Association (NCGA) and serve on the Corn Board. NCGA represents more than 33,000 corn growers from 27 states.

I am just finishing up my harvest, which those of you familiar with row crop production know is an incredibly demanding race against the clock. Yet, I left my work to be here for this hearing. NCGA has three main concerns with S. 212: it would intrude on law traditionally reserved for the states; it would duplicate existing state programs; and it would have a high and unnecessary cost.

State Water Rights

The United States has a long and well-established tradition of respecting a state's right to govern and manage its water resources. While this tradition has been eroded for surface water, it still generally applies to groundwater. The Federal Government—Congress—should resist the temptation to encroach on this area of law again.

Obviously, Congress plays an important role in setting national environmental policies and priorities. But another intrusion, no matter how innocuously drafted to help states or to conduct research, eventually opens the door to more laws and new regulations. Congress should not impose on states water rights, especially when the states that would be affected by this legislation have robust laws, regulatory agencies and research capabilities in place.

Duplication with existing efforts

For what should be a relatively simple concept—to create a program to characterize, model and map the Ogallala Aquifer—S. 212 is a complex bill. Governors must request assistance. A review panel must be created. The review panel must evaluate research proposals and prioritize program activities. Funding must be split with the states. Reports on program implementation and the state of the aquifer must be generated. Why is this so prescriptive? It makes me wonder about the real reason for

S. 212.

If the goal is to help the states in the region better understand the aquifer, why can't they simply ask the Department of the Interior for additional assistance? According to testimony previously provided by the Department to the Senate Water and Power Subcommittee, the U.S. Geological Survey (USGS) already is working with the states to evaluate the present and future state of the aquifer. In addition, USGS has the authority to help the states in any way they need.

Colorado is a dry area, and we often suffer from droughts. Yet, the Ogallala Aquifer has made my part of the state and the rest of the High Plains a highly productive agricultural area. Irrigators and other water users recognize that intense use of groundwater has caused declines, some serious. We know this trend raises questions about the sustainability of long-term agricultural production in the area.

However, farmers, other stakeholders and the states are addressing these concerns. More than 15 years ago state, local and federal agencies began a long-term monitoring program to assess the changing condition of the aquifer. These yearly assessments show that decreases have slowed, mainly because of increased irrigation efficiencies, cultivation practice changes and generous rainfall (except for 2002).

Most of the states in the region have robust, comprehensive ground and surface water management laws and programs. Colorado has two state agencies addressing water issues. Nebraska brought two separate entities under one department a few years ago. Texas has one agency solely dedicated to water issues and a comprehensive system of local groundwater management.

In Colorado, our state water agencies issue water well permits, administer water rights, monitor flow and collect water data. We also have the Groundwater Commission and local water conservation districts that make recommendations to the commission. I list these entities and activities to give the committee an idea of how seriously Colorado takes its water resources.

While additional study is probably needed on the aquifer, such as on sustainable recharge rates and how recharge corresponds with changing agricultural practices, the responsibility for conducting it needs to remain where it belongs on the state and local level.

Cost

According to the Congressional Budget Office (CBO), S. 212 would cost \$90 million over 10 years. To a farmer, \$90 million is a lot of money, especially for a program that duplicates state programs and is unnecessary to solve any perceived research or agency coordination deficiencies relating to the aquifer.

As you may know, the 2002 farm bill created the Ground and Surface Water Conservation program to be managed by the Natural Resources Conservation Service. The purpose is to provide cost-share payments, incentive payments and loans to help farmers improve water conservation. Eligible practices include improving irrigation systems, enhancing irrigation efficiencies and mitigating drought. The farm bill provided \$25 million in 2002, \$45 million in 2003 and \$60 million for each FY 2004-2007.

This program is about outcomes—actually conserving water and increasing efficiency. Just think of what \$90 million could do if it were used for on-the-ground water conservation instead of for just another report. NCGA suggests that if the bill's sponsors are serious about groundwater issues, they should put real money toward real problems, not just set up yet another duplicative, unnecessary program.

Closing

The Ogallala Aquifer is a wonderful resource. Colorado corn growers and all others that rely on it to produce their crops are well aware of what it has done for agriculture. Please leave its management to us and our states. We've done a good job and it shows.

Thank you again for the opportunity to testify today. I would be happy to answer any questions.