

107TH CONGRESS
1ST SESSION

S. 1537

To authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling, and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination Council to facilitate groundwater conservation in the High Plains.

IN THE SENATE OF THE UNITED STATES

OCTOBER 11, 2001

Mr. BINGAMAN (for himself, Mr. DOMENICI, and Mr. INHOFE) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to conduct a hydrogeologic mapping, modeling, and monitoring program for the High Plains Aquifer and to establish the High Plains Aquifer Coordination Council to facilitate groundwater conservation in the High Plains.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “High Plains Aquifer
5 Conservation, Monitoring, and Coordination Act”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) a reliable source of groundwater is an es-
2 sential element of the economy of the communities
3 on the High Plains;

4 (2) the High Plains Aquifer consists largely of
5 the Ogallala Aquifer with small components of other
6 geologic units;

7 (3) the High Plains Aquifer experienced a dra-
8 matic decline in water table levels in the latter half
9 of the twentieth century;

10 (4) the decline in water table levels is especially
11 pronounced in the Southern Ogallala Aquifer, with
12 areas in the states of Kansas, New Mexico, Okla-
13 homa, and Texas experiencing declines of over 100
14 feet in that from 1950 to 1997;

15 (5) the saturated thickness of the High Plains
16 Aquifer has declined by over 50 percent in some
17 areas, the percentage of the High Plains Aquifer
18 which has a saturated thickness of 100 feet or more
19 declined from 54 percent to 51 percent in the period
20 from 1980 to 1997;

21 (6) the decreased water levels in the High
22 Plains Aquifer coupled with higher pumping lift
23 costs raise concerns about the long-term sustain-
24 ability of irrigated agriculture in the High Plains;

1 (7) hydrological modeling by the United States
2 Geological Survey indicates that in the context of
3 sustained high groundwater use in the surrounding
4 region, reductions in groundwater pumping at the
5 single farm level or at a local level of up to 100
6 square miles, have a very time limited impact on
7 conserving the level of the local water table, thus
8 creating a disincentive for individual water users to
9 invest in water conservation measures;

10 (8) incentives must be created for conservation
11 of groundwater on a regional scale, in order to
12 achieve an agricultural economy on the High Plains
13 that is sustainable;

14 (9) Federal, State, tribal, and local water policy
15 makers, and individual groundwater users must have
16 access to reliable information concerning aquifer re-
17 charge rates, extraction rates, and water table levels
18 at the local and regional levels on an ongoing basis
19 for water conservation incentives to function; and

20 (10) coordination of Federal, State and local ef-
21 forts to map, model and monitor the High Plains
22 Aquifer and of programs pertaining to the conserva-
23 tion of the groundwater resources of the Aquifer can
24 play an important role in effectively addressing the
25 issue of the decline of the Aquifer.

1 (b) PURPOSE.—The purpose of this Act is to provide
2 for the enhanced mapping, modeling, and monitoring of
3 the High Plains Aquifer and the improved coordination
4 of efforts to address the conservation of the groundwater
5 resources of the Aquifer.

6 **SEC. 3. DEFINITIONS.**

7 For purposes of this Act:

8 (a) HIGH PLAINS AQUIFER.—The term “High Plains
9 Aquifer” is the groundwater reserve depicted as figure 1
10 in the United States Geological Survey Professional Paper
11 1400–B, titled Geohydrology of the High Plains Aquifer
12 in Parts of Colorado, Kansas, Nebraska, New Mexico,
13 Oklahoma, South Dakota, Texas, and Wyoming.

14 (b) HIGH PLAINS.—The term “High Plains” means the
15 approximately 174,000 square miles of land surface over-
16 lying the High Plains Aquifer in the States of Colorado,
17 Kansas, Nebraska, New Mexico, Oklahoma, South Da-
18 kota, Texas, and Wyoming.

19 (c) HIGH PLAINS AQUIFER STATES.—The term
20 “High Plains Aquifer States” means the states of Colo-
21 rado, Kansas, Nebraska, New Mexico, Oklahoma, South
22 Dakota, Texas, and Wyoming.

23 (d) SECRETARY.—The term “Secretary” means the
24 Secretary of the Interior.

1 **SEC. 4. HYDROGEOLOGIC MAPPING, MODELING, AND MONI-**
2 **TORING.**

3 (a) PROGRAM.—The Secretary, working through the
4 United States Geological Survey, and in cooperation with
5 the State Geologists of the High Plains Aquifer States,
6 shall develop and carry out a comprehensive hydrogeologic
7 mapping, modeling, and monitoring program for the High
8 Plains Aquifer. The program shall include on a county-
9 by-county basis—

10 (1) a map of the hydrological configuration of
11 the High Plains Aquifer; and

12 (2) an analysis of:

13 (A) the current and past rate at which
14 groundwater is being withdrawn and recharged,
15 and the net rate of decrease or increase in aqui-
16 fer storage;

17 (B) the factors controlling the rate of hori-
18 zontal migration of water within the High
19 Plains Aquifer; and

20 (C) the current and past rate of loss of
21 saturated thickness within the High Plains Aqu-
22 uifer.

23 (b) FUNDING.—The Secretary shall make available to
24 the High Plains States no less than 50 percent of the
25 funds made available pursuant to this section to be used
26 by the States, working in cooperation with the Secretary,

1 to implement the program provided for by this section.
2 The Secretary shall allocate the funds among the High
3 Plains Aquifer States in a manner to best further the ob-
4 jectives of the program provided for in this section.

5 (c) ANNUAL REPORT.—One year after the date of en-
6 actment of this Act, and every two years thereafter, the
7 Secretary shall submit a report on the status of the High
8 Plains Aquifer to the Committee on Energy and Natural
9 Resources of the Senate, the Committee on Resources of
10 the House of Representatives, and the Governors of the
11 High Plains Aquifer States.

12 **SEC. 5. HIGH PLAINS AQUIFER COORDINATION COUNCIL.**

13 (a) ESTABLISHMENT AND PURPOSE.—The Secretary,
14 in cooperation with the Secretary of Agriculture, shall es-
15 tablish a High Plains Aquifer Coordination Council. The
16 purpose of the Council shall be to—

17 (1) ensure that comprehensive and coordinated
18 mapping, modeling, and monitoring efforts relating
19 to the High Plains Aquifer are in place to provide
20 information on the water resources of the High
21 Plains Aquifer, including the sustainability of such
22 resources;

23 (2) facilitate the coordination of Federal, State,
24 and local programs relating to the groundwater re-
25 sources of the High Plains Aquifer;

1 (3) facilitate coordination of programs and poli-
2 cies among the High Plains Aquifer States with re-
3 spect to the groundwater resources of the High
4 Plains Aquifer;

5 (4) evaluate the effectiveness of Federal and
6 State programs in addressing the present and antici-
7 pated groundwater resources issues relating to the
8 High Plains Aquifer; and

9 (5) provide recommendations to the Secretary,
10 the Secretary of Agriculture, and each Governor of
11 a High Plains Aquifer State, regarding programs
12 and policies and changes in Federal and State law
13 to address the groundwater resources issues of the
14 High Plains Aquifer.

15 (b) MEMBERSHIP.—The Secretary, in consultation
16 with the Secretary of Agriculture, shall appoint the fol-
17 lowing members of the High Plains Aquifer Coordination
18 Council:

19 (1) Two representatives of the Secretary of the
20 Interior, one representing the Bureau of Reclama-
21 tion, and one representing the U.S. Geological Sur-
22 vey.

23 (2) Two representatives of the Secretary of Ag-
24 riculture, to be selected from a list of candidates
25 provided by such Secretary, one representing the

1 Natural Resources Conservation Service and one
2 representing the Rural Development Administration.

3 (3) A representative of each Governor of a High
4 Plains Aquifer State, who shall be a state employee
5 and shall be selected from a list of candidates pro-
6 vided by the Governor. The representative of at least
7 one Governor shall be a State Geologist of a High
8 Plains Aquifer State.

9 (4) A representative of irrigation production ag-
10 riculture from each High Plains Aquifer State, se-
11 lected from a list of candidates provided by each
12 Governor.

13 (5) A representative of the municipal and in-
14 dustrial water user community from each High
15 Plains Aquifer State, selected from a list provided by
16 the Governor.

17 (6) A representative from the conservation com-
18 munity from each High Plains Aquifer State, se-
19 lected from a list provided by the Governor.

20 (7) Two representatives of Indian Tribes from
21 the High Plains Aquifer area of the vicinity thereof.

22 (c) TERMS.—Each member of the High Plains Aquifer
23 Coordination Council shall serve for a term of four
24 years, whereupon the Secretary may reappoint the mem-
25 ber or appoint a new member in conformance with the pro-

visions of subsection (b). Members of the Council who are not employees of Federal Government shall serve without Federal compensation, but shall be reimbursed by the Secretary for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties.

(d) ADMINISTRATION.—Financial and administrative services shall be provided to High Plains Aquifer Coordination Council by the Secretary.

(e) REPORT.—The High Plains Aquifer Coordination Council shall submit a report to the Secretary, the Secretary of Agriculture, the Committees Energy and Natural Resources and Agriculture of the Senate and the Committees on Resources and Agriculture of the House of Representatives, two years from the date of enactment of this Act and every two years thereafter. The report shall contain the Council's finding and recommendations regarding the matters set forth in subsection (a).

SEC. 6. HIGH PLAINS AQUIFER EDUCATIONAL ASSISTANCE.

The Secretary, working in cooperation with the Secretary of Agriculture, shall provide financial assistance, subject to the availability of appropriations, to each of the eight High Plains Aquifer States to provide educational programs related to this Act. The States may cooperate with land grant universities and educational institutions

1 or other private organizations in the administration of
2 these programs. Educational programs shall include the
3 following:

4 (a) Water conservation workshops for producers, crop
5 consultants, and agricultural groups throughout the High
6 Plains Aquifer region.

7 (b) Training and periodic update workshops for field
8 staff responsible for implementing water conservation
9 cost-share programs.

10 (c) Public education and information for elementary
11 and secondary students and adult learners, and education
12 for state and local decision makers.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 (a) There is authorized to be appropriated not to ex-
15 ceed \$10,000,000 for each of the fiscal years 2002
16 through 2007 to carry out the purposes of section 4 of
17 this Act.

18 (b) There is authorized to be appropriated not to ex-
19 ceed \$2,000,000 for each of the fiscal years 2002 through
20 2007 to carry out the purposes of section 5 of this Act.

21 (c) There is authorized to be appropriated \$3 million
22 annually fiscal year 2002 through fiscal year 2011 to
23 carry out the program set forth in section 6 of this Act.

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