

Rex Buchanan: I'm Rex Buchanan, the former director of the Kansas Geological Survey. The date is June 18, 2020. I'm at my home in Lawrence, Kansas, interviewing Lon Frahm, who is at his home in Thomas County, Kansas. We're conducting this interview over Zoom.

Lon'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 farmers, administrators, legislators, environmentalists, and others who are involved in the development of that policy. Lon is a sixth-generation farmer and resident of Thomas County, where he owns and manages Frahm Farmland, Incorporated, a farming operation of 36,000 acres, where the primary crop is dryland and irrigated corn. Frahm utilizes over seventy center-pivot irrigation systems. Frahm was also a pioneer in large-scale, no-till farming and other conservation practices.

Lon holds bachelor's degrees in business and agriculture from Kansas State University as well as a Master of Agribusiness degree. Maintaining his family's tradition of public service, he has served on the Kansas Arts Commission, the Kansas Humanities Council, the Kansas Water Authority, and the Kansas Geological Survey Advisory Board at the University of Kansas.

Lon was a long-time board President of the Northwest Kansas Groundwater Management District #4 in Colby, Kansas. He is past chairman at Midwest Energy in Hays, where he continues to serve on the board. He also serves on the board at Citizens Medical Center in Colby.

The arts and humanities have long been a priority in Lon's life. He was among the founders of High Plains Public Radio and served on that board for over twenty-five years. He's also an accomplished pianist and vocalist. Among his other hobbies are flying, sailing, motorcycling, and scuba diving.

The Kansas Oral History is a not-for-profit corporation created to collect and preserve oral histories of Kansans who are involved in shaping and implementing public policy during the last half of the twentieth 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.

Good morning, Lon. Thanks for agreeing to contribute to this series and to our initial attempt to record these on Zoom. I appreciate your willingness to giving this a shot.

Lon Frahm: Great. Sorry to make this so delayed.

RB: Well, I appreciate your willingness to do this. In terms of starting off here, why don't you just describe in a little bit more detail the kind of farming you do and also how you got into what I assume is the family business.

LF: Right. Like you said, I was a sixth-generation farmer. I grew up as kind of the unwilling employee of my grandfather and my father. I say they paid me just enough to stay on the tractor that I had to pay attention. Although it was never anything I was going to do. In fact, farming is something I said I was never going to do until I got to the end of college, and, all of a sudden, I realized how the world worked and how everything was organized, and it made a lot more sense to come back than to go to work for somebody else.

My loan officer kids me that I never picked up my farming card, and I think I still don't have my farming card, but it enables me to be more objective. I look at a lot of these issues more as an economist than a "farming is in my blood" kind of a person, which I think is kind of the norm around here.

I came back in 1980. My father died very suddenly in 1986, actually thirty-four years ago tomorrow. I found myself in charge of a huge amount of debt at a very young age, and water was a huge part of that debt. It was going to be the only way to pay it off, and it was all tied up, all the loans, all that we did. It was all tied up in water. So, in some way, the choice was pretty clear. It was to continue on the water-pumping path or sign it all over. I guess we've never really said that. I've never really said it that way to you before, Rex.

RB: Okay, before we go on, it helps if you get a little closer in terms of sound quality.

LF: Okay.

RB: First of all, when you say you don't have your farming card, I grew up on a farm. I walked off the farm thinking, "I'm never going to go back again," and as opposed to you, I never did go back.

LF: I felt like I left the farm when I was in grade school. I never thought I was coming back. I didn't.

RB: When you say you don't have a farming card, it's because you didn't grow up with that sense from day one.

LF: Right. No 4-H. No any of that stuff. No. Working on the tractor was just a way to earn money to go do something else.

RB: Okay. And when you said the choice was between continuing down, and I can't remember exactly how you put it, continuing down the water road or the irrigation road in effect, or signing it all over, was that what you said?

LF: Yes, signing it all over. In other words, we had to pump to not lose the farm. It wasn't a choice.

RB: In effect, going back to dryland farming was not in the cards. How big was that operation that you inherited at that point?

LF: When my father died, we were 6,600 acres, and today I'm at about 36,000, which isn't all that unusual, but the percentage that's owned by myself and family is rather high, which does make us a little bit more stable, established, tied to the community, so to speak.

RB: Okay, so of that 6,600, how much was irrigated?

LF: Three thousand.

RB: So, half.

LF: We had twenty or so pivots back then. There's over seventy now.

RB: And before we go kind of off this topic, how did that fall to you as opposed to other siblings?

LF: I'm the oldest of three. I have a younger brother and a younger sister. It fell to me as the oldest kid. My younger brother and sister, they have retained ownership, but they've never really actively been involved. So, it fell to me to try to keep everything together.

RB: You said tomorrow is the anniversary of when your father died. Again, how many years ago was that? How old were you at the time?

LF: Twenty-seven.

RB: Did you—and I don't mean to get too personal because that's not really the point of this—

LF: Personal is fine.

RB: Was that a difficult decision?

LF: In an awful lot of my life, I'd say there's really been no decision. The answer was pretty clear.

RB: Well, you could have—

LF: As we're talking about water, I personally never drilled any of these wells. It was all done by the generation ahead of me. I was the person that was in charge of trying to make it work or hold it together. I've noticed there's a real difference in concept and attitude. If you were the guy who drilled the well two generations ago, you have a different idea about shutting it off. If

you were the guy that purchased it with a million-dollar mortgage or you were the guy who inherited a million-dollar mortgage from your father, it's almost a whole different deal. It's generational. Does that make sense?

RB: Is it generational or personal? In the sense, if you drilled the well, do you have more of an attachment to it as a result of that?

LF: No, I think if you drilled the well, you're more responsible for it, and you can change your mind and have regrets or say, "Hey, maybe this is not the right thing that I did." But if you're the son that inherits a debt and the well, it becomes very difficult to say, "Oh, on moral high grounds, I don't want to pump water anymore. By the way, there's a million-dollar mortgage on this quarter. What do I do about it?" So, my generation, and I think in the next one, we inherited debt, and we did not make the decision to develop the land, to develop the irrigation.

RB: Are you saying the decision is more economic based as opposed to personal or moral was a term that you used?

LF: Oh, exactly. I think this next generation, myself, that's inherited the debt and inherited the decision, we have to deal with it. We don't even have a chance. On the moral ground, it's like, "Do you want to sign your farm over to the bank?" or "Do you want to try to hold it together?"

I've heard a lot of those first-generation guys who are super old now, some of them are more willing to shut it down on conservation attitudes, ideas, philosophies. The next generation, it's a fact of life. Someone else made the decisions. We have to deal with them.

RB: That's an interesting generational perspective. I think we'll get into this as we go through the conversation and talk about responses. Talk a little bit about your engagement on the irrigation side. I understand, and people that watch or read this should know, you do a fair amount of dryland farming as well. You might touch on that.

LF: Right, exactly. I probably am the largest irrigator in northwest Kansas. I have about 10,000 acres that's irrigated, but there's another 25,000 acres that's dryland.

RB: So actually, a lot more dryland farming.

LF: Three times as much. Back to the irrigated versus dryland, I figure that as far as inputs and outputs, and it's interesting in the value of the land, too, one irrigated acre is about the same as three dryland acres.

RB: In terms of?

LF: In terms of inputs and in terms of outputs. Somewhere between two and three, and the price of the dryland versus the irrigated is between a factor of two and three. The yield is a

factor between two and three. So, you hear someone talking about their irrigated farm versus their dryland farm, three dryland acres equals one irrigated acre.

RB: You and I have had this conversation separately. We could go down this road, but probably don't need to right now in terms of difference of profitability, irrigated ground versus dryland ground. The irrigated ground in terms of profitability is just because it's reliable.

LF: Stability.

RB: Some years, you make money on dryland farming, but some years you don't.

LF: We don't, and we kind of rely on the irrigated to be that—I say around here, the whole reason our dryland market is where it is the stability—it's the irrigated farmers that have a stable income with money to bid up the dryland.

RB: Support the other side.

LF: Exactly. We can take that risk on the dryland because we have that consistency of the irrigated.

RB: Okay. I think that's a real interesting sort of economic interplay that enters into this whole conversation obviously, but let's talk a little bit about then as you begin the farming process, what farm organizations are—how did you approach—what was your relationship with, say, the Groundwater Management District (GMD) —this was what year when this happened to you? Remind me again.

LF: I took over in 1986. They formed in '76?

RB: About then. It was in place by '78, by the time I came along. So, we can look that up. [Northwest Groundwater Management District 4 was formed March 1, 1976.] It was well established by the time—I assume you didn't have a huge amount of interaction prior to 1986.

LF: No, I didn't.

RB: When did that happen?

LF: I think when I got really involved was about 1990. All the studies had been done for a zero-depletion policy. I was the director at the Thomas County Bank and an employee. This set up alarm signals. That's how I think they determined we would have to shut down about 85 percent of irrigation in the county to achieve zero depletion. As a lender and as a farmer, I had this huge, vested interest, and it came up on my radar really large. I chose to get involved with the Groundwater Management District at that time, when all of a sudden there was the thought on the horizon that our irrigation might be severely curtailed.

RB: And “zero depletion” basically is what it sounds like. Basically, you could only remove the amount of water you could naturally replenish.

LF: At that time, it was like 85 percent, 15 percent. That was kind of published. I think everyone was happy to not pay a lot of attention until that came up on our radar, and the lenders and the landowners and especially the people with millions of dollars of debt.

RB: Yes, and I think in the years since then that that number, that ratio has been changed, certainly in some places. I don't think that people believe you have to be quite so draconian. But at the time that was the prevailing conviction.

LF: That was the number.

RB: So, did you just begin that process by going to meetings? At what point did you take the leadership role?

LF: As soon as I realized this was going on and the way to have a voice, I ran for the board. I was elected in 19—I want to say 1993, and I stayed there for like twenty-some odd years.

RB: When did you become President of it?

LF: Probably after the first few years, and I was President for a long time.

RB: The GMD manager was Wayne Bossert.

LF: It was Wayne Bossert, from day one, his entire career until he retired. You just don't see that someone spending essentially forty years in the same position. I think Wayne kind of set the bar for an awful lot of that stuff. We were the most respected GMD, and he was the most respected GMD manager.

RB: He certainly, in addition to providing that stability, came up with a bunch of ideas about how to manage particularly the Ogallala [aquifer] in your part of the world that met with greater or lesser degrees of reaction. He was certainly creative in this process. Is that a function of Wayne? Is that a function of the board?

LF: I think it's definitely a function of Wayne, definitely.

RB: That he was trying to come up with ways to address what people recognized was a significant problem.

LF: I wouldn't say—at that time, the board didn't lead. The board kind of followed. It really was Wayne's operation.

RB: But having said that, some of the ideas that got floated, so to speak, in this process, zero depletion was one. There was a period, an idea called the “two pools” concept that I remember was discussed for a while.

LF: That was kind of nasty. [inaudible].

RB: In that time period, weather modification was a big issue, right?

LF: Yes. Of course, we didn't invent it. It came from southwest Kansas, and we kind of expanded on that project. Gosh, what to say about that? Is it still going in southwest Kansas?

RB: As far as I know, it is, but it's certainly been dramatically reduced. I know when northwest Kansas pulled out of that, that made it really tough for that to operate. It was with GMD #1, it was doing somewhat for precipitation, but mostly hail suppression.

LF: It's interesting how the whole theory was, yes, we're suppressing, we're enhancing rainfall a little bit, but mostly we're suppressing hail, and in suppressing hail, we're enhancing the ability of water to turn into grain. I think it's 13 percent hail every year around here. In any given year, 13 percent of our crop is going to be lost to hail. And if it really is about turning our water resource into dry matter grain resource, if we could stop or curtail the hail, then we've made a win in like not wasting our water or making use of our water.

I think that whole philosophy was kind of lost on the community a little bit. It was really never explained that way. Coming from an economics background like I do, that made perfect, perfect sense, but I don't think it was ever really sold that way to the community.

RB: You know, I think you're right. It was typically sold as almost like an insurance policy, that you were going to save people money on losses from hail, and that raises all sorts of questions about who should pay and why.

Not to go too deep into weather mod, also in this time or fairly early on, mandatory metering is part of this process as well, right?

LF: It came on a little later than that. Gosh for years, you'd just fill out your own card yourselves. When it very first started, there was kind of uncertainty—do you report the very maximum that you're allowed in case the officials take it away, or do you report kind of a minimum because there's word out there that we're going to get taxed on the water that we pump? There were two mentalities. There was this old joke about all it took was a lead pencil.

I can say we delayed that as long as we could before it was phased in. As I recall, it was all part of Nebraska lawsuits when it came down into the Kansas watersheds. “If we're serious about this stuff at all, you guys are going to have to report, and it's going to be very specific.”

Back in the day, if someone had been violating rules, or if they were under a monitoring of the GMD, their penalty was getting a meter, if you can imagine that. That's how you got spanked, was you got a meter.

RB: It's interesting that you put it that way because you can see the motivation for reporting maximum, the whole "use it or lose it" mentality. You don't want to lose it by underreporting. You also don't want to bring the state down on your head by overreporting. In some respects, I assume that a fair number of people did make a good-faith effort on reporting what was actually used.

LF: I think that was the majority. It seemed like such a low-priority issue. I think a lot of people didn't pay very much attention to it.

RB: That's interesting.

LF: Make up a number. It just doesn't matter, whether it's high or low. I'm serious.

RB: I'm sure you are. I'm sure there was a fair amount of "If I have a water right of X, I'll just report X because" —

LF: That or I'll make up some lower number because there's no ramifications.

RB: Sure. I think part of the reason I bring all of these things up is not so much to go into a rabbit hole about metering or weather mod or these various ideas, but clearly there was a lot going on in that district, trying to approach this whole issue that everybody was struggling with and continues to struggle with, and that GMD was trying to do that with Wayne's leadership, but also the board must have been fairly supportive, or Wayne wouldn't have had a job. Those GMD managers didn't all sit there forever. Some of them didn't last very long.

LF: I think because Wayne had been there so long, people would—and we knew he was so well respected, we would defer to him just automatically. If you think about it, nobody on the board hired Wayne. Wayne formed the thing up. Everybody who was on the board was kind of a product, a result of, or trained by Wayne. I think his perspective and personality can't be underestimated for that reason.

RB: I would agree that he had a fairly firm but winning personality and knew his stuff upside down. It's pretty hard to argue with somebody like that.

Let's talk a little bit sort of about the philosophy of this GMD. This to me is really, really important as part of this story. GMDs are formed in the seventies as an attempt to provide local control over a state issue. The federal government isn't much of an issue here because water rights are regulated by the state of Kansas. But the question really becomes, "Who's going to, if

we've got a problem, who's going to deal with it? Is it going to be the state or the folks on the ground?" In GMD, the answer was, "It's going to be local control." Does that fit with sort of your sense of philosophy?

LF: I think that fits with the philosophy, and I think that fits with the legislation, but that is definitely not, in my idea, how it really turned out.

RB: I would agree. It was an attempt at local control that I think probably the original framers of that legislation had grander expectations.

LF: I believe that's what they meant when it was framed, yes.

RB: Why didn't it work?

LF: By the time I was on the board in the mid-nineties, it was pretty clear that local control was a nice phrase, but it was really not local control. The state, through one of the arms or the other, was essentially telling us what we were supposed to be doing, and perhaps we didn't assert ourselves enough at the time. Again, we didn't have meters. It wasn't a big issue.

But, you know, as time went on, it was really obvious that Topeka, in one arm or the other, was taking more authority. It was almost like we were—I don't know if puppets is the right word, but local control really didn't exist except for in name.

RB: Do you think Topeka was responding in that way—and I would primarily in the form of the division of water resources. They're the primary regulatory—

LF: What year did the water authority come to be?

RB: The Water Authority sort of enters in this as a coordinating feature, but DWR is the driving regulatory arm in terms of water quality.

LF: I always thought the Water Office was where a lot of this "We're not in control anymore" stuff kind of happened?

RB: Absolutely. Some of these ideas that we've talked about already, particularly that two pools concept, that came directly from the Water Office. But was part of the reason that you got that reaction from Topeka was that Topeka sensed that the locals weren't taking control of the issue?

LF: Oh, I'm certain it was. It was that "We know better than you do. We know what you really need." To put this in perspective, 1 percent of the state of Kansas population lives in northwest Kansas, 1 percent. Nine percent lives west of Salina, including Salina.

RB: You're not dealing with this from a politically strong—

LF: No, we don't even count.

RB: But having said that, I think that whether you call it the Water Office, the Water Authority or DWR, I think had, for example, they thought that they were seeing attempts to deal with the issues, that they would have been happy to let local control go its own way. Is that an unfair statement, do you think?

LF: I think they would have been happy as long as local was doing what they thought should be done. You've got all these choices, as long as you pick this one. My whole deal was, "If you think you need to make all the rules, why don't you come out and live here?" Living here is a whole different deal than living in Topeka. Everything is marginal out here. It takes a lot of effort. It takes a lot of things that you don't have to have if you live in Topeka, Kansas.

RB: That's what you think that they didn't and probably still don't understand.

LF: They don't not understand but appreciate it.

RB: I had this conversation with Wayne once. It's a local control question, and his answer was somewhat like what you just said, but he also said that, as a manager, which I think that was his title. If it wasn't, in effect, it was. He said it's really hard to talk to somebody about reducing or shutting down irrigation when you have to go drink coffee with them every day as opposed to somebody who sits in an office in Topeka tells somebody 350 miles away what to do. Do you think that played into it, too?

LF: Well, the 350 miles makes my ears perk up. The more distance you have from an issue, the less you have invested personally. Where should your decisions be made? When you're talking about the local and the local in control, you know, I think even starting in the nineties, the local control was just something that they said to us so we wouldn't get mad.

RB: But was it a flawed concept?

LF: No, I think the concept was perfect. When the Water Office was formed, all of a sudden, you got a whole bunch of people with a whole bunch of jobs and a whole bunch of salaries, and a little bit of a task. they just drilled down and focused on us, and no one here had a whole bunch of salaries and careers.

RB: So then if you think local control wasn't a flawed concept, that it could have worked, what should—and then let's remove then DWR and the Water Office Authority from the equation, what should that have looked at? What should local control have done at that point to deal with the issue?

LF: I think it could have worked better, but I think it was such a nonissue that people didn't take it seriously, as long as it doesn't affect me. I had that feeling when I was on the board. It was like, "You'll take care of this for us, won't you? We trust you to make sure that it's not a problem for us."

RB: You mean, you trust the GMD staff?

LF: No, the board members.

RB: I'm not following.

LF: I think the general farming public did not want to deal with it. As long as they had someone that they thought represented their interests or was capable in the meetings, it was off the radar. It was that way for a very long time. It was like, "I don't even want to have to think about it. I'm glad you're there or the other two guys that are on there from Hoxie. You do a great job." They're, "Whatever." Until it really drilled down to where there was a meeting and somebody was going to drop a hammer and say this is happening, it was just a total nonissue.

RB: Sure. That may be one of the things that representative of democracy in general. It's a lot easier to expect somebody else to sit through boring meetings.

LF: Exactly. No one wanted to do it.

RB: Okay. Here's a point that I do think is really important. I don't want for it to get lost here. In spite of everything that we just talked about, from my perspective, and I think this is a pretty widely held idea, northwestern Kansas GMD was far more progressive than the other two GMDs in the Ogallala region in terms of looking at these issues.

LF: GMD 4 was at the forefront actually and was respected, I think, regionally, and not just in the state. It set the model for a lot of research and ideas. At the same time, GMD 3 down at Garden City was kind of—I call them "the cowboys." They were at the complete other end, dragging their feet and not paying attention.

RB: Right. So in spite of everything that we just talked about, about whether or not local control works, certainly Wayne and the board and the GMD was out there, throwing out ideas, talking about ideas, maybe not always pursuing them all the way, but having a conversation about how to deal with this, a conversation that was not taking place in other parts of the state, don't you think?

LF: I think that's very true. I think Wayne was leading the board, not the board leading Wayne, absolutely.

RB: I once asked him about that, the difference between southwestern Kansas and northwestern Kansas GMDs and that difference in attitude. One of his answers was—I don't think he was kidding, even though he laughed. "That GMD is too close to Texas."

LF: Cowboys, like I said.

RB: Exactly. So have attitudes in northwestern Kansas—and I'm going to come back to your role with the Water Authority, but before we do that, do you think attitudes towards water in northwestern Kansas have changed over time in the time you've been involved?

LF: Yes, I think they have, kind of along with the whole conservation mentality of alternative food sources and renewability and things. Some of that has invaded, and a lot of the ownership and management of the water resources has consolidated in the last thirty years. We're dealing with way less people than we used to be dealing with. We're dealing with people that have to be more business oriented and business minded. It isn't just a simple father-son, one or two pivots deal all over the place. There's a lot of people that have twenty pivots, thirty pivots. I have seventy pivots.

So, you're dealing with a more sophisticated group of irrigators and people that have to take a lot of different things in mind. The role of the lenders in all of this has probably been underestimated because if you're an irrigator, you probably have debt. I can almost guarantee it. The majority of farms in Thomas County don't have debt, but they're dryland. If you're an irrigator, you need money to operate. The numbers are just too huge, and so the lenders are more involved than they used to be. There's a whole bunch more parties that are involved than they're used to be. So, the level of sophistication that's involved in all of these issues is a lot higher than it used to be, and it's maybe the opposite of being in Texas. So, there's a lot of eyes on it, a lot of things thinking.

RB: One ramification of all of that has been highly increased efficiency in terms of water is what you said.

LF: Sure. My longtime attitude I've held is that almost everything that is good for the environment is good economically. There's very, very few times that economics and the environment don't line up. Why would I want to spend one extra dollar pumping water that I didn't need to pump, if I didn't need it? Why would I spend one extra dollar on chemicals that I really didn't need if I didn't need it? It kind of has always been interesting to me that those two groups aren't more aligned because of the solution and the interest is almost the same between environment and economics. Why would I want to pump one gallon of water more than I needed?

RB: Sure. So, as you get more of that consolidation and bigger operations, people become—the sort of efficiency of scale takes place in a variety of areas including irrigation. Has it led to less water being pumped?

LF: Oh, I would say absolutely. We've had to deal with less water being available to being pumped. If you were wasting water, so to speak, you might not be in business today, and it's the people that have been able to make the most use out of the least resources that are still around.

RB: With that in mind, I want to talk about LEMA [Local Enhanced Management Areas] here in a second, but before we do that, let's talk a little bit about Water Authority. When were you appointed Water Authority?

LF: It was in the 2000s. My position was to represent the three western GMDs on the Water Authority. That was two three-year terms.

RB: You were probably appointed not necessarily by the Governor per se.

LF: I think the Governor did approve me or appoint me, but I was proposed by the GMDs.

RB: So, did you serve out both of those terms?

LF: I assumed another term. So, I didn't get quite my full six years. That brings up the whole story of Sam Brownback. Do we want to go there?

RB: Not particularly, other than to say you didn't serve all of the second term.

LF: That's right. I was up to be reappointed, and the Governor, after I had a thirty-minute person-to-person interview in Topeka, and we just talked through the whole thing, and he chose not to reappoint me.

RB: Right. And we could go off—

LF: I use the words, "I got fired." I did get fired.

RB: Most of those people were kind of automatically reappointed. That was unusual. Just from the time that you were on Water Authority, was Al LeDoux head of the Water Office at that point??

LF: No, Al LeDoux wasn't. It was Tracy Streeter.

RB: Tracy by then.

LF: [inaudible].

RB: By the time you walked away, what's your perspective on state agencies, Water Office, Water Authority in general?

LF: I think that there was maybe a little too much money there, which means a few too many jobs, which means people looking for a reason to justify that they're there and the target or the victim was people that wasn't asking for it. Does that kind of—

RB: I followed everything until—

LF: It was too big.

RB: One of the things that I've talked to almost everybody about when we've done these interviews has been the increase in Water Plan funding. Basically, Water Plan funding came from Mike Hayden's efforts to fund the Water Plan. That was the source of all this money, and then there's been another push to try to increase that funding as well that's been less successful. I'm not quite sure where I'm going with this.

LF: I don't know. I would say that the funding was the wrong thing or was a liability or they threw too many dollars after something, and you wind up with the opposite effect that you really wanted.

RB: What is the effect that you think they wound up with?

LF: I think when Topeka had so many dollars and so many jobs, then they failed to realize that the idea was local control. The locals didn't have x million dollars in salaries and full-time jobs and people with master's degrees, but the people in Topeka did, and they needed to justify their jobs and their positions. So, I won't say they went after us, [inaudible]. This is my sense.

RB: I think that brings us then to one of the parts of the conversation that is sort of central to this, which is the creation of the LEMA over in Sheridan County.

LF: That to me is just the perfect example of local control. Those guys came up with that plan on their own, and all the attention that they got. I think a lot of people don't remember or realize, when they brought that idea to us, how much fighting it took for us to make it happen. We sweated blood just to make it within all the rules that existed. We tried so hard to make it work the way they had envisioned. It's perfect. It's a perfect example.

RB: Before we go any further, just for people who are not seeing the entire or aren't familiar with it, LEMA is a Local Enhanced Management Area.

LF: Yes.

RB: It's an idea that was basically designed. It's a voluntary agreement among local landowners to do an annual reduction of, in this case, roughly 20 percent per year on water pumping over five years and then decide if they wanted to continue to do that. The area that it was originally—the process that you're talking about is over mostly in Sheridan, a little bit in Thomas.

LF: Yes, there was just a touch in Thomas.

RB: That clearly was promoted—that idea, and this is something I really would have liked to talk to Wayne about, the source of that idea in the first place, whether that was Wayne's idea or—

LF: No, it was several of our board members over there. They realized that whole Sheridan County area, the make-up of the farms is different, and their attitudes are a little different. There's a whole bunch of guys that are kind of mid-sized, not really big, not really small, and they had a cohesive, what you'd call a “follow the leader” lot. One has a new farming practice, and everyone is quick to copy it. They all went to the same church, and they all drank at the same bar. Let's be honest about this.

RB: But that may be really important.

LF: It was. I think that's the whole reason it happened.

RB: One of the things that was central to this, and I did have this conversation with Wayne was how many meetings and how many conversations went into this, which you've touched on.

LF: We think between sixty and one hundred.

RB: Eighty was the number Wayne threw out, so you've got that right. These people talked this out, and they probably couldn't have done that if they didn't have a certain number of cultural values in common, and one of them was their desire to let their kids continue to farm.

LF: Exactly. Their shared economic interests, which I don't know if a lot of people want to say, is that they all sell their grain to the Hoxie feed yard. It's high motivation, and they knew that what's good for the goose is good for the gander. If that kind of failed, they would fail. I think a lot of it came out of fear from this whole system is kind of set up from working, and we need what people do to keep it in balance. If it hadn't been from Hoxie feedlot in their market, it probably would not have happened.

RB: Yeah, they were the big player in that process that was part of that conversation as well. But the make-up of that area was such that it allowed them to come together.

LF: Exactly. It was cultural. You won't find that over in this county or some other counties. The culture was just different, but the GMD enabled that culture to come together and provide that structure for LEMA.

RB: So that LEMA took place. It's been renewed. I think it's viewed by everybody that I ever talked to as a resounding success and really kind of a model. Why has it not led to—the only other one that's actually happened then has been the entire northwest Kansas GMD LEMA, which has been a struggle.

LF: [inaudible] That's a little bit of a sore spot for me. This kind of rams down the throats of the whole district in a way, the kind of flaws in the ability of local control in that, except for electing a board member, all the farmers here had no say, in severing that because of the structure of the regulations and how it came, we essentially had no individual voice.

RB: So, all of those conversations and that sort of cultural coalescing took place over in Sheridan 6. That didn't happen GMD wide.

LF: No, no, no.

RB: Why didn't it? Why not?

LF: Because it came from Topeka and it was a ramrod deal on some fairly—some members that maybe didn't stand up and represent, some board members that were kind of just receptive to being told what they needed to do and by a bunch of—this is my really, really big deal with the whole thing, that the board was set up on some county lines, and the counties that had a huge amount at stake had a very little voice. There were just slivers of irrigation in like Cheyenne County and Rawlins County, and they had a board member. They had very little at stake and very little interest, but the board was extremely distorted in representing the district. If they had taken some measures to that, they had an [inaudible] unmotivated, uneducated board that was ready to have stuff rammed down their throats by staff in Topeka. That's my big beef with the whole thing.

RB: In some respects, that goes back to sort of what the rules and regulations were about who was represented and who could vote and how the lines were drawn, all that kind of stuff that happened in the seventies is what's driving how those districts operate during the time this decision gets made, what you're talking about.

LF: Exactly. It might not have been too big of a deal in the seventies, but in the ensuing fifty years, a lot of things changed, and they weren't the same. The seventies rules didn't make much sense fifty years later.

RB: So, as it stands now, there is a districtwide—there was a lawsuit—but there is a districtwide LEMA enforced as of today. How's that working?

LF: I have no big problem with it. It's not like anybody is taking away water that I have in the ground. I think it's worked—we've had four or five wet years in a row though so there's not really been a lot of pain, and I was part of that lawsuit. It was a tough decision. At the end of the day, I'm not opposed to this restriction on pumping, but I'm certainly opposed to the method used that it came about. Again, it was Topeka ramrodding down the throat of some naive board members. That just angers me.

RB: On the Sheridan 6 side, too, a lot of those years when it was pretty successful were fairly wet years as well.

LF: That's true.

RB: In some respects, you don't really know how successful LEMA is going to be until you get the really tough times, the really dry times, and there's been some of that, but we've also had a number of pretty wet years.

LF: I had wells that came up four feet last year. You measured them.

RB: Yes.

LF: This is irregardless of the LEMA pumping restrictions. So how can you say that it did anything if I'm already not pumping that much?

RB: Right. I guess I all along have viewed LEMAs as, one LEMA in Sheridan County, in and of itself, is going to help that small area. It's not going to make that much difference Ogallala-wide, but it seemed to me that it was sort of this “thousand points of light” idea, the George Bush idea. If you had enough LEMAs, then you're starting to make a really big difference regionally. And yet for maybe the reasons that you've talked about, they get talked about in a lot of areas. They've been talked about in southwestern Kansas. They're talked about in some non-Ogallala GMDs. They don't seem to want to have it. Is that right?

LF: I think everything winds down to everything's personal. Everything comes home, and it's in your own backyard. So, it's your self-interest versus the interest of the whole community. That Hoxie group, they actually have an interest I think in the whole community, which doesn't exist in a lot of other places. I think that's why it came there, and that's why it was successful there.

RB: That is a really interesting statement in the sense that having that community may be central to the ability for local control to work.

LF: I think you're right. I haven't really heard that articulated so much. Just as an aside, as the big guy or whatever, in the township that I'm in, I have the majority of all irrigated lands. It's kind of like one deal. It's just me. Did I have my own LEMA and get how much I want to pump

and not pump? What's the community interest? Over there, the community interest is the feedlot, keeping the feedlot going. If the feed lot dies, the community dies, and the farms die. So, they have this whole system. In what size zone do you want to use? If you want to go on a township basis, I should have my own LEMA, my own district.

RB: In all fairness, there have been areas in I think particularly west central, in GMD 1, where some of the feeders there have talked about trying to come up with LEMAs because it's in their best interest to have a sustainable source of grain.

LF: Exactly, sustainable. That's the key word.

RB: A couple of other things real quickly. One of the roles of the Water Office, and the Water Office gets a lot of its direction from the Water Authority has been planning. During the Brownback administration—

LF: I would challenge that. I would say that it felt like the Water Office was teaching the Water Authority. That was the feeling that I had, high-dollar jobs and master's degrees. What did we get? Ten dollars a day or something like that for being on the Water Authority? We got like some per diem of nothing, basically, and you've got all those people with careers and relatively large salaries being fed to us more than we were directing them.

RB: One of the things that they did was pretty extensive water planning—this was again when Sam Brownback was Governor—a fairly extensive water process plan again. One of the two surfaces, one was reservoirs and siltation, but the other one was Ogallala. It feels to me like, as an observer of this process, there has been no shortage of water plans.

LF: I would agree with that.

RB: But the struggle has been to bring those plans to fruition.

LF: Again, see, the plan came from Topeka. The plan didn't come from Thomas County. So, Topeka makes a plan, and then they bring it out here and say, "Here's your plan. You're going to like it," and you don't really have a choice. That's where the local control thing just goes out the window. I've long said if Topeka wants to tell us exactly what we should do, some of them should come out here and live here. It's easy to make a lot of rules when you don't have to deal with them.

RB: That to a certain extent comes back to that comment of Wayne's about drinking coffee.

LF: The coffee pot, yes, the coffee circle. If Topeka thinks this is in our best interests, how come more of them don't live here?

RB: What should it look like? I'm pretty sure you're not going to get all of the DWR staff relocated. A lot of them are in Manhattan now. They've moved a little ways west. They're not going to move to Colby.

LF: We have to talk about the whole other end of the spectrum, which is the Right of Capture going on in Texas. If we had Right of Capture here, the county would have been pumped dry. You know that.

RB: Right.

LF: It would be ugly.

RB: Right.

LF: Once the gate is open and the horses are out, you can't really—so the gate was open, so to speak, in the seventies. The only reason that someone didn't have a well was they couldn't borrow enough money, or they didn't want to take the risk. It was essentially all shut off about 1980 here. Really what should have happened was it's sad that there was unlimited development available in retrospect. I understand a lot of it was actually political. No one wanted to be the politician that said, "No, you're not allowed to drill a well" until it was out of hand, and then, like I said, the gate was open. So now we're left to deal with that political situation.

RB: So, having said that, given the situation today, occasionally you hear about consolidation of water agencies or different legal approaches. What would you change in terms of the regulatory regime today in light of that history?

LF: Not being able to change history. Just what should things look like today?

RB: What would you do today to change it going forward? Clearly that idea of local control is really appealing. I think it's appealing to everybody, but for various reasons, it didn't work.

LF: The structure of the local control is flawed. Like I said, if you're a landowner and irrigated here, and then LEMA came in, you had no—it never came to a vote. Your voice was essentially never heard except for through a board member that I guess you could have—actually there's been attempts. In fact, they came within just a handful of votes of overturning the entire board here a while back. But that is really the only true input that you have as a landowner irrigating here. So, I think that's the flaw is the way that things can happen without people having any direct input.

RB: Should people who don't own land in this process have a voice in those decisions? I mean, there are certainly community members in Colby, who even though they don't farm and don't own land, are pretty dependent on the decisions that you make for their livelihood, right?

LF: Yes. See, actually, they do because the cities have a seat on the Water Authority. I would say that it would make sense. There's no one of the GMD board that represents the city, but I could certainly see having the GMD, again, the GMD board, I'd say it's flawed on how it's structured and used there, and that's one of the problems. I could certainly see having a representative from municipalities on the GMD board. In fact, now that you bring it up, I think that it makes perfect sense.

RB: What is the future for irrigated farming in northwestern Kansas? Is it sort of a continuation of the past ten or fifteen years?

LF: What's going to change anything? A lot of this is economics driven. At heart, I'm an economist in almost everything. I want to take the highest and best use of the land and of the water resources and then the cost of energy, the price of the grain—it's all in a big complex formula. So, what is the future? I think until—actually we're back to the future is we're going to make a whole bunch better use of our water than we ever made before.

On my farm, we have double the yields on half the water compared to when I was—four times the factor in efficiency and converting water into grain or dry material. So, what's the future? I think 4s are going to become 5.

RB: Is that sufficient to allow sustainability?

LF: That's really a loaded word.

RB: I know, but is that a long-term—and I don't even know what I mean by long-term—is that doable for thirty, forty, fifty, sixty years?

LF: Doable?

RB: Is there sufficient water to allow those behaviors?

LF: No. Well, there are places, you know this, there's places where there is always going to be water. The alluvial areas and some certain spots areas and areas that we talked about it that have come up. I have not actually permanently abandoned anything yet, but we just renozzled the sprinkler this week for 130 gallons per minute per quarter section.

RB: Wow.

LF: But it's still working. You can get the crop to germinate. It's just almost a little—it isn't the main thing. It's just kind of a tool to help activate herbicides. A lot of them will not activate with that moisture or it's a tool that we can get the crop to sprout all at the same time. Are we irrigating? Almost not hardly, but we know there's going to be a crop every year.

RB: Is that more and more of what the future looks like?

LF: Oh, I think so, absolutely. In economics, who wants to pump 700 gallons a minute for no good reason other than to spray it up in the air? There actually are a few of those guys left.

RB: I've gotten this question a lot over the years, sort of along the lines of "What's that part of the world going to look like fifty years from now?"

LF: Not that much different. It's not like anything is going to happen overnight. It's going to be very, very slow. "It's all going to come out, and it's all going to dry up and blow away." No. That's Texas areas, but everything is going to be so gradual that almost no one is going to notice.

RB: That's what I've always said. You're not going to wake up some morning, turn on the tap, and no water comes out. It's not going to be like that. You are going to see a lot more timed irrigation, a lot more efficiency, and fifty years from now, people might be able to behave in different ways, but it's not like it's all going to turn back to buffalo grass.

LF: No, it's all going to happen so slow. All urgency or whatever, no.

RB: So having said all that, is there anything we haven't talk about here, and you've sort of seen the things, the direction I've gone, anything I haven't touched on here that you think is central to this conversation?

LF: One thing we didn't talk about is the "use it now" versus "use it later." Who are we saving the water for? Is it for thirty years, for fifty years, for a hundred years? Is it going to be worth more at that point than right now? What happens in the meantime? I think one of the big deals is how do we get from here to there? We can anticipate future income streams and discount them with an interest rate. It's really tough to say that it would be better to save something for the future.

One of my big deals is, "Okay. Who's going to want to live here? Who are we saving it for?" Are we just assuming that our communities should all be the same or bigger size just because, and so we're going to save water for some unknown thing? I don't buy that. There's whole reasons that these areas were settled and populated, and there's reasons that they would be unsettled and unpopulated, and I don't think we need to withhold water just for some mysterious future, possibly unknown purpose.

Just back to my place, even, you probably know this. I have no heirs. My farm becomes a public asset at some time. Am I ahead to make the money now and put it in the bank and let it accumulate interest and build and pay for scholarships and whatever, ball fields and that kind

of stuff? Or do I just leave the water in the ground, thinking that fifty years from now, somebody might pump it and build ball fields and do scholarships?

RB: You touch on one of the hearts of the issue here, and I've had those conversations, and I've been measuring wells. Part of your answer was an economic answer. Here's one of the things that I will say back and just see how you respond. I've told people, "Let's imagine that person fifty years from now in Colby who says, 'Yeah, I'd really like to irrigate this corn field, but I can't do it because there isn't any water left.'" What do you say to that person?

LF: If there's no water here, I'm surprised that they might be here wishing that. You'd say what happened to it, or I think it's all back to highest and best use and economic value. Whether it's now or later, it's all back to making the very most use out of that water, whether it's now or later.

RB: One of the things that I don't hear people talk much about, but I've been really interested in it, is the connection between water use and demographics. In this state, the counties that are growing dramatically are the counties that don't have water problems. And the very counties that already have demographic issues, or a lot of them are counties that are seeing Ogallala declines. That seems to be sort of what you're saying is "We'll live with it."

LF: Yes. In the whole western half of the state, I wouldn't—it's the counties that are on interstate. It's the counties that have some other source. It isn't specifically water Sheridan County has quite a bit of water and is declining. Sherman County has more water than Thomas County does, and they're declining. Thomas County is holding steady. I don't think it's that much linked to water.

RB: I think in some counties it is, and in some counties, it may not be. There's a terrific amount of other stuff in play here, you're right.

LF: Yes, but some counties who have never had any water still don't have it. Lane County? They've never had any water. Well, they never had any.

RB: And a lot of those counties, like Wallace County, never had much population to begin with. I think that intergenerational conversation is a really interesting conversation to have, and that also was part of the driving force at least for folks in Sheridan 6, Mitch Baumann would talk about, the driving force behind the LEMA over there was that "We want our kids and our grandkids to have water to be able to stay."

LF: The interesting thing about the kids and the grandkids is that they pretty much don't live here anymore. Wallace County, they've got 70 percent landownership of out of county and out of state. What do those people care? They live in Denver, Phoenix, Dallas, whatever. Somebody might check.

RB: Yes, and that gets into that whole absentee landowner question and who cares more about the land, people that live there or people that don't live there?

Anything else we ought to talk about? I feel like we've covered a lot of territory. We didn't take a break because we felt like this was working okay.

LF: What's the best use? Use it now, use it later. One of my deals is it does recharge. If we pump oil out of the ground or mine gold, it absolutely does not come back. Water does. Over time, it will come back some, or it has the potential to come back. So, it's not quite the same as pumping oil or mining gold.

RB: Right. I do think over time—that goes back to that sustainable, the idea of sustainability. I don't think you would hear anybody say that it required an 85 percent cutback. It's highly variable in some areas, but I know Jim Butler who and the people at the [Kansas Geological] Survey will look at this. That number is very different today than it would have been forty years ago.

LF: That's nice to hear.

RB: Absolutely. There's some places where even that 25, 30 percent cutback gets you awful close to where you need to go to get to achieve that. That then allows you to begin to think about solutions as opposed to just throwing up your hands and saying, "There's nothing we can do."

I appreciate you taking the time to do this, Lon. I think this northwest Kansas perspective is really, really important. I haven't been able to line up Wayne. We can talk about this offline, but you might give some thought to other folks that would be good for us to talk to. We haven't had anybody from the banking or ag econ side of these conversations, and the banking side, I think is one you brought up, it might be a good place to have a conversation. We'll talk about that offline. You might give that some thought.

LF: I have an idea or two already.

RB: Thank you very much. I appreciate you taking the time to do this. I think we can end recording now.

[End of File]

