

INTERVIEW OF
JERRY VAP
September 25, 2013

1 MR. STARR: This is an interview with Jerry Vap, a
2 long-time member of the Middle Republican NRD Board and
3 active in conservation activities both statewide and
4 nationwide, including a term as the president of the
5 National Association of Conservation District. This is
6 being conducted as part of the Natural Resources Districts
7 oral history interview project and the interviewer is Gayle
8 Starr. The interview is being done at Jerry's office at the
9 Public Service Commission in Lincoln, Nebraska on September
10 25, 2013.

11 Okay, Jerry, I guess first of all I'd like to have
12 you just give a little brief resume of your life, where you
13 came from, what you've done, and then without a whole lot of
14 detail.

15 MR. VAP: Born and raised in McCook, Nebraska.
16 Graduated from McCook High School, University of Nebraska
17 College of Business Administration with a BA degree, or BS,
18 I'm not sure what they want to -- but spent the majority of
19 my life employed by Vap Seed and Hardware, which is a
20 company started by my father over 75 years ago. And in that
21 time period, I served in many capacities as far as public
22 service is concerned. I was a member of the McCook Chamber
23 of Commerce, was president of that organization at one time.
24 I was also a member of the McCook Rotary Club and president
25 of that organization. I was originally asked by the McCook

1 City Council to -- back in the early '70s to go to a meeting
2 that was being held about this new entity called a Natural
3 Resources District that the legislature had created. I went
4 to that first meeting and decided this looked pretty
5 interesting. It's a totally different concept, apparently,
6 from what the rest of the nation was engaged in as far as
7 conservation was concerned, and so I thought, "Well, I'll
8 see if I can maybe get elected to that first elected board,"
9 and I got elected to a two-year term to begin with. And
10 subsequently, I ran for election for however many times it
11 takes to serve 27 years. And I did do 27 years on that
12 board and saw a lot of changes over those years in the roles
13 and responsibilities of NRDs. In the beginning, we
14 basically were looking at conservation practices, terracing,
15 and windbreaks and things of that type, and the PL566 small
16 watershed program was high on the list of priorities that we
17 were dealing with. I think we built some 20-some dams in my
18 time on that board, which subsequently saved a tremendous
19 amount of damage to crop land and homes in the Republican
20 Valley.

21 I served as a member of the Board of the Nebraska
22 Association of Natural Resources Districts, NARD, and ended
23 up being the president of that organization. And while
24 doing that, I also became a member of the board of directors
25 of the National Association of Conservation Districts and

1 ended up -- subsequently I ended up as vice-president of the
2 National Association of Conservation Districts. I served
3 three years as vice-president and then three years as the
4 president of that organization. A tremendous experience. I
5 believe I represented Nebraska in the nation very well in
6 that capacity. Had the privilege of testifying before
7 several congressional committees and senate committees on
8 conservation issues. It was a great thing to have because
9 Congressman Bill Barrett was in the -- was well known to me
10 and we enjoyed getting together occasionally in Washington,
11 but he served as a vice -- as a chair of one of the
12 subcommittees of the Ag committee that dealt with
13 conservation issues and we were able to make a lot of
14 strides in conservation national programs with the help of
15 Bill Barrett and his staff.

16 When I retired as the president of NACD, I spent
17 about a year -- because I had been traveling about 160 days
18 a year for that organization, and I spent about a year just
19 recouping myself and my life, and I was asked by the chief
20 of the Natural Resources Conservation District, Pearly Reed
21 (phonetic), to work for him as an advisor, which I did for
22 about -- close to two years, and then was appointed to the
23 Public Service Commission by then Governor Mike Johanns.

24 About the time we were getting close to the end of
25 our work on the PL566 project and were getting mostly into

1 the maintenance, Kansas decided they would -- they'd won a
2 great victory in Colorado on the Arkansas River and they
3 said, "You know what, let's go after Nebraska and Colorado
4 on the Republican side of this," and that's when things
5 really started to heat up. The districts in the Republican
6 Basin, the Upper and Lower and Middle Republican, and the
7 Tri-Basin all had been working on groundwater management
8 plans. We all done model studies of the aquifer. We had
9 done spring and fall water measurements for close to 20
10 years. And the Upper Republican had had the largest
11 declines at that point in time in the water levels in the
12 aquifer. Middle Republican, when I left the board, our
13 total overall decline in the aquifer at that time was about
14 one foot. The people of that district had managed it pretty
15 well, but then there also were half as many wells in the
16 Middle Republican district, irrigation wells, as there were
17 in the Upper Republican. And the aquifer wasn't quite as, I
18 guess, deep and wide in that area. There were some areas in
19 the Middle Republican that there is no aquifer to speak of.
20 And so a lot of the land that could have been developed had
21 no water under it so we didn't put that much pressure
22 compared to the Upper Republican on the resource. But
23 it's -- it became abundantly clear to the board that we
24 weren't quite to the point where we was to restrict pumping,
25 but we decided everybody better have a meter and start

1 collecting data as far as how much water was actually being
2 used. And I think, at that time, many farmers weren't happy
3 about it, but at the same time many of them, the progressive
4 ones, said, "You know, if I can figure out a better way to
5 manage this water, I can make myself more money by not
6 spending money on pumping and all this." So that was the
7 era when a lot of farmers were converting from gated pipe to
8 center pivot irrigation, new technologies were being
9 developed and most of the farmers -- many of them would wait
10 to see how the neighbor did with this new technology before
11 they adopted it, but eventually they did, and it helped
12 quite a bit.

13 But the case between Nebraska and Colorado just
14 really pinpointed the fact that management was not a
15 haphazard thing. It had to be done scientifically. It had
16 to be done on a well-thought-out and well-governed basis. I
17 think the districts now -- and I've been out of it for about
18 15 years now, but I think they probably have done a pretty
19 good job, not satisfactory to a lot of people obviously, but
20 I don't think you're ever going to be able to completely
21 satisfy everyone in these areas. In some cases, the
22 attitudes of a lot of the groundwater users and even other
23 states are going to have to wait for a generational change
24 for attitudes to change, and in the meantime actual
25 regulation probably is going to be the way things are going

1 to be managed for quite some time now.

2 MR. STARR: If my math is correct, you went off
3 the NRD board in the late '90s sometime?

4 MR. VAP Yeah.

5 MR. STARR: When you started back in '72 or
6 whenever it was you started, what was the attitude of all
7 the board members? Were they pretty well into the NRD
8 process or were they just still thinking about their county?

9 MR. VAP: Well, many of them from around the areas
10 were -- they were not accustomed to being regulators and
11 that's essentially what an NRD does is, they're responsible
12 for the groundwater resources, they're responsible for water
13 quality problems, they're responsible for erosion and
14 flooding and all kinds of things. And many of those
15 districts had none of those responsibilities at that time,
16 they basically were promoting conservation type practices.
17 And the local district conservationists kind of run the show
18 at that time. They told those board members what needed to
19 be done and they pretty much concurred and agreed. And then
20 when the NRD system came along, the district
21 conservationists would sit over on the side and all they
22 were allowed to do was give a report as to what was going on
23 or what Washington was saying, but any decisions about what
24 that district was going to do from now on were made by those
25 board members. It took a couple -- I know two or three of

1 the early board members decided they didn't want to stay on
2 doing that because they didn't like the idea of telling
3 their neighbors potentially what they could and couldn't do.

4 MR. STARR: Probably not a whole lot of people do.

5 MR. VAP: And not many people didn't relish that,
6 but a good number of them stayed on that board, and with the
7 help of capable people like Wayne Heathers and Dan Smith and
8 others in the state, it developed and it evolved. I still
9 am a firm believer that the NRDs are the way to go. I spent
10 six years at the national level and I would go to other
11 states and give talks about what I thought the future of a
12 conservation district would look like and I was in South
13 Carolina, I remember, and they wanted me to say, "Well, what
14 do you think the future holds for conservation districts?"
15 so I gave a talk to -- I suppose there were 6-, 700 people
16 there, and I described the NRDs in Nebraska. Didn't say
17 what they were, I just said, "I think -- here's the way
18 districts may, in the future, have to be managed, and what
19 they do, the responsibilities, the taxing authority, the
20 management or regulation, if you will." Then I'd ask the
21 question, "How many of you out there think this is what a
22 future district will be like?" and, "Oh, no, that can't be."
23 And I said, "Well, you're right, it's not a future district,
24 it's a current present district," and I said, "This is the
25 way we operate in Nebraska and we have operated that way for

1 probably the last 15, 16 years, maybe more, and it's working
2 just fine. We think the districts laid out on a watershed
3 basis would really make a lot of sense and it's working
4 pretty well for the state of Nebraska." Well, these
5 were -- in most states the conservation districts were still
6 mostly elderly people and -- that had been on those local
7 district boards for years and years and years, and that was
8 kind of their social event for some of them. And because
9 they did not have a lot of granted responsibilities by their
10 state legislatures, they basically were back where Nebraska
11 was back in the early '70s with the district
12 conservationists operating the program.

13 MR. STARR: Ask you a question you may or may not
14 want to answer. Back when the -- when they were first
15 passing the NRD law, there were a number of directors that
16 were involved in state-wide -- Warren Hayfield (phonetic),
17 Jim Cook, Wes Herpolsheimer (phonetic), you probably know at
18 least some of those, said, "Well, we're concerned that when
19 NRDs come into effect and we all hire managers, managers are
20 going to have control, not board members." Like I say, you
21 may or may not want to answer that, but if you have any
22 impressions of that issue --

23 MR. VAP: Well, having been on -- like the Chamber
24 of Commerce Board and the -- I've been the president of the
25 Chamber of Commerce and a couple of other things.

1 Generally, any entity that has a hired manager is going to
2 appear to some that the manager is running the program.

3 MR. STARR: Fair enough.

4 MR. VAP: And I found that generally there are
5 things that are responsibilities of the board and personnel
6 management is not one of those, that's why you have a
7 manager. Personnel management is their job. And
8 micromanaging by board members is not acceptable in my mind.
9 No matter where I've been, whether it's here at the Public
10 Service Commission, there's a reason you have those people
11 and that's not the job of the board or the commissioner or
12 whoever it happens to be.

13 MR. STARR: Yeah. But when you got involved in
14 the National Association -- and you touched on it a little
15 bit, the South Carolina situation, I know there was a lot of
16 Nebraskans -- well, I shouldn't say a lot, some Nebraskans
17 who, at national conventions, regional conventions, et
18 cetera, were pretty strong in saying that "NRDs are great.
19 You ought to all do this," and there were some of us who
20 said, "You know, it works for us. It may or may not work
21 for you." What were your impressions when you were involved
22 at that level?

23 MR. VAP: Well, I had to be pretty much diplomatic
24 when I was in the officer level of NACD. And I never ever
25 gave a talk in which I said, "You really ought to not do it

1 this way any more, you ought to be doing what Nebraska is
2 doing." I never did that because I knew it would not be
3 well accepted. Every state in the country seems to think
4 they've got the best way to do it, and to have an outsider
5 come in and tell them they're wrong is not what they want to
6 hear. I recall I was in Colorado and I was giving a talk
7 about what, really, conservation districts did. And I said,
8 "How many of you think you're in the water quality
9 business?" and, "Oh, no, we don't have that. That's the EPA
10 or that's the Department of Environmental Quality." I said,
11 "No, you've been in the water quality business ever since
12 you built the first terrace and ever since you started
13 conservation tillage or no tillage. You got into the water
14 quality business that way. And you may think all you are is
15 a soil and water conservation district, but you're in water
16 quality as well." And many of them said, "Well, you know,
17 that sounds about right," but others said, "No, no, all we
18 do is, we save soil and we save water."

19 MR. STARR: Yeah.

20 MR. VAP: So I learned that you can go so far and
21 then you just say, "Okay."

22 MR. STARR: While you're away -- I know you're
23 away from the Republican, but a lot has happened in the 15
24 years or however long since you've been out of that realm,
25 but I'm sure you keep track of what you see in the paper and

1 what you hear from friends --

2 MR. VAP: I do.

3 MR. STARR: -- and so forth. What's your
4 impression of what's the NRDs involvement now and
5 what's -- without -- I know there's a lawsuit there that's
6 hanging.

7 MR. VAP: Yeah, that lawsuit has been around for
8 over 15 years.

9 MR. STARR: A long time.

10 MR. VAP: Probably closer to 20 years now. And
11 the people that are in those board positions now are the
12 people that should be. They're young farmers. They're
13 young people that are there to protect their future. And I
14 think, reluctantly in some cases, they're doing exactly what
15 they need to do. But most of them that I've talked to
16 understand that you can't farm or you can't irrigate for
17 today, you've got to do it for the future. And they're
18 going to do what's necessary. It's going to be painful
19 probably in some cases because the decisions, even though
20 they are the board members' decisions, they're being driven
21 by entities that they have no control over; the courts. And
22 I think one of the biggest fears is that the State
23 Department of Natural Resources would have to come in and
24 run the show, run it for them, and most of them don't want
25 that. When I was on the board, I'd have people come in to

1 me and say, "You really got to do this?" I said, "No, we
2 don't, but if we don't the law says the State will," and
3 every one of them would then say, "No, you guys are doing a
4 great job, just keep on doing it."

5 MR. STARR: Well, I've been gone from the State
6 for a few years. The State doesn't want to do that either.

7 MR. VAP: No, they don't.

8 MR. STARR: I guarantee you they don't want to do
9 that.

10 MR. VAP: No, they sure don't.

11 MR. STARR: One of the things that's happened out
12 there in the last year or so is that the NRDs bought a bunch
13 of center pivots, the old Prudential properties up there in
14 Lincoln and whatever counties those are in. What do you
15 hear about that or what are your -- do you have any thoughts
16 about that?

17 MR. VAP: I've heard a few people say it's the
18 dumbest thing they've ever heard of. Others say, "Why would
19 you want to pump water out of an aquifer that is not
20 necessarily that renewable just to run down the creek and
21 half of it evaporate and go -- and give the other half to
22 Kansas?" And I've got mixed emotions whether that's the
23 right thing to do. It appears in times like the last two
24 years in southwest Nebraska, of drought, it would be very
25 helpful. Because, really, the crux, in my mind, of the

1 Kansas lawsuit is not that they haven't gotten the amount of
2 water they were entitled to most of the years, because they
3 did, but they looked at the records kept by Nebraska and
4 Colorado and themselves and discovered that Nebraska used
5 more water than the compact said they could. And what
6 Kansas really wanted is their share of that additional water
7 Nebraska used, because they can't argue that they didn't get
8 the water that they were entitled to because they did most
9 years. In the last 60 years, there was probably less than
10 five years that they didn't get the proper amount. So, if
11 we're tied to that, that may be an option. The thing about
12 that particular program, it appears to me, is that it also
13 gives the Twin Platte NRD an option to get water out of
14 that, send it over to the Platte Valley as well --

15 MR. STARR: Right.

16 MR. VAP: -- which is interesting because years
17 ago there was a move in the Enders (phonetic) area in
18 southwest Nebraska, I was involved in it, to try and get
19 trans-basin diversion done, and we were told by the courts,
20 "No, you're not going to do that." And so, "Is this
21 trans-basin diversion when you're pumping it or" --

22 MR. STARR: Yeah.

23 MR. VAP: It is not coming out of a flowing stream
24 so --

25 MR. STARR: That's right.

1 MR. VAPP: But I'm not sure -- it remains to be
2 seen whether it's going to be a viable situation or not.

3 MR. STARR: Right, the jury's still out.

4 MR. VAPP: Yeah.

5 MR. STARR: There's another group of people out
6 there that we haven't talked about and that's the
7 surfacewater irrigators, the Frenchman Cambridge, the
8 Bostwicks, and so forth, that have some different views than
9 the groundwater irrigators and some real concerns with
10 regard to the lawsuit.

11 MR. VAP: Right.

12 MR. STARR: What do you -- what's your feeling
13 there or what do you hear about those folks?

14 MR. VAP: Well, it's -- because Nebraska is a
15 first-in-time, first-in-right state for water rights, the
16 groundwater users essentially have been accused of drying up
17 the springs and the flowing streams where these
18 groundwater -- these surfacewater irrigators were getting
19 their irrigation water. And so I think they've got a good
20 argument from that standpoint, and they did for quite some
21 time. And then, when you get into the realm of, "Okay,
22 that's a co-mingle resource, pretty much, surfacewater,
23 groundwater, they're one in the same." One of them --

24 MR. STARR: Water is water.

25 MR. VAP: A water -- flowing stream that comes

1 from spring flow is nothing more than a leak in the aquifer,
2 and if the aquifer built up high enough, it started leaking
3 out of the side of the river bank.

4 MR. STARR: Sure.

5 MR. VAP: And they feel they're justified in
6 getting their water. A couple things happened, you know,
7 the lake at Trenton is really not spring-fed that much, it
8 is some, but early on the majority of that was run-off,
9 storm water run-off, that filled those lakes. And the
10 advent of no-till farming and terracing and all those kinds
11 of things changed the landscape, if you will, on how that
12 water -- where it goes when it rains, and most of it stays
13 right where it falls now so you don't have that resource.
14 And for years I can remember the ditch water irrigators,
15 they'd set tubes -- irrigation tubes and just let them run
16 all summer because that was cheaper than hiring help to
17 change it because they could get all the water they wanted.
18 And they had a lot of it running back into the river and
19 that's -- everybody was happy that way. But those times
20 aren't there. There's no water running much into that
21 Trenton Lake from the standpoint of storm water, unless it's
22 a huge -- one of those 50-year storm events, which is what
23 that lake was designed for.

24 MR. STARR: Sure.

25 MR. VAP: But a lot of things have changed and I

1 think probably they have some justification, but many of
2 them are groundwater users as well. Most of them, they
3 drilled a well because they knew that their surfacewater was
4 going away so they're kind of right in the middle of
5 everything.

6 MR. STARR: So at the state level of the NRD, the
7 State Association of the NRDs has become a very active group
8 in terms of getting laws changed, getting appropriations,
9 and all of that. Has that evolution been a proper one or
10 have they become a lot stronger than they should have?

11 MR. VAP: Well, they've become very strong, but
12 the NRDs basically -- they got two masters. They serve
13 agriculture definitely, but they also serve the cities in
14 their boundaries. And because agriculture is the lifeblood
15 of those cities, I don't think it's necessarily that bad
16 that they do have a lot of political power. Early on,
17 that's why the State Association of NRDs was formed, was so
18 that they would have a political voice in Lincoln.

19 MR. STARR: Right.

20 MR. VAP: And it's no different than any
21 other -- the school boards or the Nebraska Education
22 Association, or NACO, the County Officials Association. No
23 different. They all need to have a political voice to make
24 sure things work properly.

25 MR. STARR: Yeah. Well, Jerry, I said I wouldn't

1 take more than half an hour and I already have.

2 MR. VAP: Well, I talk a lot.

3 MR. STARR: That's good. Is there anything else
4 you'd like to add?

5 MR. VAP: I just think that it was an
6 unprecedented move back in 1971 when they did this and I'm
7 somewhat disappointed -- there's a few states in the travels
8 I did for NACD, a few states around the nation that have
9 come a little closer to that kind of a model. Some of them
10 do have a little bit of taxing authority, but the majority
11 of the 50 states have not gone there, or -- and even Puerto
12 Rico and Marianas Islands and Guam, they haven't gone that
13 direction. And I think it's partly -- people say, "Well,
14 how could you get a law passed like that?" I said, "Well,
15 we only need to convince 25 people that it's a good idea,
16 and 26 with the Governor. And you people, you may have to
17 convince 200 legislators, like in the state of Illinois or
18 somewhere else, California, you're chances of getting that
19 done are pretty slim."

20 MR. STARR: Exactly. I don't know how close a
21 contact you have any more, but how strong or how active a
22 group is NACD now? I know at one time they were having some
23 pretty severe financial problems and really --

24 MR. VAP: When I left as president and my
25 successor, Rudy Rice (phonetic) was there, we left them in

1 very good financial condition. A group -- and this happens
2 in a lot of organizations, but a group from the south and to
3 a certain extent some from the west, the mountain areas and
4 those, they decided that the corn growers and all those
5 people throughout the -- we didn't want them running the
6 show any more.

7 MR. STARR: Yeah.

8 MR. VAP: And I was the -- in the history of NACD,
9 I was the only president that was not a farmer.

10 MR. STARR: Is that right?

11 MR. VAP: Yeah. And some of those folks resented
12 it, but I -- when I did my swan song at the national
13 meeting, when I retired as president, there was 3,000 people
14 there. Now, maybe they wanted to make sure I was going to
15 be gone, but I had a great deal of support from a lot of
16 people. But there were some that -- some people who were
17 narrow thinkers, small-minded people. They didn't like the
18 executive director or they didn't like this, didn't like
19 that, and they finally gained some -- a foothold in. Then
20 they went in -- and because they were having trouble getting
21 money in, they started spending the assets. NACD owned a
22 building in League City, Texas. It was worth, I don't know,
23 close to half a million dollars. And the family that
24 donated the building decided, "If you're going to sell it,
25 we want something out of it," so they got some of it, but

1 basically they just took that money and spent it, which was
2 the wrong thing to do. And it's not as powerful an
3 organization as it was. You've got a lot of commodity
4 groups, a lot of people trying to do things in agriculture,
5 and it's not what it was in my opinion.

6 MR. STARR: Well, thank you very much, Jerry.
7 I'll turn it off.

8 MR. VAP: Okay.

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