



**Testimony on HB 2231, Flex Accounts
to
House Committee on Agriculture and Natural Resources
by
Lane Letourneau
Water Appropriation Program Manager
Kansas Department of Agriculture
Division of Water Resources**

February 15, 2011

Chairman Powell and members of the committee, I am Lane Letourneau, Water Appropriation Program Manager of the Kansas Department of Agriculture's Division of Water Resources (DWR). I appear before you today to provide testimony on HB 2231.

K.S.A. 82a-736 provides authorization for a water right to enter in to a flex account, which is a multi-year, flexible appropriation of water. The statute authorizes an owner of a water right to have a five-year term permit that can be approved for an amount of water that is five times the annual average use of the water right over a 10-year base period, times 90 percent to achieve 10 percent conservation. In exchange for conserving some water, the owner receives a five-year allotment of water to pump as needed over a five-year term. For example, this could be used to help save a crop in an exceptionally dry year or to grow a more water-intensive crop some years.

HB 2231 requests the following amendments to K.S.A. 82a-736:

- 1) Updates the current 10-year base period. This allows permits or water rights approved after 2002 to be eligible.
- 2) Extend the normal filing date to November 1. The current statute requires a October 1 filing deadline. This amendment moves the deadline to November 1, giving the water user an additional month to plan their water usage. The quantity would be calculated as stated above.
- 3) There is an amendment to allow applications to be filed after November 1 and for water users about to exceed their authorized quantity. This amendment is requested to provide a tool for someone who might be water short in the current year and can plan for less water use in future years. The term permit would start during the current year. Therefore the quantity already pumped will be accounted for by the term permit.

Again, this is an option for a water user in a dry year to maximize their water use and to scale back their use in future years.

We request a technical correction to the first line of the bill: "water bank" should to be corrected to "multi-year". We also request some clarification wording at the end of line 31 on page 2. We need to add "authorized by the term permit" to the end of that sentence.

I will stand for questions. Thank you.

House Ag & Natural Resources
February 15, 2011
Attachment 1