

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2231

As Amended by House Committee on
Agriculture and Natural Resources

Brief*

HB 2231 would amend a section of water appropriation law dealing with multi-year flex accounts. Specifically, the bill would modify the years of data to be used to calculate the “base average usage” from 1992 through 2002 to 2000 through 2009. In addition, the bill would stipulate that unless the term permit issued by the Division of Water Resources for participation in the multi-year flex account program is issued pursuant to an application filed before November 1 of the year prior to the first year of participation, then the quantity of water used during the year of application for the term permit would be deducted from the amount of water deposited in the account authorized by the term permit.

Background

This bill was introduced by a spokesperson from the Kansas Department of Agriculture. At the hearing on the bill, the only conferee was a proponent from the Kansas Department of Agriculture. The conferee explained that the statute being amended provides for a water right to enter into 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

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

allotment of water to pump as needed over a five-year term. The conferee noted that the legislation could be used to help save a crop in an exceptionally dry year or to grow a more water-intensive crop some years.

Written testimony in support of the bill was provided by the Kansas Farm Bureau.

The Committee amended the bill to clarify the reference in the title of the bill and to ensure that the water to be deducted would be from the amount of water deposited in the account "authorized by the term permit if the application occurred after November 1."

The fiscal note on the original bill indicates that the Department of Agriculture believes that the bill could increase participation in the Program by irrigators or local governments, but the amount of the increase is not known. The cost to the Department to process each permit application is \$900 for technical review while the per permit fee charged to each applicant is \$400. The Department would implement the bill by using existing staff and available resources.