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Testimony on HB2069
to
The House Agriculture and Natural Resources Committee
By Lane Letourneau
Kansas Department of Agriculture
February 2, 2015

Chairman Schwartz and members of the committee, I am Lane Letourneau with the Kansas Department of Agriculture. I want thank you for the opportunity to provide testimony in support of the proposed amendments of Kansas' Multi Year Flex Account (MYFA) program.

In 2011, the Legislature provided changes to the MYFA statute which provided water users a powerful tool allowing a single quantity of water to be managed over five years. We have close to 1,000 water rights enrolled into a MYFA. Please see the attached map. This tool has helped our producers manage their water during drought conditions and allows them to move water management decisions into future years. These changes are ones that have been directly requested by Kansas water users.

Two additions to the MYFA program could further enhance this program. One proposed change is to allow a MYFA to make a small adjustment to their place of use. The MYFA is authorized by a five-year term permit. Currently, our statutes exclude the opportunity to change a term permit. This modification will add a management opportunity for a producer that wants to upgrade to a more water-efficient irrigation system, for example moving away from flood irrigation to a center pivot. Many times we need to move wet acres around when we go from a square flood area to an irrigated circle area. This change will allow this and we do not see this affecting many water rights. We need to have this tool available the few that need it.

The second proposed change is removing another "use it or lose it" barrier. We are now in year four of a large bulk of the MYFAs. Many producers will have some authorized quantity remaining at the end of their first MYFA. We currently have a culture in which the producer will pump all that they have authorized. This is due to the fact the authority to pump what is remaining is gone when the MYFA expires. They believe they are losing the water they did not pump. The water is used to fill their soil moisture profile. We propose the opportunity to roll any unused water that is less or equal to a one-year calculation of a MYFA quantity into a next MYFA if the owner chooses to re-enroll. This one-year quantity is in addition to the quantity calculation currently available in the statute. The total quantity is capped, not to exceed five times the authorized quantity of the base water right.

This moves the unused water into the next MYFA. We have learned from irrigation professionals that the first inches of water applied on a crop are much better than the last few inches. This moves the unused quantity available at the end of the MYFA to the front of a new MYFA. It pushes water down the road, which is preserving the opportunity to pump the water, while conserving the resource for another time in the future. We feel this is a better management strategy of our water resources.

The Kansas Department of Agriculture remains committed to providing better management tools so Kansans can use our resource wisely.

Thank you for your time and consideration and I will stand for questions at the appropriate time.