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MEMORANDUM

To: The House Standing Committee on Agriculture

From: The Office of Revisor of Statutes

Date: March 11, 2020

Re: S.B. 270

Multi-year flex accounts (MYFAs) allow a water right holder to obtain a 5-year permit that replaces their base water right during the five-year term of the permit. This 5-year permit allows a water user to exceed what normally would have been their authorized quantity of water usage in an individual year but still limits how much water can be used, in total, over the five-year period.

Currently, the five-year allocation of water under a MYFA is determined based on either (1) the reported average water use for the years 2000 to 2009 (“base average usage”) multiplied by five; or (2) the annual net irrigation requirement multiplied by the acres irrigated (“flex account acreage”) multiplied by 110 percent multiplied by 5. Under current law, these calculations rely on the use of a certified base water right between the calendar years 2000 and 2009.

SB 270 would allow water rights certified after December 31, 1999, including water rights that have been certified since 2009, to use the net irrigation requirements as a substitute for past water use in order to determine their MYFA water allocation. The bill addresses this change on page 2 (starting in line 6; and in line 20) and page 3 (starting in line 4).

Additionally, a few outdated provisions would be stricken throughout the bill. These stricken provisions can be found on page 3, starting in line 26, and on page 5, starting in line 1.

S.B. 270 would become effective upon publication in the statute book.