AN ACT concerning water; relating to water rights; authorizing certain 
water rights in a water bank to participate in multi-year flex accounts 
on a temporary basis; amending K.S.A. 82a-764 and repealing the 
existing section.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) Notwithstanding any prohibition or restriction on 
the establishment of multi-year flex accounts due to participation of a base 
water right in a water bank established pursuant to the Kansas water 
banking act, K.S.A. 82a-761 et seq., and amendments thereto, the chief 
engineer shall approve a complete application for the establishment of a 
multi-year flex account pursuant to K.S.A. 82a-736, and amendments 
thereto, that was submitted to the chief engineer on or before December 
31, 2022, if such right otherwise meets the requirements of K.S.A. 82a- 
736, and amendments thereto, and could have been approved if not for the 
relevant base water right's participation in a water bank.

(b) This section shall expire on December 31, 2023.

New Sec. 2. (a) For purposes of K.S.A. 82a-736, and amendments 
thereto, a water right or any portion of a water right that has been 
deposited, enrolled or placed in a safe deposit account associated with a 
water bank established pursuant to the Kansas water banking act, K.S.A. 
82a-761 et seq., and amendments thereto, shall not be eligible to be 
enrolled in a multi-year flex account that begins during a calendar year in 
which water from such water right or portion of a water right was 
withdrawn from a safe deposit account. Water from a water right that has 
been deposited, enrolled or placed in a safe deposit account associated 
with a water bank established pursuant to the Kansas water banking act, 
K.S.A. 82a-761 et seq., and amendments thereto, shall not be withdrawn 
from a safe deposit account while such water right is enrolled in a multi-
year flex account.

(b) A water right shall be considered enrolled in a multi-year flex 
account until the end of the calendar year in which the multi-year flex 
account permit expires, even if the allocation under the multi-year flex 
account is exhausted prior to the expiration of the multi-year flex account 
permit.

Sec. 3. K.S.A. 82a-764 is hereby amended to read as follows: 82a-
Before a water right or portion of a water right shall be accepted for deposit in a water bank or water from a water right shall be placed in a safe deposit account, the bank, with the assistance of the division, shall determine whether the water right is bankable, as follows: A water right is bankable if the right:

(a) the right is vested or has been issued a certificate of appropriation; and

(b) the right has not been abandoned and is in good standing, based on past water usage and compliance with the terms of the holder's permit and all applicable provisions of law and orders of the chief engineer; and

(c) is not currently enrolled in an active multi-year flex account pursuant to K.S.A. 82a-736, and amendments thereto. If the allocation under the multi-year flex account is exhausted prior to the end of a calendar year, the water right shall be considered enrolled in a multi-year flex account until the end of the calendar year in which the multi-year flex account permit expires.

Sec. 4. K.S.A. 82a-764 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the Kansas register.