

Multi-year Flex Accounts; Water Bank; SB 205

SB 205 amends law concerning water rights, the establishment of multi-year flex accounts, and participation in a water bank.

The bill takes effect upon publication in the *Kansas Register*.

Multi-year Flex Account Participation

The bill requires the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture (KDA), to approve a complete application for the establishment of a multi-year flex account (MYFA) that was submitted to the Chief Engineer on or before December 31, 2022, if a water right participating in a water bank meets the requirements of the MYFA statute and would have been approved if not for the water right's participation in a water bank. This portion of the bill sunsets on December 31, 2023.

Prohibition of Participation in a Multi-year Flex Account

The bill prohibits 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with a water bank from enrolling in a MYFA that begins during a calendar year when the water from the water right was withdrawn from a safe deposit account.

The bill also prohibits water from a water right that has been deposited, enrolled, or placed in a safe deposit account from being withdrawn while the water right is enrolled in a MYFA.

Enrollment in a Multi-year Flex Account

The bill states that a water right will be considered enrolled in a MYFA until the end of the calendar year in which the MYFA permit expires, even if the MYFA allocation is exhausted prior to the expiration of the MYFA permit.

Clarification Changes

The bill clarifies language regarding the water users in provisions requiring approval of certain MYFA applications and prohibiting water rights that have been deposited in a water bank safe deposit account from enrolling in a MYFA in certain circumstances.