

**Neutral Testimony for HB 2678
to the House Committee on Water
by Earl D. Lewis, P.E.
Kansas Department of Agriculture
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Good morning, Chairman Minnix and members of the committee. My name is Earl Lewis and I serve as the chief engineer for the Kansas Department of Agriculture's Division of Water Resources.

I am standing before you today to provide neutral testimony for HB 2678.

As currently written, HB 2678 would modify two items in the Kansas Water Banking Act.

The first item is changing the current requirement that a deposit of a groundwater right into a water bank shall be for a period not more than 5 years to require that such a deposit be for a time period not more than 10 years. This does not change the effectiveness of the bank. It may help a water user make better management decisions about the length of time they wish to place their water right into the bank.

The second item would allow a water user to exceed their authorized quantity, then obtain their savings account water to cover the overage after the pumping had occurred, as long as they request to do so before December 1 in the year which the water was used. Currently, a water user who wishes to use water from a water bank savings account to cover use in excess of their authorized quantity during a given year must withdraw water from the savings account prior to exceeding their authorized quantity and must file an application for a multi-year flex account in order to stay in compliance if they do not do so.

This can make it challenging for water users to stay in compliance, as they are making operational decisions in real time during the growing season and may come close to or exceed their authorized quantity when doing so. This is particularly true in times of drought, when savings account withdrawals are common and these decisions are even more critical. For example, in 2022, DWR issued 1,104 term permits for savings account withdrawals, which authorized the use of 26,303 acre-feet of water from water bank savings accounts. All of these had to be applied for and processed after the water user believed they might be close to exceeding their authorized quantity but before they had done so. Allowing water users to use

savings account water to cover an overpump after it has occurred will provide a tool to ensure their operations remain compliant.

Thank you for the opportunity to appear before you today. I'll be happy to stand for questions at the appropriate time.