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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Water
From: Office of Revisor of Statutes
Date: February 8, 2024
Subject: Bill Brief – HB 2678

HB 2678 amends the Kansas Water Banking Act (Act) to extend the period that a groundwater water right can be deposited in a water bank and requires a water bank to authorize withdrawals from a safe deposit account on or before December 1.

The Act authorizes water banks to contract with water right holders to deposit in the bank a portion or all of any bankable water right from a hydrologic unit within the bank boundary. Water rights deposited into the bank can be leased to another person or entity. The Act also authorizes water banks to provide safe deposit accounts for water right holders to deposit unused water from bankable water rights in a safe deposit account for future use by the water right holder.

HB 2678 makes two substantive amendments in K.S.A. 82a-763, a statute that provides the requirements and conditions for a bankable water right to be deposited in a water bank or safe deposit account. First, the bill would extend the period that a groundwater water right could be deposited in a bank from five years to 10 years. Second, the bill would add a new requirement for safe deposit accounts in that water withdrawn from an account shall be authorized by the water bank on or before December 1 of the calendar year in which the withdrawn water is to be used.

The bill becomes effective upon publication in the statute book.