

## **MEMORANDUM**

**To:** The House Committee on Water

**From:** The Office of Revisor of Statutes

**Date:** 3/6/2025

**Re:** S.B. 58, as Amended by Senate Committee: Modifying the requirements and allocations for multi-year flex accounts.

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### **Background**

S.B. 58 would amend K.S.A. 2024 Supp. 82a-736, which relates to multi-year flex accounts. This statute is a part of and supplemental to the Kansas water appropriation act. A multi-year flex account (MYFA) allows water right holders to obtain a five-year term permit that allows the water right holder to exceed the holder's yearly authorized quantity of water so long as the total pumping over the five-year period does not exceed the five-year authorized quantity. Enrollment in a MYFA is voluntary and at the end of the five-year term of the MYFA, the water right returns to its original conditions unless extended.

### **Summary of Changes from Current Law**

S.B. 58 would modify the MYFA quantity allocation calculation. Current law provides that the quantity of water deposited in a MYFA is the greater of: 500% of the base average use of the water right, which is calculated from the amount of water diverted by an applicant from 2000-2009; or 500% of the product of the county's net irrigation requirement multiplied by the flex account acreage multiplied by 110%.<sup>1</sup> In lieu of these multiple allocation calculation options, the bill would provide that the calculation for the MYFA quantity allocation would be 500% of the product of the county's net irrigation requirement multiplied by the base water right's authorized acreage, multiplied by 110%. S.B. 58 bill would make conforming amendments throughout

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<sup>1</sup> There are additional options under certain circumstances, including if the authorized place of use is wholly within the boundaries of a groundwater management district or there is water in a MYFA that is carried over to a subsequent MYFA.

pursuant to the allocation calculation amendment. The bill makes technical amendments and reorganizes certain provisions of the statute.

Additional substantive amendments contained in S.B. 58 include:

- Costs of the administration of the program would be paid from the water appropriation certification fund instead of MYFA fees<sup>2</sup>;
- provisions relating to penalties would be stricken and language would be added to state the chief engineer may adopt rules and regulations to implement, administer and enforce the section<sup>3</sup>; and
- the MYFA report to the legislature would be provided every 4 years instead of every year.

S.B. 58 would become effective upon publication in the statute book.

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<sup>2</sup> The term permit fee for a MYFA is set at an amount not to exceed \$400 (K.S.A. 82a-708c(d)).

<sup>3</sup> K.S.A. 82a-737 creates civil penalties for violations of the Kansas Water Appropriations Act, which K.S.A. 2024 Supp. 82-736 is a part of.