

Kansas

Department of Agriculture
Division of Water Resources

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Multi-Year Flex Account - K.S.A. 82a-736

- Added to KWAA in 2001
- Suspends base water right and replaces it with a 5-year term permit
- Removes annual authorized quantity limitation
- Originally based on 5-year quantity:
 - Average Water Use From 2000 to 2009 x 5
 - Required 10% conservation factor
- Very little interest from water users

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Attributes of multi-year flex accounts (MYFAs)

- The program is voluntary and does not permanently change the water right
- If the water right is not enrolled in a new MYFA after the 5 year term, the original water right conditions are restored

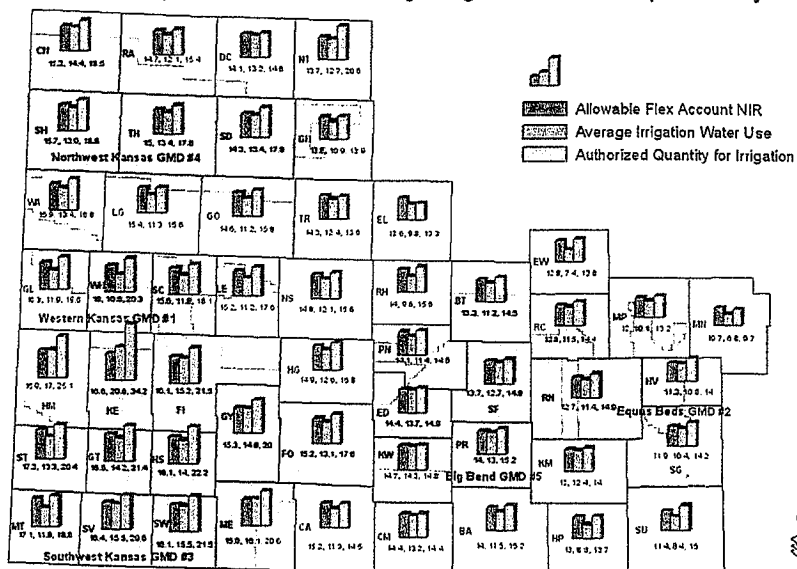


2012 Legislative Reform of MYFAs

- Removed conservation requirement
- No increase in long-term use (aquifer neutral)
- Allow more options to determine quantity:
 1. Average Historic Water Use (2000 to 2009)
 - Without 10% conservation factor
 2. County Net Irrigation Requirement (NIR) for the maximum acres reported irrigated (2000 to 2009)
 - Max Reported Acres x NIR x 110%
 3. A system promulgated by the Groundwater Management Districts
 - Must not increase long-term use



Comparison of Proposed Allowable Flex Account NIR to Authorized Quantity and 2000-2009 Average Irrigation Water Use per County



Values are in Acre-Inches per Acre
 Allowable Flex Account NIR = 50% Chance Rainfall NIR with 90% Efficiency Factor

Kansas Department of Agriculture
 Division of Water Resources
 Basin Management Team
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MYFA Example in Sedgwick Co.

Water right authorizes 56 acre-feet on 160 acres:

Water Use Data (NOT to exceed authorized quantity) (AF)		Reported acres lawfully irrigated:	
2000	45.7	2000	50
2001	43.29	2001	50
2002	43.74	2002	50
2003	48.17	2003	50
2004	42.21	2004	50
2005	55.46	2005	50
2006	68.13(56AUTH)	2006	50
2007	44.49	2007	50
2008	32.61	2008	50
2009	37.31	2009	50

Average Water Use 44.898 AF

Highest Number of acres reported 50

Average Water Use 44.898 X 5 years = 224.49 AF

Highest number of acres irrigated 50 X

50% NIR (per K.A.R. 5-5-12) in 0.89 County,

KS: 44.5 X 5 years X 110% = 244.75 AF

MYFA Example in Pratt Co.

Water right authorizes 131 acre-feet on 130 acres.

Water Use Data (NOT to exceed authorized quantity) (AF)		Reported acres lawfully irrigated:	
2000	83.35	2000	115
2001	87.13	2001	115
2002	131	2002	115
2003	79.80	2003	112
2004	20.86	2004	120
2005	76.03	2005	120
2006	82.54	2006	120
2007	74.95	2007	130
2008	79.74	2008	130
2009	115.25	2009	130

Average Water Use 83.07 AF

Highest Number of acres reported 130

Average Water Use 83.07 X 5 years = 415.33 AF

Highest number of acres irrigated 130 X

50% NIR (per K A R. 5-5-12) in Pratt County,

KS: 1.05 X 5 years X 110% = 750.75 AF

Response to MYFA revisions

- 750+ received in 2012 (by Oct. 1 deadline)
 - 500 conversions from 2011 drought term permits to MYFAs (approx. 27,000 AF of “forgiveness”)
 - Only 25 MYFAs to avoid 2011 sanctions
- Significance: fosters change from the annual “use it or lose it” mindset to a multi-year mindset that improves water management.

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MYFAs and Minimum Desirable Streamflow (MDS) administration

- All MYFA permits are subject to MDS
 - If base water right is senior to MDS, a water user may continue to pump up to the quantity authorized, including that already pumped during the current calendar year
 - If the base water right is junior to MDS, a water user must cease diversions until streamflows recover



Questions?

The Program

The 2012 Legislature modified the state's Multi-Year Flex Account (MYFA) program as part of a series of changes to Kansas water law to conserve the state's water supply and extend the life of the Ogallala Aquifer. Senate Bill 272 lifted some restrictions from the previous Flex Account law and added greater flexibility to manage water use.

A MYFA allows water right holders to obtain a term permit that replaces their water right for 5 years. This term permit allows the water right holder to exceed their annual authorized quantity but restricts the total amount that can be pumped over the 5-year period.

The program is voluntary and does not permanently change the water right. At the end of the 5-year period, if the water right is not enrolled in a new MYFA, the original water right conditions are restored.

MYFA Allocations - the total water use authorized by the MYFA will generally be the larger of:

- 5 times the average use of the water right from 2000-2009, or
- 5 times the county's net irrigation requirement for corn times the acres irrigated times 110%

Application Deadline

Applications for MYFAs must be received by the chief engineer on or before October 1 of the first year of the MYFA term for which the application is being made, except as noted below. These deadlines are set in statute and cannot be waived. Additionally, separate applications must be received for each point of diversion authorized by the water right before the deadline.

Provisions for 2011 Overuse – more Application Deadlines

Senate Bill 272 also included specific provisions related to the overuse of authorized quantities due to the extraordinary drought of 2011.

- For those who received 2011 drought emergency term permits and enroll in a MYFA:
 - The MYFA allocation will not be affected by their 2011 overuse.
 - The application fee will be \$200 if received by July 15, 2012.
 - After July 15, 2012, the fee will be \$400.
- For those who overused in 2011 but did not obtain a 2011 drought emergency term permit:
 - Sanction for the overuse may be avoided by enrolling in a MYFA by July 15, 2012.
 - The filing fee is \$600.
 - The MYFA allocation will be reduced by the amount of the 2011 overuse.

Application Forms

The new [Multi-Year Flex Account application form](#) and additional information is available on the Kansas Department of Agriculture Division of Water Resources web site, at its field offices and at the offices of the state's five Groundwater Management Districts. Assistance with completing the application will also be available at each of these locations.

