

To: House Committee on Water, Representative Minnix, Chairman

From: Kent Askren, Kansas Farm Bureau

Date: March 9, 2023

Re: Written testimony in support of SB 205-concerning water; multi-year flex accounts

Chairman Minnix and members of the Committee, on behalf of Kansas Farm Bureau I want to thank you for the opportunity to provide written testimony in support of SB 205. KFB is the state's largest general farm organization representing more than 30,000 farm and ranch families through our 105 county Farm Bureau associations.

KFB policy supports the concepts of water right use flexibility. We have previously testified before this committee on the merits of responsible water rights usage flexibility.

As you are aware, exceptional drought has been and continues to plague much of Kansas, especially in the west. We have many members who participate in the Central Kansas Water Bank located within Big Bend Groundwater Management District 5. These members have conserved their water rights to be eligible for participation in water savings accounts.

During the past summer, demand for moisture was high and nature provided little relief. Many water savings accounts were called upon to help supplement crop irrigation. In some instances, savings accounts alone could not meet the crop demand so rather than waste all the inputs, including water, invested in the crop, interest shifted to enrollment into a multi-year flex account (MYFA).

Numerous MYFA applications were filed with the assistance of state staff on the assumption the MYFA would be approved, and water used to save this year's crop, justified. Later, an Attorney General Opinion was rendered declaring depleted water savings accounts that were still active, even if no water was left for withdrawal, were ineligible for MYFA enrollment. This opinion came months after the decisions to pump and file had been encouraged and made.

SB 205 would rectify this situation and provide a reprieve for the misunderstanding by all parties involved so that we can move forward. Both water bank and MYFA are invaluable tools for our members to help deal with weather extremes.

We are in support of the technical amendments made to the bill by the Senate.

Thank you for your consideration of these comments and we ask that you favorably pass out SB 205.