

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Water  
From: Office of Revisor of Statutes  
Date: March, 9, 2023  
Subject: Bill Brief – SB 205

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Senate Bill 205 would authorize the chief engineer to approve a complete application for the establishment of a multi-year flex account if such water right meets the requirements for a multi-year flex account even if the relevant base water right participates in a water bank. This authorization would expire on December 1, 2023.

Additionally, SB 205 would establish that a water right or any portion of a water right that has been deposited, enrolled or placed in a safe deposit account associated with a water bank shall not be eligible to enroll in a multi-year flex account that begins during a calendar year in which water from such water right was withdrawn from a safe deposit account. Similarly, water from a water right that has been deposited, enrolled or placed in a safe deposit account associated with a water bank shall not be withdrawn from a safe deposit account while the water right is enrolled in a multi-year flex account.

SB 205 would take effect upon publication in the Kansas Register.

The Senate Committee on Agriculture and Natural Resources amended the bill to reference the new sections in SB 205 in the multi-year flex account statute, K.S.A. 82a-736. The bill passed the Senate 39-0.

AG Opinion No. 2023-1

On January 6, 2023, the attorney general issued attorney general opinion no. 2023-1 that concluded that holders of a water right who have placed such right in a safe deposit account may not place the same right in a multi-year flex account. This limitation applies to water rights placed or enrolled in a safe deposit account in prior years.