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MEMORANDUM

To: House Committee on Water
From: Office of Revisor of Statutes
Date: February 1, 2024
Subject: Bill Brief – HB 2459

HB 2459 prohibits the change of the point of diversion of a water right if such change causes the safe yield of the source of water supply to be exceeded.

HB 2459 amends the Kansas Water Appropriation Act (Act), K.S.A. 82a-701 et seq. The Act provides for the issuance of permits to appropriate the beneficial use of water and the regulation of those water rights. K.S.A. 82a-701 provides definitions used throughout the Act. K.S.A. 82a-708b provides procedures for water right owners to apply to the Chief Engineer to change the place of use, point of diversion or usage of the water right without losing such right's priority. To make such proposed change, a water right owner must apply in writing to the Chief Engineer, demonstrate to the Chief Engineer that any proposed change is reasonable and will not impair existing rights, demonstrate to the Chief Engineer that any proposed change relates to the same water supply source and water right, and receive approval from the Chief Engineer before making the proposed change.

HB 2459 adds a new definition to the Act for "safe yield." "Safe yield" is defined as the long-term sustainable yield of the source of water supply, including hydraulically connected surface water or groundwater. The bill also amends 82a-708b regarding applications to change the point of diversion for a water right by adding an additional requirement. Under the bill, an application to change the point of diversion must also not cause the safe yield of the source of water supply to be exceeded.

This is a holdover bill from the 2023 session, so any references to dates will need to be updated if the bill passes out of committee.

The bill becomes effective upon publication in the statute book.