

SESSION OF 2016

SUPPLEMENTAL NOTE ON SENATE BILL NO. 329

As Amended by Senate Committee on Natural
Resources

Brief*

SB 329 would require that any approval of an application to change the place of use of a base water right would automatically result in a change to the place of use for a multi-year flex account (MYFA) term permit.

Current law allows the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture (KDA) to modify a base water right upon application, but if the base water right holder is enrolled in a MYFA term permit, the Chief Engineer must dismiss the MYFA term permit and the base water right holder must reapply for the MYFA term permit.

Background

The bill was introduced by the Senate Committee on Natural Resources.

At the Senate Committee hearing on the bill, testimony in favor of the bill was provided by representatives of KDA, Kansas Farm Bureau, and the Kansas Corn Growers Association. The Water Appropriation Program Manager for KDA stated the bill is a clean-up bill that addresses existing law on the MYFA program. The Program Manager provided an example that a water right holder with a MYFA may need to slightly modify the place of use. The water right holder may need to move some acres around due to transitioning from a

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

flood irrigation system to a more efficient drip or center pivot system. Current practice allows the KDA to change the base water right, but the MYFA has to be dismissed and the water right holder must reapply for MYFA to gain back the flexibility that MYFA allows. The bill would allow the water right holder to file a change application to change the place of use to the base right and allow KDA to change the MYFA to coincide with the base water right.

There was no neutral or opponent testimony provided on the bill at the Senate Committee hearing.

The Senate Committee amended the bill by deleting the amended portions of the original bill and adding a new section to the bill, in which language regarding MYFA term permits was added to the existing MYFA statute. The original bill would have placed the new MYFA language in the existing, more general, term permit application and fee statute.

The fiscal note prepared by the Division of the Budget, on the original version of the bill, states passage of the bill would have no fiscal effect on state agency operations.