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**REVISOR *of* STATUTES**

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**MEMORANDUM**

To: House Committee on Water  
From: Office of Revisor of Statutes  
Date: February 6, 2024  
Subject: Bill Brief – HB 2634

HB 2634 provides an additional corrective control provision for the Chief Engineer to consider when issuing orders of designation for intensive groundwater use control areas (IGUCA) and local enhanced managements areas (LEMA).

Section 1 amends K.S.A. 82a-1038 that provides procedures for designating an IGUCA, and Section 2 amends K.S.A. 82a-1041 that provides procedures for designating a LEMA. As part of the Chief Engineer’s powers when issuing an order of designating an IGUCA or LEMA, the Chief Engineer may include various corrective control provisions to incorporate into the management plan for the IGUCA or LEMA. Current corrective control provisions that the Chief Engineer may consider for IGUCA and LEMA management plans include: closing the area for further appropriations, determining the permissible total withdrawal of groundwater or specific permissible withdrawals from any water user or well, provisions for a rotation system for groundwater use and any other additional provisions necessary to protect the public interest.

HB 2634 provides an additional corrective control provision for the Chief Engineer to consider and include in orders designating IGUCAs and LEMAs. The bill would allow the Chief Engineer to consider “a provision allowing flexibility in the use of water rights, including, but not limited to, multi-year allocations and use in excess of a water right’s annual authorized quantity in any given year so long as the overall use of water is reduced during the term” of the management plan for the IGUCA or LEMA. All other corrective control provisions remain for orders of designation for IGUCAS and LEMAs remain unchanged.

The bill becomes effective upon publication in the statute book.