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**Neutral Testimony for House Bill 2634
to the Senate Committee on Agriculture and Natural Resources
by Earl Lewis
Kansas Department of Agriculture
March 13, 2024**

Good morning, Chairman Peck and members of the committee. My name is Earl Lewis and I am the chief engineer for the Kansas Department of Agriculture's Division of Water Resources (KDA-DWR).

I am standing before you today to provide neutral testimony for House Bill 2634.

As currently written, HB 2634 would allow an Intensive Groundwater Use Control Area (IGUCA) or Local Enhanced Management Area (LEMA) plan to be written to allow flexibility in the use of water rights. These changes would allow water users that have multi-year allocations to use water in excess of a water right's annual authorized quantity in any given year as long as the overall use of water is reduced during the term of the IGUCA or LEMA.

We feel this is a positive change in the law. This tool provides flexibility for our water users who might already be limited in the amount of water they can divert due to IGUCA or LEMA allocations.

One way this would improve current law is by providing clarity for water users. Many water right owners are aware that KDA-DWR offers multi-year flex accounts (MYFAs), which provide a multi-year water quantity allocation much like existing IGUCAs and LEMAs have done but also allow an enrolled water right's annual quantity to be exceeded as long as the MYFA allocation is not exceeded over the five-year term of the MYFA. Exceeding a water right's authorized quantity in that fashion is not currently provided for in the IGUCA or LEMA statutes, and this key difference between the two tools has caused confusion among water right owners in the past. This change will help ensure water right owners have a clear understanding of how to remain in compliance.

This bill also reduces the agency's workload. Currently, if a water right owner needs to pump more than their allocation in a dry year, a person would need to file a MYFA application to request permission to do so. We would then process the MYFA application, and, for water rights within an IGUCA or a LEMA, align the years of the allocation with the remaining years in the IGUCA or LEMA. As a result, this requires significant work for KDA-DWR staff.

We also believe that this change would help promote conservation. What we have learned with Water Conservation Areas (WCAs) is that when a producer knows they are not limited by an annual authorized quantity, they are more willing to agree to a reduced five-year allocation. As many come to find out, they often have water remaining at the end of five years. By granting water users this flexibility, it can delay water use, extending the life of the High Plains Aquifer. What is not pumped today is there for the future.

Thank you again for the opportunity to present neutral testimony regarding HB 2634.