

Multi-Year Flex Account Program Applications Available

The Kansas Department of Agriculture Division of Water Resources is accepting applications for the revised program that allows groundwater right holders to manage their water right over a 5-year period.

The 2012 Legislature made significant changes to the state's Multi-Year Flex Account (MYFA) program as part of a series of water law changes designed to conserve the state's water supply and extend the life of the Ogallala Aquifer. Senate Bill 272, signed by Gov. Brownback in Garden City last month, provides for this expanded flexibility in managing water use.

The new [Multi-Year Flex Account application form](#) is available on the Kansas Department of Agriculture Division of Water Resource's web site, at its field offices and at the office of the state's five Groundwater Management Districts. Assistance with completing the application will also be available at each of these locations.

"We are pleased to get started with implementation of this significantly improved program for multi-year management of water rights," DWR Chief Engineer David Barfield said. "We believe it will be useful for many producers, allowing them to defer on less-efficient water use in some years, preserving the water for later, more beneficial use in the five-year period."

A Multi-Year Flex Account allows water right holders to obtain a 5-year term permit that temporarily replaces their water right. This term permit allows the water right holder to exceed their annual authorized quantity in any year but restricts total pumping over the 5-year period. Pumping for the five-year period is limited to a maximum of five times the larger of the water right's average water use or the water right's maximum reported acres times the county's net irrigation requirement for corn.

This program is voluntary and does not permanently change the underlying water right. At the end of the 5-year period, if not extended by filing a new Multi-Year Flex Account application, the operation of the water right returns back to the original water right conditions.

"Implementation of the Multi-Year Flex Account is an important step towards creating water policy that both benefits agriculture today and sustains the valuable water resources for future generations," Kansas Secretary of Agriculture Dale Rodman said. "It is through the engagement of our farmer and rancher stakeholders from an early stage, and the hard work of the Brownback administration and the legislators, that this change was possible."

Senate Bill 272 also included specific provisions related to the overuse of authorized quantities due to the extraordinary drought of 2011.

- For those who received 2011 drought emergency term permits and enroll in a MYFA:
 - The MYFA allocation will not be affected by their 2011 overuse.
 - The application fee will be \$200, if received by July 15, 2012.
 - After July 15, 2012, the fee will be \$400.
- For those who overused in 2011 but did not receive a 2011 drought emergency term permit:
 - Sanction for the overuse may be avoided by enrolling in a MYFA.
 - The application must be received by July 15, 2012.
 - The filing fee is \$600.
 - The MYFA allocation will be reduced by the amount of the 2011 overuse.

These deadlines are set in statute and cannot be waived. Additionally, separate applications must be received for each point of diversion authorized by the water right before the deadline.

More details on Multi-Year Flex Accounts can be obtained at:

<http://www.ksda.gov/appropriation/?cid=297>.

Water right holders should contact their DWR field office or local GMD office for more details and assistance in evaluating their options and completing the application.