

82a-902

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-902. State water resource planning act; definitions. The following words when used in this act, shall have the meaning ascribed in this section, except where the context clearly indicates a different meaning:

- (a) "Person" means and includes a natural person, partnership, organization, association, private corporation, public corporation, any taxing district or political subdivision of the state, and any department or agency of the state government.
- (b) "Public corporation" means a body that has for its object the government of a political subdivision of this state and includes any county, township, city, district, authority, or other municipal corporation or political subdivision of this state.
- (c) "Federal government" means the United States of America or any department or agency thereof.
- (d) "Office" means the Kansas water office.

History: L. 1963, ch. 514, § 2; L. 1981, ch. 398, § 2; L. 1984, ch. 379, § 1; July 1.

82a-903

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-903. Same; formulation of state water plan; cooperation of state water agencies; advice of general public. In accordance with the policies and long-range goals and objectives established by the legislature, the office shall formulate on a continuing basis a comprehensive state water plan for the management, conservation and development of the water resources of the state. Such state water plan shall include sections corresponding with water planning areas as determined by the office. The Kansas water office and the Kansas water authority shall seek advice from the general public and from committees consisting of individuals with knowledge of and interest in water issues in the water planning areas. The plan shall set forth the recommendations of the office for the management, conservation and development of the water resources of the state, including the general location, character, and extent of such existing and proposed projects, programs, and facilities as are necessary or desirable in the judgment of the office to accomplish such policies, goals and objectives. The plan shall specify standards for operation and management of such projects, programs, and facilities as are necessary or desirable. The plan shall be formulated and used for the general purpose of accomplishing the coordinated management, conservation and development of the water resources of the state. The division of water resources of the state board of agriculture, state geological survey, the division of environment of the department of health and environment, department of wildlife and parks, state conservation commission and all other interested state agencies shall cooperate with the office in formulation of such plan.

History: L. 1963, ch. 514, § 3; L. 1975, ch. 462, § 129; L. 1981, ch. 398, § 3; L. 1984, ch. 379, § 2; L. 1985, ch. 340, § 1; L. 1989, ch. 118, § 193; July 1.

82a-904

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-904.

History: L. 1963, ch. 514, § 4; L. 1981, ch. 398, § 4; Repealed, L. 1984, ch. 379, § 22; July 1.

82a-905

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-905. Same; public hearings on state water plan or sections thereof, procedure; approval by Kansas water authority and submission to legislature and governor of plan or sections thereof. Prior to the submission of the state water plan or any section thereof or any amendment thereto to the Kansas water authority, the legislature and the governor, the office shall hold public hearings at such place or places as may be convenient to the area affected, to consider the state water plan or one or more sections thereof or amendments thereto, and to hear protests or petitions of all interested persons. Notice of such hearing shall be published at least twice prior to such hearing in the Kansas register. The office shall send, by United States mail, a reasonable notice of hearing to (1) such agencies of the state as have an interest in the management, conservation and development of the water resources of the state, (2) the county clerk of each county affected by the proposed plan, (3) the agencies of the federal government having an interest in water resources management, conservation and development, and (4) such persons, public or private, as have requested notification in writing from the office. In addition, the office may send notice of a scheduled hearing to any person or persons it deems proper. The office shall furnish a summary of the proposed plan to those persons it is required by law to notify of a public hearing and to such other persons as request a summary. The records of hearings shall be public records and open for inspection at the Kansas water office. The office shall give due consideration to the matters presented at such public hearing and shall then present the plan to the Kansas water authority. Upon approval by the authority, the office shall submit the plan to the legislature and the governor. Provisions in this section concerning notice and summary shall be directive and not jurisdictional.

History: L. 1963, ch. 514, § 5; L. 1967, ch. 420, § 2; L. 1981, ch. 398, § 5; L. 1981, ch. 324, § 35; L. 1984, ch. 379, § 3; July 1.

82a-906

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-906. State water resource planning act; submission of plan and recommendations to governor and legislature. The Kansas water office, with the approval of the Kansas water authority, annually shall submit to the legislature and to the governor an up-dated water plan containing recommendations which are necessary to achieve the long-range goals and objectives for the management, conservation and development of the waters of the state as set forth in K.S.A. 82a-927, and amendments thereto.

History: L. 1963, ch. 514, § 6; L. 1967, ch. 420, § 3; L. 1974, ch. 451, § 1; L. 1981, ch. 398, § 6; L. 1984, ch. 379, § 4; L. 1985, ch. 341, § 1; July 1.

82a-907

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-907. State water resource planning act; considerations in formulation of state water plan. In formulating the state water plan the office shall consider:

- (a) The management, conservation and development of the water resources of the state for the benefit of the state as a whole;
- (b) the benefits to be derived from development of reservoir sites for the combined purposes of flood control, water supply storage and recreation;
- (c) the safeguards to public health, aquatic and animal life established by K.S.A. 65-161 to 65-171t, inclusive, and amendments thereto, and the Kansas water quality management plan approved and adopted as provided by chapter 351 of the 1979 Session Laws;
- (d) the water development policies, whenever possible, consistent with the beneficial development of other natural resources;
- (e) the public health and general welfare of the people of the state;
- (f) all appropriation and other rights to the use of water that exist pursuant to the Kansas water appropriation act and the state water plan storage act;
- (g) the interrelationship of groundwater and surface water supplies and the effects of evapotranspiration on water supply;
- (h) the alternative plans, programs and projects in the interest of effective water resource management, conservation and development;
- (i) the means and methods for the protection of aquatic and other wildlife;
- (j) the use of waters to augment the flow of surface streams for the support of aquatic and other wildlife and to improve the water quality of the stream and to protect the public health;
- (k) the inclusion of conservation storage in reservoir development and planning for the regulation of streamflow for the purpose of quality control, such inclusion not to serve as a substitute for methods of controlling wastes at their sources;
- (l) the maintenance, preservation and protection of the sovereignty of the state over all the waters within the state;
- (m) plans, projects and recommendations of public corporations, the federal government and state agencies prepared pursuant to statutory authority;
- (n) plans, recommendations and projects of private associations or organizations as they relate to the water resources of the state;
- (o) the need of the state to control storage in federal reservoirs by purchase or agreement; and
- (p) such other matters as the office deems proper or desirable.

History: L. 1963, ch. 514, § 7; L. 1981, ch. 398, § 7; L. 1984, ch. 379, § 5; L. 1986, ch. 394, § 1; July 1.

82a-908

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-908.

History: L. 1963, ch. 514, § 8; L. 1984, ch. 379, § 6; Repealed, L. 1985, ch. 341, § 2; July 1

82a-909

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-909.

History: L. 1963, ch. 514, § 9; L. 1984, ch. 379, § 7; L. 1986, ch. 395, § 1; Repealed, L. 1995, ch. 13, § 1; July 1.

82a-910

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-910. Same; recommendations to federal agencies as to future water supply storage; agreements with federal government; petition concerning future water supply needs. (a) Subject to the approval of the Kansas water authority, the office may recommend to any agency of the federal government the inclusion in any proposed or authorized federal project of any conservation storage features for water supply that the office expects will be needed within the state in the future for the achievement of the purposes of this act and the office may extend to and procure for any agency of the federal government reasonable assurances and evidence that such expected future demands for the use of such storage will be made within a period of time which will permit payment of the costs allocated to such purposes within the life of the project, if such assurances have been authorized by the state water plan.

(b) When, in addition to actions taken under subsection (a), the office shall find it necessary or desirable for the achievement of the purposes of this act, the office may enter into agreements with the federal government for the repayment of costs for the inclusion of any conservation storage features for water supply that the office expects will be needed within the state in the future for achievement of such purposes if such agreements have been authorized by the state water plan and a person or persons have contracted for the use of a substantial portion of the recommended conservation storage and that such person or persons will use the water supply thereof within a period of time which will permit them to pay their proportionate share of the costs allocated to such needs within the life of the project.

(c) Any person wishing the office to make a recommendation for storage features for expected future water supply needs, as provided in subsection (a), may petition the office and show that it (1) has good reason to and does believe that it will have future needs for the use of the additional storage; (2) will request the use of such storage by a time and for a duration that will permit it to pay the costs allocated to such purposes within the life of the project; (3) will be able to repay to the state the costs of the requested storage features; and (4) will insure compliance with such maintenance and operational requirements in the use of the expected future water supply requested as the office shall direct for the achievement of the purposes of this act.

History: L. 1963, ch. 514, § 10; L. 1984, ch. 379, § 8; L. 1986, ch. 395, § 2; July 1.

82a-911

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-911. Same; recommendations of water office for inclusion in state plan of storage features for water supply on federal projects; findings. In its discretion, either upon its own initiative or in response to a specific request, the office, subject to the approval of the Kansas water authority, may include in the state water plan recommendations for the inclusion at state expense of any conservation storage features for water supply in any proposed or authorized or constructed water development project of the federal government of any conservation storage features for water supply that in the opinion of the office will be needed within the state in the future to achieve the purposes of this act. Before making such recommendations the office

shall find that (1) such recommended features are consistent with the state water plan; (2) the recommended features will achieve or tend to achieve the purposes of this act; (3) the federal government will not at its expense include those features for the purposes contemplated by the office under terms which would assure essential state control of the waters of the state or meeting of state objectives, which purposes may include maintenance and operational requirements in the use thereof that the office shall specify for achievement of the purposes of this act; and (4) in the future some responsible person or persons will have needs for the use of all or a portion of the recommended conservation storage and that such person or persons will request the use thereof within a period of time which will permit them to pay out their proportionate share of the costs allocated to such needs within the life of the project.

History: L. 1963, ch. 514, § 11; L. 1984, ch. 379, § 9; L. 1986, ch. 395, § 3; July 1.

82a-912

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-912.

History: L. 1963, ch. 514, § 12; L. 1984, ch. 379, § 10; Repealed, L. 1986, ch. 395, § 9; July 1.

82a-913

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-913. Same; statement of state costs. When any recommendation is made pursuant to K.S.A. 82a-911, and amendments thereto, the same shall include a statement of (1) the portion of the state costs for which the state does not anticipate repayment of its expenditures; and (2) the part of the state costs for which the state does anticipate repayment for its expenditures.

History: L. 1963, ch. 514, § 13; L. 1986, ch. 395, § 4; July 1.

82a-914

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-914.

History: L. 1963, ch. 514, § 14; Repealed, L. 1974, ch. 452, § 22; March 22.

82a-915

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-915. State water resource planning act; contracts with federal government relative to release of water from projects or reservoirs, when. The office is hereby authorized to negotiate with the federal government relative to releases of water from projects or reservoirs and to enter into agreements with the federal government with respect to the operation of projects or reservoirs for the releases of water, if such agreements are recommended by the state water plan.

History: L. 1963, ch. 514, § 15; L. 1984, ch. 379, § 11; L. 1986, ch. 394, § 2; L. 1986, ch. 395, § 5; L. 1986, ch. 396, § 1; July 1.

82a-916, 82a-917

**Chapter 82a.--WATERS AND WATERCOURSES
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82a-916, 82a-917.

History: L. 1963, ch. 514, §§ 16, 17; Repealed, L. 1974, ch. 452, § 22; March 22.

82a-918

**Chapter 82a.--WATERS AND WATERCOURSES
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82a-918.

History: L. 1963, ch. 514, § 18; L. 1967, ch. 515, § 1; L. 1984, ch. 379, § 12; L. 1986, ch. 395, § 6; Repealed, L. 1995, ch. 13, § 1; July 1.

82a-919

**Chapter 82a.--WATERS AND WATERCOURSES
Article 9.--STATE WATERRESOURCE PLANNING**

82a-919.

History: L. 1963, ch. 514, § 19; L. 1984, ch. 379, § 13; L. 1986, ch. 395, § 7; Repealed, L. 1995, ch. 13, § 1; July 1.

82a-920

**Chapter 82a.--WATERS AND WATERCOURSES
Article 9.--STATE WATERRESOURCE PLANNING**

82a-920. Same; projected costs of water management projects. The office shall maintain in continuous process and revision tentative projected costs of water management projects for the coming years covering a total period of not less than 25 years, which projected costs the office shall submit with its annual budget request. In preparing such projections, the office shall include all items for which payment is expected to be made from state funds and anticipated revenues expected to be paid to the state.

History: L. 1963, ch. 514, § 20; L. 1984, ch. 379, § 14; L. 1986, ch. 395, § 8; July 1.

82a-921

**Chapter 82a.--WATERS AND WATERCOURSES
Article 9.--STATE WATERRESOURCE PLANNING**

82a-921.

History: L. 1963, ch. 514, § 21; Repealed, L. 1974, ch. 452, § 22; March 22.

82a-922

**Chapter 82a.--WATERS AND WATERCOURSES
Article 9.--STATE WATERRESOURCE PLANNING**

82a-922. Same; expenditures from appropriations for Kansas water office, procedure. All expenditures from appropriations for the office shall be made in accordance with the applicable appropriation act upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas water office or by a person or persons designated by the director.

History: L. 1963, ch. 514, § 22; L. 1974, ch. 452, § 21; L. 1984, ch. 379, § 15; July 1.

82a-923

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-923. State water plan; rules and regulations. The office shall adopt, amend, promulgate, and enforce such rules and regulations as are necessary and proper to carry out the provisions of this act. Such rules and regulations shall be filed in the office of the secretary of state as provided by law. The Kansas water office may prepare and distribute, free or at cost, compilations of its rules and regulations.

History: L. 1963, ch. 514, § 23; L. 1984, ch. 379, § 16; L. 1988, ch. 366, § 48; June 1.

82a-924

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-924. Same; liberal construction. This act shall be construed liberally to effectuate the purposes hereof, and the enumeration of specific powers in this act shall not operate to restrict the meaning of any general grant of power contained in this act or to exclude other powers comprehended in such general grant.

History: L. 1963, ch. 514, § 24; April 23.

82a-925

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-925. Same; invalidity of part. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered, and it shall be presumed that the legislature would have enacted this law with the omission of the section, subsection, or clause held to be invalid.

History: L. 1963, ch. 514, § 25; April 23.

82a-926

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-926.

History: L. 1963, ch. 514, § 26; L. 1981, ch. 398, § 8; Repealed, L. 1984, ch. 379, § 22; July 1.

82a-927

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-927. State water plan; long-range goals. The long-range goals and objectives of the state of Kansas for management, conservation and development of the waters of the state, are hereby declared to be:

(a) The development, to meet the anticipated future needs of the people of the state, of sufficient supplies of water for beneficial purposes;

(b) the reduction of damaging floods and of losses resulting from floods;

- (c) the protection and the improvement of the quality of the water supplies of the state;
- (d) the sound management, both public and private, of the atmospheric, surface, and groundwater supplies of the state;
- (e) the prevention of the waste of the water supplies of the state;
- (f) the prevention of the pollution of the water supplies of the state;
- (g) the efficient, economic distribution of the water supplies of the state;
- (h) the sound coordination of the development of the water resources of the state with the development of the other resources of the state; and
- (i) the protection of the public interest through the conservation of the water resources of the state in a technologically and economically feasible manner.

History: L. 1965, ch. 558, § 1; L. 1981, ch. 398, § 9; L. 1986, ch. 392, § 4; July 1.

82a-928

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-928. State water plan; policies to achieve long-range goals listed. The policies of the state of Kansas that are deemed desirable for the achievement of the long-range goals and objectives as set forth in K.S.A. 82a-927, and amendments thereto, and that shall serve as guidelines for public corporations and all agencies of the state, relative to their responsibilities with respect to the water resources of the state whenever physical and economic conditions permit, are hereby declared to be:

- (a) The utilization of nonstructural methods, including floodplain regulation, and structural measures for the reduction of flood damage;
- (b) the design of proposed levees and dikes so as to reduce flood risks in agricultural areas to a chance of occurrence in any one year of 10% or less;
- (c) the design of proposed levees and dikes so as to reduce flood risks in urban areas to a chance of occurrence in any one year of 1% or less;
- (d) the design of proposed storage structures for the protection of agricultural areas so as to provide sufficient capacity to control the volume of a flood having a chance of occurrence in any one year of 4% or less;
- (e) the design of proposed storage structures for the protection of urban areas to provide sufficient capacity to control the volume of a flood having a chance of occurrence in any one year of 2% or less;
- (f) the development of adequate water storage to meet, as nearly as practicable, present and anticipated water uses through planning and construction of multipurpose reservoirs and through the acquisition from the federal government of storage in federal reservoirs and by agreements with the federal government regarding the use of storage;
- (g) the inclusion in publicly financed structures for the conservation, management and development of the water resources of the state of reasonable amounts of storage capacity for the regulation of the low flows of the watercourses of the state;
- (h) the achievement of the primary drinking water standards promulgated by the secretary of health and environment pursuant to K.S.A. 65-171m, and amendments thereto;
- (i) the identification of minimum desirable streamflows to preserve, maintain or enhance baseflows for in-stream water uses relative to water quality, fish, wildlife, aquatic life, recreation, general aesthetics and domestic uses and for the protection of existing water rights;

(j) the maintenance of the surface waters of the state within the water quality standards adopted by the secretary of health and environment as provided by K.S.A. 65-164 to 65-171t, inclusive, and amendments thereto;

(k) the protection of the quality of the groundwaters of the state as provided by the Kansas groundwater exploration and protection act and other acts relating thereto;

(l) the management of the groundwaters of the state as provided by the Kansas water appropriation act and the provisions of K.S.A. 82a-1020 to 82a-1040, inclusive, and amendments thereto;

(m) the provision of financial and technical assistance to public corporations concerned with management, conservation and development of water resources;

(n) the review and coordination of financial assistance for research that may be provided by federal or state agencies to public corporations concerned with management, conservation and development of water resources to prevent duplication of effort;

(o) the development of groundwater recharge projects;

(p) the encouragement of local initiative in the planning, implementation, funding and operation of local water programs to the extent that the same are supportive of state water programs;

(q) the design of municipal water systems to provide an adequate water supply to meet the needs during a drought having a 2% chance of occurrence; and

(r) the encouragement of the use of agricultural soil and water conservation practices and structures to control erosion and to effectively utilize precipitation and runoff.

History: L. 1965, ch. 558, § 2; L. 1981, ch. 398, § 10; L. 1986, ch. 394, § 3; L. 1987, ch. 402, § 3; July 1.

82a-929

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-929. Same; state responsibility for water. The state of Kansas hereby recognizes its responsibility and jurisdiction to protect, conserve, and control all waters affecting the people of the state, including those waters impounded in projects constructed pursuant to programs of the federal government.

History: L. 1965, ch. 558, § 3; May 12.

82a-930

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-930. Same; state responsibility to manage water conservation. The state of Kansas hereby recognizes its responsibility and jurisdiction to operate and to manage those water conservation features financed by the state, and it recognizes its duty to fulfill its responsibility and to exercise its jurisdiction through either direct action or contractual delegation and in accordance with any agreements made between the state and any operating person or agency: *Provided, however,* That the provisions of this section shall not be deemed to apply to flood control features.

History: L. 1965, ch. 558, § 4; May 12.

82a-931

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-931. Same; intergovernmental coordination of planning. As a matter of basic policy concerning the water resources of the state, the state of Kansas hereby declares its intention to coordinate state planning with local and national planning and, in safeguarding the interests of the state and its people, to undertake the resolution of any conflicts that may arise between the water policies, plans, and projects of the federal government and the water policies, plans, and projects of the state and its people.

History: L. 1965, ch. 558, § 5; May 12.

82a-932

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-932. Same; Kansas water office to negotiate with federal government, when. The office shall enter into negotiations and agreements with the federal government relative to the operation of, or the release of water from, any project that has been authorized or constructed by the federal government when the Kansas water authority shall deem such negotiations and agreements to be necessary for the achievement of the policies of the state of Kansas relative to the water resources thereof.

History: L. 1965, ch. 558, § 6; L. 1984, ch. 379, § 17; July 1.

82a-933

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-933. Same; providing evidence of need to include storage features. The office may provide evidence of need to any agency of the federal government relative to the inclusion in any proposed or authorized water resource project of any conservation storage features for water supply that the office anticipates will be needed in the future.

History: L. 1965, ch. 558, § 7; L. 1984, ch. 379, § 18; July 1.

82a-934

Chapter 82a.--WATERS AND WATERCOURSES

Article 9.--STATE WATERRESOURCE PLANNING

82a-934. State water plan; agreements with federal government to pay for conservation storage features for water supply; limitations; reimbursement of costs. The office, on behalf of the state, shall enter into negotiations and agreements with the federal government relative to the inclusion or the purchase of, and the payment for, conservation storage features for water supply in any project that has been planned, authorized or constructed by the federal government when the Kansas water authority shall deem such negotiations and agreements to be necessary for the achievement of the policies of the state of Kansas relative to the water resources thereof. Such agreements shall be binding upon the state to the extent that future appropriations are made in support thereof. Subject to the foregoing, any agreement made under this section may provide that a portion of the reimbursement cost shall include any payment made by the United States to third parties as a result of the finding of liability by a court of competent jurisdiction or by settlement arising out of the use of the water storage space and the release therefrom, except that no reimbursement shall be made to the extent that the liability arises from the sole fault of the United States.

History: L. 1965, ch. 558, § 8; L. 1973, ch. 416, § 1; L. 1979, ch. 186, § 32; L. 1984, ch. 379, § 19; L. 1985, ch. 342, § 11; July 1.

82a-935 to 82a-937

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-935 to 82a-937.

History: L. 1965, ch. 558, §§ 9 to 11; Repealed, L. 1974, ch. 452, § 22; March 22.

82a-938

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-938.

History: L. 1965, ch. 558, § 12; L. 1967, ch. 516, § 1; L. 1969, ch. 482, § 1; L. 1971, ch. 334, § 1; L. 1974, ch. 453, § 1; L. 1976, ch. 439, § 1; L. 1977, ch. 357, § 1; L. 1982, ch. 437, § 1; Repealed, L. 1986, ch. 395, § 9; July 1.

82a-939

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-939.

History: L. 1965, ch. 558, § 13; L. 1967, ch. 516, § 2; L. 1969, ch. 482, § 2; L. 1971, ch. 334, § 2; L. 1974, ch. 453, § 2; L. 1977, ch. 357, § 2; Repealed, L. 1986, ch. 395, § 9; July 1.

82a-940

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-940.

History: L. 1965, ch. 558, § 14; Repealed, L. 1984, ch. 379, § 22; July 1.

82a-941

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-941. Same; agencies to perform research related to water resources. It is hereby declared to be a policy of the state of Kansas that all agencies of the state having responsibilities affecting the water resources of the state shall, insofar as circumstances permit, carry on basic data collection, research, and analyses concerning climate, streamflow, water quality, groundwater levels, character and geographical extent of groundwater reservoirs and their relation to both surface and underground waters, interrelation of surface and groundwaters, methods and techniques for recharging groundwater reservoirs, probable yields from surface and groundwater reservoirs, seepage and evapotranspiration losses, and such other matters that relate to the water resources of the state, and those agencies shall direct their attention to the problems of water distribution, quality, pollution, supply variability, floods, and supply in relation to demand.

History: L. 1965, ch. 558, § 15; May 12.

82a-942

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-942. Same; United States powers not affected. Nothing in this act shall be deemed as an addition to, or an impairment of, any rights, powers, or jurisdiction of the United States, or those acting by or under its authority, with respect to the water resources of the state.

History: L. 1965, ch. 558, § 16; May 12.

82a-943

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-943. Same; liberal construction of act. This act shall be construed liberally to effectuate the purposes hereof.

History: L. 1965, ch. 558, § 17; May 12.

82a-944

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-944. Same; severability. If any clause, sentence, paragraph, section, or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been entered, and it shall be presumed that the legislature would have enacted this law with the omission of the section, subsection, or clause held to be invalid.

History: L. 1965, ch. 558, § 18; May 12.

82a-945

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-945.

History: L. 1965, ch. 558, § 19; Repealed, L. 1984, ch. 379, § 22; July 1.

82a-946

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-946.

History: L. 1965, ch. 558, § 20; Repealed, L. 1984, ch. 379, § 22; July 1.

82a-947

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-947. Citation of act. The provisions of sections 1 to 20, inclusive, of this act and of K.S.A. 82a-901 to 82a-945, inclusive, and any acts amendatory thereof or supplemental thereto, shall be known and may be cited as the "state water resource planning act."

History: L. 1984, ch. 379, § 20; July 1.

82a-948, 82a-949

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-948, 82a-949. Reserved.

82a-950

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-950.

History: L. 1984, ch. 376, § 1; Repealed, L. 1985, ch. 338, § 3; July 1.

82a-951

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-951. State water plan fund established; expenditures from fund; reports accounting for expenditures from fund. (a) On and after July 1, 1989, there is hereby created, in the state treasury, the state water plan fund. All moneys in the state water plan fund shall be expended in accordance with appropriations acts for implementation of the state water plan formulated pursuant to K.S.A. 82a-903 *et seq.* and amendments thereto. Such moneys shall be used only for the establishment and implementation of water-related projects or programs, and related technical assistance, and shall not be used for: (1) Replacing full time equivalent positions of any state agency; or (2) recreational projects which do not meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

(b) On or before December 1 of each year, the Kansas water authority shall submit to the governor and the legislature a report setting out: (1) An account of all moneys expended from the state water plan fund during such fiscal year; and (2) a five-year capital development plan for state water plan projects.

History: L. 1989, ch. 186, § 34; May 18.

82a-952

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-952. Penalties imposed by K.S.A. 65-170d, 65-171s, 65-3419 and 65-3446 deposited in state water plan fund. On and after July 1, 1989, all moneys collected from penalties imposed pursuant to K.S.A. 65-170d, 65-171s, 65-3419 or 65-3446, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state water plan fund created by K.S.A. 82a-951, and amendments thereto.

History: L. 1989, ch. 186, § 29; L. 2001, ch. 5, § 472; July 1.

82a-953

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-953.

History: L. 1989, ch. 186, § 33; L. 1990, ch. 28, § 19; L. 1992, ch. 327, § 87; Repealed, L. 1993, ch. 292, § 88; June 10.

82a-954

Chapter 82a.--WATERS AND WATERCOURSES Article 9.--STATE WATERRESOURCE PLANNING

82a-954. Water protection fee imposed; payment, by whom, when; collection by director of taxation; disposition of fees. (a) On and after July 1, 1989, there is hereby imposed a water protection fee at the rate of:

(1) Three cents per 1,000 gallons of water sold at retail by a public water supply system and delivered through mains, lines or pipes;

(2) subject to the provisions of subsection (c), three cents per 1,000 gallons of water appropriated for industrial use pursuant to a permit granted in accordance with the Kansas water appropriation act; and

(3) three cents per 1,000 gallons of water appropriated for stockwatering pursuant to a permit granted in accordance with the Kansas water appropriation act.

(b) As used in this section, "industrial use" and "stockwatering" have the meanings provided by rules and regulations of the chief engineer of the division of water resources of the state board of agriculture and the determination of gallons used shall be based upon figures supplied to the secretary of revenue by the division of water resources.

(c) The fees imposed by subsections (a)(2) and (3) shall be based on the actual amount used for industrial use or stockwatering during the preceding calendar year as reported to the chief engineer of the division of water resources of the state board of agriculture in accordance with the provisions of K.S.A. 82a-732, and amendments thereto, except that: (1) The amount of surface water used for flow through cooling purposes for electric power generating plants shall be based on an average consumptive factor as determined by the division of water resources; and (2) no such fee shall be imposed on the amount of water used for commercial fish farming. If no water use report is filed for such year, the fee shall be based on the amount authorized for industrial use or stockwatering in such year.

(d) The fee imposed by subsection (a)(1) shall be paid quarterly by the public water supplier and shall be transmitted to the department of revenue not later than 45 days following the end of each quarter. The public water supplier may collect the fee directly from each consumer to which water is sold at retail or may pay the amount owed to the department from moneys in its operating or other fund available for that purpose. The fees imposed by subsections (a)(2) and (3) shall be paid by the owner of the permit. If any retailer or permit owner fails to pay the fee required to be collected and paid under this section, there shall be added, to the unpaid balance of the fee, penalty and interest as prescribed under K.S.A. 79-3615, and amendments thereto, for the late payment of sales tax.

(e) The director of taxation shall administer, enforce and collect the fees imposed by this section. All laws and rules and regulations of the secretary relating to the administration, enforcement and collection of the retailers' sales tax shall apply to such fee insofar as they can be made applicable, and the secretary shall adopt such additional rules and regulations as necessary for the efficient and effective administration, enforcement and collection thereof.

(f) The director of taxation shall remit all moneys collected from fees imposed pursuant to this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state

treasurer shall deposit the entire amount in the state treasury to the credit of the state water plan fund created by K.S.A. 82a-951, and amendments thereto.

(g) An owner of an industrial use permit who has a contract with the state for withdrawal and use of water pursuant to K.S.A. 82a-1301 *et seq.*, and amendments thereto, shall be exempt from the fee imposed by subsection (a)(2) on any water for which the permit owner is required to pay charges under such contract.

History: L. 1989, ch. 186, § 26; L. 2001, ch. 5, § 473; July 1.