

2023 Kansas Statutes

82a-1504. Order of presiding officer; review by panel, procedure; record of proceedings. (a)

The presiding officer shall render an order either approving or disapproving the proposed water transfer. The presiding officer's order shall include findings of fact relating to each of the factors set forth in subsection (c) of K.S.A. 82a-1502, and amendments thereto. The presiding officer may order approval of a transfer of a smaller amount of water than requested upon such terms, conditions and limitations as the presiding officer deems necessary for the protection of the public interest of the state as a whole.

(b) An order of the presiding officer disapproving or approving a water transfer, in whole or in part, shall be deemed an initial order. The panel shall be deemed the agency head for the purpose of the Kansas administrative procedure act and shall review all initial orders of the presiding officer in accordance with the Kansas administrative procedure act. Review by the panel shall be in accordance with the standards provided by this act for the presiding officer's initial order and shall be based on the record of the hearing. The final order of the panel shall be entered not later than 90 days after entry of the presiding officer's initial order, except that the panel may extend the 90-day limit, but only with the written consent of all parties or for good cause shown.

(c) Any proceedings pursuant to this act and notice of such proceedings shall be in accordance with the provisions of the Kansas administrative procedure act except as specifically provided by this act.

(d) The record of any hearing or other proceeding held pursuant to this act shall be maintained and make [made] available for public examination in the office of the chief engineer.

History: L. 1983, ch. 341, § 4; L. 1988, ch. 356, § 352; L. 1993, ch. 219, § 5; L. 2004, ch. 145, § 49; July 1, 2005.