

Water Rights and Permits, Division of Water Resources; House Sub. for SB 337

House Sub. for SB 337 amends law regarding water rights and permits, makes changes to the way the Chief Engineer provides notice of program changes or proposed rules and regulations, and authorizes changes to the classification of certain positions.

Water Rights and Permits

The bill amends the section of law dealing with the requirement that owners of water rights or permits to appropriate water for beneficial use must file annual water use permits with the Chief Engineer of the Division of Water Resources (DWR) in the Kansas Department of Agriculture (KDA). Language is added to make it clear that a water right owner could “cause” the water use report to be filed, in addition to the owner filing the report individually.

In addition, the bill subjects an owner of a water right or permit to appropriate water for beneficial use who fails to file a water use report to a civil penalty in an amount not to exceed \$1,000 per water right (increased from the prior amount of \$250).

Further, the bill adds a provision that permits the Chief Engineer to issue an order indefinitely suspending water rights of water right holders or those holding permits to appropriate water for beneficial use if the water use report has not been filed by June 1 of the calendar year in which it is due, in addition to incurring the civil penalty for failing to submit a water use permit outlined above. In addition to the civil penalty and the authority to issue an order of indefinite suspension of a water right, the Chief Engineer also may require the use of telemetry for documentation purposes.

The bill also makes the provisions of the section of law being amended (KSA 2015 Supp. 82a-732) a part of and supplemental to the Water Appropriations Act.

Notice

The bill creates law that states when the Secretary of Agriculture or the Chief Engineer of the DWR, KDA, proposes rules and regulations that could change an adopted local groundwater management program or impact water use in a groundwater management district (GMD), the Secretary or Chief Engineer shall notify the GMD board of directors in the affected area and provide a copy of the program change or proposed rules and regulations.

Upon receiving the notice, the GMD board of directors shall prepare a response of intended board actions and follow existing GMD law for revising active groundwater management programs.

The DWR shall post all complete applications and all orders issued by the DWR on its official website. The DWR, along with the GMD where the water right is situated, shall directly notify all water right owners with a point of diversion within half a mile, or further if necessary, of a water right pending request or application pursuant to existing law, except for change applications requesting a point of diversion move of 300 feet or less from the currently authorized location.

Chief Engineer Position

The bill also requires the position of Chief Engineer to be a classified position, but the bill will allow the Secretary of Agriculture to convert vacant positions under the Chief Engineer to unclassified positions.