

HOUSE BILL No. 2739

By Committee on Environment

1-29

AN ACT concerning appropriation of water for beneficial use; amending
K.S.A. 82a-734 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 82a-734 is hereby amended to read as follows: 82a-734. (a) *As used in this section:*

(1) *“Direct impairment” means a raising or lowering of the groundwater table, or raising or lowering of streamflow, in a manner which is directly attributable to the operation of sand and gravel pits.*

(2) *“Substantial adverse impact on the area” means exposing the groundwater table to evaporation that will cause a direct impairment to a groundwater or surface water right.*

(b) An operator will notify the chief engineer of the division of water resources of the state board of agriculture of the location and area extent of any existing or proposed sand and gravel pit to be excavated, expanded or operated by the operator.

~~(b)~~ (c) Unless the chief engineer determines that it has a substantially adverse impact on the area groundwater supply, the evaporation of water exposed as the result of the opening or operation of sand and gravel pits shall not be construed to be a beneficial use or diversion of water for the purposes of the Kansas water appropriation act, K.S.A. 82a-701 *et seq.*, and amendments thereto.

~~(c)~~ (d) Evaporation from sand and gravel pits, as calculated by the chief engineer, will be reported as an industrial use to the director of taxation for the purpose of assessing the water protection fee pursuant to K.S.A. ~~82a-954~~ 82a-954, and amendments thereto.

Sec. 2. K.S.A. 82a-734 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.