

SENATE BILL No. 409

By Committee on Agriculture

2-2

9 AN ACT concerning the Kansas water appropriation act; relating to sand
10 and gravel pits; amending K.S.A. 82a-734 and repealing the existing
11 section.

12

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

14 Section 1. K.S.A. 82a-734 is hereby amended to read as follows: 82a-
15 734. (a) An operator will notify the chief engineer ~~of the division of water~~
16 ~~resources of the state board of agriculture~~ of the location and area extent
17 of any existing or proposed sand and gravel pit to be excavated, expanded
18 or operated by the operator.

19 (b) ~~Unless the chief engineer determines that it has a substantially~~
20 ~~adverse impact on the area groundwater supply,~~ The net evaporation of
21 water exposed as the result of the opening or operation of sand and gravel
22 pits shall ~~not~~ be construed to be a beneficial use or diversion of water for
23 the purposes of the Kansas water appropriation act, K.S.A. 82a-701 *et*
24 *seq.*, and amendments thereto *if the sand and gravel pit is opened or*
25 *operated in a township where the average annual potential net evapora-*
26 *tion is greater than 18 inches per year, as determined by the chief engi-*
27 *neer. If the chief engineer determines that the net evaporation from an*
28 *existing or proposed sand and gravel pit is a beneficial use or diversion*
29 *of water, the operator of the pit shall apply to the chief engineer for a*
30 *permit to appropriate water as provided by the Kansas water appropri-*
31 *ation act. Any water right or approved application to appropriate water*
32 *for beneficial use or diversion for net evaporation from a sand and gravel*
33 *pit shall be deemed to be perfected and permanently dedicated to the*
34 *existing sand and gravel pit operation, notwithstanding the requirements*
35 *for perfection of a water right under the Kansas water appropriation act.*
36 *As determined by the chief engineer, any unused water from a water right*
37 *for beneficial use or diversion for net evaporation from a sand and gravel*
38 *pit evaporation may be transferred or applied to another beneficial use,*
39 *subject to rules and regulations adopted by the chief engineer.*

40 (c) Net evaporation from sand and gravel pits, as calculated by the
41 chief engineer, will be reported as an industrial use to the director of
42 taxation for the purpose of assessing the water protection fee pursuant to
43 K.S.A. ~~92a-954~~ 82a-954, and amendments thereto.

1 *(d) This section shall be part of and supplemental to the Kansas water*
2 *appropriation act.*

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

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