

As Amended by House Committee

Session of 2016

HOUSE BILL No. 2491

By Committee on Agriculture and Natural Resources

1-20

1 AN ACT concerning water; relating to the water appropriation act; annual
2 water use report; amending K.S.A. 2015 Supp. 82a-732 and repealing
3 the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2015 Supp. 82a-732 is hereby amended to read as
7 follows: 82a-732. (a) The owner of a water right or permit to appropriate
8 water for beneficial use, except for domestic use, shall file *or cause to be*
9 *filed* an annual water use report *for the previous calendar year* on a form
10 prescribed by the chief engineer of the division of water resources of the
11 Kansas department of agriculture on or before March 1 following the end
12 of the previous calendar year. The report shall completely and accurately
13 set forth such water use information as requested by the chief engineer.

14 (b) ~~Any person failing~~ *owner of a water right or permit to*
15 *appropriate water for beneficial use, except for domestic use, who fails to*
16 *timely* file a water use report or other documents required under the
17 provisions of subsection (a) shall be subject to a civil penalty in an amount
18 not to exceed ~~\$250~~ **\$1,000 per water right**. *In addition to assessing a civil*
19 *penalty as provided in this section, in the event the owner of a water right*
20 *or permit to appropriate water for beneficial use fails to file or cause to be*
21 *filed an annual water use report by June 1 of the calendar year in which it*
22 *is due, the chief engineer may issue an order indefinitely suspending all*
23 *water use under such water right or permit to appropriate water for*
24 *beneficial use until such time as the annual water use report has been*
25 *submitted or the chief engineer has determined that water use has been*
26 *otherwise sufficiently documented with the division.* The chief engineer
27 upon a finding that the owner of a water right or permit to appropriate
28 water for beneficial use has failed to file *or cause to be filed* such a report
29 may impose a civil penalty ~~or indefinite suspension, or both,~~ as provided
30 in this section, **suspend the water right indefinitely, or require use of**
31 **telemetry.**

32 (c) Any person filing a document knowing it to contain any false
33 information as to a material matter shall be guilty of a class C
34 misdemeanor.

35 (d) All fines collected by the chief engineer pursuant to this
36 ~~subsection~~ *section* shall be remitted to the state treasurer as provided in

1 K.S.A. 82a-731, and amendments thereto.

2 **(e) This section shall be part of and supplemental to the water**
3 **appropriation act, K.S.A. 82a-701 et seq., and amendments thereto.**

4 Sec. 2. K.S.A. 2015 Supp. 82a-732 is hereby repealed.

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