

**SENATE BILL No. 329**

By Committee on Natural Resources

1 AN ACT concerning water; relating to multi-year flex accounts; amending  
2 K.S.A. 2015 Supp. 82a-708c and repealing the existing section.

3  
4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. K.S.A. 2015 Supp. 82a-708c is hereby amended to read as  
6 follows: 82a-708c. (a) A term permit is a permit to appropriate water for a  
7 limited specified period of time in excess of six months. At the end of the  
8 specified time, or any authorized extension approved by the chief engineer,  
9 the permit shall be automatically dismissed, and any priority it may have  
10 had shall be forfeited. No water right shall be perfected pursuant to a term  
11 permit.

12 (b) Each application for a term permit to appropriate water shall be  
13 made on a form prescribed by the chief engineer and shall be accompanied  
14 by an application fee fixed by this section for the appropriate category of  
15 acre feet in accordance with the following:

16 Acre Feet	Fee
17 0 to 100.....	\$200
18 101 to 320.....	\$300
19 More than 320.....	\$300 + \$20
20	for each additional 100
21	acre feet or any part thereof

22 On and after July 1, 2018, the application fee shall be set forth in the  
23 schedule below:

24 Acre Feet	Fee
25 0 to 100.....	\$100
26 101 to 320.....	\$100
27 More than 320.....	\$150 + \$10
28	for each additional 100
29	acre feet or any part thereof

30 The chief engineer shall render a decision on such term permit  
31 applications within 150 days of receiving a complete application except  
32 when the application cannot be processed due to the standards established  
33 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of  
34 receipt of a complete application, the application fee is subject to refund  
35 upon request.

36 (c) Each application for a term permit to appropriate water for

1 storage, except applications for permits for domestic use, shall be  
 2 accompanied by an application fee fixed by this section for the appropriate  
 3 category of storage-acre feet in accordance with the following:

4 Storage-Acre Feet	Fee
5 0 to 250.....	\$200
6 More than 250.....	\$200 + \$20
7	for each additional 250
8	acre feet or any part thereof

9 On and after July 1, 2018, the application fee shall be set forth in the  
 10 schedule below:

11 Storage-Acre Feet	Fee
12 0 to 250.....	\$100
13 More than 250.....	\$100 + \$10
14	for each additional 250
15	acre feet or any part thereof

16 The chief engineer shall render a decision on such term permit  
 17 applications within 150 days of receiving a complete application except  
 18 when the application cannot be processed due to the standards established  
 19 in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of  
 20 receipt of a complete application, the application fee is subject to refund  
 21 upon request.

22 (d) Each application for a term permit pursuant to K.S.A. 2015 Supp.  
 23 82a-736, and amendments thereto, shall be accompanied by an application  
 24 fee established by rules and regulations adopted by the chief engineer in an  
 25 amount not to exceed \$400 for the five-year period covered by the permit.

26 (e) Notwithstanding the provisions of K.S.A. 82a-714, and  
 27 amendments thereto, the applicant is not required to file a notice of  
 28 completion of diversion works nor pay a field inspection fee. The chief  
 29 engineer shall not conduct a field inspection of the diversion works  
 30 required by statute for purposes of certification nor issue a certificate of  
 31 appropriation for a term permit.

32 (f) A request to extend the term of a term permit in accordance with  
 33 the rules and regulations adopted by the chief engineer shall be  
 34 accompanied by the same filing fee applicable to other requests for  
 35 extensions of time as set forth in K.S.A. 82a-714, and amendments thereto.

36 (g) An application to change the place of use, point of diversion, use  
 37 made of water, or any combination thereof, pursuant to K.S.A. 82a-708b,  
 38 and amendments thereto, shall not be approved for a term permit, except  
 39 *the chief engineer may approve* a change in place of use for a term permit  
 40 approved pursuant to K.S.A. 82a-736, and amendments thereto, for  
 41 irrigation use ~~may be approved by the chief engineer for:~~

42 (1) An increase of up to 10 acres or 10% of the authorized place of  
 43 use whichever is less; or

1       (2) *an increase that is greater than 10 acres or 10% of the authorized*  
2 *place of use, whichever is less, if such change is approved to coincide with*  
3 *an approval of a change in place of use under the base water right. In any*  
4 *application to change the place of use under a base water right, the*  
5 *applicant may simultaneously change the place of use of a multi-year flex*  
6 *account term permit to coincide with the change in place of use of the base*  
7 *water right. There shall be no separate fee for such change.*

8       (h) The chief engineer shall adopt rules and regulations to effectuate  
9 and administer the provisions of this section.

10       Sec. 2. K.S.A. 2015 Supp. 82a-708c is hereby repealed.

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