

SENATE BILL No. 52

By Committee on Natural Resources

1-22

1 AN ACT concerning water; related to the diversion of water; chief
2 engineer; amending K.S.A. 82a-706b and repealing the existing
3 section.

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

6 Section 1. K.S.A. 82a-706b is hereby amended to read as follows:
7 82a-706b. (a) It shall be unlawful for any person to prevent, by diversion
8 or otherwise, any waters of this state from moving to a person having a
9 prior right to use the same, or for any person without an agreement with
10 the state of Kansas to divert or take any water that has been released from
11 storage under authority of **water reservation rights held by** the state of
12 Kansas ~~or that has been released from storage pursuant to an agreement~~
13 ~~between the state and federal government~~. Upon making a determination
14 of an unlawful diversion, the chief engineer ~~or his or her~~ *the chief*
15 *engineer's* authorized agents, shall, *as may be necessary to secure water to*
16 *the person having the prior right to its use, or to secure water for the*
17 *purpose for which it was released from storage under authority of the state*
18 *of Kansas or pursuant to an agreement between the state and federal*
19 ~~government~~ **water reservation rights held by the state of Kansas:**

20 (1) Direct that the headgates, valves; or other controlling works of
21 any ditch, canal, conduit, pipe, well; or structure be opened, closed,
22 adjusted; or regulated; *or*

23 (2) ***within the rattlesnake creek subbasin located in hydrologic unit***
24 ***code 11030009, allow augmentation for the replacement in time, location***
25 ***and quantity of the unlawful diversion, if available such replacement is***
26 ***available and offered voluntarily.*** ~~as may be necessary to secure water to~~
27 ~~the person having the prior right to its use, or to secure water for the~~
28 ~~purpose for which it was released from storage under authority of the state~~
29 ~~of Kansas or pursuant to an agreement between the state and federal~~
30 ~~government.~~

31 (b) The chief engineer, ~~or his or her~~ *the chief engineer's* authorized
32 agents, shall deliver a copy of such a directive to the persons involved
33 either personally or by mail or by attaching a copy ~~thereof~~ to such
34 headgates, valves; or other controlling works to which it applies and such
35 directive shall be legal notice to all persons involved in the diversion and
36 distribution of the water of the ditch, canal, conduit, pipe, well; or

1 structure. For the purpose of making investigations of diversions and
2 delivering directives as provided herein and determining compliance
3 therewith, the chief engineer or ~~his or her~~ *the chief engineer's* authorized
4 agents shall have the right of access and entry upon private property.

5 Sec. 2. K.S.A. 82a-706b is hereby repealed.

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