

M I N U T E S

SPECIAL COMMITTEE ON NATURAL RESOURCES

November 14, 1977
Room 523, State House

Members Present

Senator Charlie Angell, Chairperson
Representative James Cubit
Representative Larry Erne
Representative Keith Farrar
Representative R.D. McCrum

Staff Present

Emalene Correll, Kansas Legislative Research Department
Don Hayward, Revisor of Statutes Office

The meeting was called to order at 9:35 a.m. by the Chairman, Senator Charlie Angell.

Minutes

On page 4 of the October 31, 1977, minutes "58" in the heading is to be changed to "57." A motion was made and seconded to approve the minutes of the October 31, 1977 meeting as corrected. Motion carried.

Proposed Bill Drafts

Attachment A - Authorizing the chief engineer access to private property to inspect dams: Staff stated the proposed bill would give the Chief Engineer authority to enter private property to inspect any dam, not just those requiring a permit to build. In answer to questions, staff noted the following: the bill would not require the Chief Engineer to inspect all structures; the Chief Engineer already has the authority to require that a dam be repaired to meet standards or that a dam be removed if a permit was issued for the dam; inspection of a dam does not make the state responsible for damage caused if it breaks. A member, noting that many structures which would be included would not affect public safety, expressed concern that some personnel might inspect every little dam. Staff stated the restriction of "for public safety" is assumed. A motion was made and seconded to amend Attachment A, Section 1, line 7 after the "," by inserting "and which structure may present a hazard to the public safety" or similar language to carry out this intent. Motion carried. A motion was made and seconded to amend Attachment A, Section 2 by deleting "statute book" and inserting in lieu thereof "state paper." Motion carried. A motion was made and seconded to recommend Attachment A as amended for introduction. Motion carried with Representative Erne casting a "no" vote.

Attachment B - Repealing statutes relating to artesian wells: Staff noted any artesian wells are now covered by the Water Appropriation Act. A motion was made and seconded to recommend Attachment B for introduction. Motion carried.

Attachment C - Review of certain budgets, plans and programs by the Kansas Water Resources Board: Staff stated this draft does not attempt to specify the agencies to be included. Rather it gives the Board the authority to request the specified information from any agency and makes it the duty of that agency to submit the information requested. It was noted that agencies which would be requested to submit information recommended that budget requests be deleted because of time limitations. Concern was expressed that this bill would allow the Board to request an agency's total budget. Staff noted the bill restricted the request to information pertaining to the state's water resources. After noting the Board would be required to make recommendations to the Governor if duplication was found, it was pointed out it would be difficult to determine if there was duplication or just lack of coordination without looking at an agency's total budget. A motion was made and seconded

to amend Attachment C, Section 1, lines 7 and 8, by deleting "or part thereof" and inserting in lieu thereof "pertaining to." It was noted this might eliminate requesting program plans. With the consent of the second, the motion was withdrawn. A motion was made and seconded to amend Attachment C, Section 1, by deleting the phrase "which pertain to the state's water resources" from lines 8 and 9 and inserting it after "request" in line 7 and by deleting "or part thereof" in lines 7 and 8. Motion carried. A motion was made and seconded to recommend Attachment C as amended for introduction. Motion carried.

Attachment D - Requiring quarterly meetings of certain water resources agencies: The need to designate who is to be responsible for calling meetings, preparing minutes, etc., was noted. A motion was made and seconded to amend Attachment D, line 12, before "the" by inserting "executive director of the state water resources board shall call a meeting of"; line 13 by deleting "shall meet not less than" and inserting in lieu thereof "at least"; line 15 after "prepared" by inserting "by the executive director of the state water resources board." Motion carried.

Stipulating that an agency head could send a designee was suggested since another staff member might be more knowledgeable about the topic of discussion. It was pointed out that the intent was to get the heads of agencies together. Nothing in the bill would prohibit the agency heads from bringing anyone else they wished to the meetings. Also, the person attending needs to be someone who has authority. It was noted that a designee speaks for the agency head. Introducing the bill as it is was suggested. If stipulating the agency head is a problem, the agencies will speak to this during Committee hearings.

Consensus was to leave the effective date of the proposed bill on publication in the statute book. Agency heads are meeting now and the intent of the proposed bill is to guarantee that such meetings will continue when agency personnel change.

A motion was made and seconded to recommend Attachment D as amended for introduction. Motion carried.

Attachment E - Relating to groundwater management district's rules and regulations and district's acceptance of financial assistance: Staff explained the proposed bill would require that the rules and regulations of groundwater management districts be adopted under the same procedure used for other rules and regulations which would include review by the Legislature. Under the present statute, these rules and regulations are exempted from filing with the Revisor of Statutes Office and thus become effective on adoption by the Chief Engineer rather than after legislative review.

A member stated that in hearings in his area, people had raised questions about the groundwater management district's authority to acquire land. It is understood that the district will need some plots of land. The concern is that excessive amounts of land will be taken off the market. Note was made of the amount of farm land already owned by colleges and universities. Putting a limitation on the amount of land a district can own was suggested.

A motion was made and seconded to instruct staff to amend the proposed bill to limit the amount of land a groundwater management district can own to 1,000 acres. A question was raised as to whether or not this would permit a district to accept gifts of land in excess of 1,000 acres and then dispose of the excess acreage. The member making the motion stated his intent was that the district could accept any amount of land but if they acquired more than 1,000 acres in total they would have to sell the excess acreage. The primary intent of the motion is to keep land on the market.

Approving the proposed bill as written and recommending in the Committee Report that the standing committees give consideration to this type of amendment was suggested. This would provide an opportunity for testimony to be presented relative to what the acreage limitation should be. It was noted that amending the bill now would allow people to see it and to appear specifically on this issue during the Session if they wished.

Limiting acreage by stating a district could retain only the acreage actually in use by it or which it would need for its long-range programs was suggested. Staff noted this limitation seems to already be in the statute. The district can use land as stipulated in Section 1, subsections (g) and (k), but it does not have authority to make money off its land holdings, i.e., by leasing or farming. The contracts referred to in Section 1(e) are contracts for people or services or interagency contracts. They are not contracts pertaining to land.

Motion carried. The Chairman instructed staff to prepare an amendment carrying out the intent of the motion for Committee consideration after lunch (page 8).

Attachment F - Concerning intensive control areas: Staff explained the changes which were made to carry out Committee intent.

In answer to a question, staff stated New Section 2 is worded so the Chief Engineer must initiate proceedings for designation of an intensive control area at the request of a groundwater management district or he may initiate such proceedings on his own motion.

In answer to a question relative to New Section 3, staff stated that after researching the laws of other states, they had decided it was advisable to include a section setting up a hearing procedure.

Referring to New Section 4(c) a suggestion was made to establish some type of limitation on who could request a copy of the order. Five hundred or more people could request a copy so a limitation is needed to hold down costs. By consensus, Attachment F is to be amended on page 5, line 13 after "person" by inserting "who is affected by the order."

Answering questions about New Section 4(b)(3), staff stated this meant the Chief Engineer could reduce the amount an appropriator could withdraw or the amount which could be withdrawn from a particular well that is causing excessive drawdown. The Chief Engineer already has this right under certain circumstances. The intent is to reduce the use of water, not the water right. A buyer knows when he purchases the land what the water right is. This provision would also allow him to know any limitation which had been imposed.

Concern was expressed over the right of the Chief Engineer to refuse to accept further applications, New Sec. 4(b)(1). Staff noted that if corrective measures were effective, the Chief Engineer would rescind any order he had issued and the area would be open to further appropriation. The Chief Engineer already has the right to deny further appropriations if allowing them would impair other wells. Staff noted that this section speaks only to a specific area where there is no water available for appropriation and is only restating the authority the Chief Engineer already has in respect to a critical area.

In answer to a question, staff stated rotation of use, New Sec. 4(b)(4), would mean everyone could not pump at the same time. Each user would be given a time when he could pump. If a senior right holder does not comply, he would be in violation of the order. An appeal process is provided. It was noted that the senior rights holder would have as big a stake in conserving water and in managing its use as anyone else.

Staff, in answer to questions, stated a person with a vested right could still pump even though appropriation rights had been cut off. However, vested rights are very small because they are not for irrigation wells. This bill would not interfere with domestic use rights.

A motion was made and seconded to recommend Attachment F for introduction. In answer to questions, staff stated a city would probably be excluded from a critical area. If not, a city could get additional water by condemning other rights or by buying someone else's rights. Motion carried.

Committee Report - Proposal No. 57

Staff submitted a draft of the proposed report for Proposal No. 57. The Committee asked that the following changes be made: delete "for a number of reasons" on page 4; note that although funds would be combined, separate fees would still be set and note the desirability of the accounting clearly indicating source of income and purpose for which expenditures were made. A motion was made and seconded to approve the Committee Report for Proposal No. 57 as written with the changes made by the Committee. Motion carried.

Committee Report - Proposal No. 58

The Committee Report for Proposal No. 58 will be mailed to Committee members. Members are to notify staff of any additions or corrections they feel should be made. If any major changes are recommended, Committee members will be contacted before such changes are made.

The Committee recessed for lunch at 12:00 noon and reconvened at 1:00 p.m.

Proposed Bills

Attachment E - As requested, staff presented the following amendment to carry out the intent of the motion passed earlier (page 4): Page 1, line 18 after "thereto" insert ", except that any land holdings acquired pursuant hereto or in accordance with the provisions of the next preceding subsection shall not in the aggregate exceed one thousand (1,000) acres."

In answer to a question, the member making the original motion stated the intent was that a district could accept land given to it and would then have a period of time in which to put excess acreage on the market. It was noted this should not be a problem since a district would know in advance if it was to be given land and would have time to place excess acreage on the market.

Allowing a district to keep 300 acres above what it was actually using for future use even though plans for the use of the additional acreage were not completed was suggested. It was noted that the Committee could restrict a district's holdings to a specified number of acres that could be owned or could restrict holdings to land being used according to the management plan.

The suggestion was again made to leave it up to the standing committee to decide whether or not a limit should be included since there did not seem to be agreement in this Committee. The member making the motion reiterated his reasons for wanting it included and noted the standing committee could delete it. The Chairman ruled the motion to include it would stand and asked staff to write an amendment to carry out the intent that excess acreage is to be gotten rid of.

The meeting was adjourned at 2:30 p.m.

Prepared by Emalene Correll

Approved by Committee on:

2-15-78

Date

BILL NO. _____

By Special Committee on Natural Resources

Re Proposal No. 57

AN ACT concerning review of budgets, plans and programs of certain water resource agencies by state water resources board.

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

Section 1. In order to insure compliance with the water resource policies contained in the state water plan and to prevent duplication in planning and programs, the Kansas water resources board shall require the submission and it shall be the duty of any agency of the state so requested to submit the annual budget request or part thereof and any plans or programs relating thereto which pertain to the state's water resources. Upon receipt of any such requests, plans or programs, the board shall review and evaluate the same and shall furnish recommendations relating thereto to the governor and the legislature.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Atch. A

BILL NO. _____

By Special Committee on Natural Resources

Re Proposal No. 57

AN ACT repealing K.S.A. 42-307, K.S.A. 42-401 to 42-420, inclusive, K.S.A. 42-422 to 42-429, inclusive, and K.S.A. 42-501 to 42-506, inclusive, relating to artesian wells.

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

Section 1. K.S.A. 42-307, K.S.A. 42-401 to 42-420, inclusive, K.S.A. 42-422 to 42-429, inclusive, and K.S.A. 42-501 to 42-506, inclusive, are hereby repealed.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Atch. B

BILL NO. _____

By Special Committee on Natural Resources

Re Proposal No. 57

AN ACT concerning review of budgets, plans and programs of certain water resource agencies by the state water resources board.

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

Section 1. In order to insure compliance with the state's water resource goals and objectives ^{as} contained in the state water plan and the policies adopted pursuant thereto by the state water resources board, and to prevent duplication in water resource programs and projects, the state water resources board shall request the submission of and it shall be the duty of any agency of the state so requested to submit its annual budget request or part thereof and any plans or programs relating thereto which pertain to the state's water resources. Upon receipt of any such requests, plans or programs, the board shall review and evaluate the same and shall furnish recommendations relating thereto to the governor and the legislature.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Atch. C

BILL NO. _____

By Special Committee on Natural Resources

Re Proposal No. 57

AN ACT requiring quarterly meetings of certain water resource agencies.

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

Section 1. (a) As used in this act, "state water agencies" means and includes the executive director of the state water resources board, the chief engineer of the division of water resources of the state board of agriculture, the state geologist, the director of the division of environment of the department of health and environment, the director of the state park and resources authority, the director of the forestry, fish and game commission and the chief administrative officer of the state conservation commission.

(b) For the purpose of coordinating their respective functions, the state water agencies shall meet not less than once each calendar quarter year. A written report of the proceedings of each meeting shall be prepared and the same shall be submitted to the governor.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Atch. D

BILL NO. _____

By Special Committee on Natural Resources

Re Proposal No. 57

AN ACT concerning water; relating to groundwater management districts; amending K.S.A. 82a-1028 and 82a-1030 and repealing the existing sections.

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

Section 1. K.S.A. 82a-1028 is hereby amended to read as follows: 82a-1028. Every groundwater management district organized under this act shall be a body politic and corporate and shall have the power to:

- (a) Adopt a seal;
- (b) sue and be sued in its corporate name;
- (c) rent space, maintain and equip an office, and pay other administrative expenses;
- (d) employ such legal, engineering, technical, and clerical services as may be deemed necessary by the board;
- (e) purchase, hold, sell and convey land, water rights and personal property, and execute such contracts as may, in the opinion of the board, be deemed necessary or convenient;
- (f) acquire land and interests in land by gift, exchange or eminent domain, the power of eminent domain to be exercised within the boundaries of the district in like manner as provided by K.S.A. 26-501 to 26-516, inclusive, and any acts amendatory thereof or supplemental thereto;
- (g) construct, operate and maintain such works as may be determined necessary for drainage, recharge, storage, distribution or importation of water, and all other appropriate facilities of concern to the district;
- (h) levy water user charges and land assessments, issue general and special bonds and incur indebtedness within the

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limitations prescribed by this act;

(i) contract with persons, firms, associations, partnerships, corporations or agencies of the state or federal government, and enter into cooperative agreements with any of them;

(j) take appropriate actions to extend or reduce the territories of the district as prescribed by this act;

(k) construct and establish research, development, and demonstration projects, and collect and disseminate research data and technical information concerning the conservation of groundwater;

(l) install or require the installation of meters, gauges, or other measuring devices and read or require water users to read and report those readings as may be necessary to determine the quantity of water withdrawn;

(m) provide advice and assistance in the management of drainage problems, storage, groundwater recharge, surface water management, and all other appropriate matters of concern to the district;

(n) adopt, amend, promulgate, and enforce by suitable action, administrative or otherwise, reasonable standards and policies relating to the conservation and management of groundwater within the district which are not inconsistent with the provisions of this act or article 7 of chapter 82a of the Kansas Statutes Annotated, and all acts amendatory thereof or supplemental thereto;

(o) recommend to the chief engineer rules and regulations necessary to implement and enforce the policies of the board. Such rules and regulations shall be of no force and effect unless and until adopted by the chief engineer to implement the provisions of article 7 of chapter 82a of the Kansas Statutes Annotated, and all acts amendatory thereof or supplemental thereto. All such regulations adopted shall be effective only within a specified district ~~and shall be exempt from the filing requirements of K.S.A. 77-416, and all acts amendatory thereof or~~

~~supplemental thereto:~~

(p) enter upon private property within the district for inspection purposes, to determine conformance of the use of water with established rules and regulations, including measurements of flow, depth of water, water wastage and for such other purposes as are necessary and not inconsistent with the purposes of this act; ~~and~~

(q) select a residence or home office for the groundwater management district which shall be at a place in a county in which the district or any part thereof is located and may be either within or without the boundaries of the district. The board shall designate the county in which the residence or home office is located as the official county for the filing of all official acts and assessments; ~~and~~

(r) seek and accept grants or other financial assistance that the federal government and other public or private sources shall make available and to utilize the same to carry out the purposes and functions of the district.

Sec. 2. K.S.A. 82a-1030 is hereby amended to read as follows: 82a-1030. (a) In order to finance the operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district of not to exceed thirty cents (30¢) for each acre-foot (325,851 gallons) of ground water ~~withdrawn within the district~~ allocated for such person's use pursuant to the person's water right. The board may also make an annual assessment against each landowner of not to exceed five cents (5¢) for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for that purpose by one (1) publication in a newspaper or newspapers

of general circulation within the district at least twenty-eight (28) days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and acts amendatory thereof or supplemental thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and acts amendatory thereof or supplemental thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of twenty percent (20%) of the total amount of money receivable from assessments which could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than ten percent (10%) of the eligible voters of such district and in no case by less than twenty (20) of the eligible

voters of such district, is filed with the county clerk of each of the counties in such district within ten (10) days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031.

Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three (3) years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, except they shall not bear the notation required by said statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940.

Sec. 3. K.S.A. 82a-1028 and 82a-1030 are hereby repealed.

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

BILL NO. _____

By Special Committee on Natural resources

Re Proposal No. 57

AN ACT relating to water; concerning designation of certain groundwater use areas as intensive control areas; prescribing duties for the chief engineer of the division of water resources of the state board of agriculture relating thereto; amending K.S.A. 82a-1028 and repealing the existing section.

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

Section 1. K.S.A. 82a-1028 is hereby amended to read as follows: 82a-1028. Every groundwater management district organized under this act shall be a body politic and corporate and shall have the power to:

- (a) Adopt a seal;
- (b) sue and be sued in its corporate name;
- (c) rent space, maintain and equip an office, and pay other administrative expenses;
- (d) employ such legal, engineering, technical, and clerical services as may be deemed necessary by the board;
- (e) purchase, hold, sell and convey land, water rights and personal property, and execute such contracts as may, in the opinion of the board, be deemed necessary or convenient;
- (f) acquire land and interests in land by gift, exchange or eminent domain, the power of eminent domain to be exercised within the boundaries of the district in like manner as provided by K.S.A. 26-501 to 26-516, inclusive, and any acts amendatory thereof or supplemental thereto;
- (g) construct, operate and maintain such works as may be determined necessary for drainage, recharge, storage, distribution or importation of water, and all other appropriate

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facilities of concern to the district;

(h) levy water user charges and land assessments, issue general and special bonds and incur indebtedness within the limitations prescribed by this act;

(i) contract with persons, firms, associations, partnerships, corporations or agencies of the state or federal government, and enter into cooperative agreements with any of them;

(j) take appropriate actions to extend or reduce the territories of the district as prescribed by this act;

(k) construct and establish research, development, and demonstration projects, and collect and disseminate research data and technical information concerning the conservation of groundwater;

(l) install or require the installation of meters, gauges, or other measuring devices and read or require water users to read and report those readings as may be necessary to determine the quantity of water withdrawn;

(m) provide advice and assistance in the management of drainage problems, storage, groundwater recharge, surface water management, and all other appropriate matters of concern to the district;

(n) adopt, amend, promulgate, and enforce by suitable action, administrative or otherwise, reasonable standards and policies relating to the conservation and management of groundwater within the district which are not inconsistent with the provisions of this act or article 7 of chapter 82a of the Kansas Statutes Annotated, and all acts amendatory thereof or supplemental thereto;

(o) recommend to the chief engineer rules and regulations necessary to implement and enforce the policies of the board. Such rules and regulations shall be of no force and effect unless and until adopted by the chief engineer to implement the provisions of article 7 of chapter 82a of the Kansas Statutes Annotated, and all acts amendatory thereof or supplemental

thereto. All such regulations adopted shall be effective only within a specified district and shall be exempt from the filing requirements of K.S.A. 77-416, and all acts amendatory thereof or supplemental thereto;

(p) enter upon private property within the district for inspection purposes, to determine conformance of the use of water with established rules and regulations, including measurements of flow, depth of water, water wastage and for such other purposes as are necessary and not inconsistent with the purposes of this act; and

(q) select a residence or home office for the groundwater management district which shall be at a place in a county in which the district or any part thereof is located and may be either within or without the boundaries of the district. The board shall designate the county in which the residence or home office is located as the official county for the filing of all official acts and assessments; and

(r) recommend to the chief engineer the initiation of proceedings for the designation of a certain area within the district as an intensive groundwater use control area.

New Sec. 2. The chief engineer, whenever a groundwater management district recommends the same, shall initiate proceedings for the designation of a specifically defined area within such district as an intensive groundwater use control area. The chief engineer upon his or her own investigation may initiate such proceedings whenever said chief engineer has reason to believe that any one or more of the following conditions exist in a groundwater use area: (a) Groundwater levels in the area in question are declining or have declined excessively; or (b) the rate of withdrawal of groundwater within the area in question exceeds the rate of recharge in such area; or (c) preventable waste of water is occurring or may occur within the area in question; or (d) other conditions exist within the area in question which require regulation in the public interest.

New Sec. 3. In any case where proceedings for the

designation of an intensive groundwater use control area are initiated, the chief engineer shall hold and conduct a public hearing on the question of designating such an area as an intensive groundwater use control area. Written notice of the hearing shall be given to every person holding a water right in the area in question and notice of the hearing shall be given by one publication in a newspaper or newspapers of general circulation within the area in question at least thirty (30) days prior to the date set for such hearing. The notice shall state the question and shall denote the time and place of the hearing. At the hearing, documentary and oral evidence shall be taken, and a full and complete record of the same shall be kept.

New Sec. 4. (a) In any case where the chief engineer finds that any one or more of the circumstances set forth in section 2 exist and that the public welfare, health and safety require that any one or more corrective controls be adopted, said chief engineer shall designate, by order, the area in question, or any part thereof, as an intensive groundwater use control area.

(b) The order of the chief engineer shall define specifically the boundaries of the intensive groundwater use control area and shall indicate the circumstances upon which his or her findings are made. The order of the chief engineer may include any one or more of the following corrective control provisions: (1) A provision closing the intensive groundwater use control area to any further appropriation of groundwater in which event the chief engineer shall thereafter refuse to accept any application for a permit to appropriate groundwater located within such area; (2) a provision determining the permissible total withdrawal of groundwater in the intensive groundwater use control area each day, month or year, and, insofar as may be reasonably done, the chief engineer shall apportion such permissible total withdrawal among the valid groundwater right holders in such area in accordance with the relative dates of priority of such rights; (3) a provision reducing the permissible withdrawal of groundwater by any one or more

appropriators thereof, or by wells in the intensive groundwater use control area; (4) a provision requiring and specifying a system of rotation of groundwater use in the intensive groundwater use control area; (5) any one or more other provisions making such additional requirements as are necessary to protect the public welfare, health and safety.

(c) The order of designation of an intensive groundwater use control area shall be in full force and effect from the date of its entry in the records of the chief engineer's office unless and until its operation shall be stayed by an appeal therefrom in accordance with the provisions of K.S.A. 1977 Supp. 60-2101. The chief engineer upon request shall deliver a copy of such order to any interested person, and shall file a copy of the same with the register of deeds of any county within which such designated control area lies.

New Sec. 5. The provisions of sections 2 to 4 of this act shall be a part of and supplemental to the provisions of K.S.A. 82a-1020 to 82a-1035, inclusive, and acts amendatory thereof or supplemental thereto.

Sec. 6. K.S.A. 82a-1028 is hereby repealed.

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