

## Senate Bill No. 148

Proposed substitute, February 6, 2012

New Section 1. (a) Any owner of a water right that is not deemed abandoned may divide that water right into two or more distinct water rights without losing priority, if such owner:

- (1) notifies the chief engineer in writing of the proposed division with the written consent of all persons having an ownership interest in the water right;
- (2) designates the relative priority of the divided water rights;
- (3) demonstrates to the chief engineer that the division is reasonable and will not increase consumptive use; and
- (4) demonstrates to the chief engineer that the request does not violate the provisions of the Kansas Water Appropriation Act

(b) Acceptance of the request to divide a water right pursuant to this section shall not authorize any change in the place of use, point of diversion or use made of water, as provided in K.S.A 82a-708b and amendments thereto.

(c) If the chief engineer finds the request complies with (a) and (b) above, the chief engineer shall issue an order dividing the water right and describing the terms and conditions of each water right. If the chief engineer finds the request does not comply (a) and (b) above, the request shall be returned and no action taken.

(d) In the event of a judicial determination of ownership interests resulting in a partition of a water right that is not deemed abandoned, the chief engineer shall issue an order dividing such water right in a manner consistent with the terms of the judicial determination to the extent it does not violate the provisions of the Kansas Water Appropriation Act.

(e) Each request to divide a water right, pursuant to subsections (a) through (d), shall be made on a form prescribed by the chief engineer and shall be accompanied by an fee of \$300.

(f) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and amendments thereto.

(g) This section shall be part of and supplemental to the Kansas water appropriation act.