

## Substitute for SENATE BILL No. 148

By Committee on Agriculture

2-14

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1 AN ACT concerning water; relating to administrative division of water  
2 right.

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

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

8 (1) Notifies the chief engineer in writing of the proposed division  
9 with the written consent of all persons having an ownership interest in the  
10 water right;

11 (2) designates the relative priority of the divided water rights;

12 (3) demonstrates to the chief engineer that the division is reasonable  
13 and will not increase consumptive use; and

14 (4) demonstrates to the chief engineer that the request does not  
15 violate the provisions of the Kansas water appropriation act.

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

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

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

30 (e) Each request to divide a water right, pursuant to this section, shall  
31 be made on a form prescribed by the chief engineer and shall be  
32 accompanied by a fee of \$300.

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

36 (g) This section shall be part of and supplemental to the Kansas water

1 appropriation act.

2       Sec. 2. This act shall take effect and be in force from and after its

3 publication in the statute book.