

SENATE BILL No. 322

By Committee on Ways and Means

1-13

Balloon Amendments for SB 322
Senate Committee on Natural Resources
Prepared by Tamera Lawrence
Office of Revisor of Statutes
February 3, 2016

1 AN ACT concerning water, relating to applications to appropriate;
2 amending K.S.A. 2015 Supp. 82a-708a 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. 2015 Supp. 82a-708a is hereby amended to read as
7 follows: 82a-708a. (a) Any person may apply for a permit to appropriate
8 water to a beneficial use, notwithstanding that the application pertains to
9 the use of water by another, or upon or in connection with the lands of
10 another. Any rights to the beneficial use of water perfected under such
11 application shall attach to the lands on or in connection with which the
12 water is used and shall remain subject to the control of the owners of the
13 lands as in other cases provided by law.

14 (b) Except as otherwise provided in subsections (d), (e) ~~and~~, (f) *and*
15 (g), each application for a permit to appropriate water, except applications
16 for permits for domestic use, shall be accompanied by an application fee
17 fixed by this section for the appropriate category of acre feet in accordance
18 with the following:

Acre Feet	Fee
0 to 100.....	\$200
101 to 320.....	\$300
More than 320.....	\$300 + \$20 for each additional 100 acre feet or any part thereof
0 to 100.....	\$100
101 to 320.....	\$150
More than 320.....	\$150 + \$10 for each additional 100 acre feet or any part thereof

25 On and after July 1, 2018, the application fee shall be fixed by this
26 section for the appropriate category of acre feet in accordance with the
27 following:

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

34 The chief engineer shall render a decision on such permit applications
35 within 150 days of receiving a complete application except when the
36 application cannot be processed due to the standards established in K.A.R.

the department of agriculture; relating to chemigation; relating to

2-3304 and sections

Section 1. K.S.A. 2015 Supp. 2-3304 is hereby amended to read as follows:
2-3304. (a) (1) Except as provided in paragraph (2), any user of the
chemigation process shall register and obtain a chemigation user's permit
before using the process.

(2) A chemigation user's permit shall not be required for a person who:

- (A) Only applies liquid fertilizer;
- (B) only uses surface water as the point of diversion; and
- (C) has obtained a private pesticide applicator certificate pursuant to K.S.A.
2-2445a, and amendments thereto.

(b) Registration shall consist of making application on a form supplied by
the secretary. Such application shall include, but not be limited to:

- (1) The name of the persons to whom a permit is to be issued, including an
owner or operator of land on which chemigation is to be used;
- (2) a plan for using anti-pollution devices;
- (3) a plan for handling tail water or accumulations of water;
- (4) the number and locations, including a legal description, of wellheads
which may be involved in the chemigation process and surface water supply
withdrawal points, not to include siphon tubes; and
- (5) payment of fees.

(c) The application fee for a chemigation user's permit shall be \$75 plus \$15
per year for each additional point of diversion, except that on and after
July 1, 2018, a chemigation user's permit shall be \$55 plus \$10 for each
additional point of diversion. A chemigation user's permit may be renewed
each year upon making an application, payment of the application fee and
completing the report form providing information used in chemigation the
previous year.

1 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
2 complete application, the application fee is subject to refund upon request.

3 (c) Except as otherwise provided in subsections (d), (e) ~~and~~, (f) *and*
4 (g), each application for a permit to appropriate water for storage, except
5 applications for permits for domestic use, shall be accompanied by an
6 application fee fixed by this section for the appropriate category of
7 storage-acre feet in accordance with the following:

8 Storage-Acre Feet	Fee
9 0 to 250.....	\$200
10 More than 250.....	\$200 + \$20
11	for each additional 250
12	storage-acre feet or any part thereof
13 On and after July 1, 2018, the application fee shall be fixed by this	
14 section for the appropriate category of storage-acre feet in accordance with	
15 the following:	
16 Storage-Acre Feet	Fee
17 0 to 250.....	\$100
18 More than 250.....	\$100 + \$10
19	for each additional 250
20	storage-acre feet or any part thereof

21 The chief engineer shall render a decision on such permit applications
22 within 150 days of receiving a complete application except when the
23 application cannot be processed due to the standards established in K.A.R.
24 5-3-4c. Upon failure to render a decision within 180 days of receipt of a
25 complete application, the application fee is subject to refund upon request.

26 (d) Each application for a term permit pursuant to K.S.A. 2015 Supp.
27 82a-736, and amendments thereto, shall be accompanied by an application
28 fee established by rules and regulations of the chief engineer in an amount
29 not to exceed \$400 for the five-year period covered by the permit.

30 (e) For any application for a permit to appropriate water, except
31 applications for permits for domestic use, which proposes to appropriate
32 by both direct flow and storage, the fee charged shall be the fee under
33 subsection (b) or subsection (c), whichever is larger, but not both fees.

34 (f) Each application for a permit to appropriate water for water power
35 or dewatering purposes shall be accompanied by an application fee of
36 \$100 plus \$200 for each 100 cubic feet per second, or part thereof, of the
37 diversion rate requested in the application for the proposed project.

38 (g) *Each application for a permit to appropriate surface water that*
39 *otherwise leaves the state, and is for a water transfer project proposed for*
40 *multiple uses, shall be accompanied by an application fee of \$100 plus*
41 *\$200 for each 100 cubic feet per second, or part thereof, of the diversion*
42 *rate requested in the application for the proposed project. An additional*
43 *fee may be assessed by the chief engineer if additional expenses are*

1 incurred in reviewing an application until such application is approved or
2 denied. The maximum total fee for such application shall not exceed the
3 fee provided in subsection (e). There shall be no deadline for the chief
4 engineer to render a final decision on such application.

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

8 Sec. ~~22~~ K.S.A. 2015 Supp. 82a-708a~~ff~~ hereby repealed.

9 Sec. ~~33~~ This act shall take effect and be in force from and after its
10 publication in the statute book.

3.

2-3304 and

are

4.