

As Amended by House Committee

Session of 2015

HOUSE BILL No. 2059

By Committee on Agriculture and Natural Resources

1-20

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 the state of Kansas or that has been released
12 from storage pursuant to an agreement between the state and federal
13 government. Upon making a determination of an unlawful diversion, the
14 chief engineer or ~~his or her~~ *the chief engineer's* authorized agents, shall, *as*
15 *may be necessary to secure water to the person having the prior right to*
16 *its use, or to secure water for the purpose for which it was released from*
17 *storage under authority of the state of Kansas or pursuant to an*
18 *agreement between the state and federal government:*

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

22 (2) *allow augmentation for the replacement in time, location and*
23 *quantity of the unlawful diversion, if available. ~~as may be necessary to~~*
24 *secure water to the person having the prior right to its use, or to secure*
25 *water for the purpose for which it was released from storage under*
26 *authority of the state of Kansas or pursuant to an agreement between the*
27 *state and federal government.*

28 (b) The chief engineer, or ~~his or her~~ *the chief engineer's* authorized
29 agents, shall deliver a copy of such a directive to the persons involved
30 either personally or by mail or by attaching a copy ~~thereof~~ to such
31 headgates, valves, or other controlling works to which it applies and such
32 directive shall be legal notice to all persons involved in the diversion and
33 distribution of the water of the ditch, canal, conduit, pipe, well, or
34 structure. For the purpose of making investigations of diversions and
35 delivering directives as provided herein and determining compliance
36 therewith, the chief engineer or ~~his or her~~ *the chief engineer's* authorized

1 agents shall have the right of access and entry upon private property.

2 **(c) Upon a finding of an unlawful diversion, the chief engineer**
3 **shall notify the affected groundwater management district. If such**
4 **diversion happens outside of a groundwater management district, the**
5 **chief engineer shall notify the adjoining landowners.**

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 K.S.A. 82a-706b is hereby repealed.

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