

**Senate Substitute for HOUSE BILL No. 2177**

By Committee on Natural Resources

3-23

1 AN ACT concerning water; relating to water conservation areas.

2  
3 *Be it enacted by the Legislature of the State of Kansas:*

4 Section 1. (a) Any water right owner or a group of water right owners  
5 in a designated area may enter into a consent agreement and order with the  
6 chief engineer to establish a water conservation area. The water right  
7 owner or group of water right owners shall submit a management plan to  
8 the chief engineer. Such management plan shall be the basis of the consent  
9 agreement and order designating a water conservation area and shall:

10 (1) Include clear geographic boundaries;

11 (2) include the written consent of all participating water right owners  
12 within the geographic boundaries described in paragraph (1) to enter into  
13 the consent agreement and order;

14 (3) include a finding or findings that one or more of the  
15 circumstances specified in K.S.A. 82a-1036(a) through (d), and  
16 amendments thereto, exist;

17 (4) include provisions regarding the proposed duration of the water  
18 conservation area and any process by which water right owners may  
19 request to be added or removed from the water conservation area;

20 (5) include goals and corrective control provisions to address one or  
21 more of the circumstances specified in K.S.A. 82a-1036(a) through (d),  
22 and amendments thereto;

23 (6) give due consideration to water users who have previously  
24 implemented reductions in water use resulting in voluntary conservation  
25 measures;

26 (7) include compliance monitoring and enforcement; and

27 (8) be consistent with state law.

28 (b) A consent agreement and order of designation of a water  
29 conservation area pursuant to this section shall define the boundaries of the  
30 water conservation area and may include any of the following corrective  
31 control provisions:

32 (1) Closing the water conservation area to any further appropriation  
33 of groundwater. In which event, the chief engineer shall thereafter refuse  
34 to accept any application for a permit to appropriate groundwater located  
35 within such area;

36 (2) determining the permissible total withdrawal of groundwater in

1 the water conservation area each day, month or year, and apportioning  
2 such permissible total withdrawal among the valid groundwater right  
3 holders in such area in accordance with the relative dates of priority of  
4 such rights;

5 (3) reducing the permissible withdrawal of groundwater by any one  
6 or more appropriators thereof, or by wells in the water conservation area;

7 (4) requiring and specifying a system of rotation of groundwater use  
8 in the water conservation area; and

9 (5) any other provisions necessary to effectuate agreed-upon water  
10 conservation goals consistent with the public interest.

11 The chief engineer shall be responsible for the monitoring and  
12 enforcement of any corrective control provisions ordered for a water  
13 conservation area.

14 (c) The order of designation shall be in full force and effect from the  
15 date of its entry in the records of the chief engineer's office. The chief  
16 engineer upon request shall deliver a copy of such order to any interested  
17 person who is affected by such order and shall file a copy of the same with  
18 the register of deeds of any county within which any part of the water  
19 conservation area lies.

20 (d) If any corrective control provisions of a water conservation area  
21 conflict with rules and regulations of a groundwater management district  
22 or requirements of a local enhanced management plan or intensive  
23 groundwater use control area that result in greater overall conservation of  
24 water resources within which a participating water right is situated, the  
25 chief engineer is authorized to amend the provisions of the water  
26 conservation area to conform to any rules and regulations or requirements  
27 that result in greater conservation of water resources, as determined by the  
28 chief engineer. As part of the consent agreement and order of designation,  
29 the chief engineer may authorize single-year or multi-year term permits for  
30 water right owners to effectuate the water conservation area's conservation  
31 goals in accordance with the management plan.

32 (e) Prior to execution of a proposed water conservation area consent  
33 agreement and order of designation pursuant to this section, the chief  
34 engineer shall notify in writing the groundwater management district  
35 within which any participating water right is situated. Such groundwater  
36 management district shall be given an opportunity to provide a written  
37 recommendation regarding the proposed water conservation area and  
38 management plan within 45 days of notification by the chief engineer. The  
39 review period may be extended by up to 30 days upon approval by the  
40 chief engineer. Subject to subsection (d), any participating water right in a  
41 water conservation area shall continue to be subject to all applicable rules  
42 and regulations and management plans of the groundwater management  
43 district in which the water right is situated.

1 (f) The consent agreement and order of designation shall provide for  
2 periodic review of the consent agreement and order, which may be  
3 initiated by the chief engineer or upon request of the water right owners in  
4 the water conservation area. The consent agreement and order shall specify  
5 the frequency of such periodic review, but a review shall be conducted at  
6 least once every 10 years.

7 (g) (1) The chief engineer may, with the consent of all participating  
8 water right owners, amend a consent agreement and order of designation  
9 in order to:

10 (A) Modify corrective control provisions or the boundaries of the  
11 designated area;

12 (B) add or remove water rights upon request of such water right  
13 owners;

14 (C) terminate a water conservation area upon the request of the water  
15 right owners in the designated area; or

16 (D) make other changes the water right owners may request.

17 (2) Any amendments to a consent agreement and order of  
18 designation, except amendments that remove a water right upon request of  
19 the owner so long as the consent of all participating water right owners is  
20 not required pursuant to the management plan, shall be consented to by all  
21 participating water right owners within the designated area and the chief  
22 engineer and shall be based upon a revised management plan submitted by  
23 the participating water right owners.

24 (h) The chief engineer shall adopt rules and regulations to effectuate  
25 and administer the provisions of this section.

26 (i) The provisions of this section shall be part of and supplemental to  
27 the Kansas water appropriation act.

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