

House Substitute for SENATE BILL No. 337

By Committee on Agriculture and Natural Resources

3-8

1 AN ACT concerning water; relating to the water appropriation act; annual
2 water use report; amending K.S.A. 2015 Supp. 82a-732 and repealing
3 the existing section.
4

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

6 Section 1. K.S.A. 2015 Supp. 82a-732 is hereby amended to read as
7 follows: 82a-732. (a) The owner of a water right or permit to appropriate
8 water for beneficial use, except for domestic use, shall file *or cause to be*
9 *filed* an annual water use report *for the previous calendar year* on a form
10 prescribed by the chief engineer of the division of water resources of the
11 Kansas department of agriculture on or before March 1 following the end
12 of the previous calendar year. The report shall completely and accurately
13 set forth such water use information as requested by the chief engineer.

14 (b) ~~Any person failing~~ *owner of a water right or permit to*
15 *appropriate water for beneficial use, except for domestic use, who fails to*
16 *timely* file a water use report or other documents required under the
17 provisions of subsection (a) shall be subject to a civil penalty in an amount
18 not to exceed ~~\$250~~ *\$1,000 per water right. In addition to assessing a civil*
19 *penalty as provided in this section, in the event the owner of a water right*
20 *or permit to appropriate water for beneficial use fails to file or cause to be*
21 *filed an annual water use report by June 1 of the calendar year in which it*
22 *is due, the chief engineer may issue an order indefinitely suspending all*
23 *water use under such water right or permit to appropriate water for*
24 *beneficial use until such time as the annual water use report has been*
25 *submitted or the chief engineer has determined that water use has been*
26 *otherwise sufficiently documented with the division. The chief engineer*
27 *upon a finding that the owner of a water right or permit to appropriate*
28 *water for beneficial use has failed to file or cause to be filed such a report*
29 *may impose a civil penalty as provided in this section, suspend the water*
30 *right indefinitely, or require use of telemetry.*

31 (c) Any person filing a document knowing it to contain any false
32 information as to a material matter shall be guilty of a class C
33 misdemeanor.

34 (d) All fines collected by the chief engineer pursuant to this
35 ~~subsection~~ *section* shall be remitted to the state treasurer as provided in
36 K.S.A. 82a-731, and amendments thereto.

1 *(e) This section shall be part of and supplemental to the water*
2 *appropriation act, K.S.A. 82a-701 et seq., and amendments thereto.*

3 Sec. 2. K.S.A. 2015 Supp. 82a-732 is hereby repealed.

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