

2023 Kansas Statutes

82a-1304. Same; "water reservation rights"; procedure for acquiring; notice, content; acceptance; filing, perfection of rights. The director, on behalf of the state, shall acquire a water reservation right by filing with the chief engineer a written notice which shall include the following:

- (a) The name of the stream on which the reservoir is located;
- (b) the reservoir on which a water reservation right is sought;
- (c) the legal description of the point of diversion for the reservoir;
- (d) the storage space in the reservoir for supply or for water quality described in terms of elevation and design capacity;
- (e) for a water reservation right for waters flowing into the conservation storage water supply capacity of any reservoir, hydrologic calculations for a drought having a 2% chance of occurrence in any one year with the reservoir in operation, specifying the rate of flow of streams into the reservoir and the volume of waters impounded in the reservoir that will be necessary to insure a yield of water from the reservoir for beneficial use;
- (f) for a water reservation right for waters flowing into the conservation storage water quality capacity of any reservoir, information on rates of flow into the reservoir; and
- (g) such other information which the chief engineer may request in carrying out provisions of this act.

Upon receiving any such filing, the chief engineer shall transmit to the director and the chairperson of the authority written acceptance thereof, or inform the director in writing that the notice does not comply with the above requirements in one or more ways, all of which shall be specified. Thereupon, the director shall modify the written notice as may be appropriate and return the notice to the chief engineer. When the written notice complies with the requirements of this section the chief engineer shall transmit to the director and the chairperson of the authority written acceptance thereof. Upon receipt of the written acceptance of the chief engineer as provided in this section, the director shall file, as other instruments affecting real estate, copies of the accepted written notice in the office of the register of deeds of the county or counties wherein the point of diversion for the reservoir is located; and such water reservation right shall thereby be perfected as of the date of original filing.

Nothing in this section shall require the director to acquire an appropriation right, or approval of the chief engineer, under article 7 of chapter 82a of Kansas Statutes Annotated.

History: L. 1974, ch. 452, § 4; L. 1983, ch. 343, § 3; L. 1986, ch. 394, § 5; July 1.