

2021 Kansas Statutes

82a-1303. Same; state "water reservation rights"; acquisition by board; rights authorized to be acquired.

(a) Notwithstanding any other provisions in the statutes of this state, the director, in the manner provided in K.S.A. 82a-1304, and amendments thereto, shall be authorized, subject to approval of the authority, to acquire on behalf of the state a water reservation right to divert and store the waters of all streams flowing into the conservation storage water supply capacity or into the conservation storage water quality capacity of any reservoirs in which the state controls storage space whether under contracts with the federal government or otherwise. A water reservation right for waters flowing into the conservation storage water supply capacity shall be in an amount sufficient to insure a yield of water from the reservoir for beneficial use through a drought having a 2% chance of occurrence in any one year with the reservoir in operation. A water reservation right for waters flowing into the conservation storage water quality capacity shall be in an annual amount equal to the volume of the conservation storage water quality capacity, as agreed upon by the director of the Kansas water office and the chief engineer. The rights of the state under this section and those which are acquired under K.S.A. 82a-1304, and amendments thereto, shall be subject to all vested rights, appropriation rights, applications filed for permits to appropriate water and other vested property interests acquired prior to the state's acquisition, but not to those acquired thereafter. The chief engineer shall provide as a condition to a water reservation right acquired under K.S.A. 82a-1304, and amendments thereto, for waters flowing into the conservation storage water quality capacity in any reservoir that the state may divert and store inflows under such right only at times when the inflows exceed certain threshold levels, to be agreed upon jointly by the chief engineer and the director of the Kansas water office.

(b) Whenever the authority shall determine that it is in the public interest to acquire, reserve or purchase water located in another state for this state's conservation storage water supply capacity, it shall authorize the director to enter into contract negotiations to acquire, reserve or purchase such water. Any such contract shall be subject to final approval of the authority.

History: L. 1974, ch. 452, § 3; L. 1983, ch. 343, § 2; L. 1986, ch. 394, § 4; July 1.