

## HOUSE BILL No. 2227

By Committee on Agriculture and Natural Resources

2-4

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

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

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

12 (1) Include clear geographic boundaries;

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

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

19 (4) give due consideration to water users who have already  
20 implemented reductions in water use resulting in voluntary conservation  
21 measures;

22 (5) include a compliance monitoring and enforcement element; and

23 (6) be consistent with state law.

24 (b) A consent agreement and order designating a water conservation  
25 area pursuant to this section shall define the boundaries of the water  
26 conservation area and may include any of the following corrective control  
27 provisions:

28 (1) Closing the water conservation area to any further appropriation  
29 of groundwater. In such event, the chief engineer shall thereafter refuse to  
30 accept any application for a permit to appropriate groundwater located  
31 within such area;

32 (2) determining the permissible total withdrawal of groundwater in  
33 the water conservation area each day, month or year, and apportioning  
34 such permissible total withdrawal among the valid groundwater right  
35 holders in such area in accordance with the relative dates of priority of  
36 such rights;

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

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

5 (5) any other control provision necessary to effectuate agreed upon  
6 water conservation goals, consistent with the public interest.

7 The chief engineer shall be responsible for the monitoring and  
8 enforcement of any corrective control provisions ordered for a water  
9 conservation area.

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

16 (d) In the event a water conservation area includes a water right or  
17 rights that are within the boundaries of a groundwater management  
18 district, if any requirements of the groundwater management district  
19 conflict with provisions of a consent agreement and order designating the  
20 water conservation area, the terms of the consent agreement and order  
21 shall control.

22 (e) The consent agreement and order designating a water conservation  
23 area shall provide for periodic review of the consent agreement and order,  
24 which may be initiated by the chief engineer or upon request of the water  
25 right owners. The consent agreement and order shall specify the frequency  
26 of such periodic review, but in no event shall a review be conducted less  
27 often than every 10 years.

28 (f) The chief engineer may retain jurisdiction to amend a consent  
29 agreement and order designating a water conservation area in order to  
30 modify corrective control provisions or the boundaries of the designated  
31 area, to add or remove water rights upon request of such water right  
32 owners, to terminate a water conservation area upon the request of the  
33 water right owners in the designated area, or any other such changes as the  
34 water right owners may request. Any amendments to a consent agreement  
35 and order designating a water conservation area shall be consented to by  
36 all water right owners within the designated area, and shall be based upon  
37 a revised management plan submitted by the water right owners.

38 (g) The chief engineer shall adopt rules and regulations to administer  
39 the provisions of this section.

40 (h) The provisions of this section shall be part of and supplemental to  
41 the Kansas water appropriation act.

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