GROUNDWATER MANAGEMENT DISTRICT ACT
K.S.A. 82a-1020 through 82a-1040
October, 2011

K.S.A. 82a-1020. Legislative declaration. It is hereby recognized that a need exists for the creation of special districts for the proper management of the groundwater resources of the state; for the conservation of groundwater resources; for the prevention of economic deterioration; for associated endeavors within the state of Kansas through the stabilization of agriculture; and to secure for Kansas the benefit of its fertile soils and favorable location with respect to national and world markets. It is the policy of this act to preserve basic water use doctrine and to establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the state of Kansas. It is, therefore, declared that in the public interest it is necessary and advisable to permit the establishment of groundwater management districts. (**History:** L. 1972, ch. 386, § 1; July 1.)

K.S.A. 82a-1021. Definitions. (a) As used in this section:

(1) "Aquifer" means any geological formation capable of yielding water in sufficient quantities that it can be extracted for beneficial purposes.
(2) "Board" means the board of directors constituting the governing body of a groundwater management district.
(3) "Chief engineer" means the chief engineer of the division of water resources of the Kansas department of agriculture.
(4) "District" means a contiguous area which overlies one or more aquifers, together with any area in between, which is organized for groundwater management purposes under this act and acts amendatory thereof or supplemental thereto.
(5) "Eligible voter" means a natural person 18 years of age or older, or a public or private corporation, municipality or any other legal or commercial entity that:
(A) Is a landowner that owns, of record, any land, or any interest in land, comprising 40 or more contiguous acres located within the boundaries of the district and not within the corporate limits of any municipality; or
(B) withdraws or uses groundwater from within the boundaries of the district in an amount of one acre-foot or more per year.
(6) “Land” means real property as that term is defined by the laws of the state of Kansas.
(7) “Landowner” means the person who is the record owner of any real estate within the boundaries of the district or who has an interest therein as contract purchaser of 40 or more contiguous acres in the district not within the corporate limits of any municipality. Owners of oil leases, gas leases, mineral rights, easements, or mortgages shall not be considered landowners by reason of such ownership.
(8) “Management program” means a written report describing the characteristics of the district and the nature and methods of dealing with groundwater supply problems within the district. It shall include information as to the groundwater management program to be undertaken by the district and such maps, geological information, and other data as may be necessary for the formulation of such a program.

(9) “Person”‟ means any natural person, public or private corporation, municipality or any other legal or commercial entity.
(10) “Water right” shall have the meaning ascribed to that term in K.S.A. 82a-701, and amendments thereto.
(11) “Water user” means any person who is withdrawing or using groundwater from within the boundaries of the district in an amount not less than one acre-foot per year. If a municipality is a water user within the district, it shall represent all persons within its corporate limits who are not water users as defined above.
(b) Each tract of land of 40 or more contiguous acres and each quantity of water withdrawn or used in an amount of one acre-foot or more per year shall be represented by but a single eligible voter. If the land is held by lease, under an estate for years, under contract, or otherwise, the fee owner shall be the one entitled to vote, unless the parties in interest agree otherwise. If the land is held jointly or in common, the majority in interest shall determine which natural person or corporation shall be entitled to vote. Each eligible voter, or such eligible voter’s duly authorized representative, shall be entitled to cast only one vote per eligible voter. Nothing herein shall be construed to authorize proxy voting.
(c) Any landowner who is not a water user may have such landowner’s land excluded from any district assessments and thereby abandon the right to vote on district matters by serving a written notice of election of exclusion with the steering committee or the board. Such landowner may again become an eligible voter by becoming a water user or by serving a written notice of inclusion on the board stating that the landowner has elected to be reinstated as a voting member of the district and will be subject to district assessments.
(d) Any eligible voter who is the owner of a tract or tracts of land comprising not less than 640 acres, located within the boundaries of the district, on which no water is being used or from which no water is being withdrawn, may have such tract or tracts of land excluded from district assessment in the manner described above.
(e) All notices of inclusion or exclusion of land shall be submitted to the board not later than January 1 of the effective year. (**History:** L. 1972, ch. 386, § 2; L. 2004, ch. 101, § 148; July 1.)

K.S.A. 82a-1022. Organization of district; steering committee; declaration of intent filing; map of proposed district, submission and approval by chief engineer.

Proceedings to organize a groundwater management district shall be commenced by filing with the chief engineer a declaration of intent to form a district, signed by not less than fifteen (15) eligible voters of the proposed district. The seven (7) eligible voters first signing the declaration shall be the steering committee of the proposed district. The person first signing the declaration shall be chairman of the steering committee, and the second signer shall be the secretary. At the time of filing the declaration of intent, the steering committee shall also submit to the chief engineer a map of the proposed district. The chief engineer shall, in consultation with the steering committee, make any necessary modifications in the map of the proposed district so that, in the opinion of the chief engineer, a manageable area will result. After such modifications are made, the chief engineer shall certify to the steering committee, a description of the lands to be included within the proposed district. (**History:** L. 1972, ch. 386, § 3; July 1.)

K.S.A. 82a-1023. Same; petition contents and signatures; filing with secretary of state. (a) Within 12 months after certification of the description of the lands to be included within the proposed district, and before any groundwater management district shall be organized, a petition shall be circulated by the steering committee and filed with the secretary of state after being signed by not less than 50 eligible voters or 50% of the eligible voters of the district, whichever is the smaller.
(b) The petition shall set forth:
(1) The proposed name of the district, which name shall end with the words "groundwater management district No. _____." It shall be the duty of the secretary of state to assign a number to each such district in the order in which petitions for organizations are received in his or her office.
(2) A description of the lands to be included within the proposed district identified by township, range, and section numbers and fractions thereof, and other areas as appropriate and a map showing the contiguous lands to be included in the district.
(3) A statement of the purposes for which the district is to be organized.
(4) A statement of the number of persons that will constitute the elected board of directors of the district, which shall be an uneven number of not less than three or more than 15.
(5) The names and addresses of the persons who constitute the steering committee.
(6) A prayer for the organization and incorporation of the district.
(7) Any other matter deemed essential by the steering committee.
(c) The petition shall be in substantially the following form:
"Before the secretary of state of the state of Kansas in the matter of the proposed _____ groundwater management district No. _____, in _____ County, (counties), Kansas.

PETITION
"Come now the undersigned persons and state that (1) they are eligible voters of the aforenamed groundwater management district, hereinafter more fully described; (2) each signer's post-office address is set forth beside the signer‟s name; (3) the purposes for which this district is organized are: (statement of purposes); (4) a seven-member steering committee for the organization of the district has been established; (5) the names of persons who serve on the steering committee, of which the first named shall be chairman, and their respective addresses are as follows: (list of names and addresses); and (6) the governing body of the district shall be an elected board of directors composed of _____ eligible voters.

"Attached hereto, marked exhibit A and made a part hereof, is a description of the lands proposed to be included in the district.

"Attached hereto, marked exhibit B and made a part hereof, is a map showing the lands proposed to be included in the district.

"Wherefore, the undersigned individually and collectively pray that a groundwater management district be organized in the manner provided by law for the purposes set forth herein, and that the secretary of state and the chief engineer of the division of water resources of the Kansas department of agriculture proceed diligently in the performance of their duties so that the organization and incorporation of this proposed district may be completed and approved at the earliest possible time.

"Submitted to the secretary of state this ____day of _____, ____." (**History:** L. 1972, ch. 386, § 4; L. 1974, ch. 454, § 1; L. 2004, ch. 101, § 149; July 1.)

K.S.A. 82a-1024. Same; determination of sufficiency of petition; approval by chief engineer; criteria for approval. (a) If the secretary of state finds the petition to be sufficient as to form and substance and executed in accordance with the requirements of this act he or she shall transmit a certified copy of the petition to the chief engineer within five (5) days from the date of his or her determination of sufficiency. Upon receipt of the certified copy, the chief engineer shall review the petition and shall within ninety (90) days after receipt of the copy transmit a written report of his or her findings on the petition, together with his or her written approval or disapproval of the petition, to the secretary of state and the chairman of the steering committee named in the petition.
(b) The chief engineer shall approve such petition if he or she finds that:
(1) The lands proposed to be included in the district substantially comprise a hydrologic community of interest.
(2) The proposed district would not include any of the lands of an existing groundwater management district.
(3) The statement of purposes contained in the petition conforms with the intent and purposes of this act.
(4) The lands within the proposed district or part thereof overlie an aquifer or aquifers subject to management.
(5) The map attached to the petition is substantially correct.
(6) The area of the district and existing and prospective uses of groundwater within the district are sufficient to support a groundwater management program.
(7) The public interest will be served by the creation of the proposed district.
(c) The chief engineer in his or her findings may make minor corrections with respect to the map and the corrections shall become a part of the petition and shall be deemed effective without a recirculation of the corrected petition.
(d) If the chief engineer approves the petition, he or she shall transmit a certified copy of his or her report to the secretary of state and to the chairman of the steering committee of the district. (**History:** L. 1972, ch. 386, § 5; July 1.)

K.S.A. 82a-1025. Same; election for approval of organization of district; secretary of state to issue certificate of incorporation, when; action to attack legality. (a) Within ten (10) days after receipt of a certified copy of the chief engineer's report approving the petition, or the petition as amended, the chairman of the steering committee shall call a meeting of the committee. The committee shall meet at the time and place fixed in the notice and shall provide by resolution for the calling of an election at which all eligible voters of the district shall be entitled to vote on the question of whether the district should be organized in accordance with the petition as approved by the chief engineer. The steering committee shall cause a notice of the election to be published once each week for three (3) consecutive weeks in a newspaper or newspapers of general circulation within the proposed district, the first publication to be not less than twenty-eight (28) days prior to such election. If the proposed district lies in more than one county, a similar notice shall be published in a newspaper of general circulation in each of the counties in which a part of the proposed district is located. The notice shall set forth when and where the election shall be held and the proposition to be voted on. It shall contain a copy of the petition as approved by the chief engineer (omitting the map attached as an exhibit) and shall be signed by the chairman and attested by the secretary of the steering committee.

The steering committee shall conduct the election, canvass the vote, and certify the results to the secretary of state.
(b) If a majority of the votes cast are in favor of the organization and creation of the district, the secretary of state shall issue to the steering committee a certificate of incorporation for the district, which shall be filed of record in the office of the register of deeds of each county in which all or a portion of the district lies. Upon such recordation, the district shall be authorized to function in accordance with the provisions of this act.
(c) If a majority of those voting on the proposition vote against the organization and creation of the district, the secretary of state shall endorse that fact on the face of the petition and the proceedings shall be closed.
(d) No action attacking the legality of the incorporation of any groundwater management district organized under this act shall be maintained unless commenced within ninety (90) days after the issuance of the certificate of incorporation for a district by the secretary of state, and any alleged illegality of the incorporation of any district shall not be interposed as a defense to any action brought after that time. (**History:** L. 1972, ch. 386, § 6; July 1.)

K.S.A. 82a-1026. Annual meetings of eligible voters; organization meeting to elect initial board of directors. (a) Within not more than ninety (90) days after the recording of the certificate of incorporation, a meeting open to all eligible voters of the district shall be held by the steering committee for the election of the initial board of directors of the district. A notice of the meeting shall be given by the steering committee at least ten (10) days prior to the date thereof by one publication in a newspaper of general circulation in each of the counties of which the groundwater management district is a part. Each eligible voter of the district shall be entitled to vote for as many candidates as the number of directors that are to be elected, but may not cast more than one vote for any one candidate. The candidates receiving the greatest number of votes cast shall respectively be declared elected.
(b) In not more than twelve (12) months after the initial meeting, and annually thereafter, a meeting shall be held for the election of directors whose terms expire, to report on the financial condition and activities of the district and to adopt a proposed budget covering the anticipated expenses of the district for the ensuing year.
(c) The number of directors of a district, or the date of the annual meeting, may be changed at any annual meeting if notice of the proposition or propositions is included in the notice of the annual meeting at which the changes are to be considered. (**History:** L. 1972, ch. 386, § 7; L. 1978, ch. 436, § 1; July 1.)

K.S.A. 82a-1027. Board of directors; terms of members; expenses; officers; quorum; vote for actions; filling vacancies. (a) All powers granted to a groundwater management district under the provisions of this act shall be exercised by an elected board of directors which shall be composed of the number of persons specified in the petition. Each director shall serve for a period of three (3) years and until his or her successor is duly elected and qualified, except that as nearly as possible one-third of the original directors shall serve for a term of one (1) year, one-third shall serve for a term of two (2) years, and one-third shall serve for a term of three (3) years. The directors shall serve without compensation but shall be allowed actual and necessary expenses incurred in the performance of their official duties.

(b) The board of directors, after being duly elected, shall elect from its number a president, a vice-president, a secretary, and a treasurer. In districts having only three (3) directors, the board shall elect one director to hold the offices of secretary and treasurer.
(c) A majority of the directors shall constitute a quorum for the transaction of business and a majority of those voting shall determine all actions taken by the board. In the absence of any of the duly elected officers, those directors present at any meeting may select a director to act as an officer pro tem.
(d) The elected board shall fill any vacancy occurring on the board prior to the expiration of the term of any director by selecting a replacement from among the eligible voters of the district to serve for the unexpired term. (**History:** L. 1972, ch. 386, § 8; July 1.)

K.S.A. 82a-1028. District powers; home office. Every groundwater management district organized under this act shall be a body politic and corporate and shall have the power to:
(a) Adopt a seal;
(b) sue and be sued in its corporate name;
(c) rent space, maintain and equip an office, and pay other administrative expenses;
(d) employ such legal, engineering, technical, and clerical services as may be deemed necessary by the board;
(e) purchase, hold, sell and convey land, water rights and personal property, and execute such contracts as may, in the opinion of the board, be deemed necessary or convenient;
(f) acquire land and interests in land by gift, exchange or eminent domain, the power of eminent domain to be exercised within the boundaries of the district in like manner as provided by the eminent domain procedure act, except that any land holdings acquired pursuant hereto or in accordance with the provisions of the next preceding subsection shall not in the aggregate exceed 1,000 acres. In any case where a district has land holdings in excess of the described limitation, the district shall dispose of such excess in a reasonable and expeditious manner;
(g) construct, operate and maintain such works as may be determined necessary for drainage, recharge, storage, distribution or importation of water, and all other appropriate facilities of concern to the district;
(h) levy water user charges and land assessments, issue general and special bonds and incur indebtedness within the limitations prescribed by this act;
(i) contract with persons, firms, associations, partnerships, corporations or agencies of the state or federal government, and enter into cooperative agreements with any of them;
(j) take appropriate actions to extend or reduce the territories of the district as prescribed by this act;
(k) construct and establish research, development, and demonstration projects, and collect and disseminate research data and technical information concerning the conservation of groundwater;
(l) install or require the installation of meters, gauges, or other measuring devices and read or require water users to read and report those readings as may be necessary to determine the quantity of water withdrawn;
(m) provide advice and assistance in the management of drainage problems, storage, groundwater recharge, surface water management, and all other appropriate matters of concern to the district;

(n) adopt administrative standards and policies relating to the management of the district which are not inconsistent with the provisions of article 10 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, or the Kansas water appropriation act;
(o) recommend to the chief engineer rules and regulations which relate to the conservation and management of groundwater within the district, are within the authority of the chief engineer and are not inconsistent with the provisions of article 10 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, or the Kansas water appropriation act. Within 90 days after receipt of a final draft of proposed rules and regulations recommended by a groundwater management district, the chief engineer shall: (1) Approve or reject the proposed rules and regulations for adoption; and (2) either initiate procedures pursuant to the rules and regulations filing act to adopt the approved proposed rules and regulations or return the rejected proposed rules and regulations, together with written reasons for the rejection, to the groundwater management district. Proposed rules and regulations recommended to the chief engineer shall be of no force and effect unless and until adopted by the chief engineer to implement the provisions of article 7 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto. All such rules and regulations adopted shall be effective only within a specified district;
(p) recommend to the department of health and environment, the state corporation commission or other appropriate state agency such other rules and regulations, not inconsistent with law, which relate to the conservation and management of groundwater within the district and are within the authority of such department, commission or other agency. Within 90 days after receipt of a final draft of proposed rules and regulations recommended by a groundwater management district, the department, commission or other agency shall: (1) Approve or reject the proposed rules and regulations for adoption; and (2) either initiate procedures pursuant to the rules and regulations filing act to adopt the approved proposed rules and regulations or return the rejected proposed rules and regulations, together with written reasons for the rejection, to the groundwater management district. Proposed rules and regulations recommended to the department, commission or other agency shall be of no force and effect unless and until adopted by the department, commission or other such agency. All such rules and regulations adopted shall be effective only within a specified district;
(q) enforce by suitable action, administrative or otherwise, rules and regulations adopted as provided by subsection (o) or (p);
(r) enter upon private property within the district for inspection purposes, to determine conformance of the use of water with established rules and regulations, including measurements of flow, depth of water, water wastage and for such other purposes as are necessary and not inconsistent with the purposes of this act;
(s) select a residence or home office for the groundwater management district which shall be at a place in a county in which the district or any part thereof is located and may be either within or without the boundaries of the district. The board shall designate the county in which the residence or home office is located as the official county for the filing of all official acts and assessments;
(t) seek and accept grants or other financial assistance that the federal government and other public or private sources shall make available and to utilize the same to carry out the purposes and functions of the district; and (u) recommend to the chief engineer the initiation of proceedings for the designation of a certain area within the district as an

intensive groundwater use control area. (**History:** L. 1972, ch. 386, § 9; L. 1978, ch. 436, § 2; L. 1978, ch. 437, § 1; L. 2002, ch. 137, § 5; July 1.)

K.S.A. 82a-1029. Management program; board of directors' and chief engineer's functions and duties; hearings; approval and adoption; periodic review. Before undertaking active management of the district the board shall prepare a management program. Upon completion of the management program the board shall transmit a copy to the chief engineer with a request for his or her approval. The chief engineer shall examine and study the management program and, if he or she finds that it is compatible with article 7 of chapter 82a of the Kansas Statutes Annotated, and all acts amendatory thereof or supplemental thereto and any other state laws or policies, he or she shall approve it and notify the board of his or her action. When the management program is approved by the chief engineer, the board shall fix a time and place either within or conveniently near the district for a public hearing upon the management program. A notice of the hearing shall be given by one publication in a newspaper or newspapers of general circulation within the district, at least twenty-eight (28) days prior to the date fixed for the hearing, setting forth the time and place of the hearing. The notice shall state that a copy of the management program is available for public inspection in the office of the secretary of the district. Any person desiring to be heard in the matter must file, in duplicate, with the board at its office at least five (5) days before the date of the hearing a written statement of his or her intent to appear at the hearing and the substance of the testimony he or she wishes to present. Upon receipt of any such statements, the board shall immediately transmit one copy of the statements to the chief engineer. The chief engineer or his or her duly appointed representative shall attend the hearing. At the hearing any person who has duly filed his or her written statement shall be heard and may present information in support of his or her position in the matter. After hearing and considering all relevant testimony and information, the board shall by resolution adopt, modify, or reject the management program. The board shall then notify the chief engineer of its action. If it is determined that the management program should be modified, any proposed changes approved by the board shall be incorporated in a modified management program which shall be submitted to the chief engineer for further consideration. The chief engineer shall review the modified management program and shall transmit a supplemental written report of the results of his or her study and investigation to the board, including his or her written approval or disapproval of the modified management program. If the modified management program is approved by the chief engineer, the board shall by resolution adopt it as the official management program of the district and notify the chief engineer of its action. The board shall periodically and at least once each year review the officially adopted management program. Following that review, they shall either reaffirm its adoption or propose that it be revised. If it is proposed that the management program be revised, the board shall follow the same procedure towards adoption of a revised management program as is prescribed above for the preparation, approval, and adoption of the original management program. (**History:** L. 1972, ch. 386, § 10; July 1.)

K.S.A. 82a-1030. Water user charges; annual assessment per acre against landowners; budget; collection by county officers; annual audit; no-fund warrants; limitation; protest petition; redemption of warrants. (a) In order to finance the

operations of the district, the board may assess an annual water user charge against every person who withdraws groundwater from within the boundaries of the district. The board shall base such charge upon the amount of groundwater allocated for such person‟s use pursuant to such person‟s water right. Such charge shall not exceed $1 for each acre-foot (325,851 gallons) of groundwater withdrawn within the district or allocated by the water right, except that a groundwater management district may assess a greater annual water user charge not exceeding $1.50 for each acre-foot of groundwater withdrawn within the district if more than 50% of the authorized place of use for such groundwater is outside the district. Whenever a person shows by the submission to the board of a verified claim and any supportive data which may be required by the board that such person‟s actual annual groundwater withdrawal is in a lesser amount than that allocated by the water right of such person, the board shall assess such annual charge against such person on the amount of water shown to be withdrawn by the verified claim. Any such claim shall be submitted by April 1 of the year in which such annual charge is to be assessed. The board may also make an annual assessment against each landowner of not to exceed $.05 for each acre of land owned within the boundaries of the district. Special assessments may also be levied, as provided hereafter, against land specially benefited by a capital improvement without regard to the limits prescribed above.

(b) Before any assessment is made, or user charge imposed, the board shall submit the proposed budget for the ensuing year to the eligible voters of the district at a hearing called for that purpose by one publication in a newspaper or newspapers of general circulation within the district at least 28 days prior to the meeting. Following the hearing, the board shall, by resolution, adopt either the proposed budget or a modified budget and determine the amount of land assessment or user charge, or both, needed to support such budget.

(c) Both the user charges assessed for groundwater withdrawn and the assessments against lands within the district shall be certified to the proper county clerks and collected the same as other taxes in accordance with K.S.A. 79-1801, and acts amendatory thereof or supplemental thereto, and the amount thereof shall attach to the real property involved as a lien in accordance with K.S.A. 79-1804, and acts amendatory thereof or supplemental thereto. All moneys so collected shall be remitted by the county treasurer to the treasurer of the groundwater management district who shall deposit them to the credit of the general fund of the district. The accounts of each groundwater management district shall be audited annually by a public accountant or certified public accountant.

(d) Subsequent to the certification of approval of the organization of a district by the secretary of state and the election of a board of directors for such district, such board shall be authorized to issue no-fund warrants in amounts sufficient to meet the operating expenses of the district until money therefor becomes available pursuant to user charges or assessments under subsection (a). In no case shall the amount of any such issuance be in excess of 20% of the total amount of money receivable from assessments which could be levied in any one year as provided in subsection (a). No such warrants shall be issued until a resolution authorizing the same shall have been adopted by the board and published once in a newspaper having a general circulation in each county within the boundaries of the district. Whereupon such warrants may be issued unless a petition in opposition to the same, signed by not less than 10% of the eligible voters of such district and in no case by less than 20 of the eligible voters of such district, is filed with the

county clerk of each of the counties in such district within 10 days following such publication. In the event such a petition is filed, it shall be the duty of the board of such district to submit the question to the eligible voters at an election called for such purpose. Such election shall be noticed and conducted as provided by K.S.A. 82a-1031, and amendments thereto. Whenever no-fund warrants are issued under the authority of this subsection, the board of directors of such district shall make an assessment each year for three years in approximately equal installments for the purpose of paying such warrants and the interest thereon. All such assessments shall be in addition to all other assessments authorized or limited by law. Such warrants shall be issued, registered, redeemed and bear interest in the manner and in the form prescribed by K.S.A. 79-2940, and amendments thereto, except they shall not bear the notation required by said statute and may be issued without the approval of the state board of tax appeals. Any surplus existing after the redemption of such warrants shall be handled in the manner prescribed by K.S.A. 79-2940, and amendments thereto. (**History:** L. 1972, ch. 386, § 11; L. 1976, ch. 440, § 1; L. 1978, ch. 436, § 3; L. 2001, ch. 160, § 18; L. 2002, ch. 137, § 6; July 1.)

K.S.A. 82a-1031. General improvement bonds; special assessment improvement bonds; combination improvement bonds; elections for approval of issuance of bonds. (a) If the board by resolution provides that all or any part of the capital cost of works of improvement within the district is to be paid by the issuance of general improvement bonds of the entire district, it shall be the duty of the board to submit the question of approval of the bond issue to the eligible voters of the district. Notice of the time, place and purpose for which the election is to be held shall be given by one publication in a newspaper or newspapers of general distribution within the district at least twenty-eight (28) days prior to the date fixed for the election. Except as hereinbefore provided, the election shall be held and conducted by the board in the manner prescribed for conducting and holding the election for the organization of the district.

(b) If the board by resolution provides that all or any part of the capital cost of works of improvement is to be paid by the issuance of improvement bonds to be funded by special assessment against the lands specially benefited by a project, the board shall proceed to determine the particular lands within the district upon which special assessments are to be levied and it shall be the duty of the board to submit the question of approval of the bond issue to an election of the owners of those lands. Notice of the time and place and the purpose for which the election is to be held shall be given by one publication in a newspaper or newspapers of general circulation within the district at least twenty-eight (28) days prior to the date of the election. Except as hereinbefore provided, the election shall be held and conducted in the manner prescribed in subsection (a) of this section. If it is proposed to issue improvement bonds to be paid partially by the entire district and partially by lands specially benefitted, it shall be the duty of the board of directors to submit each question for approval separately. (**History:** L. 1972, ch. 386, § 12; July 1.)

K.S.A. 82a-1032. Works paid from special assessments; determination of benefits and assessments; levy of assessments; collections by county officers; bonds for not to exceed 20 year term. If a resolution of the board provides that all or any part of the cost of the works contemplated is to be paid by special assessment against lands specially

benefited by a project, the board shall appoint three (3) disinterested appraisers who shall recommend apportionment of the special assessment to the tracts of land subject to the special assessment. The appraisers shall have access to all available engineering reports and data pertaining to the works contemplated and may request additional engineering data or counsel necessary to carry out their duties. The appraisers shall take an oath to appraise fairly and impartially the benefits accruing to each tract of land and shall recommend the apportionment of assessment according to the relative benefits to be received by the several tracts of land subject to assessment. They shall make a written report of their findings to the board. Upon receiving the report, the board shall prepare a resolution which shall contain a list of the tracts of land found to be specially benefited and the amount of assessment to be levied against each tract. No assessment so specified against any tract of land shall exceed the estimated benefits to the land by the project. Each tract of land shall be legally described and the name of its owner or owners shall be set forth beside the description of each tract listed. After adopting the resolution, the board shall fix a time and place for hearing any complaint that may be made as to the estimated benefit to any tract of land appraised and a notice of the hearing shall be given by the board by one publication in a newspaper or newspapers of general circulation within the district at least ten (10) days prior to the date set for the hearing. The board at the hearing may alter the estimated benefit to any tract of land if, in its judgment, the benefit has been appraised too high or too low. The board shall immediately thereafter pass a resolution fixing the benefit to be assigned to each tract of land and providing for the benefit assessment thereof, which sum may be spread equally over a period of not to exceed twenty (20) years. The board shall immediately thereafter mail a written notice of the assessment to the owner or owners of each tract of land. The notice shall state that if the assessment is not paid in full within thirty (30) days from the date of notice, bonds will be issued and an assessment will be levied annually against the tract of land for a period of not to exceed twenty (20) years in an amount sufficient to pay the total assessment plus the interest due on the bonds. No action to set aside the assessment shall be maintained unless commenced within ninety (90) days from the date of the notice. The amount assessed against each tract of ground to pay for the special assessment bonds falling due each year and the interest thereon shall be levied, certified to the proper county clerk, and collected the same as other taxes. (**History:** L. 1972, ch. 386, § 13; July 1.)

K.S.A. 82a-1033. Extension or reduction of district territory by chief engineer, upon petition; hearing; filing of order. (a) The chief engineer shall have the power, upon proper petition being presented by the board for that purpose, to extend or reduce the territory of any groundwater management district organized and incorporated under the provisions of this act. The petition to extend or reduce the territory of any groundwater management district shall be addressed to the chief engineer and shall: (1) Describe the territory to be annexed or removed by township, range and section numbers and fraction thereof and other platted areas as appropriate. (2) Have a map attached thereto as an exhibit, and incorporated therein by reference, showing the district and the lands proposed to be annexed or removed. (3) Show that the proposed extension or reduction of territory has been recommended by the district concerned by resolution duly adopted by its board.

(b) The chief engineer shall fix a time for a hearing upon the petition and the district shall give notice thereof for three (3) consecutive weeks in a newspaper or newspapers of general circulation within the district, the first publication to be at least twenty-eight (28) days before the day fixed for the hearing. The notice shall state the name and general location of the district and describe the lands proposed to be annexed or removed. It shall state that a hearing will be held on whether the petition of the district should be approved. It shall state the day, hour, and place of the hearing, which shall be at a suitable location, and that all persons may appear before the chief engineer at the hearing and be heard. If, after the hearing, the chief engineer finds that the area proposed to be annexed or removed meets other requirements as prescribed for the organization of a district, he or she shall approve the petition and fix the time when the annexation or reduction of territory shall become effective. A certified copy of his or her order approving the petition shall be sent to the board of directors and to the secretary of state. The board of directors shall file a copy of the order for record in the office of the register of deeds of each county in which the district, as modified, or any part thereof lies. (**History:** L. 1972, ch. 386, § 14; July 1.)

K.S.A. 82a-1034. District dissolution. (a) Whenever the board of a groundwater management district organized and incorporated under the provisions of this act finds reasons for the dissolution of the district, the board may, by resolution adopted by a two-thirds vote of all members of the board at a special meeting of the board called for that purpose, notice of which shall specify the purpose for which the meeting is to be called, provide for the calling of an election of the eligible voters of the district for the purpose of determining whether the district shall be dissolved. The board shall also provide for the calling of an election if written petitions therefor, signed by twenty percent (20%) of the eligible voters of the district, are filed with the secretary of the board. The election to determine whether the district shall be dissolved shall be held and conducted by the board in the same manner as provided for conducting the election for the organization of the district insofar as those provisions can be made applicable. If a majority of the votes cast are in favor of dissolution of the district, the board shall immediately certify the results of the election to the secretary of state who shall thereupon issue and deliver to the secretary of the board a certificate of dissolution.
(b) Upon receipt from the secretary of state of the certificate of dissolution of a groundwater management district under the provisions of this act, the secretary of the board shall notify the board of the certification and the board shall immediately pay all obligations of the district, including all costs incurred by the district, the chief engineer and the secretary of state in regard to the dissolution proceedings. The treasurer of the board shall thereupon distribute all moneys in his or her hands belonging to the district in the manner prescribed by this act and immediately after making the distribution the treasurer shall notify the secretary of the board of the distribution. Upon receipt of the notification the secretary of the board shall have the certificate of dissolution published once in a newspaper or newspapers of general circulation within the district and proof of the publication shall be filed in the office of the secretary of state. The effective date of the dissolution, unless otherwise provided, shall be the date on which the proof of publication is filed in the office of the secretary of state, but in no event shall the date of dissolution be a date prior to the date of publication of the certificate of dissolution. A

certified copy of the certified copy of the certificate of dissolution of the district shall also be recorded in the office of the county clerk of each county where any portion of the dissolved district was located.
(c) Any funds or other assets of a groundwater management district which has been dissolved under the provisions of this act shall be apportioned and paid to the general fund of any county located within or partially within the district in the proportion which the assessed valuation of the property in the district located within the county bears to the total assessed valuation of the district, based on equalized assessed valuations for the preceding year. The treasurer of the district, upon notification of receipt of the certificate of dissolution, shall immediately pay the amounts due each county located within the district to the treasurer of the county.
(d) The secretary of the board of any groundwater management district which has been dissolved under the provisions of this act shall file all minutes and records of the district with the register of deeds of the county where the designated office of the district was located. (**History:** L. 1972, ch. 386, § 15; July 1.)

K.S.A. 82a-1035. Payment of expenses of defeated proposed district organization. If the organization of a proposed district is defeated at the election or if the petition is disapproved by the secretary of state or the chief engineer, the steering committee named in the petition shall continue to function in a limited capacity for the purposes set out below. The steering committee shall determine the amount of money necessary to pay all of the costs and expenses incurred in the preparation and filing of the petition and in the conduct of the election and shall themselves assume the obligation for the first two hundred dollars ($200) of the costs. If the cost is more than that amount they shall certify a statement of the amount to the county clerk of each county in which the proposed district was to be located. The county clerks shall ascertain the total assessed valuation of all taxable tangible property in their respective counties within the proposed district and certify this amount to the county clerk of the county in which the chairman of the steering committee of the proposed district resides. The county clerk shall determine the levy necessary to be assessed against the taxable tangible property in the entire proposed district in order to raise funds sufficient to pay the amount set forth in the statement and shall certify the levy to the county clerks of the other counties in which a portion of the proposed district is located. Each of the county clerks shall then cause the levy to be made against the taxable tangible property lying within the boundaries of the proposed district within his or her county. The county treasurers of the respective counties involved shall remit the funds raised by the levy in their counties to the county treasurer of the county in which the chairman of the steering committee resides, who shall hold the funds and shall honor warrants drawn upon the funds by the chairman of the steering committee and countersigned by the secretary of the steering committee in payment of the costs and expenses incurred in the proposed organization of the district and shown on the statement of expenses. (**History:** L. 1972, ch. 386, § 16; July 1.)

K.S.A. 82a-1036. Initiation of proceedings for designation of intensive groundwater use control area; duties of chief engineer; findings. Whenever a groundwater management district recommends the same or whenever a petition signed by not less than three hundred (300) or by not less than five percent (5%) of the eligible voters of a

groundwater management district, whichever is less, is submitted to the chief engineer, the chief engineer shall initiate, as soon as practicable thereafter, proceedings for the designation of a specifically defined area within such district as an intensive groundwater use control area. The chief engineer upon his or her own investigation may initiate such proceedings whenever said chief engineer has reason to believe that any one or more of the following conditions exist in a groundwater use area which is located outside the boundaries of an existing groundwater management district: (a) Groundwater levels in the area in question are declining or have declined excessively; or (b) the rate of withdrawal of groundwater within the area in question equals or exceeds the rate of recharge in such area; or (c) preventable waste of water is occurring or may occur within the area in question; (d) unreasonable deterioration of the quality of water is occurring or may occur within the area in question; or (e) other conditions exist within the area in question which require regulation in the public interest. (**History:** L. 1978, ch. 437, § 2; July 1.)

K.S.A. 82a-1037. Same; hearings. In any case where proceedings for the designation of an intensive groundwater use control area are initiated, the chief engineer shall hold and conduct a public hearing on the question of designating such an area as an intensive groundwater use control area. Written notice of the hearing shall be given to every person holding a water right in the area in question and notice of the hearing shall be given by one publication in a newspaper or newspapers of general circulation within the area in question at least thirty (30) days prior to the date set for such hearing. The notice shall state the question and shall denote the time and place of the hearing. At the hearing, documentary and oral evidence shall be taken, and a full and complete record of the same shall be kept. (**History:** L. 1978, ch. 437, § 3; July 1.)

K.S.A. 82a-1038. Designation of intensive groundwater use control area; orders; review. (a) In any case where the chief engineer finds that any one or more of the circumstances set forth in K.S.A. 82a-1036 and amendments thereto exist and that the public interest requires that any one or more corrective controls be adopted, the chief engineer shall designate, by order, the area in question, or any part thereof, as an intensive groundwater use control area.
(b) The order of the chief engineer shall define specifically the boundaries of the intensive groundwater use control area and shall indicate the circumstances upon which the findings of the chief engineer are made. The order of the chief engineer may include any one or more of the following corrective control provisions: (1) A provision closing the intensive groundwater use control area to any further appropriation of groundwater in which event the chief engineer shall thereafter refuse to accept any application for a permit to appropriate groundwater located within such area; (2) a provision determining the permissible total withdrawal of groundwater in the intensive groundwater use control area each day, month or year, and, insofar as may be reasonably done, the chief engineer shall apportion such permissible total withdrawal among the valid groundwater right holders in such area in accordance with the relative dates of priority of such rights; (3) a provision reducing the permissible withdrawal of groundwater by any one or more appropriators thereof, or by wells in the intensive groundwater use control area; (4) a provision requiring and specifying a system of rotation of groundwater use in the

intensive groundwater use control area; (5) any one or more other provisions making such additional requirements as are necessary to protect the public interest. The chief engineer is hereby authorized to delegate the enforcement of any corrective control provisions ordered for an intensive groundwater use control area to groundwater management district number 4 or to any city, if such district or city is located within or partially within the boundaries of such area. (c) Except as provided by subsection (d), the order of designation of an intensive groundwater use control area shall be in full force and effect from the date of its entry in the records of the chief engineer's office unless and until its operation shall be stayed by an appeal from an order entered on review of the chief engineer‟s order pursuant to K.S.A. 2009 Supp. 82a-1901 and amendments thereto in accordance with the provisions of the Kansas judicial review act. The chief engineer upon request shall deliver a copy of such order to any interested person who is affected by such order, and shall file a copy of the same with the register of deeds of any county within which such designated control area lies.
(d) If the holder of a groundwater right within the area designated as an intensive groundwater use control area applies for review of the order of designation pursuant to K.S.A. 2004 Supp. 82a-1901 and amendments thereto, the provisions of the order with respect to the inclusion of the holder‟s right within the area may be stayed in accordance with the Kansas administrative procedure act. (**History:** L. 1978, ch. 437, § 4; L. 1984, ch. 338, § 31; L. 1990, ch. 363, § 1; L. 1999, ch. 130, § 9; July 1; L. 2010, ch 17, § 214, July 1.)

K.S.A. 82a-1039. No limitation of authority of chief engineer. Nothing in this act shall be construed as limiting or affecting any duty or power of the chief engineer granted pursuant to the Kansas water appropriation act. (**History:** L. 1978, ch. 437, § 5; July 1.)

K.S.A. 82a-1040. Act supplemental to K.S.A. 82a-1020 to 82a-1035. The provisions of K.S.A. 82a-1036 to 82a-1039, inclusive, of this act shall be part of and supplemental to the provisions of K.S.A. 82a-1020 to 82a-1035, inclusive, and acts amendatory thereof or supplemental thereto. (**History:** L. 1978, ch. 437, § 5; July 1.)