

GROUNDWATER MANAGEMENT DISTRICT ACT

(Excerpted)

December, 2012

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

(9) by the district and such maps, geological information, and other data as may be necessary for the formulation of such a program.

(10) "Person" means any natural person, public or private corporation, municipality or any other legal or commercial entity.

(11) "Water right" shall have the meaning ascribed to that term in K.S.A. 82a-701, and amendments thereto.

(12) "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.)