

# GROUNDWATER MANAGEMENT DISTRICT ACT

(Excerpted)

December, 2012

**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read or require water users to read and report those readings as may be necessary to determine the quantity of water withdrawn;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.)