

## 2012 Kansas Statutes

**82a-1305. Same; withdrawal and use of waters; contracts for withdrawal; disposal of surplus water.** (a) Whenever the authority finds that a proposed withdrawal and use of water, other than surplus waters, is in the interest of the people of the state of Kansas and will advance the purposes set forth in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, it shall authorize the director to enter into negotiations for the purpose of entering into written contracts with any person for withdrawal and use within or without the state of waters from conservation storage water supply capacity committed to the state. Every such contract shall comply with the provisions of this act. Except as provided in the water assurance program act, the director shall not contract for withdrawals of water from a particular reservoir which in the director's opinion are in excess of the yield capability from the conservation storage water supply capacity in such reservoir committed to the state computed to provide water through a drought having a 2% chance of occurrence in any one year with the reservoir in operation. All contracts under this section shall have terms of not less than 10 years unless desired by the applicant. Whenever a contract expires the director shall give the persons with whom the director contracted therein, the opportunity to first refuse any new offering of the water before offering the same to applicants under the provisions of K.S.A. 82a-1310a, and amendments thereto.

(b) Whenever the authority finds that it is in the public's interest and will advance the purposes set forth in this act and in article 9 of chapter 82a of Kansas Statutes Annotated, and amendments thereto, the authority shall authorize the director to dispose of waters found by the authority to be surplus waters. Any arrangement for the disposition of any such surplus waters shall not be subject to the provisions of K.S.A. 82a-1306, 82a-1307 and 82a-1308a, and amendments thereto, relating to long-term contracts. No such arrangement shall be made for a period of time in excess of one year nor shall any such arrangement dispose of water from the conservation water supply capacity in excess of 10% of the yield capability as computed pursuant to subsection (a) unless the governor has declared that an emergency exists which affects the public health, safety or welfare. No charges shall be levied on the disposition of surplus waters when the purpose for such disposition is streamflow maintenance or reservoir pool management. A charge at a rate not to exceed the rate established pursuant to K.S.A. 82a-1306, and amendments thereto, shall be levied on the disposition of surplus waters when the purpose of such disposition is the maintenance of public health. A charge at a rate that may exceed the rate established pursuant to K.S.A. 82a-1306, and amendments thereto, shall be levied on the disposition of surplus waters when the purpose for such disposition is other than streamflow maintenance, reservoir pool management or maintenance of public health.

**History:** L. 1974, ch. 452, § 5; L. 1976, ch. 441, § 2; L. 1977, ch. 358, § 1; L. 1983, ch. 343, § 4; L. 1984, ch. 382, § 2; L. 1986, ch. 396, § 4; July 1.