

AN ACT concerning water; relating to streams, dams and obstructions; relating to water rights; relating to water flex accounts; amending K.S.A. 82a-307 and K.S.A. 2012 Supp. 82a-301, 82a-302, 82a-303b, 82a-326, 82a-736 and 82a-1901 and repealing the existing sections; also repealing K.S.A. 24-105, 24-107, 82a-312, 82a-313 and 82a-314 and K.S.A. 2012 Supp. 24-106, 74-509, 82a-307a, 82a-326a and 82a-735.

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

New Section 1. (a) Subject to existing water rights and the principle of beneficial use, the chief engineer may grant, upon application made therefor, limited transfer permits to authorize the use of up to 4,000,000 gallons from an existing water right. The term of such limited transfer permit will be limited to a single calendar year. Each application submitted for a limited transfer permit shall be on a form prescribed by the chief engineer and accompanied by an application fee of \$200.

- (b) (1) If the base water right is groundwater, the use of water can be transferred to another well within the same source of supply within two miles.
- (2) If the base water right is surface water, the use can be transferred to another surface water use within the same surface water system.

SO - Moxley Balloon Amendment to Sub for  
HB 2051 - 2/18/13

House Agriculture & Natural  
Resources Committee

Date 2-18-2013

Attachment # 2

applicable provisions of this act, any rules and regulations promulgated pursuant to this act, permit conditions and orders of the chief engineer; or the dam is removed. The safety inspection shall be conducted by the chief engineer or authorized representative and the cost ~~of such inspection, as set by rules and regulations adopted by the chief engineer;~~ shall be paid by the dam owner. The hazard class and size of a dam provided for by the provisions of this act shall be defined by rules and regulations adopted by the chief engineer pursuant to K.S.A. 82a-303a, and amendments thereto. Inspection fees are as follows:

Size of Dam	Inspection fee
Class 1	\$1,500
Class 2	\$1,500
Class 3	\$2,500
Class 4	\$4,000

(2) Each hazard class C dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design, construction, maintenance and operation of dams once every three years, unless otherwise ordered by the chief engineer.

(3) Each hazard class B dam shall be required to have a safety inspection conducted by a licensed professional engineer qualified in design,

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reinstate language for inspection fees for Class 3 and Class 4 dams.

construction, maintenance and operation of dams once every five years unless otherwise ordered by the chief engineer.

(4) Within 60 days of the date of inspection, a report of the inspection shall be provided to the chief engineer by the licensed professional engineer who conducted the inspection. The report shall document the physical condition of the dam, describing any deficiencies observed, an analysis of the capacity of the dam and its spillway works, compliance of the dam with approved plans and permit conditions, changes observed in the condition of the dam since the previous inspection, an assessment of the hazard classification of the dam including a statement that the engineer either agrees or disagrees with the current classification, and any other information relevant to the safety of the dam or specifically requested by the chief engineer.

(5) Upon failure of a dam owner to comply with the applicable inspection interval, the chief engineer or such chief engineer's authorized representative shall conduct a mandatory inspection of the dam and the costs ~~as established by this act for the inspection, in addition to the following~~

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~~penalties~~ shall be paid by the owner, in addition to any other remedies provided for violations of this act;

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Hazard Class	Penalty
B	\$2,500
C	\$4,000

remove penalties

(6) The failure to file a complete and timely report as required by the provisions of this act, or the failure to submit the ~~fees and penalties~~

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assessed for inspections conducted by the chief engineer or such the chief engineer's authorized representative shall be deemed a violation of this act and subject to the penalties provided by K.S.A. 82a-305a, and amendments thereto.

(b) For the purpose of inspecting any dam or other water obstruction, the chief engineer or an authorized representative of the chief engineer shall have the right of access to private property. Costs for any work which may be required by the chief engineer or the authorized representative prior to or as a result of the inspection of a dam or other water obstruction shall be paid by the owner, governmental agency or operator of such dam or other water obstruction.

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(c) All fees ~~and penalties~~ collected by the chief engineer pursuant to