

Groundwater Management Districts; Stream Obstructions

House Sub. for SB 214 changes the existing definition of “person” for the purposes of the Groundwater Management District Act to mean any natural person, public or private corporation, municipality, or any other legal commercial entity. In addition, the term “eligible voter” is modified to reflect the new definition of “person,” and the bill clarifies that each eligible voter shall be entitled to cast only one vote per eligible voter. The former definition of “person” or “eligible voter” did not include the term “or any other legal commercial entity.”

Further, the bill modifies the section of law which requires prior written consent or permit of the Chief Engineer of the Division of Water Resources of the Kansas Department of Agriculture. Specifically, the bill provides that the prior written consent or permit does not apply to a water obstruction that meets the following:

- The water obstruction is not a dam as defined by law;
- The water obstruction is not located within an incorporated area;
- Every part of the water obstruction is located more than 300 feet from any property boundary; and
- The watershed area above the water obstruction is 640 acres or less.

In addition, if the water obstruction is not 300 feet or more from any property boundary, the water obstruction may be exempted from the permitting requirements if the Chief Engineer determines that the water obstruction has minimal impact upon safety and property based on a review of information provided, including:

- An aerial photo or topographic map depicting the location of the proposed project; and
- The principal dimension of the project including the height above the streambed.

Regardless of whether a water obstruction meets the requirements of being exempt from the permitting requirements, the bill provides authority to the Chief Engineer to require a permit for any water obstruction if it is determined it is necessary for the protection of life or property.