

2012 Kansas Statutes

82a-2310. Same; charges against district members. (a) The district shall impose charges against each member for the purposes of the district.

(1) The total of such charges shall be sufficient to enable the district to pay the Kansas water office the full annual amortized cost incurred by the Kansas water office for the operation, administration and enforcement of the program, including, but not limited to, the costs of acquiring the water supply access storage from the federal government by purchase or trade and the cost of operation and maintenance of such water supply access storage.

(2) The district may also impose charges against each member of the district in an amount sufficient to cover district operating costs.

(3) The district shall impose any charges necessary for the payment of the principal of and interest on revenue bonds issued by the Kansas water office pursuant to K.S.A. 82a-1360 et seq., and amendments thereto.

(4) The district shall determine the amount of the charges for each member and shall remit all moneys collected to the Kansas water office for deposit in the lower smoky hill water supply access fund created pursuant to this act. Charges to be paid by such members may vary and shall be based on the principle of having each member pay for the pro rata quantity authorized to each member by the district. In determining the charge, the board of directors of the district shall adopt guidelines for such members.

(b) The director of the Kansas water office shall request releases of water supply access water by the federal government from the Kanopolis reservoir under such agreements with the federal government that govern operations of such reservoir. The chairperson of the governing body of the district or designee shall communicate with the Kansas water office regarding any member's need for such releases by the district.

(c) The director and the chief engineer each shall adopt any rules and regulations necessary to carry out the purposes and procedures of this act. The director and the chief engineer shall consider the advice of the Kansas water authority and stakeholders in the program area, in the preparation of any rules and regulations adopted pursuant to this subsection.

(d) Any holder of an eligible water right aggrieved by a decision of the Kansas water office under this act by being excluded as a member in the program may appeal to the district court under K.S.A. 82a-724, and amendments thereto.

(e) Payments required under a contract between the district and the Kansas water office shall be for storage capacity contracted in a federal reservoir.

(f) Nothing in this act shall be deemed to authorize any suit against the state or any agency of the state or person employed by the state on or under a claim for implied contract, negligence or any other tort. The director of the Kansas water office may sue to enforce any claim arising out of a contract. Payment of the charges shall be a condition imposed on every member and the director is authorized to declare the suspension of any use of water supply access water where a payment is not made.

(g) Rights of members to receive access water may not be transferred without the approval of the Kansas water office.

History: L. 2011, ch. 89, § 10; July 1.