

**Senate Substitute for Substitute for HOUSE BILL No.  
2051**

By Committee on Natural Resources

3-25

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1 AN ACT concerning water; relating to water rights; amending K.S.A.  
2 2012 Supp. 82a-1901 and repealing the existing section.

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

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

12 (b) (1) If the base water right is groundwater, the use of water can be  
13 transferred to another well within the same source of supply within two  
14 miles.

15 (2) If the base water right is surface water, the use can be transferred  
16 to another surface water use within the same surface water system.

17 (c) The chief engineer shall adopt rules and regulations to effectuate  
18 and administer the provisions of this section. Such rules and regulations  
19 shall require that there is no increase in consumptive use enabled by the  
20 transfer permit, prescribe necessary recordkeeping and reporting  
21 requirements, prevent impairment of existing rights and address any other  
22 matter deemed necessary by the chief engineer to protect the public  
23 interest.

24 (d) Nothing in this section shall be deemed to vest in the holder of  
25 any permit granted pursuant to provisions of this section any permanent  
26 right to appropriate water except as is provided by such permit.

27 (e) All fees collected by the chief engineer pursuant to this section  
28 shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and  
29 amendments thereto.

30 (f) This section shall be part of and supplemental to the Kansas water  
31 appropriation act.

32 Sec. 2. K.S.A. 2012 Supp. 82a-1901 is hereby amended to read as  
33 follows: 82a-1901. (a) Orders of the chief engineer of the division of water  
34 resources of the department of agriculture pursuant to K.S.A. 42-703, 42-  
35 722, 42-722a, 82a-708b, 82a-711, 82a-718 and 82a-1038 *and K.S.A. 2012*

1 *Supp. 82a-1041*, and amendments thereto, and failure of the chief engineer  
2 to act pursuant to K.S.A. 82a-714, and amendments thereto, shall be  
3 subject to review in accordance with the provisions of the Kansas  
4 administrative procedure act.

5 Such review shall be conducted by the secretary of agriculture or a  
6 presiding officer from the office of administrative hearings within the  
7 department of administration. The secretary of agriculture shall not have  
8 the authority otherwise to designate a presiding officer to conduct such  
9 review unless at the party's request pursuant to K.S.A. 75-37,121, and  
10 amendments thereto.

11 (b) The order of the secretary of agriculture or the administrative law  
12 judge or presiding officer upon review pursuant to subsection (a) shall be a  
13 final order under the Kansas administrative procedure act. Such order shall  
14 not be subject to reconsideration pursuant to K.S.A. 77-529, and  
15 amendments thereto, and shall be subject to review in accordance with the  
16 Kansas judicial review act.

17 (c) This act shall not affect any administrative proceeding pending  
18 before the chief engineer of the division of water resources of the  
19 department of agriculture, the secretary of agriculture or any  
20 administrative hearing officer on July 1, 1999, and such matter shall  
21 proceed as though no change in the law had been made with regard to such  
22 proceeding.

23 Sec. 3. K.S.A. 2012 Supp. 82a-1901 is hereby repealed.

24 Sec. 4. This act shall take effect and be in force from and after its  
25 publication in the statute book.  
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