

2021 Kansas Statutes

82a-1311a. Same; contract negotiations; authority approval, considerations. (a) The date of receipt of each application submitted pursuant to K.S.A. 82a-1310a, and amendments thereto, shall be stamped thereon and authenticated as directed by the director. Applicants shall notify the director in writing that they wish to commence negotiations for a contract to withdraw and use water. Within 10 days after the completion of negotiations for a contract to withdraw and use water, the director shall transmit to the chairperson of the authority a copy of the proposed contract.

(b) Upon request of the chairperson of the authority, the director shall transmit all available information necessary to determine whether or not to approve a contract to purchase water from the state's conservation water supply capacity or to use surplus waters for minimum streamflow requirements, unless an emergency exists.

(c) In order to determine whether a proposed contract for the sale of water from the state's conservation water supply capacity is in the interest of the people of the state of Kansas and whether the benefits to the state for approving the contract outweigh the benefits to the state for not approving the contract, the authority shall consider all matters pertaining to such questions, including:

- (1) The present and future water supply needs of the applicant;
- (2) any current beneficial uses being made of the noncontracted water proposed to be diverted;
- (3) any reasonably foreseeable future beneficial uses of the water;
- (4) the economic, environmental, public health and welfare and other benefits or adverse impact of approving the contract;
- (5) alternative sources of water available to the applicant;
- (6) the preliminary plan of design, construction and operation of any works or facilities used in conjunction with carrying the water to its point of use;
- (7) whether the proposed purchase is consistent with the state water plan approved by the legislature;
- (8) the date of receipt of the application to contract for withdrawal and use of water;
- (9) minimum streamflow requirements; and
- (10) whether the applicant has adopted and implemented a water conservation plan.

(d) The authority may require an applicant for a contract for the sale of water from the state's conservation water supply capacity to adopt and implement conservation plans and practices. Such plans and practices shall be consistent with the guidelines for conservation plans and practices developed and maintained by the Kansas water office pursuant to subsection (c) of K.S.A. 74-2608, and amendments thereto. Prior to approval of an application, the director of the Kansas water office, in consultation with the chief engineer, shall determine whether such plans and practices are consistent with the guidelines adopted by the Kansas water office.

(e) The authority may approve or reject the proposed contract and may recommend purchase of water from an alternative source. The authority may approve a contract for a smaller amount of water than requested and may approve a contract upon such terms, conditions and limitations as it deems necessary for the protection of the public interest of the state as a whole.

History: L. 1983, ch. 343, § 10; L. 1986, ch. 392, § 5; L. 1986, ch. 396, § 9; July 1.