

KANSAS WATER APPROPRIATION ACT (KANSAS WATER BANKING)

**(Excerpted)
July, 2017**

K.S.A. 82a-767. Evaluation of water bank; evaluation team; extension or lapse of charter; charter review.

(a) Not later than five years after the establishment of a water bank or pursuant to subsection (e), the director of the Kansas water office shall convene a team to evaluate the operation of the bank. The team shall consist of:

- (1) The director of the Kansas water office, or the director's designee, who shall serve as chairperson of the team;
- (2) the director of the Kansas geological survey, or the director's designee;
- (3) two members who represent water right holders and water users who have used the bank's services, which members shall be selected by the governing body of the bank;
- (4) members selected by the chief engineer as follows: (A) Two members engaged in teaching or research at institutions of postsecondary education in subjects involving water resources, including but not limited to water resources engineering and hydrology; (B) a member who is an economist with knowledge and experience in water resources; (C) one member having knowledge and experience in water law; and (D) two members having knowledge and experience in water policy issues and residing outside the bank boundary, who shall represent the public interest;
- (5) one representative of each groundwater management district located in whole or in part within the bank boundary selected by the board of directors of such district; and
- (6) one representative of each water assurance district located in whole or in part within the bank boundary selected by the board of directors of such district.

(b) The staff of the Kansas water office shall provide staff assistance to the evaluation team.

(c) Not more than one year after a team is convened pursuant to this section, the team shall submit a report of its evaluation and recommendations to the governor, the Kansas water office, the Kansas water authority, the secretary of agriculture, the chief engineer and the senate standing committee on natural resources and the house standing committee on environment, or the successors to such committees regarding:

- (1) The operations and policies of the bank and whether they are consistent with the provisions of this act, the state water plan and all applicable statutes, rules and regulations, findings and orders of the chief engineer, groundwater management district policies and water assurance district operations plans;

- (2) whether the operations of the bank are achieving the goals and objectives of water banking as set out in the state water plan and whether changes could be made to further those goals and objectives;
- (3) the bank's impact on the entire area of all hydrologic units, any parts of which are encompassed in the bank's boundary;
- (4) any other matters the team determines relevant to the future of water banking in the state;
- (5) whether the charter of the bank should lapse, or the bank should become chartered; and
- (6) the terms under which the bank's charter should be allowed to lapse, if the team recommends that the charter not be extended.

(d) Unless otherwise provided by law, the chief engineer, in accordance with the recommendations of the team, may extend the charter of the bank or may allow the bank charter to lapse under the terms recommended by the team.

(e) If a bank is chartered, such charter shall be subject to review not less than every five years by a team convened as prescribed in subsection (a). The review team shall submit a report on the matters listed in subsections (c)(1) through (c)(4). (**History:** L. 2001, ch. 160, § 7; L. 2012, ch. 106, § 3; July 1.)