

Summary and Key Elements of Groundwater Management District (GMD) Act

D. Barfield, November 12, 2019

Outline of GMD Act, K.S.A. 82a-1020ff

- 1020 - Legislative declaration.
- 1021 - Definitions (see definition of management program below)
- 1022-1026 - Organizing, petition, election of initial board
- 1027 - Board of directors, officers, etc.
- 1028 – District Powers
- 1029 - Management program; approval and adoption processes; periodic review.
- 1030-1032 - Wateruser charges and funding; bonds; special assessments;
- 1033-1034 - Extending and reducing district territory; District dissolution
- 1035 - Payment of expenses of defeated proposed district organization. If
- 1036-1038 – IGUCA provisions
- 1039 - No limitation of authority of chief engineer
- 1040 - Act supplemental to K.S.A. 82a-1020 to 82a-1035.
- 1041 – LEMA provision
- 1042 - Notice on proposed rules and regulations

GMD Purpose from KSA 82a-1020: It is hereby recognized that a need exists for the creation of special districts **for the proper management of the groundwater resources** of the state; **for the conservation of groundwater resources; for the prevention of economic deterioration;** for associated endeavors within the state of Kansas through the stabilization of agriculture; and to secure for Kansas the benefit of its fertile soils and favorable location with respect to national and world markets. It is the policy of this act to **preserve basic water use doctrine** and to **establish the right of local water users to determine their destiny with respect to the use of the groundwater insofar as it does not conflict with the basic laws and policies of the state of Kansas.** It is, therefore, declared that in the public interest it is necessary and advisable to permit the establishment of groundwater management districts. (**History:** L. 1972, ch. 386, § 1; July 1.)

GMD Planning via Management Program development and revisions: Management Program development and revisions required in KSA 82a-1029.

A management programs is defined as *“a written report describing the characteristics of the district and the nature and methods of dealing with groundwater supply problems within the district. It shall include information as to the groundwater management program to be undertaken by the district and such maps, geological information, and other data as may be necessary for the formulation of such a program.”*

K.S.A. 82a-1029. Management program; board of directors' and chief engineer's functions and duties; hearings; approval and adoption; periodic review. Before undertaking active management of the district the board shall prepare a management program. Upon completion of the management program the board shall transmit a copy to the chief engineer with a request for his or her approval. The chief engineer shall examine and study the management program and, if he or she finds that it is

compatible with article 7 of chapter 82a of the Kansas Statutes Annotated, and all acts amendatory thereof or supplemental thereto and any other state laws or policies, he or she shall approve it and notify the board of his or her action. When the management program is approved by the chief engineer, the board shall fix a time and place either within or conveniently near the district for a public hearing upon the management program. A notice of the hearing shall be given by one publication in a newspaper or newspapers of general circulation within the district, at least twenty-eight (28) days prior to the date fixed for the hearing, setting forth the time and place of the hearing. The notice shall state that a copy of the management program is available for public inspection in the office of the secretary of the district. Any person desiring to be heard in the matter must file, in duplicate, with the board at its office at least five (5) days before the date of the hearing a written statement of his or her intent to appear at the hearing and the substance of the testimony he or she wishes to present. Upon receipt of any such statements, the board shall immediately transmit one copy of the statements to the chief engineer. The chief engineer or his or her duly appointed representative shall attend the hearing. At the hearing any person who has duly filed his or her written statement shall be heard and may present information in support of his or her position in the matter. After hearing and considering all relevant testimony and information, the board shall by resolution adopt, modify, or reject the management program. The board shall then notify the chief engineer of its action. If it is determined that the management program should be modified, any proposed changes approved by the board shall be incorporated in a modified management program which shall be submitted to the chief engineer for further consideration. The chief engineer shall review the modified management program and shall transmit a supplemental written report of the results of his or her study and investigation to the board, including his or her written approval or disapproval of the modified management program. If the modified management program is approved by the chief engineer, the board shall by resolution adopt it as the official management program of the district and notify the chief engineer of its action. The board shall periodically and at least once each year review the officially adopted management program. Following that review, they shall either reaffirm its adoption or propose that it be revised. If it is proposed that the management program be revised, the board shall follow the same procedure towards adoption of a revised management program as is prescribed above for the preparation, approval, and adoption of the original management program. (History: L. 1972, ch. 386, § 10; July 1.)

GMD Powers: To accomplish this purpose, GMD's are given an enumerated set of powers to carry out this purpose in K.S.A. 82a-1028. Among them include (with letter corresponding to their place on the list): (d) employ legal and technical services as needed; (e) purchase and hold land and water rights; (g) construct, operate and maintain works related to transporting, storage, and drainage of water; (h) levy water user charges and land assessments; issue bonds; (i) contract with persons firms, other government agencies; (k) construct and establish research and demonstration projects and share research data and information; (l) install and require meters; (m) provide advice and assistance in the management of drainage problems, storage, groundwater recharge, surface water management, and all other appropriate matters of concern to the district; (o) recommend to the chief engineer rules and regulations to be adopted for the district; (q) assist in the enforcement of regulations; and (t) seek and accept grants. In addition, initiate IGUCA and LEMA proceedings.

K.S.A. 82a-1039. No limitation of authority of chief engineer. Nothing in this act shall be construed as limiting or affecting any duty or power of the chief engineer granted pursuant to the Kansas water appropriation act. (History: L. 1978, ch. 437, § 5; July 1.)