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ADMINISTRATIVE RULES AND REGULATIONS

WATERSHED DAM CONSTRUCTION PROGRAM

K.A.R. 11-3-1 Definitions. (a) "Chief engineer" means the chief engineer, division of water resources, state board of agriculture.

(b) "Commission" means the state conservation commission.

(c) "Detention dam" means a single purpose dam designed for temporary storage of floodwaters and for its controlled release.

(d) "District" means a watershed district, drainage district or any other special purpose district that has been organized and incorporated according to appropriate statutes and has power to levy taxes and power of eminent domain.

(e) "General plan" means a preliminary engineering report describing the characteristics of the project area, and the nature and methods of dealing with the soil and water problems within the project area. The plan shall include maps, descriptions and other data as necessary for the location, identification and establishment of the character of the work to be undertaken and any other data and information as the chief engineer may require.

(f) "Grade stabilization dam" means a structure designed to control the erosion of a water course.

(g) "Permit" means the formal document issued by the chief engineer or other issuing agency to the district authorizing the construction of the project.

(h) "Project" means the construction of a new detention or grade stabilization dam. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986.)

K.A.R. 11-3-2 Application. (a) Any organized watershed district, drainage district or other special purpose district, interested in state assistance, may apply for state cost-share assistance funds appropriated for construction of detention and grade stabilization dams. Applications for state assistance shall be on forms supplied by the commission. Applications shall be due at the commission office by April first to be included in the evaluation process for possible funding during the next fiscal year.

(b) The district submitting the application shall employ or acquire the services of a person knowledgeable of watershed dam construction administrative procedures, who shall be known as the contracting officer for the proposed site. The contracting officer shall attend a pre-allocation seminar before the application will be considered for state assistance. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

K.A.R. 11-3-3 Permit to construct. A copy of the permit to construct, issued by the chief engineer, shall be submitted to the commission before the allocation of funds to the project and before the district advertises for bids. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as

amended by L. 1985, Ch. 342, Sec. 9; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986.)

K.A.R. 11-3-4 Allocation of funds. (a) An evaluation team consisting of designees from state and federal water related agencies shall evaluate applications and recommend a priority order for funding. In addition, an amount will be recommended for construction of detention dams in drainage or other special purpose districts.

(b) The maximum cost-share level for construction costs including engineering and inspection shall be 80 percent. The maximum annual assistance per structure or district shall be \$90,000, except when uncommitted funds are available after all eligible structures have been funded. In which case, the funds may be used to provide additional cost-sharing above the maximum limit. Assistance funds shall not be used for land rights or administrative costs.

(c) Bid standard procedures of the department of administration shall be used in the bidding process for approved applications for state assistance.

(d) Adequate accounting and fiscal records shall be maintained by the district to reflect the receipts and expenditures of all funds of the project.

(e) The district shall submit project documents and information as required by the commission.

(f) The district shall construct or cause the project to be constructed to final completion in accordance with the plans and specifications or modifications approved by the chief engineer. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

K.A.R. 11-3-5 Contract. (a) The contract shall become a fund-obligating document and shall include contractual provisions required by the commission and the state.

(b) Contracts not completed by the end of the fiscal year in which appropriation was made shall be extended by written notice. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

K.A.R. 11-3-6 Partial payments. Partial payments of appropriated funds shall be made to the district no more often than once each month. The partial payment shall be requested on forms furnished by the commission. All partial payments shall be documented by the district as directed by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986.)

K.A.R. 11-3-7 Notification of completion. (a) The district shall notify the commission and chief engineer when the project is complete and ready for final inspection.

(b) The notification to the commission shall include:

(1) The date of completion of the project;

(2) An itemized list of all costs of construction, engineering, geological investigations and inspections; and

(3) A request for final payment of state funds for the project on forms provided by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986.)

K.A.R. 11-3-8 Modifications to construction plan. Modification of or change orders regarding the original construction plans shall require the prior approval of the chief engineer and notification to the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986.)

K.A.R. 11-3-9 Supplemental application procedures. A supplemental request of funds for costs of construction and engineering exceeding the approved funding shall be submitted on forms supplied by the commission. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1986, Ch. 7; implementing K.S.A. 2-1915, as amended by L. 1986, Ch. 7; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986; amended May 1, 1987.)

K.A.R. 11-3-10 Annual inspection. An annual inspection of the completed structure shall be made and an inspection report shall be filed on forms provided by the commission. A copy of the inspection report shall be distributed to the commission and chief engineer. Corrective maintenance or repair shall be implemented by the district when needed. (Authorized by K.S.A. 2-1904, 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; implementing K.S.A. 2-1915, as amended by L. 1985, Ch. 342, Sec. 9; effective, T-86-43, Dec. 18, 1985; effective May 1, 1986.)