

RURAL WATER SUPPLY DISTRICTS
82a-601 to 82a-611
2004

K.S.A. 82a-601. Rural water-supply districts; organization; duties of board of county commissioners. Subject to the provisions of K.S.A. 19-270, the board of county commissioners of each county in this state shall have power and it shall be their duty upon a proper petition being presented, to incorporate and organize rural water-supply districts within their respective counties in the manner hereinafter provided. (**History:** L. 1941, ch. 7, § 1; L. 1986, ch. 70, § 43; May 15.)

K.S.A. 82a-602. Petition for organization of water-supply district. Any two or more owners of adjacent lands within any county may file with the county clerk a petition addressed to the board of county commissioners praying for the incorporation of a water-supply district. The petition shall (1) describe by section, or fraction thereof, and by township and range the location of lands owned by the petitioners and desired to be incorporated into the proposed water-supply district and shall state (2) that such lands are without an adequate water supply; (3) that the construction of dams, wells or other works are necessary to develop an adequate water supply, and (4) that such improvement or works will be conducive to and will promote the public health, convenience and welfare. (**History:** L. 1941, ch. 7, § 2; June 30.)

K.S.A. 82a-602a. Rural water-supply districts; inclusion of land located in other benefit districts. Any land located within an improvement district created pursuant to K.S.A. 19-2753 et seq., and amendments thereto, or any land located within an industrial district created pursuant to K.S.A. 19-3801 et seq., and amendments thereto, shall not be included within the boundaries of any rural water district created pursuant to K.S.A. 82a-601 et seq., and amendments thereto, unless the governing body of such improvement district or industrial district approves the inclusion thereof.

Nothing in this section shall be construed as providing a procedure for the detachment or deannexation of land located within the boundaries of a rural water district. (**History:** L. 1997, ch. 143, § 7; May 8.)

K.S.A. 82a-603. Time fixed for consideration of petition. Whenever a petition as provided in the preceding section is filed with the county clerk, the county clerk shall thereupon give notice to the county commissioners of the filing and pendency of such petition and the county commissioners shall forthwith fix a time within 30 days from date of filing of the petition, for a hearing of the same and the county clerk shall at least seven days before date fixed for such hearing, give or send by mail, written notice thereof to each of the petitioners, and shall transmit to the chief engineer of the division of water resources, Kansas department of agriculture, one copy of the petition and notice of the date set for its consideration. (**History:** L. 1941, ch. 7, § 3; L. 2004, ch. 101, § 139; July 1.)

K.S.A. 82a-604. Consideration of petition by county commissioners. At the time set for the hearing and consideration of the petition as provided in the preceding section, it shall be the duty of the board of county commissioners to ascertain (1) whether proper notice of the hearing has been given to the signers of the petition and the chief engineer as required by this

act; (2) whether lands described in the petition are without an adequate water supply; (3) whether the construction of dams, wells or other works are necessary to develop an adequate water supply; (4) whether such improvements or works will be conducive to and will tend to promote the public health, convenience and welfare. If upon such consideration it shall be found that such petition is in conformity with the requirements of this act, the board of county commissioners shall thereupon immediately declare the land described in the petition to constitute a quasi-municipal corporation and the petitioners therein to be incorporated as a water-supply district under the name of "Rural Water-supply District No. _____, _____ County, Kansas," (inserting number in order of incorporation and name of county) and thereupon shall enter upon its records full minutes of such hearing together with declaration that henceforth all land in said district and the owners thereof and their successors shall constitute a body politic and corporate under said corporate name for the purposes of this act. **(History:** L. 1941, ch. 7, § 4; June 30.)

K.S.A. 82a-605. Government of district. The owners of land within said district shall constitute the governing body of each water-supply district incorporated under this act within their respective counties and shall constitute a board of directors who shall immediately following the granting of incorporation by the board of county commissioners, meet in the office of the county clerk and select from their number a president. The county clerk and county treasurer shall respectively act and perform the required duties of a secretary and treasurer for said district. It shall be the duty of the secretary to cause an entry to be made upon its records showing all of its minutes, decisions and orders made pursuant to the provisions of this act. **(History:** L. 1941, ch. 7, § 5; June 30.)

K.S.A. 82a-606. Powers of water-supply districts. Every water-supply district incorporated under this act shall have perpetual succession, subject to dissolution as provided by this act; shall be empowered to sue and be sued; shall be capable of contracting and being contracted with; shall be authorized and empowered to hold such real and personal property as may come into its possession by will, gift, purchase or otherwise as authorized by law; shall have power to construct, install, maintain and operate such dams, wells and other works and such appurtenant structures and equipment as may be necessary to carry out the purposes of its organization and shall have power to issue bonds to defray the cost of such improvements and to levy special assessments and taxes to pay the bonds or defray the cost of the improvements or any part thereof, and the cost of maintenance of such works as hereinafter provided. **(History:** L. 1941, ch. 7, § 6; June 30.)

K.S.A. 82a-607. Employment of labor and services. The board of directors of any such district in this state acting in its capacity as the governing body of water-supply districts within their respective counties, may employ such common and skilled labor, and professional and other services as may be necessary to the proper performance of such work or improvement as is proposed to be done within any such district in the county, and the maintenance thereof. **(History:** L. 1941, ch. 7, § 7; June 30.)

K.S.A. 82a-608. Assessment of benefits and costs. Plans, specifications, estimates of cost and amount of benefits to each tract in such district for any proposed improvement authorized by this act shall be filed with the chief engineer of the division of water resources and

with the secretary of the water-supply district, and the total benefits of any such improvement shall be divided into a suitable number of units of which each landowner within the district shall subscribe to the number of such units in proportion to the extent he or she desires to participate in the benefits of the improvements. All costs in connection with the construction of such improvement shall be assessed to such landowners in proportion to benefits subscribed for and each landowner's share of the benefits of such improvement shall thereafter be in that proportion. **(History:** L. 1941, ch. 7, § 8; June 30.)

K.S.A. 82a-609. Payment of costs. The board of directors of any water-supply district as provided shall have power to cause to be constructed within such district such works as are authorized by this act and to issue bonds to pay the cost thereof, the outstanding amount at any time of such bonds not exceeding ten percent of the assessed valuation of all taxable lands and improvements within the district as shown by the assessment and tax rolls of the preceding year, and such bonds to be paid by a special assessment levied upon taxable lands and improvements of landowners within the district, and assessed in proportion to the benefit units subscribed to by each landowner as provided in the next preceding section. **(History:** L. 1941, ch. 7, § 9; June 30.)

K.S.A. 82a-610. Operations and maintenance of improvements. The officers of the board of directors shall hold their office for a period of one year, and thereafter at the pleasure of the board of directors until a successor is elected; it shall be the duty of the president of said board of directors to keep in repair such works as are constructed by the district as authorized in this act and to operate such works, all as directed by said board. The president and all persons who may perform any service or labor as provided herein shall be paid such just and reasonable compensation as may be allowed by the board of directors and said board may annually levy such amount as in its judgment is necessary to properly maintain and operate such works and assess such amount against landowners within the district in the same proportion and manner as provided in the preceding section, and it shall not be required to publish its budget prior to hearing thereon, provided all directors approve and sign said budget. **(History:** L. 1941, ch. 7, § 10; June 30.)

K.S.A. 82a-611. Dissolution. Whenever a petition signed by three-fourths of the landowners in any water-supply district organized under provisions of this act, and acts amendatory and supplemental thereto, is presented to the board of county commissioners of the county wherein said district is located, and it shall appear from said petition that said district owns no property of any kind, exclusive of records, maps, plans and files; that all of its debts and obligations have been fully paid; that the board of directors have not held a meeting for more than one year prior to the date of signing said petition; that the district is not functioning, and will probably continue to be inoperative, the board of county commissioners shall after such finding issue a certificate stating the allegations in said petition as true and declaring said water-supply district dissolved, and shall make full minutes of such hearing in its journal and deliver said certificate to the secretary of said district. The secretary of said district shall within thirty days thereafter deliver all records, maps, plans and files to the county clerk, and thereupon said district shall be dissolved. **(History:** L. 1941, ch. 7, § 11; June 30.)