

## 2023 Kansas Statutes

**82a-1044. Identification of priority areas of concern; development of action plans; criteria for priority areas of concern; submission to chief engineer; action plan review.** (a) (1) Not later than July 1, 2024, the board of each district shall identify all priority areas of concern within each such board's district and set reasonable boundaries for each area of concern using data from the Kansas geological survey or any other source approved by the chief engineer. Priority areas of concern include areas where:

(A) The estimated usable lifetime of groundwater is 50 years or less or a similar measure of future water availability can be determined based on local water use and water level data; or

(B) an unreasonable deterioration of the quality of groundwater is occurring.

(2) Priority areas of concern may also include areas where:

(A) Groundwater levels are declining or have declined excessively;

(B) the rate of withdrawal of groundwater equals or exceeds the rate of recharge;

(C) preventable waste of water is occurring or may occur;

(D) an unreasonable deterioration of the quality of groundwater may occur; or

(E) other areas identified by the board of a district and approved by the chief engineer.

(3) After the board of each district identifies priority areas of concern, the board shall submit a report to the chief engineer detailing the priority areas of concern, the nature of such concern and how the areas were identified and developed.

(4) (A) The board of each district shall conduct public education and outreach in each priority area so that the board may develop an action plan to reasonably address the identified concerns in each area based on input from the water right owners and users within the area. Such action plan shall be submitted to the chief engineer by July 1, 2026.

(B) Within 90 calendar days after a district submits an action plan, or any subsequent updates to such action plans as described in subparagraph (C), to the chief engineer, the chief engineer shall review such district's action plan and identified priority areas of concern. If such plan and priority areas are approved by the chief engineer, the chief engineer shall implement any action plan that requires action from the chief engineer. Once a district's action plan has been approved by the chief engineer, the board of each district shall implement the action plan as soon as practicable and incorporate the action plan and priority areas into the district's management program at the next annual review.

(C) At least every five years, the board of each district shall review existing priority areas of concern, any action plans previously adopted and the district at large to identify any new areas that meet the priority area conditions. Upon such review, the board shall update its priority areas of concern and action plan as necessary and shall submit such findings and any updates to the chief engineer.

(b) If a board fails to identify priority areas of concern within a district or to submit an action plan to address the concerns in each area identified, or subsequent updates to such action plans, or if a board submits a plan that fails to reasonably address the problems within each area identified, the chief engineer may:

(1) Designate priority areas of concern in accordance with subsection (a);

(2) create an action plan in accordance with subsection (a); and

(3) take such corrective actions necessary under the authority granted to the chief engineer pursuant to the Kansas water appropriations act and Kansas groundwater management act to carry out the action plan.

(c) Upon request of a board, the chief engineer shall review the activities previously undertaken by the board to determine if the board has already complied with some or all of the requirements of this section. All areas within a district that have adopted a local enhanced management area pursuant to K.S.A. 82a-1041, and amendments thereto, on July 1, 2023, shall be considered to be a priority area of concern with an approved action plan in compliance with the requirements of subsections (a)(1) and (a)(4)(B) until the first action plan review pursuant to subsection (a)(4)(C). All areas within a district that have an established intensive groundwater use control area established pursuant to K.S.A. 82a-1036, and amendments thereto, on July 1, 2023,

shall be considered to be a priority area of concern with an approved action plan in compliance with the requirements of subsections (a)(1) and (a)(4)(B) until reviewed by the chief engineer pursuant to a schedule established in rules and regulations.

(d) The Kansas department of agriculture, including the division of water resources and the division of conservation, chief engineer, Kansas water office, Kansas department of health and environment, state corporation commission, university of Kansas, Kansas geological survey, Kansas state university, Kansas state university extension system and local conservation districts shall provide assistance and support to each board as is reasonably necessary for the achievement of the goals set forth in this section. The Kansas water authority shall consider the efforts of such agencies to assist the districts when recommending appropriations of the state water plan fund.

(e) This section shall be a part of and supplemental to article 10 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto.

**History:** L. 2023, ch. 56, § 2; July 1.