



THE KANSAS WATER APPROPRIATION ACT AND GROUNDWATER MANAGEMENT DISTRICTS

Kansas operates under the prior appropriation doctrine for water use, which is often described by the saying “first in time, first in right.” The water is dedicated to the use of the people, subject to the control and regulation of the state. Through obtaining a water right, users are granted a property right to put water to beneficial use, with earlier users given priority. The Kansas Water Appropriation Act (KWAA) and accompanying regulations are the laws in Kansas that govern the management of the state’s water resources.^[1] Adopted in 1945, the KWAA tasks the state’s Chief Engineer with administering the allocation and use of water, which includes issuing new appropriations, ensuring compliance with the KWAA through enforcement powers, and maintaining water right and water use records.^[2] The Chief Engineer’s position is currently housed in the Division of Water Resources within the Kansas Department of Agriculture.

THE RESPONSIBILITIES OF GMD BOARDS

In 1972, the Kansas Legislature enacted the Groundwater Management District Act (the GMD Act), to provide some local management of the state’s water resources.^[3] The Kansas Legislature determined that Groundwater Management District (GMD) boards were necessary for the conservation of groundwater resources, the prevention of economic deterioration, the stabilization of agriculture, and to secure for Kansas the benefit of fertile soils and favorable location with respect to national and world markets.^[4] While preserving basic water use doctrine, the GMD Act aims to give local water users the right to determine their own destiny with respect to groundwater use *insofar as it does not conflict with the basic laws and policies of the state of Kansas*.^[5]

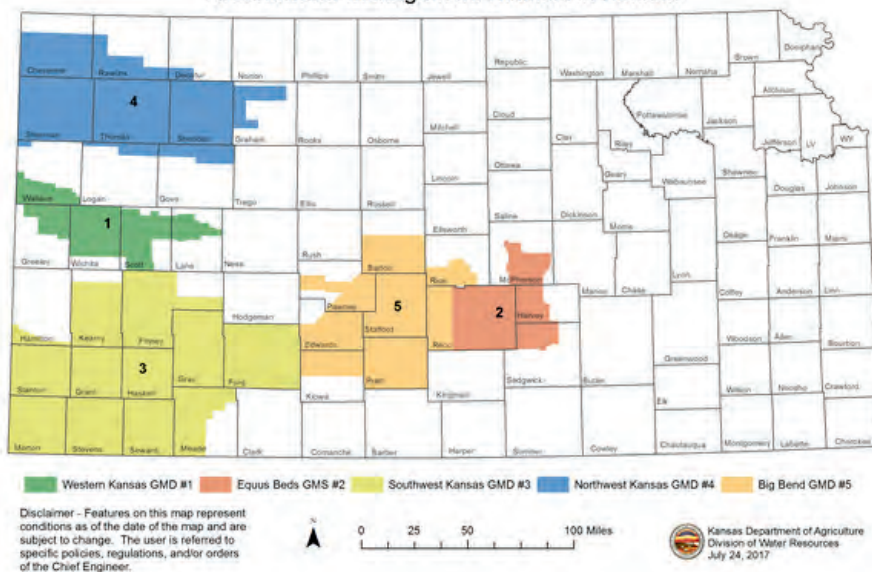
There are five GMDs covering parts of central and western Kansas. They are governed by boards that are elected by eligible voters within the district, which includes persons owning 40 or more acres of land within the district, and groundwater users of one acre-foot or more per year.^[6]

FIND ADDITIONAL

 **RESOURCES ON THESE
WATER ISSUES ON THE
LEGAL FOUNDATION’S
WEBSITE:**

- State and Federal water laws
- Local Enhanced Management Areas (LEMAs)
- Leasing Land and Water Rights

Groundwater Management Districts in Kansas



RECENT CHANGES TO THE GMD ACT – PRIORITY AREAS OF CONCERN AND ACTION PLANS

The GMD Act was amended in 2023 to, among other things, add annual reporting requirements,^[7] and mandate that each GMD identify all priority areas of concern within its district and develop an action plan to address the concerns.^[8] By January 25 of each year, all GMDs are to provide certain legislative committees with a written report on the district's budget, finances and activities of the district, along with a summary of the action plan and activities undertaken to address the priority areas of concern.^[9]

Priority areas of concern include areas where:

- 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;
- an unreasonable deterioration of the quality of groundwater is occurring;

Priority areas of concern may also include areas where:

- groundwater levels are declining or have declined excessively;
- the rate of withdrawal of groundwater equals or exceeds the rate of recharge;
- preventable waste of water is occurring or may occur;
- an unreasonable deterioration of the quality of groundwater may occur; or
- other areas identified by the board of a district and approved by the chief engineer.^[10]

Once the priority areas of concern are identified, the districts must conduct public education and outreach in each priority area to develop an action plan that reasonably addresses the identified concerns. Those action plans were due by July 1, 2026.^[11] Not all GMDs have met the initial deadlines for identifying priority areas of concern, or developing an action plan to address the concerns, but the Kansas Department of Agriculture has the available priority areas of concern (identified by each GMD) and the responsive action plans, available on its website.^[12]



THE RELATIONSHIP BETWEEN THE CHIEF ENGINEER AND GMDS

GMD boards largely serve in an advisory role or subordinate role to the Chief Engineer.^[13] While GMD boards have assessment and bonding authority within their districts to raise necessary funds, they do not have rulemaking authority. For example, each of the GMDs has administrative regulations that apply only within its boundaries that govern things like well-spacing and other basin-specific rules, but the regulations were adopted by the Chief Engineer generally upon the request and with feedback and direction from the applicable GMD.

Two important tools for the management and control of water issues in the state include Intensive Groundwater Use Control Areas (IGUCAs) and Local Enhanced Management Areas (LEMAs). The development of an IGUCA or a LEMA generally begins locally, though the Chief Engineer has authority to initiate IGUCA proceedings for areas located outside of a GMD's boundaries. Both processes, IGUCAs and LEMAs, involve local input from the GMD board and local water users through public hearings. Authority to approve an IGUCA designation or LEMA plan, however, rests with the Chief Engineer.

The Chief Engineer also has oversight in the process where a GMD identifies priority areas of concern and develops and implements a responsive action plan, as such designations and plans require approval from the Chief Engineer.^[14] Moreover, if a GMD fails to meet its responsibilities to identify priority areas of concern, or develop a plan that addresses the issues identified, the Chief Engineer may take on the responsibility of designating priority areas of concern, creating an action plan, and taking necessary corrective actions within his authority to carry out the action plan.^[15]

CONCLUSION

The share of responsibilities between the Chief Engineer and the GMDs can be complicated to navigate at times. GMDs serve a valuable function of organizing local water users to consider critical water issues, and allowing them to share their collective voice with the Chief Engineer. The Chief Engineer, though, retains ultimate authority over water appropriation issues within the state. Tools like IGUCAs and LEMAs were created to help GMDs address issues of aquifer decline, over-appropriation, waste, and deteriorating water quality, among other conditions that are in the public interest. More recent legislative efforts, however, set relatively condensed timelines for action by the

GMDs to identify areas of concern and develop a plan to address those concerns, before allowing the Chief Engineer to step into a role addressing local issues that has generally been reserved for the elected boards of the GMDs.



END NOTES

^[1] KWAA is found at K.S.A. 82a-701 through 82a-722, 82a-724 through 82a-734a, 82a-736, 82a-737, 82a-741 through 82a-745, and the accompanying regulations are found out K.A.R. 5-1-1 et seq.

^[2] The Chief Engineer is also responsible for overseeing the water structures program that regulates the construction of dams, levees, and other changes to streams; managing compliance with the state's four interstate river compacts; as well as coordinating the national flood insurance program in the state.

^[3] K.S.A. 82a-1020 – 82a-1045.

^[4] K.S.A. 82a-1020.

^[5] *Id.* (emphasis added).

^[6] K.S.A. 82a-1026 sets forth some of the annual meeting requirements for GMDs. K.S.A. 82a-1021(a)(5) provides the definition of an eligible voter.

^[7] K.S.A. 82a-1043.

^[8] K.S.A. 82a-1044.

^[9] K.S.A. 82a-1043(b) requires the annual report to include: (1) An itemized list of all income and the source from which the income was received, including any grants and interest income earned; (2) an itemized list of all expenditures by the board; (3) an accounting of all assets currently held by the board; (4) the most recent approved audit prepared in accordance with K.S.A. 75-1120a, and amendments thereto; (5) the budget adopted for the current year pursuant to K.S.A. 82a-1026, and amendments thereto; (6) a detailed description of the activities of the district; and (7) a detailed statement that explains how the expenditures by the board served to further the conservation and reduced consumptive use of groundwater, the prevention of economic deterioration and the stabilization of agriculture or otherwise supported implementation of the district's management program. K.S.A. 82a-1043(c) additionally requires, beginning in January 2025, the report to summarize the action plans and activities undertaken pursuant to K.S.A. 82a-1044, and amendments thereto.

^[10] K.S.A. 82a-1044(a)(1) and (2).

^[11] K.S.A. 82a-1044(a)(4)(A).

^[12] <https://www.agriculture.ks.gov/divisions-programs/division-of-water-resources/managing-kansas-water-resources/groundwater-management-districts> (last accessed July 28, 2026). This page also contains links with information about each GMD, and links to their respective websites.

^[13] See K.S.A. 82a-1039 – Nothing in [the GMD Act] shall be construed as limiting or affecting any duty or power of the chief engineer granted pursuant to the Kansas water appropriation act.

^[14] K.S.A. 82a-1044(a)(4)(B).

^[15] K.S.A. 82a-1044(b).

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