

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Conservation

Article 1.—Water Resources Cost-Share Program

11-1-11. Contract between the landowner and the state conservation commission.

(a) Each applicant for financial assistance shall sign a contract on the form or forms approved by the commission.

(b) The applicant shall agree to maintain the practice according to maintenance procedures prescribed by the commission for 10 years or the life of the practice, whichever is greater.

(c) If the financial assistance recipient fails to maintain the practice according to contract provisions, the recipient may be declared ineligible for future financial assistance funds. The financial assistance recipient may be required to repay financial assistance funds received on the following pro rata basis if the amount is more than \$100.00 and the recipient has constructed or installed the practice within the following time limits:

- (1) Five or fewer years: 100%;
- (2) more than five years but six or fewer years: 80%;
- (3) more than six years but seven or fewer years: 60%;
- (4) more than seven years but eight or fewer years: 40%;
- (5) more than eight years but nine or fewer years: 20%; and
- (6) more than nine years but 10 or fewer years: 10%.

(d) Each recipient of state financial assistance for any pollution control practice shall be responsible for proper operation and maintenance and, if needed, modification of the facility or any other actions to ensure satisfactory operation and continued pollution control, at the recipient's expense.

(e) Each financial assistance recipient shall obtain a written agreement to transfer the maintenance responsibilities specified in the event of new ownership of the property where the practice was installed.

(f) If a recipient of financial assistance is determined by the commission to be in noncompliance with the requirements of the contract for financial assistance, upon notice by the district, the recipient shall bring the property into compliance within the time specified by the commission, or the repayment provisions of the application contract outlined in subsection (c) above shall apply.

(g) The provisions of the financial assistance application contract shall not apply to a recipient of financial assistance if the recipient's failure to comply is due to any of the following:

- (1) Natural disasters;
- (2) faulty design or construction, as determined by the commission; or
- (3) any other situation beyond the control of the financial recipient.

(Authorized by and implementing K.S.A. 2000 Supp. 2-1915, as amended by L. 2001, Ch. 64, Sec. 1; effective Aug. 23, 2002.)

***** Authenticated Kansas Administrative Regulation *****