



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

June 23, 1978

ATTORNEY GENERAL OPINION NO. 78-210

The Honorable Thomas E. Slattery
State Representative
3431 Northwest 42nd
Topeka, Kansas 66618

Re: Rural Water Districts--Grants--Eligibility

Synopsis: An unincorporated town is not an eligible grantee under K.S.A. 82a-638 as amended by 1978 Senate Bill 648.

* * *

Dear Representative Slattery:

The 1978 Legislature enacted Senate Bill 648, amending K.S.A. 82a-638 to add the following language:

"There is hereby created a state program of grants to rural water districts, the purpose of which is to assist in the provision of a water supply to individuals living in sparsely populated rural areas of the state and to small municipalities."

You advise that the "village" of Grantville, Kansas, recently applied for and was denied a grant under this act by the Division of Water Resources. Two of the reasons for denial, you advise, were that Grantville is not considered a municipality because it is not incorporated, and in addition, that the purpose of the legislation was to provide funds for construction necessary to bring water to a rural area or municipality rather than to finance the construction of an internal system such as would be the case in Grantville.

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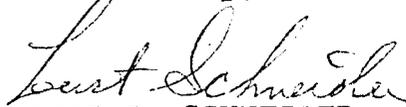
The 1978 amendment quoted above did not alter the existing language in the section, which provides in pertinent part thus:

"The board of directors of any rural water district operating under K.S.A. 82a-612 *et seq.* may apply to the division of water resources of the state board of agriculture for a state grant in an amount equal to but not exceeding the amount of any grant such rural water district would be authorized to receive from any federal agency as provided in K.S.A. 82a-619. After a review of the rural water district's application and a determination that the applicant is qualified for the state grant, the chief engineer of said division . . . may approve the state grant application."

Thus, only organized rural water districts are authorized grantees under this section. An unincorporated town or village is not an eligible grantee, nor, for that matter, is an incorporated municipality.

If you have further questions concerning this matter, please feel free to contact us.

Yours truly,


CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj