Dear Mr. Norris:

As counsel for Rural Water District No. 3 of Johnson County, Kansas, you have requested our opinion concerning the powers of rural water districts. Specifically, you have inquired whether the word "rural" may be deleted from the corporate name of the water district. The purpose of the desired name change is to reflect the shift from a rural to an urban character of the district.

Synopsis: Rural water districts are entities created by statute and are subdivisions of the state. They have authority only as conferred by the legislature. In the absence of a grant of power to do so, a rural water district may not delete the word "rural" from its name. Cited herein: K.S.A. 60-1401; 60-1403; 82a-612; 82a-616; 82a-619; 82a-619a; 82a-619b; 82a-620.

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* * *
Rural water districts are established pursuant to K.S.A. 82a-612 et seq. These sections originated as L. 1957, ch. 540. Neither the statutes as now written, nor the original act, differentiate between rural or urban characteristics of lands forming rural water districts. Rather, the differentiation is between these entities and other quasi-municipal corporations which provide water supply.

Rural water districts are bodies politic and corporate. K.S.A. 82a-616(a). The powers of rural water districts are enumerated in K.S.A. 82a-619, 82a-619a, 82a-619b, and 82a-620. Changing the name of a water district is not one of the enumerated powers. It is a well settled principle that creatures of statute have powers only as conferred by statute. Any "reasonable doubt as to the existence of such power should be resolved against its existence." Hobart v. U.S.D. No. 309, 230 Kan. 375, Syl. ¶2 (1980); State ex rel., v. Rural High School District No. 7, 171 Kan. 437, 441 (1951); Township Board of Ash Creek v. Robb, 166 Kan. 138, 139 (1948).

We find no grant of power from the legislature enabling water districts to change their names, (compare K.S.A. 60-1401 and 60-1403, granting authority for townships, towns, or cities to change their names) and we have been directed to none. It is therefore our opinion that a rural water district must retain its title as directed by statute, K.S.A. 82a-616.

Very truly yours,

ROBERT T. STEPHAN
Attorney General of Kansas

Julene L. Miller
Deputy Attorney General