



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 87-19

Michael G. Norris
Niewald, Waldeck, Norris & Brown
Corporate Woods, Building 40, Suite 550
9401 Indian Creek Parkway
P.O. Box 25790
Overland Park, Kansas 66225-5790

Re: Waters and Watercourses--Water Districts; Rural
Water Districts--Powers of Rural Water Districts;
Deletion of the Word "Rural" From Name

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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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.

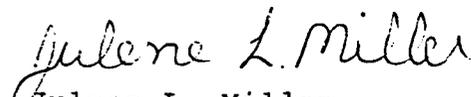
Rural water districts are established pursuant to K.S.A. 82a-612 et seq. These sections originated as L. 1957, ch. 540. Neither the statutes as now written, nor the original act, differentiate between rural or urban characteristics of lands forming rural water districts. Rather, the differentiation is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

RTS:JLM:jm