

Kansas Administrative Regulations

Kansas Department of Agriculture— Division of Water Resources

Article 1.—Definitions

5-1-7. Requirement to install a water flowmeter or other suitable water-measuring device.

(a) Each nondomestic, non-temporary well and pump site operated under the authority of an approval of application issued on or after the effective date of this regulation shall be equipped with a water flowmeter that meets or exceeds the requirements specified in K.A.R. 5-1-4 at the time the application is approved by the chief engineer.

(b)(1) Each nondomestic, non-temporary gravity diversion of water, including each diversion that utilizes an irrigation ditch, that is operating under the authority of an approval of application issued on or after the effective date of this regulation shall be equipped with a continuous recording gauge or other suitable water-measuring device, which shall be located at or near the headgate. Before installation of the continuous recording gauge or other water-measuring device, the water right owner shall submit plans and specifications for the proposed gauge or other suitable water-measuring device to the chief engineer and shall receive approval in writing from the chief engineer before installing the gauge or other suitable water-measuring device.

(2) Each continuous recording gauge or other suitable water-measuring device required pursuant to subsection (b)(1) shall meet the following criteria:

(A) Register not less than 94 percent and not more than 106 percent of the actual volume of water passing the device under normal operating conditions when compared to a field test conducted or approved by the chief engineer;

(B) be installed in accordance with the installation requirements of the chief engineer; and

(C) be maintained in a satisfactory operating condition any time water can reasonably be expected to be diverted.

(c) Each water right owner who receives approval of an application for a change in the place of use, point of diversion, or use made of water of a nondomestic water right shall install a water flowmeter on all points of diversion authorized by the approval of application, unless any of the following conditions are met:

(1) The water diverted pursuant to the approval of the application is being diverted from multiple points of diversion authorized by one water right that does not limit the maximum annual quantity and maximum rate of diversion by point of diversion, and all of the water diverted flows to a common point where a water flowmeter meeting the requirements of K.A.R. 5-1-4 and K.A.R. 5-1-6 measures all of the water pumped from all of the points of diversion authorized by that water right;

(2) an application for a change in point of diversion is filed to change the point of diversion of only one well, when more than one well is authorized by the approval of application or water right that authorizes the well for which a change in point of diversion is sought.

(d) If a water right meets the exception specified in subsection (c)(2), the owner of the water right shall be required to install a water flowmeter only for the well that is being relocated.

(e) Except as set forth in subsection (c), if installation of a water flowmeter is a condition of an approval of an application for a change in place of use, point of diversion, or use made of water, the water right owner who filed the application shall also install a water flowmeter on all other water rights authorized to divert water using the same point of diversion as the water right for which the change in place of use, point of diversion, or use made of water was sought.

(f) If any water right or approval of application has a condition requiring development, adoption, and implementation of a water conservation plan pursuant to K.S.A. 82a-733 and amendments thereto, a water flowmeter or suitable water-

measuring device shall be installed on each authorized point of diversion in compliance with these regulations.

(g) Each water right owner, including each domestic water right owner, and each owner of a water appropriation permit, shall install and maintain a water flowmeter or other suitable water-measurement device that meets the requirements specified in K.A.R. 5-1-4 and K.A.R. 5-1-6 on each authorized point of diversion if doing so is necessary for the chief engineer to effectively administer water rights in order to prevent impairment, to protect minimum desirable stream flows, to conserve water, to determine the extent of actual water use, or to otherwise carry out the duties of the chief engineer as set forth in the Kansas water appropriation act, K.S.A. 82a-701 et seq., and amendments thereto, and rules and regulations adopted pursuant thereto.

(h) Except as set forth in subsection (c), if a water flowmeter is required by the chief engineer, each point of diversion authorized by a water right or by the approval of an application to appropriate water for beneficial use shall have a separate flowmeter. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706c; effective Sept. 22, 2000; amended Oct. 31, 2008; amended Aug. 14, 2026.)

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