

Kansas Administrative Regulations

Kansas Department of Agriculture— Division of Water Resources

Article 5.—Change in the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right

5-5-17. Application to change points of diversion of groundwater rights.

(a) This regulation shall apply to groundwater rights and permits.

(b) As used in this regulation, the anchor point for a water right or permit:

(1) With an earlier priority date than the effective date of this regulation shall be the authorized point of diversion on the effective date of this regulation.

(2) With a later priority date than the effective date of this regulation shall be the original authorized point of diversion.

(c) An application for a change in point of diversion that is filed requesting to move a point of diversion more than 300 feet from the anchor point shall be considered unreasonable and contrary to the public interest and, in accordance with K.S.A. 82a-708b, and amendments thereto, shall not be approved if the application seeks to move a water right or permit's authorized point of diversion into an area that is more densely appropriated than the area where the anchor point is located, unless the water right or permit would meet the requirements of safe yield pursuant to K.A.R. 5-3-10 at the proposed point of diversion.

(d) A change in the point of diversion of a water right or permit of more than 2,640 feet from the water right or permit's anchor point shall be considered unreasonable and contrary to the public interest and, in accordance with K.S.A. 82a-708b, and amendments thereto, shall not be approved.

(e) This regulation shall apply to:

(1) Changes in points of diversion that would only impact another water right or permit held by the owner of the water right or permit at issue; and

(2) applications for changes in points of diversion filed within a groundwater management district for which the chief engineer has previously adopted regulations specifying a less restrictive standard for changes in the points of diversion of groundwater water rights and permits.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 2025 Supp. 82a-708b; effective Aug. 14, 2026.)

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