

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-28. Lyons special groundwater quality area.

(a) A special groundwater quality area all in Rice County, Kansas, and partially located within the boundaries of the Big Bend groundwater management district no. 5 shall be hereby established in the following described area consisting of approximately 37 square miles in central Rice County, Kansas:

- (1) Sections 33, 34, and 35 of township 19 south, range 8 west;
- (2) sections 1-4, 9-16, 21-25, township 20 south, range 8 west;
- (3) sections 7, 17-21, 27-34, township 20 south, range 7 west; and
- (4) sections 3-5, township 21 south, range 7 west.

(b) Each application for a new appropriation of groundwater, a newly constructed well, or a change in point of diversion for a well proposed to be located within the area shall be reviewed by the chief engineer to determine whether the proposed appropriation will have any adverse effect on the movement and remediation of saltwater pollution south and east of Lyons, Kansas.

(c) A test well log shall accompany each type of application filed for a point of diversion described in subsection (b) that is proposed to be located within the area described in subsection (a), and shall include the following information:

- (1) Depth to bedrock;
- (2) a water quality analysis of water taken from the bottom 20 feet of the aquifer, including analysis of sodium and chloride concentrations; and
- (3) a water quality analysis of water taken within the top 20 feet of the aquifer, including analysis of sodium and chloride concentrations.

(d) If the chief engineer can not determine whether the proposed application will affect the movement and cleanup of saltwater pollution south and east of Lyons in a manner that is adverse to the public interest or that will cause impairment to other water

rights by causing an unreasonable deterioration of the water quality, then the applicant shall submit any information the chief engineer needs to make that determination. The information shall be submitted within a reasonable time period specified by the chief engineer.

(e) If the proposed point of diversion is located within the district, the proposed application shall be submitted by the chief engineer to the board of the district for review and recommendation. The board shall have 30 days to review the application and submit its recommendation to the chief engineer. The recommendation of the board shall be considered by the chief engineer in making a decision as to whether the application can be approved as filed or modified.

(f) The application shall be dismissed and its priority forfeited if either of the following conditions is met:

(1) The chief engineer determines that approval of the application will affect the movement and cleanup of saltwater pollution south and east of Lyons in a manner that prejudicially and unreasonably affects the public interest or that will cause impairment to other water rights by causing an unreasonable deterioration of the water quality because of saltwater pollution.

(2) The applicant fails to submit the information requested by the chief engineer within the time specified.

(g) The application shall be approved if both of the following conditions are met:

(1) The chief engineer determines that the approval of the application, as filed or modified, will not affect the movement and cleanup of saltwater pollution south and east of Lyons in a manner that would prejudicially and unreasonably affect the public interest and will not cause impairment to other water rights by causing an unreasonable deterioration of the water quality because of saltwater pollution.

(2) The application meets all other applicable statutory and regulatory criteria.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706c, K.S.A. 82a-709, K.S.A. 82a-710, K.S.A. 1999 Supp. 82a-711, and K.S.A. 82a-732; effective Sept. 22, 2000.)