

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 13.—Sand and Gravel Pit Operations

5-13-2. Determination of "substantially adverse impact on the area groundwater supply."

" (a) A sand and gravel operation shall be deemed to cause a "substantially adverse impact on the area groundwater supply," as provided in K.S.A. 82a-734 (b) and amendments thereto, if the sand and gravel pit operation is opened or expanded after the effective date of this regulation in any township that has an average annual potential net evaporation greater than 18 inches per year as determined from K.A.R. 5-6-3.

(b) In any township that has an average annual potential net evaporation of 18 or fewer inches per year, as determined from K.A.R. 5-6-3, the opening or expansion of a sand and gravel pit operation, shall be deemed to not cause a "substantially adverse impact on the area groundwater supply," as provided in K.S.A. 82a-734 and amendments thereto, unless the chief engineer can demonstrate that the project will cause one or more of the following:

- (1) A direct impairment to a groundwater approval of application or water right;
- (2) an unreasonable deterioration of the groundwater quality;
- (3) an unreasonable raising or lowering of the static water level; or
- (4) prevention of any waters of the state from moving to a person having a prior right to use these waters.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-721 and K.S.A. 82a-734; effective Sept. 22, 2000.)

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