

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-9. Public interest.

(a) In accordance with K.S.A. 82a-711(b)(5), as amended, in ascertaining whether a proposed use will prejudicially and unreasonably affect the public interest, the chief engineer shall also take into consideration the quantity, rate and availability of water necessary to:

- (1) satisfy senior domestic water rights from the stream;
- (2) protect senior water rights from being impaired by the unreasonable concentration of naturally occurring contaminants; and
- (3) over the long term reasonably recharge the alluvium or other aquifers hydraulically connected to the stream.

(b) Unless otherwise provided by regulation, it shall be considered to be in the public interest that only the safe yield of any source of water supply, including hydraulically connected sources of water supply, shall be appropriated.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-711; effective Nov. 28, 1994.)

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