

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 24.—Northwest Kansas Groundwater Management District No.

4

5-24-3. Well spacing.

(a) Except as specified in subsection (b), the spacing between each proposed well and all other wells authorized to withdraw water from the same source of water supply shall be as follows:

(1) In the Ogallala aquifer and in alluvial aquifers not closed to new appropriations, the required minimum spacing for nondomestic, nontemporary wells shall be as follows:

(A) 0 to 175 acre-feet requested: a minimum spacing of 1,400 feet;

(B) 176 to 350 acre-feet requested: a minimum spacing of 2,000 feet;

(C) 351 to 575 acre-feet requested: a minimum spacing of 2,400 feet; and

(D) more than 575 acre-feet requested: a minimum spacing of 2,800 feet.

(2) If the quantity of water authorized or applied for includes a fraction of an acre-foot, the quantity of water shall be rounded off to the nearest acre-foot of water for the purpose of applying this regulation.

(3) Each nondomestic well shall be spaced a minimum of 800 feet from each domestic well constructed in the same aquifer unless the chief engineer determines that one of the following criteria is met:

(A)(i) The domestic well is owned by the applicant;

(ii) the applicant signs a written request to waive the spacing requirement to the domestic well;

(iii) the applicant submits information documenting the location and depth of the domestic well, and any other information necessary to determine whether the domestic well is likely to be impaired; and

(iv) a Theis analysis or other hydraulic analysis done by the chief engineer shows that the domestic well is not likely to be impaired by the proposed well; or

(B)(i) The owner of the domestic well signs a written request to waive the spacing requirement to the domestic well;

(ii) the applicant submits information documenting the location and depth of the domestic well, and any other information necessary to determine whether the domestic well is likely to be impaired; and

(iii) a Theis analysis or other hydraulic analysis done by the chief engineer shows that the domestic well is not likely to be impaired by the proposed well.

(4) Each nondomestic application for additional water from an existing well already authorized by one or more water rights shall meet the minimum spacing requirements in paragraph (a)(1) for the cumulative total of all existing water rights, earlier appropriations, and the proposed appropriation for that well.

(5) For a battery of wells, the well spacing shall meet the minimum spacing in paragraph (a)(1) based on the total amount of water applied for by the battery of wells. The minimum spacing distance shall be measured from the geocenter of the proposed battery of wells.

(6) Nondomestic wells withdrawing water from a cretaceous aquifer shall be spaced a minimum of four miles from all other wells withdrawing water from a hydraulically connected cretaceous aquifer. The spacing between a nondomestic well withdrawing water from a cretaceous aquifer and a domestic well withdrawing water from the same aquifer shall be a minimum of 2,640 feet unless one of the following criteria is met:

(A)(i) The domestic well is owned by the applicant;

(ii) the applicant signs a written request to waive the spacing requirement to the domestic well;

(iii) the applicant submits information documenting the location and depth of the domestic well, and any other information necessary to determine whether the domestic well is likely to be impaired; and

(iv) a Theis analysis or other hydraulic analysis by the chief engineer shows that the domestic well is not likely to be impaired by the proposed well; or

(B)(i) The owner of the domestic well signs a written request to reduce the spacing requirement to the domestic well;

(ii) the applicant submits information documenting the location and depth of the domestic well, and any other information necessary to determine whether the domestic well is likely to be impaired; and

(iii) a Theis analysis or other hydraulic analysis done by the chief engineer shows that the domestic well is not likely to be impaired by the proposed well.

(b) The well spacing requirements of subsection (a) shall not apply to the following:

(1) Spacing to a standby well;

(2) spacing to another well if either of the following conditions is met:

(A)(i) The other well is owned by the applicant;

(ii) the owner of the other well signs a written request to reduce the spacing requirement to the other well;

(iii) the applicant submits information documenting the location and depth of the other well, and any other information necessary to determine whether the other well is likely to be impaired by the proposed well; and

(iv) a Theis analysis or other hydraulic analysis done by the chief engineer shows that the proposed well is not likely to impair the other well; or

(B)(i) The owner of the other well files a written request to waive the spacing requirement to the proposed well;

(ii) the applicant submits information documenting the location and depth of the other well, and any other information necessary to determine whether the other well is likely to be impaired by the proposed well; and

(iii) a Theis analysis or other hydraulic analysis done by the chief engineer shows that the proposed well is not likely to impair the other well;

(3) a replacement well that meets one of the following criteria:

(A) The well is being replaced within 300 feet of the currently authorized location; or

(B) both of the following conditions are met:

(i) The proposed replacement well location increases the spacing to all other wells for which the spacing requirement was not met on the date the application for a change in point of diversion was filed; and

(ii) the proposed replacement well location continues to meet the requirements for spacing to all wells for which the well spacing requirement was met at the time the application for change in point of diversion was filed; and

(4) an additional well if the original well and the additional well are owned by the same owner or owners.

(Authorized by K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-1028; implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-1028; effective May 1, 1983; amended Jan. 30, 2004.)

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