

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 42.—Design of Stream Obstructions

5-42-4. Stream obstruction; temporary structure.

A temporary structure shall not require a stream obstruction permit from the chief engineer pursuant to K.S.A. 82a-301 et seq. and amendments thereto if it meets all of the following criteria:

- (a) The structure is temporary in nature.
- (b) The structure is constructed only of temporary materials, including local streambed materials, straw or hay bales, plastic, or plywood, that are likely to wash out during a bank-full storm event.
- (c) The structure is actively maintained only during the duration of the temporary beneficial use.
- (d) The structure is less than two feet in height above the natural bed of the stream, and alterations to the stream and alterations to the stream bank are no more than are necessary for permitting access to the site for operation and maintenance.
- (e) The structure is below the natural low bank of the stream.
- (f) Any water backed up by the structure is detained solely on property under the control of the landowner that constructed the temporary structure.
- (g) The structure does not materially adversely affect the public interest, public safety, or environment.

(Authorized by K.S.A. 82a-303a; implementing K.S.A. 82a-303; effective Sept. 22, 2000.)

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