

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 22.—Equus Beds Groundwater Management District No. 2

5-22-12. Application processing requirements and procedures.

(a) Except as provided in subsection (c), each application for any of the following shall be subject to the requirements and procedures in subsection (b):

- (1) Appropriate water for beneficial use;
- (2) change the point of diversion, the use made of water, the place of use, or any combination of these; or
- (3) obtain a term permit.

(b)(1) Before final action is taken on an application, a copy of the application shall be submitted by the chief engineer to the district for review and recommendation.

(2) The district staff shall conduct a review of the proposed application. The district staff's recommendation to the chief engineer shall be consistent with the provisions of the Kansas water appropriation act, the groundwater management district act, and the regulations adopted by the chief engineer pursuant to those acts.

(3) Within 15 working days after the date the chief engineer submits the application to the district for review, or any extension of time approved by the chief engineer, the district staff shall submit to the chief engineer its findings and recommendation for approval, denial, or modification of the application and shall specify the basis for the recommendation. At the same time the district submits its recommendation to the chief engineer, the recommendation shall also be served on the applicant and any other parties to the proceedings.

(4) A district staff's findings and recommendation concerning an application may be appealed to the board by the applicant or anyone whose legal rights, duties, privileges, immunities, or other legal interests may be affected by approval, denial, or modification of the application.

(5) The petition for review by the board shall be filed by the party appealing the recommendation with the board within 30 days after the date of the letter sending the findings and recommendations by the staff of the district to the applicant or other party. The petition shall state the basis for the appeal and shall be accompanied by documentation supporting the appeal.

(6) During the appeal, any relevant information or data may be considered by the board, including relevant data and information submitted by a person whose legal rights, duties, privileges, immunities, or other legal interests may be affected by approval, denial, or modification of the application.

(7) After consideration of the appeal, one of the following actions shall be taken by the board:

(A) Remanding the matter to the district staff with instructions for additional investigation; or

(B) notifying the applicant and the chief engineer of the board's final recommendation. The applicant and all other parties shall be notified of the board's decision by certified mail.

(8) Within 15 days after the service of the board's decision on the applicant and any other party, the applicant or any other party may file with the board a written request for reconsideration, which shall state the specific grounds for the request for reconsideration. The petition for reconsideration shall be deemed denied if not acted on by the board within 30 days.

(c) The following shall not be subject to this regulation:

(1) The domestic use of water;

(2) an application for a temporary permit; and

(3) an application to change the point of diversion if both of the following conditions are met:

(A) The point of diversion is proposed to be moved less than 300 feet; and

(B) the point of diversion is not a battery.

(Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective Jan. 10, 2003.)

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