

# **Kansas Administrative Regulations**

## **Kansas Department of Agriculture—Division of Water Resources**

### **Article 50.—Water Transfers**

#### **5-50-2. Requirements for application.**

To be complete, a water transfer application shall show the following: (a) the name and mailing address of the applicant;

(b) the maximum quantity of water proposed to be transferred in a calendar year and the proposed maximum diversion rate;

(c) the location of the proposed point or points of diversion;

(d) the location of the proposed point or points of use;

(e) the proposed use made of the water;

(f) any economically and technologically feasible alternative source or sources of supply available to the applicant and to any other present or future users of the water proposed to be transferred. The water transfer application shall specify why this source of supply was selected over the alternative sources available;

(g) the proposed plan of design, construction and operation of any works or facilities used in conjunction with carrying the water from the point or points of diversion to the proposed point or points of use. The proposed plan shall be in sufficient detail to enable all parties to understand the impacts of the proposed water transfer;

(h) the estimated date for completion of the infrastructure and initial operation thereof;

(i) that the benefits to the state if the transfer is approved outweigh the benefits to the state if the transfer is not approved;

(j) that the proposed transfer will not impair water reservation rights, vested rights, appropriation rights or prior applications for permits to appropriate water;

(k) any current beneficial use of the water that is proposed to be transferred, including minimum desirable streamflow requirements;

(l) any reasonably foreseeable future beneficial use of the water;

(m) the economic, environmental, public health and welfare, and other impacts of approving or denying the transfer of water;

(n) any and all measures the applicant has taken to preserve the quality and remediate any contamination of water currently available for use by the applicant;

(o) the provisions of a revised management program adopted by a groundwater management district that are applicable to the proposed transfer whenever any of the proposed points of diversion are located within a groundwater management district;

(p) whether or not the applicant, and any entity to be supplied water by the applicant, have adopted and implemented conservation plans and practices that fulfill the following requirements:

(1) are consistent with guidelines developed and maintained by the Kansas water office, pursuant to K.S.A. 74-2608 and its amendments;

(2) have been in effect for not less than 12 consecutive months immediately before the filing of this water transfer application; and

(3) provide for a rate structure that encourages efficient use of water and results in conservation and wise, responsible use of water, if the transfer is for use by a public water supply system;

(q) the effectiveness of conservation plans and practices that have been adopted and implemented by the applicant and any other entities to be supplied water by the applicant;

(r) if applicable, population projections for any public water supply system that will be supplied by the water transfer, and the basis for those projections;

(s) the projected water needs of the applicant and of any other entities to be supplied water by the applicant, and the basis for those projections;

(t) plans for any environmental mitigation made necessary by the proposed water transfer;

(u) a list of other federal, state and local permits necessary to complete the proposed water transfer and the projected dates they will be obtained;

(v) the current per capita per day usage of any public water supply user to be supplied water by the applicant, and the current average per capita per day usage of other similar users in a region of the state that is climatically similar. If the applicant's

per capita per day usage exceeds the regional average, the applicant shall show why its per capita per day usage is reasonable.

(w) the projected per capita per day usage of any public water supply user to be supplied water by the applicant;

(x) a copy of the following contingently approved documents:

(1) a permit to appropriate water;

(2) an application for change in any or all of the following:

(A) the place of use;

(B) the type of use;

(C) point of diversion; or

(3) a contract to purchase water pursuant to the state water plan storage act;

(y) pursuant to K.A.R. 28-16-28b and K.A.R. 28-16-28d, the impacts of the proposed transfer on the water quality and designated uses of any stream that may be affected by the proposed transfer; and

(z) any additional factors that may be required by the chief engineer.

(Authorized by K.S.A. 82a-1506; implementing K.S.A. 1995 Supp. 82a-1503; effective May 1, 1984; amended Dec. 27, 1996.)

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