

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 17.—Water Banking

5-17-18. Reimbursable and non-reimbursable costs.

(a) The following costs incurred by the chief engineer for assistance and services to implement the Kansas water banking act shall be reimbursable by a water bank:

- (1) The cost of reviewing and approving a proposed water bank charter;
- (2) the cost of determining the extent to which a water right is bankable and in good standing;
- (3) the cost of reviewing an annual report filed by a water bank and conducting the analysis necessary to determine if the water bank has complied with the terms of the Kansas water banking act;
- (4) extra costs incurred to require water use reports to be filed earlier than March 1, the tracking of that information, and reporting that information to a water bank;
- (5) increased costs incurred to provide other water use and water right information to water banks or water bank customers;
- (6) the costs to monitor and enforce the provisions of the Kansas water banking act;
- (7) the costs of meetings and other discussions with water bank officials and employees;
- (8) the cost of enforcement of terms, conditions, and limitations of term permits issued to allow withdrawal of leased water and water from safe deposit accounts;
- (9) if additional enforcement of water rights and permits is requested by a water bank, enforcement costs that would not have been incurred by the chief engineer in the ordinary course of business against all water rights diverting water from within the boundaries of the water bank to prevent overpumping; and
- (10) the cost incurred if a water bank or a water bank customer requests the chief engineer to hold an abandonment hearing necessary to determine whether a water right

is bankable that would not have been done in the ordinary course of business by the chief engineer at that time.

(b) The following costs incurred by the chief engineer for assistance and services to implement the Kansas water banking act shall not be reimbursable by a water bank:

(1) The cost of issuing a term permit to allow diversion of leased water;

(2) the cost of issuing a term permit to allow withdrawal of water from a safe deposit account;

(3) enforcement costs that the chief engineer would have incurred in the ordinary course of business to take action against all water rights diverting water from within the boundaries of the water bank to prevent overpumping; and

(4) the cost of adopting regulations to implement the act.

(Authorized by K.S.A. 2002 Supp. 82a-769; implementing K.S.A. 2002 Supp. 82a-769 and K.S.A. 2002 Supp. 82a-771; effective Aug. 13, 2004.)

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