

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 18.—Water Conservation Areas

5-18-1. Water conservation area management plans.

(a) As used in this regulation, "historical water use period" shall mean the years 2008 through 2017 or an alternate time period that has been approved by the chief engineer because one of the following circumstances is met:

(1) The water rights were subject to a limitation imposed by an order of the chief engineer that is more restrictive than their authorized annual quantity at any point during that time period; or

(2) a different historical water use period is justified based on extenuating circumstances documented by the landowner.

(b) Only certified water rights and vested water rights shall be eligible to participate in a water conservation area.

(c) Each water conservation area management plan submitted to the chief engineer shall include information required in a template provided by the chief engineer and may include additional information relevant to the proposed water conservation area.

(d) In order to address the conditions that must exist for a water conservation area to be designated as specified in K.S.A. 82a-745, and amendments thereto, the primary purpose of each water conservation area shall be to either reduce the total amount of water withdrawn by the participating water rights or to protect or improve water quality.

(e) Whether a proposed water conservation area will reduce the total amount of water withdrawn under the water rights that are proposed to participate in the water conservation area shall be determined based on the following:

(1) Water used under the water rights that are proposed to participate in the water conservation area during the historical water use period, which shall account for past voluntary water conservation measures as the chief engineer determines appropriate and may be compared to climatic demand during the historical water use period;

(2) the amount of water used by other water users within at least one mile of the proposed water conservation area; and

(3) any other criteria the chief engineer determines appropriate.

Non-use of water due to lack of access to a point of diversion or to a declining aquifer condition shall not be considered past voluntary water conservation.

(f) Criteria the chief engineer determines appropriate may be used as the basis for establishing a water conservation area for the primary purpose of protecting or improving water quality.

(g) A proposed management plan that requests that water be allowed to be diverted under any water right participating in the proposed water conservation area in excess of that water right's authorized annual quantity shall include the location of, and the names and addresses of the owners of, all other water wells within one-half mile of the well that is proposed to be allowed to exceed its authorized annual quantity and shall not be approved unless total diversions under the proposed water conservation area:

(1) Reduce the total amount of water withdrawn under the water rights that are proposed to participate in the water conservation area;

(2) will not increase diversions from a single source of supply; and

(3) will not impair any water right pursuant to K.S.A. 82a-745(g).

(h) A water conservation area management plan may allow any unused portion of a water quantity allocation under an approved water conservation area to be carried over into a subsequent water conservation area term or into a new water conservation area, provided that:

(1) The carryover will not cause the aggregate water used under the water conservation area management plan to exceed aggregate water use during the historical water use period; and

(2) each request to carry over any unused portion of an allocation from an existing water conservation area into a new water conservation area shall be submitted before the existing water conservation area expires.

(i) Each request for a water conservation area to allow a water right to exceed its authorized annual quantity or include a carryover provision and all other changes to a condition or limitation of any base water right that have been approved or that will be

necessary in order for the proposed water conservation area to be approved shall be described in the proposed water conservation area management plan.

(j) A request contained in a proposed water conservation area management plan shall not be implemented or considered permissible until the proposed water conservation area management plan is approved by the chief engineer.

(Authorized by K.S.A. 82a-745; implementing K.S.A. 82a-745; effective April 10, 2026.)

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