

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 5.—Change in the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right

5-5-8. Standards for approval of an application for a change in the place of use and a change in the use made of water.

(a) Each application for a change in the place of use or the use made of water which will materially injure or adversely affect water rights or permits to appropriate water with priorities senior to the date the application for change is filed shall not be approved by the chief engineer.

(b) Each approval of a change application shall be conditioned by the chief engineer with the terms, conditions and limitations the chief engineer deems necessary to protect the public interest and enforce the terms of K.A.R. 5-5-3.

(c) As used in K.A.R. 5-5-3, "consumptive use" means gross diversions minus:

(1) waste of water, as defined in K.A.R. 5-1-1(cc); and

(2) return flows to the source of water supply:

(A) through surface water runoff which is not waste; and

(B) by deep percolation.

(d) The maximum annual quantity and maximum rate of diversion of water authorized by an approval of an application for a change in the use made of water shall not exceed the maximum annual quantity or maximum rate of diversion perfected at the time the application for change in the use made of water is filed with the chief engineer. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 1993 Supp. 82a-708b; effective Nov. 28, 1994.)

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