

# **Kansas Administrative Regulations**

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

### **Article 2.—Vested Rights**

#### **5-2-3. Battery of wells.**

Except as set forth in subsection (c), if a permit to appropriate water did not authorize a battery of wells, as defined in K.A.R. 5-1-1, before the effective date of this regulation, an application for change filed pursuant to K.S.A. 82a-708b, and amendments thereto, to add one or more wells to the authorized well to create a battery of wells shall not be approved unless all of the following criteria in either subsection (a) or (b) are met at the time that the application for change is filed:

(a) (1) The time to construct the diversion works has not expired.

(2) The proposed battery will meet the definition of a battery of wells as defined in K.A.R. 5-1-1.

(b) (1) The time to construct the diversion works has expired.

(2) A new application to appropriate water filed to appropriate water at the geocenter of the proposed battery of wells would meet the safe yield, allowable appropriation, or similar type of regulation, for a well filed at that location.

(3) The proposed battery of wells meets the definition of a battery of wells as defined in K.A.R. 5-1-1.

(c) Subsections (a) and (b) shall not apply to an application to change the point of diversion filed to add one or more wells to the authorized well to create a battery of wells if the proposed battery of wells is located within the boundary of a groundwater management district for which the chief engineer has adopted a specific regulation applicable to batteries of wells within that district.

(Authorized by and implementing K.S.A. 82a-706a; effective Sept. 22, 2000.)