

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-3. Storage of surface water for domestic use.

(a) Any person entitled to use surface water for beneficial purposes may collect and store surface water if the collection, storage, use, and times of use are consistent with reasonable storage and conservation practices. A reasonable quantity of water stored for domestic use shall be considered to be any quantity of water that meets the following requirements:

(1) Is sufficient to satisfy the domestic use for the current year and two succeeding years; and

(2) is necessary for the initial filling of the reservoir and refilling the reservoir after being drawn down for maintenance or other essential reasons. Collection and storage of all natural flows for domestic use shall be subject to vested rights and prior appropriation rights.

(b) The maximum average annual potential net evaporation from the surface of a pond, reservoir, or other similar surface water impoundment used exclusively for domestic purposes shall not exceed 15 acre-feet. The Kansas department of agriculture's map titled "maximum water surface for domestic reservoirs and ponds," dated December 7, 2007, is hereby adopted by reference. This map shall be used to determine the maximum surface area of a pond, reservoir, or similar surface water impoundment that may be used exclusively for domestic purposes. The maximum water surface shall be measured at either of the following, whichever is lower:

(1) The elevation of the principal spillway tube; or

(2) the elevation of the lowest uncontrolled spillway.

(c) An average annual potential net evaporation volume in excess of 15 acre-feet may be allowed if a person entitled to use surface water for domestic use demonstrates to the chief engineer that the quantity of water necessary to satisfy the domestic use,

and to offset evaporation and seepage, makes it necessary to store surface water in a pond, reservoir, or similar surface water impoundment with a surface area that produces an average annual potential net evaporation volume greater than that provided in subsection (b).

(d) Groundwater shall not be pumped from a well into a pond, reservoir, or similar surface water impoundment for storage unless the owner of the groundwater right demonstrates to the chief engineer that the storage would be reasonable.

(Authorized by K.S.A. 82a-706a; modified, L. 1978, ch. 460, May 1, 1978; implementing K.S.A. 82a-701(c), K.S.A. 82a-705a, and K.S.A. 82a-706a; amended Oct. 31, 2008.)

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