

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 4.—Distribution of Water Between Users

5-4-1b. Impairment complaints; regulation of impairing rights.

(a) Each complaint that a prior right to the use of water is being impaired shall be made to the chief engineer or an authorized representative of the chief engineer in writing.

(b) If the source of supply of the water right claimed to be impaired is groundwater, the complainant shall, upon request of the chief engineer, provide to the chief engineer a written report completed within 180 days preceding the date of the complaint that meets the following requirements:

(1) Is prepared by a licensed well driller, professional engineer, or professional geologist or an individual who the chief engineer determines is qualified to prepare the report;

(2) describes the construction and components of the water right's well;

(3) includes a well log or similar data that shows the depth and extent of the well construction; and

(4) includes testing and inspection data that shows the depth of the pump in the well column and the extent to which the pump, power unit, well casing, and screen are in good working condition.

(c) Following receipt by the chief engineer or an authorized representative of the chief engineer of any report required pursuant to this regulation, a complaint of impairment shall be considered submitted for purposes of K.S.A. 82a-717a.

(d) Following a determination of impairment or a substantial likelihood of impairment by the chief engineer, each impairing or allegedly impairing water right shall be subject to temporary or final order issued in accordance with K.S.A. 82a-717a, and amendments thereto, that contains the chief engineer's determination regarding how to administer each impairing or allegedly impairing water right.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706, K.S.A. 82a-706a, K.S.A. 82a-706b, and K.S.A. 82a-717a; effective Dec. 19, 2025.)

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