

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-5n. Authorized place of use.

(a) Except as set forth in subsection (b), each approval of application, or an approval of an application for change filed in accordance with K.S.A. 82a-708b, and amendments thereto, shall describe the authorized place of use as either of the following:

(1) Land not authorized for beneficial use of water by any other water right or approval of application; or

(2) exactly the same land authorized for beneficial use of water by one or more prior approvals of applications or water rights.

(b) The requirement in subsection (a) shall not apply to applications that propose to partially overlap the authorized place of use with any of the following:

(1) A municipality;

(2) an irrigation district;

(3) an irrigation ditch company;

(4) a rural water district;

(5) another authorized place of use that cannot all be physically served by all of the water rights and approvals of applications;

(6) an authorized place of use that is owned by different landowners who do not operate together; or

(7) the owner or owners of the water rights and approvals of applications demonstrate both of the following to the chief engineer:

(A) It is not practical or desirable to have a complete overlap.

(B) Allowing an incomplete overlap of authorized places of use will not prejudicially and unreasonably affect the public interest.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-709; effective Sept. 22, 2000.)

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