

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-16a. Closed areas; exemptions for up to five acre-feet of groundwater.

In any area of the state that is outside a groundwater management district and an intensive groundwater use control area (IGUCA) and that is closed to new appropriations of groundwater by regulation except for domestic use, temporary permits, and term permits for five or fewer years, applications to appropriate groundwater shall be exempt from meeting the safe yield criteria and the regulation closing the area to new appropriations if the chief engineer finds that all of the following criteria are met: (a) The sum of the annual quantity of water requested by the proposed appropriation and the total annual quantities of water authorized by prior approvals of applications allowed because of an exemption pursuant to this regulation does not exceed five acre-feet in a two-mile-radius circle surrounding the proposed point of diversion.

(b) The annual quantity of water requested is reasonable for the proposed beneficial use of water.

(c) All other criteria for processing a new application to appropriate water at that location, including well spacing criteria, have been met.

(d) The approval of the application does not authorize an additional quantity of water out of an existing well that would result in a total combined annual quantity of water authorized from that well in excess of five acre-feet per calendar year.

(e) The proposed beneficial use of water will significantly benefit the public interest and help maximize economic development.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-711, and K.S.A. 2002 Supp. 82a-1904; effective Oct. 24, 2003.)