

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 13.—Sand and Gravel Pit Operations

5-13-8. Offset calculations.

All of the following requirements shall apply with respect to an offset water right described in K.A.R. 5-13-7(d): (a) No physical diversion of the offset water right shall be required or allowed.

(b) The project shall receive credit for 100 percent of the net consumptive use of the water right used as an offset.

(c) Credit for acquisition of an existing surface water right shall be given for an equivalent quantity of water that is legally and physically available within the terms, conditions, and limitations of the surface water right at the location of the groundwater pit. The quantity of water available at the groundwater pit from the acquired surface water right shall be calculated by taking into account the following:

- (1) Stream gains;
- (2) stream losses;
- (3) transit losses;
- (4) water supplied from intervening tributaries; and
- (5) water needed to satisfy senior surface water rights to the same source of supply.

(d) Credit for acquisition of a groundwater right with a point of diversion located in the same stream channel aquifer as the groundwater pit shall be given for either of the following:

- (1) A groundwater right located within a two-mile radius of the groundwater pit; or
- (2) a groundwater right in the same source of water supply with a point of diversion located more than two miles up gradient of the geocenter of the groundwater pit for the quantity of water legally and physically available under that groundwater right at its original point of diversion, minus the transit loss between the original groundwater point of diversion and the geocenter of the proposed pit.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-721 and K.S.A. 82a-734;
effective Sept. 22, 2000.)

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