

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 43.—Sand Dredging Permits

5-43-4. Sand dredging; operations conflicting.

If more than one operator proposes to operate within a given reach of a private stream, then all conflicting applicants shall be required to submit proof of easements or other legal authority to operate. If more than one operator proposes to operate within a given reach of a navigable stream, the chief engineer shall determine which operators shall be permitted, based on the following criteria: (a) The capability of the applicant's equipment to operate within the desired area;

- (b) the applicant's need for the material;
- (c) the applicant's existing operation, if any;
- (d) the anticipated date the applicant will begin operation;
- (e) the applicant's history of operation;
- (f) the anticipated plant completion date;
- (g) proof of the applicant's easements and right-of-ways necessary to operate;
- (h) date of application; and
- (i) any other relevant factor.

(Authorized by K.S.A. 82a-303a; implementing K.S.A 82a-302; effective May 1, 1987.)

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