

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 17.—Water Banking

5-17-6. Conditions on the term permit to exercise a contract to lease water.

(a) A contract to lease water may be exercised only if the chief engineer approves an application for a term permit to divert the leased water.

(b) The following conditions shall be imposed by the chief engineer on the term permit authorizing the use of water leased from a water bank:

(1) The maximum reasonable quantity of water that may be diverted per calendar year, as set forth in K.A.R. 5-17-17, and the maximum quantity of water that may be diverted during the term of the permit;

(2) the maximum rate of diversion;

(3) the term of the permit, which shall not exceed the length of the water bank charter plus three calendar years;

(4) the authorized point of diversion;

(5) the authorized place of use;

(6) the authorized use made of the leased water;

(7) a provision that the diversion shall not cause the impairment of any existing water rights;

(8) a provision that the diversion shall not cause an increase in depletion to any severely depleted groundwater aquifer or severely depleted stream course;

(9) a provision that the leased water shall be diverted from, and used within, the same hydrologic unit where the water rights were deposited; and

(10) a provision that any violation of a term permit used to exercise a lease shall make the permittee subject to the penalty provisions of K.A.R. 5-17-13.

(Authorized by K.S.A. 2003 Supp. 82a-769; implementing K.S.A. 2003 Supp. 82a-763 and K.S.A. 2003 Supp. 82a-769; effective Aug. 13, 2004.)

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