

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-50. Amending water use reports.

(a) Except as specified in this subsection, each annual water use report submitted to the chief engineer pursuant to K.S.A. 82a-732, and amendments thereto, shall be considered the official report of water use information filed in the office of the chief engineer. Each person who files a request to correct a water use report shall ensure that the water use report is corrected in accordance with all of the following procedures, in order for the corrected report to be considered the official report:

(1) A written request to correct the report is submitted to the chief engineer on a form prescribed by the chief engineer.

(2) Each requested change in the water use report is documented by independent, verifiable supporting information, including fuel records, power records, crop production records, county appraiser records, natural resource conservation service records, crop insurance records, other similar types of records, and any combination of these records. The independent, verifiable supporting information may be supported by an affidavit from one or more competent, disinterested persons who have actual personal knowledge of the facts.

(3) The written request, including the supporting documentation, is verified upon oath or affirmation to be accurate and complete to the best knowledge of the person filing the request.

(4) The person filing the request to change a water use report sustains the burden to show the following:

(A) How the water use report on file in the office of the chief engineer is erroneous or incomplete; and

(B) that the proposed changes are the most complete and accurate water use information available.

(b) The right to perform the following shall be reserved by the chief engineer:

(1) Contest the accuracy and completeness of any water use report filed with the chief engineer, or corrected in accordance with this regulation, to show that the water use report is inaccurate, incomplete, false, or fraudulent; and

(2) make a determination of the actual water use based on the best available information.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 82a-732; effective Aug. 13, 2004.)

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