

Kansas Administrative Regulations

Kansas Department of Agriculture— Division of Water Resources

Article 1.—Definitions

5-1-10. Duties of water right owner when a water flowmeter is out of compliance.

(a) Each water right owner whose required water flowmeter is out of compliance shall promptly notify the chief engineer of the noncompliance, either personally or through the water right owner's designee.

(b) Each water right owner who repairs or replaces an out-of-compliance water flowmeter shall, within 30 days after the date on which the out-of-compliance water flowmeter was repaired or replaced, notify the chief engineer, either personally or through the water right owner's designee, of the repair or replacement and shall provide to the chief engineer, on a form prescribed by the chief engineer, the following information:

- (1) The date the noncompliance was discovered;
- (2) the water flowmeter reading at the time the noncompliance was discovered;
- (3) if the water flowmeter was replaced, the following information:
 - (A) The manufacturer model, size, and serial number of the new water flowmeter;
 - (B) the multiplier and units in which the new water flowmeter reads;
 - (C) the reading of the new water flowmeter at the time of installation; and
 - (D) the location of the new water flowmeter on the diversion works or delivery system;
- (4) if the water flowmeter was repaired, the water flowmeter reading immediately before the repair and the reading of the water flowmeter at the time it was reinstalled or the repair was completed on-site;
- (5) the date the repair or replacement was completed;
- (6) the amount of water diverted while the water flowmeter was out of compliance; and

(7) a description of or documentation showing any seal that was removed from the water flowmeter, or a statement or documentation verifying that no seal was present, and a description of or documentation showing the new seal that was attached to the water flowmeter.

(c) In addition to the required information specified in subsection (b), each water right owner whose required water flowmeter is repaired or replaced as a result of noncompliance shall provide to the chief engineer a copy of the invoice and work order related to any repair or documentation of the purchase of a replacement water flowmeter. Each water right owner may also be required to provide the chief engineer with a copy of energy or power records or any other verifiable information that the chief engineer requests to document unmetered water use during the time the water flowmeter was out of compliance.

(d) If the water right owner does not maintain a record of diversions of water during the time the water flowmeter is out of compliance and does not supply energy or power records or other verifiable information that is sufficient to reasonably estimate the quantity of water diverted while the water flowmeter was out of compliance, it shall be assumed, for the sole purposes of enforcement of the terms, conditions, and limitations of the approval of application or water right, and priority administration of water rights among water users, that the diversion works were operated continuously at the tested rate of diversion during the entire period the water flowmeter was out of compliance. If the rate of diversion has not been tested by the chief engineer, then it shall be assumed that the diversion works were operated continuously at the authorized rate of diversion during the entire time the water flowmeter was out of compliance. The assumption specified in this subsection shall not apply to the determination of the annual quantity of water diverted for the purpose of perfecting a water right.

(e) If a water right owner is required by the chief engineer to repair or replace an inoperable water flowmeter, it shall be the duty of the water right owner to ensure that the repaired or replaced water flowmeter complies with K.A.R. 5-1-4 and K.A.R. 5-1-6.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706c; effective Sept. 22, 2000; amended Aug. 14, 2026.)

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