

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 6.—Storage of Water

5-6-2. Storage of water in watershed district reservoirs.

(a) Each person filing an application for a permit to appropriate water for beneficial use and proposing to store the water in a watershed district reservoir shall submit one of the following with the application:

(1) A copy of an agreement or letter from the board of directors of the watershed district that states it was mutually agreed and understood at the time an easement was granted by the landowner that the landowner was to have the use of space in the sediment pool to store water to which the landowner is entitled under the water appropriation act; or

(2) a copy of a resolution by the board of directors that shows when the board allocated or gave to the applicant the use of all, or a specified part of, the sediment pool for the storage of water in accordance with the Kansas water appropriation act.

(b) If surface water will be stored in a watershed district reservoir with a capacity of more than 15 acre-feet and an application to appropriate water to be stored in the reservoir was not filed before July 1, 2008, a separate application shall be filed to appropriate water to store water in each watershed district reservoir.

(c) If a reservoir operated by a watershed district has a capacity of more than 15 acre-feet and no application to appropriate water has been filed with the chief engineer before July 1, 2008, the watershed district shall release, drain, pump, or siphon water from behind the dam and maintain the quantity of water stored behind the dam to 15 acre-feet or less.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and 82a-709; modified, L. 1978, ch. 460, May 1, 1978; amended Oct. 31, 2008.)