

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 24.—Northwest Kansas Groundwater Management District No.

4

5-24-8. Resource development plans.

(a) A resource development plan may be required by the district to be submitted for any of the following:

- (1) A new application to appropriate water for irrigation use;
- (2) a nonemergency application to change the place of use or the use made of water from irrigation to another type of use that involves an actual physical change in operation; or

(3) a new application to appropriate water for nonirrigation purposes if one of the following criteria is met:

- (A) The quantity of water requested is likely to be unreasonable.
- (B) The proposed beneficial use is likely to be inefficient.
- (C) The proposed operation is likely to result in a waste of water.
- (D) The owner or operator has a recent, documented history of noncompliance with the provisions of the Kansas water appropriation act or regulations adopted pursuant to the act.

(b) Each resource development plan shall include a description of the proposed operation, including the diversion works, the distribution system, and all other matters necessary to determine whether the proposed annual quantity of water is likely to be reasonable and not wasteful.

(c)(1) The applicant shall be notified by the district whenever an applicant is required to submit a resource development plan. This notification shall include the deadline for submitting the plan. The district shall then review the plan and submit it to the chief engineer with one of the following recommendations:

(A) The application should be approved because the proposed plan meets the regulatory requirements, and those portions of the plan consistent with the conservation plan guidelines adopted by the Kansas water office should be required as a conservation plan as a condition of the approval of application.

(B) The application should be approved if certain changes are made to the plan, and the amended plan should be required as a condition of the approval of application insofar as it is consistent with the water conservation planning guidelines adopted by the Kansas water office.

(C) The plan does not meet the regulatory requirements, and the application should not be approved.

(2) Each water conservation plan required by the chief engineer shall be made a condition of the approval of application. The required water conservation plan shall be fully implemented before diversion of water occurs pursuant to that approval of application. After the plan is implemented, the owner shall maintain the plan in a satisfactory manner.

(d) In addition to meeting the requirements specified in subsection (b), for irrigation use, the resource development plan shall meet the following requirements:

(1) Include irrigation system design, tailwater control methods, well yield, and cropping patterns; and

(2) comply with design criteria meeting the following requirements:

(A) Are set forth in the national engineering handbook (NEH), part 652, irrigation guide, dated November 13, 1997, as amended through the Kansas state supplement dated May 8, 2003, which is hereby adopted by reference; and

(B) are consistent with the "irrigation water conservation program for the state of Kansas," published by the Kansas water office in November 1993 and hereby adopted by reference.

(e) For municipal use, the plan shall comply with the "Kansas 1990 municipal water conservation plan guidelines," second edition, which is published by the Kansas water office and hereby adopted by reference.

(f) In addition to meeting the requirements specified in subsection (b), for all other types of beneficial use, the resource development plan shall include a description of the

proposed use of water in sufficient detail to determine if the proposed use is reasonable and not wasteful.

(Authorized by K.S.A. 2002 Supp. 82a-1028 and K.S.A. 82a-706a; implementing K.S.A. 2002 Supp. 82a-1028; effective Jan. 10, 2003; amended Jan. 30, 2004.)

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