

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 5.—Change in the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right

5-5-2a. Complete change application.

(a) An application to change a water right pursuant to K.S.A. 82a-708b, and amendments thereto, shall be considered to be a "complete application," if the application completely and accurately meets all of the requirements specified in this regulation and the following criteria:

- (1) The requirements specified in K.S.A. 82a-708b, and amendments thereto;
- (2) any water conservation plans required by the chief engineer pursuant to K.S.A. 82a-733, and amendments thereto;
- (3) the requirements specified in K.A.R. 5-5-1;
- (4) the requirements specified in K.A.R. 5-5-5;
- (5) the requirements specified in K.A.R. 5-3-4d;
- (6) a demonstration that the proposed point of diversion meets all applicable well spacing criteria; and
- (7) the requirements of K.S.A. 82a-301 through K.S.A. 82a-305a, and amendments thereto, if the proposed point of diversion, or rediversion, is a dam or stream obstruction.

(b) If the applicant is requesting a waiver or exemption of a regulation pursuant to K.S.A. 82a-1904, and amendments thereto, the applicant shall submit a written request for the waiver or exemption, and documentation to support the waiver or exemption.

(c) If the proposed point of diversion is located within the boundaries of a groundwater management district, a final recommendation or an analysis of water availability has been received from the groundwater management district within the time allowed by the chief engineer concerning the approval, denial, or modification of the application.

(d) If any questions have been raised concerning whether approval of the application could cause impairment of senior water rights or prejudicially and unreasonably affect the public interest, the applicant shall submit sufficient information to resolve those questions.

(e) If any actions are required to be taken by the applicant on other approvals of applications or water rights owned by the applicant in order to make the application for change approvable, including dismissals, division agreements, reductions in water rights in accordance with K.A.R. 5-7-5, and applications for change, all necessary forms shall be completed and filed with the chief engineer.

(f) If the application involves a change in the place of use or the use made of water, the applicant shall submit all information and data necessary to ensure that the consumptive use will not be increased substantially in violation of K.A.R. 5-5-3.

(g) If the application proposes to add one or more additional wells in accordance with the provisions of K.A.R. 5-5-16, the applicant shall submit all tests, data, and information required by that regulation.

(h) If there is an issue as to whether the water right for which the change application has been filed has been abandoned in whole or in part pursuant to K.S.A. 82a-718, and amendments thereto, the applicant shall submit whatever information is necessary to resolve all abandonment issues.

(i) Each application shall be accompanied by an aerial photograph or a detailed plat with a scale of one inch equals 1,320 feet, or a U.S. geological survey topographic map with a scale of 1:24,000. The following information shall be plotted on the plat, photograph, or topographic map:

- (1) The section corners;
- (2) the center of the section, identified by the section number, township, and range;
- (3) the actual location of the currently authorized point of diversion and the location of the proposed point of diversion indicated by appropriate symbols;
- (4) the location of the place of use identified by crosshatching or by some other appropriate method;
- (5) the location of all other water wells of every kind within one-half mile of the well or wells to be authorized by the proposed appropriation, each of which shall be

identified by its use and the name and mailing address of the owner, if the proposed appropriation is for use of groundwater;

(6) the name and mailing address of the owner or owners of each tract of land adjacent to the stream for a distance of one-half mile upstream and one-half mile downstream from the property lines of the land owned or controlled by the applicant, if the proposed appropriation is for the use of surface water;

(7) the locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power-houses, and other structures for the purpose of storing, conveying, or using water; and

(8) a north arrow and scale.

All information shown on the photograph, plat, or map shall be legible. Black line prints may be submitted in lieu of the original drawing if a plat is submitted.

(j) The applicant shall certify on the application that all water wells of any kind located within onehalf mile of the requested point of diversion have been plotted on the plat, photograph, or map attached to the application.

(k) The applicant shall submit all information and data necessary to demonstrate that the application complies with the applicable regulations adopted by the chief engineer.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-708b, K.S.A. 82a-709, K.S.A. 82a-710, K.S.A. 2002 Supp. 82a-711, K.S.A. 2002 Supp. 82a-718, K.S.A. 82a-733, and K.S.A. 2002 Supp. 82a-1904; effective Oct. 24, 2003.)

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