

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 7.—Abandonment and Termination

5-7-5. Reduction of an existing water right.

(a) In order to have an approval of application or water right reduced, the water right owner may file, at any time, a request to reduce any of the following:

- (1) The authorized maximum annual quantity of water;
- (2) the authorized maximum rate of diversion;
- (3) the authorized place of use;
- (4) the authorized points of diversion;
- (5) the types of beneficial use; or
- (6) any combination of paragraphs (a)(1) through (a)(5).

(b) The request to reduce a water right shall be filed on a form prescribed by the chief engineer.

(c) The request to reduce shall be submitted in proper form and shall include the following information:

(1) Except as set forth in subsection (d) below, notarized signatures of all water right owners that would be required by K.A.R. 5-5-1 to sign an application for change under K.S.A. 82a-708b and amendments thereto;

(2) a clear description of which portion or portions of the approval of application or water right are proposed to remain;

(3) a statement that all of the owners of the approval of application or water right are waiving any right they might have to a hearing concerning the dismissal or abandonment of any portion of the approval of application or water right that they are requesting to have removed; and

(4) any other information requested by the chief engineer.

(d) A request solely to reduce the authorized place of use that will not affect the approval of application or water right in any other way shall be only required to be

signed only by all of the owners of the authorized place of use that is proposed to be deleted.

(e) A reasonable request to reduce an approval of application or water right that is submitted in proper form shall be approved by the chief engineer unless it will cause the impairment of existing water rights or prejudicially and unreasonably affect the public interest. If the request to reduce the water right or approval of application is to remove a point of diversion, the approval shall reduce only that maximum annual quantity of water and maximum rate of diversion associated with the authorized point of diversion that is removed.

(f) A request to reduce an existing water right shall not be considered to be an application for a change pursuant to K.S.A. 82a-708b and amendments thereto, so no application fee shall be required.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706 and 82a-721; effective Sept. 22, 2000.)

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