

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 17.—Water Banking

5-17-5. Contract to lease water.

Any person who has an application approved by the water bank for the lease of water from the water bank may enter into a contract with the water bank to lease water. The contract shall be entered into before a term permit can be issued by the chief engineer and shall include the following information and provisions:

- (a) The quantity of water to be leased;
- (b) the maximum rate of diversion at which the leased water will be diverted;
- (c) the calendar years during which water will be leased, which shall not exceed the length of the water bank charter plus three calendar years;
- (d) the location of the point of diversion where the leased water will be diverted, including the hydrologic unit;
- (e) the use made of the water to be leased;
- (f) the place of use of the water to be leased. The place of use shall be identical to a place of use authorized by an existing water right or approval of application, or shall be an entirely new place of use;
- (g) the terms of payment for the lease of water;
- (h) the penalties for breach of the lease, including those set forth in K.A.R. 5-17-13; and
- (i) a provision that if the term permit is not obtained by a certain date or the term permit is dismissed for any reason, the contract shall not be exercised.

(Authorized by K.S.A. 2003 Supp. 82a-769; implementing K.S.A. 2003 Supp. 82a-763 and K.S.A. 2003 Supp. 82a-769; effective Aug. 13, 2004.)