

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 10.—Water Appropriation

5-10-5. Administration of water use among vested right holders.

If, during the administration of water rights, each appropriation right and approved permit to appropriate water for beneficial use has been regulated in accordance with the provisions of K.S.A. 82a-706b, the division of water resources shall administer the water available from that source of supply among the holders who have active vested rights, including vested rights for domestic purposes, on a proportional basis and in a manner which will provide, if possible, sufficient flow in the stream for vested rights for domestic purposes. The proportionment may be accomplished by a pro rata reduction in the rate or quantity that each vested right shall be allowed to divert, by setting up a rotation system or by any other equitable method. Vested rights shall be administered in this manner unless they have been adjudicated by a court of competent jurisdiction as to priority or rotation and then the chief engineer shall administer them in accordance with the order of the court.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-704a and K.S.A. 82a-706; effective May 1, 1986.)

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