

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 17.—Water Banking

5-17-16. Priority of use of water rights and permits.

(a) If multiple water rights or permits authorize the use of water from a single point of diversion, the water shall be considered to be used in the order of priority with the earliest priority first.

(b) If the water used exceeds the total quantity of water authorized by the water rights and permits described in subsection (a) that authorize water use from that point of diversion, all water rights and permits under which the water was lawfully diverted shall be deemed to be violated unless this presumption is rebutted by one or more of the water right owners.

(Authorized by K.S.A. 2003 Supp. 82a-769; implementing K.S.A. 2003 Supp. 82a-769 and K.S.A. 2003 Supp. 82a-770; effective Aug. 13, 2004.)

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