

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 3.—Appropriation Rights

5-3-20. Maximum reasonable annual quantity of water approvable for a new appropriation of water for irrigation use.

(a) The maximum reasonable annual quantity of water that may be approved for use on irrigated land for applications filed before the effective date of this regulation shall be limited to the following:

(1) The quantity of water available for appropriation as determined by the safe yield, allowable appropriation or similar type of limitation adopted by regulation of the chief engineer for the area in which the proposed point of diversion will be located;

(2) the quantity of water reasonably physically available from the source of water supply based on the physical characteristics of the source of water supply and the proposed diversion works; and

(3) the quantity of water reasonably necessary to irrigate crops in the region of the state where the proposed place of use is located as set forth in K.A.R. 5-3-19(a). The authorized quantity shall be determined by multiplying the number of acres approved to be irrigated by the quantity per acre set forth in K.A.R. 5-3-19(a).

(b) The maximum reasonable annual quantity of water that may be approved for use on irrigated land for applications filed on or after the effective date of this regulation shall be limited to the following:

(1) The quantity of water available for appropriation as determined by the safe yield, allowable appropriation or similar type of limitation adopted by regulation of the chief engineer for the area in which the proposed point of diversion will be located;

(2) the quantity of water reasonably physically available from the source of water supply based on the physical characteristics of the source of water supply and the proposed diversion works; and

(3) the quantity of water reasonably necessary to irrigate crops in the region of the state where the proposed place of use is located as set forth in K.A.R. 5-3-19(b).

(c) The quantity specified in subsection (a) or (b) may be exceeded only if the applicant demonstrates both of the following to the chief engineer:

(1) Because of specialty crops or other unusual conditions, the quantity specified in K.A.R. 5-3-19 is insufficient.

(2) The requested quantity is reasonable for the intended irrigation use, is not wasteful, and will not otherwise prejudicially and unreasonably affect the public interest. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-707(e), K.S.A. 1999 Supp. 82a-711, and K.S.A. 82a-712; effective Sept. 22, 2000.)

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