

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 17.—Water Banking

5-17-4. Application to lease water.

(a) Each person proposing to lease water from a water bank shall complete an application for a contract to lease water on a form prescribed by the water bank and approved by the chief engineer and an application for a term permit. The application for the contract shall be filed with the water bank. The application for a term permit shall be filed with the chief engineer. Each application shall include the following information concerning the water proposed to be leased:

- (1) The quantity of water to be leased;
- (2) the proposed maximum rate of diversion;
- (3) the calendar years during which water is proposed to be leased, which shall not exceed the length of the water bank charter plus three calendar years;
- (4) the location of the proposed point of diversion, including the hydrologic unit;
- (5) the proposed place of use;
- (6) the proposed use made of water;
- (7) the water flowmeter reading from the proposed point of diversion, if the water will be diverted from an existing point of diversion, at the time the application is filed;
- (8) the file numbers of the other water rights and approvals of applications that authorize use of water from the proposed point of diversion; and
- (9) if the proposed use is for irrigation, the number of acres that will be irrigated and the number of acres of each type of crop that will be grown.

(b) Any water bank may enter into a lease extending beyond the length of the water bank charter only if both of the following conditions are met:

- (1) The water bank charter has a procedure approved by the chief engineer that sets forth how the leases will be administered if the water bank is dissolved.

(2) The bank charter assigns the responsibility and cost of administering the leases after the water bank is dissolved to a responsible person or entity.

(c) Any applicant whose application meets all the criteria in subsections (a) and (b) may enter into a contract to lease water from the water bank if sufficient water rights have been deposited in the same hydrologic unit where the point of diversion and the place of use are proposed to be located to cover the lease.

(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.)

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