

Kansas Administrative Regulations

Kansas Department of Agriculture—Division of Water Resources

Article 5.—Change in the Place of Use, the Point of Diversion or the Use Made of Water Under an Existing Water Right

5-5-13. Relocation of alluvial wells.

(a) If an authorized point of diversion is a well that has as its source of supply an alluvium in a reach of a basin that is fully appropriated or closed to new appropriations, the approval of a change in point of diversion, and any subsequent approvals of changes in points of diversion, shall not authorize the distance between the well and the centerline of the stream to be decreased by more than 10 percent as measured from the following:

- (1) The authorized well location when the basin became fully appropriated or was closed to new appropriations; and
- (2) the centerline of the stream when the change application was filed.

(b) Only for the purposes of applying this regulation, the term "stream" shall include the main stem and any tributary to the main stem that was a perennial stream when the basin was closed to new appropriations.

(Authorized by K.S.A. 82a-706a; implementing K.S.A. 2007 Supp. 82a-708b; effective Sept. 22, 2000; amended Oct. 31, 2008.)

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