

Department of Agriculture, Division of Water Resources
Notice of Hearing on Proposed
Administrative Regulations, GMD 2

A public hearing will be conducted at 10:00 a.m. Wednesday, June 29, 2011, in the 4th floor training room of the Kansas Department of Agriculture, 109 S.W. 9th St., Topeka, to consider the adoption of an amendment to an existing rule and regulation on a permanent basis.

Individuals wishing to participate by teleconference may go to the office of the Equus Beds Groundwater Management District (GMD 2), 313 Spruce, Halstead, Kansas, on the date and time of the public hearing.

- K.A.R. 5-22-4a requires the installation of a water flow meter on all non-domestic, non-temporary groundwater rights (wells) located within the boundaries of the Equus Beds Groundwater Management District No. 2 (GMD 2) which were not previously metered through orders of the chief engineer or action of the GMD board.
- K.A.R. 5-22-4d adds that a person designated by the board can grant an extension in time to install a water flowmeter.

Economic Impact: The requirement for all wells located within the boundaries of GMD 2 will be completed as part of our core mission and being spread out over four years, therefore we do not anticipate a large economic impact to the agency.

A water flowmeter pre-mounted in a measurement tube typically costs approximately \$1000. Installation costs vary greatly based on plumbing. A rough estimate of installation is \$500 per well. The GMD 2 anticipates 800 unmetered wells are located in their district. The regulation sets out a schedule of meter installation over four years. 200 meters per year X \$1500 (meter and installation) = \$300,000 per year for four years for a total of \$1.2 million.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed amendment to the rule and regulation. All interested parties may submit written comments prior to the hearing to the Chief Engineer, Division of Water Resources, Department of Agriculture, 109 S.W. 9th St., 2nd Floor, Topeka, 66612, or by e-mail at leslie.garner@kda.ks.gov. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed amendment during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and impact statement in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Leslie Garner at (785) 296-4623 or fax (785) 368-6668. Handicapped parking in Topeka is located at the southwest corner of 9th and Kansas Ave., and the north entrance to the building is accessible to individuals with disabilities.

Copies of the regulation and its economic impact statement may be obtained by contacting the Department of Agriculture, Leslie Garner, 109 SW 9th St., 4th Floor, Topeka, Kansas 66612 or (785) 296-4623 or by accessing the department's website at <http://www.ksda.gov>. Comments may also be made through our website under the proposed regulation.



David W. Barfield
Chief Engineer
Division of Water Resources
Department of Agriculture

K.A.R. 5-22-4a. Water flowmeter requirement. Each nondomestic, nontemporary well meeting any of the following conditions shall be equipped with a water flowmeter that meets or exceeds the requirements of K.A.R. 5-22-4: (a) A well operated under the authority of an approval of application issued on or after September 1, 1987;

(b) a well operated under the approval of an application for change in the place of use, the point of diversion, or the use made of the water, or any combination of these, filed after September 1, 1987;

(c) a well that meets the standards for being a standby well as set forth specified in K.A.R. 5-22-1;

(d) a well for which a certificate of appropriation was issued on or after July 1, 1995; or

(e) a well not equipped with a water flowmeter before December 31, 2010. Each such well shall be equipped with a water flowmeter that meets or exceeds the requirements of K.A.R. 5-22-4, pursuant to the following schedule:

(1) On or before December 31, 2012, each well in the northeast quarter of every section located within the district boundaries;

(2) on or before December 31, 2013, each well in the southeast quarter of every section located within the district boundaries;


(3) on or before December 31, 2014, each well in the southwest quarter of every section located within the district boundaries; and

(4) on or before December 31, 2015, each well in the northwest quarter of every section located within the district boundaries; or

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(f) a well for which the board determines it is necessary to have a water flowmeter to ensure any of the following:

(1) The accuracy of reported water use;

(2) compliance with the terms, conditions, and limitations of the water right, approval of application, or approval of change; or

(3) nonimpairment of other water rights. (Authorized by and implementing K.S.A. 2010 Supp. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective Jan. 10, 2003; amended P-
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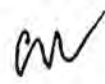
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K.A.R. 5-22-4d. Water flowmeter installation procedures. (a) If installation of a water flowmeter is required by the board, the owner of the approval of application or the water right shall be notified of the requirement in writing.

(b) A water flowmeter shall be installed on a new or replacement point of diversion within 30 days after the point of diversion is operational, or before the diversion of water, whichever occurs first.

(c) Unless otherwise specified by the board, a water flowmeter shall be installed on an existing point of diversion within 30 days of the issuance of the water flowmeter order by the district, or before the diversion of water, whichever occurs first.

(d) An extension of time to install the water flowmeter may be granted by the board, or the board's designee, if a request for an extension of time is filed with the district before the expiration of the time to install the water flowmeter and one of the following conditions is met:

(1) The water right owner has a contract with a vendor to install a water flowmeter, but the vendor cannot complete the installation within the time allowed.

(2) Weather, site conditions, or other conditions beyond the control of the owner prevent the water flowmeter from being installed within the time allowed.

(3) The owner demonstrates any other reason constituting good cause why the water flowmeter cannot be installed within the time allowed and that granting of an extension of time will not be adverse to the public interest.

(e) The water right owner shall notify the district within 30 days after the required water flowmeter is installed. The notification shall be submitted on a form prescribed by the ~~district~~ board.



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(f) An inspection of the water flowmeter installation may be made by the ~~district~~ board to determine if the water flowmeter has been properly installed in accordance with the requirements of K.A.R. 5-22-4, K.A.R. 5-22-4a, and K.A.R. 5-22-4b.

(g) If an inspection is made by the ~~district~~ board, the owner shall be notified by the ~~district~~ board of the results of the inspection in writing. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. ~~2003~~ 2010 Supp. 82a-1028; effective Nov. 12, 2004; amended P-
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**KANSAS DEPARTMENT OF AGRICULTURE
ECONOMIC IMPACT STATEMENT
K.A.R. 5-22-4a and 5-22-4d
Equus Beds Groundwater Management District No. 2**

I. Summary of proposed regulation, including its purpose.

The proposed regulation amendment to K.A.R. 5-22-4a requires the installation of a water flow meter on all non-domestic, non-temporary groundwater rights (wells) located within the boundaries of the Equus Beds Groundwater Management District No. 2 (GMD 2) which were not previously metered through orders of the chief engineer or action of the GMD board.

The proposed amendment to K.A.R. 5-22-4d adds that a person designated by the board can grant an extension in time to install a water flowmeter.

II. Reason or reasons the proposed regulation is required, including whether or not the regulation is mandated by federal law.

These regulations are not mandated by federal law.

III. Anticipated economic impact upon the Kansas Department of Agriculture.

The agency will require the owner of the water right to send to the agency documentation that a water flowmeter has been installed. The agency will acknowledge the installation of a water flowmeter to the owner of the submitted information. The information will be entered into our Water Rights Information System. These processes will be completed as part of our core mission and being spread out over four years, therefore we do not anticipate a large economic impact. Granting an extension does not cause an economic impact to the agency.

IV. Anticipated financial impact upon other governmental agencies and upon private business or individuals.

A water flowmeter pre-mounted in a measurement tube typically costs approximately \$1000. Installation costs vary greatly based on plumbing. A rough estimate of installation is \$500. The GMD 2 anticipates 800 unmetered wells are located in their district. The regulation sets out a schedule of meter installation over four years. 200 meters per year X \$1500 (meter and installation) = \$300,000 per year for four years for a total of \$1.2 million. Granting an extension of time does take some staff time. Overall it is a minimal amount of staff time, therefore not causing an economic impact to GMD 2.

V. Less costly or intrusive methods that were considered, but rejected, and the reason for rejection.

No other methods were considered by the state.

VI. Environmental Impact.

An environmental impact statement is not required.

