



Water Rules and Regulations

Conserving water resources in Kansas is critical to the state's agricultural community. The Kansas Department of Agriculture has worked with Governor Brownback, the Kansas legislature and all water stakeholders to improve water law and regulation to promote locally-driven, flexible solutions to conserve and improve Kansas water resources.

Limiting Movement of a Point of Diversion

On average, the Kansas Department of Agriculture annually receives approximately 500 applications for the movement of a point of diversion of a well. Of those 500, approximately 100 applications are for changes of greater than 300 feet. In areas of declining groundwater, the department and many Kansans who participated in the development of the 50-year Vision for Kansas Water are concerned that a rise in change applications may lead to a greater risk of aquifer declines and impairments of nearby wells, including domestic wells.

KDA is seeking feedback from water right owners and industry partners on the impacts and feasibility of limiting the ability to move a point of diversion.

Civil Penalties for Exceeding Authorized Quantity of Water

Kansas water rights have established legal limits for the quantity of water authorized, diversion rate, place of use, type of use, and other conditions and limitations. Using more water than is authorized, or overpumping, is a serious violation of Kansas water law and should not be considered as a "business" decision. Through multi-year flex accounts (MYFAs) and Water Conservation Areas, KDA has provided water users with tools to flexibly manage their water rights to avoid situations of overpumping.

KDA is seeking feedback from water right owners and industry partners on the civil penalty structure for exceeding the authorized quantity of water to further conserve water resources.

Civil Fines for Lack of Water Use Report

Better managing Kansas groundwater resources and extending the useful life of the Ogallala High Plains Aquifer depends on accurate data related to the annual use of water in the state. To help obtain this critical information, Kansas water right owners are required to complete an accurate water use report annually and submit that report to KDA. Failing to submit a water use report is a violation of the law. There is concern that some water users decide to pay the annual penalty fee rather than submit the water use report.

KDA is seeking feedback from water right owners and industry partners on the penalty structure for failing to submit annual water use reports.

Authority to Seal Meters

Accurate measurements of water use are important for determining compliance with water rights. There is concern that water meters have been tampered with in a way that results in lower recorded water use than actual use. KDA staff conduct checks of flowmeters, but those checks cannot prevent all tampering, which impacts the state's overall water resource.

KDA is committed to maintaining the integrity of water use records and seeks feedback from water right owners and industry partners about the authority and feasibility of sealing flowmeters to prevent tampering.

*Attachment 6
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