K.A.R. 5-21-3. Well spacing requirements. (a) Each well location described in an application for a permit to appropriate water for a beneficial use, other than domestic use, ~~which~~ that proposes the diversion or withdrawal of water from the Ogallala ~~formation~~ aquifer shall be spaced ~~a minimum of 2640~~ at least 2,640 feet from all other non-domestic wells constructed ~~in~~ into the Ogallala aquifer.

(b)(1) Each well location described in an application for a permit to appropriate water for a beneficial use, other than domestic use, ~~which~~ that proposes the diversion or withdrawal of water from the Dakota aquifer shall be spaced ~~a minimum of two thousand six hundred forty (2,640) feet~~ at least four miles from ~~any~~ all other ~~well~~ non-domestic wells constructed into the ~~same~~ Dakota aquifer.

(2) Each ~~Dakota~~ well in the Dakota aquifer shall be sealed off between the Dakota aquifer and any other aquifers in ~~such~~ a manner ~~as to prevent~~ that prevents migration of water to or from the Dakota aquifer and any other aquifers.

(c) Each well included in an application for a permit to appropriate water for a beneficial use, other than domestic use, ~~which~~ that proposes the diversion or withdrawal of water shall be ~~a minimum of~~ at least 1,320 feet away from ~~a~~ each domestic well constructed into the same aquifer unless the applicant has received written permission from the neighboring well owner or the applicant owns each domestic ~~wells are owned by the applicant~~ well.

(d) The location of ~~a~~ each well ~~or wells~~ on an application for approval to change the point of diversion under an existing water right shall be no more than 1,320 feet from the originally authorized point of diversion and shall meet one of the following requirements:

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(1) Not decrease the distance to any other wells or authorized well locations by more than 300 feet; or

(2) meet the minimum well spacing requirements in this regulation.

(e) ~~A~~ Each new well shall be drilled in ~~a~~ the location substantially as shown on the approved application and the accompanying map, plat, or aerial photograph.

(f) Exceptions to this ~~well spacing~~ regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The applicant may be required by the board to submit information as it deems necessary in order to make the determination. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2015 Supp. 82a-1028~~(o)~~; effective May 1, 1979; amended May 23, 1994; amended P-

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ATTORNEY GENERAL

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