

~~5-23-4. Safe yield: High plains aquifer. (a) Except as set forth specified in subsection (b), the approval of all applications for a permit to appropriate water from the high plains aquifer, and the approval of all applications for a change in the point of diversion if the diversion works have not been completed under the original approved application, shall be processed in accordance with K.A.R. 5-3-9, K.A.R. 5-3-10, and K.A.R. 5-3-11. For the purpose of applying K.A.R. 5-3-11 (d)(3) within the boundaries of the district, the percentages of the calculated recharge that shall be considered to be available for appropriation shall be determined using the following table: district shall be closed to new appropriations of water in the high plains aquifer.~~

Percent of Calculated

Recharge Available

for Appropriation

River Basin

~~(A) 75 %~~

Arkansas

~~(B) 75 %~~

Cimarron River

~~(C) 75 %~~

Crooked Creek

~~(D) 75 %~~

North Fork Cimarron River

(b) This regulation shall not apply to the following:

(1) Wells for domestic use;

(2) wells authorized by temporary permits;

(3) wells authorized by term permits of ~~fewer~~ no more than five years;

(4) an application to appropriate 15 acre-feet of water or less if all of the following conditions are met:

(A) ~~The safe yield has been exceeded~~ area is closed to new appropriations, but the sum of the annual quantity requested by the proposed appropriation and the total quantities authorized by prior

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permits because of this exemption does not exceed 15 acre-feet in a circle with a radius of $\frac{1}{2}$ mile two miles surrounding the proposed point of diversion.

(B) Well spacing criteria have been met.

(C) Approval of the application will not authorize an additional quantity of water out of an existing well authorized by a nondomestic approval of application or water right, which would result in a total combined annual quantity of water authorized from that well in excess of 15 acre-feet.

(D) All other criteria for processing a new application have been met.

(c) Each application filed to request a well within the area described in subsection (e) shall include a driller's log, an electric log, and a laboratory analysis from a state-certified laboratory of the chloride concentrations in samples taken from whatever depths are necessary to determine the vertical location where the chloride concentrations exceed 250 milligrams per liter (mg/l). The samples shall be taken from a well located within a 300-foot radius of the proposed well. A state-certified laboratory analysis shall be used to determine the vertical location of the chloride concentrations exceeding 250 mg/l.

(d) Each well constructed in the area described in subsection (e) shall be constructed in a manner that prevents the movement of water containing 250 mg/l of chlorides beyond its naturally occurring condition.

(e) The level of chlorides may exceed 250 mg/l in the following areas:

- (1) The west $\frac{1}{2}$ of townships 33, 34, and 35 south, range 28 west in Meade County, Kansas;
- (2) the east $\frac{1}{2}$ of township 33 south, range 29 west in Meade County, Kansas;
- (3) all of townships 34 and 35 south, ranges 29 and 30 west in Meade County, Kansas;

and

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(4) all of townships 34 and 35 south, ranges 31 and 32 west and the east ½ of townships 34 and 35 south, range 33 west in Seward County, Kansas. (Authorized by K.S.A. 82a-706a and K.S.A. 2015 Supp. 82a-1028; implementing K.S.A. 82a-706a, K.S.A. ~~2002~~ 2015 Supp. 82a-711, and K.S.A. ~~2002~~ 2015 Supp. 82a-1028; effective May 1, 1981; amended May 1, 1986; amended Aug. 28, 1989; amended Sept. 22, 2000; amended Nov. 21, 2003; amended P-_____.)

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