

Rules and Regulations
Southwest Kansas Groundwater Management District No. 3
Division of Water Resources
Kansas Department of Agriculture
Effective September 22, 2000

K.A.R. 5-23-1. Definitions. As used in these rules and regulations, by the southwest Kansas groundwater management district in the implementation of the groundwater management district act, and by the division of water resources in the administration of the Kansas water appropriation act and the groundwater management district act, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this regulation.

(a) "Alluvial aquifer" means an aquifer comprised of unconsolidated materials, usually gravel, sand, silt, and clay, that have been deposited by running water in comparatively recent geologic time.

(b) "Alluvium" means the gravel, sand, silt, and clay and similar unconsolidated material deposited in comparatively recent geologic time by a stream or other body of running water as a sorted or semisorted sediment in the bed of the stream or on its floodplain or delta.

(c) "Area of consideration" means a two-mile radial area measured in acres, with its center being the proposed well withdrawing water from the high plains aquifer, but limited to the area within the district's boundaries.

(d) "Confined aquifer" means an aquifer overlain and underlain by impermeable layers. Groundwater in a confined aquifer is normally under pressure greater than atmosphere pressure.

(e) "Consolidated aquifer" means an aquifer comprised of particles cemented by heat, pressure, or chemical reaction, or any combination of these, into a solid mass.

(f) "Dakota aquifer system" means the Dakota aquifer system as defined in K.A.R. 5-1-1.

(g) "High plains aquifer" means the aquifer comprised of the undifferentiated Pleistocene-age deposits, Quaternary loess, alluvium, dune sand, the Ogallala formation, and deeper aquifers that are in vertical or horizontal hydraulic contact with the Ogallala formation.

(h) "Hydraulic contact" means the absence of an impermeable layer between aquifers.

(i) "Ogallala aquifer" means the water-bearing portion of the Ogallala formation.

(j) "Ogallala formation" means the geological unit of the Miocene-Pliocene age, comprised of interbedded sorted clay, silt, sand, and gravel.

(k) "Section" means a one-mile square unit in the United States land survey, generally consisting of 640 acres.

(l) "Township" means a unit of territory in the United States land survey, generally six miles square, containing 36 mile-square sections.

(m) "Unconfined aquifer" means an aquifer in which the groundwater is exposed to the atmosphere through openings in the overlying materials. The upper surface of an unconfined aquifer is the water table.

(n) "Unconsolidated aquifer" means an aquifer comprised of deposits derived from the disintegration of consolidated materials, including clay, silt, sand, gravel, and caliche.

(o) "Water conservation plan" means a plan required by the chief engineer in accordance with the provisions of K.S.A. 82a-733 and K.S.A. 74-2608(c), and amendments thereto, and consistent with the water conservation planning guidelines and municipal water conservation plan guidelines adopted by the Kansas water office.

(p) "Water table" means the top of the saturated zone of an unconfined aquifer. It is the upper surface of the underground materials where particle pore space is filled with water. The water is at atmospheric pressure.

(q) "Well" means any artificial excavation that is drilled, cored, bored, washed, driven, dug, or otherwise constructed when the intended use of the excavation is for the acquisition, diversion, or artificial recharge of groundwater. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1985; amended Sept. 22, 2000.)

5-23-2. Tailwater control and waste. No water user shall allow waste of water. If the water is re-used, the user shall apply the water consistent with the approved application of appropriate water for beneficial use, vested right or appropriation right. All water users shall construct and operate the water distribution systems in a manner as to prevent the waste of water, and shall do everything necessary and proper to preserve the quality of the groundwater resources within the district. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981.)

K.A.R. 5-23-3. Minimum well spacing requirements: high plains aquifer. (a) Unless a well is being replaced within 300 feet of the currently authorized point of diversion, the minimum horizontal distance between each proposed non-temporary, non-domestic well and all other senior non-temporary, non-domestic wells diverting water from the high plains aquifer shall be determined from the following schedule. The minimum well spacing shall be based on the maximum annual quantity of water in acre-feet either authorized and requested for the proposed well, or authorized and requested by a senior application, permit, or water right for the non-temporary, non-domestic well to which the spacing is being measured, whichever is greater.

| Quantity per well (acre-feet per year) | Minimum well spacing requirement |
|---|---|
| 15 or less | 660 feet |
| 16 - 200 | 1,300 feet |
| 201 - 300 | 1,600 feet |
| 301 - 400 | 1,900 feet |
| 401 - 500 | 2,100 feet |
| more than 500 | 2,300 feet |

(b) The location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 2,640 feet from the currently authorized and completed point of diversion and shall meet either of the following conditions:

- (1) Not decrease the distance to other wells or authorized well locations by more than 300 feet; or
- (2) meet the minimum well spacing requirements.

(c) No application for approval to change the point of diversion under an approved application for which the original well has not been drilled shall be approved if the location of the proposed point of diversion decreases the distance from the approved location to any other existing wells to less than the spacing requirement for new applications.

(d) Each non-domestic, non-temporary well shall be located a minimum of 660 feet from all domestic wells with a priority earlier than the date the change application was filed, except those owned by the applicant.

(e) In the case of a battery of wells, as defined in K.A.R. 5-1-1, the minimum horizontal distance shall be measured from the geographic center of the wells comprising the battery.

(f) The total annual quantity per well shall be the sum of all of the quantities authorized or requested by any water rights, permits, or applications requesting or authorizing that well as a point of diversion. (Authorized by K.S.A. 82a-706a and 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1985; amended August 28, 1989; amended September 30, 1991; amended Sept. 22, 2000.)

K.A.R. 5-23-3a. Minimum well spacing requirements: confined aquifers. (a) The minimum horizontal distance between each proposed non-temporary, non-domestic well and all other senior non-temporary, non-domestic wells diverting water from a confined aquifer shall be determined based on the following schedule. The minimum well spacing shall be based on the maximum annual quantity of water in acre-feet either requested by the proposed well, or authorized or requested by a senior applicant, permit, or water right for the non-temporary, non-domestic well to which the spacing is being measured, whichever is greater.

| Quantity per well (acre-feet per year) | Minimum well spacing requirement | Required distance from hydraulic contact point |
|---|---|---|
| 15 or less | 660 feet | None |
| 16 to 25 | 2,300 feet | None |
| 26 to 100 | 5,280 feet | 2 miles |
| More than 100 | 10,560 feet | 5 miles |

The minimum horizontal distance between a non-temporary, non-domestic well withdrawing water from a confined aquifer and a well withdrawing water from an unconfined aquifer shall be 300 feet.

Each non-domestic, non-temporary well shall be located a minimum of 660 feet from all earlier priority domestic wells, except those owned by the applicant.

(b) A proposed non-temporary, non-domestic well shall maintain a minimum horizontal distance to the nearest known point of hydraulic contact with the high plains aquifer, in accordance with the schedule set forth in subsection (a).

(c) In the case of a battery of wells, as defined in K.A.R. 5-1-1, the minimum horizontal distance shall be measured from the geographic center of the wells comprising the battery.

(d) A well penetrating both a confined and unconfined aquifer shall be constructed to prevent the vertical migration of water between the aquifers. A well diverting water from the Dakota aquifer system shall be constructed to prevent the vertical migration of water between the Dakota aquifer system and all other freshwater aquifers.

(e) The location of a well or wells on an application for approval to change the point of diversion under an existing water right shall be no more than 2,640 feet from the currently authorized and completed point of diversion and shall meet either of the following conditions:

- (1) Not decrease the distance to other wells or authorized well locations by more than 300 feet; or
- (2) meet the minimum well spacing requirements.

(f) No application for approval to change the point of diversion under an approval of application for which the original well has not been drilled shall be approved if the location of the proposed point of diversion decreases the distance from the approved location to any other existing wells to less than the spacing requirements for a new application. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective Sept. 22, 2000.)

K.A.R. 5-23-4. Allowable annual appropriation: high plains aquifer. (a) Except as set forth 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 subject to the following criteria. The proposed appropriation, when added to the vested rights, prior appropriation rights, and earlier priority applications, shall not exceed a calculated rate of depletion of 40 percent in 25 years of the saturated thickness underlying the area of consideration. For the purpose of analysis, all vested rights, certificates, permits, and prior unapproved applications shall be considered to be fully exercised, and all limitation clauses listed on permits to appropriate water and certificates shall be considered to be in force. In the case of an application for change in the point of diversion, referred to above, all applications with a priority earlier than the priority established by the filing of the application for change shall be included in the analysis. The allowable annual appropriation shall be calculated using the following formula:

$$\text{Allowable Aquifer Yield} = \frac{0.40AMS}{25} + \frac{AR}{12}$$

Allowable aquifer yield = the amount of water, measured in acre-feet, available annually for appropriation from a proposed point of diversion (well).

A = the "area of consideration," as defined in K.A.R. 5-23-1(c).

M = feet of average saturated thickness of the high plains aquifer within a two-mile radius.

S = the storage coefficient or a specific yield of 15 percent.

R = average annual recharge and return flow which shall be a minimum of one inch per year.

The saturated thickness and the value of any existing appropriations involving the area of consideration shall be determined from data, maps, or both, approved by the board and adopted by the chief engineer by regulation.

(b)(1) This regulation shall not apply to the following:

- (A) Wells for domestic use;
- (B) wells authorized by temporary permits;
- (C) wells authorized by term permits of fewer than five years;
- (D) an application to appropriate 15 acre-feet of water or less if all of the following conditions are met:

(i) The allowable aquifer yield has been exceeded but the sum of the annual quantity requested by the proposed appropriation and the total quantities authorized by prior permits because of this exemption does not exceed 15 acre-feet in a circle with a radius of ½ mile surrounding the proposed point of diversion.

(ii) Well spacing criteria have been met.

(iii) Approval of the application will not authorize an additional quantity of water out of an existing well authorized by a non-domestic 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.

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

(2) (A) The average saturated thickness of the two-mile-radius circle for a well proposed to be located in the following areas shall be limited to that portion of the saturated thickness containing less than 250 milligrams per liter (mg/l) of chlorides at the test holes, unless "other waters" are being appropriated pursuant to K.S.A. 82a-711 and amendments thereto:

(i) The west ½ of townships 33, 34, and 35 south, range 28 west;

(ii) the east ½ of township 33 south, range 29 west;

(iii) all of townships 34 and 35 south, ranges 29 and 30 west in Meade County, Kansas; and

(iv) 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.

(B) Each application filed to request a well within this area described in paragraph (b)(2) above 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 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.

(C) Each well constructed in the area described in paragraph (b)(2) above shall be constructed in a manner that prevents the movement of water containing 250 mg/l of chlorides beyond its naturally occurring condition. (Authorized by K.S.A. 82a-706a and 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981; amended May 1, 1986; amended Aug. 28, 1989; amended Sept. 22, 2000.)

K.A.R. 5-23-4a. Criteria for closing townships to new appropriations. Entire townships shall be closed to further appropriation of water for beneficial use from the high plains aquifer, as set forth in K.A.R. 5-23-4(b), if at least one of the following conditions exists:

(a) The entire township is fully appropriated.

(1) A township shall be considered to be fully appropriated if the aquifer within the township would be depleted by 40 percent or more in 25 years if current vested rights and appropriations are fully exercised and all limitation clauses listed on permits to appropriate water and certificates are in force.

(2) Aquifer depletion shall be calculated using the allowable annual appropriation formula described in K.A.R. 5-23-4 with the area of consideration equal to the number of acres within sections of land containing saturated thickness within the township.

(b) The average saturated thickness of the aquifer within the township is 50 feet or less. The average saturated thickness within a township shall be determined from data, maps, or both, recommended by the board and adopted by the chief engineer by regulation.

(c) The aquifer has been depleted by 20 percent or more since 1950. Depletion since 1950 shall be determined from maps or data, or both, recommended by the board and adopted by the chief engineer by regulation. (Authorized by K.S.A. 82a-706a and 82a-1028(o); implementing K.S.A. 82a-1028(n); effective Sept. 30, 1991; amended Sept. 22, 2000.)

K.A.R. 5-23-4b. Township closures. (a) The following townships have been determined to meet the criteria in K.A.R. 5-23-4a for closing a township to new appropriations of water from the high plains aquifer; therefore, the following townships are hereby closed to new appropriations of water from the high plains aquifer, except as described in section (b):

| County | Township | Range |
|--------|----------|-------|
| Finney | 21 | 30 |
| Finney | 21 | 32 |
| Finney | 21 | 34 |
| Finney | 22 | 31 |
| Finney | 22 | 33 |
| Finney | 23 | 27 |
| Finney | 23 | 30 |
| Finney | 23 | 32 |
| Finney | 23 | 34 |
| Finney | 24 | 32 |
| Finney | 24 | 34 |
| Finney | 25 | 32 |
| Finney | 25 | 34 |
| Finney | 26 | 32 |
| Finney | 26 | 34 |
| | | |
| | | |

| County | Township | Range |
|--------|----------|-------|
| Finney | 21 | 31 |
| Finney | 21 | 33 |
| Finney | 22 | 30 |
| Finney | 22 | 32 |
| Finney | 22 | 34 |
| Finney | 23 | 29 |
| Finney | 23 | 31 |
| Finney | 23 | 33 |
| Finney | 24 | 31 |
| Finney | 24 | 33 |
| Finney | 25 | 31 |
| Finney | 25 | 33 |
| Finney | 26 | 31 |
| Finney | 26 | 33 |
| | | |
| | | |

| County | Township | Range |
|---------------|-----------------|--------------|
| Ford | 25 | 21 |
| Ford | 25 | 23 |
| Ford | 25 | 25 |
| Ford | 26 | 24 |
| Ford | 26 | 26 |
| Ford | 27 | 22 |
| Ford | 27 | 24 |
| Ford | 27 | 26 |
| Ford | 28 | 22 |
| Ford | 28 | 25 |
| Ford | 29 | 22 |
| Ford | 29 | 26 |
| | | |
| Grant | 27 | 35 |
| Grant | 27 | 37 |
| Grant | 28 | 35 |
| Grant | 28 | 37 |
| Grant | 29 | 35 |
| Grant | 29 | 37 |
| Grant | 30 | 35 |
| Grant | 30 | 37 |
| | | |
| Gray | 24 | 27 |
| Gray | 24 | 29 |
| Gray | 25 | 28 |
| Gray | 25 | 30 |

| County | Township | Range |
|---------------|-----------------|--------------|
| Ford | 25 | 22 |
| Ford | 25 | 24 |
| Ford | 26 | 22 |
| Ford | 26 | 25 |
| Ford | 27 | 21 |
| Ford | 27 | 23 |
| Ford | 27 | 25 |
| Ford | 28 | 21 |
| Ford | 28 | 24 |
| Ford | 28 | 26 |
| Ford | 29 | 25 |
| | | |
| | | |
| Grant | 27 | 36 |
| Grant | 27 | 38 |
| Grant | 28 | 36 |
| Grant | 28 | 38 |
| Grant | 29 | 36 |
| Grant | 29 | 38 |
| Grant | 30 | 36 |
| Grant | 30 | 38 |
| | | |
| Gray | 24 | 28 |
| Gray | 24 | 30 |
| Gray | 25 | 29 |
| Gray | 26 | 27 |

| County | Township | Range |
|----------|----------|-------|
| Gray | 26 | 28 |
| Gray | 26 | 30 |
| Gray | 27 | 28 |
| Gray | 27 | 30 |
| Gray | 28 | 28 |
| Gray | 28 | 30 |
| Gray | 29 | 28 |
| Gray | 29 | 30 |
| | | |
| Hamilton | 25 | 42 |
| Hamilton | 26 | 39 |
| Hamilton | 26 | 41 |
| Hamilton | 26 | 43 |
| | | |
| Haskell | 27 | 31 |
| Haskell | 27 | 33 |
| Haskell | 28 | 31 |
| Haskell | 28 | 33 |
| Haskell | 29 | 31 |
| Haskell | 29 | 33 |
| Haskell | 30 | 31 |
| Haskell | 30 | 33 |
| | | |
| Kearny | 22 | 35 |
| Kearny | 22 | 37 |
| Kearny | 23 | 35 |
| Kearny | 23 | 37 |

| County | Township | Range |
|----------|----------|-------|
| Gray | 26 | 29 |
| Gray | 27 | 27 |
| Gray | 27 | 29 |
| Gray | 28 | 27 |
| Gray | 28 | 29 |
| Gray | 29 | 27 |
| Gray | 29 | 29 |
| | | |
| | | |
| Hamilton | 25 | 43 |
| Hamilton | 26 | 40 |
| Hamilton | 26 | 42 |
| | | |
| | | |
| Haskell | 27 | 32 |
| Haskell | 27 | 34 |
| Haskell | 28 | 32 |
| Haskell | 28 | 34 |
| Haskell | 29 | 32 |
| Haskell | 29 | 34 |
| Haskell | 30 | 32 |
| Haskell | 30 | 34 |
| | | |
| Kearny | 22 | 36 |
| Kearny | 22 | 38 |
| Kearny | 23 | 36 |
| Kearny | 23 | 38 |

| County | Township | Range |
|---------------|-----------------|--------------|
| Kearny | 24 | 35 |
| Kearny | 24 | 37 |
| Kearny | 25 | 35 |
| Kearny | 25 | 38 |
| Kearny | 26 | 36 |
| Kearny | 26 | 38 |
| | | |
| Meade | 30 | 27 |
| Meade | 30 | 29 |
| Meade | 31 | 26 |
| Meade | 31 | 30 |
| Meade | 33 | 30 |
| Meade | 35 | 28 |
| | | |
| Morton | 31 | 39 |
| Morton | 31 | 41 |
| Morton | 31 | 43 |
| Morton | 32 | 40 |
| Morton | 32 | 42 |
| Morton | 33 | 41 |
| Morton | 34 | 42 |
| Morton | 35 | 40 |
| Morton | 35 | 42 |
| | | |
| Seward | 31 | 31 |
| Seward | 31 | 33 |
| Seward | 32 | 31 |
| Seward | 32 | 33 |

| County | Township | Range |
|---------------|-----------------|--------------|
| Kearny | 24 | 36 |
| Kearny | 24 | 38 |
| Kearny | 25 | 36 |
| Kearny | 26 | 35 |
| Kearny | 26 | 37 |
| | | |
| Meade | 30 | 28 |
| Meade | 30 | 30 |
| Meade | 31 | 29 |
| Meade | 32 | 30 |
| Meade | 34 | 28 |
| | | |
| Morton | 31 | 40 |
| Morton | 31 | 42 |
| Morton | 32 | 39 |
| Morton | 32 | 41 |
| Morton | 32 | 43 |
| Morton | 33 | 43 |
| Morton | 35 | 39 |
| Morton | 35 | 41 |
| Morton | 35 | 43 |
| | | |
| Seward | 31 | 32 |
| Seward | 31 | 34 |
| Seward | 32 | 32 |
| Seward | 32 | 34 |

| County | Township | Range |
|---------|----------|-------|
| Stanton | 27 | 39 |
| Stanton | 27 | 41 |
| Stanton | 27 | 43 |
| Stanton | 28 | 40 |
| Stanton | 28 | 42 |
| Stanton | 29 | 39 |
| Stanton | 29 | 41 |
| Stanton | 29 | 43 |
| Stanton | 30 | 40 |
| Stanton | 30 | 42 |
| | | |
| Stevens | 31 | 35 |
| Stevens | 31 | 37 |
| Stevens | 31 | 39 |
| Stevens | 32 | 39 |
| Stevens | 34 | 38 |
| Stevens | 35 | 39 |

| County | Township | Range |
|---------|----------|-------|
| Stanton | 27 | 40 |
| Stanton | 27 | 42 |
| Stanton | 28 | 39 |
| Stanton | 28 | 41 |
| Stanton | 28 | 43 |
| Stanton | 29 | 40 |
| Stanton | 29 | 42 |
| Stanton | 30 | 39 |
| Stanton | 30 | 41 |
| Stanton | 30 | 43 |
| | | |
| Stevens | 31 | 36 |
| Stevens | 31 | 38 |
| Stevens | 32 | 35 |
| Stevens | 33 | 38 |
| Stevens | 35 | 38 |
| | | |

(b) The closure of the townships to new appropriations of water from the high plains aquifer as listed in subsection (a) shall not apply to the following:

- (1) Wells for domestic use;
- (2) wells authorized by temporary permits;
- (3) wells authorized by term permits of less than five years; and
- (4) wells authorized by an application to appropriate 15 acre feet of water or less if the following conditions are met:

(A) The allowable aquifer yield has been exceeded but the sum of the annual quantity requested by the proposed appropriation and the total quantities authorized by prior permits because of this exemption does not exceed 15 acre feet in a circle with a radius of ½ mile 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 that 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. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective Sept. 22, 2000.)

5-23-5. Applications and water use limitations. Applications for permit to appropriate water for beneficial use shall not be: (a) Approved for a quantity of water in excess of an average of two (2) acre-feet per acre of land shown on an application for irrigation purposes.

(b) Approved for a quantity of water or rate of diversion for any purposes in excess of the reasonable needs of the applicant as determined by the board in conjunction with the chief engineer.

(c) Exceptions to this regulation may be granted on an individual basis by recommendation of the board in conjunction with the approval of the chief engineer. The board may require the applicant to submit information as it deems necessary in order to make the determination. The board may also require that an alternative plan of development be implemented and written into the permit in order to protect existing water rights and groundwater resources in the vicinity of the proposed application. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981.)

5-23-6. Water-measuring devices. The diversion works for each nontemporary, nondomestic well located within the boundaries of the district shall be equipped with a water flowmeter that meets or exceeds the specifications in K.A.R. 5-1-4 through 5-1-12.

(a) The owner shall perform the following:

(1) Ensure that the water flowmeter is installed according to specifications in K.A.R. 5-1-4 through 5-1-12;

(2) maintain the water flowmeter in proper working condition whenever the diversion of water for nondomestic use can reasonably be expected to occur; and

(3) promptly initiate action to repair or replace any water flowmeter that is out of compliance, and correct any problems with the installation of a water flowmeter.

(b) The owner shall notify the district, on a form prescribed by the district, within 30 days after any of the following:

(1) A new water flowmeter is installed.

(2) A water flowmeter is repaired and reinstalled.

(3) A water flowmeter is repaired without removing the water flowmeter.

(4) An improper water flowmeter installation has been corrected.

(c) An extension of time to install a water flowmeter may be granted by the district for a reasonable period of time if just cause is shown to the district. Each appeal shall be filed with the board at least 10 days before a regularly scheduled board meeting. Just cause may include any of the following:

(1) A contract has been signed by the owner and the seller to sell or install the water flowmeter, but the seller cannot complete the sale or installation before diversion of water will take place.

(2) Weather conditions prevent the water flowmeter from being installed before the diversion of water.

(3) Legal proceedings prevent the owner from installing the water flowmeter.

(4) The supply of natural gas to power the well has been cut off by the seller of the natural gas for reasons beyond the control of the owner of the water right.

(d) A water flowmeter shall not be required to be installed if any of the following criteria is met:

(1) A well is authorized to divert 15 acre-feet or less per calendar year.

(2) Two or more wells are authorized by the same water right or approval of application with one authorized annual quantity of water for all the wells, and all of the water diverted by all of the wells is measured by a single water flowmeter prior to its application to beneficial use.

(3) The well is enrolled in a multiyear federal conservation program or the water rights conservation program pursuant to K.A.R. 5-7-4.

(4) The well is registered as inactive with the Kansas department of health and environment.

(5) An affidavit is filed by the owner with the district stating that the well is not, and will not be, operated until a water flowmeter meeting the specifications in K.A.R. 5-1-4 through 5-1-12 is properly installed. Thirty days before operating the well, the owner shall file a notice with the district indicating that a water flowmeter has been installed and indicate when the owner proposes to begin the diversion of water.

(Authorized by and implementing K.S.A. 82a-1028, as amended by L. 2002, Ch. 137, § 5; effective May 1, 1981; amended May 1, 1985; amended January 10, 2003.)

5-23-7. Revoked.

5-23-8. Revoked.

5-23-9. Revoked.

5-23-11. Procedures for non-compliance with rules and regulations. The district, its board or manager, any eligible voter within the district, or any person residing within the district that is at least eighteen (18) years of age, may file a written complaint with the district alleging a violation of these rules and regulations, the management program, the groundwater management district act (K.S.A. 82a-1020 et seq.), or the water appropriation act (K.S.A. 82a-701 et seq.). The written complaint shall be filed at the district office.

Within thirty (30) days following the filing of the complaint, a representative of the district designated by the board shall investigate the complaint. If the representative of the district finds that a violation has existed or presently exists, the representative shall issue a written directive to the violator stating the nature of the violation and directing the violator to come into compliance with these rules and regulations.

If the violator fails to comply with the directive the district may: (1) Seek to enjoin the violator's use of water by suitable action in district court until such time as the violator complies; or

(2) Seek the assistance of the chief engineer and the attorney general of the state of Kansas to enjoin the violator's use of water until such time as the violator complies. (Authorized by K.S.A. 82a-1028(o); implementing K.S.A. 82a-1028(n); effective May 1, 1981.)

K.A.R. 5-23-14. Dakota aquifer system. All evaluations in the southwest Kansas groundwater management district no. 3 involving a determination of the extent of the confined and unconfined Dakota aquifer system shall use the information shown in the Kansas geological survey open file report number 98-37, released August 1998, which is hereby adopted by reference, unless the applicant or the district provides, or the chief engineer has available, better or more site-specific data concerning the extent of the confined and unconfined Dakota aquifer system. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 82a-709, K.S.A. 1999 Supp. 82a-711, and K.S.A. 82a-1028(n); effective Sept. 22, 2000.)

K.A.R. 5-23-15. Saturated thickness of the high plains aquifer. All evaluations in the southwest Kansas groundwater management district no. 3 involving a determination of the saturated thickness of the high plains aquifer shall use the information shown in the Kansas geological survey open file report number 98-52, plate B, released February 1999, which is hereby adopted by reference, unless the applicant or the district provides, or the chief engineer has available, better or more site-specific data concerning the saturated thickness of the high plains aquifer. (Authorized by K.S.A. 82a-706a and K.S.A. 82a-1028(o); implementing K.S.A. 1999 Supp. 82a-711 and K.S.A. 82a-1028(n); effective Sept. 22, 2000.)