



House Water Committee

**Lane P. Letourneau, P.G.
Water Appropriation Program
Division of Water Resources**

February 18, 2021



Topics

- Application and water right development for irrigation and municipal water rights
- Availability of water in closed areas
- City of Wichita Water Resources
- Impairment

Beneficial Uses

- Domestic
- Stockwatering
- Municipal
- Irrigation
- Industrial
- Recreational
- Waterpower
- Artificial Recharge
- Hydraulic dredging
- Contamination remediation
- Dewatering
- Fire protection
- Thermal exchange
- Sediment control in a reservoir

Permit Types

Appropriation of Water

- Once approved the permit goes through a perfection period to determine the perfected amount of water for the approved use
- Becomes an actual real property right appurtenant to the place of use

Term Permits

- Finite projects lasting longer than 6 months or needing more than 4 mg
- Commonly used for contamination remediation, oil/gas wells, dewatering and construction
- No well log if less than 5 years

Permit Types *cont'd*

Temporary Permits

- Last for no more than 6 months
- A quantity of water no greater than 4 mgy at the place of use, unless for dewatering or wind farms
- Most commonly used for oil/gas wells, dewatering, and wind farm construction
- No well log required

Domestic

- Not required to have a permit, but may be recognized
- Irrigate up to 2 acres (lawn & garden) & watering livestock at pasture
- Household purposes

Process – From Application to Certificate

File an application

- Must be complete
- Must have access
- Must have reasonable need, a detailed map, meet spacing and safe yield
- Assistance available at the local field office

After the permit is approved, complete the diversion works

- Install the well/surface diversion and meter it with an approved meter
- A list of approved (certified) meters can be found online at www.agriculture.ks.gov
- File the Notice of Completion and pay the \$400 N&P fee
- Extension of time to complete can be requested – \$100 fee

Process – From Application to Certificate *cont'd*

After completion, use what is needed during the perfection period

- Accurate records and water use reporting are vital
- Extensions of time to perfect can be requested – \$100 fee
- Reminders are sent in October of the deadline year & a reason to extend must be given

Inspection of diversion works & continuation of perfection period

- Several visits made by DWR staff who will verify
- Well/surface diversion location
- Meter type & installation
- Place of use and rate of diversion

Process – From Application to Certificate *cont'd*

After expiration of the perfection period, DWR will issue a certificate

- DWR will review the water use history to determine what was used from
- The permitted well(s) / surface diversion(s) as well as all of the diversions for the place of use
- A draft certificate will be sent to the landowner of record for review
- DWR will issue the final Certificate with corrections, if needed

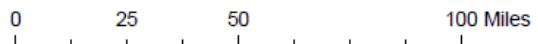
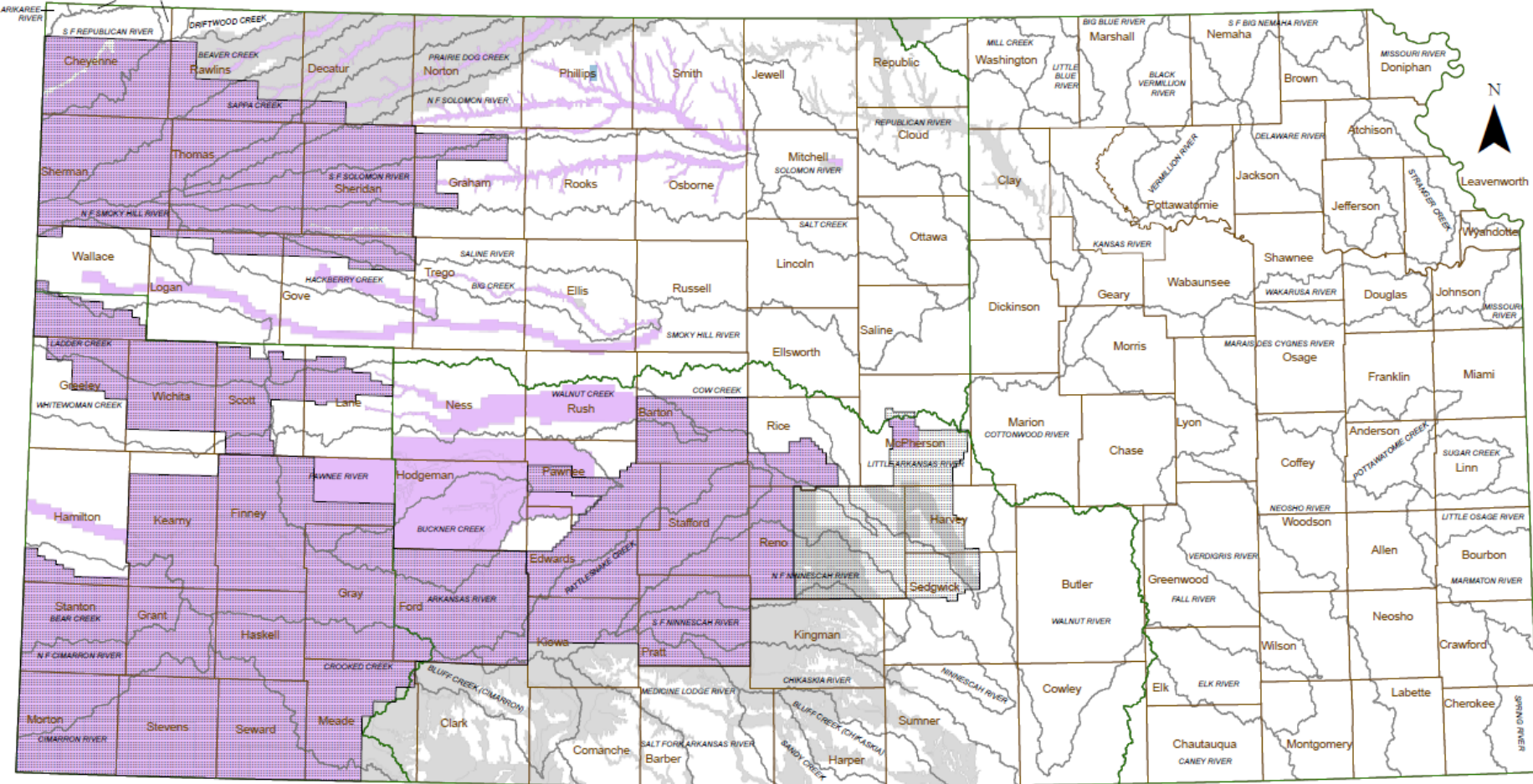
K.S.A. 82a-711

- Chief Engineer shall approve all applications made in proper form if a proposed use neither impairs a use under an existing water right nor unreasonably affects the public interest.
- In ascertaining whether a proposed use will unreasonably affect the public interest, the Chief Engineer shall consider:
 - Established minimum desirable streamflows
 - The area, safe yield and recharge rate of the water supply
 - The priority of existing claims to appropriate the water supply
 - The amount of each claim to use water from the water supply
- In regard to a proposed use impairing a use under an existing water right:
 - Impairment shall include the unreasonable raising or lowering of the static water level; or
 - The unreasonable increase or decrease of the streamflow; or
 - The unreasonable deterioration of the water quality at the water user's point of diversion beyond a reasonable economic limit.
- Any person aggrieved by any order of the Chief Engineer relating to that person's application to appropriate water may petition for review.

Difference in Irrigation and Municipal

- Irrigation reasonable need consists of the amount of land to be irrigated and the irrigation requirement.
- Municipal reasonable need consists of population and infrastructure projections.
- Irrigation use has an initial 5-year perfection period.
- Municipal use has an initial 20-year perfection period.
- Extensions in time to perfect are common for both uses.

Closed and Restricted Areas*



- Closed Areas
- Restricted Areas
- County Boundaries
- DWR Field Office Boundaries
- GMD Boundaries
- DWR Basins

*Disclaimer - Features on this map represent conditions as of the date of the map and are subject to change. The user is referred to specific policies, regulations, and/or orders of the Chief Engineer.

Water Availability on Closed Areas

In areas **closed** to new appropriation, water for population growth, new industry, or feedlot can be accommodated through purchase and conversion of existing water rights.

Changes must pertain to the same local source of supply.

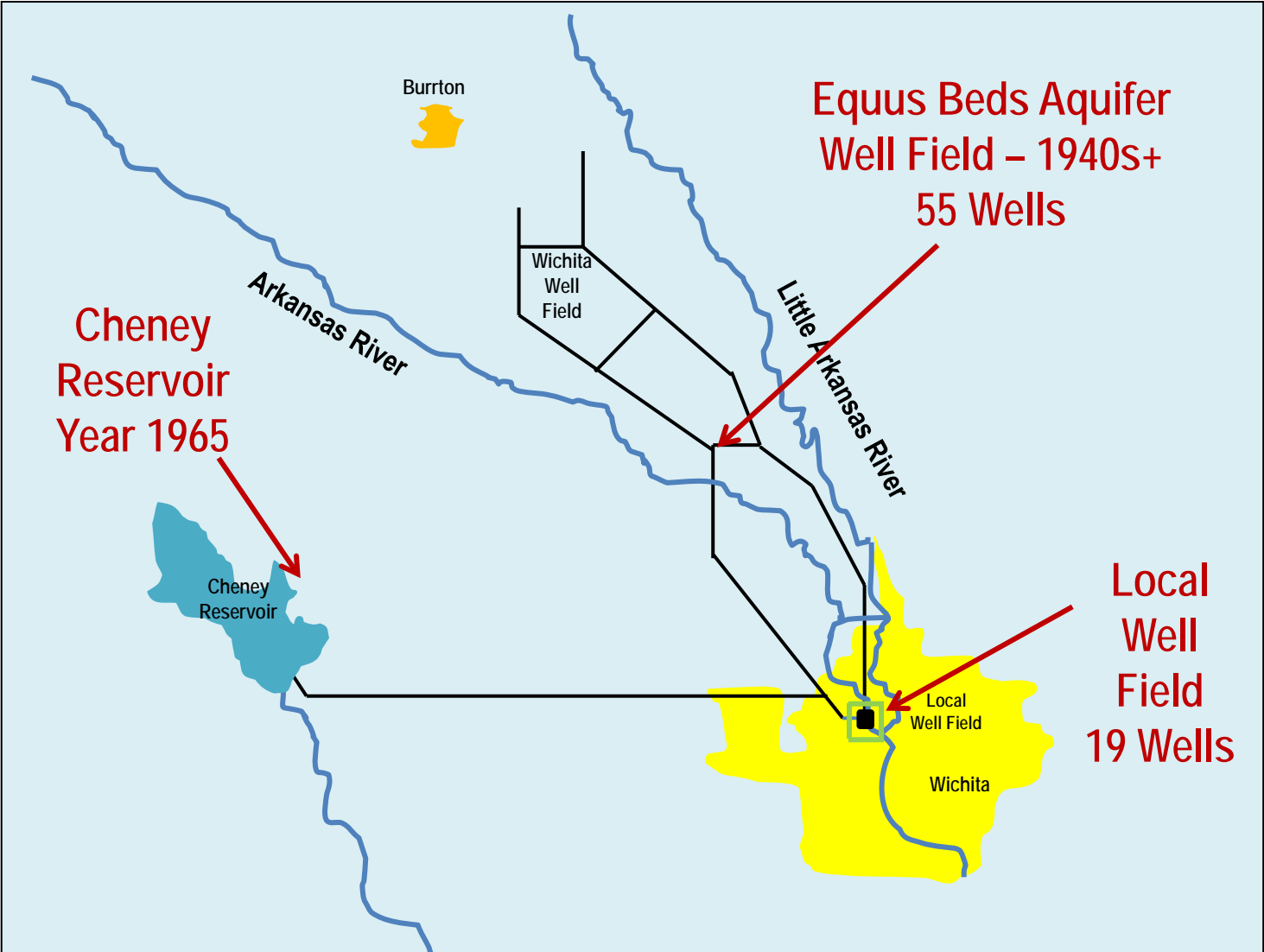
Changes from irrigation to another use such as stock or municipal cannot increase net consumptive use.

Abandoned water rights are no longer forfeited in closed areas. They are available to change.

KSA 82a-708b

- Any owner of a water right may change the Place of Use, Point of Diversion, or Use Made of Water, without losing priority, IF:
 - Apply in writing for approval of any proposed change
 - Demonstrate that proposed change is reasonable and will not impair existing water rights
 - Demonstrate that any proposed change relates to the same local source of supply as that to which the water right relates; and
 - Receive the approval of the Chief Engineer with respect to any proposed change.
- Chief Engineer shall approve or reject the application for change: if disapproved, the rights, priorities and duties of the applicant shall remain unchanged.

City of Wichita Water Resources



City of Wichita Conventional Water Resources *cont'd*

Table 4.1
Water Rights Summary

Raw Water Source	Water Right Designation Number	Maximum Quantity Acre-Feet/Year	Average Daily Diversion (MGD)	Maximum Diversion Rate (MGD)	*Limitation Description
Cheney Reservoir	5033	30,667	27.4	60.0	--
	40126	21,973	19.6	60.0	
	5033 & 40126 Combined	52,640	47.0	120.0	
EBWF + Cheney Conjunctive Use	42824*	36,000	32.1	80.0	Conjunctive Use, available above 1,420' MSL.
Allowable Maximum:		88,640		120.0	--
EBWF	HV006	25,000	22.3	33.0	--
	388	40,000	35.7	48.0	
	1006	25,000	22.3	30.0	Limited to a Maximum of 40,000 AF at a maximum diversion rate of 78MGD.
	Allowable Maximum:	40,000	35.7	78.0	
Cheney + EBWF Maximum Allowable Conjunctive Use		92,638	82.7	120.0	--
Local Well Field (S-wells)	SG-1	1,120	1.0	18.1	Tied to EBWF water right 1006. ¹
	42879	131	0.1	1.4	No additional quantity from 42879, 42880, and 42881, only additional rate.
	42880	130	0.1	1.4	
	42881	130	0.1	1.4	
Local Well Field (E-wells)	540	16,440	14.7	14.6	Tied to EBWF water right 1006. ¹
Allowable Maximum:		17,560	--	36.9	--
Bentley Reserve Well Field	45297	331	0.3	2.3	Groundwater Permit Conditional to Arkansas River conditions exceeding base flow of 165 cfs.
	45296	506	0.5	2.3	
	45298	506	0.5	2.3	
	45299	506	0.5	2.3	
	45300	506	0.5	2.3	
	45301	506	0.5	2.3	
Allowable Maximum:		2,861	--	13.8	
Total Raw Water Allowable Maximum		113,059	98	171	

Notes:

1. Limitation and/or relationship may require addition investigation.

Impairment

- Direct impact impairment
- KSA 82a-706b states, “It shall be unlawful for any person to prevent, by diversion or otherwise, any waters of this state from moving to a person having a prior right to use the same.....”
- KSA 82a-707 states, “the date of priority of every water right of every kind, and not the purpose of use determines the right to divert and use water at any time when the supply is not sufficient to satisfy all water rights.”

THANK YOU

Lane P. Letourneau, P.G.

Program Manager

Lane.Letourneau@ks.gov

