

2023 Kansas Statutes

82a-708b. Application for change in place of use, point of diversion or use; fee; review of action on application. (a) (1) Any owner of a water right may change the place of use, the point of diversion or the use made of the water, without losing priority of right, provided such owner shall:

- (A) Apply in writing to the chief engineer for approval of any proposed change;
- (B) demonstrate to the chief engineer that any proposed change is reasonable and will not impair existing rights;
- (C) demonstrate to the chief engineer that any proposed change relates to the same local source of supply as that to which the water right relates; and
- (D) receive the approval of the chief engineer with respect to any proposed change.

(2) The chief engineer shall approve or reject the application for change in accordance with the provisions and procedures prescribed for processing original applications for permission to appropriate water.

(3) If the chief engineer disapproves the application for change, the rights, priorities and duties of the applicant shall remain unchanged.

(4) Any person aggrieved by an order or decision by the chief engineer relating to an application for change may petition for review thereof in accordance with the provisions of K.S.A. 82a-1901, and amendments thereto.

(b) Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300feet or less \$100
- (2) Application to change a point of diversion morethan 300 feet 200
- (3) Application to change the place of use 200
- (4) Application to change the use made of water 300

On and after July 1, 2028, the application fee shall be set forth in the schedule below:

- (1) Application to change a point of diversion 300feet or less \$50
- (2) Application to change a point of diversion morethan 300 feet 100
- (3) Application to change the place of use 100
- (4) Application to change the use made of the water 150

The chief engineer shall render a decision on such permit applications within 150 days of receiving a complete application except when the application cannot be processed due to the standards established in K.A.R. 5-3-4c. Upon failure to render a decision within 180 days of receipt of a complete application, the application fee is subject to refund upon request.

(c) All fees collected by the chief engineer pursuant to this section shall be remitted to the state treasurer as provided in K.S.A. 82a-731, and amendments thereto.

History: L. 1957, ch. 539, § 4; L. 1982, ch. 4, § 18; L. 1985, ch. 339, § 2; L. 1990, ch. 361, § 1; L. 1999, ch. 130, § 4; L. 2002, ch. 181, § 22; L. 2004, ch. 85, § 17; L. 2009, ch. 51, § 3; L. 2014, ch. 133, § 10; L. 2017, ch. 86, § 14; L. 2022, ch. 9, § 10; July 1.