

# RULES AND REGULATIONS KANSAS WATER APPROPRIATION ACT

(Excerpted)  
November 2019

**K.A.R. 5-25-10. Test holes and water quality analyses.** (a) Except for those types of applications described in K.A.R. 5-25-4(b), each applicant proposing to divert groundwater for non-domestic use within the district shall drill a test hole that shall meet the following requirements:

- (1) Be drilled within 20 feet of the proposed well to the bottom of the aquifer;
- (2) be completed as an observation well according to the following specifications:
  - (A) A casing made of schedule 80 PVC with a minimum outside diameter of three inches shall be used;
  - (B) five feet of well screen shall be installed at the base of the usable aquifer;
  - (C) the annular space shall be grouted with neat cement from the top of the well screen to the land surface; and
  - (D) centralizers shall be placed on the casing at intervals of not greater than 40 feet starting at the bottom of the casing; and
- (3) be drilled under the supervision of the district.
- (b) Each applicant shall have a water sample taken from within five feet of the bottom of the aquifer and shall have the water sample analyzed for chloride content by a laboratory certified by the Kansas department of health and environment. The applicant shall furnish the results of the water quality analysis and a copy of the test hole log to the district.

(c) If the analysis of the water sample taken within five feet of the bottom of the aquifer indicates that the chloride content exceeds 500 milligrams per liter (mg/l), the application to appropriate water shall be recommended for denial by the district unless both of the following conditions are met:

- (1) The applicant shows that approval of the application will not cause an unreasonable deterioration of the water quality nor prejudicially and unreasonably affect the public interest.
- (2) The applicant desires to proceed and is willing, at the applicant's expense, to drill and complete at least two additional observation wells at locations to be determined by the district based on the lithology and the construction of the proposed well. Both of these two additional observation wells shall be constructed according to specifications adopted by the district and in the presence of a representative of the district. The two additional observation wells shall be constructed and screened above the saltwater and freshwater interface at a depth specified by the district. If the proposed point of diversion is to be a well battery, the number and location of the test holes and observation wells required shall be determined by the district based on the best hydrogeologic information available, including groundwater flow direction, lithology, and chloride levels.

(d) If at any time the chloride concentration in either of the latter two observation wells exceeds 500 mg/l, the owner shall reduce the instantaneous rate of pumping or the annual quantity pumped, or both, as necessary to reduce the chloride concentration in both observation wells to below 500 mg/l.

(e) The permit shall be dismissed and the owner shall properly plug the well at the owner's expense if either of the following occurs:

- (1) Within one year after the chloride concentrations exceed 500 mg/l in either of the two observation wells, the chloride concentrations are not reduced below 500 mg/l.
- (2) Operation of the well causes impairment of any other water right, including a domestic water right. (Authorized by K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-1028;

implementing K.S.A. 82a-706a, and K.S.A. 2002 Supp. 82a-1028; effective May 1, 1983; amended April 19, 1996; amended Oct. 31, 2003.)