KANSAS STATE BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA, KANSAS

GUIDELINES FOR TRANSFERS OF ALLOCATIONS WITHIN THE WALNUT CREEK INTENSIVE GROUNDWATER USE CONTROL AREA.

1. Transfers shall be made only within the boundaries of the Walnut Creek Intensive Groundwater Use Control Area and only between holders of existing vested or appropriation rights within the area.
2. Transfers of allocations shall not exceed a distance of 10 miles between the point(s) of diversion of the originating right and the point(s) of diversion of the receiving right.
3. Transfers of allocations may be for any term not to exceed the expiration date of the current five year allocation.
4. The owner or water use correspondent of the water right or permit receiving water under a transfer will be responsible for reporting the quantity actually used to the Division of Water Resources. For purposes of record keeping, it will be assumed that any transferred allocation is pumped before any allocation assigned by the IGUCA Order to the receiving water right or permit.
5. Kansas law provides that failure to use a water right for five successive years without due and sufficient cause will cause such water right to be abandoned and terminated. The Chief Engineer of the Division of Water Resources, Kansas State Board of Agriculture, considers a transfer of an allocation under the above conditions to be due and sufficient cause for non-use of the originating water right or permit. Therefore, such vested rights, certified water rights or approved permits will not be declared abandoned as a result of such a transfer.
6. Transfers of allocations may be processed for approval at the Stafford Field Office of the Division of Water Resources. Please make arrangements for an appointment by calling 620-234-5311.

7. At least one owner of the originating permit to appropriate water or water right must sign the application.
8. Transfers of allocations shall be denied if the Chief Engineer determines that the transfer is not in the public interest. The applicant must demonstrate that the use of water under the proposed transfer is reasonable and will not result in waste of water.
9. The use of the allocation transferred shall be exercised within the terms, limitations and conditions of the receiving water right or permit to appropriate water. The maximum rate of diversion, maximum annual quantity and authorized place of use of the receiving water right or permit govern the use of the transferred allocation, not those limitations pertinent to the originating right or permit.
10. The Chief Engineer may modify these guidelines as necessary in order to implement the Walnut Creek Intensive Groundwater Use Control Area Order or to protect the public interest.

Approved: David L. Pope

David L. Pope, P.E.
Chief Engineer

Effective Date: May 8, 1992