

Kansas Moratorium Report on Regulation Changes in 2025

The Water Appropriation program administers the [Kansas Water Appropriation Act](#) and [Rules and Regulations](#) pertaining to the management of water resources.

Kansas Administrative Regulations

Kansas adopted or updated the following items on Water Resources Regulations of Kansas Administrative Regulations in 2025.

Kansas Department of Agriculture—Division of Water Resources

Article 4.—Distribution of Water Between Users

5-4-1. Revoked (Authorized by and implementing K.S.A. 82a-706a; modified, L. 1978, ch. 460, May 1, 1978; amended Oct. 29, 2010; revoked Dec. 19, 2025.)

5-4-1a. Revoked (Authorized by and implementing K.S.A. 82a-706a; effective Oct. 29, 2010; revoked Dec. 19, 2025.)

5-4-1b. Impairment complaints; regulation of impairing rights. (a) Each complaint that a prior right to the use of water is being impaired shall be made to the chief engineer or an authorized representative of the chief engineer in writing.

(b) If the source of supply of the water right claimed to be impaired is groundwater, the complainant shall, upon request of the chief engineer, provide to the chief engineer a written report completed within 180 days preceding the date of the complaint that meets the following requirements:

- (1) Is prepared by a licensed well driller, professional engineer, or professional geologist or an individual who the chief engineer determines is qualified to prepare the report;
- (2) describes the construction and components of the water right's well;
- (3) includes a well log or similar data that shows the depth and extent of the well construction; and
- (4) includes testing and inspection data that shows the depth of the pump in the well column and the extent to which the pump, power unit, well casing, and screen are in good working condition.

(c) Following receipt by the chief engineer or an authorized representative of the chief engineer of any report required pursuant to this regulation, a complaint of impairment shall be considered submitted for purposes of K.S.A. 82a-717a.

(d) Following a determination of impairment or a substantial likelihood of impairment by the chief engineer, each impairing or allegedly impairing water right shall be subject to temporary or final order issued in accordance with K.S.A. 82a-717a, and amendments thereto, that contains the chief engineer's determination regarding how to administer each impairing or allegedly impairing water right. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706, K.S.A. 82a-706a, K.S.A. 82a-706b, and K.S.A. 82a-717a; effective Dec. 19, 2025.)

Kansas Water Appropriation Act

Kansas adopted or updated the following article on Kansas Water Appropriation Act in 2025.

K.S.A. 82a-736. Multi-year flex accounts; definitions; establishment; conditions; term permits; fees. (a) The chief engineer is authorized to establish multi-year flex accounts to improve water management by enabling multi-year flexibility in the use of water authorized to be diverted under a groundwater water right, if such flexibility neither impairs existing water rights, nor increases the total amount of water diverted, so that such flexibility has no long-term negative effect on the source of supply. (b) As used in this section: "Base water right" means a water right that is vested or has been issued a certificate of appropriation and: (A) The water right's authorized source of supply is groundwater; and (B) the water right is not subject to a multi-year allocation pursuant to any other program or order issued by the chief engineer; (C) the water right is not subject to any order issued by the chief engineer pursuant to K.S.A. 82a-703a, 82a-706b or 82a-717a, and amendments thereto; (D) neither the water right nor any portion thereof has been deposited or placed in a safe deposit account in a chartered water bank; (E) the water right is not deemed abandoned and is in compliance with all provisions of any order of the chief engineer; and (F) the chief engineer determines that no other conditions exist that make establishment of a multi-year flex account for such water right contrary to the public interest. (2) "Multi-year flex account" means a term permit for up to five years that suspends a base water right and assigns a multi-year quantity allocation to such base water right in place of the base water right's annual quantity limitation for the duration of the term permit. (3) "Net irrigation requirement" means the net irrigation requirement for 50% chance rainfall of the county that corresponds with the location of the authorized place of use of the base water right. (c) Any holder of a base water right may establish a multi-year flex account where the holder may deposit water from a base water right in advance for a period of up to five consecutive calendar

years. Each multi-year flex account shall meet the following requirements: (1) The amount of water deposited in the multi-year flex account shall not exceed 500% of the product of the annual net irrigation requirement multiplied by the base water right's authorized acreage, multiplied by 110%, and such amount shall not exceed five times the maximum annual quantity authorized by the base water right; (2) for each multi-year flex account that overlaps in place of use with other water rights, including other multi-year flex accounts or other term permits, the multi-year flex account's authorized quantity shall be further limited by the net irrigation requirement for the common place of use when combined with the quantities authorized by the overlapping water rights or term permits; (3) a separate multi-year flex account application shall be required for each point of diversion authorized by the base water right; (4) the authorized rate of diversion of each multi-year flex account shall be the maximum authorized rate of diversion for the point of diversion authorized by the base water right; and (5) the authorized point of diversion and place of use shall be the point of diversion and place of use for the base water right. Any approval of an application to change the point of diversion or place of use of the base water right shall automatically result in a change to the point of diversion or place of use for the multi-year flex account. (d) Each application for a multi-year flex account shall be filed with the chief engineer on or before December 31 of the first year of the multi-year flex account term for which the application is being made. Such application shall be subject to the same fee required for other term permits pursuant to K.S.A. 82a-708c, and amendments thereto. (e) If there is deposited water remaining in a multi-year flex account upon the expiration of such account's term, an amount of water not to exceed the lesser of the annual net irrigation requirement for the base water right's authorized acres or the base water right's authorized annual quantity may be added to the deposit amount determined in paragraph (c)(1) for a subsequent multiyear flex account term if such addition does not result in the multi-year allocation for the subsequent multi-year flex account term exceeding the base water right's authorized annual quantity multiplied by the number of years of the subsequent multi-year flex account term and the base water right is enrolled in the subsequent multi-year flex account during the calendar year in which the existing multi-year flex account term expires. (f) Except as otherwise provided in this section, multi-year flex accounts shall be subject to all provisions of the Kansas water appropriation act and any rules and regulations adopted thereunder. (g) All costs of administration of this section shall be paid from the water appropriation certification fund when moneys are available in such fund. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from where such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund. (h) The chief engineer may adopt rules and regulations to implement, administer and enforce this section. (i) The chief engineer shall submit a written report on the implementation of this section to the house standing committees on agriculture and natural resources and water and the senate standing committee on agriculture and natural

resources or any successor committees on or before January 15, 2029, and every four years thereafter. (j) This section shall be a part of and supplemental to the Kansas water appropriation act. History: L. 2001, ch. 160, § 16; L. 2005, ch. 142, § 3; L. 2011, ch. 89, § 28; L. 2012, ch. 7, § 1; L. 2015, ch. 60, § 3; L. 2016, ch. 23 § 2; L. 2018, ch. 21, § 1; L. 2021, ch. 21, § 1; L. 2023, ch. 76, § 3; May 4; L. 2025, ch. 21, § 1; July 1.