

K.A.R. 5-17-14. Water flowmeters. (a) The following points of diversion shall meet the requirements specified in subsection (b):

- (1) Within a groundwater bank, all non-domestic, non-temporary wells within the boundaries of the water bank;
- (2) within a surface water bank, all non-domestic, non-temporary surface water points of diversion within the boundaries of the water bank; and
- (3) within a groundwater and surface water bank, all non-domestic, non-temporary points of diversion within boundaries of the water bank.

(b) While a water bank is operating, each of the points of diversion described in subsection (a) shall meet one of the following requirements:

- (1) Be equipped with a water flowmeter meeting the requirements of K.A.R. 5-1-4 through K.A.R. 5-1-12;
- (2) be sealed by the chief engineer; or
- (3) be approved by the chief engineer as having another objectively verifiable means of determining that water has not been pumped, including capping the well, removal of the pump, or removal of a permanent power source.

(c) If a water flowmeter does not function properly whenever water is being diverted, it shall be assumed, for the purpose of determining compliance with the water right and the term permit issued to withdraw leased water or water deposited in a safe deposit account, that the diversion works have been operated continuously at the tested rate of diversion since the last time the waterflow meter was confirmed by the chief engineer or a groundwater management district to have been operating properly. If the diversion works have not been tested by the chief engineer or a groundwater management district, it shall be assumed that the diversion works have been operated continuously at the authorized rate of diversion during the entire time the water flowmeter was out of compliance. Either of the assumptions specified in this subsection may be rebutted if the water right owner submits objective documentation of the actual quantity of water diverted while the water flowmeter was out of compliance. (Authorized by K.S.A. 2003 Supp. 82a-769; implementing K.S.A. 2003 Supp. 82a-766 and K.S.A. 2003 Supp. 82a-769; effective Aug. 13, 2004.)