



**PROCEDURE FOR REQUESTING A WAIVER TO INSTALL A WELL
CLOSER THAN 25 FEET FROM PROPERTY LINE AND/OR
CLOSER THAN 50 FEET FROM NEAREST SOURCE OF CONTAMINATION
(FOR WELLS CONSTRUCTED AFTER JULY 2, 1974)**

Procedure #: WWP-2 (7/17)

Narrative:

The purpose of this guidance is to outline what is required by the Kansas Department of Health and Environment, Bureau of Water (KDHE-BOW) when requesting a waiver for a well to be located closer than 25 feet from the nearest property line and/or closer than 50 feet from the nearest potential source of contamination. The waiver request will be reviewed by KDHE and the appropriate parties will be notified of KDHE's approval or denial of the waiver request.

KDHE, in most cases, will not grant waivers for wells to be located less than 25 feet from property lines and/or less than 50 feet from a contamination source when the well owner has adequate space to construct the well, on his property, to meet the two footage requirements. For existing wells already completed and not having a waiver, a water well record (WWC-5 form) must be received by KDHE prior to KDHE approving a waiver request.

Procedure:

1. The waiver request must be submitted to KDHE in writing and shall contain all information relevant to the request, as required under K.A.R. 28-30-9.
2. The request should be made at least 30 days in advance of well installation.
3. The request for waiver must be pre-approved by the local city, county, groundwater management district and/or the local environmental protection program, in the area the waiver request is located. Documentation of the pre-approval must be provided with the waiver request;
4. The request for waiver must contain the following information:
 - a. A thorough and detailed explanation of why a waiver is needed;
 - b. The name and license number of the Kansas water well contractor installing the well;
 - c. The property street address and county where the well will be located;
 - d. The well location description defining the nearest 2.5-acre quarter fraction, section, township, and range, and lot and subdivision, if located on a city lot;
 - e. The well owner's name, address, signature and date;
 - f. A drawing, sketch, or map showing the well and nearby pertinent features (i.e. roads, buildings, parking lots, property lines, potential sources of contamination, etc.), and distances between them;
 - g. Estimated depth to the water table;
 - h. The names and addresses of adjacent property owners within 25 feet of the proposed well or within 50 feet from the nearest source of contamination;
 - i. A signed letter from the adjacent property owner (less than 25 feet of the proposed well). The contents of the letter should inform KDHE that the adjacent property owner releases any future recourse.
5. If granted, a copy of the letter authorizing the waiver request must be attached to the water well record (Form WWC-5) for the well authorized and sent to the KDHE-BOW.

The decision to grant the waiver will be based on information provided and will pertain to the well mentioned. The variance request shall become null and void if any of the information submitted in the request is found to be false.