



# Kansas Register

Ron Thornburgh, Secretary of State

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In this issue . . .	Page
<b>State Fair Board</b>	
Notice of meeting.....	1724
<b>Kansas Housing Resources Corporation</b>	
Notice of hearing on the 2004 Housing Tax Credit Program .....	1724
<b>Department of Administration</b>	
Public notice.....	1724
<b>Pooled Money Investment Board</b>	
Notice of investment rates.....	1724
<b>City of Olathe</b>	
Notice to bidders.....	1725
<b>Department of Agriculture</b>	
Notice of Governor’s Agricultural Advisory Board meeting.....	1725
<b>Department of Commerce</b>	
Notice of hearing on proposed administrative regulations.....	1725
<b>Legislative interim committee schedule.....</b>	1726
<b>Department of Administration—Division of Facilities Management</b>	
Notice of commencement of negotiations for architectural services .....	1727
<b>Department of Administration—Division of Purchases</b>	
Notice to bidders for state purchases.....	1727
<b>Juvenile Crime Enforcement Coalition</b>	
Notice of 2003-2004 meeting schedule .....	1728
<b>Office of the Governor</b>	
Executive Order 03-20 .....	1728
<b>Department of Health and Environment</b>	
Notice concerning Kansas water pollution control permits .....	1729
Requests for comments on proposed air quality permits .....	1732, 1733, 1734
<b>Notice of Bond Sale</b>	
City of Overland Park .....	1735
City of Ogden.....	1736
City of Merriam .....	1738
Johnson County .....	1738
<b>Notice of Bond Redemption</b>	
City of Johnson City .....	1740
<b>Temporary Administrative Regulations</b>	
Kansas Lottery.....	1741
<b>Permanent Administrative Regulations</b>	
Department of Agriculture.....	1747
Department of Agriculture—Division of Water Resources.....	1747
Department of Health and Environment .....	1760
<b>Index to administrative regulations .....</b>	1771

State of Kansas

State Fair Board

Notice of Meeting

The Kansas State Fair Board's Building Committee will meet at 1 p.m. Thursday, October 16, in the second floor meeting room of Cottonwood Court on the Kansas State Fairgrounds in Hutchinson. For further information contact Deana Novak at (620) 669-3612.

Mary Alice Lair  
President

Doc. No. 029919

State of Kansas

Kansas Housing Resources Corporation

Notice of Hearing

The Kansas Housing Resources Corporation will conduct a public hearing from 1 to 3 p.m. Thursday, October 30, in the main conference room of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to provide citizen input on the Housing Tax Credit Program for 2004.

The proposed plan is available for public review on the agency's Web site at www.kshousingcorp.org. Limited hard copies will be available at the hearing and upon request. The public comment period ends October 30.

Requests for special accommodations should be made at least five days in advance of the hearing by calling (785) 296-5865 or fax (785) 296-8985.

Stephen R. Weatherford  
President

Doc. No. 029899

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 65-34,117 (c), records of the Division of Accounts and Reports show the unobligated balances are \$3,346,510.80 in the underground petroleum storage tank release trust fund and \$968,113.90 in the aboveground petroleum storage tank release trust fund at September 30, 2003.

Howard R. Fricke  
Secretary of Administration

Doc. No. 029911

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d), 75-4201(l) and 75-4209(a)(1)(B).

Effective 10-6-03 through 10-12-03

Term	Rate
1-89 days	1.04%
3 months	0.95%
6 months	0.99%
1 year	1.11%
18 months	1.36%
2 years	1.62%

Derl S. Treff  
Director of Investments

Doc. No. 029892

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(Published in the Kansas Register October 9, 2003.)

**City of Olathe, Kansas****Notice to Bidders**

Sealed bids will be received at the office of the city clerk at City Hall, 100 E. Santa Fe, Olathe, KS 66051, until 2 p.m. November 13, 2003, for the construction of **Ridgeview Street (130 meters south of Loula Street to Santa Fe Street) KDOT Project No. 46 N-0269-01, Olathe Project No. 35201C.**

At said time and place, and promptly thereafter, all bids that have been duly received will be publicly opened and read aloud.

The work consists of the following:

The construction of Ridgeview Street consists of approximately 543 linear meters of new roadway and rehabilitation street work from just south of Loula Street to Santa Fe Street including asphaltic pavement, milling, concrete curb and gutter, sidewalks, construction of a one-lane roundabout, storm sewer, water main relocations, lighting, traffic control, pavement markings, sodding and landscaping.

Contract documents, including drawings and specifications, are on file at the office of the Olathe city engineer and are open for public inspection. Copies may be obtained at the office of Olsson Associates, 8301 State Line Road, Suite 101, Kansas City, MO 64114, for \$150, none of which will be refundable.

The entire name of the project must appear on the outside of the bid envelope submitted to the city clerk's office. A satisfactory bid bond executed by the bidder and an acceptable surety, in an amount equal to 5 percent of the total bid for work, shall be submitted with each proposal. The successful bidder will be required to furnish and pay satisfactory performance and payment bond or bonds. The City of Olathe reserves the right to reject any or all bids or to waive any informalities in the bidding.

Bids may be held by the City of Olathe for a period not to exceed 60 days from the date of the opening of bids for the purpose of reviewing the bids and investigating the qualifications of bidders, prior to awarding the contract.

The contractors bidding on this project must be listed on KDOT's prequalified list for this class of work.

No contract will be awarded to any company that has not been issued a Certification of Compliance by the Olathe Human Relations Commission within the past 12 months. A copy of the required form is included in the contract documents. Questions concerning the forms and information required to complete the form should be directed to the City of Olathe Equal Opportunity Office at (913) 393-6493.

City of Olathe, Kansas  
By Debra S. Gragg  
City Clerk

Doc. No. 029904

**State of Kansas****Department of Agriculture****Notice of Board Meeting**

The Governor's Agricultural Advisory Board will meet at 10 a.m. Friday, October 17, in Building 2 at the Douglas County Fairgrounds, 2120 Harper St., Lawrence. A meeting agenda will be available prior to October 17 by contacting Ginger Patterson at (785) 296-3902. This meeting is open to the public and will include time for public comment. If special accommodations are needed, individuals should contact the Department of Agriculture at (785) 296-3902 at least three business days prior to the meeting.

Adrian J. Polansky  
Secretary of Agriculture

Doc. No. 029898

**State of Kansas****Department of Commerce****Notice of Hearing on Proposed Administrative Regulations**

A public hearing will be conducted at 2 p.m. Tuesday, December 9, in the main conference room of the Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider a proposed new Kansas Administrative Regulation K.A.R. 110-10-1. This regulation is proposed for adoption on a permanent basis.

**K.A.R. 110-10-1** adopts an objective scoring matrix for the purpose of awarding housing tax credits.

The regulation will not have an economic impact on any governmental agency, private citizens or consumers of the products or services that are the subject of the regulation.

This 60-day notice of public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed regulation. Comments may be submitted prior to the hearing to Fred Bentley, Director of Rental Housing, Kansas Housing Resources Corporation, 1000 S.W. Jackson, Suite 150, Topeka, 66612-1354.

All interested parties will be given a reasonable opportunity at the hearing to present their views. It may be necessary to request each participant to limit any oral presentation to five minutes. Any person requiring visual, hearing or other communication aid or assistance, building access assistance or other similar accommodation should contact the Kansas Housing Resources Corporation at the address above so appropriate arrangements can be made.

Copies of the regulation and the economic impact statement may be obtained at the address above or by calling (785) 296-6847.

John Moore  
Secretary of Commerce

Doc. No. 029915

## State of Kansas

## Legislature

## Interim Committee Schedule

The following committee meetings have been scheduled during the period of October 9-24. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://kslegislature.org/klrd>.

Date	Room	Time	Committee	Agenda
Oct. 9	123-S	9:00 a.m.	Joint Committee on Economic Development	Healthcare costs and small business; Kauffman Foundation; overview of Center for International Business, Education, and Research; regional economic outlook, Federal Reserve Bank; presentation by new president of Kansas, Inc.
Oct. 9	514-S	10:00 a.m.	Legislative Educational Planning Committee	<b>9th:</b> a.m.—Subject matter of 2003 HB 2145 (in-state tuition rates). p.m.—Positive behavior supports. <b>10th:</b> Postsecondary student tuition; request by the State Treasurer for legislation concerning Learning Quest; and other agenda items to be determined.
Oct. 10	514-S	9:00 a.m.		
Oct. 9	519-S	10:00 a.m.	Special Committee on Assessment and Taxation	<b>9th:</b> Topic 12—Property Tax Income and Expense Info. (SB 99); Kansas Tax Facts; Topic 10—Job Retention Policy; Topic 5—Transportation of Cigarettes (HB 2422); Topic 3—Monitor Streamlined Sales Tax Implementation; Topic 7—Local Sales Tax Uniformity. <b>10th:</b> Topic 9—Corporation Franchise Taxes; Topic 4—Severance Tax Administration (SB 267); Topic 11—Property Tax on Damaged Property.
Oct. 10	519-S	9:00 a.m.		
Oct. 13—Oct. 17		Biennial Bus Tour	Senate Ways and Means Committee House Appropriations Committee Legislative Post Audit Committee Joint Committee on State Building Construction	2003 Biennial Tour, with stops at various locations within the following communities: <b>13th</b> —Manhattan, Milford State Park, Salina, Lucas, Wilson State Park, Russell, Hays <b>14th</b> —Russell, Cheyenne Bottoms, Great Bend, Larned, Cimarron, Garden City <b>15th</b> —Garden City, Montezuma, Dodge City, Hutchinson <b>16th</b> —Hutchinson, Yoder, Cheney Lake <b>17th</b> —Wichita
Oct. 14	123-S	10:00 a.m.	Special Committee on Judiciary	Committee discussion on Topic 3—Allocation of Judicial Resources, and Topic 4—Judicial Docket Fees. <b>Meeting scheduled for October 15 cancelled.</b>
Oct. 20	514-S	10:00 a.m.	Special Committee on Insurance	Agenda not available.
Oct. 21	514-S	9:00 a.m.		
Oct. 21	123-S	9:00 a.m.	Special Committee on Kansas Security	Review of recent terrorist and disaster training drills conducted by Division of Emergency Management and Kansas State University.

Oct. 22	519-S	10:00 a.m.	Legislative Post Audit Committee	Agenda not available.
Oct. 23	514-S	10:00 a.m.	Long-Term Care Services Task Force	Agenda not available.
Oct. 24	514-S	9:00 a.m.	Force	
Oct. 23	519-S	10:00 a.m.	Special Committee on Local Government	Agenda not available.
Oct. 24	519-S	9:00 a.m.		

The Joint Committee on Children's Issues will be conducting a roundtable on child in need of care code issues and court procedures.

October 29\* 313-S Joint Committee on Children's Issues

Anyone wishing information about the roundtable should contact Emalene Correll or Hank Avila in the Legislative Research Department at (785) 296-3181 or by email at EmaleneC@klrd.state.ks.us.

Jeff Russell  
Director of Legislative  
Administrative Services

\* Please note date change from October 21.

Doc. No. 029914

### State of Kansas

#### Department of Administration Division of Facilities Management

##### Notice of Commencement of Negotiations for Architectural Services

Notice is hereby given of the commencement of negotiations for architectural services for two parking garages for the University of Kansas Medical Center, Kansas City, Kansas. One firm will be selected to perform both projects.

Parking Facility #3 will be located between Rainbow Boulevard and Eaton Street north of the rock bluff behind Dykes Library and will accommodate approximately 900 vehicles. It is to be designed in 2004 and built in 2004-05. The total project budget is \$11,000,000.

Parking Facility #4 will be located on Olathe Boulevard between Cambridge Street and the current Olathe parking facility and will accommodate approximately 580 vehicles. It is to be designed in 2005 and built in 2005-06. The total project budget is \$7,500,000.

For more information concerning the scope of services, contact Dave Roland, Assistant Director of Design and Construction, (913) 588-9011.

If interested, an original and six copies (seven total) of the SF255 form, all relevant information regarding similar projects, and an optional CD with the proposal in one PDF file should be submitted. Each submittal should include an e-mail address, be concise and follow the State Building Advisory Commission guidelines, which have previously been distributed to firms. If copies of the guidelines are required, contact Phyllis Fast, Division of Facilities Management, Room 600, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612, (785) 296-5796. Submittals not complying with the guidelines will not be considered.

Expressions of interest and the SF255 submittals should be received by Phyllis Fast on or before 5 p.m. October 24.

D. Keith Meyers  
Director, Division of  
Facilities Management

Doc. No. 029903

### State of Kansas

#### Department of Administration Division of Purchases

##### Notice to Bidders

Sealed bids for items listed will be received by the Director of Purchases until 2 p.m. on the date indicated. For more information, call (785) 296-2377:

10/20/2003	06732	Multimedia Marketing Plan
10/20/2003	06744	On-Site Emergency Assistance to Public Water Supply Systems
10/21/2003	06719	Consulting Services—Internal Review
10/21/2003	06731	Equipment Transport Semi-Trailer
10/22/2003	06712	Law Enforcement Munitions and Gases
10/22/2003	06736	Liquid Magnesium Chloride (De-Icer/Anti-Icer)
10/23/2003	06739	Refurbished IBM 7060-H50 Server
10/29/2003	06727	DIS Support and Maintenance Support Services

The above referenced bid documents can be downloaded at the following Web site:

<http://da.state.ks.us/purch/rfq/>

Additional files may be located at the following Web site (please monitor this Web site on a regular basis for any changes/addenda):

<http://da.state.ks.us/purch/adds/default/htm>

The following bid documents may be obtained by calling (785) 296-8899:

10/21/2003	A-9674	Fascia Replacement—Research Center
10/30/2003	A-9787	Special Systems Network Upgrade (Fire and Security)
10/30/2003	A-9812	Paint Room Ventilation System Modification

Keith Meyers  
Director of Purchases

Doc. No. 029918

## State of Kansas

**Juvenile Crime Enforcement Coalition****Notice of Meetings**

The Juvenile Crime Enforcement Coalition (JCEC) will meet at 2:30 p.m. Wednesday, October 15, in the Juvenile Justice Authority training room, 714 S.W. Jackson, Suite 300, Topeka.

Regularly-scheduled JCEC meetings for 2003-2004 will be at 1:15 p.m. at the same location on December 18, 2003, and March 18, June 17, September 16 and December 16, 2004. An agenda may be obtained by contacting Kelly Potter, 714 S.W. Jackson, Suite 300, Topeka, 66603, (785) 296-4213.

Any individual with a disability may request accommodation in order to participate in the meetings. Requests for accommodation should be made at least five working days in advance of the meeting by contacting Kelly Potter, Juvenile Accountability Incentive Block Grant Coordinator, at the address and phone number above or by calling the Kansas Relay Center, 1-800-766-3777.

Kelly Potter  
JAIBG Coordinator

Doc. No. 029917

## State of Kansas

**Office of the Governor****Executive Order 03-20**

WHEREAS, the use of cellular phones while operating vehicles presents potentially unsafe driving conditions; and

WHEREAS, the use of cellular phones while operating state vehicles is strongly discouraged as it is inconsistent with the responsibility of state employees to operate state vehicles in a safe and prudent manner; and

WHEREAS, the use of state cellular phones for personal, non-state business purposes can constitute an improper use of state property; and

WHEREAS, the Department of Administration is to exercise administrative functions in developing plans for improvements and economies in the operation of the several state agencies; and

WHEREAS, the adoption of the attached cellular phone policies will provide such improvements and economies in the operation of state agencies.

NOW THEREFORE, pursuant to K.S.A. 75-3707 and 75-3711 and the authority vested in me as Governor of the State of Kansas, and having applied the guidelines and limitations of K.S.A. 75-3711c, I hereby direct the Secretary of Administration to provide the executive branch agencies under the jurisdiction of the Governor copies of the two attached cellular phone policies. Such policies are to be utilized in the operations of such state agencies. Each such state agency shall utilize such policies and make them known and available to their employees. I further hereby rescind Executive Order No. 03-08.

This document shall be filed with the Secretary of State as Executive Order No. 03-20 and shall become effective immediately.

## State of Kansas

**Cellular Phone Policy****Cellular Phones Provided by State of Kansas****General**

1. Cellular phones are provided to improve customer service and to enhance business efficiencies. Cellular phones are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct state business.

2. Employees are responsible for operating state-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using cellular phones while operating such vehicles and equipment.

3. Possessing a cellular phone is a privilege and all employees are expected to use them responsibly. The state will seek reimbursement for any additional charges resulting from personal calls. Misuse of a state cellular phone may result in its revocation and possible disciplinary action against the employee pursuant to K.S.A. 75-2949.

4. If the cellular phone contract is based on minutes used, a minimal plan shall be utilized. In other words, the smallest plan available to accommodate the particular business need shall be utilized. No employee may approve his/her own cellular service plan.

**Billing Statements and Reconciliation**

1. Each state cellular phone will receive a monthly activity statement for all charges.

2. The user must review the monthly statement for billing accuracy.

3. Monthly activity statements must be attached to the voucher and retained for a period of time consistent with record retention policies.

**Personal Use**

More than de minimis personal use of a state-provided cellular phone without written authorization by the appropriate agency head is prohibited. When an employee's personal calls cause the monthly plan minutes to be exceeded, the employee must reimburse the state for the minutes. In addition, employees must reimburse the state for all long distance and roaming charges incurred for personal calls, even if the minutes for these personal calls are under the plan limit. All reimbursements are to be made within 15 days of receipt and reconciliation of the monthly statement.

**Violation**

Employees violating this policy may be subject to disciplinary action in accordance with the provisions of K.S.A. 75-2949, including but not limited to K.S.A. 75-2949e(a)(3), "careless, negligent or improper use of state property," or K.S.A. 75-2949f(1), "refusal to accept a reasonable and proper assignment from an authorized supervisor."

## State of Kansas

**Personal Cellular Phone Policy**

The following policy shall be in effect for the use of employee personal cellular phones in order to promote a safe working environment and to limit the liability of the

State due to the use of personal cellular phones in non-work related situations. State employees may carry personal cellular phones with them while on state time or while operating state equipment, but are subject to the following restrictions:

1. Excessive use of a personal cellular phone for personal business during duty hours is not allowed.
2. Employees are responsible for operating state-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees should refrain from using personal cellular phones while operating such vehicles and equipment.
3. When authorized in writing by the agency head or designee, the cost of using a personal cellular phone for official business may be reimbursed to the employee. Having a personal cellular phone is a choice the employee makes, and if the cellular phone is used for business purposes, any reimbursement will be for reasonable costs in excess of the base plan plus any additional fees such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instance will the employee be reimbursed more than the monthly cost to the employee.
4. Employees are not permitted to receive a monthly allowance from a state agency for the use of a cellular phone.
5. The violation of any provision of this policy may result in possible disciplinary action pursuant to K.S.A. 75-2949, including but not limited to K.S.A. 75-2949(e)(a)(3), "careless, negligent or improper use of state property," or K.S.A. 75-2949f(1), "refusal to accept a reasonable and proper assignment from an authorized supervisor."

Dated September 27, 2003.

Kathleen Sebelius  
Governor

Attest: Ron Thornburgh  
Secretary of State

Doc. No. 029901

**State of Kansas**  
**Department of Health and Environment**  
**Notice Concerning Kansas Water Pollution Control Permits**

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Dis-

charge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

**Public Notice No. KS-AG-03-251**  
**Application(s) for New or Expansion of Existing Swine Facilities**

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
Roth Farms (Ron Roth) 1924 Valleyview Road Green, KS 67447	Ron Roth 1924 Valleyview Road Green, KS 67447
Legal Description	Receiving Water
W/2 of Section 34, T07S, R04E, Clay County	Lower Republican River Basin
Kansas Permit No. A-LRCY-S031	

This is a permit renewal and an application for permitting of changes that were approved and implemented as minor modifications during the last permit cycle, including replacing open lots with hoop structures and modifying the breeding and stocking densities of various units. The facility was previously permitted for a maximum of 1,720 head [500 animal units (a.u.)] of swine and cattle. The permit now includes all confinement areas at maximum capacity, and lists a maximum of 1,438 head 575.2 a.u. of swine weighing greater than 55 pounds, 630 head (63 a.u.) of swine weighing less than 55 pounds and 150 head (150 a.u.) of cattle weighing greater than 700 pounds, for a total of 2,218 head (788.2 a.u.) of cattle and swine. A new or modified permit will not be issued without additional public notice.

**Public Notice No. KS-AG-03-252/255**

Name and Address of Applicant	Legal Description	Receiving Water
Larson Land & Cattle Inc. Route 2, Box 61 Oberlin, KS 67749	SE/4 of Section 13, T03S, R30W, Decatur County	Upper Republican River Basin
Kansas Permit No. A-URDC-C005		Federal Permit No. KS0097438

This is a renewal permit for an existing facility expanding from a capacity of 900 head (900 animal units) of cattle weighing greater than 700 pounds to a capacity of 900 head (900 animal units) of cattle weighing greater than 700 pounds and 400 head (200 animal units) of cattle weighing 700 pounds or less, for a total maximum capacity of 1,300 head (1,100 animal units) of cattle.

Soil sampling and analysis shall be conducted on soils from fields determined by the department to be located in a sensitive groundwater area and that have received manure or wastewater within the five-year permit cycle.

Permeability tests shall be conducted on the second cell of the earthen wastewater retention structure. If a synthetic liner is to be installed, the tests shall be completed prior to its placement.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18-12 and 13.

Within six months of the effective date of the permit, the two cells comprising the earthen lagoon system shall be interconnected by an eight-inch pipe located at least six feet below the top of the berm.

Name and Address of Applicant	Legal Description	Receiving Water
R & L W Farms, Inc. RFD 2, Box 151 Lebanon, KS 66952	NW/4 of Section 28, T02S, R12W, Smith County	Solomon River Basin
Kansas Permit No. A-SOSM-S019		

This is a renewal permit for an existing facility with a revised animal unit and head count due to changes in the law requiring swine less  
*(continued)*

than 55 pounds to be counted as 0.1 animal units. The facility has a maximum capacity of 920 head of swine weighing greater than 55 pounds each (368 animal units) and 480 head of swine weighing less than 55 pounds each (48 animal units), for a total of 1,400 head of swine (416 animal units).

Dewatering equipment shall be obtained within six months after issuance of the permit through purchase, rental or custom application agreement. Written verification of the acquisition of the equipment shall be submitted to the department.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to pursuant to K.A.R. 28-18a-12 and 19.

Name and Address of Applicant	Legal Description	Receiving Water
Stalker Feeders, Inc. Route 2, Box 30-C Satanta, KS 67870	SW/4 of Section 24, T30S, R34W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-B001  
This is a new permit for an existing previously certified facility that is expanding to 850 head (425 animal units) of beef cattle. The facility will be constructing runoff controls and a waste storage pond for the existing facility.

Permeability tests shall be conducted on the earthen wastewater retention structure(s). Permeability tests shall be completed after the soil liner(s) have been compacted and prior to placing the earthen wastewater retention structure(s) into service.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Joe L. Dawson Route 1, Box 78 Norcatur, KS 67653	NE/4 of Section 28, T02S, R25W, Norton County	Upper Republican River Basin

Kansas Permit No. A-URNT-H002 Federal Permit No. KS0092771  
This is a renewal permit for an existing facility for 12,000 head (4,800 animal units) of swine weighing more than 55 pounds each.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

**Public Notice No. KS-03-137/143**

Name and Address of Applicant	Waterway	Type of Discharge
Bartlett, City of P.O. Box 4652 Bartlett, KS 67332	Lake Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE04-0001 Federal Permit No. KS0080900  
Legal: NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub>, S28, T34S, R20E, Labette County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Annual monitoring of ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Medicine Lodge, City of 114 W. First St. Medicine Lodge, KS 67104-1305	Medicine Lodge River via Elm Creek	Treated Domestic Wastewater

Kansas Permit No. M-AR60-0001 Federal Permit No. KS0116858

Legal: NE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, S12, T32S, R12W, Barber County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, ammonia, fecal coliform, total residual chlorine and pH. Monitoring of total phosphorus, nitrate, nitrite, total Kjeldahl nitrogen and effluent flow also will be required. Included in this permit is a schedule of compliance requiring the permittee to achieve compliance with the permit by August 31, 2005. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Neosho Rapids, City of P.O. Box 7 Neosho Rapids, KS 66864	Neosho River via Plum Creek	Treated Domestic Wastewater

Kansas Permit No. M-NE50-0001 Federal Permit No. KS0117021  
Legal: NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub>, S28, T19S, R13E, Lyon County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Annual monitoring of ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Oswego, City of P.O. Box 210 Oswego, KS 67356	Labette Creek via Unnamed Tributary	Treated Domestic Wastewater

Kansas Permit No. M-NE53-0001 Federal Permit No. KS0047554  
Legal: SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, S20, T33S, R21E, Labette County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of ammonia and fecal coliform also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are technology based.

Name and Address of Applicant	Waterway	Type of Discharge
Willis, City of P.O. Box 367 Willis, KS 66434	Middle Fork Wolf River via Hazel Creek	Treated Domestic Wastewater

Kansas Permit No. M-MO31-0001 Federal Permit No. KS0092037  
Legal: SW<sup>1</sup>/<sub>4</sub>, S3, T4S, R17E, Brown County

Facility Description: The proposed action is to reissue an existing permit for operation of an existing wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids, fecal coliform and pH. Annual monitoring of ammonia also will be required. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
Ash Grove Aggregates, Inc. P.O. Box 52 Butler, MO 64730	Marmaton River via Unnamed Tributary	Stormwater Runoff and Pit Dewatering

Kansas Permit No. I-MC46-PO01 Federal Permit No. KS0090221  
Legal: NE<sup>1</sup>/<sub>4</sub>, SW<sup>1</sup>/<sub>4</sub> and SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub>, S34, T25S, R22E, Bourbon County

Facility Name: Uniontown Quarry #84

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarry and crushing operation with no washing. Wastewater discharge consists of stormwater runoff plus occasional



quarry pit dewatering. The proposed permit includes generic water quality language to protect waters of the state. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

Name and Address of Applicant	Waterway	Type of Discharge
MPG Ingredients, Inc. 1300 Main St., Box 130 Atchison, KS 66002	Missouri River via White Clay Creek	Process Wastewater & Noncontact Cooling Water

Kansas Permit No. I-MO01-PO01      Federal Permit No. KS0001635  
Legal: NW¼, S1, T6S, R20E, Atchison County

Facility Description: The proposed action is to reissue an existing permit for the discharge of process wastewater and noncontact cooling water. This facility grinds wheat to produce wheat flour, wheat starch and gluten. The majority of wastewater from the wheat starch and gluten plant is used as a raw material, and combined with other grains, corn, milo, etc., in a distillery operation for the production of alcohol. A portion of the wheat starch and gluten process wastewater combines with the distillery wastewater and is treated in a treatment system consisting of a conditioning tank where nutrients are added and pH adjustment occurs, an anaerobic digester, an extended aeration basin and a final clarifier. The treated process wastewater (outfall 001b) combines with noncontact cooling water (outfall 001a) before discharging to White Clay Creek (outfall 001). Waste activated sludge is pumped to a gravity belt press. The sludge cake is mixed with bran from the flour mill and distillers syrup to produce dry animal feed. All domestic wastewater is connected to the city sanitary sewer system. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and pH. Monitoring of temperature, chloride, sulfate, color, total residual chlorine and effluent flow also is required. In addition, the permittee is required to conduct a chronic whole effluent toxicity test once before September 1, 2004. The permit requirements are pursuant to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28(b-f), and Federal Surface Water Criteria, and are water-quality based.

**Public Notice No. KS-ND-03-024**

Name and Address of Applicant	Legal Location	Type of Discharge
James Trotter and Valerie Washington 7701 E. Kellogg, Suite 101 Wichita, KS 67207	SW¼, SE¼, SE¼, S14, T28S, R1E, Sedgwick County	Nonoverflow

Kansas Permit No. C-AR94-NO21  
Facility Name: Jezebel's - The Black Tie  
Facility Address: (The Black Tie) 4522 E. 47th St. South, Wichita, KS 67216  
(Jezebel's) 4526 E. 47th St. South, Wichita, KS 67216

Facility Description: The proposed action is to reissue an existing permit for operation of the existing wastewater treatment facility treating primarily domestic wastewater. Included in this permit is a schedule of compliance requiring permittee to obtain the services of a KDHE-certified wastewater treatment plant operator to achieve compliance with the permit. The schedule of compliance also requires permittee to install a marked staff gauge in the large cell and to make changes necessary so that both cells are in routine service at a water level two to three feet below normal operating level. The proposed permit requires permittee to weekly record the water level in the lagoon and submit these records monthly to KDHE. Permittee is required to obtain permission from KDHE prior to pumping any wastewater from the lagoon system.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process.

Comments or objections should be submitted to the attention of Glenda Newquist for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before November 8 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-03-251/255, KS-03-137/143, KS-ND-03-024) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

Northwest District Office, 2301 E. 13th, Hays, 67601-2651, (785) 625-5664

North Central District Office, 2501 Market Place, Salina, 67401-7699, (785) 827-9639

Northeast District Office, 800 W. 24th, Lawrence, 66046-4417, (785) 842-4600

Southwest District Office, 302 W. McArtor Road, Dodge City, 67801-6098, (620) 225-0596

South Central District Office, 130 S. Market, 6th Floor, Wichita, 67202-3802, (316) 337-6020

Southeast District Office, 1500 W. 7th, Chanute, 66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029913

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. ANR Pipeline Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

ANR Pipeline Company, Houston, Texas, owns and operates the Meade natural gas compressor station located at Section 21, Township 34 South, Range 29 West, Meade County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity

during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029906

## State of Kansas

**Department of Health  
and Environment****Request for Comments**

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. ANR Pipeline Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

ANR Pipeline Company, Houston, Texas, owns and operates the Buttermilk natural gas compressor station located at Section 4, Township 34 South, Range 19 West, Comanche County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029907

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. ANR Pipeline Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

ANR Pipeline Company, Houston, Texas, owns and operates the Greensburg natural gas compressor station located at Section 16, Township 28 South, Range 19 West, Kiowa County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Don Mies, (316) 337-6107, at the KDHE South Central District Office.

The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029908

#### State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. ANR Pipeline Company has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

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ANR Pipeline Company, Houston, Texas, owns and operates the Alden natural gas compressor station located at Section 15, Township 21 South, Range 9 West, Rice County, Kansas.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the KDHE North Central District Office, 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation, contact Michael J. Parhomek, (785) 296-1580, at the KDHE central office; or Craig Forsberg, (785) 827-9639, at the KDHE North Central District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Michael J. Parhomek, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029909

## State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment is soliciting comments regarding a proposed air quality operating permit. Hamm Landfill has applied for a Class I operating permit in accordance with the provisions of K.A.R. 28-19-510 et seq. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Hamm Landfill, Perry, owns and operates a municipal solid waste landfill located at 16984 3rd St., Lawrence.

A copy of the proposed permit, permit application, all supporting documentation and all information relied upon during the permit application review process is available for a 30-day public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka; and at the Northeast District Office, 800 W. 24th, Lawrence. To obtain or review the proposed permit and supporting documentation, contact Adam Kice, (785) 296-1691, at the KDHE central office; or Pat Simpson, (785) 842-4600, at the Northeast District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Adam Kice, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received by the close of business November 10.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Connie Carreno, Bureau of Air and Radiation, not later than the close of business November 10 in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the 30-day public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA 45-day review period. If the EPA waives its 45-day review period, the 60-day public petition period will start directly after the 30-day public comment period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or

unless the grounds for such objection arose after such period. Contact Gary Schlicht, U.S. EPA, Region VII, Air Permitting and Compliance Branch, 901 N. 5th St., Kansas City, KS 66101, (913) 551-7097, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029905

(Published in the Kansas Register October 9, 2003.)

**Statutory Notice of Bond Sale**  
**City of Overland Park, Kansas**  
**\$15,090,000**  
**Internal Improvement Bonds**  
**Series 2003**  
**(General obligations payable from**  
**unlimited ad valorem taxes)**

**Sealed and Electronic Bids**

Sealed bids, submitted in a sealed envelope marked "Bid for Series 2003 Bonds," will be received by the undersigned director of finance, budget and administration of the City of Overland Park, Kansas, at City Hall, 8500 Santa Fe Drive, Overland Park, KS 66212, until noon October 20, 2003, for the purchase of all of the city's \$15,090,000 principal amount of Internal Improvement Bonds, Series 2003. Electronic bids for all of the Series 2003 Bonds will only be accepted through Bidcomp/Parity (PARITY) electronic bid submission system. The city assumes no responsibility or liability for bids submitted through PARITY. If any provisions in this statutory notice of bond sale conflict with information provided by PARITY, this statutory notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements, may be obtained from PARITY, 40 W. 23rd St, 5th Floor, New York, NY 10010, Customer Support, (212) 404-8102.

All bids will be publicly opened at the time set forth above and will be considered and acted upon by the city council of the city at a special meeting of the city council scheduled for 7:30 p.m. October 20, 2003. No bid of less than 99.50 percent of the principal amount of the Series 2003 Bonds and accrued interest thereon to the date of delivery will be considered. No oral, telephone, telefax or auction bids for the Series 2003 Bonds will be taken by the city. Arrangements may be made with the city's financial advisor, Public Financial Management, Inc., 650 Third Ave. South, Suite 1800, Minneapolis, MN 55402, (612) 338-3535, Attention: Heather Casperson, to deliver a sealed bid for the Series 2003 Bonds to the city.

**Bond Details**

The Series 2003 Bonds will be issued in book entry form in the denomination of \$5,000 or any integral multiple thereof; will be dated November 1, 2003; will be issued in the principal amount of \$15,090,000; and will become due serially on September 1 in each of the years as follows:

**Maturity Schedule**

<b>Maturity</b>	<b>Principal</b>
<b>September 1</b>	<b>Amount</b>
2004	\$1,080,000
2005	1,075,000
2006	1,075,000
2007	1,075,000
2008	1,075,000
2009	1,075,000
2010	1,070,000
2011	1,070,000
2012	1,070,000
2013	1,070,000
2014	440,000
2015	435,000
2016	435,000
2017	435,000
2018	435,000
2019	435,000
2020	435,000
2021	435,000
2022	435,000
2023	435,000

The Series 2003 Bonds maturing in the years 2004 to 2013, inclusive, will become due without option of prior payment. At the option of the city, the Series 2003 Bonds maturing in the years 2014 and thereafter may be called for redemption and payment prior to maturity in whole or in part (selection of the Series 2003 Bonds to be designated by the city in such equitable manner as it may determine) on September 1, 2013, or on any date thereafter, at the redemption price of 100 percent, plus accrued interest to the redemption date.

The Series 2003 Bonds are valid and binding general obligations of the city payable in part as to both principal and interest from special assessments levied upon the property benefited by the construction of certain of the improvements and, if not so paid, from ad valorem taxes that may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city, and payable in part from ad valorem taxes that may be levied without limitation as to rate or amount upon all the taxable tangible property, real and personal, within the territorial limits of the city. The full faith, credit and resources of the city are irrevocably pledged for the prompt payment of the principal of and interest on the Series 2003 Bonds as the same become due.

Each bidder may elect to designate certain consecutive maturities of the Series 2003 Bonds to be issued as term bonds in lieu of serial bonds, having a stated maturity of the last maturity so designated. Each term bond so created will be subject to mandatory sinking fund redemption payments and final payment at maturity in the amounts and on the dates consistent with the above principal schedules.

The Series 2003 Bonds will bear interest from their date at rates to be determined when the Series 2003 Bonds are sold as provided herein and in the notice of bond sale, which interest will be payable semiannually on Septem-

(continued)

ber 1 and March 1 in each year, commencing September 1, 2003.

No rate of interest may be bid that exceeds the daily yield for the 10-year treasury bonds published by The Bond Buyer in New York, New York, on September 30, 2003, plus 3 percent.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$301,800 must accompany each bid for the Series 2003 Bonds.

**Costs**

The city will pay the cost of printing the Series 2003 Bonds and the expense of all legal services, including the opinion of McDowell, Rice, Smith & Gaar, a Professional Corporation, bond counsel, approving the legality of the Series 2003 Bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Delivery and Payment**

The Series 2003 Bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately 30 days after the date of their award in New York, New York.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the Series 2003 Bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 2002, was \$2,456,494,952. The total general obligation bonded indebtedness, including temporary notes of the city and the Series 2003 Bonds, as of the date of the Series 2003 Bonds, is \$125,425,000.

**Additional Information**

A complete notice of bond sale, preliminary official statement and bid form approved by the city will be mailed to all interested parties. Additional information regarding the Series 2003 Bonds may be obtained from the financial advisor, Public Financial Management, Inc., 650 Third Ave. South, Suite 1800, Minneapolis, MN 55402, (612) 338-3535, Attention: Heather Casperson; and from the City of Overland Park, Kansas, 8500 Santa Fe Drive, Overland Park, KS 66212, (913) 895-6152, Attention: Kristy Stallings. Bidders may be required to be qualified in a manner established by the city before submitting a bid. Arrangements may be made with the financial advisor, Public Financial Management, Inc., to deliver a sealed bid for the Series 2003 Bonds to the city. The preliminary official statement for the Series 2003 Bonds may be viewed at the city's Web site at [www.opkansas.org](http://www.opkansas.org) and at the Web site of Public Financial Management, Inc. at [www.pfm.com](http://www.pfm.com).

Dated October 8, 2003.

City of Overland Park, Kansas  
By: Kristy Stallings  
Director of Finance, Budget  
and Administration  
City Hall  
Overland Park, KS 66212

Doc. No. 029902

(Published in the Kansas Register October 9, 2003.)

**Summary Notice of Bond Sale  
City of Ogden, Kansas  
\$268,000  
General Obligation Refunding and  
Improvement Bonds  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Details of the Sale**

Subject to the terms and conditions of the complete official notice of bond sale dated October 1, 2003, of the City of Ogden, Kansas, in connection with the city's General Obligation Refunding and Improvement Bonds, Series C, 2003, hereinafter described, written bids shall be received at the office of the city clerk at City Hall, 222 Riley Ave., Ogden, KS 66517-0843, or by facsimile at (785) 539-3115, until 7:30 p.m. Thursday, October 16, 2003, for the purchase of the bonds. All bids shall be publicly opened, read aloud and tabulated on said date and at said time, and shall thereafter be immediately considered and acted upon by the city.

No oral or auction bids for the bonds shall be considered, and no bids for less than the entire amount of the bonds shall be considered.

Bids shall be accepted only on the official bid form that has been prepared for the public bidding on these bonds, which may be obtained from the city clerk. Bids may be submitted by mail or delivered in person, or may be submitted by facsimile at (785) 539-3115, and must be received at the place and not later than the date and time hereinbefore specified. Each bid shall be accompanied by a good faith deposit in the form of a certified or cashier's check drawn on a bank located within the United States and made payable to the order of the city, or in the form of a financial surety bond payable to the order of the city and meeting requirements set forth in the official notice of bond sale, and shall be in an amount equal to 2 percent of the principal amount of the bonds.

**Details of the Bonds**

The bonds to be sold are in the aggregate principal amount of \$268,000 and shall bear a dated date of October 15, 2003. The bonds shall be issued as fully registered bonds in the denomination of \$5,000, or any integral multiple thereof not exceeding the principal amount of bonds maturing in any year, except that one bond maturing in the initial year of maturity shall be in the denomination of \$3,000. The bonds shall bear interest, payable as hereinafter set forth, at the rates specified by the successful bidder for the bonds. The bonds are not subject to optional redemption and payment prior to their maturities.

Interest on the bonds shall be payable semiannually on June 1 and December 1 in each year, commencing June 1, 2004, and the bonds shall mature serially on December 1 in each of the years and principal amounts as follows:

Principal Amount	Maturity Date
\$ 8,000	2004
15,000	2005

15,000	2006
15,000	2007
15,000	2008
15,000	2009
15,000	2010
20,000	2011
20,000	2012
20,000	2013
20,000	2014
20,000	2015
20,000	2016
25,000	2017
25,000	2018

### Redemption of Bonds

The bonds are not subject to optional redemption and payment prior to their maturities. A bidder may elect to have all or a portion of the bonds shown in the above maturity schedule issued as one or more term bonds, which would be subject to mandatory redemption requirements.

### Payment of Principal and Interest

The Kansas State Treasurer shall serve as the bond registrar and paying agent for the bonds, and the principal of the bonds shall be payable upon surrender at the paying agent's principal offices in the City of Topeka, Kansas. Interest shall be paid by the mailing of a check or draft of the paying agent to the registered owners of the bonds.

### Form of Bonds

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through the Depository Trust Company, New York, New York.

### Security for the Bonds

The bonds and the interest thereon shall constitute general obligations of the city, and the full faith, credit and resources of the city shall be pledged to the payment thereof. The bonds shall be payable as to both the principal of and the interest thereon from the collection of special assessment taxes that have been levied against certain real properties in the city. To the extent the proceeds of such special assessment taxes are insufficient, the city is obligated to levy ad valorem taxes without limitation as to rate or amount upon all of the taxable tangible property within the territorial limits of the city for the purpose of paying the bonds and the interest thereon.

### Delivery of the Bonds

The bonds, duly printed, executed and registered, shall be furnished and delivered at the expense of the city on or before Friday, October 31, 2003, to the successful bidder or, at its direction, to DTC for the account of the successful bidder, or at such bank or trust company or other qualified depository in the State of Kansas or Kansas City, Missouri, as may be specified by the successful bidder. Delivery elsewhere shall be made at the expense of the successful bidder.

### Legal Opinion

The bonds will be sold subject to the legal opinion of Hinkle Elkouri Law Firm, L.L.C. Wichita, Kansas, bond counsel, whose fees will be paid by the city. Bond coun-

sel's approving legal opinion as to the validity of the bonds will be printed on the bonds and delivered to the successful bidder upon delivery of the bonds. (Reference is made to the official notice of bond sale for a discussion of tax exemption and other legal matters.)

### Financial Matters

The city's current equalized assessed tangible valuation is as follows:

Assessed Valuation of Taxable Tangible Property	\$4,355,224
Taxable Value of Motor Vehicles	785,976
Assessed Tangible Valuation for Computation of Bonded Debt Limitations	\$5,141,200

K.S.A. 10-308 provides that the authorized and outstanding bonded indebtedness of any city shall not exceed 30 percent of the assessed valuation of the city. As of October 31, 2003, the city's total outstanding general obligation indebtedness will be \$1,057,500. The total indebtedness, after statutory adjustments, as of October 31, 2003, will be \$622,818, which is 12.11 percent of the assessed valuation of the city.

### Official Statement

The city has prepared a preliminary official statement relating to the bonds, copies of which may be obtained from the city or the city's bond counsel. The preliminary official statement is in a form "deemed final" by the city for the purpose of Securities and Exchange Commission Rule 15c2-12(b)(1), but is subject to revision, amendment and completion in the final official statement. The city will provide the purchaser of the bonds or its designated agent, within seven business days after the date of the sale, copies of the city's final official statement in sufficient quantity to comply with the rules of the Securities and Exchange Commission and the Municipal Securities Rulemaking Board.

### Continuing Disclosure

Securities and Exchange Commission Rule 15c2-12, as amended effective July 3, 1995, provides that brokers, dealers and municipal securities dealers must comply with certain requirements before acting as an underwriter in a primary offering of municipal securities with an aggregate principal amount of \$1,000,000 or more.

The bonds described herein will be offered in a primary offering with an aggregate principal amount of less than \$1,000,000. Accordingly, in the opinion of bond counsel, the offering and sale of the bonds described herein does not constitute an offering as defined by the rule, and the requirements of the rule do not apply to brokers, dealers and municipal securities dealers acting as underwriters in connection with the bonds described herein.

### Additional Information

For additional information regarding the city, the bonds and the public sale, interested parties are invited to request copies of the complete official notice of bond sale and official bid form and the city's preliminary official statement for the bonds, all of which may be obtained from the city clerk at the address and telephone number shown below.

Vincent L. Kramer II, City Clerk  
City Hall  
222 Riley Ave.  
P.O. Box C  
Ogden, KS 66517-0843  
(785) 539-0311

Doc. No. 029910

(Published in the Kansas Register October 9, 2003.)

**Summary Notice of Bond Sale  
City of Merriam, Kansas  
\$4,985,000  
General Obligation Bonds, Series 2003  
(General obligation bonds payable from  
unlimited ad valorem taxes)**

**Bids**

Subject to the notice of bond sale dated October 17, 2003, bids will be received by the finance director of the City of Merriam, Kansas, on behalf of the governing body at 9000 W. 62nd Terrace, Merriam, KS 66202-2815, or, in the case of electronic proposals, via PARITY Electronic Bid Submission System, until 11a.m. October 27, 2003, for the purchase of \$4,985,000 principal amount of General Obligation Bonds, Series 2003. No bid of less than the entire par value of the bonds, except a discount of not greater than .75 percent of the par value of the bonds, and accrued interest to the date of delivery will be considered.

**Bond Details**

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated November 15, 2003, and will become due October 1 in the years as follows:

<b>Maturity October 1</b>	<b>Principal Amount</b>
2009	\$ 680,000
2010	735,000
2011	790,000
2012	855,000
2013	1,925,000

The bonds will bear interest from that date at rates to be determined when the bonds are sold as provided, which interest will be payable semiannually on April 1 and October 1 in each year, beginning April 1, 2004. A bidder may elect to have all or a portion of the bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the notice of sale.

**Paying Agent and Bond Registrar**

Kansas State Treasurer, Topeka, Kansas.

**Good Faith Deposit**

Each bid shall be accompanied by a cashier's or certified check drawn on a bank located in the United States or a financial surety bond in a form that complies with the requirements set forth in the notice of sale in the amount of \$99,700 (2 percent of the principal amount of the bonds).

**Delivery**

The city will pay for preparation of the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about November 18, 2003, at the offices of the Depository Trust Company, New York, New York.

**Assessed Valuation and Indebtedness**

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2002 is \$159,582,979. The total applicable general obligation in-

debtedness of the city as of the date of the bonds, including the bonds being sold, is \$11,025,625.

**Approval of Bonds**

The bonds will be sold subject to the legal opinion of Logan Riley, L.C., Overland Park, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city and delivered to the successful bidder when the bonds are delivered.

**Additional Information**

Additional information regarding the bonds may be obtained from the finance director, (913) 722-7700; from the city's financial advisor, U.S. Bancorp Piper Jaffray, 11150 Overbrook Road, Suite 300, Leawood, KS 66211, Attention: Greg Vahrenberg, (913) 345-3274; or from bond counsel, Logan Riley, L.C., 9200 Indian Creek Parkway, Suite 230, Overland Park, KS 66210, (913) 661-0399.

Dated October 8, 2003.

City of Merriam, Kansas  
By Maureen Rogers  
Finance Director  
9000 W. 62nd Terrace  
Merriam, KS 66202-2815

Doc. No. 029912

(Published in the Kansas Register October 9, 2003.)

**Statutory Notice of Bond Sale  
Johnson County, Kansas  
\$4,885,000  
Internal Improvement Bonds, Series 2003A  
(General obligations payable from  
unlimited ad valorem taxes)  
\$2,110,000\*  
Airport Improvement Refunding Bonds,  
Series 2003B  
(General obligations payable from  
unlimited ad valorem taxes)**

**Sealed and Electronic Bids**

Sealed bids for each series of bonds, submitted in separate sealed envelopes and marked either "Series 2003A Bond Bid" or "Series 2003B Bond Bid," will be received by the undersigned budget director, Office of Budget and Financial Planning of Johnson County, Kansas, at the Johnson County Administration Building, 111 S. Cherry, Suite 2300, Olathe, KS 66061-3441, until 11 a.m. Thursday, October 16, 2003, for the purchase of all of the county's \$4,885,000 principal amount of Internal Improvement Bonds, Series 2003A, and all of the county's \$2,110,000\* principal amount of Airport Improvement Refunding Bonds, Series 2003B (the Series 2003A Bonds and the Series 2003B Bonds, collectively, the bonds), as hereinafter described. Electronic bids for the purchase of all of the Series 2003A Bonds and for the purchase of all of the Series 2003B Bonds will only be accepted through Bidcomp/Parity (PARITY) electronic bid submission system. Each bidder shall be solely responsible for making the necessary arrangements to access PARITY for the purpose of



submitting its electronic bid in a timely manner and in compliance with the requirements of the complete notice of bond sale. If any provisions in this statutory notice of bond sale conflict with information provided by PARITY, this statutory notice of bond sale will control. Further information about PARITY, including any fee charged and registration requirements, may be obtained from PARITY, 40 W. 23rd, 5th Floor, New York, NY 10010, Customer Support, (212) 404-8102. The county assumes no responsibility or liability for bids submitted through PARITY. The county is using the services of PARITY solely as a communication mechanism to conduct the electronic bidding for each series of bonds. PARITY is not an agent of the county.

All bids will be publicly opened on the date and at the time set forth above and acted upon by the Board of County Commissioners of Johnson County, Kansas, at 2:30 p.m., or soon as thereafter as practicable, on said sale date. No oral, telephone, telefax or auction bids will be considered. Bids for the Series 2003A Bonds shall not be less than \$4,836,150, plus accrued interest on the total principal amount of the Series 2003A Bonds to the date of delivery. Bids for the Series 2003B Bonds shall not be less than \$2,090,482, plus accrued interest on the total principal amount of the Series 2003B Bonds to the date of delivery.

The county reserves the right, after bids are opened and prior to award, to increase or reduce the principal amount of the Series 2003B Bonds. Any such increase or reduction will be made in multiples of \$5,000 in any of the maturities. In the event the principal amount of the Series 2003B Bonds is increased or reduced, any premium offered or any discount taken by the successful bidder will be increased or reduced by a percentage equal to the percentage by which the principal amount of the Series 2003B Bonds is increased or reduced. The county has established a minimum level of interest savings desired for this refunding. If that minimum is not met through the competitive bids received on October 16, 2003, the county may reject all bids for the Series 2003B Bonds.

**Bond Details**

The bonds will be in book-entry form only. The bonds will be issued in the denomination of \$5,000 or any integral multiple thereof; will be dated November 1, 2003; will be issued in the principal amount of \$4,885,000 for the Series 2003A Bonds and \$2,110,000\* for the Series 2003B Bonds; and will become due serially on September 1 in each of the years as follows:

<b>Maturity Schedule Series 2003A Bonds</b>	
<b>Maturity September 1</b>	<b>Principal Amount</b>
2004	\$270,000
2005	245,000
2006	250,000
2007	250,000
2008	255,000
2009	260,000
2010	265,000
2011	270,000
2012	275,000

2013	265,000
2014	190,000
2015	195,000
2016	205,000
2017	210,000
2018	220,000
2019	230,000
2020	240,000
2021	250,000
2022	265,000
2023	275,000

Bids for the Series 2003A Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term Series 2003A Bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption. In order to designate term bonds for the Series 2003A Bonds, the bid must specify "Years of Term Maturities" in the spaces provided on the bid form.

**Maturity Schedule\*  
Series 2003B Bonds**

<b>Maturity September 1</b>	<b>Principal Amount</b>
2004	\$135,000
2005	125,000
2006	130,000
2007	135,000
2008	135,000
2009	140,000
2010	150,000
2011	150,000
2012	150,000
2013	155,000
2014	165,000
2015	175,000
2016	180,000
2017	185,000

Bids for the Series 2003B Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term Series 2003B Bonds shall be subject to mandatory sinking fund redemption and must conform to the maturity schedule set forth above at a price of par plus accrued interest to the date of redemption. In order to designate term bonds for the Series 2003B Bonds, the bid must specify "Years of Term Maturities" in the spaces provided on the bid form.

The bonds will bear interest from their date at the rates to be determined when the bonds are sold as hereinafter provided, payable semiannually on March 1 and September 1 in each year, commencing September 1, 2004.

**Delivery and Payment**

The bonds will be delivered to the successful bidder(s) properly prepared, executed and registered without cost within approximately 30 days after the date of their sale in New York, New York.

**Good Faith Deposit**

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of

*(continued)*

\$97,700 must accompany each bid for the Series 2003A Bonds.

A good faith deposit in the form of a certified or cashier's check or financial surety bond in the amount of \$42,200 must accompany each bid for the Series 2003B Bonds.

**Costs**

The county will pay the cost of printing the bonds and the expense of all legal services, including the opinions of Stinson Morrison Hecker LLP, bond counsel, approving the legality of the bonds and the exclusion of the interest thereon (with specified minor exceptions) from federal and Kansas gross income taxes.

**Assessed Valuation and Indebtedness**

For the computation of the debt limitation relating to the Series 2003A Bonds, the assessed valuation of the taxable tangible property within the county as of December 31, 2002, is \$6,852,688,743. The total general obligation bonded indebtedness of the county as of the date of the Series 2003A Bonds, including \$985,000 principal amount of the Series 2003A Bonds, is \$15,075,023. \$3,900,000 principal amount of the Series 2003A Bonds is exempt from the general obligation debt limitation. The principal amount of the Series 2003B Bonds is exempt from the general obligation debt limitation and is subject to a special debt limitation pursuant to K.S.A. 3-304 et seq., as amended (the Airport Debt Limit). The total general obligation debt subject to the Airport Debt Limit as of the date of the Series 2003B Bonds, including the Series 2003B Bonds, is \$8,883,857, of which \$2,219,911 principal amount are refunding bonds. \$2,002,000 principal amount of the county's outstanding general obligation debt subject to the Airport Debt Limit will be retired with the proceeds of the Series 2003B Bonds.

**Additional Information**

A complete notice of bond sale, official statement and bid forms approved by the county will be mailed to all interested parties. Additional information regarding the bonds may be obtained from the financial advisor, Springsted Incorporated, at (651) 223-3000, or from the county's budget director, Johnson County Budget and Financial Planning, at (913) 715-0650. Bidders may be required to be qualified in a manner established by the county before submitting a bid. Arrangements may be made with the financial advisor to deliver a sealed bid for each series of the bonds to the county.

Johnson County, Kansas  
By: Douglas Robinson, Budget Director  
Johnson County Budget  
and Financial Planning  
Johnson County Administration Building  
Olathe, KS 66061-3441

\* Preliminary, subject to change.

Doc. No. 029916

(Published in the Kansas Register October 9, 2003.)

**Notice of Partial Redemption  
to the Holders of  
City of Johnson City, Kansas, Housing Authority  
First Mortgage Revenue Bonds, Series 1978  
(Section 8 Assisted Housing Project)  
Dated April 1, 1978**

Notice is hereby given pursuant to the applicable provisions of the governing documents of the above captioned bonds that the herein described bonds are called for redemption prior to their maturity and will be redeemed on October 1, 2003 (the redemption date). Redemption will be made by payment of the principal amount of each such bond, together with interest accrued to the redemption date plus applicable premium, if any. From and after October 1, 2003, interest on the bonds shall cease to accrue, and any lien or interest in or to any pledge of security or collateral for the bonds hereby called shall also cease and become null on the redemption date.

The following bonds will be redeemed and paid upon presentation to the office(s) shown below:

**\*CUSIP Number: 478222AA0, 7.40%, Due: 10/01/2008**  
**Redemption Price: 100.00%**  
**Principal Amount of Redemption: \$20,000**

**Registered bonds called in the amounts indicated below all with the prefix ":**

59 .....	\$5,000	75 .....	\$5,000
66 .....	\$5,000	76 .....	\$5,000

Payment of the bonds called for redemption will be made upon presentation and surrender of said bonds. In the case of any registered bonds to be redeemed in part only, upon presentation of such bond for redemption, there will be issued in lieu of the unredeemed principal portion a new bond(s) equal to such unredeemed portion.

Called bonds should be presented as follows:

**By U.S. Mail:**  
The Commerce Trust Company  
c/o Bank One Trust Company, NA  
Corporate Trust Operations  
P.O. Box 710184  
Columbus, OH 43271-0184

**By Overnight or Courier Delivery:**  
The Commerce Trust Company  
c/o Bank One/CTO  
Suite 1-N (OH1-0184)  
1111 Polaris Parkway  
Columbus, OH 43240

Registered or certified insured mail is suggested when submitting bonds for payment. When inquiring about this redemption, please have the bond number available. Please inform the customer service representative of the CUSIP number(s) of the affected bonds (Customer Service, 1-800-524-9472).

Under the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001, the paying agent making payment of interest or principal on municipal securities may be obligated to withhold a percentage of the principal of a holder who has failed to furnish the payer

a valid taxpayer identification number, certification that the number supplied is correct, and that the holder is not subject to backup withholding under the Act. Holders of bonds who wish to avoid the application of these provisions should submit a completed IRS Form W-9 (or Form W-8 if neither a U. S. person or resident alien) when presenting bonds for payment.

\*The issuer and trustee shall not be responsible for the use of the CUSIP number(s) selected, nor is any representation made as to their correctness indicated in the notice or as printed on any bond. They are included solely for the convenience of the holders.

Dated September 25, 2003.

By: The Commerce Trust Company  
A Division of Commerce Bank, N.A.  
as Trustee

Doc. No. 029900

State of Kansas

Kansas Lottery

Temporary Administrative  
Regulations

Article 2.—LOTTERY RETAILERS

**111-2-149. Felt's Oil Chain No. 1042 bonus retailer Super Kansas Cash incentive.** (a) During the period beginning October 1, 2003, and ending November 30, 2003, in addition to compensation provided for in K.A.R. 111-2-4, the Kansas lottery also offers all participating Felt's Oil lottery retailers located in Kansas an opportunity to participate in a bonus retailer Super Kansas Cash incentive promotion.

(b) At the end of the promotion, the store with the greatest percentage increase in \$5 or more purchases on a single ticket for Super Kansas Cash for the period from October 1, 2003, through November 30, 2003, over the base sales period of October 1, 2002, through November 30, 2002, will win a \$300 credit on the retailer's lottery account and an in-store wheel spin special promotion to award various promotional items chosen by the lottery. Promotional items chosen by the lottery will also be awarded to all retail locations which shown an increase in \$5 or more purchases on a single ticket for Super Kansas Cash sales over the base period. (Authorized by and implementing K.S.A. 74-8710 and K.S.A. 74-8708; effective, T-111-9-9-03, Aug. 13, 2003.)

Article 4.—INSTANT GAMES AND DRAWINGS

**111-4-2049. "2004 Quadrupler" instant ticket lottery game number 315.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "2004 Quadrupler" commencing on or after August 25, 2003. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2049.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

<b>Play Symbols</b>	<b>Play Symbol Captions</b>
FREE	TICKET
\$1. <sup>00</sup>	ONE\$

\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
20. <sup>00</sup>	TWENTY
30. <sup>00</sup>	THIRTY
\$100\$	ONE-HUN
\$501\$	FIVHONE
QUADRUPLE PRIZE	4X PRIZE

(c) For this game, a play symbol shall appear in each of six play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
FOR	=	\$4.00
FIV	=	\$5.00
EGT	=	\$8.00
TEN	=	\$10.00
TWY	=	\$20.00
TRY	=	\$30.00
FRY	=	\$40.00
ETY	=	\$80.00
FRH	=	\$400.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) The "2004 Quadrupler" game is a match three of six prize amounts or a match two prize amounts plus the words "QUADRUPLE PRIZE" to win quadruple (four times) the prize. The player will remove the latex covering the play area to reveal six prize amounts or five prize amounts and the words "QUADRUPLE PRIZE." If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus the words "QUADRUPLE PRIZE," the player wins quadruple (four times) the prize amount.

(h) Each ticket in this game may win up to one time.

(i) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's	Free Ticket	128,000	0
3 - \$1.00's	\$1	16,000	16,000
2 - \$1.00's & (quadruple prize)	\$4	44,160	176,640
3 - \$5.00's	\$5	12,000	60,000
2 - \$2.00's & (quadruple prize)	\$8	8,800	70,400
3 - \$10.00's	\$10	8,000	80,000
2 - \$5.00's & (quadruple prize)	\$20	2,800	56,000
3 - \$20.00's	\$20	2,600	52,000
3 - \$30.00's	\$30	1,280	38,400

(continued)

2 - \$10.00's & (quadruple prize)	\$40	300	12,000
2 - \$20.00's & (quadruple prize)	\$80	160	12,800
2 - \$100.00's (quadruple prize)	\$400	12	4,800
2 - \$501.00's & (quadruple prize)	\$2,004	<u>16</u>	<u>32,064</u>
TOTAL		<u>224,128</u>	<u>\$611,104</u>

(k) The odds of winning a prize in this game are approximately one in 5.35. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2050. "Winner Wonderland" instant ticket lottery game number 314.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "Winner Wonderland" commencing on or after August 25, 2003. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2050.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1. <sup>00</sup>	ONE\$
\$3. <sup>00</sup>	THR\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$
20. <sup>00</sup>	TWENTY
25. <sup>00</sup>	TWEN-FIV
50. <sup>00</sup>	FIFTY
\$100\$	ONE-HUN
\$500\$	FIVE-HUN
\$1000	ONETHOU
Symbol of a Christmas tree	DOUBLER
MAYBE NEXT TIME	
GOOD LUCK	

(c) For this game, a play symbol shall appear in each of seven play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 299.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
ONE	=	\$1.00
TFR	=	Two Free Tickets
TWO	=	\$2.00
THR	=	\$3.00
SIX	=	\$6.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
FRY	=	\$40.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$1.00 each.

(g) There are two games on "Winner Wonderland." Game 1 is a match three of six prize amounts or a match two prize amounts plus a "CHRISTMAS TREE" symbol to win double the prize amount. The player will remove the latex covering the play area to reveal six prize amounts or five prize amounts and a "CHRISTMAS TREE" symbol. If the player matches three like prize amounts, the player wins that amount. If the player matches two like prize amounts plus a "CHRISTMAS TREE" symbol, the player wins double the prize amount. A player can win up to one time in this play area.

Game 2 is a bonus play area. If a player reveals any prize amount, the player wins that amount. A player can win up to one time in this play area.

(h) Each ticket in this game may win up to two times.

(i) Approximately 1,200,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Game 1	Game 2	Prizes	Expected Number of Prizes in Game	Expected Value in Game
3 - Free's		Free Ticket	104,000	\$0
2 - Free's & (D)		2 Free Tickets	37,200	0
	\$1.00	\$1	44,000	44,000
3 - \$1.00's	\$1.00	\$2	32,000	64,000
2 - \$1.00's & (D)		\$2	32,000	64,000
	\$3.00	\$3	16,000	48,000
2 - \$3.00's & (D)		\$6	3,180	49,080
3 - \$5.00's	\$5.00	\$10	3,400	34,000
2 - \$5.00's & (D)		\$10	3,400	34,000
	\$10.00	\$10	3,200	32,000
3 - \$5.00's	\$10.00	\$15	1,600	24,000
3 - \$20.00's		\$20	600	12,000
2 - \$10.00's & (D)		\$20	600	12,000
	\$20.00	\$20	800	16,000
3 - \$20.00's	\$20.00	\$40	560	22,400
2 - \$20.00's & (D)		\$40	520	20,800
2 - \$25.00's & (D)		\$50	320	16,000
3 - \$50.00's		\$50	320	16,000
3 - \$100.00's		\$100	200	20,000
3 - \$500.00's		\$500	60	30,000
2 - \$500.00's & (D)		\$1,000	12	12,000
3 - \$1,000.00's		\$1,000	12	12,000
TOTAL			<u>288,984</u>	<u>\$582,280</u>

(D) - denotes "Christmas Tree" doubler symbol

(k) The odds of winning a prize in this game are approximately one in 4.15. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2051. "12 Days of Christmas" instant ticket lottery game number 316.** (a) The Kansas lottery shall conduct an instant winner lottery game entitled "12 Days of Christmas" commencing on or after August 25, 2003. The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-2051.

(b) The "play symbols" and "play symbol captions" for this game are as follows:

Play Symbols	Play Symbol Captions
FREE	TICKET
\$1. <sup>00</sup>	ONE\$
\$2. <sup>00</sup>	TWO\$
\$5. <sup>00</sup>	FIVE\$
10. <sup>00</sup>	TEN\$

15 <sup>00</sup>	FIFTEEN	\$25 (\$2 x 10) + \$5	\$25	1,700	42,500
20 <sup>00</sup>	TWENTY	\$25 (\$5T) + (\$5 x 2)	\$25	1,650	41,250
25 <sup>00</sup>	TWEN-FIV	\$25 (\$5 x 5)	\$25	1,700	42,500
50 <sup>00</sup>	FIFTY	\$50	\$50	600	30,000
\$100\$	ONE-HUN	\$50 (\$2 x 10) + (\$15 x 2)	\$50	700	35,000
\$500\$	FIVE-HUN	\$50 (\$2T x 5) + (\$10 x 2)	\$50	650	32,500
\$1000	ONETHOU	\$100	\$100	300	30,000
\$5000	FIVETHOU	\$100 (\$25T) + \$25	\$100	350	35,000
\$25000	25-THOU	\$100 (\$10 x 8) + (\$5 x 4)	\$100	400	40,000
Symbol of a Christmas present	TRIPLER	\$500	\$500	40	20,000
		\$500 (\$50 x 8) + (\$25 x 4)	\$500	60	30,000
		\$1,000	\$1,000	8	8,000
		\$1,000 (\$100 x 8) + (\$50 x 4)	\$1,000	10	10,000
		\$5,000	\$5,000	6	30,000
		\$25,000	\$25,000	6	150,000
		TOTAL		<u>189,280</u>	<u>\$1,674,250</u>

(c) For this game, a play symbol shall appear in each of 72 play spots within the play area or areas.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 059.

(e) The three letters comprising the retailer validation codes used in this game shall appear in three of eight varying locations among the play symbols. The retailer validation codes for this game and their meanings are as follows:

FRE	=	Free Ticket
FIV	=	\$5.00
TEN	=	\$10.00
FTN	=	\$15.00
TWY	=	\$20.00
TWF	=	\$25.00
FTY	=	\$50.00
HUN	=	\$100.00
FHN	=	\$500.00

(f) The price of instant tickets sold by a retailer for this game shall be \$5.00 each.

(g) The "12 Days of Christmas" game is a ticket with 12 different games. The player will remove the latex covering the play area of each game to reveal six prize amounts or five prize amounts and the symbol of a "CHRISTMAS PRESENT." If the player matches three like prize amounts in any one game, the player wins that amount. If the player matches two like prize amounts plus the "CHRISTMAS PRESENT" symbol in any one game, the player wins triple the prize amount.

(h) Each ticket in this game may win up to 12 times.

(i) Approximately 600,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 300,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

Get	Prizes	Expected Number of Prizes in Game	Expected Value in Game
Free Ticket	Free Ticket	60,000	\$0
\$5	\$5	28,000	140,000
\$5 (\$1 x 5)	\$5	32,500	162,500
\$10	\$10	10,000	100,000
\$10 (\$5 x 2)	\$10	12,000	120,000
\$10 (\$2 x 5)	\$10	12,600	126,000
\$15	\$15	5,000	75,000
\$15 (\$5T)	\$15	5,600	84,000
\$15 (\$10 + \$5)	\$15	5,200	78,000
\$20	\$20	2,000	40,000
\$20 (\$2 x 10)	\$20	2,400	48,000
\$20 (\$2T) + (\$2 x 7)	\$20	2,200	44,000
\$20 (\$10 x 2)	\$20	2,000	40,000
\$25	\$25	1,600	40,000

"T" denotes Christmas present tripler symbol.

(k) The odds of winning a prize in this game are approximately one in 3.17. (Authorized by K.S.A. 74-8710; implementing K.S.A. 74-8710 and K.S.A. 74-8720; effective, T-111-9-9-03, Aug. 13, 2003.)

**CABELA'S CASH DRAWING**

**111-4-2052. Name of drawing.** The Kansas lottery shall conduct a drawing entitled "Cabela's Cash Drawing," and will accept entries on and after the day Kansas lottery "Cabela's Cash" instant tickets are first offered for sale to the general public and ending on Tuesday, January 20, 2004, as specified in K.A.R. 111-4-2052. The drawing will be held at approximately 11:00 a.m. on Friday, January 23, 2004, at the Cabela's store in Kansas City, Kansas. Rules applicable to the "Cabela's Cash Drawing" are contained in K.A.R. 111-4-2052 through 111-4-2057 and K.A.R. 111-3-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2053. Definitions.** (a) All definitions contained in the Kansas lottery act (K.S.A. 74-8701 *et seq.*) and lottery regulations are hereby incorporated by reference and govern unless otherwise indicated.

(b) "Cabela's Cash Drawing" means the act of drawing prizes conducted by the Kansas lottery at the place and time described in K.A.R. 111-4-2055, in which participants are selected to win various prizes as described in K.A.R. 111-4-2054.

(c) "Non-winning ticket" means any valid Kansas "Cabela's Cash" instant game lottery ticket not eligible to win a prize under the rules of the "Cabela's Cash" instant game.

(d) "Receptacle" or "drum" means a container in which non-winning Kansas instant game lottery tickets are placed and from which the "Cabela's Cash Drawing" entries are drawn. Receptacles or drums may be sealable and shall be capable of being mixed or rotated for the purpose of ensuring random distribution.

(e) "Bare arm technique" means a type of drawing where the person drawing the winning ticket from the receptacle or drum wears a long-sleeved shirt with sleeve rolled up above the elbow, a short-sleeved shirt (sleeve

*(continued)*

not extending past the elbow) or a no-sleeve shirt which exposes the drawer's bare arm and looks away from the drawing drum or receptacle while drawing. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2054. Prize.** (a) The winner of the grand prize at the "Cabela's Cash Drawing" shall receive a \$10,000 shopping spree at the Cabela's retail store in Kansas City, Kansas, together with mandatory state and federal income withholding taxes. Four secondary prizes shall be awarded and the winner of each secondary prize shall receive a \$2,000 shopping spree at the Cabela's retail store in Kansas City, Kansas, together with mandatory state and federal income withholding taxes. The following restrictions shall apply to all prizes:

(1) Prize winners will receive notification of their prize, but the actual prize may be delivered at a time and place to be announced by the lottery.

(2) Any taxes and other expenses that are not specifically mentioned are not included.

(3) Prizes are not redeemable for cash.

(4) Prizes may be transferred one time.

(b) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(c) The winner of a prize shall return to the lottery a completed claim form as provided by the lottery within 30 calendar days in which his or her ticket was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn for that prize pursuant to subsection (e) of K.A.R. 111-4-2057 shall be declared the winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2055. Method of entry.** (a) Entry into the "Cabela's Cash Drawing" to be conducted on January 23, 2004, shall be accomplished as follows:

(1) Obtain a valid "Cabela's Cash" Kansas instant lottery ticket;

(2) Determine if the ticket is a winning ticket in accordance with "Cabela's Cash" game rules. If the ticket is a winning ticket, it is not eligible for the drawing and shall be redeemed in accordance with the instant game rules. For purposes of this drawing, any ticket winning a 20 percent Cabela's discount shall be deemed a non-winning ticket.

(3) If the ticket is a valid non-winning ticket, the ticket is eligible for the drawing and the holder of the ticket may use it to enter the drawing.

(4) The holder of the non-winning ticket must complete the information form on the back of the ticket in a legible manner. Only one name shall appear on a non-winning ticket entered.

(5) A receptacle or drum may be available for deposit of entries at the various locations as may be specifically designated by the lottery. All entries so deposited shall be transported to lottery headquarters and secured until the time of the drawing.

(6) Entries may also be mailed with proper postage to "Cabela's Cash Drawing" c/o Kansas lottery, P. O. Box 3561, Topeka, Kansas 66601-3561. Mailed entries must be received by morning mail pickup on Tuesday, January

20, 2004. More than one entry may be mailed in one envelope.

(7) The holder of the ticket is not required to personally attend the drawing or be present at the time of the drawing to be determined a winner.

(8) The drawing will be conducted at 10:00 a.m. on Friday, January 23, 2004.

(b) There is no limit on the number of entries a person may make, but a person may only win one time in the drawing.

(c) Only valid non-winning "Cabela's Cash" tickets which are mailed to the address set forth above with proper postage and received by the morning mail pickup in Topeka, Kansas, on Tuesday, January 20, 2004, and non-winning "Cabela's Cash" tickets entered at such other locations as may be specifically designated by the lottery shall be eligible for the drawing.

(d) Eligible entrants in the "Cabela's Cash Drawing" must be 18 years of age or older.

(e) Completing the information form on the non-winning ticket and entering the ticket into the drawing constitutes authorization to publicly identify the person whose entry is drawn. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2056. Certification of drawing.** (a) The "Cabela's Cash Drawing" shall be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery (hereinafter "event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winners. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-4-2057. Selection of winners.** The following process shall be used for the selection of winners in the "Cabela's Cash Drawing:"

(a) Kansas lottery personnel shall pick up all mail containing "Cabela's Cash Drawing" tickets at the United States Post Office in Topeka, Kansas, with the final pick up at the Topeka post office in the morning mail pickup on Tuesday, January 20, 2004. Following the morning mail pickup on Tuesday, January 20, 2004, the envelopes containing mailed entries will be transported to lottery headquarters and opened by lottery personnel. Prior to the drawing, all mailed entries and entries retained from such other locations as specifically designated by the lottery shall then be transported to the location of the drawing and placed in the drawing receptacle or drum.

(b) The drawing shall be held at the Cabela's store in Kansas City, Kansas, and shall be open to the public with lottery security personnel present. The drawing shall be audio and video taped.

(c) At the final drawing on Friday, January 23, 2004, lottery security personnel will be present with the person designated by the executive director to perform the drawing. Prior to the drawing, if a drum is used, the drum

shall be sealed and the contents mixed by rotating the drum at least 10 times. If a receptacle other than a drum is used, the contents shall be mixed with a shovel or by other means for at least three minutes prior to the drawing.

(d) The designated individual shall then unseal the drum, if a drum is used, and using the bare-arm technique, while looking away, remove one entry from the receptacle or drum. The person whose name appears on the entry shall be the winner of the grand prize of one \$10,000 shopping spree as identified in K.A.R. 111-4-2054, subject to validation by the lottery as set forth in these rules. Four more entries shall be selected one at a time in the same manner. The person whose name appears on each of those entries shall be the winner of a secondary prize of a \$2,000 shopping spree as identified in K.A.R. 111-4-2054, subject to validation by the lottery as set forth in these rules. Each valid entry shall be numbered from two through five.

(e) After five entries have been drawn, and the entries have been verified as valid, five more entries will be drawn, one at a time. The last five entries drawn will serve as alternate entries for the prize packages. The alternate entries will be marked in order drawn, 1A, 2A, 3A, 4A, and 5A. The alternate entries will be used only if one or more of the original winners cannot be located or is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. on the thirtieth calendar day following the drawing. The alternates will be used, if necessary, in the order drawn. If a winner or an alternate winner cannot be located, is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. on the thirtieth calendar day following the claim form being given or sent to the alternate winner, the alternate winner process shall be repeated until the prize is properly claimed or until such time as no alternate winners remain, whichever occurs first.

(f) The Kansas lottery security official present shall review each ticket drawn to determine the validity of the entry into the "Cabela's Cash Drawing" in accordance with these regulations. If it is a valid entry and the name is legible, the event manager and the security person present shall record the name of the winner and the prize won. The prize winners shall be given or sent a prize claim form to be completed and returned to the lottery within 30 calendar days of the drawing.

(g) If the entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn, unless it is valid to win an instant scratch ticket prize, in which event the person whose name appears on the ticket shall be paid said prize amount. This procedure will be repeated until valid selections are obtained.

(h) Only non-winning "Cabela's Cash" instant tickets as defined by these rules are eligible for the drawing.

(i) All "Cabela's Cash" tickets remaining in the drum or receptacle on January 23, 2004, after the winners and alternatives have been selected, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

## Article 5.—MULTI-STATE ON-LINE GAMES

### POWER PLAY BIG GAME GETAWAY DRAWINGS

**111-5-106. Name of drawing.** The Kansas lottery shall conduct drawings entitled "Power Play Big Game Getaway Drawings," and will accept entries starting October 5, 2003, for the drawings to be conducted at 10:00 a.m. November 7, 2003, and December 19, 2003. Two winners shall be selected November 7, 2003, and three winners shall be selected December 19, 2003. Rules applicable to the "Power Play Big Game Getaway Drawings" are contained in K.A.R. 111-5-106 through 111-5-110 and K.A.R. 111-6-1, *et seq.* (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-5-107. Prize.** The five prize winners selected in the "Power Play Big Game Getaway Drawings" on the dates specified in K.A.R. 111-5-106 shall each receive a trip for two people to the National Football League Super Bowl on February 1, 2004, including the following: round-trip coach air transportation from Wichita, Kansas, or Kansas City, Missouri, to Houston, Texas; transportation to and from the airport and hotel; lodging on January 30 and 31, and February 1, 2004; pre-game party; admission to the football game; seating, non-exclusive access to, and food and beverages in a reserved suite; VIP pass for access to certain portions of the football stadium; a commemorative leather jacket; \$500 spending money; and mandatory state and federal income withholding taxes. The following restrictions shall apply to the "Power Play Big Game Getaway Drawings" prize packages:

(a) Trip packages are transferable one time, cannot be redeemed for cash, are not refundable, cannot be split into component parts, and cannot be extended. All transfers require a certified authorization from the winner.

(b) Any meals, drinks, gratuities, and taxes that are not specifically mentioned are not included.

(c) All prizes are subject to lottery validation, set-offs and deductions authorized by law.

(d) All persons attending the football game and related events must be at least 18 years of age.

(e) The winner of a prize as a result of the said drawings shall return to the lottery a completed claim form as provided by the lottery within 14 days in which his or her ticket was drawn or the person named on the ticket drawn will no longer be eligible for the prize. In such an event, the first eligible alternate entry drawn pursuant to subsection (e) of K.A.R. 111-5-110 shall be declared the winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-5-108. Method of entry.** (a) Entry into the "Power Play Big Game Getaway Drawings" shall be accomplished as follows:

(1) Beginning at 5:00 a.m. on October 5, 2003, and ending at the close of business as defined in subsection (p) of K.A.R. 111-6-1, on December 13, 2003, for every \$10 or more single Powerball ticket purchased with the Power Play option, the purchaser shall receive free of charge an entry blank for the "Power Play Big Game Getaway Drawings" as set forth in K.A.R. 111-5-107. For every such purchase made during the time period specified, whether

(continued)

for a single draw or multiple draws, lottery terminals shall automatically dispense an entry blank for said drawings.

(2) The holder of an entry blank must fill in the entry blank in a legible manner. Only one name shall appear on an entry blank.

(3) Place one or more completed entry blank(s) for said drawings into an envelope with proper postage and mail it to: "Power Play Big Game Getaway Drawings," c/o Kansas lottery, P. O. Box 750980, Topeka, Kansas 66675-0980. Mailed entries must be received by morning mail pickup on the Tuesday before each Friday drawing.

(4) The holder of the ticket is not required to personally attend said drawings or be present at the time of the drawings to be determined a winner.

(5) The drawings will be conducted at the approximate times listed in K.A.R. 111-5-106.

(b) There is no limit on the number of entries a person may make, but a person may only win one time.

(c) All eligible entries which are mailed and received by the morning mail pickup in Topeka, Kansas, on the Tuesday before each drawing shall be entered into the drawing conducted the next following Friday. Entries entered into a drawing are not eligible for any subsequent drawing.

(d) Eligible entrants in any "Power Play Big Game Getaway Drawings" must be 18 years of age or older.

(e) Completing the information form on the entry blank and entering it into the drawing constitutes authorization to publicly identify the person whose entry is drawn.

(f) The executive director of the Kansas lottery may, in his sole discretion, cancel this promotion at any time. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-5-109. Certification of drawing.** (a) The "Power Play Big Game Getaway Drawings" shall each be personally observed by a member of the Kansas lottery security department and a member of the Kansas lottery marketing department or other person or persons designated by the executive director of the lottery ("event manager").

(b) Upon completion of the drawing, the security official and the event manager shall issue a report to the executive director, certifying that the name of each prize winner is correct, and that to the best of their knowledge the procedures required by these rules were followed in selecting the prize winner. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

**111-5-110. Selection of winners.** The following process shall be used for the selection of winners in the "Power Play Big Game Getaway Drawings":

(a) Kansas lottery personnel shall pick up all mail containing "Power Play Big Game Getaway Drawings" entries at the United States Post Office in Topeka, Kansas, with the final pick up on the Tuesday immediately prior to each drawing.

(b) Lottery personnel shall transport the mail to the mail room where the envelopes will be opened and the entries contained therein stored in a secure location until

immediately prior to the drawing, at which time all entries will be placed into the drawing receptacle or drum.

(c) Each drawing shall be held at the lottery headquarters in a place accessible to the public and open for public attendance with lottery security personnel present. The drawing shall be audio and video taped.

(d) At the start of each Friday drawing, lottery security personnel shall present the receptacle or drum to the person designated by the executive director to perform the drawing. The receptacle or drum for the said drawings shall contain all eligible entries. The entries shall be thoroughly mixed prior to the entries actually being drawn. The designated individual shall then unseal the receptacle or drum, and using the bare-arm technique, while looking away, remove one entry from the receptacle or drum and mark it in such a way as to identify it as the winning entry for that drawing. The person whose name appears on each of the entries shall be the winner of the prize identified in K.A.R. 111-5-107, subject to validation by the lottery as set forth in these rules.

(e) After the number of winning entries are drawn, one at a time, on the dates set forth in K.A.R. 111-5-106, and after each entry has been verified as valid by lottery security, two more entries will be drawn on each date, one at a time, to serve as alternate entries. The alternate entries will be marked in order drawn, 1A and 2A. The alternate ticket entries will be used only if the original winner cannot be located or is declared ineligible, or fails to present a fully-executed claim form to lottery headquarters by 5:00 p.m. on the fourteenth day following the drawing. The alternates will be used, if necessary, in the order drawn.

(f) The Kansas lottery security official present shall review each entry drawn to determine the validity of the entry into the said drawing in accordance with these regulations. If it is a valid entry and the information is legible, the event manager and the security person present shall record the name of the winner and each alternate. Each winner shall be given or sent a prize claim form to be completed and returned, and received by, to the lottery within 14 days of the drawing.

(g) If any entry is determined to be ineligible, it shall be discarded by the security person present and another entry drawn. This procedure will be repeated until valid selections are obtained.

(h) All entries not drawn in the first drawing, entries remaining in the drum or receptacle after the final drawing has been completed, and all entries not received in compliance with these rules, shall be destroyed pursuant to K.A.R. 111-3-34. (Authorized by and implementing K.S.A. 74-8710; effective, T-111-9-9-03, Aug. 13, 2003.)

Ed Van Petten  
Executive Director

Doc. No. 029882



## State of Kansas

## Department of Agriculture

Permanent Administrative  
Regulations

## Article 20.—CHEMIGATION

**4-20-5. Waterline check valves.** (a) Each waterline check valve required by K.S.A. 2-3305, and amendments thereto, shall be constructed and installed in accordance with the requirements specified in K.A.R. 5-6-13a.

(b) Each check valve and all required components shall be maintained in an operating condition that prevents backflow into the source of water supply whenever a foreign substance could reasonably be expected to be introduced into the water system.

(c) Each chemigation installation, unit, or system that can serve as a conduit for chemicals, effluent, or any substance while water is not being pumped shall also be equipped with a positive closing gate valve or its equivalent. This valve shall be located between the check valve and the point at which chemicals, effluents, or other substances enter the water distribution system and shall be closed whenever chemicals, effluents, or other substances enter the distribution system and water is not being pumped. (Authorized by K.S.A. 2-3309; implementing K.S.A. 2-3305; effective, T-86-27, Aug. 19, 1985; effective May 1, 1986; amended March 26, 1990; amended Oct. 24, 2003.)

Adrian J. Polansky  
Secretary of Agriculture

Doc. No. 029893

## State of Kansas

Department of Agriculture  
Division of Water ResourcesPermanent Administrative  
Regulations

## Article 1.—DEFINITIONS

**5-1-1. Definitions.** As used in these regulations and the Kansas water appropriation act, and by the division of water resources in the administration of the Kansas water appropriation act, unless the context clearly requires otherwise, the following words and phrases shall have the meanings ascribed to them in this regulation.

(a) "Above-baseflow stage" means streamflow that is in response to a significant runoff event during which period the water level elevation of the stream is greater than the elevation of the adjacent water table.

(b) "Acceptable quality surface water" means surface water that will not degrade the quality of the ground-water source into which it is discharged.

(c) "Application" means the formal document submitted on the form prescribed by the chief engineer for a permit to appropriate water for beneficial use and filed in the office of the chief engineer as provided by K.S.A. 82a-708a and 82a-709, and amendments thereto.

(d) "Approval of application" means a permit to proceed with construction of diversion works and the diversion and use of water in accordance with the terms and conditions set forth in the permit. Approval of application shall not constitute any permit that may be required by other state laws.

(e) "Aquifer storage" means the act of storing water in the unsaturated portion of an aquifer by artificial recharge for subsequent diversion and beneficial use.

(f) "Aquifer storage and recovery system" means the physical infrastructure that meets the following conditions:

(1) Is constructed and operated for artificial recharge, storage, and recovery of source water; and

(2) consists of apparatus for diversion, treatment, recharge, storage, extraction, and distribution.

(g) "Artificial recharge" means the use of source water to artificially replenish the water supply in an aquifer.

(h) "Authorized representative" means any staff employee designated by the chief engineer to perform duties and functions on behalf of the chief engineer.

(i) "Bank storage" means water absorbed by and temporarily stored in the banks and bed of a stream during above-baseflow stage.

(j) "Bank storage well" means a well used to divert or withdraw water from bank storage.

(k) "Basin storage area" means the portion of the aquifer's unsaturated zone used for aquifer storage that has defined horizontal boundaries and is delimited by the highest and lowest index water level elevations.

(l) "Basin storage loss" means that portion of artificial recharge naturally flowing or discharging from the basin storage area.

(m) "Basin term permit" means a term permit to appropriate surface water from a stream within a specific drainage basin, or a portion of it, for a reasonable quantity of water, not to exceed a maximum of 100 acre-feet per calendar year, for use in either of the following:

(1) Drilling oil and gas wells; or

(2) construction projects within the specified basin.

(n) "Battery of wells" means two or more wells connected to a common pump by a manifold, or not more than four wells in the same local source of supply within a 300-foot-radius circle that are being operated by pumps not to exceed a total maximum rate of diversion of 800 gallons per minute and that supply water to a common distribution system.

(o) "Beneficial uses of water" are the following:

(1) Domestic uses;

(2) stockwatering;

(3) municipal uses;

(4) irrigation;

(5) industrial uses;

(6) recreational uses;

(7) waterpower;

(8) artificial recharge;

(9) hydraulic dredging;

(10) contamination remediation;

(11) dewatering;

(12) fire protection;

(13) thermal exchange; and

(continued)

(14) sediment control in a reservoir.

(p) "Complete and accurate water use report" means a water use report that the water right owner has filed pursuant to K.S.A. 82a-732, and amendments thereto, that provided all of the information required on the form prescribed by the chief engineer, including the following:

(1) The quantity of water diverted during the calendar year;

(2) if the diversion of water was required to be metered during the calendar year for which the report is being filed, the information required by K.A.R. 5-3-5e;

(3) if the water was used for irrigation purposes, the number of acres that were irrigated; and

(4) if the water was diverted from a sand and gravel pit operation, the size of the surface area of the pit in acres at the end of the calendar year for which the report was filed.

(q) "Completed substantially as shown on aerial photograph, topographic map, or plat," as used to define the authorized point of diversion, means within 300 feet of the location as shown on the aerial photograph, topographic map, or plat accompanying the application.

(r) "Confined Dakota aquifer system" means that portion of the Dakota aquifer system overlain by Graneros shale.

(s) "Conjunctive use" means the safe-yield management and operation of an aquifer in coordination with a surface water system to enhance the use of the total water supply availability in accordance with the provisions of the water appropriation act.

(t) "Contamination remediation" means the diversion of water by a state agency, or under a written agreement or order of an appropriate state agency, for the purpose of improving the water quality.

(u) "Dakota aquifer system" shall include the Dakota formation, the Kiowa formation, the Cheyenne sandstone, and, where hydraulically connected, the Morrison formation.

(v) "Dakota aquifer system well" means a well or proposed well screened in whole or in part in the Dakota aquifer system.

(w) "Dam" means any artificial barrier, together with all appurtenant works, that does or could impound water.

(x) "Dewatering" means the removal of surface water or groundwater to achieve either of the following:

(1) Facilitate the construction of a building, pipeline, or other facility; or

(2) protect a building, levee, mining activity, or other facility.

(y) "Direct diversion of surface water" means the diversion of surface water directly from a stream by means of a pump, headgate, siphon, or similar installation, for application to beneficial use without storing it behind a dam, levee, or similar type of structure.

(z) "Diversion" means the act of bringing water under control by means of a well, pump, dam, or other device for delivery and distribution for the proposed use.

(aa) "Diversion works" means any well, pump, power unit, power source, dam, and any other devices necessary to bring water under control for delivery to a distribution system by which the water will be distributed to the pro-

posed use and any other equipment required as a condition of the permit, including a check valve, water level measurement tube, meter, or other measuring device.

(bb) "Division" means the division of water resources of the Kansas department of agriculture.

(cc) "Dry hydrant" means a permanent, unpressurized intake pipe used to remove water from a pond, stream, reservoir, or other surface water supply by means of suction or vacuum supplied by a fire truck or other portable pumping device.

(dd) "Field inspection" means that for the purpose of issuing a certificate of appropriation pursuant to K.S.A. 82a-714 and amendments thereto, the chief engineer conducts a test of the rate of diversion of the diversion works under the normal and maximum conditions that the diversion works actually applied water to beneficial use during the perfection period. The chief engineer also collects all other information necessary to prepare a certificate, including the following:

(1) A description of the location and size of the place where water was actually applied to beneficial use during the perfection period in accordance with the terms, conditions, and limitations of the approval of application;

(2) information on the quantity and rate of water that was applied to the authorized use during the perfection period; and

(3) the actual location of the point or points of diversion from which water was diverted in accordance with the terms, conditions, and limitations of the approval of application.

(ee) "Fire protection" means the use of water for fire protection by a fire department for public protection in general.

(ff) "Fish farming" means the controlled cultivation and harvest of aquatic animals.

(gg) "Flow-straightening vanes" means vanes, or other device installed at the upstream throat of a measuring chamber for the purpose of aligning all velocity components of flow parallel with the flow in the measuring chamber at the water flowmeter sensor location.

(hh) "Full irrigation" means the application of water to crops during the growing season. Full irrigation shall include water for preirrigation.

(ii) "Groundwater" means water below the surface of the earth.

(jj) "Growing season" means the average frost-free period of the year.

(kk) "Household purposes" means the use of water by a person for cooking, cleaning, washing, bathing, human consumption, rest room facilities, fire protection, and other uses normally associated with the operation of a household.

(1) "Fire protection" shall be considered to be use of water for "household purposes" if either of the following conditions is met:

(A) Water is available from a "dry hydrant" that has been installed on a pond located within 1,000 feet of the residence.

(B) Water can be pumped from a well located within 1,000 feet of the residence for fire protection.

(2) Household purposes shall also include the replacement of the potential net evaporation from a domestic

pond of up to ½ acre in surface area if both of the following conditions are met:

(A) The pond is utilized for aesthetic purposes as an integral part of the landscaping of a house.

(B) Any portion of the pond is located within 300 feet of the closest edge of the house.

(3) The maximum reasonable annual quantity of groundwater that may be pumped into a pond to be withdrawn later for domestic fire protection shall not exceed 0.06 acre-feet plus the average annual potential net evaporation for a pond at that location in the state having a surface area of 0.2 of an acre.

(4) Household purposes shall also include the use of 1½ acre-feet of water or less per calendar year by an industrial user, restaurant, hotel, motel, church, camp, correctional facility, educational institution, or similar entity for household purposes.

(ll) "Hydraulic dredging" means the removal of saturated aggregate from a stream channel, pit, or quarry by means of hydraulic suction and the pumping of the aggregate and water mixture as a slurry to a location where at least 95% of the water returns directly to the source of supply.

(mm) "Immediate vicinity," as used in specifying the place of use for a water right in which the water is authorized to be used for municipal purposes, means within 2,640 feet of the corporate limits of the municipality, rural water district, or other entity.

(nn) "In compliance" means that a water flowmeter does not meet any of the criteria of K.A.R. 5-1-9 for being out of compliance.

(oo) "Index water level" means water level elevations established spatially throughout a basin storage area to be used to represent the maximum volume of a basin storage area, and storage available for recovery based upon accounting methodology, and conditions of the permit.

(pp) "Indirect use" means the total of the seepage loss and the average annual potential net evaporation loss from the surface of water originally impounded in a reservoir for beneficial use.

(qq) "Industrial use" means the use of water in connection with the manufacture, production, transport, or storage of products, or the use of water in connection with providing commercial services, including water used in connection with steam electric power plants, greenhouses, fish farms, poultry operations that are not incidental to the operation of a traditional farmstead pursuant to K.S.A. 82a-701(c) and amendments thereto, secondary and tertiary oil recovery, air conditioning, heat pumps, equipment cooling, and all uses of water associated with the removal of aggregate for commercial purposes except the following:

(1) The evaporation caused by exposing the groundwater table or increasing the surface area of a stream, lake, pit, or quarry by excavation or dredging, unless the evaporation has a substantially adverse impact on the area groundwater supply; and

(2) hydraulic dredging.

(rr) "Irrigation use" means the use of water for the following:

(1) The growing of crops;

(2) the watering of gardens, orchards, and lawns exceeding two acres in area; and

(3) the watering of golf courses, parks, cemeteries, athletic fields, racetrack grounds, and similar facilities.

(ss) "Measuring chamber" means a cylindrical chamber in which a water flowmeter is installed that is calibrated to match the measuring element of the water flowmeter and the nominal size of the pipe in which it is installed.

(tt) "Municipal use" means the various uses made of water delivered through a common distribution system operated by any of the following:

(1) A municipality;

(2) a rural water district;

(3) a water district;

(4) a public wholesale water supply district;

(5) any person or entity serving 10 or more hookups for residences or mobile homes; or

(6) any other similar entity distributing water to other water users for various purposes.

Municipal use shall also include the use of water by restaurants, hotels, motels, churches, camps, correctional facilities, educational institutions, and similar entities using water that does not qualify as a domestic use.

(uu) "Nonvolatile memory" means the ability of a water flowmeter to retain the values stored in the mechanical or electronic memory if all power, including backup battery power, is removed.

(vv) "Normal operating range" means the range of flow rates for which the water flowmeter will meet the accuracy requirements of K.A.R. 5-1-4 (a), as certified by the water flowmeter manufacturer.

(ww) "Off-season irrigation" means the application of water to land for the purpose of storing moisture in the soil for future use by a crop that will not be irrigated during the growing season.

(xx) "Operator," as used in the regulation of sand and gravel pits, means any person who engages in mining sand or gravel, or both.

(yy) "Perfect" means the actions taken by a water user to develop an approval of application into a water right. These actions shall consist of the completion of the diversion works and the actual application of water to the authorized beneficial use in accordance with the terms, conditions, and limitations of the approval of application.

(zz) "Point of diversion" means the point at which water is diverted or withdrawn from a source of water supply.

(aaa) "Point of diversion for storage of surface water in a reservoir created by a dam" means the point at which the longitudinal axis of the dam crosses the centerline of the stream impounded by the reservoir.

(bbb) "Potential annual runoff" means the mean annual runoff for the watershed of the reservoir.

(ccc) "Preirrigation" means the application of water to the land for a crop before planting to ensure adequate moisture for early plant growth.

(ddd) "Primary well" means a well for which a standby well is available.

(eee) "Prior right" means a vested right, an appropriation right with earlier priority, or a permit with earlier

(continued)

priority than that of a subsequent appropriation right or permit.

(fff) "Proven reserves" means extractable sand and gravel deposits for which good estimates of the quantity and quality have been made by various means, including core drilling.

(ggg) "Recharge" means the natural infiltration of surface water or rainfall into an aquifer from its catchment area.

(hhh) "Recharge credit" means the quantity of water that is stored in the basin storage area and that is available for subsequent appropriation for beneficial use by the operator of the aquifer storage and recovery system.

(iii) "Recreation storage" means the storage and use of water within the reservoir for recreational use as defined in this regulation. Water stored for recreation use in a reservoir shall be considered to be an indirect use of water.

(jjj) "Recreational use" means a use of water in accordance with a water right that provides entertainment, enjoyment, relaxation, and fish and wildlife benefits.

(kkk) "Rediversion of water" means releasing or withdrawing water that had been previously impounded behind a dam, levee, or similar type of structure, by use of a pump, outlet tube, headgate, or similar type of device, and the application of the water directly to beneficial use.

(lll) "Register" means an integral or remote device that displays the quantity of water passing the water flowmeter sensor and is part of the water flowmeter.

(mmm) "Reservoir" means the area upstream from a dam that contains, or will contain, impounded water.

(nnn) "Reservoir capacity" means the volume of water that can be stored below the lower of either of the following:

- (1) The elevation of the principal spillway tube; or
- (2) the lowest uncontrolled spillway in the reservoir.

(ooo) "Reservoir having a total water volume of less than 15 acre-feet," as used in K.S.A. 82a-728 and amendments thereto, means a reservoir having a capacity of 15 acre-feet or less as measured at the principal spillway tube or the lowest uncontrolled spillway, whichever is lower.

(ppp) "Safe yield" means the long-term sustainable yield of the source of supply, including hydraulically connected surface water or groundwater.

(qqq) "Sand and gravel pit operation" means a project that meets the following conditions:

(1) Excavates overburden for mining sand or gravel, or both, exposing the underlying groundwater table to evaporation; and

- (2) has a perimeter equal to or greater than its depth.

(rrr) "Sediment control in a reservoir" means a beneficial use of water that meets both of the following criteria:

(1) The water is stored in a reservoir that has no other authorized type of beneficial use, except domestic use.

(2) The water is stored only in the part of the reservoir designed and constructed for the storage of sediment.

(sss) "Source water" means water used for artificial recharge that meets the following conditions:

- (1) Is available for appropriation for beneficial use;
- (2) is above base-flow stage in the stream;

(3) is not needed to satisfy minimum desirable stream-flow requirements; and

(4) will not degrade the ambient groundwater quality in the basin storage area.

(ttt) "Specialty crop" means a crop other than a normal Kansas field crop. This term shall include turf grass, trees, vegetables, ornamentals, and other similar crops.

(uuu) "Standby well" means a well that can withdraw water from the same source of supply as the primary well and that is used only when water is temporarily unavailable from the primary well or wells authorized to be used on the same place of use because of mechanical failure, maintenance, or power failure. A standby well may also be used for fire protection or a similar type of emergency.

(vvv) "Static water level" means the depth below land surface at which the top of the groundwater is found when not affected by recent pumping.

(www) (1) "Stockwatering" means the watering of livestock and other uses of water directly related to either of the following:

(A) The operation of a feedlot with the capacity to confine 1,000 or more head of cattle; or

(B) any other confined livestock operation or dairy that would divert 15 or more acre-feet of water per calendar year.

(2) Stockwatering shall not include the irrigation of feed grains or other crops.

(3) For the purposes of this subsection, a group of feedlots or other confined feeding operations shall be considered to be one feedlot or confined feeding operation if both of these conditions are met:

(A) There are common feeding or other physical facilities.

(B) The group of facilities is under common management.

(xxx) "Straight pipe" means a straight length of pipe free of all internal obstructions, including size changes, valves, cooling coils, injection ports, sand or foreign material, and any other condition that would cause a disturbance of the internal velocity profile in the pipe. Internal obstructions shall not include properly designed, constructed, and installed straightening vanes and inspection ports.

(yyy) "Stream channel aquifer" means unconsolidated water-bearing deposits in river valleys, flood plains, and terraces that are separate and distinct from any other aquifer and capable of yielding water in sufficient quantities for beneficial use.

(zzz) "Surface water" means water in creeks, rivers, or other watercourses, and in reservoirs, lakes, and ponds.

(aaaa) "Term permit" means a permit to appropriate water issued for a specified period of time. At the end of the specified time, or any authorized extension of it, the permit shall be automatically dismissed, and any priority it may have had shall be forfeited.

(bbbb) "The production and return of saltwater in connection with the operation of oil and gas wells in accordance with the written approval granted therefor by the Kansas corporation commission pursuant to K.S.A. 55-901, and amendments thereto" means only that saltwater

actually produced during the primary production of oil and gas wells and shall not include the following:

(1) Saltwater used in the drilling of an oil and gas well; and

(2) saltwater injected into an enhanced recovery injection well, unless that saltwater was produced in the primary production of the oil and gas well, separated from the oil and gas, and then subsequently reinjected.

(cccc) "Thermal exchange" means the use of water for climate control in a nondomestic building and in a manner that is essentially nonconsumptive to the source of supply.

(dddd) "Totalizer" means the mechanical or electronic portion of the register that displays the total quantity of water that has passed the water flowmeter sensor.

(eeee) "Unconfined Dakota aquifer system" means that portion of the Dakota aquifer system not overlain by Graneros shale.

(ffff) "Unconsolidated regional aquifer" means a body of mostly unconsolidated and heterogeneous water-bearing deposits that are hydraulically and geologically contiguous, and are capable of yielding water in sufficient quantities for beneficial use.

(gggg) "Waste of water" means any act or omission that causes any of the following:

(1) The diversion or withdrawal of water from a source of supply that is not used or reapplied to a beneficial use on or in connection with the place of use authorized by a vested right, an appropriation right, or an approval of application for a permit to appropriate water for beneficial use;

(2) the unreasonable deterioration of the quality of water in any source of supply, thereby causing impairment of a person's right to the use of water;

(3) the escaping and draining of water intended for irrigation use from the authorized place of use; or

(4) the application of water to an authorized beneficial use in excess of the needs for this use.

(hhhh) "Waterpower use" means the use of falling water for hydroelectric or hydromechanical power.

(iiii) "Water balance" means the method of determining the amount of water in storage in a basin storage area by accounting for inflow to, outflow from, and changes in storage in that basin storage area.

(jjjj) "Water flowmeter" means the combination of a flow-sensing device, measuring chamber, integral or remote display device or register, and any connecting parts required to make a working assemblage to measure, record, and allow determination of flow rate and total quantity of water flowing past the water flowmeter sensor.

(kkkk) "Water storage device" means a reservoir, elevated water tank, pressurized water tank, including a bladder tank, or other container into which water is pumped and stored before beneficial use.

(llll) "Water use correspondent" means a person designated in writing, on a form prescribed by the chief engineer, by one of the owners of a water right to file the water use reports required by K.S.A. 82a-732 and amendments thereto, on behalf of the owner or owners of that water right. (Authorized by and implementing K.S.A. 82a-706a; modified, L. 1978, ch. 460, May 1, 1978; amended May 1, 1980; amended May 1, 1981; amended

May 1, 1983; amended May 1, 1986; amended Dec. 3, 1990; amended May 31, 1994; amended Sept. 22, 2000; amended Oct. 24, 2003.)

**5-1-4. Water flowmeter specifications.** Each water flowmeter required by the chief engineer, or required pursuant to a regulation adopted by the chief engineer, on or after the effective date of this regulation shall meet the following minimum requirements:

(a)(1) The water flowmeter has been certified by the manufacturer to register neither less than 98 percent nor more than 102 percent of the actual volume of water passing the water flowmeter when installed according to the manufacturer's instructions. This requirement shall be met throughout the water flowmeter's normal operating range without further adjustment or calibration.

(2) The manufacturer has certified to the chief engineer that it has an effective quality assurance program, including wet testing a random sample of production line water flowmeters with water flowmeter test equipment. The minimum number of samples to be tested shall be determined using a confidence interval of 90 percent, an expected compliance of 95 percent, and an acceptable error of two percent. The minimum number of samples of each model that shall be tested shall be calculated by multiplying 1,300 times the annual production of that model of water flowmeter divided by Q. Q equals four times the annual production of that water flowmeter plus 1,300.

(3) The manufacturer has certified that the water flowmeter test equipment described in paragraph (a)(2) has been tested annually and found accurate by standards traceable to the national institute of standards and technology (NIST). Documentation of the testing required in paragraphs (a)(1) and (2) shall be maintained by the manufacturer for a period of at least five years and shall be made available to the chief engineer upon request during normal business hours.

(b) The water flowmeter shall be designed and constructed so that it will meet the following criteria:

(1) Maintain the accuracy required by the chief engineer in K.A.R. 5-1-4(a) and K.A.R. 5-1-9(a);

(2) be protected by the following:

(A) A seal installed by the manufacturer or an authorized representative of the manufacturer; or

(B) A way that makes it impossible to alter the totalizer reading without breaking the seal or obtaining the authorization of the manufacturer, an authorized representative of the manufacturer, or the chief engineer;

(3) clearly indicate the direction of water flow;

(4) clearly indicate the serial number of the water flowmeter;

(5) have a weatherproof register that is sealed from all water sources;

(6) have a register that is readable at all times, whether the system is operating or not;

(7) be able to be sealed by an authorized representative of the chief engineer to prevent unauthorized manipulation of, tampering with, or removal of the water flowmeter;

(8) be equipped with a manufacturer-approved measuring chamber through which all water flows. Except for

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positive displacement water flowmeters, full-bore electromagnetic water flowmeters, and multijet water flowmeters, flow-straightening vanes shall be installed at the upstream throat of the water flowmeter chamber. The flow-straightening vanes shall meet either of the following criteria:

(A) Be designed and installed by the manufacturer, or an authorized representative of the manufacturer; or

(B) consist of at least three vanes that meet the following conditions:

(i) Are longer, when placed parallel to the length of the pipe, than the inside diameter of the pipe;

(ii) are equally spaced radially on the inner periphery of the pipe; and

(iii) are wider in diametrical distance than one-fourth of the inside diameter of the pipe;

(9) be equipped with an inspection port if the straightening vanes are not designed, constructed, and installed by the manufacturer or an authorized representative of the manufacturer. The port shall be of sufficient size and placement to allow determination of the following:

(A) The proper installation of the flow-straightening vanes; and

(B) the inside diameter of the pipe in which the water flowmeter sensor is installed;

(10) remain operable without need for recalibration to maintain accuracy throughout the operating life of the water flowmeter; and

(11) have a totalizer that meets the following criteria:

(A) Is continuously updated to read directly only in acre-feet, acre-inches, or gallons;

(B) has sufficient capacity, without cycling past zero more than once each year, to record the quantity of water diverted in any one calendar year;

(C) reads in units small enough to discriminate the annual water use to within the nearest 0.1 percent of the total annual permitted quantity of water;

(D) has a dial or counter that can be timed with a stopwatch over not more than a 10-minute period to accurately determine the rate of flow under normal operating conditions; and

(E) has a nonvolatile memory.

(c) Each water flowmeter that is required to be installed by the chief engineer, or that was required to be installed as a condition of either an approval of application or an order of the chief engineer, or pursuant to a regulation adopted by the chief engineer before the effective date of this regulation, shall meet the following minimum specifications:

(1) Each water flowmeter shall be of the proper size, pressure rating, and style, and shall have a normal operating range sufficient to accurately measure the water flow passing the water flowmeter under normal operating conditions.

(2) Each water flowmeter shall meet the accuracy requirements of K.A.R. 5-1-9(a). If the water flowmeter does not meet the accuracy requirements of K.A.R. 5-1-9(a), then the water flowmeter shall meet either of the following criteria:

(A) Be repaired so that it can meet the accuracy requirements of K.A.R. 5-1-9(a); or

(B) be replaced with a water flowmeter complying with all of the requirements of K.A.R. 5-1-4 and installed in a manner that meets the requirements of K.A.R. 5-1-6. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 82a-706c; effective Sept. 22, 2000; amended Oct. 24, 2003.)

#### **5-1-6. Water flowmeter installation specifications.**

(a) Each water flowmeter required by the chief engineer to be installed or required pursuant to a regulation adopted by the chief engineer, on or after the effective date of these regulations shall meet the following minimum water flowmeter installation specifications:

(1) Each water flowmeter shall be installed in a manner that meets the following criteria:

(A) Meets or exceeds the instructions of the manufacturer; and

(B) except for a multijet and a positive displacement water flowmeter, is installed so that there are at least five pipe diameters of straight pipe upstream and at least two pipe diameters of straight pipe downstream of the sensor portion of the water flowmeter, regardless of the manufacturer's installation specifications.

(2) Each water flowmeter shall be sized and installed so that full pipe flow will be maintained through the water flowmeter and so that water velocity in the measuring chamber will be within the normal operating range of the water flowmeter at all times while water is being diverted.

(3) If a water flowmeter is located downstream of a water storage device, there shall be at least seven diameters of straight pipe upstream of the water storage device where a water flowmeter may be installed for a field test by the chief engineer.

(4) Each water flowmeter shall be installed at a location at which the flowmeter measures all water diverted from the source of supply and does not measure water or other discharge, including tailwater and sewage effluent.

(b) Each water flowmeter that is required by the chief engineer to be installed, or that was required to be installed as a condition of either an approval of application or an order of the chief engineer, or pursuant to a regulation adopted by the chief engineer, before the effective date of these regulations, shall meet the following minimum installation specifications:

(1) Each water flowmeter shall be installed in a manner that meets or exceeds the instructions of the manufacturer and, except for a multijet and a positive displacement water flowmeter, shall be installed so that there are at least five pipe diameters of straight pipe upstream and at least two pipe diameters of straight pipe downstream of the sensor portion of the water flowmeter, regardless of the manufacturer's installation specifications.

(2) Each water flowmeter shall be sized and installed so that full pipe flow will be maintained through the water flowmeter and so that water velocity in the measuring chamber will be within the normal operating range of the water flowmeter at all times while the water is being diverted.

(3) Each water flowmeter shall be installed at a location at which the flowmeter measures all water diverted from the source of supply and does not measure water or other

discharge, including tailwater and sewage effluent. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 82a-706c; effective Sept. 22, 2000; amended Oct. 24, 2003.)

**5-1-9. Criteria to determine when a water flowmeter is out of compliance.** A water flowmeter shall be considered to be out of compliance if any of the following criteria is met: (a) The water flowmeter registers less than 94 percent or more than 106 percent of the actual volume of flow water passing the water flowmeter. If necessary, this determination may be made by a field test conducted by, or approved by, the chief engineer.

(b) The seal placed on the totalizer by the manufacturer or the manufacturer's authorized representative has been broken, or the totalizer value has been reset or altered without the authorization of the manufacturer, an authorized representative of the manufacturer, or the chief engineer.

(c) A seal placed on the water flowmeter or totalizer by the chief engineer has been broken.

(d) The water flowmeter register is not clearly visible or is unreadable for any reason.

(e) There is not full pipe flow through the water flowmeter.

(f) Flow-straightening vanes have not been properly designed, manufactured, and installed.

(g) The water flowmeter is not calibrated for the nominal size of the pipe in which it is installed.

(h) The water flowmeter is not installed in accordance with the manufacturer's installation specifications. However, five diameters of straight pipe above the water flowmeter sensor and two diameters below the water flowmeter sensor shall be the minimum spacing, regardless of the manufacturer's installation specifications.

(i) A water flowmeter is installed at a location at which the flowmeter does not measure all of the water diverted from the source of supply. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 82a-706c; effective Sept. 22, 2000; amended Oct. 24, 2003.)

**5-1-12. List of water flowmeters certified by the manufacturer to meet the specifications of the chief engineer.** (a) A list of all makes and models of water flowmeters that have been certified by the water flowmeter manufacturer to meet the specifications of the chief engineer shall be maintained by the chief engineer. This list shall be made available by the chief engineer to the public upon request.

(b) A water flowmeter shall be placed on the list only if the manufacturer has submitted to the chief engineer all of the following information for each water flowmeter model:

(1) The water flowmeter manufacturer's name, address, contact person's name, and telephone number;

(2) the water flowmeter model name or number;

(3) proof that a random sample of water flowmeters of each model has been tested in accordance with the requirements of K.A.R. 5-1-4(a);

(4) the last date that the water flowmeter test equipment was tested and found to be accurate by standards traceable to the national institute of standards and technology (NIST);

(5) verification that the water flowmeter is designed and constructed so that accuracy will be maintained over the life of the water flowmeter;

(6) verification that the water flowmeter serial number and direction of flow are clearly indicated on the water flowmeter;

(7) verification that the register is weatherproof and sealed from all water sources;

(8) verification that the totalizer will read only in acre-feet, acre-inches, or gallons;

(9) the number of active digits in the totalizer;

(10) verification that the memory is nonvolatile;

(11) verification that the totalizer cannot be reset without breaking the manufacturer's seal or obtaining the authorization of the manufacturer, an authorized representative of the manufacturer, or the chief engineer;

(12) verification that the water flowmeter and register are constructed in such a manner that they can be sealed by the chief engineer;

(13) a description of the measuring chamber provided for each water flowmeter model;

(14) specifications of the flow-straightening vanes installed in the measuring chamber;

(15) the spacing recommendations for each water flowmeter model in terms of pipe diameters of straight pipe required upstream and downstream of the water flowmeter sensor; and

(16) the normal operating range of the water flowmeter.

(c) A brand or model of a water flowmeter shall be removed from the list of water flowmeters specified in subsection (a) of this regulation if it has been demonstrated to the chief engineer that the brand or model of water flowmeter does not reliably and consistently meet the accuracy standards of K.A.R. 5-1-9(a). (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 82a-706c; effective Sept. 22, 2000; amended Oct. 24, 2003.)

### Article 3.—APPROPRIATION RIGHTS

**5-3-1. Application acceptable for filing.** (a) To be acceptable for filing, an application for an approval of application shall be accompanied by the statutorily required filing fee, except for an application for domestic use, and shall contain all of the following:

(1) The name and mailing address of each applicant;

(2) the signature of each applicant or each authorized representative;

(3) the proposed source of water supply;

(4) the proposed authorized place of use; and

(5) either a description of the location of the proposed point of diversion or a request for a 60-day period of time in which to establish the proposed point of diversion within a specifically described, nominal legal quarter section of land.

(b) When an application is received in the office of the chief engineer and assigned a number, the maximum quantity of water per calendar year and the maximum rate of diversion shall not be increased. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and

*(continued)*

K.S.A. 82a-709; modified, L. 1978, ch. 460, May 1, 1978; amended May 1, 1980; amended Oct. 24, 2003.)

**5-3-1b. Complete new application.** (a) A new application to appropriate water for beneficial use shall be considered to be a "complete application" for the purposes of K.S.A. 82a-708a, and amendments thereto, if the application completely and accurately meets all the requirements specified in this regulation and the following criteria:

- (1) The requirements specified in K.S.A. 82a-708a, and amendments thereto;
- (2) the requirements specified in K.S.A. 82a-709, and amendments thereto;
- (3) the requirements specified in K.S.A. 82a-710, and amendments thereto;
- (4) any water conservation plans required by the chief engineer pursuant to K.S.A. 82a-733, and amendments thereto;
- (5) the requirements of K.S.A. 82a-301 through K.S.A. 82a-305a, and amendments thereto, if the proposed point of diversion, or rediversion, is a dam or stream obstruction;
- (6) the requirements specified in K.A.R. 5-3-1;
- (7) the requirements specified in K.A.R. 5-3-4; and
- (8) the requirements specified in K.A.R. 5-3-4d.

(b) If minimum desirable streamflow (MDS) requirements have been set for the proposed source of water supply, the application shall contain a statement signed by the applicant acknowledging that the MDS requirements apply to the proposed source of water supply and that the diversions of water authorized by this approval of application could be regulated at times to protect MDS.

(c) If the applicant is requesting a waiver or exemption of a regulation pursuant to K.S.A. 82a-1904, and amendments thereto, the applicant shall submit a written request for the waiver or exemption, and documentation to support the waiver or exemption.

(d) If the proposed point of diversion is located within the boundaries of a groundwater management district, a final recommendation or analysis of the availability of water has been received from the groundwater management district within the time limit set by the chief engineer concerning the approval, denial, or modification of the application.

(e) If a substantive question has been raised concerning whether approval of the application could cause impairment of senior water rights or prejudicially and unreasonably affect the public interest, the applicant shall submit sufficient information to resolve that question.

(f) If any actions are required to be taken by the applicant on other approvals of applications or water rights owned by the applicant in order to make the new application approvable, including dismissals, reductions in water rights in accordance with K.A.R. 5-7-5, and applications for change, all necessary forms shall be completed and filed with the chief engineer.

(g) The applicant shall submit all information and data necessary to demonstrate that the application complies with the applicable regulations adopted by the chief engineer. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-708a, K.S.A. 82a-

709, K.S.A. 82a-710, K.S.A. 2002 Supp. 82a-711, K.S.A. 82a-733, and K.S.A. 2002 Supp. 82a-1904; effective Oct. 24, 2003.)

**5-3-3a. Legal access.** If the chief engineer is aware, or becomes aware, that the applicant does not have legal access to either the point of diversion or the place of use, before an application for any of the following can be approved by the chief engineer, the applicant shall demonstrate that the applicant has legal access to the proposed point of diversion and the proposed place of use before the approval of the application: (a) An approval of application;

(b) a change in place of use;

(c) a change in point of diversion; or

(d) any combination of subsections (a), (b), and (c). (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-708a; effective Oct. 24, 2003.)

**5-3-4c. Retaining new applications.** (a) A new application to appropriate water for beneficial use shall be held by the chief engineer in accordance with the terms of subsection (b) if the application meets both of the following conditions:

(1) The application is in proper form and has been completely processed, but cannot be approved because it does not currently comply with one or more statutory or regulatory requirements, including spacing, safe yield, and allowable appropriation regulations.

(2) There is good cause to believe that, if the application were held for a reasonable period of time, it may be approvable in the future because of actions currently pending on other permits and water rights in the area, including issuance of certificates, dismissals of applications, and declarations of abandonment.

(b) Upon demonstration by the applicant to the chief engineer that the application apparently could be approved within a reasonable time, not to exceed 365 days from the date the request to retain the application was received by the chief engineer, if the pending actions take place, the applicant's pending new application may be held by the chief engineer for a period not to exceed 365 days.

(c) If the application still cannot be approved at the end of the time set forth in section (b), the application shall be dismissed by the chief engineer and the priority of the application forfeited.

(d) If any prior applications to appropriate water or prior applications to change the point of diversion from the same source of supply are not complete and if the approval or denial of these applications could affect the approval of the proposed new application or application to change a water right, then the 150-day period specified in K.S.A. 82a-708a, and amendments thereto, shall begin to run only after all these prior applications have been processed. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-705, K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-708a, and K.S.A. 82a-710; effective Sept. 22, 2000; amended Oct. 24, 2003.)

**5-3-4d. Stratigraphic log requirements.** (a) Except as set forth in subsection (b), each applicant who files



either of the following applications shall submit to the chief engineer a stratigraphic log for a test hole located within 300 feet of the proposed new or replacement well:

(1) A new application to appropriate groundwater, except for domestic use, a temporary permit, or a term permit for fewer than five years; or

(2) an application to change the point of diversion to relocate a well.

This stratigraphic log shall contain geologic and any other information sufficient to allow the chief engineer to understand the lithology and to classify the groundwater source formation or formations from which the proposed well will be withdrawing water.

(b) (1) If an application is filed for a new well, the stratigraphic log shall not be required if the chief engineer has sufficient information to understand the lithology and determine the groundwater source formation or formations from which the proposed well will be withdrawing water.

(2) If an application is filed for a change in point of diversion, the stratigraphic log shall not be required if the chief engineer has sufficient information to understand the lithology and determine the groundwater source formation or formations from which the original well withdrew water and the replacement well will withdraw water.

(c) Each applicant to construct a new well or to change the point of diversion to a newly constructed well who submitted a stratigraphic log to the chief engineer pursuant to subsection (a) above shall not be required to submit to the chief engineer a copy of the stratigraphic log of the completed well as required by the Kansas department of health and environment under the authority of K.S.A. 82a-1212 and amendments thereto. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 82a-709, and K.S.A. 82a-710; effective Sept. 22, 2000; amended Oct. 24, 2003.)

**5-3-5c. Check valves.** (a) All diversion works not subject to regulation under the Kansas chemigation safety law, K.S.A. 2-3301 et seq. and amendments thereto, into which any type of chemical or other foreign substances will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic, quick-closing check valve capable of preventing pollution of the source of the water supply.

(b) Each check valve required by the chief engineer shall be constructed and installed in accordance with the requirements specified in K.A.R. 5-6-13a.

(c) Each check valve and all required components shall be maintained in an operating condition that prevents backflow into the source of water supply whenever a foreign substance could reasonably be expected to be introduced into the water system. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706, K.S.A. 82a-706a, K.S.A. 82a-712; effective May 1, 1980; amended May 1, 1981; amended Oct. 24, 2003.)

**5-3-7. Request for extension of time.** (a) For applications filed after May 1, 1978, any request for extension of time either for completion of diversion works or for perfecting the appropriation shall be submitted to the chief engineer before the expiration of the time allowed

for completing the diversion works or perfecting the appropriation. The request shall be signed by the holder of the approval of application and permit to proceed, by the owner of the land to be irrigated, by an authorized official of a municipality, corporation or partnership, or by any other person that has a recognized interest in the appropriation. Failure to request an extension of time to perfect the appropriation within the time allowed shall limit the water appropriation right to the extent perfected in accordance with the terms, conditions, and limitations set forth in the approval of application.

(b) The request for an extension of time either for completion of diversion works or for perfecting the appropriation shall be accompanied by the statutorily required filing fee and shall include the following information:

(1) The application number;

(2) the date by which the diversion works will be completed or the appropriation will be perfected;

(3) the progress that has been made toward completing the diversion works or perfecting the appropriation;

(4) if for irrigation, the number of acres of land to which water has been applied during one calendar year;

(5) the reason why the diversion works have not been completed or the appropriation has not been perfected; and

(6) the plans for completing the diversion works or perfecting the appropriation. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-714(e); modified, L. 1978, ch. 460, May 1, 1978; amended Oct. 24, 2003.)

**5-3-16a. Closed areas; exemptions for up to five acre-feet of groundwater.** In any area of the state that is outside a groundwater management district and an intensive groundwater use control area (IGUCA) and that is closed to new appropriations of groundwater by regulation except for domestic use, temporary permits, and term permits for five or fewer years, applications to appropriate groundwater shall be exempt from meeting the safe yield criteria and the regulation closing the area to new appropriations if the chief engineer finds that all of the following criteria are met: (a) The sum of the annual quantity of water requested by the proposed appropriation and the total annual quantities of water authorized by prior approvals of applications allowed because of an exemption pursuant to this regulation does not exceed five acre-feet in a two-mile-radius circle surrounding the proposed point of diversion.

(b) The annual quantity of water requested is reasonable for the proposed beneficial use of water.

(c) All other criteria for processing a new application to appropriate water at that location, including well spacing criteria, have been met.

(d) The approval of the application does not authorize an additional quantity of water out of an existing well that would result in a total combined annual quantity of water authorized from that well in excess of five acre-feet per calendar year.

(e) The proposed beneficial use of water will significantly benefit the public interest and help maximize economic development. (Authorized by K.S.A. 82a-706a;

*(continued)*

implementing K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-711, and K.S.A. 2002 Supp. 82a-1904; effective Oct. 24, 2003.)

**5-3-19. Maximum reasonable annual quantity of water for irrigation use.** (a) For applications filed before the effective date of this regulation, the maximum annual quantity of water reasonably necessary to irrigate crops shall be determined as follows:

(1) In that area of Kansas located between the eastern border of Kansas and the western border of range 6 east, the maximum reasonable annual quantity of water shall not exceed one acre-foot of water per acre irrigated.

(2) In that area of Kansas located between the eastern border of range 5 east and the western border of range 20 west, the maximum reasonable annual quantity of water shall not exceed 1½ acre-feet of water per acre irrigated.

(3) In that area of Kansas located between the eastern border of range 21 west and the western border of Kansas, the maximum reasonable annual quantity of water shall not exceed two acre-feet of water per acre irrigated.

(b) On and after the effective date of this regulation, the maximum annual quantity of water reasonably necessary to irrigate crops shall be determined by multiplying the number of irrigated acres by the county value found on the map adopted by reference in K.A.R. 5-3-24. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 82a-707(e), and K.S.A. 2002 Supp. 82a-711; effective Sept. 22, 2000; amended Oct. 24, 2003.)

**Article 5.—CHANGE IN THE PLACE OF USE, THE POINT OF DIVERSION OR THE USE MADE OF WATER UNDER AN EXISTING WATER RIGHT**

**5-5-2a. Complete change application.** (a) An application to change a water right pursuant to K.S.A. 82a-708b, and amendments thereto, shall be considered to be a "complete application," if the application completely and accurately meets all of the requirements specified in this regulation and the following criteria:

(1) The requirements specified in K.S.A. 82a-708b, and amendments thereto;

(2) any water conservation plans required by the chief engineer pursuant to K.S.A. 82a-733, and amendments thereto;

(3) the requirements specified in K.A.R. 5-5-1;

(4) the requirements specified in K.A.R. 5-5-5;

(5) the requirements specified in K.A.R. 5-3-4d;

(6) a demonstration that the proposed point of diversion meets all applicable well spacing criteria; and

(7) the requirements of K.S.A. 82a-301 through K.S.A. 82a-305a, and amendments thereto, if the proposed point of diversion, or redirection, is a dam or stream obstruction.

(b) If the applicant is requesting a waiver or exemption of a regulation pursuant to K.S.A. 82a-1904, and amendments thereto, the applicant shall submit a written request for the waiver or exemption, and documentation to support the waiver or exemption.

(c) If the proposed point of diversion is located within the boundaries of a groundwater management district, a final recommendation or an analysis of water availability

has been received from the groundwater management district within the time allowed by the chief engineer concerning the approval, denial, or modification of the application.

(d) If any questions have been raised concerning whether approval of the application could cause impairment of senior water rights or prejudicially and unreasonably affect the public interest, the applicant shall submit sufficient information to resolve those questions.

(e) If any actions are required to be taken by the applicant on other approvals of applications or water rights owned by the applicant in order to make the application for change approvable, including dismissals, division agreements, reductions in water rights in accordance with K.A.R. 5-7-5, and applications for change, all necessary forms shall be completed and filed with the chief engineer.

(f) If the application involves a change in the place of use or the use made of water, the applicant shall submit all information and data necessary to ensure that the consumptive use will not be increased substantially in violation of K.A.R. 5-5-3.

(g) If the application proposes to add one or more additional wells in accordance with the provisions of K.A.R. 5-5-16, the applicant shall submit all tests, data, and information required by that regulation.

(h) If there is an issue as to whether the water right for which the change application has been filed has been abandoned in whole or in part pursuant to K.S.A. 82a-718, and amendments thereto, the applicant shall submit whatever information is necessary to resolve all abandonment issues.

(i) Each application shall be accompanied by an aerial photograph or a detailed plat with a scale of one inch equals 1,320 feet, or a U.S. geological survey topographic map with a scale of 1:24,000. The following information shall be plotted on the plat, photograph, or topographic map:

(1) The section corners;

(2) the center of the section, identified by the section number, township, and range;

(3) the actual location of the currently authorized point of diversion and the location of the proposed point of diversion indicated by appropriate symbols;

(4) the location of the place of use identified by cross-hatching or by some other appropriate method;

(5) the location of all other water wells of every kind within one-half mile of the well or wells to be authorized by the proposed appropriation, each of which shall be identified by its use and the name and mailing address of the owner, if the proposed appropriation is for use of groundwater;

(6) the name and mailing address of the owner or owners of each tract of land adjacent to the stream for a distance of one-half mile upstream and one-half mile downstream from the property lines of the land owned or controlled by the applicant, if the proposed appropriation is for the use of surface water;

(7) the locations of proposed or existing dams, dikes, reservoirs, canals, pipelines, power-houses, and other structures for the purpose of storing, conveying, or using water; and

(8) a north arrow and scale.

All information shown on the photograph, plat, or map shall be legible. Black line prints may be submitted in lieu of the original drawing if a plat is submitted.

(j) The applicant shall certify on the application that all water wells of any kind located within one-half mile of the requested point of diversion have been plotted on the plat, photograph, or map attached to the application.

(k) The applicant shall submit all information and data necessary to demonstrate that the application complies with the applicable regulations adopted by the chief engineer. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-708b, K.S.A. 82a-709, K.S.A. 82a-710, K.S.A. 2002 Supp. 82a-711, K.S.A. 2002 Supp. 82a-718, K.S.A. 82a-733, and K.S.A. 2002 Supp. 82a-1904; effective Oct. 24, 2003.)

**5-5-16. Additional wells.** (a) An application for approval to change the point of diversion to add an additional point of diversion to divert groundwater, by either constructing a new well or moving a portion of a water right to a well that has previously been authorized by the chief engineer, shall not be approved unless it meets the following requirements:

(1) The provisions of K.S.A. 82a-708b, and amendments thereto, and any applicable regulations adopted by the chief engineer shall be met.

(2) The total maximum quantity of water authorized to be diverted each calendar year by the original well or wells, and the additional well or wells, shall not exceed any of the following limits:

(A) The maximum annual quantity of water that has been perfected;

(B) the maximum annual quantity of water authorized to be diverted before approval of the change; or

(C) the maximum consumptive use during the perfection period as required by K.A.R. 5-5-3 and as specified in either paragraph (a) (2) (C) (i) or (ii):

(i) If the water right authorizes the use of water for irrigation use, the consumptive use shall be presumed to not be increased in violation of K.A.R. 5-5-3 if the maximum annual quantity requested does not exceed the quantity in acre-feet calculated by use of the following formula: multiply the maximum number of acres legally irrigated in any one year during the perfection period by the 80 percent chance net irrigation requirements (N.I.R.), as set forth in K.A.R. 5-5-12 expressed in acre-feet, and divide that number by a delivery efficiency of 0.85.

(ii) If the beneficial use authorized is not irrigation, the net consumptive use during the perfection period shall be determined using the best information available.

(3) The total maximum rate of diversion that may be authorized for the original well or wells and the additional well or wells shall not be greater than the total maximum rate of diversion that could have been diverted from the original well or wells if they were currently being replaced by new wells at substantially the originally authorized location or locations in the same local source of supply. A reasonable value for the maximum rate of diversion shall be one of the following:

(A) The total rate of diversion based on a current water flow rate test done on the point or points of diversion; or

(B) a value based on a valid hydraulic analysis submitted by the applicant showing the current capacity of the aquifer to yield water at the currently authorized point or points of diversion.

(4) A condition shall be placed on the approval of the application for change authorizing the additional well or wells that provides that, for the sole purpose of administering wells concerning direct impairment, the additional well or wells shall be considered to have the priority of the date the application was filed to add the additional well or wells.

(b) The applicant shall submit the following information:

(1) A well completion log of the currently authorized well or a stratigraphic log of a test hole located within 300 feet of the currently authorized well;

(2) the depth of the currently authorized well;

(3) the current depth to the static water level of the currently authorized well;

(4) a stratigraphic log of a test hole located within 300 feet of the proposed location of each of the proposed additional well or wells; and

(5) any additional information that the chief engineer needs to understand the nature of the proposed additional well or wells.

(c) The proposed additional well or wells shall meet one of the following conditions:

(1) Meet the well spacing requirements to all other wells with a priority earlier than the date the change application was filed; or

(2) if a hydraulic analysis shows that the approval of the proposed additional well within 300 feet of the currently authorized well location will neither impair any water rights senior to the date the application for change was filed nor prejudicially and unreasonably affect the public interest, be located within a 300-foot radius of one of the wells, or the geocenter if the currently authorized point of diversion is a battery of wells, authorized pursuant to the water right upon which the change application has been filed.

(d) Each point of diversion authorized by an approval of an application for change for an additional well shall have a specific assignment of a maximum instantaneous rate of diversion and a maximum annual quantity of water.

(e) Each well authorized by a water right that has been changed under the provisions of this regulation shall be equipped with a separate water flowmeter that meets or exceeds the specifications for water flowmeters adopted by the chief engineer.

(f) Each approval of an additional well or wells shall have a condition that reserves jurisdiction for the chief engineer to review the approval of the additional well or wells at intervals of no fewer than five years, and not more than 10 years, to determine if the total annual quantity of water actually being withdrawn by all wells authorized by the approval of an application for change is exceeding the total annual quantity of water that could have been physically withdrawn if the additional well or wells had not been approved. If the chief engineer determines during the review that the total annual quantity

(continued)

being withdrawn by all the wells, including the additional wells, exceeds the total annual quantity of water that could have been physically withdrawn by the original well or wells, the total maximum annual quantity that can be withdrawn by all the wells shall be reduced by the chief engineer to the total maximum annual quantity that could have been physically withdrawn by the original well or wells. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-708b; effective Sept. 22, 2000; amended Oct. 24, 2003.)

#### Article 6.—STORAGE OF WATER

**5-6-13a. Check valve specifications.** The Kansas department of agriculture, division of water resources' document titled "check valve specifications," dated March 14, 2003, is hereby adopted by reference. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706, K.S.A. 82a-706a, and K.S.A. 82a-712; effective Oct. 24, 2003.)

**5-6-15. Drainage basin boundaries.** (a) The following electronic data files, all dated February 14, 2002, prepared by the division of water resources, Kansas department of agriculture, using data developed by the United States geological survey and the natural resource conservation service, are hereby adopted by reference by the chief engineer for the purpose of defining the boundaries of the 62 drainage basins in Kansas:

- (1) dwrbasins.dbf;
- (2) dwrbasins.sbn;
- (3) dwrbasins.sbx;
- (4) dwrbasins.shp; and
- (5) dwrbasins.shx.

(b) The electronic data files described in subsection (a) shall be used in all situations in which determination of the basin boundaries is necessary.

(c) The boundaries shown in the electronic data files shall be used unless the applicant provides, or the chief engineer has available, better or more site-specific data concerning the actual drainage basin boundaries. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706 and K.S.A. 82a-706a; effective Sept. 22, 2000; amended Oct. 24, 2003.)

#### Article 7.—ABANDONMENT AND TERMINATION

**5-7-1. Due and sufficient cause for nonuse.** (a) Each of the following circumstances shall be considered "due and sufficient cause," as used in K.S.A. 82a-718, and amendments thereto:

(1) Adequate moisture is provided by natural precipitation for production of crops normally requiring full or partial irrigation within the region of the state in which the place of use is located.

(2) A right has been established or is in the process of being perfected for use of water from one or more preferred sources in which a supply is available currently but is likely to be depleted during periods of drought.

(3) Water is not available from the source of water supply for the authorized use at times needed.

(4) Water use is temporarily discontinued by the owner for a definite period of time to permit soil, moisture, and

water conservation, as documented by any of the following:

(A) Furnishing to the chief engineer a copy of a contract showing that land that has been lawfully irrigated with a water right that has not been abandoned is enrolled in a multiyear federal or state conservation program that has been approved by the chief engineer;

(B) enrolling the water right in the water right conservation program in accordance with K.A.R. 5-7-4; or

(C) any other method acceptable to the chief engineer that can be adequately documented by the owner before the nonuse takes place.

(5) Management and conservation practices are being applied that require the use of less water than authorized. If a conservation plan has been required by the chief engineer, the management and conservation practices used shall be consistent with the conservation plan approved by the chief engineer to qualify under this subsection.

(6) The chief engineer has previously approved the placement of the point of diversion in a standby status in accordance with K.A.R. 5-1-2.

(7) Physical problems exist with the point of diversion, distribution system, place of use, or the operator. This circumstance shall constitute due and sufficient cause only for a period of time reasonable to correct the problem.

(8) Conditions exist beyond the control of the owner that prevent access to the authorized place of use or point of diversion, as long as the owner is taking reasonable affirmative action to gain access.

(9) An alternate source of water supply was not needed and was not used because the primary source of supply was adequate to supply the needs of the water right owner. The owner shall maintain the diversion works on the alternate source of supply in a condition that will allow the owner to effectively use the alternate source of supply in a timely manner.

(10) The chief engineer determines that a manifest injustice would result if the water right were deemed abandoned under the circumstances of the case.

(b) In order to constitute due and sufficient cause for nonuse of water, the reason purporting to constitute due and sufficient cause shall have in fact prevented, or made unnecessary, the authorized beneficial use of water.

(c) Each year of nonuse for which the chief engineer finds that due and sufficient cause exists shall be considered to interrupt the successive years of nonuse for which due and sufficient cause does not exist.

(d) When a verified report of the chief engineer, or the chief engineer's authorized representative, is made a matter of record at a hearing held pursuant to K.S.A. 82a-718, and amendments thereto, that establishes nonuse of a water right for five or more successive years, the water right owner shall have the burden of showing that there have not been five or more successive years of nonuse without due and sufficient cause. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-718; modified, L. 1978, ch. 460, May 1, 1978; amended May 1, 1986; amended May 31, 1994; amended Oct. 24, 2003.)

**Article 9.—TEMPORARY PERMITS**

**5-9-1. Application for temporary permit acceptable for filing.** To be acceptable for filing, an application for temporary permit to appropriate water for beneficial use shall meet the following requirements: (a) Be made on the form prescribed by the chief engineer;

(b) be signed by the applicant or an authorized representative of the applicant;

(c) be accompanied by the statutory application fee;

(d) contain all the information requested for the proposed use as set forth in the prescribed application form; and

(e) include any other information requested by the chief engineer that is necessary to understand the application. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-727; effective May 1, 1979; amended Oct. 24, 2003.)

**5-9-6. Approval of application.** The approval of an application for a temporary permit shall be by endorsement on the application by the chief engineer. The endorsement shall set forth the terms, limitations, and conditions necessary for the protection of the public interest. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2002 Supp. 82a-727; effective May 1, 1979; amended Oct. 24, 2003.)

**Article 14.—ENFORCEMENT AND APPEALS**

**5-14-10. Civil penalties; suspension or modification of water rights.** (a) In addition to any other authorized enforcement procedures, if the chief engineer finds that any of the violations specified in K.S.A. 82a-737, and amendments thereto, have occurred, a written order shall be issued by the chief engineer stating the following:

(1) The nature of the violation;

(2) the factual basis for the violation;

(3) the civil penalty, suspension, modification of a water right or use of water, or any combination of these, to be imposed; and

(4) the appropriate procedure for appeal pursuant to K.S.A. 82a-1901, and amendments thereto.

(b) The categories of offenses specified in subsections (c), (d), and (e) shall be applied when assessing the civil penalty for each violation. Each day on which the violation continues to occur may constitute a separate offense.

(c)(1) Each category 1 offense shall result in a civil penalty of \$100.

(2) Category 1 offenses shall include the following:

(A) A threat to divert water without authorization from the chief engineer;

(B) irrigating an unauthorized place of use that is 10 acres or less;

(C) diversion of water at a rate in excess of the authorized rate of diversion, but less than 115 percent of the authorized rate of diversion;

(D) maintaining a water flowmeter or other water-measuring device required by the chief engineer that is out of compliance as specified by K.A.R. 5-1-9; and

(E) violation of any other condition on a water right or approval of application not specified anywhere else in this regulation.

(d)(1) Each category 2 offense shall result in a civil penalty of \$500.

(2) Category 2 offenses shall include the following:

(A) Diverting water from an unauthorized point of diversion of water;

(B) irrigating an unauthorized place of use that is more than 10 acres;

(C) failure to properly implement a conservation plan required by the chief engineer;

(D) committing a waste of water;

(E) diversion of water at a rate that equals or exceeds 115 percent of the authorized rate of diversion;

(F) failure to install a water flowmeter or other acceptable water-measuring device;

(G) failure to promptly provide complete and accurate water use or other data, information, or records requested by the chief engineer, except the annual water use reports required by K.S.A. 82a-732, and amendments thereto;

(H) diversion of water in excess of the authorized quantity of water; and

(I) applying water to an unauthorized type of beneficial use.

(e)(1) Each category 3 offense shall result in a civil penalty of \$1,000.

(2) Category 3 offenses shall include the following:

(A) Tampering with a water flowmeter or other acceptable water-measuring device;

(B) causing a water flowmeter or other acceptable water-measuring device to show an incorrect reading by any method, including any of the following:

(i) Altering the propeller;

(ii) reversing the water flowmeter; or

(iii) running the water flowmeter in reverse by any means;

(C) failing to timely install or removing a required water flowmeter or other acceptable water-measuring device;

(D) falsifying water use or other data required by the chief engineer;

(E) denying authorized personnel of the chief engineer access as required by K.S.A. 82a-706b, and amendments thereto;

(F) violating a cease and desist order issued by the chief engineer; and

(G) violating an order of the chief engineer issued pursuant to K.S.A. 82a-706b and amendments thereto.

(f) The civil penalties specified in paragraph (c)(1) may be increased if the chief engineer finds that aggravating circumstances exist. The civil penalties specified in paragraph (d)(1) may be increased or decreased if the chief engineer finds that aggravating or extenuating circumstances exist. The civil penalties specified in paragraph (e)(1) may be decreased if the chief engineer finds that extenuating circumstances exist. Extenuating circumstances and aggravating circumstances shall include the following:

(1) Prior violations;

(2) intentional noncompliance or gross negligence; and

(3) failure to correct the violation upon discovery or notification by the chief engineer.

(continued)

(g) In addition to the assessment of a civil penalty or any other penalty provided for by law, any water right may be modified or suspended by the chief engineer upon the issuance of a written order finding a violation as established in subsection (a). Except as otherwise specified by regulation, violation of either a multiyear annual allocation or a condition limiting the net acres that may be irrigated in any one calendar year pursuant to an approval to allow annual rotation of the authorized place of use for irrigation shall result in the following:

(1) A two-year suspension of all water use authorized by the water right, any term permit, and any water right upon which the multiyear allocation or rotation was based;

(2) a subsequent restriction of the authorized place of use to the base acreage at a location specifically set forth in the change approval; and

(3) after any suspension has expired, a reversion to all conditions in effect on the water right before approval of the change application authorizing the multiyear allocation or rotation.

In all other cases, the term of the suspension or modification shall be determined by the chief engineer based upon the circumstances set forth in subsection (f).

(h) Any person aggrieved by an order of the chief engineer may request a review pursuant to K.S.A. 82a-1901, and amendments thereto, and after exhaustion of administrative remedies, may appeal to the district court in the manner provided by the act for judicial review and civil enforcement of agency actions. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a, K.S.A. 2002 Supp. 82a-737, and K.S.A. 2002 Supp. 82a-1901; effective Oct. 24, 2003.)

**5-14-11. Civil fines; water use reporting.** (a) Each owner of a water right or approval of application who fails to perform either of the following shall be assessed a civil penalty of \$250 for each water right or approval of application that is not timely filed or that is materially incomplete or inaccurate:

(1) Timely submit an annual water use report pursuant to K.S.A. 82a-732, and amendments thereto; or

(2) submit a complete and accurate water use report as required by K.S.A. 82a-732, and amendments thereto.

(b) If the owner submits both the complete and accurate water use report and payment of the civil penalty after March 1 but before June 1, the civil penalty per water right or approval of application shall be reduced to \$50 for each water right or approval of application. (Authorized by K.S.A. 82a-706a; implementing K.S.A. 82a-706a and K.S.A. 82a-732; effective Oct. 24, 2003.)

David L. Pope, P.E.  
Chief Engineer  
Division of Water Resources

Doc. No. 029894

## State of Kansas

### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 16.—SURFACE WATER QUALITY STANDARDS

**28-16-28b. Definitions.** As used in these regulations, the following terms shall have these meanings: (a) "Alluvial aquifer" means the sediment that is associated with and deposited by a stream, and that contains water capable of being produced from a well.

(b) "Alternate low flow" means a low flow value, which is an alternate to the 7Q10 flow, that is based seasonally, hydrologically, or biologically, or a low flow determined through a water assurance district. Wherever used in this regulation in the context of mixing zones, the term shall refer to a minimum amount of streamflow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution and assimilation of wastewater discharges.

(c) "Antidegradation" means the regulatory actions and measures taken to prevent or minimize the lowering of water quality in surface waters of the state, including those streams, lakes, and wetlands in which existing water quality exceeds the level required for maintenance and protection of the existing uses.

(d) "Artificial sources" means sources of pollution that result from human activities and that can be abated by construction of control structures, modification of operating practices, complete restraint of activities, or any combination of these methods.

(e) "Background concentration" means the concentration of any elemental parameter listed in tables 1a, 1b, 1c, 1d, and 1e of K.A.R. 28-16-28e, or any elemental substance meeting the definition of pollutant in subsection (ss), that occurs in a surface water immediately upstream of a point source or nonpoint source under consideration and is from natural sources.

(f) "Base flow" means that portion of a stream's flow contributed by sources of water other than precipitation runoff. Wherever used in this regulation in the context of stream classification, the term shall refer to a fair weather flow sustained primarily by springs or groundwater seepage, wastewater discharges, irrigation return flows, releases from reservoirs, or any combination of these factors.

(g) "Bioaccumulation" means the accumulation of toxic substances in plant or animal tissue through either bioconcentration or biomagnification.

(h) "Bioassessment methods and procedures" means the use of biological methods of assessing surface water quality, including field investigations of aquatic organisms and laboratory or field aquatic toxicity tests.

(i) "Bioconcentration" means the concentration and incorporation of toxic substances into body tissues from ambient sources.

(j) "Biomagnification" means the transport of toxic substances through the food chain through successive cy-

cles of eating and being eaten, and through the subsequent accumulation and concentration of these substances in higher-order consumers and predators.

(k) "Biota" means the animal and plant life and other organisms of a given geographical region.

(l) "Carcinogenic" means having the property of inducing the production of cancerous cells in organisms.

(m) "Classified surface water" means any surface water or surface water segment that supports or, in the absence of artificial sources of pollution, would support one or more of the designated uses of surface water defined in K.A.R. 28-16-28d(a) or K.S.A. 82a-2001(c), and amendments thereto, and that meets the criteria for classification given in K.A.R. 28-16-28d(b).

(n) "Compliance schedule" means any provision in a discharge permit, license, or enforceable order issued by the department pursuant to the federal clean water act or K.S.A. 65-165 et seq., and amendments thereto, that, for the purposes of meeting water quality-based effluent limitations, technology-based limits, effluent limitations determined through best professional judgement, or other requirements in the Kansas statutes and regulations, provides a specified period of time for the construction or renovation of a wastewater treatment facility and the completion of any related scientific or engineering studies, reports, plans, design specifications, or other submittals required by the department.

(o) "Condition of acute toxicity" means any concentration of a toxic substance that exceeds the applicable acute criterion for aquatic life support presented in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds 0.3 times the median lethal concentration. The concentration at which acute toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the United States environmental protection agency's "methods for measuring the acute toxicity of effluents and receiving waters to freshwater and marine organisms," fourth edition, as published in August 1993, which is hereby adopted by reference.

(p) "Condition of chronic toxicity" means any concentration of a toxic substance that exceeds the applicable chronic criterion for aquatic life support presented in K.A.R. 28-16-28e or, for substances not listed in K.A.R. 28-16-28e or for mixtures of toxic substances, any concentration that exceeds the no-observed-effect level. The concentration at which chronic toxicity exists shall be determined through laboratory toxicity tests conducted in accordance with the United States environmental protection agency's "short-term methods for estimating the chronic toxicity of effluents and receiving waters to freshwater organisms," third edition, as published in July 1994, which is hereby adopted by reference.

(q) "Criterion" means any numerical element or narrative provision of the surface water quality standards representing an enforceable water quality condition.

(r) "Critical low flow" means the minimum amount of streamflow immediately upstream of a point source discharge that will be used to calculate the quantity of pollutants the point source discharge may be permitted to discharge without exceeding water quality criteria set out by these regulations. The critical low flow may be the

7Q10 flow or the alternate low flow as defined in subsection (b) of this regulation.

(s) "Department" means the Kansas department of health and environment.

(t) "Designated use" means any of the uses specifically attributed to surface waters of the state in K.A.R. 28-16-28d(a) or K.S.A. 82a-2001(c), and amendments thereto.

(u) "Discharge" means the release of effluent, either directly or indirectly, into surface waters of the state.

(v) "Ecological integrity" means the natural or unimpaired structure and functioning of an aquatic or terrestrial ecosystem.

(w) "Effluent" means the sewage or other wastewater discharged from an artificial source.

(x) "Exceptional state waters" means any of the surface waters or surface water segments that are of remarkable quality or of significant recreational or ecological value, are listed in the surface water register, as defined in subsection (bbb), and are afforded the level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

(y) "Existing use" means any of the designated uses described in K.A.R. 28-16-28d(a) or K.S.A. 82a-2001(c), and amendments thereto, known to have occurred in, or to have been made of, a surface water or surface water segment on or after November 28, 1975.

(z) "Fecal coliform bacteria" means facultatively anaerobic, gram negative, non-spore forming, rod-shaped bacteria that, when cultured under specific laboratory conditions, will ferment lactose, thereby producing acid, gas, or both.

(aa) "Federal clean water act" means the federal water pollution control act, 33 U.S.C. 1251 et seq., as amended on February 4, 1987.

(bb) "General purpose waters" means any classified surface water that is not classified as an outstanding national resource water or an exceptional state water.

(cc) "Groundwater" means water located under the surface of the land that is or can be the source of supply for wells, springs, or seeps, or that is held in aquifers or the soil profile.

(dd) "Kansas antidegradation policy," dated August 6, 2001 and hereby adopted by reference, means the written departmental policy used to prevent or minimize the lowering of water quality in surface waters of the state.

(ee) "Kansas implementation procedures: surface water quality standards," dated May 1, 2003, means the written departmental procedures used for carrying out specific provisions of surface water quality standards, available upon request from KDHE's division of environment, which is hereby adopted by reference.

(ff) "Maximum contaminant level" means any of the enforceable standards for finished drinking water quality promulgated by the United States environmental protection agency pursuant to section 300g-1(b)(3) of the federal safe drinking water act, 42 U.S.C. 300f through 300j-9, as amended on August 6, 1996, which is hereby adopted by reference.

(gg) "Median lethal concentration" means the concentration of a toxic substance or a mixture of toxic sub-

(continued)

stances calculated to be lethal to 50 percent of the population of test organisms in an acute toxicity test.

(hh) "Microfibers per liter ( $\mu$ fibers/L)" means the number of microscopic particles with a length-to-width ratio of 3:1 or greater present in a volume of one liter.

(ii) "Microgram per liter ( $\mu$ g/L)" means the concentration of a substance at which one one-millionth of a gram ( $10^{-6}$  g) of the substance is present in a volume of one liter.

(jj) "Milligram per liter (mg/L)" means the concentration of a substance at which one one-thousandth of a gram ( $10^{-3}$  g) of the substance is present in a volume of one liter.

(kk) "Mixing zone" means the designated portion of a stream or lake where a discharge is incompletely mixed with the receiving surface water and where, in accordance with K.A.R. 28-16-28e, concentrations of certain pollutants may legally exceed chronic water quality criteria associated with the established designated uses that are applied in most other portions of the receiving surface water.

(ll) "Mutagenic" means having the property of directly or indirectly causing a mutation.

(mm) "Nonpoint source" means any activity that is not required to have a national pollutant discharge elimination system permit and that results in the release of pollutants to waters of the state. This release may result from precipitation runoff, aerial drift and deposition from the air, or the release of subsurface brine or other contaminated groundwaters to surface waters of the state.

(nn) "No-observed-effect level" means the highest concentration of a toxic substance, or a mixture of toxic substances, that has no statistically significant adverse effect on the population of test organisms in a chronic toxicity test.

(oo) "Outstanding national resource water" means any of the surface waters or surface water segments of extraordinary recreational or ecological significance identified in the surface water register, as defined in subsection (bbb), and afforded the highest level of water quality protection under the antidegradation provisions of K.A.R. 28-16-28c(a) and the mixing zone provisions of K.A.R. 28-16-28c(b).

(pp) "pH" means the common logarithm of the reciprocal of the hydrogen ion concentration measured in moles per liter, expressed on a scale that ranges from zero to 14, with values less than seven being more acidic and values greater than seven being more alkaline.

(qq) "Picocurie per liter (pCi/L)" means a volumetric unit of radioactivity equal to 2.22 nuclear transformations per minute per liter.

(rr) "Point source" means any discernible, confined, and discrete conveyance including any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or floating craft, from which pollutants are or could be discharged. This term may include structures or site conditions that act to collect and convey stormwater runoff from roadways, urban areas, or industrial sites. This term shall not include agricultural stormwater discharges or return flows from irrigated agricultural land.

(ss) "Pollutant" means any physical, biological, or chemical conditions, substances, or combination of sub-

stances released into surface waters of the state that results in surface water pollution, as defined in subsection (tt).

(tt) "Pollution" means any of the following:

(1) Contamination or other alteration of the physical, chemical, or biological properties of the surface waters of the state, including changes in temperature, taste, odor, turbidity, or color of the waters;

(2) discharges of gaseous, liquid, solid, radioactive, microbiological, or other substances into surface waters in a manner that may create a nuisance or render these waters harmful, detrimental, or injurious to any of the following:

(A) Public health, safety, or welfare;

(B) domestic, industrial, agricultural, recreational, or other designated uses; or

(C) livestock, domestic animals, or native or naturalized plant or animal life; or

(3) any discharge that will or is likely to exceed state effluent limitations predicated upon technology-based effluent standards or water quality-based standards.

(uu) "Potable water" means water that is suitable for drinking and cooking purposes in terms of both human health and aesthetic considerations.

(vv) "Precipitation runoff" means the rainwater, or the meltwater derived from snow, hail, sleet, or other forms of atmospheric precipitation, that flows by gravity over the surface of the land and into streams, lakes, or wetlands.

(ww) "Presedimentation sludge" means a slurry or suspension of residual solid materials derived from an initial step in the production of potable water. Presedimentation sludge shall also include residual solids originating from the raw water supply used for industrial or other nonpotable water purposes, before the addition of any artificial materials not typically used in the production of potable water. The solid materials shall include sand, silt, and other easily settleable particles originating from the raw water supply.

(xx) "Private surface water" means any freshwater reservoir or pond that is both located on and completely bordered by land under common private ownership.

(yy) "Seven-day, ten-year low flow (7Q10 flow)" means the seven-day average low flow having a recurrence frequency of once in 10 years, as statistically determined from historical flow data. Where used in this regulation in the context of mixing zones, the term shall refer to the minimum amount of streamflow occurring immediately upstream of a wastewater discharge and available, in whole or in part, for dilution or assimilation of wastewater discharges.

(zz) "Site-specific criterion" means any criterion applicable to a given classified surface water segment and developed for the protection of the designated uses of that segment alone.

(aaa) "Streamflow" means the volume of water moving past a stream cross-sectional plane per unit of time.

(bbb) "Surface water register" means a list of the state's major classified surface waters, including a listing of waters recognized as outstanding national resource waters or exceptional state waters, and the surface water use designations for each classified surface water, periodically updated and published by the department pur-



suant to the requirements of K.A.R. 28-16-28d(d)(2) and K.A.R. 28-16-28f(a).

(ccc) "Surface water segment" means a delineated portion of a stream, lake, or wetland.

(ddd) "Surface waters" means all of the following:

(1) Streams, including rivers, creeks, brooks, sloughs, draws, arroyos, canals, springs, seeps, and cavern streams, and any alluvial aquifers associated with these surface waters;

(2) lakes, including oxbow lakes and other natural lakes and man-made reservoirs, lakes, and ponds; and

(3) wetlands, including water bodies meeting the technical definition for jurisdictional wetlands given in the "corps of engineers wetlands delineation manual," as published in January 1987, which is hereby adopted by reference.

(eee) "Surface waters of the state" means all surface waters occurring within the borders of the state of Kansas or forming a part of the border between Kansas and one of the adjoining states.

(fff) "Teratogenic" means having the property of causing abnormalities that originate from impairment of an event that is typical in embryonic or fetal development.

(ggg) "Toxic substance" means any substance that produces deleterious physiological effects in humans, animals, or plants.

(hhh) "Turbidity" means the cloudiness of water as measured by optical methods (nephelometry) and expressed in standard nephelometric units.

(iii) "Use attainability analysis" means a study conducted or accepted by the department that is designed to determine whether or not a surface water or surface water segment supports, or is capable of supporting in the absence of artificial sources of pollution, one or more of the designated uses defined in K.A.R. 28-16-28d(a).

(jjj) "Variance" means the department's written approval and authorization of a proposed action that knowingly will result in a lack of conformity with one or more of the criteria of K.A.R. 28-16-28e(c) but that is deemed necessary based on the provisions of 40 C.F.R. 131.10(g), as in effect on July 1, 2000, which is hereby adopted by reference. Variances shall be administered by the department in accordance with K.A.R. 28-16-28f(e).

(kkk) "Water-effect ratio (WER)" means the numerical toxicity (median lethal concentration or no-observed-effect level) of a chemical pollutant diluted in water from a given stream, lake, or wetland divided by the numerical toxicity of the same pollutant diluted in laboratory water.

(lll) "Water quality certification" means the department's written finding that a proposed action that impacts upon water quality will comply with the terms and conditions of the surface water quality standards.

(mmm) "Whole-effluent toxicity limitation" means any restriction imposed by the department on the overall acute or chronic toxicity of an effluent discharged to a surface water.

(nnn) "Zone of initial dilution" means the region of a surface water in the immediate vicinity of a discharge where acute and chronic criteria may be exceeded. The zone shall comprise, in terms of volume, no more than 10 percent of the mixing zone. (Authorized by K.S.A. 65-171d, as amended by L. 2003, Ch. 118, Sec. 2, and 65-171m;

implementing K.S.A. 65-165, 65-171d, as amended by L. 2003, Ch. 118, Sec. 2, and K.S.A. 65-171m; effective May 1, 1986; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000; amended Aug. 31, 2001; amended Jan. 3, 2003; amended Oct. 24, 2003.)

**28-16-28e. Surface water quality criteria.** (a) Criteria development guidance. The development of surface water quality criteria for substances not listed in these standards shall be guided by water quality criteria published by the United States environmental protection agency. If the department finds that the criteria listed in this regulation are underprotective or overprotective for a given surface water segment, appropriate site-specific criteria may be developed and applied by the department, in accordance with K.A.R. 28-16-28f(f), using bioassessment methods or other related scientific procedures, including those procedures consistent with the United States environmental protection agency's "water quality standards handbook," second edition, as published in August 1994 or other department-approved methods.

(b) General criteria for surface waters. The following criteria shall apply to all surface waters, regardless of classification.

(1) Surface waters shall be free, at all times, from the harmful effects of substances that originate from artificial sources of pollution and that produce any public health hazard, nuisance condition, or impairment of a designated use.

(2) Hazardous materials derived from artificial sources, including toxic substances, radioactive isotopes, and infectious microorganisms derived directly or indirectly from point or nonpoint sources, shall not occur in surface waters at concentrations or in combinations that jeopardize the public health or the survival or well-being of livestock, domestic animals, terrestrial wildlife, or aquatic or semiaquatic life.

(3) Surface waters shall be free of all discarded solid materials, including trash, garbage, rubbish, offal, grass clippings, discarded building or construction materials, car bodies, tires, wire, and other unwanted or discarded materials. The placement of stone and concrete rubble for bank stabilization shall be acceptable to the department, if all other required permits are obtained before placement.

(4) Surface waters shall be free of floating debris, scum, foam, froth, and other floating materials directly or indirectly attributable to artificial sources of pollution.

(5) Oil and grease from artificial sources shall not cause any visible film or sheen to form upon the surface of the water or upon submerged substrate or adjoining shorelines, nor shall these materials cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

(6) Surface waters shall be free of deposits of sludge or fine solids attributable to artificial sources of pollution.

(7) Taste-producing and odor-producing substances of artificial origin shall not occur in surface waters at concentrations that interfere with the production of potable water by conventional water treatment processes, that impart an unpalatable flavor to edible aquatic or semia-

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quatic life or terrestrial wildlife, or that result in noticeable odors in the vicinity of surface waters.

(8) The natural appearance of surface waters shall not be altered by the addition of color-producing or turbidity-producing substances of artificial origin.

(9) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the water quality criteria listed in table 1a of subsection (d), at ambient flow, the existing water quality shall be maintained, and the newly established numeric criteria shall be the background concentration, as defined in K.A.R. 28-16-28b(e). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," as defined in K.A.R. 28-16-28b(ee), and available upon request from the department.

(c) Criteria for designated uses of surface waters. The numeric criteria in tables 1a, 1b, 1c, 1d, and 1e shall not apply if the critical low flow is less than 0.03 cubic meters per second for waters designated as expected aquatic life use waters and restricted aquatic life use waters, unless studies conducted or approved by the department show that water present during periods of no flow, or flow below critical low flow, provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments. The numeric criteria in tables 1a, 1b, 1c, 1d, and 1e shall not apply if the critical low flow is less than 0.003 cubic meters per second for waters designated as special aquatic life use waters, unless studies conducted or approved by the department show that water present during periods of no flow, or flow below critical low flow, provides important refuges for aquatic life and permits biological recolonization of intermittently flowing segments. The following criteria shall apply to all classified surface waters for the indicated designated uses.

(1) Agricultural water supply use. The water quality criteria for irrigation and livestock watering set forth in table 1a in subsection (d) shall not be exceeded outside of mixing zones due to artificial sources of pollution.

(2) Aquatic life support use.

(A) Dissolved oxygen. The concentration of dissolved oxygen in surface waters shall not be lowered below 5.0 mg/L by the influence of artificial sources of pollution.

(B) Nutrients. The introduction of plant nutrients into streams, lakes, or wetlands from artificial sources shall be controlled to prevent the accelerated succession or replacement of aquatic biota or the production of undesirable quantities or kinds of aquatic life.

(C) pH. Artificial sources of pollution shall not cause the pH of any surface water outside of a zone of initial dilution to be below 6.5 or above 8.5.

(D) Suspended solids. Suspended solids added to surface waters by artificial sources shall not interfere with the behavior, reproduction, physical habitat, or other factors related to the survival and propagation of aquatic or semiaquatic life or terrestrial wildlife. In the application of this provision, suspended solids associated with discharges of presedimentation sludge from water treatment facilities shall be deemed noninjurious to aquatic and semiaquatic life and terrestrial wildlife, if these dis-

charges comply fully with the requirements of paragraphs (b)(6) and (8) and paragraph (c)(2)(F).

(E) Temperature.

(i) Except as provided in paragraph (c)(2)(E)(ii), a discharge shall not elevate the temperature of a receiving surface water beyond the zone of initial dilution above 32° C (90° F). Heat of artificial origin shall not be added to a surface water in excess of the amount that will raise the temperature of the water beyond the mixing zone more than 3° C above natural conditions. Additionally, a discharge to a receiving water shall not lower the temperature of the water beyond the mixing zone more than 3° C below natural conditions. The normal daily and seasonal temperature variations occurring within a surface water before the addition of heated or cooled water of artificial origin shall be maintained.

(ii) Temperature criteria applicable to industrial cooling water recycling reservoirs that meet the requirements for classification specified in K.A.R. 28-16-28d(c)(2) shall be established by the secretary on a case-by-case basis to protect the public health, safety, or the environment.

(F) Toxic substances.

(i) Conditions of acute toxicity shall not occur in classified surface waters outside of zones of initial dilution, nor shall conditions of chronic toxicity occur in classified surface waters outside of mixing zones.

(ii) Acute criteria for the aquatic life support use specified in tables 1a, 1b, and 1c in subsection (d) shall apply beyond the zone of initial dilution. Chronic criteria for the aquatic life support use given in tables 1a, 1b, 1d, and 1e in subsection (d) shall apply beyond the mixing zone.

(iii) If a discharge contains a toxic substance that lacks any published criteria for the aquatic life support use, or if a discharge contains a mixture of toxic substances capable of additive or synergistic interactions, bioassessment methods and procedures shall be specified by the department to establish whole-effluent toxicity limitations that are consistent with paragraph (2)(F)(i) of this subsection.

(3) Domestic water supply use.

(A) Except as provided in paragraph (c)(3)(B), criteria listed in table 1a in subsection (d) for domestic water supply use shall not be exceeded at any point of domestic water supply diversion.

(B) In stream segments where background concentrations of naturally occurring substances, including chlorides and sulfates, exceed the domestic water supply criteria listed in table 1a in subsection (d), at ambient flow, due to intrusion of mineralized groundwater, the existing water quality shall be maintained, and the newly established numeric criteria for domestic water supply shall be the background concentration, as defined in K.A.R. 28-16-28b(e). Background concentrations shall be established using the methods outlined in the "Kansas implementation procedures: surface water quality standards," as defined in K.A.R. 28-16-28b(ee), available upon request from the department.

(C) Any substance derived from an artificial source that, alone or in combination with other synthetic or naturally occurring substances, causes toxic, carcinogenic, teratogenic, or mutagenic effects in humans shall be limited to nonharmful concentrations in surface waters. Un-

less site-specific water quality conditions warrant the promulgation of more protective criteria under the provisions of subsection (a) and K.A.R. 28-16-28f(f), maximum contaminant levels for toxic, carcinogenic, teratogenic, or mutagenic substances promulgated by the United States environmental protection agency pursuant to section 300g-1 of the federal safe drinking water act, 42 U.S.C. 300f through 300j-9, as amended on August 6, 1996, shall be deemed nonharmful by the department and adopted as domestic water supply criteria.

(4) Food procurement use.

(A) Criteria listed in table 1a in subsection (d) for food procurement use shall not be exceeded outside of a mixing zone due to any artificial source of pollution.

(B) Substances that can bioaccumulate in the tissues of edible aquatic or semiaquatic life or wildlife through bioconcentration or biomagnification shall be limited in surface waters to concentrations that result in no harm to human consumers of these tissues. For bioaccumulative carcinogens, surface water concentrations corresponding to a cancer risk level of less than 0.000001 ( $10^{-6}$ ) in human consumers of aquatic or semiaquatic life or wildlife shall be deemed nonharmful by the department and adopted as food procurement criteria. Average rates of tissue consumption and lifetime exposure shall be assumed by the department in the estimation of the cancer risk level.

(5) Groundwater recharge use. In surface waters designated for the groundwater recharge use, water quality shall be such that, at a minimum, degradation of groundwater quality does not occur. Degradation shall include any statistically significant increase in the concentration of any chemical or radiological contaminant or infectious microorganism in groundwater resulting from surface water infiltration or injection.

(6) Industrial water supply use. Surface water quality criteria for industrial water supplies shall be determined by the secretary on a case-by-case basis to protect the public health, safety, or the environment.

(7) Recreational use.

(A) General. The introduction of plant nutrients into surface waters designated for primary or secondary contact recreational use shall be controlled to prevent the development of objectionable concentrations of algae or algal by-products or nuisance growths of submersed, floating, or emergent aquatic vegetation.

(B) Primary contact recreation for surface waters other than stream segments. Artificial sources of pollution shall not cause concentrations of fecal coliform bacteria in surface waters other than stream segments designated for primary contact recreational use to exceed a geometric mean of 200 organisms per 100 milliliters beyond the mixing zone. Calculation of the geometric mean shall be based on the analysis of at least five consecutive samples collected during separate 24-hour periods within a 30-day period. These criteria shall be in effect from April 1 through October 31 of each year. The concentration of fecal coliform bacteria in surface waters other than stream segments designated for primary contact recreation shall not exceed 2,000 organisms per 100 milliliters beyond the mixing zone, from November 1 through March 31 of each year.

(C) Secondary contact recreation for surface waters other than stream segments. Artificial sources of pollution shall not cause concentrations of fecal coliform bacteria in surface waters other than stream segments designated for secondary contact recreational use to exceed 2,000 organisms per 100 milliliters beyond the mixing zone. This criterion shall be in effect from January 1 through December 31 of each year.

(D) Primary contact recreation for classified stream segments. At least five samples shall be collected during separate 24-hour periods within a 30-day period. A geometric mean analysis of these samples shall meet the following criteria:

(i) Primary contact recreational use: class A. Artificial sources of pollution shall not cause concentrations of *Escherichia coli* bacteria to exceed a geometric mean of 160 colony-forming units (cfu) per 100 milliliters beyond the mixing zone from April 1 through October 31 of each year. The concentration of *Escherichia coli* bacteria shall not exceed a geometric mean of 2,358 colony-forming units (cfu) per 100 milliliters beyond the mixing zone from November 1 through March 31 of each year.

(ii) Primary contact recreational use: class B. Artificial sources of pollution shall not cause concentrations of *Escherichia coli* bacteria to exceed a geometric mean of 262 colony-forming units (cfu) per 100 milliliters beyond the mixing zone from April 1 through October 31 of each year. The concentration of *Escherichia coli* bacteria shall not exceed a geometric mean of 2,358 colony-forming units (cfu) per 100 milliliters beyond the mixing zone from November 1 through March 31 of each year.

(iii) Primary contact recreational use: class C. Artificial sources of pollution shall not cause concentrations of *Escherichia coli* bacteria to exceed a geometric mean of 427 colony-forming units (cfu) per 100 milliliters beyond the mixing zone from April 1 through October 31 of each year. The concentration of *Escherichia coli* bacteria shall not exceed a geometric mean of 3,843 colony-forming units (cfu) per 100 milliliters beyond the mixing zone from November 1 through March 31 of each year.

(E) Secondary contact recreation for stream segments. The following criteria shall be in effect from January 1 through December 31 of each year. At least five samples shall be collected during separate 24-hour periods within a 30-day period. A geometric mean analysis of these samples shall meet the following criteria:

(i) Secondary contact recreational use: class A. Artificial sources of pollution shall not cause concentrations of *Escherichia coli* bacteria to exceed a geometric mean of 2,358 colony-forming units per 100 milliliters beyond the mixing zone.

(ii) Secondary contact recreational use: class B. Artificial sources of pollution shall not cause concentrations of *Escherichia coli* bacteria to exceed a geometric mean of 3,843 colony-forming units per 100 milliliters beyond the mixing zone.

(F) Wastewater effluent shall be disinfected if it is determined by the department that the discharge of non-disinfected wastewater constitutes an actual or potential threat to public health. Situations that constitute an actual or potential threat to public health shall include instances

(continued)

in which there is a reasonable potential for the discharge to exceed the applicable criteria supporting the assigned recreational use designation or if a water body is known or likely to be used for either of the following:

- (i) Primary or secondary contact recreation; or
- (ii) any domestic water supply.

(8) Multiple uses. If a classified surface water or surface water segment is designated for more than one designated use according to K.A.R. 28-16-28d(d), the water quality of the surface water or surface water segment shall comply with the most stringent of the applicable water quality criteria.

(d) Tables.

Table 1a. Numeric criteria.

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
<b>RADIONUCLIDES (pCi/L)</b>						
gross beta radioactivity	a	a	a	a	a	50
gross alpha particles including radium-226, but not radon or uranium	a	a	a	a	a	15
radium 226 and 228 combined	a	a	a	a	a	5
strontium 90	a	a	a	a	a	8
tritium	a	a	a	a	a	20,000
<b>METALS (µg/L)</b>						
antimony, total	88	30	a	a	4,300	6
arsenic, total	340	50	200	100	20.5	b
arsenic (III)	360	50	a	a	b	b
arsenic (V)	850	48	a	a	a	a
barium	a	a	a	a	a	2,000
beryllium, total	130	5.3	a	100	0.13	4
boron, total	a	a	5,000	750	a	a
cadmium, total	table 1b	table 1b	20	10	170	5
chromium, total	a	40	1,000	100	a	100
chromium (III)	table 1b	table 1b	a	a	3,433,000	50
chromium (VI)	15	10	a	a	3,400	50
copper, total	table 1b	table 1b	500	200	a	1,300
lead, total	table 1b	table 1b	100	5,000	a	15
mercury, total	2.1	0.012	10	a	0.146	b
nickel, total	table 1b	table 1b	500	200	100	100
selenium, total	20	5	50	20	6,800	50
selenium (V)	11.2	a	a	a	a	a
silver, total	table 1b	a	a	a	a	50
thallium, total	1,400	40	a	a	b	2
zinc, total	table 1b	table 1b	25,000	2,000	a	a
<b>OTHER INORGANIC SUBSTANCES (µg/L)</b>						
ammonia	table 1c	table 1c	a	a	a	a
asbestos (µfibers/L)	a	a	a	a	a	7,000,000
chloride	860,000	c	a	a	a	250,000
chlorine, total residual	19	11	a	a	a	a
cyanide (free)	22	5.2	a	a	220,000	200
fluoride	a	a	2,000	1,000	a	2,000
nitrate (as N)	a	a	a	a	a	10,000
nitrite + nitrate (as N)	a	a	100,000	a	a	10,000
phosphorus, elemental (white)	a	0.1	a	a	a	a
sulfate	a	a	1,000,000	a	a	250,000
<b>ORGANIC SUBSTANCES (µg/L)</b>						
Benzenes.....						
aminobenzene (aniline)	14	6.7	a	a	a	a
benzene	5,300	a	a	a	40	b
chlorobenzene	250	50	a	a	21,000	100
dichlorobenzenes, total	1,120	763	a	a	2,600	a
o-dichlorobenzene	1,120	763	a	a	2,600	600
m-dichlorobenzene	1,120	763	a	a	2,600	b
p-dichlorobenzene	a	a	a	a	2,600	75
other chlorinated benzenes, total	250	50	a	a	a	a
1,2,4-trichlorobenzene	250	a	a	a	940	70
1,2,4,5-tetrachlorobenzene	250	50	a	a	48	a
pentachlorobenzene	250	50	a	a	85	a
hexachlorobenzene	6.0	3.7	a	a	0.00074	b
ethylbenzene	32,000	a	a	a	28,718	700
nitrobenzene	27,000	a	a	a	1,900	b

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
pentachloronitrobenzene	250	50	a	a	a	a
vinylbenzene (styrene)	a	a	a	a	a	100
Ethers .....						
chloroalkyl ethers, total	238,000	a	a	a	a	a
bis(2-chloroethyl)ether	238,000	a	a	a	1.36	b
bis(2-chloroisopropyl)ether	238,000	a	a	a	0.00184	b
bis(chloromethyl)ether	238,000	a	a	a	0.00184	a
2-chloroethyl vinyl ether	360	120	a	a	a	a
halogenated ethers, total	360	122	a	a	a	a
chloromethyl methyl ether	238,000	a	a	a	0.00184	a
4,4'-dibromodiphenyl ether	360	120	a	a	a	a
hexabromodiphenyl ether	360	120	a	a	a	a
nonabromodiphenyl ether	360	120	a	a	a	a
pentabromodiphenyl ether	360	120	a	a	a	a
tetrabromodiphenyl ether	360	120	a	a	a	a
tribromodiphenyl ether	360	120	a	a	a	a
Halogenated Hydrocarbons .....						
chlorinated ethanes						
1,2-dichloroethane	18,000	2,000	a	a	b	b
1,1,1-trichloroethane	18,000	a	a	a	173,077	200
1,1,2-trichloroethane	18,000	9,400	a	a	41.8	b
tetrachloroethanes, total	9,320	a	a	a	a	a
1,1,1,2-tetrachloroethane	9,320	a	a	a	a	a
1,1,2,2-tetrachloroethane	9,320	2,400	a	a	10.7	b
pentachloroethane	7,240	1,100	a	a	a	a
hexachloroethane	980	540	a	a	8.74	b
chlorinated ethylenes, total	11,600	a	a	a	1.85	a
1,1-dichloroethylene	11,600	a	a	a	1.85	b
cis-1,2-dichloroethylene	11,600	a	a	a	1.85	70
trans-1,2-dichloroethylene	11,600	a	a	a	140,000	100
trichloroethylene	45,000	21,900	a	a	80.7	b
tetrachloroethylene	5,280	840	a	a	8.85	b
chlorinated propanes/propenes						
1,2-dichloropropane	23,000	5,700	9.0	a	39	5
1,3-dichloropropene	6,600	244	a	a	14.1	b
Other Halogenated Hydrocarbons .....						
halogenated methanes, total	11,000	a	a	a	15.7	100
bromomethane	11,000	a	a	a	15.7	b
1,2-dibromoethane	a	a	a	a	a	0.05
tribromomethane (bromoform)	11,000	a	a	a	15.7	b
bis(2-chloroethoxy) methane	11,000	a	a	a	15.7	a
bromodichloromethane	11,000	a	a	a	15.7	b
bromochloromethane	11,000	a	a	a	15.7	a
bromotrichloromethane	11,000	a	a	a	15.7	a
dibromochloromethane	11,000	a	a	a	15.7	b
dibromochloropropane	a	a	a	a	15.7	0.2
dibromodichloromethane	11,000	a	a	a	15.7	a
dichlorodifluoromethane	11,000	a	a	a	15.7	a
dichloromethane (methylene chloride)	11,000	a	a	a	1,600	4.7
trichloromethane (chloroform)	28,900	1,240	a	a	15.7	b
tribromochloromethane	11,000	a	a	a	15.7	a
trichlorofluoromethane	11,000	a	a	a	15.7	a
tetrachloromethane (carbon tetrachloride)	35,200	a	a	a	b	b
di(2-ethylhexyl)adipate	a	a	a	a	a	500
hexachlorobutadiene	90	9.3	a	a	50	b
hexachlorocyclopentadiene	7	5.2	a	a	206	50
vinyl chloride	a	a	a	a	525	2
Miscellaneous Organics .....						
dioxin (2,3,7,8 TCDD)	0.01	0.00001	a	a	0.000000014	b
isosphorone	117,000	a	a	a	b	b
polychlorinated biphenyls, total	2	0.014	a	a	0.0000079	b
tributyltin oxide	0.149	0.026	a	a	a	a
Nitrogen Compounds .....						
nitrosamines, total	5,850	a	a	a	1.24	a
N-nitrosodibutylamine	5,850	a	a	a	0.587	a
N-nitrosodiethanolamine	5,850	a	a	a	1.24	a

(continued)

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
N-nitrosodiethylamine	5,850	a	a	a	1.24	a
N-nitrosodimethylamine	5,850	a	a	a	1.6	b
N-nitrosodiphenylamine	5,850	a	a	a	16.0	b
N-nitrosodi-n-propylamine	a	a	a	a	1.24	.005
N-nitrosopyrrolidine	5,850	a	a	a	91.9	a
acrylonitrile	7,550	2,600	a	a	0.65	b
benzidene	2,500	a	a	a	0.000535	b
3,3'-dichlorobenzidine	a	a	a	a	0.02	b
1,2-diphenyl hydrazine	270	a	a	a	0.54	b
Polynuclear Aromatic Hydrocarbons, total	a	a	a	a	0.0311	0.2
acenaphthene	1,700	520	a	a	2,700	1200
acenaphthylene	a	a	a	a	0.0311	a
anthracene	a	a	a	a	0.0311	b
benzo(a)anthracene	a	a	a	a	0.0311	b
benzo(a)pyrene	a	a	a	a	0.0311	b
benzo(b)fluoranthene	a	a	a	a	0.0311	b
benzo(g,h,i)perylene	a	a	a	a	0.0311	a
benzo(k)fluoranthene	a	a	a	a	0.0311	b
2-chloronaphthalene	a	a	a	a	4,300	1,700
chrysene	a	a	a	a	0.0311	b
dibenzo(a,h)anthracene	a	a	a	a	0.0311	b
fluoranthene	3,980	a	a	a	b	b
fluorene	a	a	a	a	0.0311	b
ideno(1,2,3-cd)pyrene	a	a	a	a	0.0311	b
naphthalene	2,300	620	a	a	a	a
phenanthrene	30	6.3	a	a	0.0311	a
pyrene	a	a	a	a	0.0311	b
Phthalate Esters						
phthalates, total	940	3	a	a	a	a
butylbenzyl phthalate	a	a	a	a	5,200	100
di(2-ethylhexyl)phthalate	400	360	a	a	b	b
dibutyl phthalate	940	3	a	a	b	b
diethyl phthalate	a	a	a	a	b	5
dimethyl phthalate	940	3	a	a	2,900,000	b
Phenolic Compounds						
phenol	10,200	2,560	a	a	4,600,000	b
2,4-dimethyl phenol	1,300	530	a	a	2,300	540
chlorinated phenols						
2-chlorophenol	4,380	2,000	a	a	400	120
3-chlorophenol	a	a	a	a	29,000	a
2,4-dichlorophenol	2,020	365	a	a	b	b
2,4,5-trichlorophenol	100	63	a	a	a	a
2,4,6-trichlorophenol	a	970	a	a	3.6	b
pentachlorophenol	table 1b	table 1b	a	a	8.2	b
3-methyl-4-chlorophenol	30	a	a	a	a	a
nitrophenols, total	230	150	a	a	a	a
2,4-dinitrophenol	a	a	a	a	765	b
4,6-dinitro-o-cresol	a	a	a	a	765	b
Toluenes						
toluene	17,500	a	a	a	b	1,000
dinitrotoluenes, total	330	230	a	a	9.1	a
2,4-dinitrotoluene	330	230	a	a	9.1	b
xylene	a	a	a	a	a	10,000
PESTICIDES (µg/L)						
acrolein	68	21	a	a	780	320
acrylamide	a	a	a	a	a	0.01
alachlor (lasso)	760	76	100	a	a	2
aldicarb	a	a	a	a	a	3
aldicarb sulfone	a	a	a	a	a	2
aldicarb sulfoxide	a	a	a	a	a	3
aldrin	3	0.001	1	a	0.000079	b
atrazine (aatrex)	170	3	a	a	a	3
bromoxynil (MCPA)	a	a	20	a	a	a
carbaryl (sevin)	a	0.02	100	a	a	a
carbofuran (furadan)	a	a	100	a	a	40
chlordane	2.4	0.0043	3	a	0.00048	b
chlorypyrifos	0.083	0.041	100	a	a	a
2,4-D	a	a	a	a	a	70
dacthal (DCPA)	a	14,300	a	a	a	a

PARAMETER	USE CATEGORY					
	AQUATIC LIFE		AGRICULTURE		PUBLIC HEALTH	
	ACUTE	CHRONIC	LIVESTOCK	IRRIGATION	FOOD PROCUREMENT	DOMESTIC WATER SUPPLY
dalapon	a	110	a	a	a	200
diazinon (spectracide)	a	0.08	100	a	a	a
DDT and Metabolites .....						
4,4'-DDE (p,p'-DDE)	1,050	a	a	a	0.00059	b
4,4'-DDD (p,p'-DDD)	a	a	a	a	0.00084	b
DDT, total	1.1	0.001	50	a	0.00024	b
dieldrin	1.0	0.0019	1	a	0.000076	b
dinoseb (DNBP)	a	a	a	a	a	7
diquat	a	a	a	a	a	20
disulfoton (disyston)	a	a	100	a	a	a
endosulfan, total	0.22	0.056	a	a	159	b
alpha-endosulfan	0.22	0.056	a	a	240	110
beta-endosulfan	0.22	0.056	a	a	240	110
endosulfan sulfate	a	a	a	a	b	b
endothall	a	a	a	a	a	110
endrin	0.18	0.0023	0.5	a	0.81	0.76
endrin aldehyde	a	a	a	a	0.81	b
epichlorohydrin	a	a	a	a	a	4
ethylene dibromide	a	a	a	a	a	0.05
fenchlorfos (ronnel)	a	a	100	a	a	a
glyphosate (roundup)	a	a	a	a	a	700
guthion	a	0.010	100	a	a	a
heptachlor	0.52	0.0038	0.1	a	0.00021	b
heptachlor epoxide	0.52	0.0038	0.1	a	b	b
hexachlorocyclohexane	100	a	a	a	a	a
alpha-HCH	100	a	a	a	0.0031	b
beta-HCH	100	a	a	a	b	b
delta-HCH	100	a	a	a	a	a
gamma-HCH (lindane)	2	0.08	5	a	0.0625	b
technical-HCH	a	a	a	a	0.0414	a
malathion	a	0.10	100	a	a	a
methoxychlor	a	0.03	1,000	a	a	40
methyl parathion	a	a	100	a	a	a
metribuzin (sencor)	a	100	a	a	a	a
mirex	a	0.001	a	a	0.000097	a
oxamyl (vydate)	a	a	a	a	a	200
parathion	0.065	0.013	100	a	a	a
picloram (tordon)	a	a	a	a	a	500
propachlor (ramrod)	a	8	a	a	a	a
simazine (princep)	a	a	10	a	a	4
toxaphene	0.73	0.0002	5	a	0.00073	b
2,4,5-T	a	a	2	a	a	a
2,4,5-TP (silvex)	a	a	a	a	a	50

a - criterion not available

b - US EPA has promulgated criterion for Kansas under the Code of Federal Regulations, Title 40, Part 131.36

c - criterion under investigation

Table 1b. Formulae for calculation of hardness-dependent aquatic life support criteria for chromium III and total cadmium, total copper, total lead, total nickel, total silver and total zinc and pH-dependent aquatic life support criteria for pentachlorophenol. A WER value of 1.0 is applied in the hardness-dependent equations for total metals unless a site-specific WER has been determined and adopted by the department in accordance with K.A.R. 28-16-28e(a) and K.A.R. 28-16-28f(f). Hardness values in metal formulae are entered in units of mg/L as CaCO<sub>3</sub>. Pentachlorophenol formulae apply only over the pH range 6.5-8.5.

CADMIUM (ug/L):

acute criterion =  $WER[EXP[(1.1280*(LN(hardness)))-3.6867]]$   
 chronic criterion =  $WER[EXP[(0.7852*(LN(hardness)))-2.715]]$

CHROMIUM III (ug/L):

acute criterion =  $WER[EXP[(0.819*(LN(hardness)))+3.7256]]$   
 chronic criterion =  $WER[EXP[(0.819*(LN(hardness)))+0.6848]]$

COPPER (ug/L):

acute criterion =  $WER[EXP[(0.9422*(LN(hardness)))-1.700]]$   
 chronic criterion =  $WER[EXP[(0.8545*(LN(hardness)))-1.702]]$

LEAD (ug/L):

acute criterion =  $WER[EXP[(1.273*(LN(hardness)))-1.460]]$   
 chronic criterion =  $WER[EXP[(1.273*(LN(hardness)))-4.705]]$

NICKEL (ug/L):

acute criterion =  $WER[EXP[(0.846*(LN(hardness)))+2.255]]$   
 chronic criterion =  $WER[EXP[(0.846*(LN(hardness)))+0.0584]]$

PENTACHLOROPHENOL (ug/L):

acute criterion =  $EXP[(1.005*pH)-4.830]$   
 chronic criterion =  $EXP[(1.005*pH)-5.290]$

SILVER (ug/L):

acute criterion =  $WER[EXP[(1.72*(LN(hardness)))-6.52]]$

ZINC (ug/L):

acute criterion =  $WER[EXP[(0.8473*(LN(hardness)))+0.884]]$   
 chronic criterion =  $WER[EXP[(0.8473*(LN(hardness)))+0.884]]$

(continued)

Table 1c. pH-dependent acute aquatic life criteria for total ammonia (total ammonia as N, mg/L).

Acute Aquatic Life Criteria for Ammonia, mg/L	
pH	Criteria
6.5	48.8
6.6	46.8
6.7	44.6
6.8	42.0
6.9	39.1
7.0	36.1
7.1	32.8
7.2	29.5
7.3	26.2
7.4	23.0
7.5	19.9
7.6	17.0
7.7	14.4
7.8	12.1
7.9	10.1
8.0	8.40
8.1	6.95
8.2	5.72
8.3	4.71
8.4	3.88
8.5	3.20
8.6	2.65
8.7	2.20
8.8	1.84
8.9	1.56
9.0	1.32

Table 1d. pH- and temperature-dependent chronic aquatic life criteria for total ammonia (total ammonia as N, mg/L) with early life stages of fish present.

Chronic Aquatic Life Criteria for Ammonia, Early Life Stages Present, mg/L										
pH	Temperature, °C									
	0	14	16	18	20	22	24	26	28	30
6.5	6.67	6.67	6.06	5.33	4.68	4.12	3.62	3.18	2.80	2.46
6.6	6.57	6.57	5.97	5.25	4.61	4.05	3.56	3.13	2.75	2.42
6.7	6.44	6.44	5.86	5.15	4.52	3.98	3.50	3.07	2.70	2.37
6.8	6.29	6.29	5.72	5.03	4.42	3.89	3.42	3.00	2.64	2.32
6.9	6.12	6.12	5.56	4.89	4.30	3.78	3.32	2.92	2.57	2.25
7.0	5.91	5.91	5.37	4.72	4.15	3.65	3.21	2.82	2.48	2.18
7.1	5.67	5.67	5.15	4.53	3.98	3.50	3.08	2.70	2.38	2.09
7.2	5.39	5.39	4.90	4.31	3.78	3.33	2.92	2.57	2.26	1.99
7.3	5.08	5.08	4.61	4.06	3.57	3.13	2.76	2.42	2.13	1.87
7.4	4.73	4.73	4.30	3.78	3.32	2.92	2.57	2.26	1.98	1.74
7.5	4.36	4.36	3.97	3.49	3.06	2.69	2.37	2.08	1.83	1.61
7.6	3.98	3.98	3.61	3.18	2.79	2.45	2.16	1.90	1.67	1.47
7.7	3.58	3.58	3.25	2.86	2.51	2.21	1.94	1.71	1.50	1.32
7.8	3.18	3.18	2.89	2.54	2.23	1.96	1.73	1.52	1.33	1.17
7.9	2.80	2.80	2.54	2.24	1.96	1.73	1.52	1.33	1.17	1.03
8.0	2.43	2.43	2.21	1.94	1.71	1.50	1.32	1.16	1.02	0.897
8.1	2.10	2.10	1.91	1.68	1.47	1.29	1.14	1.00	0.879	0.773
8.2	1.79	1.79	1.63	1.43	1.26	1.11	0.973	0.855	0.752	0.661
8.3	1.52	1.52	1.39	1.22	1.07	0.941	0.827	0.727	0.639	0.562
8.4	1.29	1.29	1.17	1.03	0.906	0.796	0.700	0.615	0.541	0.475
8.5	1.09	1.09	0.990	0.870	0.765	0.672	0.591	0.520	0.457	0.401
8.6	0.920	0.920	0.836	0.735	0.646	0.568	0.499	0.439	0.386	0.339
8.7	0.778	0.778	0.707	0.622	0.547	0.480	0.422	0.371	0.326	0.287
8.8	0.661	0.661	0.601	0.528	0.464	0.408	0.359	0.315	0.277	0.244
8.9	0.565	0.565	0.513	0.451	0.397	0.349	0.306	0.269	0.237	0.208
9.0	0.486	0.486	0.442	0.389	0.342	0.300	0.264	0.232	0.204	0.179

Table 1e. pH- and temperature-dependent chronic aquatic life criteria for total ammonia (total ammonia as N, mg/L) with early life stages of fish absent.

Chronic Aquatic Life Criteria for Ammonia, Early Life Stages Absent*, mg/L								
pH	Temperature, °C							
	0-7	8	9	10	11	12	13	14**
6.5	10.8	10.1	9.51	8.92	8.36	7.84	7.35	6.89
6.6	10.7	9.99	9.37	8.79	8.24	7.72	7.24	6.79
6.7	10.5	9.81	9.20	8.62	8.08	7.58	7.11	6.66
6.8	10.2	9.58	8.98	8.42	7.90	7.40	6.94	6.51
6.9	9.93	9.31	8.73	8.19	7.68	7.20	6.75	6.33
7.0	9.60	9.00	8.43	7.91	7.41	6.95	6.52	6.11
7.1	9.20	8.63	8.09	7.58	7.11	6.67	6.25	5.86
7.2	8.75	8.20	7.69	7.21	6.76	6.34	5.94	5.57
7.3	8.24	7.73	7.25	6.79	6.37	5.97	5.60	5.25
7.4	7.69	7.21	6.76	6.33	5.94	5.57	5.22	4.89
7.5	7.09	6.64	6.23	5.84	5.48	5.13	4.81	4.51
7.6	6.46	6.05	5.67	5.32	4.99	4.68	4.38	4.11
7.7	5.81	5.45	5.11	4.79	4.49	4.21	3.95	3.70
7.8	5.17	4.84	4.54	4.26	3.99	3.74	3.51	3.29
7.9	4.54	4.26	3.99	3.74	3.51	3.29	3.09	2.89
8.0	3.95	3.70	3.47	3.26	3.05	2.86	2.68	2.52
8.1	3.41	3.19	2.99	2.81	2.63	2.47	2.31	2.17
8.2	2.91	2.73	2.56	2.40	2.25	2.11	1.98	1.85
8.3	2.47	2.32	2.18	2.04	1.91	1.79	1.68	1.58
8.4	2.09	1.96	1.84	1.73	1.62	1.52	1.42	1.33
8.5	1.77	1.66	1.55	1.46	1.37	1.28	1.20	1.13
8.6	1.49	1.40	1.31	1.23	1.15	1.08	1.01	0.951
8.7	1.26	1.18	1.11	1.04	0.976	0.915	0.858	0.805
8.8	1.07	1.01	0.944	0.885	0.829	0.778	0.729	0.684
8.9	0.917	0.860	0.806	0.456	0.709	0.664	0.623	0.584
9.0	0.790	0.740	0.694	0.651	0.610	0.572	0.536	0.503

\* Early life stage absent criteria will apply to all Kansas surface waters during the months November through February except in surface water segments listed in Table 1f. The application of early life stage absent criteria outside of the months November through February shall require a segment-specific examination of the surface water for the presence of early life stages of fish.

\*\* At 15° C and above, the criterion for early life stages absent is equivalent to the criterion for early life stages present.

Table 1f. Surface Water Segments where early life stages absent chronic aquatic life criteria are not applicable.

Surface Water	Basin	Subbasin	Hydrologic Unit Code	Segment Number
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	1
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	2
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	3
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	4
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	5
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	18
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	19
Kansas River	Kansas Lower Republican	Lower Kansas	10270104	21
Missouri River	Missouri	Tarkio-Wolf	10240005	1
Missouri River	Missouri	Tarkio-Wolf	10240005	2
Missouri River	Missouri	Tarkio-Wolf	10240005	19
Missouri River	Missouri	Tarkio-Wolf	10240005	20
Missouri River	Missouri	Tarkio-Wolf	10240005	21
Missouri River	Missouri	Independence-Sugar	10240011	1
Missouri River	Missouri	Independence-Sugar	10240011	2
Missouri River	Missouri	Independence-Sugar	10240011	4
Missouri River	Missouri	Independence-Sugar	10240011	5
Missouri River	Missouri	Independence-Sugar	10240011	7
Missouri River	Missouri	Independence-Sugar	10240011	9
Missouri River	Missouri	Independence-Sugar	10240011	11
Missouri River	Missouri	Independence-Sugar	10240011	13
Missouri River	Missouri	Independence-Sugar	10240011	15
Missouri River	Missouri	Independence-Sugar	10240011	19

From Bowersock dam east to segment 19



(Authorized by K.S.A. 65-171d, as amended by L. 2003, Ch. 118, Sec. 2, K.S.A. 65-171m, and K.S.A. 2002 Supp. 82a-2001, as amended by L. 2003, Ch. 105, Sec.1; implementing K.S.A. 65-165, 65-171d, as amended by L. 2003, Ch. 118, Sec. 2, 65-171m, K.S.A. 2002 Supp. 82a-2001, as amended by L. 2003, Ch. 105, Sec. 1, and L. 2003, Ch. 105, Sec. 2; effective May 1, 1986; amended, T-87-8, May 1, 1986; amended May 1, 1987; amended Aug. 29, 1994; amended July 30, 1999; amended Nov. 3, 2000; amended Aug. 31, 2001; amended Jan. 3, 2003; amended Oct. 24, 2003.)

**Article 36.—FOOD SERVICE ESTABLISHMENTS, FOOD VENDING MACHINE COMPANIES AND LODGING ESTABLISHMENTS**

**28-36-30. Fees.** (a) (1) Except as specified in paragraph (2) of this subsection, the food service establishment annual license fee shall be \$200.

(2) The annual license fee shall be \$130 for the following types of food service establishments:

(A) Those that serve the elderly at senior satellite sites with no on-site food preparation; and

(B) those that serve children at school satellite sites with no on-site food preparation.

(b) The food service establishment license application fee shall be \$200. (Authorized by and implementing K.S.A. 2002 Supp. 36-503; effective, E-79-16, July 1, 1978; effective May 1, 1979; amended, E-82-21, Nov. 16, 1981; amended May 1, 1982; amended Dec. 30, 1991; amended Sept. 27, 1993; amended Nov. 20, 1998; amended, T-28-7-2-01, July 2, 2001; amended Nov. 9, 2001; amended Oct. 24, 2003.)

Roderick L. Bremby  
Secretary of Health  
and Environment

Doc. No. 029896

**INDEX TO ADMINISTRATIVE REGULATIONS**

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2002 Supplement to the *Kansas Administrative Regulations*.

**AGENCY 1: DEPARTMENT OF ADMINISTRATION**

Reg. No.	Action	Register
1-2-31	Amended	V. 21, p. 767
1-2-42	Amended	V. 21, p. 767
1-2-42a	Amended	V. 21, p. 767
1-2-48	Revoked	V. 21, p. 767
1-5-22	Amended	V. 21, p. 767
1-5-29	Amended	V. 21, p. 767
1-6-3	Amended	V. 21, p. 767
1-6-21	Amended	V. 21, p. 768
1-6-23	Amended (T)	V. 22, p. 466
1-6-23	Amended	V. 22, p. 1230
1-6-26a	New	V. 21, p. 768
1-9-4	Amended	V. 21, p. 768
1-9-5	Amended	V. 21, p. 769
1-9-7b	Amended	V. 21, p. 2048
1-11-1	Amended	V. 21, p. 770
1-14-12a	Revoked	V. 21, p. 770
1-16-18	Amended	V. 21, p. 146
1-45-1 through 1-45-7	Revoked	V. 22, p. 226
1-45-7a	Revoked	V. 22, p. 226
1-45-8 through 1-45-14	Revoked	V. 22, p. 226
1-45-15	Amended (T)	V. 21, p. 1942
1-45-15	Revoked	V. 22, p. 226
1-45-16	Amended (T)	V. 21, p. 1942
1-45-16	Revoked	V. 21, p. 226
1-45-17	Revoked	V. 22, p. 226
1-45-18 through 1-45-24	New	V. 22, p. 226-228
1-47-1	Amended	V. 22, p. 850
1-49-1	Amended	V. 22, p. 851
1-49-12	New	V. 22, p. 851

**AGENCY 3: KANSAS STATE TREASURER**

Reg. No.	Action	Register
3-2-2	Amended	V. 21, p. 1944
3-2-3	Amended	V. 21, p. 1944

**AGENCY 4: DEPARTMENT OF AGRICULTURE**

Reg. No.	Action	Register
4-1-17	Amended (T)	V. 21, p. 1174
4-1-17	Amended	V. 21, p. 1749
4-4-2	Amended	V. 21, p. 1749
4-4-900	Amended	V. 22, p. 1191
4-4-956	Amended	V. 22, p. 1192
4-4-982	Amended	V. 22, p. 1192
4-4-983	Amended	V. 22, p. 1192
4-4-985	New	V. 22, p. 1193
4-4-986	New	V. 22, p. 1194
4-7-2	Amended	V. 21, p. 2020
4-7-3	Amended	V. 21, p. 2020
4-7-4	Amended	V. 21, p. 2020
4-7-6	Amended	V. 21, p. 2021
4-7-213	Amended	V. 21, p. 2021
4-7-213a	Revoked	V. 21, p. 2021
4-7-214	Amended	V. 21, p. 2021
4-7-216	Amended	V. 21, p. 2021
4-7-408	Revoked	V. 21, p. 2021
4-7-507	Amended	V. 21, p. 2021
4-7-510	Amended	V. 21, p. 2021
4-7-511	Revoked	V. 21, p. 2021
4-7-512	Revoked	V. 21, p. 2022
4-7-513	Revoked	V. 21, p. 2022
4-7-530	Amended	V. 21, p. 2022
4-7-531	Amended	V. 21, p. 2022
4-7-532	Amended	V. 21, p. 2022
4-7-533	Amended	V. 21, p. 2022
4-7-715	Amended	V. 21, p. 2022
4-7-716	Amended	V. 21, p. 2022
4-7-717	Amended	V. 21, p. 2023
4-7-718	Amended	V. 21, p. 2023
4-7-719	Amended	V. 21, p. 2023
4-7-720	Revoked	V. 21, p. 2023
4-7-721	Revoked	V. 21, p. 2023
4-7-722	Revoked	V. 21, p. 2023
4-7-802	Revoked	V. 21, p. 2023
4-7-804	New	V. 21, p. 2023
4-7-900	Amended	V. 21, p. 2024
4-7-901	Amended	V. 21, p. 2024
4-7-902	Amended	V. 21, p. 2024
4-7-903	Amended	V. 21, p. 2024
4-7-904	Amended	V. 21, p. 2024
4-7-905	Revoked	V. 21, p. 2024
4-7-1000	Amended	V. 21, p. 2024
4-7-1001	Revoked	V. 21, p. 2025
4-8-43	New (T)	V. 22, p. 82
4-8-43	New	V. 22, p. 432
4-13-1	Amended	V. 22, p. 1194
4-13-2	Amended	V. 22, p. 1195

4-13-4a	Amended	V. 22, p. 1195
4-13-6	Amended	V. 22, p. 1196
4-13-7	Amended	V. 22, p. 1196
4-13-9	Amended (T)	V. 21, p. 1174
4-13-9	Amended	V. 21, p. 1749
4-13-20 through 4-13-24	Amended (T)	V. 21, p. 1174, 1175
4-13-20 through 4-13-24	Amended	V. 21, p. 1749, 1750
4-13-25	Amended	V. 21, p. 2043
4-13-25a through 4-13-25l	New	V. 21, p. 2044-2047
4-13-26	Amended	V. 22, p. 1196
4-13-33	Amended (T)	V. 21, p. 1175
4-13-33	Amended	V. 21, p. 1750
4-14-1	Revoked	V. 21, p. 1705
4-14-2	Revoked	V. 21, p. 1705
4-14-3	Revoked	V. 21, p. 1705
4-15-1	Revoked	V. 21, p. 1705
4-15-2	Revoked	V. 21, p. 1705
4-15-3	Revoked	V. 21, p. 1705
4-15-4 through 4-15-14	New	V. 21, p. 1705-1708
4-16-7a	Amended	V. 22, p. 12
4-18-1	Revoked	V. 21, p. 1708
4-19-1	Amended (T)	V. 21, p. 1175
4-19-1	Amended	V. 21, p. 1750
4-20-11	Amended	V. 22, p. 385
4-20-15	Amended	V. 22, p. 385
4-21-1	Amended	V. 22, p. 385
4-21-3	Amended	V. 22, p. 386
4-21-4	Amended	V. 22, p. 386
4-21-5	Amended	V. 22, p. 387
4-21-6	Amended	V. 22, p. 387
4-21-7	New	V. 22, p. 387
4-25-2 through 4-25-18	New	V. 21, p. 232-235

**AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES**

Reg. No.	Action	Register
5-3-26	Amended (T)	V. 21, p. 1131
5-3-26	Amended	V. 21, p. 1704
5-15-1 through 5-15-4	New (T)	V. 21, p. 690-692
5-15-1 through 5-15-4	New	V. 21, p. 1307-1309

(continued)











111-4-1894 through			111-5-79 through			112-8-5 Amended		V. 22, p. 1428	
111-4-1900 New	V. 21, p. 649-655		111-5-91 New	V. 21, p. 1278-1281		112-9-44 Amended		V. 22, p. 279	
111-4-1894 Amended	V. 21, p. 1276		111-5-82 Amended	V. 21, p. 1529		112-10-2 Amended		V. 22, p. 85	
111-4-1901 through			111-5-83 Amended	V. 21, p. 1529		112-11-20 Amended		V. 22, p. 281	
111-4-1921 New	V. 21, p. 692-702		111-5-92 through			112-12-10 Amended		V. 22, p. 86	
111-4-1910 Amended	V. 21, p. 747		111-5-98 New	V. 21, p. 1339-1341		112-18-9 Amended		V. 22, p. 1710	
111-4-1911 Amended	V. 21, p. 747		111-5-94 Amended	V. 22, p. 1707		112-18-11 Amended		V. 22, p. 1710	
111-4-1913 Amended	V. 21, p. 748		111-5-96 Amended	V. 22, p. 1707		112-18-18 Amended		V. 22, p. 1710	
111-4-1922 New	V. 21, p. 748		111-5-97 Amended	V. 22, p. 1708		<b>AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS</b>			
111-4-1923 New	V. 21, p. 749		111-5-99 through			<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	
111-4-1924 through			111-5-103 New	V. 22, p. 593, 594		115-2-1 Amended		V. 21, p. 1557	
111-4-1932 New	V. 21, p. 1329-1337		111-5-104 New	V. 22, p. 857		115-2-2 Amended		V. 21, p. 1558	
111-4-1929 Amended	V. 21, p. 1522		111-5-105 Amended	V. 22, p. 1054		115-2-3 Amended		V. 21, p. 1558	
111-4-1933 through			111-6-5 Amended	V. 21, p. 1531		115-2-6 Amended		V. 21, p. 451	
111-4-1938 New	V. 21, p. 1523-1526		111-6-25 New	V. 22, p. 1054		115-4-4 Amended		V. 21, p. 452	
111-4-1938 Amended	V. 21, p. 1852		111-7-119 through			115-4-6 Amended		V. 22, p. 1227	
111-4-1939 through			111-7-127 Amended	V. 21, p. 594-597		115-4-11 Amended		V. 22, p. 436	
111-4-1945 New	V. 21, p. 1854-1857		111-7-123 Amended	V. 21, p. 1531		115-5-1 Amended		V. 21, p. 1137	
111-4-1946 through			111-7-126 Amended	V. 21, p. 1532		115-5-2 Amended		V. 21, p. 1138	
111-4-1951 New	V. 22, p. 48-52		111-7-134 Amended	V. 20, p. 429		115-5-3 Amended		V. 21, p. 1138	
111-4-1952 through			111-7-152 Amended	V. 20, p. 49		115-7-1 Amended		V. 21, p. 1558	
111-4-1964 New	V. 22, p. 439-448		111-7-158 through			115-7-2 Amended		V. 21, p. 1559	
111-4-1964 Amended	V. 22, p. 982		111-7-162 New	V. 20, p. 577		115-7-7 New		V. 21, p. 1559	
111-4-1965 through			111-7-159 Amended	V. 20, p. 1101		115-9-4 Amended		V. 21, p. 177	
111-4-1975 New	V. 22, p. 586-593		111-7-162 Amended	V. 20, p. 944		115-11-1 Amended		V. 21, p. 177	
111-4-1970 Amended	V. 22, p. 1047		111-7-163 through			115-11-2 Amended		V. 21, p. 177	
111-4-1975 Revoked	V. 22, p. 1047		111-7-170 New	V. 20, p. 1101-1103		115-13-3 Amended		V. 21, p. 1560	
111-4-1976 through			111-7-165 Amended	V. 20, p. 1194		115-13-4 Amended		V. 21, p. 1560	
111-4-1986 New	V. 22, p. 660-665		111-7-171 through			115-16-5 New		V. 21, p. 1138	
111-4-1987 through			111-7-175 New	V. 20, p. 1782, 1783		115-16-6 New		V. 21, p. 1139	
111-4-2009 New	V. 22, p. 804-820		111-7-176 through			115-17-6 through			
111-4-2010 through			111-7-180 New	V. 21, p. 656, 657		115-17-9 Amended		V. 22, p. 437-439	
111-4-2014 New	V. 22, p. 854-857		111-7-181 New	V. 21, p. 1563		115-17-11 Amended		V. 21, p. 1561	
111-4-2015 through			111-7-182 Amended	V. 22, p. 53		115-17-12 Amended		V. 21, p. 1562	
111-4-2027 New	V. 22, p. 983-990		111-7-184 Amended	V. 22, p. 53		115-17-13 Amended		V. 21, p. 1562	
111-4-2023 Amended	V. 22, p. 1048		111-8-101 through			115-17-14 Amended		V. 21, p. 1890	
111-4-2026 Amended	V. 22, p. 1048		111-8-126 New	V. 20, p. 1573-1579		115-18-7 Amended		V. 21, p. 453	
111-4-2028 through			111-9-111 New	V. 20, p. 1406		115-18-8 Amended		V. 22, p. 1229	
111-4-2033 New	V. 22, p. 1048-1053		111-9-112 Amended	V. 20, p. 1579		115-18-10 Amended		V. 22, p. 439	
111-4-2034 through			111-9-113 Amended	V. 21, p. 186		115-18-13 Amended		V. 21, p. 1562	
111-4-2041 New	V. 22, p. 1668-1674		111-9-114 New	V. 21, p. 657		115-18-14 Amended		V. 21, p. 1563	
111-4-2042 through			111-9-115 New	V. 21, p. 702		115-20-2 Amended		V. 21, p. 1891	
111-4-2048 New	V. 22, p. 1704-1707		111-9-116 New	V. 21, p. 703		115-21-1 Amended		V. 22, p. 1506	
111-5-22 Amended	V. 21, p. 1758		111-9-117 New	V. 21, p. 1533		115-21-2 Amended		V. 22, p. 1507	
111-5-23 Amended	V. 21, p. 1858		111-9-118 New	V. 22, p. 54		115-30-8 Amended		V. 21, p. 1891	
111-5-24 Amended	V. 21, p. 1858		111-9-119 New	V. 22, p. 54		<b>AGENCY 117: REAL ESTATE APPRAISAL BOARD</b>			
111-5-26 Amended	V. 21, p. 1859		111-9-120 New	V. 22, p. 1054		<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	
111-5-27 Amended	V. 21, p. 1860		111-9-121 New	V. 22, p. 1054		117-1-1 Amended		V. 22, p. 684	
111-5-28 Amended	V. 21, p. 1860		<b>AGENCY 112: RACING AND GAMING COMMISSION</b>				117-2-1 Amended		V. 22, p. 684
111-5-30 Amended	V. 21, p. 1529		<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	117-3-1 Amended		V. 22, p. 685	
111-5-32 Amended	V. 21, p. 1861		112-3-11 Amended	V. 22, p. 1427		117-4-1 Amended		V. 22, p. 686	
111-5-33 Amended	V. 21, p. 1861		112-4-1a New	V. 22, p. 278		117-6-1 Amended		V. 22, p. 687	
111-5-78 Amended	V. 21, p. 751		112-4-1b New	V. 22, p. 279		117-6-2 Amended		V. 22, p. 688	
			112-6-4 Amended	V. 22, p. 85		117-6-3 Amended		V. 22, p. 688	
			112-8-4 Amended	V. 22, p. 1428		117-8-1 Amended		V. 22, p. 689	
						<b>AGENCY 118: STATE HISTORICAL SOCIETY</b>			
						<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	
						118-5-1 through			
						118-5-10 New		V. 21, p. 1205-1208	
						<b>AGENCY 126: UNMARKED BURIAL SITES PRESERVATION BOARD</b>			
						<b>Reg. No.</b>	<b>Action</b>	<b>Register</b>	
						126-1-1 New		V. 21, p. 1792	
						126-1-2 New		V. 21, p. 1792	