

January 6, 2009

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Re: File No(s). xxxxxxxx

Dear Sir/Madam:

Enclosed is an Order requiring that the owner of the point(s) of diversion authorized under the file numbers shown above install water flowmeters on the authorized point(s) of diversion by December 31, 2009.

This Order requires your immediate attention. Please read it very carefully, as it affects the use of the point(s) of diversion and sets forth deadlines you must meet in order to preserve your legal rights. This is the only notice you will receive prior to the deadline for installation of water flow meters.

The Chief Engineer is requiring the installation of water flowmeters on all points of diversion within the Fall River Basin. The purpose of requiring the installation of water flowmeters is to provide accurate water use data to enable the Chief Engineer to manage the water resources of the State within the Fall River Basin and to meet Kansas Water Plan recommendation to have water flowmeters installed on all diversions by 2015.

The deadline for installing water flowmeters will be enforced. Enforcement may include civil penalties and/or modification or suspension of the water right or use of water under this Water Right, Appropriation of Water or Term Permit. Any request for an extension of time to install the required water flowmeter(s) must be made in writing on a form provided for that purpose no later than December 31, 2009, and must state compelling reasons why additional time is needed. You may obtain an extension request form by contacting the Topeka Field Office.

Enclosed are a copy of the Chief Engineer's specifications for the water flowmeters, a partial list of meters that have been found to be acceptable if installed and maintained correctly, and a "Report of Installation of Water Flowmeter" form. A separate form must be filled out for each flowmeter that is installed.

The Report of Installation of Water Flowmeter form must be submitted within 30 days after completion of installation the required water flowmeter to the Topeka Field Office at the following address:

Division of Water Resources
Topeka Field Office
109 SW 9th Street, 1st Floor
Topeka, Kansas 66612-2216.

If a water flowmeter currently is installed, the form must be submitted by May 1, 2009. Additionally, meter readings must be included on the annual water use reports submitted to the Chief Engineer by March 1 following the end of each calendar year.

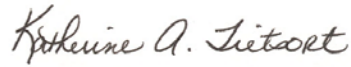
Division staff from the Topeka and Parsons Field Office will conduct a public informational meeting on these metering requirements on January 27, 2009, at 6:30 pm at the Fredonia New City Hall located at 100 N 15 in Fredonia. We encourage you to attend this meeting to obtain information about the order, including exceptions that may be granted on your currently metered system, and specifics you will need to address to be in compliance with the order whether or not your system is currently metered.

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Any appeal of the enclosed Order must be made within 30 days to a Kansas court of competent jurisdiction, such as the District Court of Shawnee County, pursuant to the Kansas Act for Judicial Review and Civil Enforcement of Agency Actions (K.S.A. 77-601 et seq.). Any party seeking judicial review must also serve notice upon: H. David Starkey, Chief Legal Counsel, KS Dept of Agriculture, Legal Section, 109 SW 9th Street, 4th Floor, Topeka, KS 66612.

If you have any questions, please feel free to contact the Topeka Field Office at 785-368-8251. When you contact us, please refer to the above referenced file number(s) and indicate you have questions regarding this meter order.

Sincerely,

A handwritten signature in cursive script that reads "Katherine A. Tietsort".

Katherine A. Tietsort
Water Commissioner

Enclosures