



Kathleen Sebelius, Governor  
Adrian J. Polansky, Secretary

www.ksda.gov/dwr

January 15, 2009

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Re: File No(s). XXXXXXX

Dear Sir/Madam:

Enclosed is an Order requiring that the owners of the files referenced above install water flow meters on the authorized point(s) of diversion by December 31, 2009. Water right owners will be required to report metered quantities on all water diverted on or after January 1, 2010.

**The enclosed Order requires your immediate attention. Please read it very carefully, as it affects your use of water as authorized by the above listed permit(s) 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 flow meters on all non-domestic wells and surface water pumpsites located in parts of Barton, Edwards, Ellsworth, Hodgeman, Ness, Pawnee, Rice and Rush Counties for which meters previously have not been required. The purpose of requiring the installation of water flow meters is to facilitate the need for increased water management and to promote the efficient use of water in the area. Most areas in Kansas are already required to have water flow meters.

The deadline for installing water flow meters will be strictly enforced. Enforcement may include civil penalties and/or modification or suspension of the water right. Any request for an extension of time to install the required water flow meters must be made in writing to the Stafford Field Office at least 30 days prior to the meter installation deadline, and must state compelling reasons why additional time is needed. Please contact the Stafford Field Office if you have questions concerning proper meter installations or an extension of time.

Also enclosed is a copy of the Kansas Department of Agriculture, Division of Water Resources water flowmeter regulations, a list of certified flowmeters, and a "Report of Installation of Water Flowmeter" form and an information page on acceptable meter installation. A separate Report of Installation form must be submitted for each flow meter that is installed to the address shown on the form, within 30 days after the meter installation. If a water flow meter is currently installed, the Report of Installation form must be submitted by December 31, 2009.

Additionally, beginning and ending meter readings for each calendar year must be included on the annual water use reports submitted to the Chief Engineer by March 1 following the end of each calendar year.

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: 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 Stafford Field Office at 620-234-5311. When you contact us, please refer to the above referenced file number(s) and indicate you have questions regarding this meter order.

Sincerely,  
  
Jeff Lanterman  
Acting Water Commissioner

JL:cd  
Enclosures