

Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of November 29-December 10. 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
Nov. 29	313-S	10:00 a.m.	Special Committee on Judiciary	29th: Topic 3—Death Penalty and Mentally Retarded
Nov. 30	313-S	9:00 a.m.		
Nov. 30	519-S	10:00 a.m.	Special Committee on Environment	Committee recommendations on assigned topics.
Dec. 2	313-S	10:00 a.m.	Joint Committee on Children's Issues	Agenda not available.
Dec. 3	313-S	9:00 a.m.		
Dec. 6	123-S	10:00 a.m.	Joint Committee on Administrative Rules and Regulations	Agenda not available.
Dec. 7	123-S	9:00 a.m.		
Dec. 10	526-S	10:00 a.m.	Joint Committee on Information Technology	Review quarterly IT reports and agency projects.

Jeffrey M. Russell
Director of Legislative
Administrative Services

Doc. No. 031370

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**State of Kansas
Statewide Independent Living Council**

Notice of Meeting

The Statewide Independent Living Council of Kansas, Inc. will meet at 10 a.m. Friday, December 10, in Room 101C of the Topeka-Shawnee County Public Library, 1515 S.W. 10th Ave., Topeka. For more information, contact Mary Lou Dunn or Shannon Jones at (785) 234-6990 or 1-800-217-4525, or e-mail at Marylouya@aol.com.

Shannon Jones
Executive Director

Doc. No. 031355

**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 11-22-04 through 11-28-04

Term	Rate
1-89 days	2.00%
3 months	1.93%
6 months	2.31%
1 year	2.59%
18 months	2.76%
2 years	2.92%

Derl S. Treff
Director of Investments

Doc. No. 031354

(Published in the Kansas Register November 25, 2004.)

Grant County, Kansas

Notice of Proposed DBE Program

Grant County, Kansas, has established a disadvantaged business enterprise (DBE) program in accordance with regulations of the U.S. Department of Transportation (DOT), 49 CFR Part 26, for the Ulysses Airport. The county anticipates receiving federal financial assistance from the Department of Transportation, and, as a condition of receiving this assistance, the county will sign an assurance that it will comply with 49 CFR Part 26.

The county's overall goal for FY 2005 is the following: A project-specific goal of 8.8 percent of the federal financial assistance.

The proposed DBE program is available for public inspection and comment at the Grant County offices, 108 S. Glenn, Ulysses, 67880. The county will accept comments on the goals for 30 days from the date of this notice. Comments may be sent to the attention of Carl Higgs, county commissioner.

Linda McHenry
Grant County Clerk

Doc. No. 031369

**State of Kansas
Board of Technical Professions**

Notice of Meetings

The State Board of Technical Professions will conduct its complaint committee meeting at 1:30 p.m. Thursday, December 2, in Room 507 of the Landon State Office Building, 900 S.W. Jackson, Topeka. The board will hold its regular board meeting Friday, December 3, also at the Landon State Office Building. The Professional Engineer and Land Surveyor Committee will meet at 8:30 a.m. in Room 507, and the Architect, Landscape Architect and Geology Committee will meet at 9 a.m. in Room 507. The full board will meet at approximately 11 a.m., at the conclusion of the committee meetings, at the same location. Also, as previously published in the Kansas Register on September 30, 2004, the board will conduct a rules and regulations hearing at 1 p.m. Thursday, December 2, in Room 507 of the Landon Building. All meetings are open to the public.

Betty L. Rose
Executive Director

Doc. No. 031358

**State of Kansas
Office of the Governor**

Notice of Available Grant Funding

Grant funds are available for the Wireless Enhanced 911 state grant program. The purpose of the grant program is to provide funding to help Public Safety Answering Points make the required improvements to establish the enhanced wireless services. These grant funds may be used for necessary and reasonable costs incurred by Public Safety Answering Points for the following:

- (1) Implementation of wireless enhanced 911 services.
- (2) Purchase of equipment or upgrades and modification to equipment used solely to process the data elements of wireless enhanced 911 services.

(3) Maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs to train personnel to provide effective services to all users of the emergency telephone system who have communication disabilities.

Counties having a population of less than 75,000, any city located within such a county, or any two or more such counties or cities, are eligible to apply. Grant applications may be obtained by contacting the office of the Governor's Federal & Other Grants Program at (785) 291-3205. Applications also may be accessed via the Internet at www.ksgovernor.org. This is to obtain a printed copy only. Applications cannot be submitted online.

All grant applications must be received by 5 p.m. Friday, January 14. No applications will be accepted after this date.

Juliene Maska
Federal & Other Grants
Program Administrator

Doc. No. 031377

(Published in the Kansas Register November 25, 2004.)

Marmaton Watershed Joint District No. 102

Request for Engineering Services

The Marmaton Watershed Joint District No. 102 is soliciting qualified, consulting engineering firms for the project listed below. Responding firms should mail their response to Charles Bruner, Contracting Officer, Marmaton Watershed District, P.O. Box 114, Uniontown, 66779. Responses must be received by 5 p.m. December 16 for the consulting engineering firm to be considered.

The following criteria will be used as the basis for selection of the consulting engineering firms:

1. Professional qualifications necessary for satisfactory performance of required services;
2. specialized experience and technical competence with respect to watershed dam design and construction;
3. work load of firm and capacity to accomplish the work in the required time;
4. firm's performance record in contracts with watershed districts and private industry in terms of cost control, quality of work, and compliance with performance schedules.

Project: Marmaton Watershed Site K-1 Dam Construction

The scope of services is to provide engineering services for the design plans, drawings, specifications, permit application, construction bidding process, contract documents and other required documentation to be submitted to the Kansas Division of Water Resources for the construction of the Marmaton Watershed Site K-1. This structure is to be designed in accordance with the NRCS e-FOTG Standard 402 and TR 60. Services also will include geologic site investigation, laboratory soil testing, site staking, surveying, construction inspection and testing, and submittal of all required as-built plans and certificates of completion. Services also may include habitat evaluations, wetland determinations, and habitat mitigation planning and gaining of easements required for habitat mitigation.

Site K-1 is located from Uniontown approximately 4.5 miles south on Highway 3 and 1.5 miles east in Section 13, Township 26 South, Range 22 East, Bourbon County, Kansas, and consists of the construction of an earthen dam that controls approximately 6.21 sq. miles of drainage area. Significant preliminary engineering data and documentation on this project may be reviewed by contacting the contracting officer.

Charles Bruner
Contracting Officer

Doc. No. 031372

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, December 9, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the projects numbered below in the respective maximum principal amount. The bond will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The projects shall be located as shown:

Project No. 000619—Maximum Principal Amount: \$108,000. Owner/Operator: J. Brandon and Pamela D. Lindquist. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Northwest Quarter of Section 10, Township 14, Range 5, Saline County, Kansas, approximately 6 miles north of Brookville on Brookville Road.

Project No. 000620—Maximum Principal Amount: \$130,000. Owner/Operator: James A. Preuss. Description: Acquisition of 155 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 12, Township 3 South, Range 6 East, Marshall County, Kansas, approximately 2 miles west of Marysville on Highway 36 and 2.5 miles south on 7th Road.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the KDFA at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the projects may be obtained by contacting the KDFA.

Any individual affected by the above-described projects may, at or prior to the hearing, file a written request with the KDFA that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Stephen R. Weatherford
President

Doc. No. 031375

(Published in the Kansas Register November 25, 2004.)

**Summary Notice of Bond Sale
Unified School District No. 226
Meade County, Kansas (Meade)
\$4,998,000
General Obligation School Building Bonds
Series 2004**

**(General obligation bonds payable from
unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated November 17, 2004, sealed, facsimile and electronic bids will be received by the clerk of Unified School District No. 226, Meade County, Kansas (Meade) (the issuer), in the case of written bids, at the addresses set forth below, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 3 p.m. December 8, 2004, for the purchase of \$4,998,000 principal amount of General Obligation School Building Bonds, Series 2004. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon 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, except one bond in the denomination of \$8,000 (or such amount added to \$5,000 or any integral multiple thereof). The bonds will be dated December 1, 2004, and will become due on September 1 in the years as follows:

Year	Principal Amount
2007	\$138,000
2008	160,000
2009	170,000
2010	180,000
2011	190,000
2012	205,000
2013	215,000
2014	225,000
2015	240,000
2016	255,000
2017	270,000
2018	285,000
2019	300,000
2020	315,000
2021	330,000
2022	350,000
2023	370,000
2024	390,000
2025	410,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2006.

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$99,960 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 22, 2004, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$55,579,516. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$4,998,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below:

Written Bid and Good Faith Deposit

Delivery Address:

Shannon McFall, Clerk
Office of the Board of Education
409 School Addition, P.O. Box 400
Meade, KS 67864-0400
(620) 873-2081
Fax (620) 873-2201
E-mail: mcfalls@usd226.org

Facsimile Bid and Good Faith Deposit

Delivery Address:

George K. Baum & Company, Financial Advisor
100 N. Main, Suite 810
Wichita, KS 67202
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated November 17, 2004.

Unified School District No. 226
Meade County, Kansas (Meade)
Shannon McFall, Clerk

Doc. No. 031371

(Published in the Kansas Register November 25, 2004.)

**Summary Notice of Bond Sale
City of Haysville, Kansas
\$970,000
General Obligation Bonds
Series 2004-2**

(General obligation bonds payable from unlimited ad valorem taxes)

Bids

Subject to the notice of bond sale dated November 8, 2004, written and electronic bids will be received on behalf of the clerk of the city of Haysville, Kansas (the issuer), in the case of written bids, on behalf of the governing body at City Hall, 200 W. Grand, P.O. Box 404, Haysville, KS 67060-0404, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 3 p.m. December 13, 2004, for the purchase of \$970,000 principal amount of General Obligation Bonds, Series 2004-2. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon 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 December 1, 2004, and will become due on November 1 in the years as follows:

Year	Principal Amount
2005	\$155,000
2006	155,000
2007	170,000
2008	180,000
2009	185,000
2010	10,000
2011	10,000
2012	10,000
2013	10,000
2014	10,000
2015	10,000
2016	10,000
2017	10,000
2018	15,000
2019	15,000
2020	15,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning May 1, 2005.

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial

surety bond in the amount of \$19,400 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about December 29, 2004, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$51,257,956. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$14,333,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the financial advisor, George K. Baum & Company, 100 N. Main, Suite 810, Wichita, KS 67202, Attention: Charles M. Bouilly, (316) 264-9351, fax (316) 264-9370, e-mail: bouilly@gkbaum.com.

Dated November 8, 2004.

City of Haysville, Kansas

Doc. No. 031361

(Published in the Kansas Register November 25, 2004.)

**Summary Notice of Bond Sale
City of Sedgwick, Kansas
\$378,000
General Obligation Bonds
Series B, 2004**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated November 15, 2004, of the city of Sedgwick, Kansas, bids to purchase the city's General Obligation Bonds, Series B, 2004, will be received at the office of the city clerk at City Hall, 511 N. Commercial, Sedgwick, KS 67135, or by telefacsimile at (316) 772-5592, until 4 p.m. Monday, December 6, 2004. The bids will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 98.5 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond, in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated December 15, 2004, and will be issued as registered bonds in the denomination of \$5,000, or any integral multiple thereof, except for one bond in the denomination of \$3,000 maturing December 1, 2006. Interest on the bonds is payable semiannually on June 1 and December 1 of each year, beginning June 1, 2006. Principal of the bonds becomes due on December 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$ 8,000	2006
20,000	2007
20,000	2008
25,000	2009
25,000	2010
25,000	2011
25,000	2012
25,000	2013
25,000	2014
25,000	2015
30,000	2016
30,000	2017
30,000	2018
30,000	2019
35,000	2020

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Option

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 (DTC).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about December 22, 2004, at such bank or trust company or other qualified depository in the contiguous United States, 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 Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$8,087,969. As of December 15, 2004, the city's total outstanding general obligation debt (including the bonds) is \$2,192,000. The city's total indebtedness that is subject to debt limitation, as of December 15, 2004, will be \$838,119.44, which is 10.36 percent of the assessed valuation of the city.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, John J. Haas, Ranson Financial Consult-

ants, L.L.C., 209 E. William, Suite 401, Wichita, KS 67202, (316) 264-3400.

City of Sedgwick, Kansas
 By Janise P. Enterkin
 City Clerk
 City Hall, 511 N. Commercial
 Sedgwick, KS 67135
 (316) 772-5151
 Fax (316) 772-5592

Doc. No. 031360

(Published in the Kansas Register November 25, 2004.)

**Summary Notice of Bond Sale
 City of Bentley, Kansas
 \$431,267
 General Obligation Bonds
 Series 2004**

Details of the Sale

Subject to the terms and requirements of the official notice of bond sale dated November 11, 2004, of the city of Bentley, Kansas, bids to purchase the city's General Obligation Bonds, Series 2004, will be received at the office of the city clerk at City Hall, 150 S. Wichita Ave., Bentley, KS 67016, or by telefacsimile at (316) 796-1799, until 4 p.m. Thursday, December 9, 2004. The bids will be considered by the governing body at its meeting at 7:30 p.m. on the sale date.

No oral or auction bids for the bonds shall be considered, and no bids for less than 98.5 percent of the total principal amount of the bonds and accrued interest to the date of delivery shall be considered.

Good Faith Deposit

Each bidder must submit a good faith deposit in the form of a certified or cashier's check made payable to the order of the city, or a financial surety bond, in an amount equal to 2 percent of the principal amount of the bonds.

Details of the Bonds

The bonds are dated December 15, 2004, and will be issued as registered bonds in the denomination of \$5,000, or any integral multiple thereof, except for one bond in the denomination of \$6,267. Interest on the bonds is payable semiannually on June 1 and December 1 of each year, beginning June 1, 2006. Principal of the bonds becomes due on December 1 in the years and amounts as shown below:

Maturity Schedule

Principal Amount	Maturity Date
\$16,627	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

(continued)

25,000	2017
25,000	2018
25,000	2019
25,000	2020
25,000	2021
30,000	2022
30,000	2023
30,000	2024
35,000	2025

(Published in the Kansas Register November 25, 2004.)

Statutory Notice of Bond Sale
City of Shawnee, Kansas
\$15,825,000*
Internal Improvement Bonds, Series 2004A
(General obligations payable from
unlimited ad valorem taxes)

Payment of Principal and Interest

The Kansas State Treasurer will serve as the bond registrar and paying agent for the bonds.

Book-Entry Option

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 (DTC).

Delivery of the Bonds

The city will prepare the bonds at its expense and will deliver the registered bonds to the successful bidder, on or about December 29, 2004, at such bank or trust company or other qualified depository in the contiguous United States, 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 Triplett, Woolf & Garretson, LLC, Wichita, Kansas, bond counsel, whose fees will be paid by the city.

Financial Matters

The city's current assessed valuation for purposes of calculating statutory debt limitations is \$1,617,447. As of December 15, 2004, the city's total outstanding general obligation debt (including the bonds) is \$633,267, which excludes temporary notes outstanding in the amount of \$545,000 that will be retired out of the proceeds of the bonds herein offered for sale. The city's total indebtedness that is subject to debt limitation, as of December 15, 2004, will be \$285,988.06, which is 17.68 percent of the assessed valuation of the city.

Additional Information

For additional information, contact the city clerk at the address and telephone number shown below or the financial advisor, John Haas, Ranson Financial Consultants, L.L.C., 209 E. William, Suite 401, Wichita, KS 67202, (316) 264-3400.

City of Bentley, Kansas
 By Laura N. Fisher
 City Clerk
 City Hall, 150 S. Wichita Ave.
 Bentley, KS 67016
 (316) 796-1799
 Fax (316) 796-1799

Doc. No. 031359

Sealed and Electronic Bids

Sealed bids for bonds, submitted in sealed envelopes and marked "Series 2004A Bond Bid," will be received by the undersigned finance director of the city of Shawnee, Kansas, at the Shawnee City Hall, 11110 Johnson Drive, Shawnee, KS 66203, until noon Tuesday, December 7, 2004, for the purchase of all of the city's \$15,825,000* principal amount of Internal Improvement Bonds, Series 2004A. Electronic bids for the purchase of all of the bonds only will be accepted through 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, 1359 Broadway, 2nd Floor, New York, NY 10018, Customer Support, (212) 849-5000. The city assumes no responsibility or liability for bids submitted through PARITY. The city 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 city.

All bids will be publicly opened on the date and at the time set forth above and acted upon by the city council, at a special meeting to be held at 7 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 bonds shall not be less than \$15,666,750, plus accrued interest on the total principal amount of the bonds to the date of delivery.

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 December 1, 2004; will be issued in the principal amount of \$15,825,000*; and will become due serially on December 1 in each of the years as follows:

Maturity Schedule*
Series 2004A Bonds

Maturity December 1	Principal Amount
2005	\$ 870,000
2006	885,000
2007	900,000
2008	920,000
2009	940,000
2010	970,000
2011	995,000

2012	1,030,000
2013	1,065,000
2014	1,100,000
2015	1,140,000
2016	1,185,000
2017	1,225,000
2018	1,275,000
2019	1,325,000

Bids for the bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term 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.

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 June 1 and December 1 in each year, commencing June 1, 2005.

Delivery and Payment

The bonds will be delivered to the successful bidder properly prepared, executed and registered without cost within approximately two weeks 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 \$316,500 must accompany each bid for the bonds.

Costs

The city will pay the cost of printing the bonds and the expense of all legal services, including the opinion 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 bonds, the assessed valuation of the taxable tangible property within the city as of December 31, 2003, is \$631,085,718. The total general obligation bonded indebtedness of the city as of the date of the bonds is \$69,055,000, which includes the bonds, but excludes (i) the principal payments to be made by the city on December 1, 2004, on the city's outstanding general obligation bonds, (ii) the city's Internal Improvement Bonds, Series 1997, called for redemption on December 1, 2004, and (iii) the city's outstanding general obligation refunding bonds.

Additional Information

A complete notice of bond sale for the bonds, official statement and bid forms approved by the city 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 Lee Meyer, the city's finance director, at (913) 631-2500. Bidders may be required to be qualified in a manner established by the city before submitting a bid. Arrange-

ments may be made with the financial advisor to deliver a sealed bid for the bonds to the city.

City of Shawnee, Kansas
 By: Lee Meyer
 Finance Director
 Shawnee City Hall
 11110 Johnson Drive
 Shawnee, KS 66203

* Preliminary, subject to change.

Doc. No. 031373

(Published in the Kansas Register November 25, 2004.)

**Summary Notice of Bond Sale
 Unified School District No. 223
 Washington County, Kansas
 (Barnes-Hanover-Linn)**

\$1,500,000

**General Obligation School Building Bonds
 Series 2004**

**(General obligation bonds payable from
 unlimited ad valorem taxes)**

Bids

Subject to the notice of bond sale dated November 17, 2004, written and electronic bids will be received on behalf of the clerk of Unified School District No. 223, Washington County, Kansas (Barnes-Hanover-Linn) (the issuer), in the case of written bids, at the addresses set forth below, and in the case of electronic bids, through i-Deal's BiDCOMP/PARITY electronic bid submission system, until 4 p.m. December 6, 2004, for the purchase of \$1,500,000 principal amount of General Obligation School Building Bonds, Series 2004. No bid of less than 100 percent of the principal amount of the bonds and accrued interest thereon 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 December 1, 2004, and will become due on September 1 in the years as follows:

Year	Principal Amount
2006	\$ 30,000
2007	115,000
2008	140,000
2009	150,000
2010	155,000
2011	165,000
2012	175,000
2013	180,000
2014	190,000
2015	200,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1 in each year, beginning March 1, 2006.

(continued)

Book-Entry-Only System

The bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Kansas State Treasurer, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied by a good faith deposit in the form of a cashier's or certified check drawn on a bank located in the United States or a qualified financial surety bond in the amount of \$30,000 (2 percent of the principal amount of the bonds).

Delivery

The issuer will pay for printing the bonds and will deliver the same properly prepared, executed and registered without cost to the successful bidder on or about January 12, 2005, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2004 is \$26,361,184. The total general obligation indebtedness of the issuer as of the date of delivery of the bonds, including the bonds being sold, is \$1,500,000.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the issuer, printed on the bonds and delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from the undersigned or from the financial advisor at the addresses set forth below:

Written Bid and Good Faith Deposit**Delivery Address:**

Cindy Hiesterman, Clerk
Office of the Board of Education
212 N. Tripp
P.O. Box 188
Barnes, KS 66933
(785) 763-4231
Fax (785) 763-4461
E-mail: sjoonas@usd223.org

Facsimile Bid and Good Faith Deposit**Delivery Address:**

George K. Baum & Company
Financial Advisor
100 N. Main, Suite 810
Wichita, KS 6720
Attn: Stephen E. Shogren
(316) 264-9351
Fax (316) 264-9370
E-mail: shogren@gkbaum.com

Dated November 17, 2004.

Unified School District No. 223
Washington County, Kansas
(Barnes-Hanover-Linn)
Cindy Hiesterman, Clerk

Doc. No. 031366

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) 296-2376:

12/6/2004	07905	Motor Vehicle Maintenance Service
12/6/2004	07899	Interior Painting
12/6/2004	07910	Standby Power Systems
12/7/2004	07914	Bridge Replacement
12/7/2004	07913	Lawn, Garden and Compact Utility Tractors and Attachments
12/9/2004	07919	Off-Road Utility Vehicles and Attachments
12/10/2004	07930	Spray Marking Paint
12/29/2004	07921	Intranet Random Employee Sampling Techniques (IREST) Software
12/30/2004	07925	Computer Based Training

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>

Contractors wishing to bid on the projects listed below must be prequalified. For more information about the prequalification process or to obtain the following bid documents, call (785) 296-8899:

12/14/2004	A-9955	Replace Deteriorated Doors and Windows
12/15/2004	A-010006	Telecom Service to Rieger Hall

Chris Howe
Director of Purchases

Doc. No. 031374

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

The Kansas Department of Health and Environment is soliciting comments regarding a proposed reopening of an air quality operating permit. A Class I Air Operating Permit was issued for the operation of Northern Sun Company located at 6425 State Road 14, Goodland. Archer Daniel Midland Co. owns and operates Northern Sun Company. The effective date of the permit was May 28, 2004.

K.A.R. 28-19-513(e)(2) states that only those parts of the permit for which cause to reopen exists shall be affected by the reopening. On both the Emission Source Information table and Section D emission sources on EU-10, CE-12 changes to CE-16. On Section D (2), limitation and standard, the performance test language changes to "A performance test needs to be performed on one cyclone and one fabric filter (which are very similar to the other cyclones and fabric filters at the facility) within 180 days

after permit issuance. ADM will propose the sources to be tested and submit a test plan and protocol to the Department at least 30 days prior to the performance test."

A copy of the proposed permit as modified, all supporting documentation and all information relied upon during the reopening 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 a copy of the proposed permit can be reviewed at the KDHE Northwest District Office, 2301 E. 13th, Hays. To obtain or review the proposed reopening and supporting documentation, contact David Behzadpour, (785) 291-3278, at the KDHE central office; and to review the proposed permit only, contact Richard Robinson, (785) 625-5663, at the KDHE Northwest District Office. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to David Behzadpour, 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 before the close of business December 27.

A person may request a public hearing be held on the proposed action. 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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business December 27 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's 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 Harriet Jones, 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. 031363

State of Kansas

State Employees Health Care Commission

Notice of Change in Meeting Date

The next meeting of the Kansas State Employees Health Care Commission will be at 1:30 p.m. Wednesday, December 8, in the boardroom of the offices of the Kansas Public Employees Retirement System, 611 S. Kansas Ave., Topeka. This meeting has been rescheduled from December 1. An agenda may be viewed by accessing the commission's Web site at <http://da.state.ks.us/hcc/meetings.htm>. For more information, contact the Benefits Office at (785) 296-6280.

Duane A. Goossen
Chair

Doc. No. 031368

State of Kansas

Department of Health and Environment

Notice of Available WMD Exercise Funding

Kansas responders have written response plans, trained personnel and purchased equipment in order to respond to a weapon of mass destruction (WMD) event in their community. WMD includes bioterrorism, explosive, nuclear, radiological and chemical events. Funds are being made available to conduct exercises to test the plans, training and adequacy of the equipment that has been purchased. KDHE will contract with local entities to plan, design, develop, conduct and evaluate exercises that train emergency first responders and assess the readiness of jurisdictions to prevent and respond to a terrorist attack in Kansas.

Applications for WMD exercise funding can be found on the KDHE Web site at <http://www.ksbiot.org>. To have an application mailed, call (785) 296-8605. Applications must be received by December 22. Notice of awards will be sent January 6. Funding will be dispersed upon receipt of signed contracts.

Deliverables that must be met include the following:

- Exercise must be conducted by October 1, 2005.
- Exercise must involve a minimum of three local or regional partners.
- Exercise must be based on a WMD scenario.
- Exercise must be designed and evaluated by a team member who has graduated from the FEMA Exercise Design and Evaluation Course.
- Exercise must include a Homeland Security Exercise and Evaluation Program (HSEEP) compliant after action report and a corrective action plan. These documents must be submitted to KDHE's Bioterrorism Program prior to December 31, 2005 (HSEEP information can be found at <http://www.ojp.usdoj.gov/odp/docs/hseep.htm>)
- Expenditure report must be submitted to KDHE's Bioterrorism Program by December 1, 2005.
- Contractor must notify KDHE with the date and time of the exercise.

(continued)

- Contractor must allow state agency observers at the exercise.

Mail completed applications to Sandy Johnson, Kansas Department of Health and Environment, 1000 S.W. Jackson, Suite 330, Topeka, 66612.

Roderick L. Bremby
Secretary of Health
and Environment

Doc. No. 031362

State of Kansas

Department on Aging

Notice of Available Funding

The Kansas Department on Aging (KDOA) announces the availability of \$700,000 from the Partnership Loan Program (PLP). These funds are to be used to assist in the financing of a Green House® to improve the environmental quality of nursing facilities that serve the elderly population. The additional nursing facility beds are to be constructed on an existing nursing facility site and shall replace the equivalent number of presently existing Medicaid-certified nursing facility beds. Eligible applicants shall be owners of nursing facilities or hospital-based long-term care units.

Interested parties should contact KDOA for a Partnership Loan Program application, instructions and program guidelines. Applications submitted to KDOA for consideration must be consistent with a current needs analysis and have professional quality demonstrating organization, clarity and understanding of the proposed venture. Units of government, not-for-profit entities, for-profit organizations and individuals may apply for loan funds, and preference for the loans may be given in that order. Loans may be at current market rate or lower and must be fully secured. Applications proposing a higher interest rate and a loan with better security may be given preference. Partnership with a financial institution, preferably in the form of a participation loan, will be required and other sources of funding are desirable. Other factors to be considered include, but are not limited to, occupancy of the existing facility and the quality of services provided. Applications also will be evaluated based on project design, financial feasibility, organizational capacity and development readiness. The Secretary of Aging shall make the final funding decision.

Applications must be received at KDOA not later than 5 p.m. January 31. All interested parties are encouraged to apply.

To request the Partnership Loan Program application, instructions and program guidelines, or for questions or additional information, contact Patsy Samson, Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603-3404, (785) 296-0378 or 1-800-432-3535, fax (785) 296-0256, or e-mail PatsySamson@aging.state.ks.us.

Pamela Johnson-Betts
Secretary of Aging

Doc. No. 031376

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 Discharge 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-04-323/325
Application(s) for New or Expansion of
Existing Swine Facilities**

<p>Name and Address of Applicant S & W Swine LLC 5816 CR 3300 Independence, KS 67301</p>	<p>Owner of Property Where Facility Will Be Located S & W Swine LLC 5816 CR 3300 Independence, KS 67301</p>
<p>Legal Description SE/4 of Section 16, T31S, R15E, Montgomery County Kansas Permit No. A-VEMG-S041</p>	<p>Receiving Water Verdigris River Basin</p>

This is an application for expansion of an existing permitted swine facility from 1,600 head (640 animal units) of swine weighing more than 55 pounds and 1,660 head (166 animal units) of swine weighing 55 pounds or less, to a maximum capacity of 1,760 head (704 animal units) of swine weighing more than 55 pounds and 2,050 head (205 animal units) of swine weighing 55 pounds or less. The expansion consists of the addition of a swine nursery building, a second waste storage cell and operational changes that increase the capacity of the existing swine units. A new or modified permit will not be issued without additional public notice.

<p>Name and Address of Applicant H & H Land & Livestock, Inc. Keith W. Holle 1083 7th Road Marysville, KS 66508</p>	<p>Owner of Property Where Facility Will Be Located H & H Land & Livestock, Inc. 1083 7th Road Marysville, KS 66508</p>
<p>Legal Description SE/4 of Section 24, T02S, R06E, Marshall County Kansas Permit No. A-BBMS-S044</p>	<p>Receiving Water Big Blue River Basin</p>

This is an application for expansion of an existing permitted swine facility that is enlarging a concrete manure storage tank and changing from a 36-crate farrowing operation (14 animal units) of sows to a 450-head nursery-grower operation (180 animal units) of swine

weighing more than 55 pounds each. A new or modified permit will not be issued without additional public notice.

Name and Address of Applicant	Owner of Property Where Facility Will Be Located
H & H Land & Livestock, Inc. Keith W. Holle 1083 7th Road Marysville, KS 66508	H & H Land & Livestock, Inc. 1083 7th Road Marysville, KS 66508

Legal Description	Receiving Water
SE/4 of Section 13, T02S, R06E, Marshall County Kansas Permit No. A-BBMS-S045	Big Blue River Basin

This is an application for a permit for an existing permitted facility that is enlarging a concrete manure storage tank. Operational changes also are proposed that will increase the facility animal capacity from 250 head (100 animal units) of swine weighing more than 55 pounds and 250 head (25 animal units) of swine weighing 55 pounds or less to a maximum of 500 head (200 animal units) of swine weighing more than 55 pounds. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-04-326

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Kearny County Feeders, Inc. P.O. Box 109 Lakin, KS 67860	S/2 of Section 04, N/2 of Section 09, E/2 of SE/4 of Section 05, T24S, R36W, Kearny County	Upper Arkansas River Basin

Kansas Permit No. A-UAKE-C002 Federal Permit No. KS0036731
This is a renewal permit for a modification to an existing facility for 35,000 head (35,000 animal units) of beef cattle. There will be no change in number of head. The changes are to be made to the runoff controls and land application system.

Public Notice No. KS-04-244/257

Name and Address of Applicant	Waterway	Type of Discharge
Burlington Northern Santa Fe Railway Company P.O. Box 1738 Topeka, KS 66616	Kansas River	Process Wastewater

Kansas Permit No. I-KS72-PO01 Federal Permit No. KS0001694
Facility Location: 1001 N.E. Atchison, Topeka, KS 66616

Facility Description: The proposed action is reissue an existing permit for the operation of an existing wastewater treatment facility. Wastewater generated from railroad locomotive and car service and maintenance, including parts cleaning and degreasing, surface preparation and painting, metal fabrication, machining, fueling and washing, and stormwater runoff from the areas affected by industrial activity, is treated in a wastewater treatment plant consisting of a 1.5 million gallon equalization tank, flocculation; flotation; grit removal; coagulation; neutralization; thickening and potential multimedia filtration prior to discharge to the city sanitary sewer. In case of a severe upset of the city sewage plant or in the event of a storm intensity exceeding plant capacity, the facility discharges into the Kansas River. The proposed permit contains limits for total suspended solids, oil and grease, and pH. Monitoring of benzene, bis (2-ethylhexyl) phthalate and flow also will be required. The permittee also shall be required to perform a priority pollutant scan once during the term of the permit. 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
Cherokee Limestone 7698 N.W. Lawton Road Columbus, KS 66725	Lightning Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-NE48-PO02 Federal Permit No. KS0096211
Legal: NW¼, SE¼, S25, T31S, R21E, Cherokee County
Facility Name: McCune Quarry

Facility Description: The proposed action is to reissue an existing permit for the discharge of wastewater during quarry operation. This facility is a limestone quarrying operation with no washing. Outfall 001 and 002 consist of pit dewatering and stormwater runoff from sedimentation ponds. 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
Coffeyville Resources Refining & Marketing LLC P.O. Box 1566 Coffeyville, KS 67337	Verdigris River	Process Wastewater

Kansas Permit No. I-VE09-PO02 Federal Permit No. KS0000248
Legal: NE¼, S25, T34S, R16E, Montgomery County
Facility Location: 400 N. Linden St., Coffeyville, Kansas

Facility Description: The proposed action is to reissue an existing permit for the operation of an existing wastewater treatment facility. This facility treats process wastewater streams from a petroleum refinery and from the adjacent Tessengerlo-Kerley, Inc. (TKI) fertilizer facility producing agricultural chemicals. The refinery effluent consists of boiler blowdown, cooling tower blowdown, crude desalter, contaminated stormwater runoff from the refinery process areas, groundwater from a subsurface collection trench, domestic waste and other process wastes. The TKI plant utilizes the refinery's heavy sulfur gas from the sulfur unit to produce potassium thiosulfate and other agricultural chemicals. The wastewater treatment plant consists of a 6 million gallon aboveground equalization/surge tank, two stormwater surge ponds, an API oil/water separator, primary dissolved air flotation (DAF) units, three complete mix activated sludge (CMAS) basins, two secondary DAF units, a final clarifier and an aerobic lagoon. The average discharge flow is 2.2 mgd. API sludge and primary DAF sludge are directed to a sludge handling system for recovery, processing, or for use in the coker petroleum refining process unit. Waste-activated sludge, secondary DAF float, final clarifier float and raw water treatment sludge are treated in an aerobic digester and three earthen bio-sludge ponds and finally land applied (once every 2-3 years). Sludge from crude oil tanks is treated on a case-by-case basis and may be sent to a hazardous waste disposal facility, sent to the coker or disposed of by another KDHE-approved disposal method. The nitrogen fertilizer facility process wastewater is discharged to the city of Coffeyville sanitary sewer system and is not covered by this permit. The proposed permit included limits for total suspended solids, biochemical oxygen demand, phenolic compounds, chemical oxygen demand, oil and grease, ammonia, sulfide, total chromium, hexavalent chromium, chloride, fluoride, fecal coliform and pH. Monitoring of nitrate nitrogen, organic nitrogen, total phosphorus, sulfate, temperature and effluent flow also will be required. The permittee shall be required to perform a chronic whole effluent toxicity (WET) test quarterly and a priority pollutant scan once between January and June 2006. Contained in the permit is a schedule of compliance requiring the permittee to submit to KDHE a quarterly status report on toxicity inventory and toxicity reduction (TIR/TRE) studies. These reports shall detail the present status of all work required to achieve compliance with the WET limits. The permittee also is required to test the wastewater residuals and soil at the land application site(s) and report the results annually. 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.

(continued)

Name and Address of Applicant
 El Paso Merchant Energy-Petroleum Company
 2 N. Nevada Ave.
 Colorado Springs, CO 80903
 Kansas Permit No. I-WA04-PO01 Federal Permit No. KS0090115
 Legal: SW¹/₄, S5, T26S, R3E, Butler County

Waterway
 Whitewater Creek
Type of Discharge
 Groundwater Remediation

Facility Description: The proposed action is to reissue an existing permit for an inactive facility with an ongoing groundwater remediation project. Naphtha-contaminated groundwater is collected by a series of recovery trenches and pumped to storage tanks and then to the aeration system. The aeration system is three-course pore aerators operated in series. The average flow is 6,590 gallons per day (gpd) and maximum flow is 15,200 gpd. The proposed permit contains limits for benzene and pH, as well as annual monitoring of total petroleum hydrocarbons - gasoline range organics. 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
 Hunt Midwest Mining
 8300 N.E. Underground Drive
 Kansas City, MO 64161
 Kansas Permit No. I-MC15-PO01 Federal Permit No. KS0116017
 Legal: NE¹/₄, S12, T20S, R18E, Anderson County

Waterway
 North Fork of Pottawatomie Creek via Unnamed Tributary
Type of Discharge
 Pit Dewatering & Stormwater Runoff

Facility Name: Harris Quarry
 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. Outfall 001 consists of pit dewatering and stormwater runoff. 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
 Hunt Midwest Mining
 8300 N.E. Underground Drive
 Kansas City, MO 64161
 Kansas Permit No. I-MC33-PO07 Federal Permit No. KS0118249
 Legal: SE¹/₄, S18, T17S, R23E, Miami County

Waterway
 Marais des Cygnes River via Bull Creek via Unnamed Tributary
Type of Discharge
 Process Wastewater & Stormwater Runoff

Facility Name: Paola Quarry
 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 washing. Stormwater runoff, pit dewatering and washwater discharges are treated using a settling pond before being released. The proposed permit contains effluent limits for total suspended solids and pH. 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
 Learjet Inc.
 One Learjet Way
 Wichita, KS 67209
 Kansas Permit No. I-AR94-PO86 Federal Permit No. KS0094781
 Facility Name: Learjet Groundwater Remediation Project

Waterway
 Cowskin Creek via Drainage Ditch via Storm Sewer
Type of Discharge
 Groundwater Remediation

Facility Location: Wichita Mid-Continent Airport
 Facility Description: The proposed action is to reissue an existing permit for operation of an existing groundwater remediation project. This facility hydraulically controls the contamination plume by pumping and treating about 700 gpm of chlorinated hydrocarbon contaminated groundwater utilizing an existing well (Well ACW-1) located in the basement of the Wichita Airport Authority terminal building. The extracted groundwater is routed through a concrete storm sewer

inlet vault, a spray nozzle, storm sewer piping and an earthen drainage ditch to ultimately discharge into Cowskin Creek. The proposed permit contains limits for 1,1-dichloroethylene, cis-1,2 dichloroethylene, trichloroethylene and tetrachloroethylene. Monitoring of pH and flow also will be required as well as a one-time sample for 1,4-dioxane. 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
 Martin Marietta Aggregates
 11252 Aurora Ave.
 Des Moines, IA 50322
 Kansas Permit No. I-SH04-PO02 Federal Permit No. KS0001813
 Legal: S25, T12S, R4E, Geary County
 Facility Name: Kansas Fall - North Quarry

Waterway
 Smoky Hill River
Type of Discharge
 Process Wastewater & Stormwater Runoff

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 washing. Outfalls 001 and 003 consist of stormwater runoff. Outfall 002 consists of washwater treated by a settling pond prior to discharge. The proposed permit includes limits for total suspended solids and pH; monitoring for sulfates also will be required. The proposed permit also 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
 Martin Marietta Aggregates
 11252 Aurora Ave.
 Des Moines, IA 50322
 Kansas Permit No. I-SH04-PO07 Federal Permit No. KS0097756
 Legal: SW¹/₄, S10, T12S, R4E, Dickinson County
 Facility Name: Kansas Falls - South Quarry

Waterway
 Smoky Hill River via Unnamed Tributary
Type of Discharge
 Pit Dewatering & Stormwater Runoff

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. Outfall 001 consists of stormwater runoff only. If a discharge of pit water occurs, the permittee shall be required to sample for sulfates, once per quarter. The proposed permit also 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
 Martin Marietta Aggregates
 11252 Aurora Ave.
 Des Moines, IA 50322
 Kansas Permit No. I-LR17-PO02 Federal Permit No. KS0090891
 Legal: SE¹/₄, SW¹/₄, and SE¹/₄, S29, T10S, R5E, Geary County
 Facility Name: PS Quarry

Waterway
 Republican River via Milford Lake via Unnamed Tributary
Type of Discharge
 Pit Dewatering & Stormwater Runoff

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. Outfall 001 consists of pit dewatering and stormwater runoff. The proposed permit also 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
 N.R. Hamm Quarry, Inc.
 P.O. Box 17
 Perry, KS 66073
 Kansas Permit No. I-MC32-PO01 Federal Permit No. KS0085502

Waterway
 110 Mile Creek via Unnamed Tributary
Type of Discharge
 Treated Wastewater & Stormwater Runoff

Legal: W½, NE¼, SW¼, S16, T15S, R16E, Osage County

Facility Name: Gloss Quarry #6

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 washing. Outfall 001 consists of treated wastewater and stormwater runoff. The proposed permit includes limits for total suspended solids and pH. 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
Nelson Quarries, Inc. P.O. Box 130 LaHarpe, KS 66751	Marmaton River via Mill Creek via Unnamed Tributary	Process Wastewater & Stormwater Runoff

Kansas Permit No. I-MC11-PO09 Federal Permit No. KS0096458

Legal: SW¼, S16, and SE¼, S17, T25S, R24E, Bourbon County

Facility Name: Fort Scott Quarry

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 washing. All washwater is recycled on-site and does not discharge. Outfalls 001 and 002 consist of treated stormwater runoff from two stormwater retention ponds. 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
Nelson Quarries, Inc. P.O. Box 130 LaHarpe, KS 66751	Rock Creek via Unnamed Tributary	Pit Dewatering & Stormwater Runoff

Kansas Permit No. I-MC47-PO02 Federal Permit No. KS0086100

Legal: SW¼, S6, T19S, R17E, Coffey County

Facility Name: Waverly Quarry

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. Outfall 001 consists of pit dewatering and stormwater runoff. The proposed permit also 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
Riley, City of P.O. Box 314 Riley, KS 66531	Kansas River via Wildcat Creek	Treated Domestic Wastewater

Kansas Permit No. M-KS62-OO02 Federal Permit No. KS0093301

Legal: SE¼, NE¼, SW¼, S2, T9S, R5E, Riley County

Facility Description: The proposed action is to issue a new permit for operation of a new wastewater treatment facility treating primarily domestic wastewater. The proposed permit includes limits for biochemical oxygen demand, total suspended solids and fecal coliform. Monitoring of ammonia and pH also will be required. Contained in the permit is a schedule of compliance requiring the permittee to complete construction of new facility by December 31, 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.

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 at-

ention of April Romero 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 December 25 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-04-323/326, KS-04-244/257) 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. 031367

State of Kansas

University of Kansas

Notice to Bidders

Sealed bids for the items listed below will be received by The University of Kansas Purchasing Office, Lawrence, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 864-3416 or fax (785) 864-3454 for additional information:

December 16, 2004

IFB 05-240

Screen Printed and Embroidered Wearing Apparel
Barry Swanson
Director of Business Services

Doc. No. 031365

State of Kansas

Department of Health and Environment

Request for Comments

The Kansas Department of Health and Environment is proposing to issue a five-year permit to the following facilities pursuant to Title IV (Acid Deposition Control) of the Federal Clean Air Act and implementing regulations found at 40 CFR Parts 72 through 78. The effective date of the permits are from January 1, 2005 through December 31, 2009.

Each sulfur dioxide (SO₂) allowance authorizes the utility boiler to emit up to one ton of SO₂ during or after each of the years specified above. All facilities propose to comply with the Acid Rain Program emission requirements by holding enough allowances to cover all sulfur dioxide emissions. Issuance of this permit will not affect the responsibility of the facility to meet all other existing local, state and federal emission requirements.

All coal-fired units must comply with the Acid Rain Program nitrogen oxides (NOx) emission requirements by not exceeding the Phase I (if an early elect unit (*)) or a Phase I unit (^)) or Phase II emission limitation.

Facility: E. 12th Street
2801 E. 12th St.
Winfield, KS 67156

Owner/Operator: City of Winfield
200 E. 9th St.
Winfield, KS 67156

Designated Rep.: Doug Bliss
Unit ID: 4
SO2 Allowances: 10
NOx Limits: N/A
District Office: SCDO

Facility: Hutchinson Energy Center
3200 E. 30th St.
Hutchinson, KS 67502

Owner/Operator: Westar Energy
P.O. Box 889
Topeka, KS 66601

Designated Rep.: David R. Phelps
Units ID: 1, 2, 3, & 4
SO2 Allowances: 0, 0, 0, & 18

NOx Limits: N/A
District Office: SCDO

Facility: McPherson Power Plant #3
1486 17th Ave.
McPherson, KS 67460

Owner/Operator: McPherson Board of Public Utilities
400 E. Kansas
McPherson, KS 67460

Designated Rep.: Rick Anderson
Unit ID: 1
SO2 Allowances: 0
NOx Limits: N/A
District Office: NCDO

Facility: McPherson Power Plant #2
1128 W. Ave. A
McPherson, KS 67460

Owner/Operator: McPherson Board of Public Utilities
400 E. Kansas
McPherson, KS 67460

Designated Rep.: Rick Anderson
Unit ID: 1
SO2 Allowances: 1
NOx Limits: N/A
District Office: NCDO

Facility: Garden City Station
2075 W. St. John St.
Garden City, KS 67846

Owner/Operator: Sunflower Electric Power Corporation
P.O. Box 980
Hays, KS 67601

Designated Rep.: Wayne Penrod
Unit ID: S2
SO2 Allowances: 0
NOx Limits: N/A
District Office: SWDO

Facility: Holcomb Station
#1 Holcomb Lane
Holcomb, KS

Owner/Operator: Sunflower Electric Power Corporation
P.O. Box 980
Hays, KS 67601

Designated Rep.: Wayne Penrod
Unit ID: SGU1
SO2 Allowances: 4010
NOx Limits: 0.46 lb/mmBtu
District Office: SWDO

Facility: Judson Large Station
11453 Fort Dodge Road
Dodge City, KS

Owner/Operator: Aquila (Division of UtiliCorp United)
105 Victoria Ave.
Pueblo, CO 81002

Designated Rep.: Stephen Ferry
Unit ID: 4
SO2 Allowances: 39
NOx Limits: N/A
District Office: SWDO

Facility: Cimarron River Station
S23, T33S, R32W
Liberal, KS

Owner/Operator:	Aquila (Division of UtiliCorp United) 105 Victoria Ave. Pueblo, CO 81002	Designated Rep.:	Bradley P. Beecher
Designated Rep.:	Stephen Ferry	Units ID:	39 & 40
Unit ID:	1	SO2 Allowances:	1039 & 1763
SO2 Allowances:	12	NOx Limits:	0.50* & 0.45* lb/mmBtu
NOx Limits:	N/A	District Office:	SEDO
District Office:	SWDO		
Facility:	Arthur Mullergren Station Kansas Highway 96 at N.W. 50th Ave. Great Bend, KS	Facility:	LaCygne Generating Station Route 1, Box 60 LaCygne, KS
Owner/Operator:	Aquila (Division of UtiliCorp United) 105 Victoria Ave. Pueblo, CO 81002	Owner/Operator:	Kansas City Power & Light Company P.O. Box 418679 Kansas City, MO 64141
Designated Rep.:	Stephen Ferry	Designated Rep.:	Stephen Easley
Unit ID:	3	Units ID:	1 & 2
SO2 Allowances:	1	SO2 Allowances:	17941 & 15056
NOx Limits:	N/A	NOx Limits:	Averaging
District Office:	NWDO	District Office:	SEDO
Facility:	Kaw Power Station 2015 Kansas Ave. Kansas City, KS	Facility:	Coffeyville Municipal Light & Power 605 Santa Fe St. Coffeyville, KS 67337
Owner/Operator:	Kansas City, Kansas Board of Public Utilities 700 Minnesota Ave. Kansas City, KS 66101	Owner/Operator:	Coffeyville Municipal Light & Power P.O. Box 1629 Coffeyville, KS 67337
Designated Rep.:	Bernard A. Cevera	Designated Rep.:	Jeffrey L. Tullis
Units ID:	1, 2, & 3	Unit ID:	4
SO2 Allowances:	787, 619, & 516	SO2 Allowances:	11
NOx Limits:	N/A	NOx Limits:	N/A
Local Agency:	WCHD	District Office:	SEDO
Facility:	Quindaro Power Station 3601 N. 12th St. Kansas City, KS	Facility:	Neosho Energy Center S33, T31S, R21E Parsons, KS 67357
Owner/Operator:	Kansas City, Kansas Board of Public Utilities 700 Minnesota Ave. Kansas City, KS 66101	Owner/Operator:	Westar Energy P.O. Box 889 Topeka, KS 66601
Designated Rep.:	Bernard A. Cevera	Designated Rep.:	David R. Phelps
Units ID:	1 & 2	Unit ID:	7
SO2 Allowances:	2031 & 2078	SO2 Allowances:	13
NOx Limits:	N/A & 0.50^ lb/mmBtu	NOx Limits:	N/A
Local Agency:	WCHD	District Office:	SEDO
Facility:	Nearman Power Station 4240 N. 55th St. Kansas City, KS	Facility:	Lawrence Energy Center 1250 N. 1800 Road Lawrence, KS 66044
Owner/Operator:	Kansas City, Kansas Board of Public Utilities 700 Minnesota Ave. Kansas City, KS 66101	Owner/Operator:	Westar Energy P.O. Box 889 Topeka, KS 66601
Designated Rep.:	Bernard A. Cevera	Designated Rep.:	David R. Phelps
Unit ID:	N1 & CT4	Units ID:	3, 4, & 5
SO2 Allowances:	6928 & 0	SO2 Allowances:	2148, 1819, & 5376
NOx Limits:	0.50* lb/mmBtu & N/A	NOx Limits:	Averaging
Local Agency:	WCHD	District Office:	NEDO
Facility:	Riverton Power Station Highway 66 Riverton, KS	Facility:	Jeffrey Energy Center 25905 Jeffrey Road St. Marys, KS 66536
Owner/Operator:	Empire District Electric Company P.O. Box 127 Joplin, MO 64802	Owner/Operator:	Westar Energy P.O. Box 889 Topeka, KS 66601
		Designated Rep.:	David R. Phelps
		Units ID:	1, 2, & 3
		SO2 Allowances:	17108, 18080, & 20628
		NOx Limits:	Averaging
		District Office:	NEDO

(continued)

Facility: Tecumseh Energy Center
S31, T11S, R17E
Tecumseh, KS 66542

Owner/Operator: Westar Energy
P.O. Box 889
Topeka, KS 66601

Designated Rep.: David R. Phelps
Units ID: 9 & 10
SO₂ Allowances: 2256 & 3916
NO_x Limits: Averaging
Local Agency: SCHA

Facility: Gordon Evans Energy Center
6001 N. 151st St. West
Colwich, KS 67030

Owner/Operator: Westar Energy
P.O. Box 889
Topeka, KS 66601

Designated Rep.: David R. Phelps
Units ID: 1 & 2, E1CT, E2CT, E3CT
SO₂ Allowances: 64 & 25, 0, 0, 0
NO_x Limits: N/A
Local Agency: WSCDCH

Facility: Murray Gill Energy Center
6100 W. 55th St., South
Wichita, KS 67215

Owner/Operator: Westar Energy
P.O. Box 889
Topeka, KS 66601

Designated Rep.: David R. Phelps
Units ID: 1, 2, 3, & 4
SO₂ Allowances: 1, 5, 50, & 62
NO_x Limits: N/A
Local Agency: WSCDCH

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 public review during normal business hours at the KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, and at the district office or local agency listed for that source. Below is a listing of the district offices and local agencies and a contact person:

- South Central District Office (SCDO), 130 S. Market, 6th Floor, Wichita, KS 67202; Contact Person: Dave Butler, (316) 337-6020
- North Central District Office (NCDO), 2501 Market Place, Suite D, Salina, KS 67401; Contact Person: Rick Brunetti, (785) 827-9639
- Southwest District Office (SWDO), 302 W. McArtor Road, Dodge City, KS 67801; Contact Person: Wayne Neese, (316) 225-0596
- Northwest District Office (NWDO), 2301 E. 13th St., Hays, KS 67601; Contact Person: Rick Robinson, (785) 625-5663
- Wyandotte County Health Department (WCHD), 619 Ann Ave., Kansas City, KS 66101; Contact Person: Bruce Andersen, (913) 573-6700
- Southeast District Office (SEDO), 1500 W. 7th, Chanute, KS 66720; Contact Person: Lynn Ranabargar, (316) 431-2390
- Northeast District Office (NEDO), 800 W. 24th St., Lawrence, KS 66046; Contact Person: Pat Simpson, (785) 842-4600

- Shawnee County Health Agency (SCHA), 1615 W. 8th, Topeka, KS 66601; Contact Person: Shane Burnett, (785) 223-8200
- Wichita-Sedgwick County Department of Community Health (WSCDCH), 1900 E. 9th St., Wichita, KS 67214; Contact Person: John Stark, (316) 268-8449

To obtain or review the proposed permit and supporting documentation, contact Rick Bolfing, (785) 296-1576, at the KDHE central office, or the appropriate district office or local agency personnel. The standard departmental cost will be assessed for any copies requested.

Direct written comments or questions regarding the proposed permit to Rick Bolfing, KDHE, Bureau of Air and Radiation, 1000 S.W. Jackson, Suite 310, Topeka, 66612. Written comments must be received before the close of business December 20 in order to be considered in formulating a final permit decision.

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 Brie Wilkins, Bureau of Air and Radiation, not later than the close of business December 20 in order for the Secretary of Health and Environment to consider the request.

Roderick Bremby
Secretary of Health
and Environment

Doc. No. 031364

State of Kansas

Department of Agriculture Division of Water Resources

Permanent Administrative Regulations

Article 22.—EQUUS BEDS GROUNDWATER MANAGEMENT DISTRICT NO. 2

5-22-6. Noncompliance; penalties; appeal procedures. (a) Any person may file with the board a written or verbal complaint that someone is allegedly violating any regulation of the district, any provision of the Kansas water appropriation act, or a term, condition, or limitation of an approval of application or a water right.

(b) The alleged violation shall be investigated by the district staff.

(c) A written report of the investigation shall be prepared by the district staff.

(d) If the investigation determines that a violation of a regulation of the district has occurred, an order shall be issued by the board or its designee. The order shall specify the following:

- (1) What the violation of the regulation is;
- (2) what actions are necessary to correct the violation;
- (3) what a reasonable time is for correcting the violation. Extensions of time to correct a violation may be granted by the board if good cause is shown by the violator or owner;
- (4) that the order will become effective immediately; and

(5) that a hearing may be requested within 15 days of the issuance of the order. The request for a hearing may include a request for a stay of the order. If the person shows good cause why a stay should be granted, a stay may be granted by the board.

(e) The owner or owners of the approval of application or water right, as shown in the records of the district, shall initially be notified of the violation verbally, in writing, or by other means. Regardless of the means of initial notification, a copy of the order shall also be served by delivering a copy of the order in person or by restricted mail.

(f) The record of the complaint, the investigation, and the notice of violation shall be made a part of the official records of the district.

(g) If the violation is corrected by the deadline specified by the board, the violator shall notify the district staff. An inspection shall be conducted by the district staff to determine if the violation has been corrected. If the violation has been corrected, the diversion of water may continue within the terms, conditions, and limitations of the approval of application or water right.

(h) If the violation is not corrected by the deadline specified by the board, an order requiring that unauthorized or illegal diversion of water cease until the violation is corrected shall be issued by the district.

(i) If the violator ceases diversion of water and then corrects the violation, the violator shall notify the district when the violation is corrected. The diversion works and the authorized place of use, as appropriate, shall be inspected by the district staff to determine whether the violation has been corrected. If the board determines that the violation has been corrected, the order prohibiting the diversion of water shall be rescinded by the board. When the owner or violator receives notice from the district that the order prohibiting the diversion of water has been rescinded, the diversion of water may recommence.

(j) If the violator performs any act described in subsection (a), any of the following actions may be taken by the board:

(1) If applicable, bring an injunctive action to enforce the order of the district;

(2) if applicable, request enforcement assistance from the chief engineer;

(3) if applicable, request that criminal proceedings be brought pursuant to K.S.A. 82a-728, and amendments thereto;

(4) if applicable, request that the county attorney or district attorney initiate injunctive remedies pursuant to K.S.A. 68-184, and amendments thereto, to prevent the occurrence of a nuisance;

(5) enter into a consent order with the violator specifying the remedial actions that shall be taken by the violator;

(6) require the installation of a water flowmeter;

(7) take any other legally permissible enforcement action; or

(8) any combination of the actions specified in paragraphs (j)(1) through (7).

(k) After the violator has been issued an order as specified in subsection (d), the violator, or anyone whose legal rights, duties, privileges, immunities, or other legal inter-

ests could be affected by the order, may appeal the order to the board. The appeal shall be filed within 15 days of the issuance of the order.

(l) The appeal petition shall state the basis for the appeal and shall be accompanied by documentation supporting the appeal.

(m) During the appeal, any relevant information or data may be considered by the board, including relevant data and information submitted by any person whose legal rights, duties, privileges, immunities, or other legal interests could be affected by the order.

(n) After consideration of the appeal, one of the following actions shall be taken by the board:

(1) Remand the matter to the district staff with instructions for additional investigation; or

(2) notify the violator and the chief engineer of the board's final decision. The violator and all other parties shall be notified of the board's decision by certified mail.

(o)(1) Within 15 days after the service of the board's decision on the violator and any other affected party, the violator or any other affected party may file with the board a written request for reconsideration, which shall state the specific grounds for the request for reconsideration. The petition for reconsideration shall be deemed denied if not acted on by the board within 30 days.

(2) If the request for reconsideration is granted by the board, an administrative hearing shall be held by the board within 30 days of the date on which the request is filed with the board. After the hearing, the board may affirm, reverse all or part of, or modify the order of the board. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2003 Supp. 82a-1028; effective May 1, 1980; amended Dec. 10, 2004.)

5-22-10. Aquifer storage and recovery system: data reporting requirements. (a) Each person operating an aquifer storage and recovery system of which all or part of is within the boundaries of the district shall file an annual report with the district no later than June 1 for the previous calendar year. The report shall contain the water balance in the basin storage area and, in addition to the information required by K.A.R. 5-12-2, information about the following, as specified:

(1) Source water:

(A) The type;

(B) the quantity of water available;

(C) the quantity of water surface water and bank storage water diverted;

(D) the basin storage loss; and

(E) the chemical, physical, radiological, and biological quality for each type of source water diverted;

(2) aquifer storage:

(A) The artificial recharge techniques used;

(B) the quantity of source water recharged by each technique used;

(C) the total quantity of source water stored in the basin storage area; and

(D) the chemical, physical, radiological, and biological quality for each type of water stored;

(3) recovery of stored water:

(A) A monthly and annual summary of recharge credits withdrawn from each recovery well; and

(continued)

(B) the chemical, physical, radiological, and biological quality of the water recovered; and

(4) hydrologic conditions:

(A) The quarterly index water levels;

(B) the key groundwater quality parameters;

(C) the monthly and annual precipitation quantities;

(D) the annual groundwater withdrawals from all wells except domestic wells;

(E) the annual streamflow, including baseflows and above-baseflow stage;

(F) a summary of the conjunctive use amounts; and

(G) the water supply and demand forecast for the next three years.

(b) The operator of the aquifer storage and recovery system shall furnish the district with whatever analyses, data, and other supporting documentation are necessary to understand and verify the report.

(c) The board shall review the report and submit its findings and recommendations to the chief engineer regarding the report no later than September 1 of the calendar year in which the report is required to be filed. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2003 Supp. 82a-1028; effective Dec. 10, 2004.)

5-22-13. Potential net evaporation. (a) The map titled "annual potential net evaporation in inches for Equus Beds groundwater management district no. 2 (annual average evaporation minus annual normal precipitation)," prepared by the district and dated June 11, 2002, is hereby adopted by reference for the purpose of determining potential net evaporation from a free-water surface within the district.

(b) The values on the map shall be used in all situations in which the determination of potential net evaporation from a free-water surface is necessary, including the following:

(1) Computing the annual amount of evaporation that will be caused by exposing the groundwater table;

(2) calculating the quantity of surface water that is reasonably expected to be replaced with groundwater pumped under an approval of application or water right;

(3) calculating the average annual evaporation from groundwater that will be used to determine annual water use; and

(4) determining the maximum annual quantity of water that is perfected pursuant to K.S.A. 82a-714, and amendments thereto.

(c) The values shown on the map shall be used unless the applicant provides, or the chief engineer or the district has available, better or more site-specific data concerning potential net evaporation. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2003 Supp. 82a-1028; effective Dec. 10, 2004.)

5-22-14. Maximum reasonable quantity for beneficial use. (a) The maximum annual quantity of water deemed reasonable for irrigation use shall be the following:

(1) 1.3 acre-feet per acre in Harvey, McPherson, and Sedgwick counties; and

(2) 1.4 acre-feet per acre in Reno county.

(b) The following quantities shall be used to determine the maximum annual quantity of water deemed reasonable for nondomestic livestock and poultry use:

Livestock or poultry	Drinking water (gallons per day)	Units
Cattle, beef	15	per head
Cattle, dairy	35	per head
Swine finishing	5	per head
nursery	1	
sow and litter	8	
gestating sow	6	
Sheep	2	per head
Horses	12	per head
Poultry chickens	9	100 layers 100 turkeys
turkeys	30	
Calves (750 pounds or less)	10	per head
Goats	9	per head

(c) The maximum reasonable quantity of water that may be approved for nondomestic livestock and poultry use for applications approved on or after the effective date of this regulation shall be limited as specified in subsection (b), unless the applicant demonstrates with adequate supporting information that the quantity of water and rate of diversion requested meet the following conditions:

(1) Are reasonable for the intended use;

(2) are not wasteful; and

(3) will not otherwise prejudicially and unreasonably affect the public interest.

(d) For all other types of nondomestic livestock, poultry, birds, and animals, the maximum quantity of water approved for beneficial use shall be reasonable. The applicant shall justify the quantity of water requested with information on peer water use, the historical measured usage, a professional recommendation, or any other relevant information.

(e) Each applicant who seeks to appropriate water for industrial use shall submit information to demonstrate that the annual quantity of water requested is reasonable for that particular type of industrial use. The information submitted shall include the quantity of water reasonable for that type of industrial use based on current industry standards and a use of technology that is economically and technically feasible for that industry at that location.

(f) Unless the applicant demonstrates a projected deviation from actual population trends, a reasonable annual quantity of water for municipal use shall not exceed the lesser of either of the following:

(1) 200 gallons per capita per day; or

(2) 110 percent of the last three years' average per capita per day usage, excluding industries that use over 200,000 gallons per year, times 365 days per year, times the projected population for the twentieth year after the application is filed, plus reasonable projected water use for industries that use over 200,000 gallons per year. Population projections shall be made using one of the following:

(A) Accepted statistical methods using historic population trends for the applicant; or

(B) data from the U.S. census bureau, Kansas water office population projections, or the Kansas census bureau.

Projected deviations from historic population trends shall be justified by the applicant.

(g) The maximum annual quantity of water deemed reasonable to be provided from a well to a pond, lake, or reservoir that does not expose the current or historical water table shall be calculated using the formula $Q_c = [(E+S)/12] \times A_{sw} + F$ where:

(1) Q_c is the maximum quantity of water use in acre-feet;

(2) E is the potential net evaporation in inches per year;

(3) S is the seepage loss based on soil and subsoil in inches per year;

(4) A_{sw} is the surface area of the pond in acres as measured at the elevation of the lowest uncontrolled spillway; and

(5) F is the quantity of water in acre-feet necessary to fill the pond initially.

(h) The maximum annual quantity of water deemed reasonable to replace the evaporation from a groundwater pit shall be calculated using the formula $Q_c = (E/12) \times A_{wt}$ where:

(1) Q_c is the maximum annual quantity of evaporation of groundwater from the pit in acre-feet;

(2) E is the potential net evaporation in inches per year; and

(3) A_{wt} is the area of the water table exposed in the groundwater pit expressed in acres. (Authorized by and implementing K.S.A. 82a-706a and K.S.A. 2003 Supp. 82a-1028; effective Dec. 10, 2004.)

5-22-15. Limitations on the use of fresh groundwater. (a) Fresh groundwater shall not be used for any of the following purposes, unless the applicant demonstrates before approval of the application that the use of other waters is not technologically or economically feasible:

(1) The enhanced recovery of oil or gas;

(2) solution mining;

(3) the construction of storage caverns in subsurface salt deposits;

(4) the displacement and extraction of hydrocarbons from subsurface storage;

(5) any use that is not a beneficial use, as defined in K.A.R. 5-1-1; and

(6) any use that is not in the public interest.

(b) "Other waters" shall include the following:

(1) Water having a chloride content of more than 500 milligrams per liter (mg/l);

(2) water that is otherwise contaminated so that it is not drinkable;

(3) renewable surface water; and

(4) water that is being reclaimed, recycled, or reused. (Authorized by K.S.A. 82a-706a and K.S.A. 2003 Supp. 82a-1028; implementing K.S.A. 82a-706a, K.S.A. 2003 Supp. 82a-711, and K.S.A. 2003 Supp. 82a-1028; effective Dec. 10, 2004.)

Adrian J. Polansky
Secretary of Agriculture

Doc. No. 031356

State of Kansas

Social and Rehabilitation Services

Permanent Administrative Regulations

Article 5.—PROVIDER PARTICIPATION, SCOPE OF SERVICES, AND REIMBURSEMENTS FOR THE MEDICAID (MEDICAL ASSISTANCE) PROGRAM

30-5-59. Provider participation requirements. The following shall be prerequisites for participation in and payment from the medicaid/medikan program. Any provider of services to foster care consumers, adoption support consumers, Kan Be Healthy consumers, or other consumers who have special needs may be excluded from these prerequisites if the secretary determines that a medically necessary item of durable medical equipment or a medically necessary service can be cost-efficiently obtained only from a provider not otherwise eligible to be enrolled within the current program guidelines. (a) Enrollment. Each participating provider shall perform the following:

(1) Submit an application for participation in the medicaid/medikan program on forms prescribed by the secretary of the Kansas department of social and rehabilitation services;

(2) obtain and maintain professional or department-specified credentials determined by the secretary in the jurisdiction where the service is provided and for the time period when the service is provided and, if applicable, be certified, licensed, or registered by the appropriate professional credentialing authority;

(3) notify the Kansas department of social and rehabilitation services if any of the original information provided on the application changes during the term of participation in the medicaid/medikan program;

(4) after completing the necessary application forms and receiving notice of approval to participate from the department, enter into and keep a provider agreement with the Kansas department of social and rehabilitation services;

(5) notify the Kansas department of social and rehabilitation services when a change of provider ownership occurs, submit new ownership information on forms for application for participation in the medicaid/medikan program, and receive approval from the department for participation as a new provider before reimbursement for services rendered to medicaid/medikan program consumers is made;

(6) locate a consumer service representative who is available 24 hours per day and a business in Kansas or a border city that is accessible, in accordance with the applicable Americans with disabilities act guidelines, to the general public between the hours of 9:00 a.m. and 5:00 p.m. at a minimum, excluding weekends and state and federal holidays, if applying to be a durable medical equipment or medical supply provider. Any pharmacy located in Kansas or a border city that has a medical provider number may enroll as a durable medical equipment provider even if no storefront is present; and

(continued)

(7) be located in Kansas or a border city if applying to be a pharmacy, unless the pharmacy is providing services to children in the custody of the secretary of the Kansas department of social and rehabilitation services or to program consumers in emergency situations. The only exceptions to this requirement shall be the following:

(A) A pharmacy that is an approved contractor with the Kansas department of health and environment as a supplier of intravenous blood fraction products. This exception shall apply only to reimbursement for the intravenous blood fraction products; and

(B) a mail order pharmacy that serves medicaid consumers with a primary payor other than medicaid.

(b) Denial of application. If an application for participation in the medicaid/medikan program is denied, the applicant shall be notified in writing by the department.

(c) Continuing participation. Each participating provider shall perform the following:

(1) Comply with applicable state and federal laws, regulations, or other program requirements;

(2) comply with the terms of the provider agreement;

(3) submit accurate claims or cost reports;

(4) submit claims only for covered services provided to consumers;

(5) engage in ethical and professional conduct;

(6) provide goods, services, or supplies that meet professionally recognized standards of quality;

(7) submit a new application for participation in the medicaid/medikan program if a claim has been submitted for payment and if at least 18 months have elapsed since a previous claim for payment was submitted; and

(8) refund any overpayment to the program within a period of time specified by the secretary or lose eligibility to participate.

(d) Recordkeeping. Each participating provider shall perform the following:

(1) Maintain and furnish within the time frame specified in a request any information for five years from the date of service that the Kansas department of social and rehabilitation services, its designee, or any other governmental agency acting in its official capacity may request to ensure proper payment by the medicaid/medikan program, to substantiate claims for medicaid/medikan program payments, and to complete determinations of medicaid/medikan program overpayments. This information shall include the following:

(A) Fiscal, medical, and other recordkeeping systems;

(B) matters of the provider's ownership, organization, and operation, including documentation as to whether transactions occurred between related parties;

(C) documentation of asset acquisition, lease, sale, or other action;

(D) franchise or management arrangements;

(E) matters pertaining to costs of operation;

(F) amounts of income received, by source and purpose; and

(G) a statement of changes in financial position;

(2) use standardized definitions, accounting, statistics, and reporting practices that are widely accepted in the provider's field;

(3) permit the Kansas department of social and rehabilitation services, its designee, or any other governmental agency acting in its official capacity to examine any records and documents that are necessary to ascertain information pertinent to the determination of the proper amount of a payment due from the medicaid/medikan program; and

(4) agree to repay overpayment determinations resulting from the use of sampling techniques.

(e) Payment. Each participating provider shall meet the following conditions:

(1) Accept as payment in full, subject to audit when applicable, the amount paid by the medicaid/medikan program for covered services;

(2) not assign medicaid/medikan program claims or grant a power of attorney over or otherwise transfer right to payment for these claims except as set forth in 42 CFR 447.10, revised July 24, 1996, which is adopted by reference;

(3) not charge medicaid/medikan program consumers for services denied for payment by the medicaid/medikan program because the provider has failed to meet a program requirement including prior authorization;

(4) not charge any medicaid/medikan program consumer for noncovered services unless the provider has informed the consumer, in advance and in writing, that the consumer is responsible for noncovered services;

(5) not charge medicaid/medikan program consumers for services covered by the program, with the exception of claims liable to spenddown or copayment;

(6) submit claims for payment on claim forms approved and prescribed by the secretary; and

(7) be subject to the payment limitations specified in K.A.R. 30-5-70.

(f) Provider participation in the medicaid/medikan program may be disallowed for any of the reasons set forth in K.A.R. 30-5-60. (Authorized by and implementing K.S.A. 39-708c; effective May 1, 1981; amended May 1, 1985; amended May 1, 1986; amended May 1, 1988; amended July 1, 1989; amended Oct. 1, 1989; amended, T-30-12-28-89, Jan. 1, 1990; amended, T-30-2-28-90, Feb. 28, 1990; amended Aug. 1, 1990; amended Jan. 7, 1991; amended May 1, 1992; amended May 3, 1993; amended Dec. 30, 1994; amended April 1, 1995; amended Oct. 1, 2000; amended Jan. 1, 2004; amended Dec. 10, 2004.)

Gary Daniels
Acting Secretary of Social
and Rehabilitation Services

Doc. No. 031357

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 2003 Volumes and 2004 Supplement of the *Kansas Administrative Regulations*.

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1-45-19	Amended	V. 23, p. 1044
1-45-20	Amended (T)	V. 23, p. 424
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1-45-24	Amended (T)	V. 23, p. 425
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100-54-4	Amended	V. 23, p. 1042
100-55-4	Amended (T)	V. 23, p. 383
100-55-4	Amended	V. 23, p. 1042
100-69-5	Amended	V. 23, p. 1558
100-72-9	New	V. 23, p. 1558

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-2-8	Amended	V. 23, p. 1137
102-3-7a	Amended	V. 23, p. 1139
102-4-3a	Amended	V. 23, p. 1141
102-4-4a	Amended	V. 23, p. 1143
102-4-7a	Amended	V. 23, p. 1144
102-5-4a	Amended	V. 23, p. 1145
102-5-7a	Amended	V. 23, p. 1147

AGENCY 108: STATE EMPLOYEES HEALTH CARE COMMISSION

Reg. No.	Action	Register
108-1-1	Amended	V. 23, p. 1189
108-1-4	Amended	V. 23, p. 823

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-3-2	New	V. 23, p. 202

AGENCY 110: DEPARTMENT OF COMMERCE

Reg. No.	Action	Register
110-8-1 through 110-8-6	Revoked	V. 23, p. 1595
110-8-8 through 110-8-11	Revoked	V. 23, p. 1595
110-10-1	New	V. 23, p. 180

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. A list of regulations filed by the Kansas Lottery from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 Kansas Register. The following regulations were filed after January 1, 2004:

Reg. No.	Action	Register
111-2-151 through 111-2-156	New	V. 23, p. 95, 96
111-2-154	Amended	V. 23, p. 261
111-2-155	Amended	V. 23, p. 262
111-2-156	Amended	V. 23, p. 262
111-2-157	New	V. 23, p. 262
111-2-158	New	V. 23, p. 459
111-2-159	New	V. 23, p. 901
111-3-13	Amended	V. 23, p. 1433
111-3-22	Amended	V. 23, p. 97
111-4-881	Amended	V. 23, p. 97
111-4-1448	Amended	V. 23, p. 98
111-4-2052	Amended	V. 23, p. 262
111-4-2055	Amended	V. 23, p. 263
111-4-2057	Amended	V. 23, p. 263
111-4-2074	Amended	V. 23, p. 98
111-4-2093	Amended	V. 23, p. 309
111-4-2094	New	V. 23, p. 100
111-4-2095 through 111-4-2115	New	V. 23, p. 264-275
111-4-2097	Amended	V. 23, p. 310
111-4-2098	Amended	V. 23, p. 310
111-4-2116 through 111-4-2125	New	V. 23, p. 311-318
111-4-2126 through 111-4-2146	New	V. 23, p. 459-471
111-4-2147 through 111-4-2160	New	V. 23, p. 901-909
111-4-2161 through 111-4-2173	New	V. 23, p. 1025-1033
111-4-2174	New	V. 23, p. 1074
111-4-2175	New	V. 23, p. 1075
111-4-2176	New	V. 23, p. 1076
111-4-2177 through 111-4-2180	New	V. 23, p. 1169-1171

111-4-2181		
through		
111-4-2185	New	V. 23, p. 1343-1346
111-4-2186		
through		
111-4-2195	New	V. 23, p. 1434-1438
111-5-96	Amended	V. 23, p. 101
111-5-111		
through		
111-5-115	New	V. 23, p. 245, 246
111-5-113	Amended	V. 23, p. 472
111-5-114	Amended	V. 23, p. 472
111-6-1	Amended	V. 23, p. 1439
111-6-7	Amended	V. 23, p. 1440
111-7-188		
through		
111-7-192	New	V. 23, p. 319, 320
111-7-190	Amended	V. 23, p. 473
111-7-192	Amended	V. 23, p. 473
111-9-122	New	V. 23, p. 910
111-9-123	New	V. 23, p. 910

111-1-1		
through		
111-11-11	New	V. 23, p. 911-914
111-11-1	Amended	V. 23, p. 1077
111-12-1	New	V. 23, p. 914

AGENCY 112: RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-10-3	Amended	V. 23, p. 93
112-10-5	Amended	V. 23, p. 1073
112-10-6	Amended	V. 23, p. 1073
112-10-6a	New	V. 23, p. 1074
112-10-13	New	V. 23, p. 495
112-13-2	Amended	V. 23, p. 94

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-2	Amended	V. 23, p. 1581
115-2-3	Amended	V. 23, p. 1581

115-2-3a	New	V. 23, p. 1582
115-3-2	Amended	V. 23, p. 1043
115-4-14	New	V. 23, p. 1583
115-7-1	Amended	V. 23, p. 1584
115-18-10	Amended	V. 23, p. 1043
115-18-14	Amended	V. 23, p. 1585

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-2-2	Amended	V. 23, p. 1407
117-3-2	Amended	V. 23, p. 1408
117-4-2	Amended	V. 23, p. 1408
117-8-1	Amended	V. 23, p. 337
117-9-1	Amended	V. 23, p. 150

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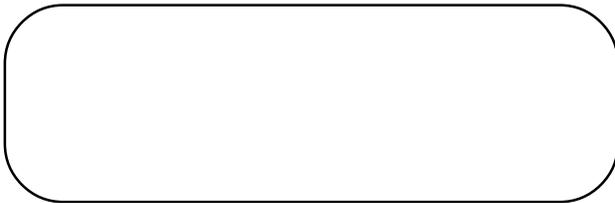
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