

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**WYATT AARON TRAVNICHEK,**

**Defendant.**

**Case No. 21-40029-TC**

**GOVERNMENT SENTENCING MEMORANDUM**

The United States of America submits this memorandum in support of a sentence of 12 months plus one day. Such a sentence is sufficient, but not greater than necessary, to satisfy the sentencing goals of 18 U.S.C. § 3553.

**Background**

Ellsworth County Rural Water District 1, located in Ellsworth County, Kansas and doing business as Post Rock Rural Water District (Post Rock), was a drinking water treatment facility that treated surface water from the Kanopolis Lake. Post Rock had approximately 1,500 metered connections and served approximately 10,000 people.

Upon entering the facility, employees of Post Rock were greeted with a sign that tampering with the water treatment facility was a federal crime.

Post Rock employees monitored the water treatment plant after hours. To log in remotely, the on-duty employee/operator used a shared login to a program called GoToMyPC. Once logged into GoToMyPC, each on-duty operator used a single-digit passcode to login to WonderWare, the software used to operate Post Rock's computer system.

The defendant, Wyatt Travnichек, was employed by Post Rock from approximately January 2018, until his resignation in January 2019. As part of his job responsibilities, the defendant periodically acted as the on-duty operator tasked with remote monitoring of the Post Rock plant after hours. According to the defendant's father, former Plant Manager of Post Rock, the defendant was one of the best plant operators.

On March 27, 2019, at approximately 9:00 p.m., the defendant used the on-duty operator's access to remotely log into Post Rock's computer. The defendant shut down the water treatment facility. At approximately 10:15 p.m., the on-duty operator drove to the facility and physically logged into the computer. Upon doing so, the on-duty operator noted that the facility remained shut down and that one of the plant's filters, Filter 1, had also been turned off. The on-duty operator also noticed several other changes had been made, including controls being changed from "remote" to "local" and "auto" to "stop" at various other pump stations.

Investigators reviewed Post Rock's computer remote logins for March 27, 2019 and eventually identified the defendant as the intruder. However, when interviewed about the events of March 27, 2019, the defendant said he was so intoxicated that he did not remember anything about that night.

In addition, investigators discovered evidence that subsequent to his resignation in January 2019, the defendant became angry with Post Rock management. On March 25, 2019, two days before the event, the defendant sent a text message to his father, Joseph Travnichек, complaining about his retirement plan because he will incur a 25% penalty if he tries to roll over the plan to a new job. That same date, the defendant sent a Facebook message to his girlfriend about his retirement plan and used a derogatory term for Post Rock management.

Also on the evening of the event, the defendant used a messaging app to contact another Post Rock employee. The defendant asked who was on call and learned the name of the on-duty operator.

**Sentence the Court should impose**

The Presentence Investigation Report (PSI, Doc. 24) calculates the defendant's advisory guideline at level 23, criminal history I, with a guideline range of 46 to 57 months. Neither party objected to the guideline calculation, so the Court should find the guideline range accurate. As to the sentence to be imposed, a sentence not to exceed 12 months and one day satisfies the § 3553 factors.

**The nature and circumstances of the offense; history and characteristics of the defendant**

Public water systems are critical infrastructure. Ensuring safe drinking water is a national enforcement initiative for the United States Environmental Protection Agency (EPA).

Criminal enforcement of drinking water laws is a central component of EPA's strategy in protecting human health. In making drinking water noncompliance an enforcement initiative, EPA is affirming the vital role safe drinking water plays in our nation.

The defendant is not what anyone would classify as a terrorist. However, disabling or attacking a drinking water system can be disastrous to a community. The defendant's offense conduct could have had serious consequences to human health had the event not been timely detected.

Further, the defendant's conduct was not merely an impulsive act. The defendant resigned from Post Rock in January 2019, due to his hours being reduced. Two days before the event, the defendant expressed to his father and his girlfriend that he was unhappy with the

situation related to his retirement benefits.

**The need for the sentence to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment**

As noted above, the defendant's offense was serious, with potentially harmful effects on individuals and businesses relying on water from Post Rock. Although the guidelines suggest a higher sentence, 12 months plus one day is sufficient to promote respect for the law and provide just punishment.

**The need for the sentence to afford adequate deterrence and protect the public from further crimes of the defendant**

Prior to his guilty plea in this case, the defendant had no criminal history, so it is likely he will not commit further crimes. However, to provide adequate deterrence, the defendant's sentence should include a term of incarceration.

**CONCLUSION**

For the reasons set forth above, the Court should impose a sentence of 12 months plus one day. Such a sentence is sufficient, but not greater than necessary, to satisfy the § 3553 factors.

Respectfully submitted,

DUSTON J. SLINKARD  
United States Attorney

s/Christine E. Kenney  
CHRISTINE E. KENNEY #13542  
Assistant United States Attorney  
444 S.E. Quincy, Room 290  
Topeka, KS 66683  
(785) 295-2850

**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2022, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel of record.

*s/ Christine E. Kenney*  
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Christine E. Kenney, #13542  
Assistant United States Attorney  
444 S.E. Quincy, Suite 290  
Topeka, KS 66683  
(785) 295-2850  
christine.kenney@usdoj.gov