

Kansas Department of Agriculture
Division of Water Resources
APPROVAL OF NEW APPLICATION WORKSHEET

1. File No.: 40336		2. Status Change Date: 4/1/2025		4. Field Office: 04 - Garden City GMD: Structures File No.: Filing/Priority Date: 6/5/1991	
3. Associated File No(s): WSI NOS. DLE-0086, DLE-0087, DLE-0088, DLE-0089 AND DLE-0092					
5a. <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change CLAYTON &TRULA DAVIS 255 COUNTY RD 50 DIGHTON KS 67839		Person ID 35519 Add Seq#		5b. <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> WUC <input type="checkbox"/> Address Change KAYMAC PROPERTIES LLC 325 S MAIN ST SCOTT CITY KS 67871	
5c. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change KLA ENVIRONMENTAL SERVICES INC 1700 E IRON AVE SALINA KS 67401		Person ID 70004 Add Seq#		5d. <input type="checkbox"/> Owner <input type="checkbox"/> WUC <input type="checkbox"/> Address Change Person ID Add Seq#	
6. Change No.: <input type="checkbox"/> PD <input type="checkbox"/> PU <input type="checkbox"/> UMW Base Acres: Year: Min Reasonable Q: Previous UMW: MDS Gauge: Active Admin? <input type="checkbox"/> Completion Date: 12/31/2026 Perfection Date: 12/31/2030				7. Use of Water <input type="checkbox"/> Groundwater <input checked="" type="checkbox"/> Surface Water UMW: REC-Recreational UMW: UMW:	
8. Action Trail					
9. Special Conditions					
10. 5YR Allocation Type: Start Year: 5YR Quantity: Base Acres: Comment:					
11. Sand & Gravel Proj ID: <input type="checkbox"/> Active <input type="checkbox"/> Dredge <input type="checkbox"/> IND Evap <input type="checkbox"/> Jr Evap <input type="checkbox"/> Other Diversion <input type="checkbox"/> Rpt on Sr					
12. Waiver Rule ID: <input type="checkbox"/> New Date Requested: Applies: Rule No.: Rule Type: Justification: Rule SubType:					
Comments				Processed kab 3/26/25	
				Reviewed KAK 3/28/2025	
Entered 4/2/2025 KAnderson					

File No. 40336	13. County: Lane Basin: Smoky Hill River Stream: Various - See modified application for correct stream names.																	
Structures File No:	Aquifer Code:										Special Use Area:							

14. Points of Diversion, Rates & Quantities
 (Rate of NF and Quantity of 1227 AF stored by Right.)

	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Qty AF		Rate gpm		Storage Qty AF		Storage Rate	
										Auth	Add	Auth	Add	Auth	Add	Auth/Add	Overlaps
MOD	50545	SE SE SW	2	16S	28W		470	3000	MOE CURLEY (DLE-0092)	15A	1364			1227	1227	NF	
ENT	91615	SW SE SW	2	16S	28W		100	3650	ROYAL (DLE-0086)	Trib 15	1363						
ENT	91616	NW NW NE	11	16S	28W		5180	2280	FINGERS (DLE-0087)	15A							
ENT	91617	NE SE NW	11	16	28W		3840	3040	DAVIS (DLE-0088)	15B	1365						
ENT	91618	NW SE SW	11	16	28W		1280	3320	CATS MEOW (DLE-0089)	15C	1366						

15. Limitations **NEW** Type: Quantity: **AF** Rate: **gpm** combined with file no(s):
 NEW Type: Quantity: **AF** Rate: **gpm** combined with file no(s):

16. Metering ☐ Metering Required ☐ Anti-Reverse Required ☐ Seal Required Compliance Date:

17. Place of Use	NE¼				NW¼				SW¼				SE¼				Total	Owner(s)	Chg?	Overlaps
PUSE S T R ID	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
MOD 39783 2 16S 28W 1	Reservoirs (S½ SW¼)																			<input type="checkbox"/>
MOD 33 11 16S 28W 1	Reservoirs (NE¼ (NW¼) and (SW¼)																			<input type="checkbox"/>
DEL 31789 14 16S 28W 1	N2																			

18. Point of Diversion and Place of Use Overlaps * + # ^	** ++ ## ^^
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MEMORANDUM TO FILE

Division of Water Resources, Water Appropriation Program

Date: March 26, 2025
From: Kristen Baum, Environmental Scientist
Re: New Application File No. 40,336 – Kaymac Properties (aka Cathouse Recreation)

Summary

This application will bring into compliance a series of five existing recreational ponds located in Lane County that were previously known collectively as Cathouse Recreation. The appropriation application was originally filed in 1991 and was returned to the applicant in 1996 with a request for additional information. The application was returned within the time allowed but couldn't be further processed due to ongoing Structures permitting issues. In 2022, the property changed hands, and the new owners hired engineers to assist in bringing the property into compliance. A review of the file found that numerous requests for extensions of time have been granted by DWR over time and there was no conclusive evidence that the 1991 priority was ever formally forfeited.

Reasonable Rate and Quantity

Surface areas for the five structures were estimated using the best available information on file with Structures. Most were determined based on a DWR analysis of LIDAR data, using elevations near what KLAES design reports indicated were the crests of the service spillways.

DLE-0086 (Royal)	= 71.2 ac, DWR review of LIDAR, SA at 2527.5 ft elevation	1,150.71AF capacity
DLE-0087 (Fingers)	= 11.7 ac, DWR review of LIDAR, SA at 2534 ft elevation	100.23AF capacity
DLE-0088 (Davis)	= 12.9 ac, DWR review of LIDAR, SA at 2537.5 ft elevation	148.98AF capacity
DLE-0089 (Cats Meow)	= 18.5 ac, KLAES revised area capacity table, surveyed ASW crest	124.93AF capacity
DLE-0092 (Moe Curley)	= 2.6 ac, DWR review of LIDAR, SA at 2506 ft elevation	11.25AF capacity
Total surface area = 116.9 acres		Total capacity = 1,536.1 AF

Net evaporation for this area is 42 inches, resulting in a total of 409.15 acre-feet of evaporation per year. K.A.R. 5-6-5 allows the storage of up to a 3-year supply if the reservoirs have the capacity to hold it. Thus, a maximum quantity of 1,227 AF can be appropriated, which is 3 years of evaporation.

Source of Supply and Safe Yield

The drainage area for these reservoirs comprises 11.6 square miles. At 22 inches of annual precipitation and a soil cover complex number of 74, the amount of potential annual runoff as determined by K.A.R. 5-6-4 is 1,230 AF, which is just enough quantity to cover the amount of water requested.

Nearby Water Rights

Upstream and downstream landowners were notified of the project in 1996, shortly after the application was returned to us by the applicant with additional information we had requested. There's no record of comments being received. Since the application was filed long before KSA 82a-1906 was enacted (which obligates DWR to notify nearby water right holders of pending applications), and the reservoirs have been in existence for decades, we decided not to notify current landowners.

Recommendations

Mike Meyer, Water Commissioner for the Garden City Field Office, recommended approval of the application in a March 26, 2025, email. Based on the information above, it is recommended that the pending application be approved in conjunction with the related Structures permits.

From: "Meyer, Mike [KDA]"
Sent: Tue 4/1/2025 1:27 PM
To: "Baum, Kristen [KDA]" <Kristen.Baum@ks.gov>
Subject: RE: Pending 40336, Kaymac Properties aka Cathouse Recreation

I would agree, the tail end of what used to be SW is now silted in, and maybe never reached back that far.

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Tuesday, April 1, 2025 1:03 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: RE: Pending 40336, Kaymac Properties aka Cathouse Recreation

One thing I want to point out. The Southwest Quarter of the Southwest Quarter of Section 11 is under different ownership. When I was mapping this in 2022, I was being extra generous with the PU. I don't think any water right will be developed in this quarter-quarter, and the PU should be trimmed back a bit to be in line with the surface areas we used to calculate the quantity. In other words, I don't think we're introducing a second owner, and someone needs to map this better when we certify it.

Kristen Baum, Environmental Scientist
DWR – Water Appropriations

From: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Sent: Wednesday, March 26, 2025 4:43 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Pending 40336, Kaymac Properties aka Cathouse Recreation

Oh heck yes!
Thank you for your work on this and Leonard's.
I recommend approval finally.

I hope we can promptly certify these also in the near future.

What kind of "measurement device" will be required?

Thank you

Mike

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Wednesday, March 26, 2025 4:19 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Pending 40336, Kaymac Properties aka Cathouse Recreation

Hey Mike,
Can I get your formal recommendation on our second oldest pending application?
Thanks,

Kristen A. Baum, Environmental Scientist
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture
(785) 564-6627
kristen.baum@ks.gov

From: "Jarred Green" <JGreen@klaenviro.com>
Sent: Wed 1/15/2025 1:40 PM
To: "Baum, Kristen [KDA]" <Kristen.Baum@ks.gov>
CC: "Ben Jackson" <ben@jacksonlegalgroup.net>; "Ashley Jackson" <ashley@jacksonlegalgroup.net>
Subject: RE: Cathouse Recreation, Water Appropriation File No. 40,336 (DLE-0086)
Attachments: Executed Application for Permit to Appropriate Water.pdf, Additional Information with Application 40,336.pdf

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kristin,

See the attached signed application and additional information page with the landowner addresses and documentation of requested volume. Please let me know if you need anything additional for this application.

Thanks,

Jarred Green, P.E.
KLA ENVIRONMENTAL SERVICES, INC.
1700 East Iron ▪ Salina, KS 67401
(785) 342-3914 ▪ jgreen@klaenviro.com

From: Jarred Green
Sent: Wednesday, December 11, 2024 3:43 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Cc: Ben Jackson <ben@jacksonlegalgroup.net>; Ashley Jackson <ashley@jacksonlegalgroup.net>
Subject: RE: Cathouse Recreation, Water Appropriation File No. 40,336 (DLE-0086)

Kristen,

Thanks for getting back to me. I'll double check the numbers then finalize the application for signature and submittal.

Jarred Green, P.E.
KLA ENVIRONMENTAL SERVICES, INC.
1700 East Iron ▪ Salina, KS 67401
(785) 342-3914 ▪ jgreen@klaenviro.com

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Sent: Wednesday, December 11, 2024 12:06 PM
To: Jarred Green <JGreen@klaenviro.com>
Subject: RE: Cathouse Recreation, Water Appropriation File No. 40,336 (DLE-0086)

Jarred,

I apologize, I know I've been difficult to reach. Thanks for bumping this email back to the top. The second set of numbers listed below are the ones I used in the original email. I went back through the files and used LIDAR information from Leonard and elevations near what your design reports indicated were the crests of the service spillways. Our numbers are close. I'm comfortable using yours.

DLE-0086 = 84.1 ac	69.7 ac	71.2 ac, LIDAR at 2527.5 ft
DLE-0087 = 5.0 ac	21.3 ac	11.7 ac, LIDAR at 2534 ft

DLE-0088 = 16.5 ac	12.9 ac	12.9 ac, LIDAR at 2537.5 ft
DLE-0089 = 18.5 ac	6.0 ac	18.5 ac, KLAES area capacity table
DLE-0092 = 1.2 ac	2.6 ac	2.6 ac, LIDAR at 2506 ft
Total	125.3 ac	112.5 ac
		116.9 ac

I believe this is what I need to wrap up the appropriation.

Please confirm that the points of diversion I'm using are correct. They should be the locations where the stream channel crosses the dam.

Please provide me the numbers you've used to estimate the quantity of water to be appropriated and a brief note to indicate where they were derived.

Most importantly, I need an up-to-date application that is signed by the applicant. Attached is the most recent version we mailed them. The quantity of water needs to be reduced based on what we've determined as reasonable.

Let me know if you have any questions.

Kristen Baum, Environmental Scientist
DWR – Water Appropriations

From: Jarred Green <JGreen@klaenviro.com>
Sent: Friday, December 6, 2024 11:13 AM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: FW: Cathouse Recreation, Water Appropriation File No. 40,336 (DLE-0086)

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Kristen,

I left you a phone message, but forwarding to get at the top of your inbox. I wanted to follow up on the quantity to use on the application to finish this submittal.

Thanks,

Jarred Green, P.E.
KLA ENVIRONMENTAL SERVICES, INC.
 1700 East Iron ▪ Salina, KS 67401
 (785) 342-3914 ▪ jgreen@klaenviro.com

From: Jarred Green
Sent: Thursday, October 24, 2024 3:24 PM
To: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>
Subject: RE: Cathouse Recreation, Water Appropriation File No. 40,336 (DLE-0086)

Kristin,

I wanted to double check with you on the quantity to determine what to revise to. From what we sent Leonard on the dams and measuring off the aerial photo for DLE-0092, I have the following surface areas:

DLE-0086 = 84.1 ac
 DLE-0087 = 5.0 ac
 DLE-0088 = 16.5 ac
 DLE-0089 = 18.5 ac
 DLE-0092 = 1.2 ac

Total Surface Area = 125.3 acres
 Potential Net Evap = 42 inches

3-year Evaporation = 1,316 acre-feet

I'm assuming we probably had different surface areas, but just wanted to check and see what number to go with.

Thanks,

Jarred Green, P.E.

KLA ENVIRONMENTAL SERVICES, INC.

1700 East Iron ▪ Salina, KS 67401

(785) 342-3914 ▪ jgreen@klaenviro.com

From: Baum, Kristen [KDA] <Kristen.Baum@ks.gov>

Sent: Thursday, October 24, 2024 11:48 AM

To: Jarred Green <JGreen@klaenviro.com>; ben@jacksonlegallgroup.net

Cc: Bristow, Leonard [KDA] <Leonard.Bristow@ks.gov>

Subject: Cathouse Recreation, Water Appropriation File No. 40,336 (DLE-0086)

You don't often get email from kristen.baum@ks.gov. [Learn why this is important](#)

I wanted to
reach out

to you regarding the Water Appropriation permitting for this project. In our correspondence to Clayton Davis dated September 20, 2022, DWR outlined the information needed to bring these dams into compliance. One of those items was an updated application for a permit to appropriate water. At your earliest convenience, please review the attached application and make any necessary updates, then sign paragraphs 6 and 16, and return it to our office. We can accept scanned copies via email. We determined that the original priority date for the application of June 5, 1991 stands.

Please include a list of landowners within a half mile upstream and downstream of the property. We don't plan to notify nearby landowners because the application was filed prior to this statutory requirement, but we'd like to have the information on file to complete the application.

Also, based on the information we have available, I calculate that 1182 acre-feet is the maximum quantity of water we can reasonably appropriate. This is equivalent to 3 years of evaporation. If you agree with this quantity, please edit the application accordingly.

If you have any questions, please let me know.

Sincerely,

Kristen A. Baum, Environmental Scientist

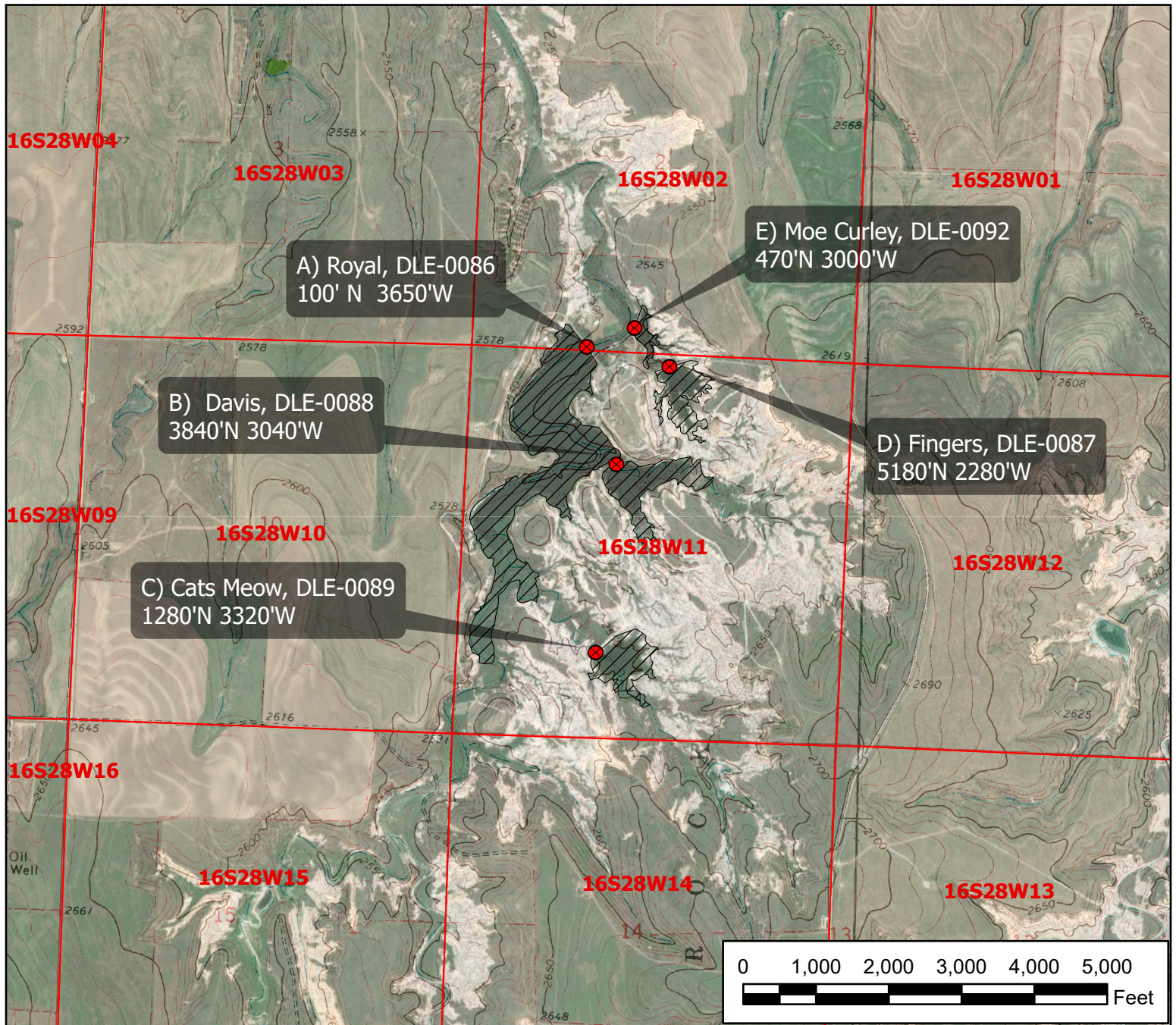
Water Appropriation Program

Division of Water Resources

Kansas Department of Agriculture

(785) 564-6627

kristen.baum@ks.gov



Legend

- ✖ Proposed Point of Diversion
- ⦿ Authorized Point of Diversion
- ★ Domestic Well
- ✚ Section Corner
- Section Line
- ▨ Proposed Place of Use

Application, File No. 40,336

Clayton & Trula Davis
11-16-28W // Lane County

To the best of my knowledge, all landowners within one-half mile upstream and downstream of my property have been identified.



Signature / Date

9/14/2022 KAB, DWR HQ 1:24,000

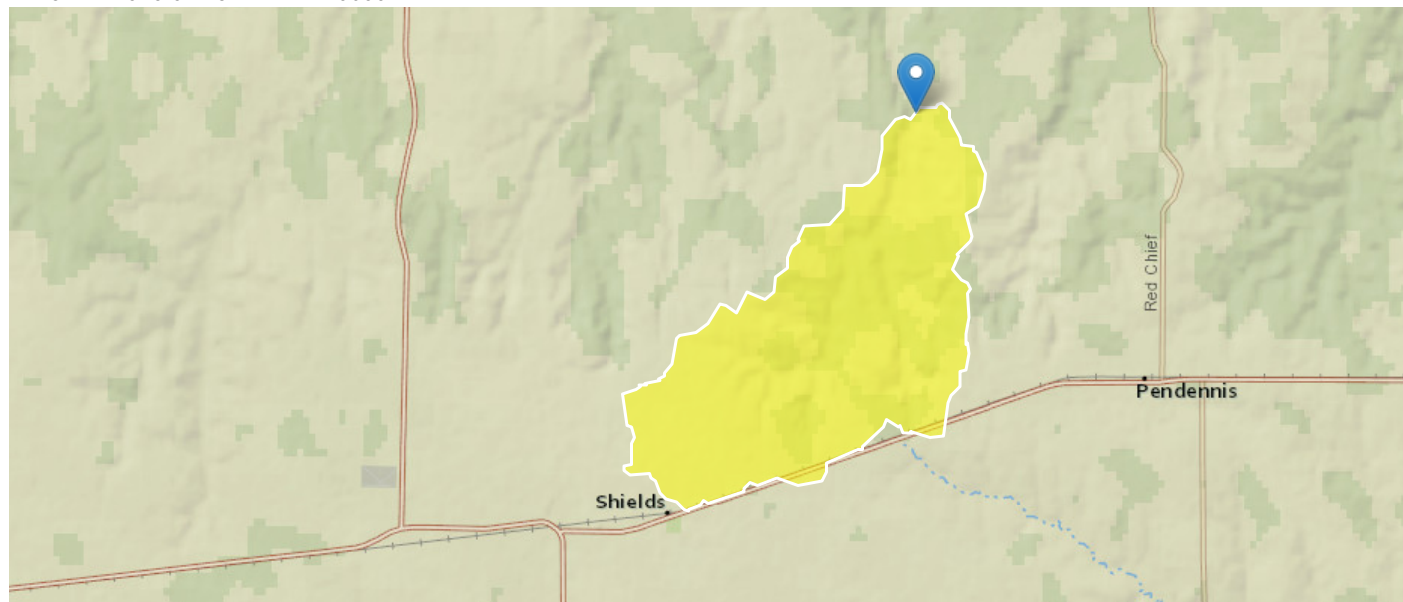
StreamStats Report

Region ID: KS

Workspace ID: KS20250128184900006000

Clicked Point (Latitude, Longitude): 38.68702, -100.38813

Time: 2025-01-28 12:49:29 -0600



+ Collapse All

Basin Characteristics

Parameter Code	Parameter Description	Value	Unit
CONTD	Area that contributes flow to a point on a stream	11.6	square miles
DRNAREA	Area that drains to a point on a stream	11.6	square miles

Peak-Flow Statistics

Peak-Flow Statistics Parameters [Peak Flow Region 2 2017 5063]

Parameter Code	Parameter Name	Value	Units	Min Limit	Max Limit
CONTD	Contributing Drainage Area	11.6	square miles	1.02	14600

Peak-Flow Statistics Flow Report [Peak Flow Region 2 2017 5063]

PIL: Lower 90% Prediction Interval, PIU: Upper 90% Prediction Interval, ASEp: Average Standard Error of Prediction, SE: Standard Error, PC: Percent Correct, RMSE: Root Mean Squared Error, PseudoR^2: Pseudo R Squared (other -- see report)

Statistic	Value	Unit	ASEp
50-percent AEP flood	117	ft^3/s	90.9
20-percent AEP flood	332	ft^3/s	56.6
10-percent AEP flood	573	ft^3/s	52.3
4-percent AEP flood	998	ft^3/s	55.6

Statistic	Value	Unit	ASEp
2-percent AEP flood	1410	ft ³ /s	59.9
1-percent AEP flood	1890	ft ³ /s	65.2
0.5-percent AEP flood	2420	ft ³ /s	70.5
0.2-percent AEP flood	3250	ft ³ /s	77.2

Peak-Flow Statistics Citations

Painter, C.C., Heimann, D.C., and Lanning-Rush, J.L., 2017, Methods for estimating annual exceedance-probability streamflows for streams in Kansas based on data through water year 2015: U.S. Geological Survey Scientific Investigations Report 2017–5063, 20 p. (<https://doi.org/10.3133/sir20175063>)

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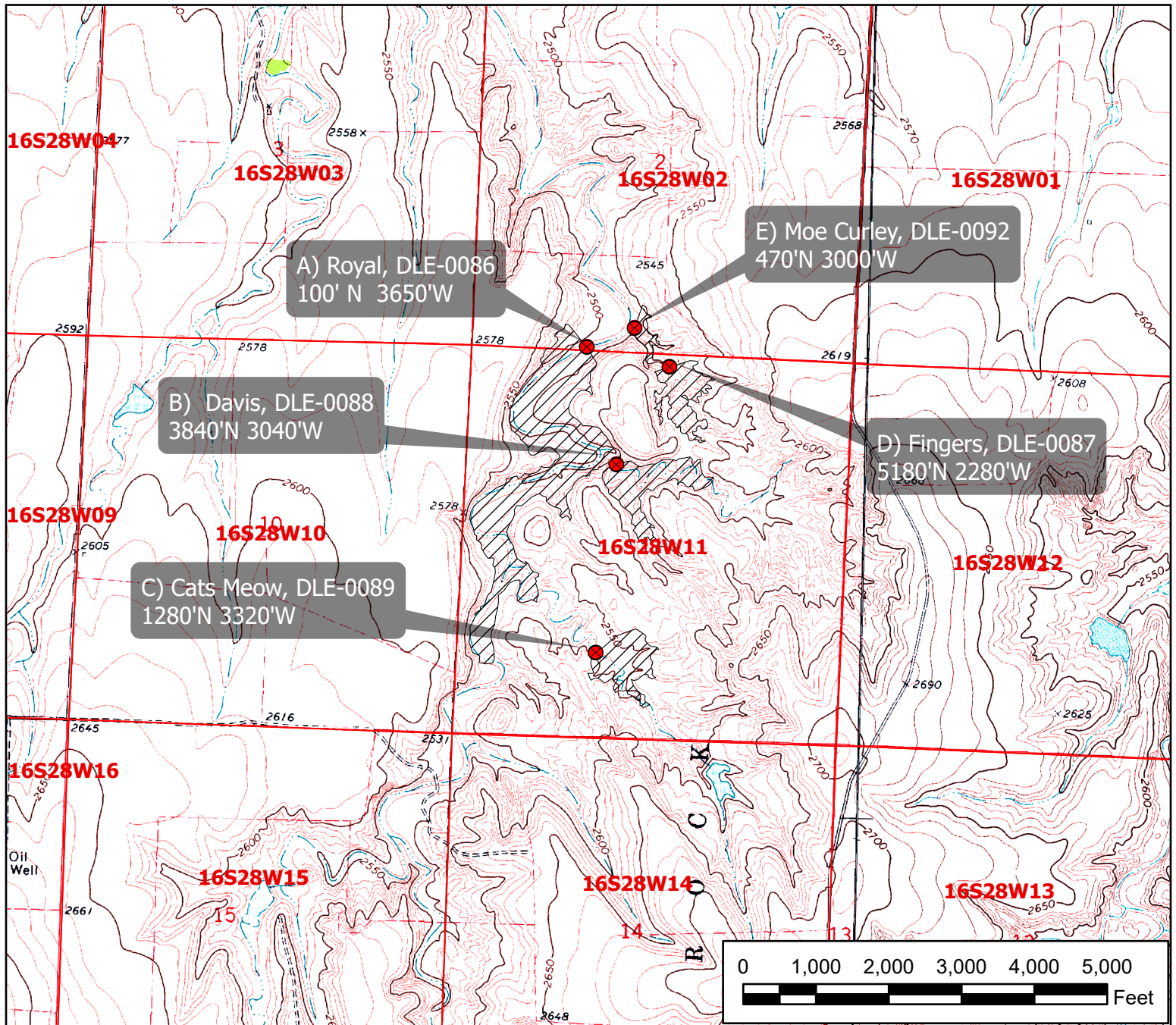
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Application Version: 4.26.0

StreamStats Services Version: 1.2.22

NSS Services Version: 2.2.1



Legend

- Proposed Point of Diversion
- Authorized Point of Diversion
- ★ Domestic Well
- ✚ Section Corner
- Section Line
- ▨ Proposed Place of Use

Application, File No. 40,336

Clayton & Trula Davis
11-16-28W // Lane County

To the best of my knowledge, all landowners within one-half mile upstream and downstream of my property have been identified.



Signature / Date

9/14/2022 KAB, DWR HQ 1:24,000

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
Earl D. Lewis Jr., Chief Engineer

APPROVAL OF APPLICATION and PERMIT TO PROCEED

(This Is Not a Certificate of Appropriation)

This is to certify that I have examined Application, **File No. 40,336** of the applicant

**KAYMAC PROPERTIES LLC
325 S MAIN ST
SCOTT CITY KS 67871**

for a permit to appropriate water for beneficial use, together with the maps, plans and other submitted data, and that the application is hereby approved and the applicant is hereby authorized, subject to vested rights and prior appropriations, to proceed with the construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a, as amended), and to proceed with all steps necessary for the application of the water to the approved and proposed beneficial use and otherwise perfect the proposed appropriation subject to the following terms, conditions and limitations:

1. That the priority date assigned to such application is **June 5, 1991**.
2. That the water sought to be appropriated shall be used for recreational use in a series of five (5) reservoirs, located in the South Half of the Southwest Quarter (S½ SW¼) of Section 2, the North Half (N½) and the Southwest Quarter (SW¼) of Section 11, all in Township 16 South, Range 28 West, Lane County, Kansas.
3. That the appropriation sought shall be limited to all natural flows of unnamed tributaries to the Smoky Hill River, not needed to satisfy all vested rights and prior appropriation rights to be incrementally accumulated as reservoir storage space becomes available to a maximum extent of **1,227 acre-feet** per calendar year, in five (5) reservoirs created by dams at the following locations:

one (1) dam on a tributary designated in the office of the Chief Engineer as Smoky Hill River Trib 15 (Smoky Hill River), located in the Southwest Quarter of the Southeast Quarter of the Southwest Quarter (SW¼ SE¼ SW¼) of Section 2, more particularly described as being near a point 100 feet North and 3,650 feet West of the Southeast corner of said section,

one (1) dam on a tributary designated in the office of the Chief Engineer as Smoky Hill Trib 15A (Smoky Hill River), located in the Southeast Quarter of the Southeast Quarter of the Southwest Quarter (SE¼ SE¼ SW¼) of Section 2, more particularly described as being near a point 470 feet North and 3,000 feet West of the Southeast corner of said section,

one (1) dam on a tributary designated in the office of the Chief Engineer as Smoky Hill River Trib 15A (Smoky Hill River), located in the Northwest Quarter of the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 11, more particularly described as being near a point 5,180 feet North and 2,280 feet West of the Southeast corner of said section,

one (1) dam on a tributary designated in the office of the Chief Engineer as Smoky Hill River Trib 15B (Smoky Hill River), located in the Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 3,840 feet North and 3,040 feet West of the Southeast corner of said section, and

one (1) dam on a tributary designated in the office of the Chief Engineer as Smoky Hill River Trib 15C (Smoky Hill River), located in the Northwest Quarter of the Southeast Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 11, more particularly described as being near a point 1,280 feet North and 3,320 feet West of the Southeast corner of said section,

all in Township 16 South, Range 28 West, Lane County, Kansas, located substantially as shown on the topographic map accompanying the application.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2026**, or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee of \$400.00 when construction of the works has been completed. Failure to timely submit the notice and the fee will result in revocation of the permit. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

6. That the proposed appropriation shall be perfected by the actual application of water to the proposed beneficial use on or before **December 31, 2030**, or any authorized extension thereof. Any request for an extension of time shall be submitted prior to the expiration of the deadline and shall be accompanied by the required statutory fee of \$100.00.

7. That the applicant shall not be deemed to have acquired a water appropriation for a quantity in excess of the amount approved herein nor in excess of the amount found by the Chief Engineer to have been actually used for the approved purpose during one calendar year subsequent to approval of the application and within the time specified for perfection or any authorized extension thereof.

8. That the use of water herein authorized shall not be made so as to impair any use under existing water rights nor prejudicially and unreasonably affect the public interest.

9. That the right of the appropriator shall relate to a specific quantity of water and such right must allow for a reasonable raising or lowering of the static water level and for the reasonable increase or decrease of the streamflow at the appropriator's point of diversion.

10. That this permit does not constitute authority under K.S.A. 82a-301 through 305a to construct any dam or other obstruction; nor does it grant any right-of-way, or authorize entry upon or injury to, public or private property.

11. That all diversion works constructed under the authority of this permit into which any type of chemical or other foreign substance will be injected into the water pumped from the diversion works shall be equipped with an in-line, automatic quick-closing, check valve capable of preventing pollution of the source of the water supply. The type of valve installed shall meet specifications adopted by the Chief Engineer and shall be maintained in an operating condition satisfactory to the Chief Engineer.

12. That the applicant shall maintain accurate and complete records from which the quantity of water diverted during each calendar year may be readily determined and the applicant shall file an annual water use report with the Chief Engineer by March 1 following the end of each calendar year. Failure to file the annual water use report by the due date shall cause the applicant to be subject to a civil penalty.

13. That no water user shall engage in nor allow the waste of any water diverted under the authority of this permit.

14. That diversion of natural flows shall not take place unless there is water available to satisfy all demands by senior water rights and permits.

15. That the right to appropriate water under authority of this permit is subject to any minimum desirable streamflow requirements identified and established pursuant to K.S.A. 82a-703c for the source of supply to which this water right applies.

16. That failure without cause to comply with the provisions of this permit and its terms, conditions and limitations will result in the forfeiture of the priority date, revocation of the permit and dismissal of the application.

Ordered this 1st day of April, 2025, in Manhattan, Riley County, Kansas.

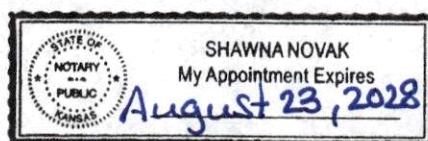


Earl D. Lewis Jr.
Earl D. Lewis Jr., P.E.
Chief Engineer
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 1st day of April, 2025, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

[Signature]
Notary Public



1320 Research Park Drive
Manhattan, KS 66502
785-564-6700
www.agriculture.ks.gov



900 SW Jackson, Room 456
Topeka, KS 66612
785-296-3556

Mike Beam, Secretary

Laura Kelly, Governor

April 3, 2025

BEN JACKSON
KAYMAC PROPERTIES LLC
325 S MAIN ST
SCOTT CITY KS 67871

RE: Appropriation of Water
File No. 40,336

Dear Mr. Jackson:

Enclosed is a permit authorizing you to proceed with construction of the proposed diversion works and to appropriate water for beneficial use as set forth in the permit. Your attention is directed to the enclosures and to the terms, conditions, limitations, and requirements specified in this permit.

Notice must be filed on the enclosed form once the diversion works have been completed. Failure to complete the diversion works within the time allowed, or within any authorized extension of time thereof, will result in dismissal of this permit. If you need an extension of time, you must request it before the deadline for completion set forth in the permit. Any request for an extension of time must be accompanied by the statutorily required fee, which is currently \$100.00.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at kswaterusereport.org.

The approval of your application constitutes a permit to appropriate water. It does not give authority to construct any dam or other stream obstruction regulated by K.S.A. 82a-301 through 305a. It does not give authority to access any right-of-way or authorize trespassing upon or injury to public or private property. It may also be necessary for you to comply with other local, state or federal requirements.

Also included is an informational sheet that sets forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your perfected water right. Additional information and applicable forms may be found on our website at agriculture.ks.gov/dwr. If you have any questions or need assistance with any of these requirements, please contact our office at 785-564-6640, or your local Garden City Field Office at 620-276-2901. If you call, please reference the file number so we can help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications and Changes Supervisor
Division of Water Resources

KAB:kak

Enclosure(s)

pc: Garden City Field Office
KLA Environmental Services Inc.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

If you are aggrieved by this Order, then pursuant to K.S.A. 82a-1901, you may request an evidentiary hearing before the Chief Engineer or request administrative review by the Secretary of Agriculture. Failure to request an evidentiary hearing before the Chief Engineer does not preclude your right to administrative review by the Secretary.

To obtain an evidentiary hearing before the Chief Engineer, a written request for hearing must be filed within 15 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 18 days after this Order was mailed to you), with: Kansas Department of Agriculture, Attn: Legal Division, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If you do not file a request for an evidentiary hearing before the Chief Engineer, you may petition for administrative review of the Order by the Secretary of Agriculture. A petition for review shall be in writing and state the basis for requesting administrative review. The request for review may be denied if the request fails to clearly establish factual or legal issues for review. See K.S.A. 77-527. The petition must be filed within 30 days after service of this Order as provided in K.S.A. 77-531 (i.e., within a total of 33 days after this Order was mailed to you), and be filed with: Secretary of Agriculture, Attn: Legal Division, Kansas Department of Agriculture, 1320 Research Park Drive, Manhattan, Kansas 66502, FAX (785) 564-6777.

If neither a request for an evidentiary hearing nor a petition for administrative review is filed as set forth above, then this Order shall be effective and become a final agency action as defined in K.S.A. 77-607(b). Failure to timely request either an evidentiary hearing or administrative review may preclude further judicial review under the Kansas Judicial Review Act.

CERTIFICATE OF SERVICE

On this 3rd day of April, 2025, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 40,336, dated April 1, 2025, was mailed postage prepaid, US First Class Mail to the following:

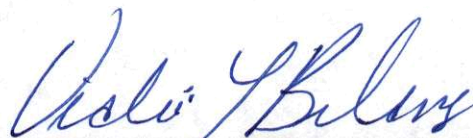
KAYMAC PROPERTIES LLC
325 S MAIN ST
SCOTT CITY KS 67871

With photocopies to:

CLAYTON AND TRULA DAVIS
255 COUNTY ROAD 50
DIGHTON KS 67839

KLA ENVIRONMENTAL SERVICES INC
1700 E IRON AVE
SALINA KS 67401

KDA-DWR Garden City Field Office



Division of Water Resources