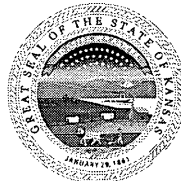


NOTICE

This scan only represents the application as filed. The information contained herein meets the requirements of K.A.R. 5-3-1 or K.A.R. 5-5-1, and has been found acceptable for filing in the office of the Chief Engineer. The application should not be considered to be a complete application as per K.A.R. 5-3-1b or K.A.R. 5-5-2a.

Eastwell



THE STATE OF KANSAS

KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50,282
This item to be completed by the Division of Water Resources.

WATER RESOURCES RECEIVED

AUG 08 2019
1232

APPLICATION FOR PERMIT TO APPROPRIATE WATER FOR BENEFICIAL USE

Filing Fee Must Accompany the Application
(Please refer to Fee Schedule attached to this application form.)

50,282

To the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture,
1320 Research Park Drive, Manhattan, KS 66502:

1. Name of Applicant (Please Print): KIP HOFFMAN
Address: 6986 HIGHWAY K177
City: ALTA VISTA State: KS Zip Code: 66834-9296
Telephone Number: (785) 550-6070

2. The source of water is: [] surface water in (stream)
OR [x] groundwater in KANSAS RIVER (drainage basin)

Certain streams in Kansas have minimum target flows established by law or may be subject to administration when water is released from storage for use by water assurance district members. If your application is subject to these regulations on the date we receive your application, you will be sent the appropriate form to complete and return to the Division of Water Resources.

3. The maximum quantity of water desired is 6.14 acre-feet OR 2 Million gallons per calendar year, to be diverted at a maximum rate of 30 gallons per minute OR cubic feet per second.

Once your application has been assigned a priority, the requested maximum rate of diversion and maximum requested quantity of water under that priority number can NOT be increased. Please be certain your requested maximum rate of diversion and maximum quantity of water are appropriate and reasonable for your proposed project and are in agreement with the Division of Water Resources' requirements.

4. The water is intended to be appropriated for (Check use intended):
(a) [] Artificial Recharge (b) [x] Irrigation (c) [] Recreational (d) [] Water Power
(e) [] Industrial (f) [] Municipal (g) [] Stockwatering (h) [] Sediment Control
(i) [] Domestic (j) [] Dewatering (k) [] Hydraulic Dredging (l) [] Fire Protection
(m) [] Thermal Exchange (n) [] Contamination Remediation

YOU MUST COMPLETE AND ATTACH ADDITIONAL DIVISION OF WATER RESOURCES FORM(S) PROVIDING INFORMATION TO SUBSTANTIATE YOUR REQUEST FOR THE AMOUNT OF WATER FOR THE INTENDED USE REFERENCED ABOVE.

For Office Use Only:
F.O. [] GMD [] Meets K.A.R. 5-3-1 (YES / NO) Use IRR Source (G) S County WB By Bm Date 8-8-19
Code REG Fee \$ 200 TR # Receipt Date 8-8-19 Check # 26,250

5. The location of the proposed wells, pump sites or other works for diversion of water is:

Note: For the application to be accepted, the point of diversion location must be described to at least a 10 acre tract, unless you specifically request a 60 day period of time in which to locate the site within a specifically described, minimal legal quarter section of land.

- (A) One in the NE quarter of the NE quarter of the SE quarter of Section 6, more particularly described as being near a point 2510 feet North and 146 feet West of the Southeast corner of said section, in Township 13 South, Range 9 EAST, WABAUNSEE County, Kansas. **EAST WELL**
- (B) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (C) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.
- (D) One in the _____ quarter of the _____ quarter of the _____ quarter of Section _____, more particularly described as being near a point _____ feet North and _____ feet West of the Southeast corner of said section, in Township _____ South, Range _____ East/West (circle one), _____ County, Kansas.

If the source of supply is groundwater, a separate application shall be filed for each proposed well or battery of wells, except that a single application may include up to four wells within a circle with a quarter (1/4) mile radius in the same local source of supply which do not exceed a maximum diversion rate of 20 gallons per minute per well.

A battery of wells is defined as two or more wells connected to a common pump by a manifold; or not more than four wells in the same local source of supply within a 300 foot radius circle which are being operated by pumps not to exceed a total maximum diversion rate of 800 gallons per minute and which supply water to a common distribution system.

6. The owner of the point of diversion, if other than the applicant is (please print):

(name, address and telephone number)

You must provide evidence of legal access to, or control of, the point of diversion from the landowner or the landowner's authorized representative. Provide a copy of a recorded deed, lease, easement or other document with this application. In lieu thereof, you may sign the following sworn statement:

I have legal access to, or control of, the point of diversion described in this application from the landowner or the landowner's authorized representative. I declare under penalty of perjury that the foregoing is true and correct.

Executed on 1 Aug, 2019. [Signature]
Applicant's Signature

7. The proposed project for diversion of water will consist of ONE WELL
(number of wells, pumps or dams, etc.)
and (was)(will be) completed (by) EXISTING WELL (FILE NO. 39,324)
(Month/Day/Year - each was or will be completed)

8. The first actual application of water for the proposed beneficial use was or is estimated to be FALL 2019
(Mo/Day/Year)

9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?

~~Yes~~ No ^{KLH} If "yes", a check valve shall be required.

All chemigation safety requirements must be met including a chemigation permit and reporting requirements.

10. If you are planning to impound water, please contact the Division of Water Resources for assistance, prior to submitting the application. Please attach a reservoir area capacity table and inform us of the total acres of surface drainage area above the reservoir.

Have you also made an application for a permit for construction of this dam and reservoir with the Division of Water Resources? Yes No

• If yes, show the Water Structures permit number here _____

• If no, explain here why a Water Structures permit is not required _____

11. The application must be supplemented by a U.S.G.S. topographic map, aerial photograph or a detailed plat showing the following information. On the topographic map, aerial photograph, or plat, identify the center of the section, the section lines or the section corners and show the appropriate section, township and range numbers. Also, please show the following information:

(a) The location of the proposed point(s) of diversion (wells, stream-bank installations, dams, or other diversion works) should be plotted as described in Paragraph No. 5 of the application, showing the North-South distance and the East-West distance from a section line or southeast corner of section.

(b) If the application is for groundwater, please show the location of any existing water wells of any kind within 1/2 mile of the proposed well or wells. Identify each existing well as to its use and furnish the name and mailing address of the property owner or owners. If there are no wells within 1/2 mile, please advise us.

(c) If the application is for surface water, the names and addresses of the landowner(s) 1/2 mile downstream and 1/2 mile upstream from your property lines must be shown.

(d) The location of the proposed place of use should be shown by crosshatching on the topographic map, aerial photograph or plat.

(e) Show the location of the pipelines, canals, reservoirs or other facilities for conveying water from the point of diversion to the place of use.

A 7.5 minute U.S.G.S. topographic map may be obtained by providing the section, township and range numbers to: Kansas Geological Survey, 1930 Constant, Campus West, University of Kansas, Lawrence, Kansas 66047.

12. List any application, appropriation of water, water right, or vested right file number that covers the same diversion points or any of the same place of use described in this application. Also list any other recent modifications made to existing permits or water rights in conjunction with the filing of this application.

FILE NO. 39,324 OVERLAPS IN PD AND PU. NEW APPLICATION WILL OVERLAP IN PU.

THIS APPLICATION IS FOR ADDITIONAL RATE AND QUANTITY OF WATER FROM EXISTING WELL.

13. Furnish the following well information if the proposed appropriation is for the use of groundwater. If the well has not been completed, give information obtained from test holes, if available.

Information below is from: Test holes Well as completed Drillers log attached

| Well location as shown in paragraph No. | (A) | (B) | (C) | (D) |
|---|-------|-------|-------|-------|
| Date Drilled | _____ | _____ | _____ | _____ |
| Total depth of well | _____ | _____ | _____ | _____ |
| Depth to water bearing formation | _____ | _____ | _____ | _____ |
| Depth to static water level | _____ | _____ | _____ | _____ |
| Depth to bottom of pump intake pipe | _____ | _____ | _____ | _____ |

14. The relationship of the applicant to the proposed place where the water will be used is that of OWNER
(owner, tenant, agent or otherwise)

15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

(name, address and telephone number)

(name, address and telephone number)

16. The undersigned states that the information set forth above is true to the best of his/her knowledge and that this application is submitted in good faith.

Dated at _____, Kansas, this 1 day of Aug, 2019.
(month) (year)

K. P. Hoffman

 (Applicant Signature)

By _____

 (Agent or Officer Signature)

 (Agent or Officer - Please Print)

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 KS DEPT OF AGRICULTURE

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50, 282

Name of Applicant (Please Print): KIP HOFFMAN

1. Please supply the name and address of each landowner, the legal description of the lands to be irrigated, and designate the actual number of acres to be irrigated in each forty acre tract or fractional portion thereof:

Landowner of Record NAME: KIP HOFFMAN

ADDRESS: 6986 HIGHWAY K177, ALTA VISTA, KS 66834-9296

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL | |
|---|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|----|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| 6 | 13 | 9E | | | 3 | 2 | | | | | | | | | | 33 | 27 | | | 65 |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

Landowner of Record NAME: _____

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL | |
|---|---|---|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|--|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

Landowner of Record NAME: _____

ADDRESS: _____

| S | T | R | NE¼ | | | | NW¼ | | | | SW¼ | | | | SE¼ | | | | TOTAL | |
|---|---|---|-----|----|----|----|-----|----|----|----|-----|----|----|----|-----|----|----|----|-------|--|
| | | | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | |

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2. Please complete the following information for the description of the operation for the irrigation project. Attach supplemental sheets as needed.

a. Indicate the soils in the field(s) and their intake rates:

| Soil Name | Percent of field (%) | Intake Rate (in/hr) | Irrigation Design Group |
|-----------|----------------------|---------------------|-------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| Total: | 100 % | | |

b. Estimate the average land slope in the field(s): _____%

Estimate the maximum land slope in the field(s): _____%

c. Type of irrigation system you propose to use (check one):

- Center pivot Center pivot - LEPA "Big gun" sprinkler
 Gravity system (furrows) Gravity system (borders) Sideroll sprinkler
 Other, please describe: _____

d. System design features:

i. Describe how you will control tailwater:

ii. For sprinkler systems:

- (1) Estimate the operating pressure at the distribution system: _____ psi
- (2) What is the sprinkler package design rate? _____ gpm
- (3) What is the wetted diameter (twice the distance the sprinkler throws water) of a sprinkler on the outer 100 feet of the system? _____ feet
- (4) Please include a copy of the sprinkler package design information.

e. Crop(s) you intend to irrigate. Please note any planned crop rotations:

f. Please describe how you will determine when to irrigate and how much water to apply (particularly important if you do not plan a full irrigation).

You may attach any additional information you believe will assist in informing the Division of the need for your request.

To: Kansas Department of Agriculture
Division of Water Resources
1320 Research Park Drive
Manhattan, KS 66502
Telephone: (785) 564-6645

Re: Domestic Well Spacing
Consent Form

I, _____, own a well in the NW
Quarter of the NW Quarter of the SW Quarter of Section 5,
Township 13 South, Range 9 East, Wabaunsee County, Kansas.
Water from this well is used only for domestic purposes as follows:

- household use;
- watering of livestock, poultry, farm and domestic animals used in operating a farm; and/or
- irrigation of lands not exceeding a total of two (2) acres in area for the growing of gardens, orchards and lawns.

I understand that an application for a permit to appropriate water, Application, File No. _____, has been filed with the Division of Water Resources and that the applicant seeks to use water from the well located closer to my domestic well than allowed by the rules and regulations of the Chief Engineer, in particular K.A.R.

5-4-4. I hereby give my permission to the applicant to increase the rate and quantity _____ at a location approximately _____ feet from my domestic well if the same is allowed and permitted by the Chief Engineer.

By giving my permission, I do not waive any right I may have to file a complaint with the Chief Engineer or to make a written request to secure water, pursuant to K.A.R. 5-4-1, if the use of my well becomes impaired such that I am unable to exercise my domestic water right, nor do I waive any other rights I may have under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer.

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I acknowledge that my permission has been given freely and voluntarily. I further acknowledge that I have not entered any agreement either oral or in writing with any person(s) including the Applicant, land owner, or any representative or agent of the applicant or land owner that condition my permission on giving up any of my rights under the Kansas Water Appropriation Act or the rules and regulations of the Chief Engineer or that condition my permission on reliance on any person or entity other than the Chief Engineer to investigate any claims of impairment I may make with respect to my domestic well or to secure water to satisfy my domestic water right.

Signature

Address (please print)

City/Town, State (please print)

(_____) _____
Phone

State of _____

County of _____

Signed or attested before me on _____ by _____
(Please print name of signatory)

Notary Public

[My appointment expires: _____]

Print Page

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The Parcel Number for this Property is 099-183-05-0-00-00-003.00-0
 Quick Ref ID: 3881

Owner Information

| | |
|-------------------|---|
| Owner Name | KSU CHARITABLE REAL ESTATE FOUNDATION |
| Address | 1800 KIMBALL AVE STE 200 MANHATTAN, KS 66502-3373 |

Property Situs Address

| | |
|----------------|--|
| Address | 36955 DROVERS TRAIL RD, Alma, KS 66401 |
|----------------|--|

Land Based Classification System

| | |
|------------------|--|
| Function | Farming / ranch land (with Ag improvements) |
| Activity | Farming, plowing, tilling, harvesting, or related activities |
| Ownership | Private-fee simple |
| Site | Dev Site - crops, grazing etc - with structures |

General Property Information

| | |
|-----------------------|----------------------|
| Prop Class | Agricultural Use - A |
| Living Units | |
| Zoning | |
| Neighborhood | 012.A |
| Tax Unit Group | 087 |

Property Factors

| | |
|--------------------------|--------------------------|
| Topography | Above Street - 2 |
| Utilities | Well - 5 |
| Access | Dirt Road - 3 |
| Fronting | Major Strip or CBD - 1 |
| Location | Neighborhood or Spot - 6 |
| Parking Type | Off Street - 1 |
| Parking Quantity | Adequate - 2 |
| Parking Proximity | On Site - 3 |
| Parking Covered | |
| Parking Uncovered | |

2019 Appraised Value

| Class | Land | Building | Total |
|----------------------|---------------|--------------|---------------|
| Agricultural Use - A | 12,590 | 3,980 | 16,570 |
| Total | 12,590 | 3,980 | 16,570 |

2018 Appraised Value

| Class | Land | Building | Total |
|----------------------|---------------|--------------|---------------|
| Agricultural Use - A | 11,940 | 3,770 | 15,710 |
| Total | 11,940 | 3,770 | 15,710 |

Tract Description

S05 , T13 , R09E , ACRES 79.8 , S 50 OF NW1/4 & N1/2 SW1/4 LESS R/W Deed Book/Page R160/ 155

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Deed Information

| Book1 | Page1 | Book2 | Page2 | Book3 | Page3 | Book4 | Page4 |
|-------|-------|-------|-------|-------|-------|-------|-------|
| R192 | 193 | R160 | 155 | | | | |

Other Improvements

| No | Occupancy | MSCIs | Rank | Qty | Yr Blt | Eff Yr | LBCS | Area | Perim | Hgt | Dimensions | Stories | Phys | Func | Econ | OVR% | Rsn | Cls | RCN | % Gd | Value |
|----|---------------------------|-------|------|-----|--------|--------|------|-------|-------|-----|------------|---------|------|------|------|------|-----|-----|--------|------|-------|
| 14 | Tool Shed | D | 2.00 | 1 | 1988 | | | 560 | 108 | 8 | 40 X 14 | 1 | 3 | 3 | | | | | 8,736 | 10 | 870 |
| 15 | Farm Utility Building | P | 2.00 | 1 | 1960 | | | 1,152 | 144 | 12 | 48 X 24 | 1 | 3 | 3 | | | | | 13,709 | 16 | 2,190 |
| 16 | Farm Utility Storage Shed | P | 1.00 | 1 | 1955 | | | 960 | 152 | 8 | 60 X 16 | 1 | 2 | 2 | | | | | 6,125 | 15 | 920 |

Other Improvement Components

| No | Code | Units | Pct | Size | Other | Rank | Year |
|----|-----------------------------|-------|-----|------|-------|------|------|
| 14 | Single -Wall-Boards on Wood | | 100 | | | | |
| 15 | Single -Metal on Wood Frame | | 100 | | | | |
| 16 | Single -Wall-Boards on Wood | | 100 | | | | |


Agricultural Land

| Ag Type | Ag Acres | Soil Unit | Irr Type | Well Depth | Acre Feet | Acre Ft/Ac | Adj Code | Govt Prog | Base Rate | Adj Rate | Ag Value |
|-------------------|----------|---|----------|------------|-----------|------------|----------|-----------|-----------|----------|----------|
| Dry Land - DR | 5.51 | 4052 - Ivan silt loam, occasionally flooded | | | | 0 | | | 406 | 406 | 2,240 |
| Dry Land - DR | 0.07 | 4530 - Benefield-Florence complex, 5 to 30% slopes | | | | 0 | | | 114 | 114 | 10 |
| Dry Land - DR | 0.54 | 4545 - Clime silty clay loam, 20 to 40% slopes, stony | | | | 0 | | | 10 | 10 | 10 |
| Dry Land - DR | 10.62 | 7173 - Reading silty clay loam, rarely flooded | | | | 0 | | | 566 | 566 | 6,010 |
| Dry Land - DR | 1.22 | 7302 - Martin silty clay loam, 3 to 7% slopes | | | | 0 | | | 496 | 496 | 610 |
| Native Grass - NG | 35.28 | 4530 - Benefield-Florence complex, 5 to 30% slopes | | | | 0 | | | 78 | 78 | 2,750 |
| Native Grass - NG | 10.03 | 4673 - Irwin silty clay loam, 3 to 7% slopes | | | | 0 | | | 58 | 58 | 580 |
| Native Grass - NG | 0.57 | 7173 - Reading silty clay loam, rarely flooded | | | | 0 | | | 174 | 174 | 100 |
| Native Grass - NG | 1.82 | 7302 - Martin silty clay loam, 3 to 7% slopes | | | | 0 | | | 78 | 78 | 140 |
| Native Grass - NG | 14.14 | WST | | | | 0 | | | 10 | 10 | 140 |

Ag Land Summary

| | |
|------------------------------|---------|
| Dry Land Acres | 17.96 |
| Irrigated Acres | 0 |
| Native Grass Acres | 61.84 |
| Tame Grass Acres | 0 |
| Total Ag Acres | 79.8 |
| Total Ag Use Value | 12,590 |
| Total Ag Market Value | 160,960 |

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KS DEPT OF AGRICULTURE

Tietsort, Katie [KDA]

From: Tietsort, Katie [KDA]
Sent: Monday, July 22, 2019 4:24 PM
To: Kip Hoffman
Cc: Schemm, Doug [KDA]; Smith, Tyler [KDA]
Subject: RE: Water permits
Attachments: Hoffman.pdf; Temporary Permit West Well.pdf; CEASE DIVERSION.pdf; West Well App GW IRR use.docx; IRR supplemental sheet.docx; East Well App GW IRR use.docx

Kip,

Attached is a copy of the Notice on Non-Compliance - Cease Diversion pertaining to the illegal, unpermitted well. It was sent today in first class US mail. This Notice requires you immediately cease operating the West well. We will be out to check compliance with the notice, and every day of operation subjects you to a civil penalty of \$500 per day and a year suspension of use, if ultimately permitted, per each day. Because you need to continue use before an application can be properly processed, I have attached a request for a temporary permit. Temporary permits are issued within 48 hours of submittal, which would allow you to lawfully use the well while we process the regular application for the well. We can't put the wells on the same application because you indicated you need more than 20 gpm. So we've attached two separate applications for permit- one for each well. Please note, to process the temporary application, we have to also receive the new application request at the same time.

So, the bottom line is 1) immediately discontinue the use from the West well. 2) Indicate all wells within ½ mile on the map and sign all three applications and the map. 3) If you want to use the West well legally, submit the west well and temporary apps with the supplemental sheet and the filing fees of \$400. 3) If you want to add water to the East well, sign and submit it with an additional \$200. BTW, we determined that the neighboring property is now owned by KSU Charitable Real Estate Foundation.

We will expedite processing of the temporary to get you pumping ASAP, once submitted. We will be out there this week.

If you have questions about the applications, please contact Doug Schemm.

Let me know of any other questions, and/or when you submit the applications.

Katie

Katie Tietsort

Kansas Department of Agriculture
6531 SE Forbes Ave Ste B
Topeka, KS 66619
katie.tietsort@ks.gov
Phone 785-296-5733

From: Kip Hoffman [mailto:kiplhoffman@gmail.com]
Sent: Saturday, July 20, 2019 3:23 PM
To: Tietsort, Katie [KDA] <Katie.Tietsort@ks.gov>
Subject: FW: Water permits

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KS DEPT OF AGRICULTURE

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Double-Bar Pine Nursery and Tree Farm, Inc.

Kip Hoffman

Mobile: (785) 313-8453

Email: kip@doublebarpinenursery.com

www.doublebarpinenursery.com

This email and any files and attachments transmitted with it, are confidential in nature and are intended solely for the use of the individual to whom they are addressed. If by chance, you have received this email in error, please notify the sender immediately by reply message.

From: Kip Hoffman [<mailto:kiplhoffman@gmail.com>]

Sent: Saturday, July 20, 2019 11:41 AM

To: Katie.tietsirt@kda.ks.gov

Subject: Water permits

Katie,

It was nice to meet you yesterday at my nursery.

I talked with Dago and now understand the lack of communication that occurred as to which field was being irrigated. I had told Dago to turn the water on the "pines" as I had checked them and they were in desperate need of water. The soil in the creek bottom is so much more porous that it dries very quickly. The 100 degree days that we are having is very hard on them. Dago goes to work at 6 AM, I go to work at 7 AM. When I went over to prune and spray yesterday morning I checked and the water was running where I had told Dago to water.

We are so far behind in our field work and the rains have been so good that Dago has been way too busy digging and spraying and mowing to put the new meter in the west well. Dago comes in for half days on Saturdays and the plan was to install the new meter Saturday morning and start watering on Monday as you need to let the glue set for 24 hours.

I was not aware that I needed an application for a well that I already had an application for. I hadn't planted that field for several years as there was not much demand for Pines. No one has ever told me that if my use was intermittent that I lost the right to use the water on my own land.

I gave you the information as I knew it at the time. The pines that I instructed to be watered were. There was no reason to check the west well as

Dago wasn't going to put the meter in it till Saturday. I told you we were going to start watering with the west well on Monday.

As for the east well, I do need more water as I am now at a time of heavy planting. This is not western KS. There is no one within 5 miles of me that is using irrigation to water their crops. My water usage has no detrimental impact at all on anyone else's water supply in eastern KS.

I will fill out what ever forms are needed as soon as I receive them.

Thanks,

Kip

Double-Bar Pine Nursery and Tree Farm, Inc.

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AUG 08 2019

KS DEPT OF AGRICULTURE

Kip Hoffman

Mobile: (785) 313-8453

Email: kip@doublebarpinenursery.com

www.doublebarpinenursery.com

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KS DEPT OF AGRICULTURE

Topeka Field Office
6531 SE Forbes Ave., Suite B
Topeka, KS 66619



Phone: 785-296-5733
Fax: 785-296-8298
www.agriculture.ks.gov

Mike Beam, Secretary

Laura Kelly, Governor

July 23, 2019

KIP L HOFFMAN REV TR
6986 HIGHWAY K177
ALTA VISTA KS 66834-9296

Re: Illegal Diversion of Water

Dear Mr. Hoffman:


The Department of Agriculture Division of Water Resources has information indicating that you are diverting groundwater from a well that is not authorized for any use. There is nothing in the office of the Chief Engineer to show this use of water is covered by any vested right or approved application for permit to appropriate water for beneficial use, which is required under the Kansas Water Appropriation Act. In addition, you have stated that you wish to re-equip the currently authorized well under Water Right, File No. 39,324 so that it pumps at a higher rate of diversion.

Please note that based on information contained in Water Right, File No. 39,324, your east well does not meet required minimum spacing to a domestic well or wells located east of your property. This property is currently owned by KSU Charitable Real Estate Foundation and it is not known if there has been any recent domestic use from these wells. Typically, when an application fails to meet well spacing the applicant must provide additional hydrologic information (pump test, engineering report, etc.) to show that approval will not impair an existing water right. Therefore, depending on the status of these nearby domestic wells, you may be required to provide this additional information, or provide a domestic well waiver of spacing agreement from this current owner. We have included the domestic well waiver of spacing form for you to use to get the owners signature.

Kansas Statutes Annotated (K.S.A.) 82a-728 (copy enclosed) makes it unlawful for any person to appropriate, or threaten to appropriate, water from any source without first applying for and obtaining a permit to appropriate water in accordance with the Kansas Water Appropriation Act and provides for criminal penalties for violation. Enclosed are two applications. The application labeled "West Well" will authorize pumping from the existing well that is not currently authorized. The second application labeled "East Well" will provide for more quantity of water and rate of diversion from your well currently authorized under Water Right, File No. 39,324. Please review the "Application For Permit To Appropriate Water For Beneficial Use" forms, and make any necessary changes or modifications. The application forms **must be signed at both Paragraph Nos. 6 and 16**. In addition, you **must identify all well owners within ½ mile of your proposed wells, indicate the location of their wells on the maps, and sign the site map** where indicated. The new applications must be accompanied by the required filing fee of \$200 per application or a **total of \$400**. Additionally, we have included a temporary permit application which you may sign and submit, to authorize the short term use of water from the illegal well while we process the regular application. You must submit it with the regular application for the West well, once signed, with an additional \$200 if you wish to use the West well this summer.

The properly completed applications, accompanied by the appropriate filing fee as set forth by statute, along with all attachments, should be submitted immediately to authorize the use of the West Well in your operation. As mentioned previously, now that the Notice of Non-Compliance Cease Diversion has been issued, we will check to ensure your West Well is not being operated and will assess a \$500 per day penalty and a one year suspension of use for each day the well is in use and not authorized until the temporary permit is approved and/or the regular appropriation application is approved. If you have any questions regarding this matter, please contact me before the **August 23, 2019** deadline at (785) 296-5733.

Sincerely,


Katherine A. Tietsort
Water Commissioner
Topeka Field Office

WATER RESOURCES
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AUG 08 2019

KS DEPT. OF AGRICULTURE

KAT:dws
Enclosure

Pc: Compliance and Enforcement Unit

K.S.A. 82a-728. Unlawful acts; penalties. (a) Except for the appropriation of water for the purpose of domestic use, the production and return of salt water in connection with the operation of oil and gas wells in accordance with the written approval granted therefor by the Kansas corporation commission pursuant to K.S.A. 55-901, and amendments thereto, the withdrawal and use of water in accordance with provisions of K.S.A. 82a-1313, and amendments thereto, and the annual diversion and beneficial use of not more than 15 acre feet of surface water impounded in any reservoir having a total water volume of less than 15 acre feet, it shall be unlawful for any person to appropriate or threaten to appropriate water from any source without first applying for and obtaining a permit to appropriate water in accordance with the provisions of chapter 7 of article 82a of the Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto or, for any person to violate any condition of a vested right, appropriation right or an approved application for a permit to appropriate water for beneficial use. As used in this subsection salt water shall mean water containing more than 5,000 milligrams per liter chlorides.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor. (2) Each day that any such violation occurs after notice of the original violation is given by the chief engineer to any such violator by restricted mail shall constitute a separate offense. (**History:** L. 1977, ch. 356, § 2; L. 1981, ch. 397, § 2; July 1.)

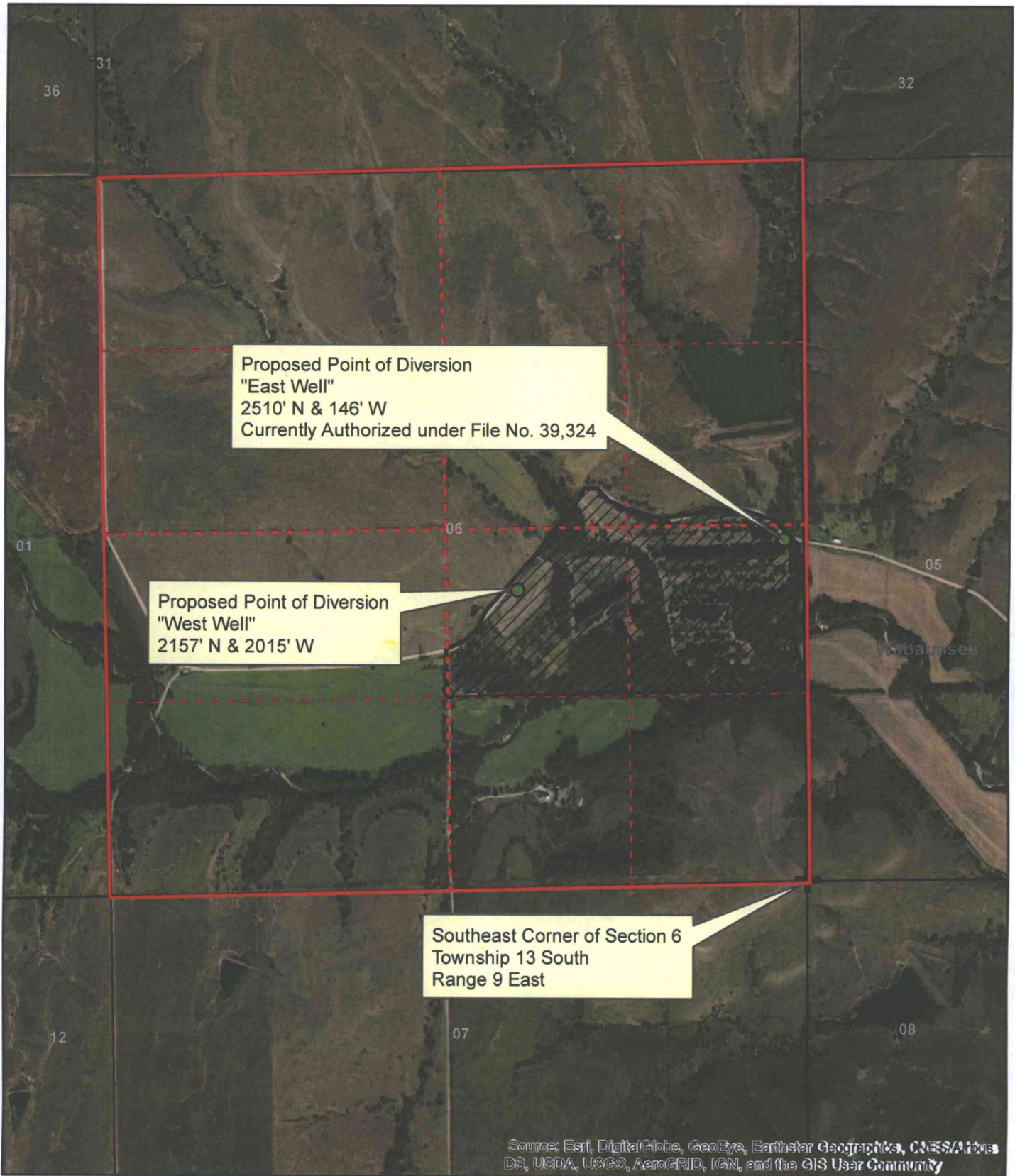
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KIP HOFFMAN - NEW APPLICATIONS SITE MAP
Sec. 6, T13S, R9E
WABAUNSEE COUNTY

SO, 242



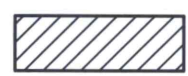
Proposed Point of Diversion
"East Well"
2510' N & 146' W
Currently Authorized under File No. 39,324

Proposed Point of Diversion
"West Well"
2157' N & 2015' W

Southeast Corner of Section 6
Township 13 South
Range 9 East

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

1:12,000



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Proposed Place of Use

● Proposed Point of Diversion

All known wells within one-half mile of the proposed point of diversion are shown on this map.

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