

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources
MEMORANDUM

TO: Files

DATE: June 21, 2018

FROM: Doug Schemm

RE: Application, File No. 50,039

Steve Bloomfield has filed the referenced application to appropriate 200 acre-feet of surface water from the Republican River at the rate of 1200 gallons per minute to irrigate a total of 260.5 acres in Clay County. The place of use is owned by Steve and Patti Bloomfield and William and Terri Bloomfield, and William and Terri Bloomfield have signed the application form stating they have access to the point of diversion. The applicant is proposing to pump surface water from one pump site located in the Northwest Quarter of Section 14, in Township 6 South, Range 1 East, Clay County. There are no overlaps in point of diversion, however Water Right, File Nos. 27,811 and 27,812 will be a complete overlap in place of use after pending change applications are approved.

Water Right, File No. 27,811 is authorized 94 acre-feet of groundwater, and Water Right, File No. 27,812 is authorized 114 acre-feet of groundwater for a combined quantity of 208 acre-feet. The maximum allowable quantity for irrigation use is 1.2 acre-feet per acre, in Clay County, Kansas. This would calculate out to 312.6 acre-feet for 260.5 acres. Therefore, this junior file will be limited to 312.6 acre-feet with the senior files, providing 104.6 acre-feet of additional water (312.6 AF – 208 AF).

A list of nearby landowners within one-half mile upstream and downstream of the proposed place of use property lines was provided by the applicant. Nearby letters were sent out on May 11, 2018 for both the new application and change applications. No responses of any kind were received. There is only one other surface water appropriation within a two (2) mile radius of the proposed point of diversion, located over 9,300 feet upstream. With proper conditioning, no senior water rights will be impaired by approval of this application.

The applicant has submitted a signed Minimum Desirable Streamflow (MDS) statement, which has been notarized. By completing this statement, the applicant affirms his knowledge that there could be times when the diversion of water may not be allowed under this permit. Additionally, the permit is conditioned as follows: "That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water." The Lower Republican River is currently open to new appropriations meeting the criteria required by K.A.R. 5-3-11(d)(6), and the approval of this application is consistent with similar applications requesting surface water from the Republican River.

In accordance with K.S.A. 82a-706c, the Chief Engineer retains full authority to require any water user to install meters, gages, or other measuring devices, which devices he or she or his or her agents may read at any time. Water flowmeter requirements are further described in K.A.R. 5-1-4 through K.A.R. 5-1-12. If any chemical or foreign substance is injected into the water pumped under this permit, a check valve will also need to be installed.

Katie Tietsort, Water Commissioner of the Topeka Field Office, recommended approval of the referenced new application in a discussion on June 19, 2018. Based on the above discussion, that surface water within the Lower Republican River remains open to new appropriations with appropriate and consistent permit conditions, and approval of the application will not impair senior water rights, it is recommended that the new referenced application be approved, in conjunction with the Place of Use Changes on File Nos. 27,811 and 27,812.

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

FILE COPY

STEVE BLOOMFIELD
2875 FRONTIER RD
CLIFTON KS 66937

July 20, 2018

Re: Appropriation of Water, File No. 50,039

Dear Mr. Bloomfield:

There is enclosed a permit to appropriate water authorizing you to proceed with construction of the proposed diversion works (except those dams and stream obstructions regulated by K.S.A. 82a-301 through 305a), to divert such unappropriated water as may be available from the source and at the location specified in the permit, and to use it for the purpose and at the location described in the permit.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in these approval documents. A water meter is required on the proposed diversion works and you must install it prior to water being put to beneficial use in order for you to maintain accurate records of water use. The meter should be used to provide the information required on the annual water use report.

Failure to notify the Chief Engineer of the Division of Water Resources of the completion of the diversion works within the time allowed, or within any authorized extension of time thereof, will result in the dismissal of this permit. Enclosed is a form which may be used to notify the Chief Engineer that the proposed diversion works have been completed. All requests for extensions of time to complete diversion works, or to perfect appropriations, must be submitted to the Chief Engineer before the expiration of time originally set forth in the permit to complete diversion works or to perfect an appropriation. If for any reason, you require an extension of time, you must request it before the expiration of time set forth in this permit. Failure to comply with this regulation will result in the dismissal of your permit or your water right. Any request for an extension of time shall be accompanied by the required statutory fee, which is currently \$100.00.

There is also enclosed an information sheet setting forth the procedure to obtain a Certificate of Appropriation which will establish the extent of your water right. If you have any questions, please contact our office. If you wish to discuss this specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Application Unit Supervisor
Water Appropriation Program

KAB:dws
Enclosures

pc: Topeka Field Office
William & Terri Bloomfield

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, 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. 50,039 of the applicant

**STEVE BLOOMFIELD
2875 FRONTIER RD
CLIFTON KS 66937**

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 **April 18, 2018**.
2. That the water sought to be appropriated shall be used for irrigation use on land described in the application, as follows:

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
13	6S	1E						Lot 1 3	4.5										7.5
14	6S	1E	Lot 1 19	22	40	40	26	26	40	40									253

3. That the authorized source from which the appropriation shall be made is surface water from the Republican River, to be withdrawn by means of one (1) pump site located in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE¼ NE¼ NW¼) of Section 14, more particularly described as being near a point 4,800 feet North and 3,150 feet West of the Southeast corner of said section, in Township 6 South, Range 1 East, Clay County, Kansas, located substantially as shown on the topographic map accompanying the application.

4. That the appropriation sought shall be limited to a maximum diversion rate not in excess of **1,200 gallons per minute (2.67 c.f.s.)** and to a quantity not to exceed **200 acre-feet** of water for any calendar year.

5. That installation of works for diversion of water shall be completed on or before **December 31, 2019** or within any authorized extension thereof. The applicant shall notify the Chief Engineer and pay the statutorily required field inspection fee, which is currently \$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, which is currently \$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, 2023** 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, which is currently \$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 an acceptable water flow meter shall be installed on the diversion works authorized by this permit in accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. This water flow meter shall be used to provide an accurate quantity of water diverted as required for the annual water use report (including the meter reading at the beginning and ending of the report year).

13. 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.

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

15. That failure without cause to comply with provisions of the 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.

16. That the stream flow shall not be stopped at the first riffle below the point of diversion while diversion is taking place under the authority of this water right or permit.

17. 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.

18. That in order to implement the provisions of K.A.R. 5-3-11(d)(6), no water shall be diverted unless the written permission of the Chief Engineer, or an authorized representative of the Chief Engineer, is obtained each time the applicant desires to divert water. The approval of this permit is not an indication that surface water will be available from this source of supply, or that written permission will be granted to divert water.

19. That the quantity of water approved under this permit is further limited to the quantity which combined with Water Right, File Nos. 27,811 and 27,812, will provide a **total not to exceed 312.6 acre-feet** of water per calendar year for irrigation use on the authorized place of use described herein.

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:

- 1) request an evidentiary hearing before the Chief Engineer, or
- 2) 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 Section, 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 hearing 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.

Ordered this 15th day of July, 2018, in Topeka, Shawnee County, Kansas.

Lane P. Letourneau

Lane P. Letourneau, P.G.
Program Manager
Water Appropriation Program
Division of Water Resources
Kansas Department of Agriculture

State of Kansas)
) SS
County of Riley)

The foregoing instrument was acknowledged before me this 15th day of July, 2018, by Lane P. Letourneau, P.G., Program Manager, Division of Water Resources, Kansas Department of Agriculture.



Danielle Wilson
Notary Public

CERTIFICATE OF SERVICE

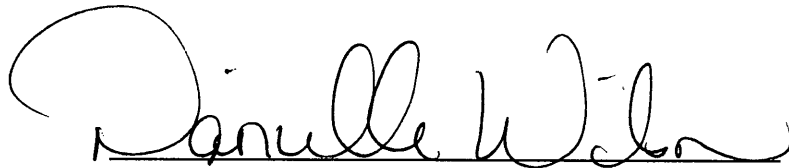
On this 20th day of July, 2018, I hereby certify that the foregoing Approval of Application and Permit to Proceed, File No. 50,039, dated July 18th, 2018 was mailed postage prepaid, first class, US mail to the following:

STEVE & PATTI BLOOMFIELD
2875 FRONTIER RD
CLIFTON KS 66937

With photocopies to:

WILLIAM & TERRI BLOOMFIELD
406 E BARTLETT ST
CLIFTON KS 66937-9304

Topeka Field Office



Division of Water Resources

STATE OF KANSAS



DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
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PHONE: (785) 564-6700
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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE **FILE COPY**

July 18, 2018

STEVE & PATTI BLOOMFIELD
2875 FRONTRIER RD
CLIFTON KS 66937

RE: Minimum Desirable Streamflows-Republican River
File No(s). 50039

Dear Water User:

Our records indicate that you are the owner of, designated water correspondent for, or a person having an interest in the land on which water is used under the water right(s) and/or approval(s) of application identified above and in the enclosed Order Regarding Minimum Desirable Streamflow Administration (Republican River), which has been issued by the Chief Engineer. This Order prohibits the direct diversion of water and the collection or storage of natural flows into a pond or reservoir, regarding each and every water right or approval of application identified in the Order from July 17, 2018, until further notice, except as otherwise provided for in the Order. If you no longer have an ownership or other interest in this water right(s) and/or approval(s) of application, please advise this office immediately so that the proper persons can be notified of this Order.

As of April 7, 2018, the minimum desirable streamflow (MDS) established under the Kansas Water Appropriation Act for the Republican River at the gaging station at Clay Center, Kansas, had not been met for seven consecutive days. Therefore, the Chief Engineer has issued the enclosed Order determining that MDS administration of water rights and approvals of application for appropriation of water is required under K.A.R. 5-15-1 through 5-15-4.

The enclosed Order prohibits direct diversion from the Republican River and its tributaries, and prohibits the collection and storage of natural flows into any pond or reservoir in the area set forth in the Order, under water rights and approvals of application with priority dates after April 12, 1984. The Order will remain in effect from April 10, 2018 until the Chief Engineer determines that the MDS required by law has been met and maintained for the Republican River.

For pond or reservoir owners, you may continue to operate your systems that re-divert previously stored water in your impoundment to the place of use, but you may not collect or store any additional water behind your dam while MDS administration is taking place. To comply with the Order, you must bypass inflows to your impoundment through the tube, by opening the valve or by siphoning or pumping water over or past the dam to downstream while the Order is in effect. If you have questions about how to comply with this Order, please contact the Topeka Field Office.

As provided in Paragraph 4 of the Order, the Chief Engineer may grant a temporary stay of the Order to allow, on a limited basis, the direct diversion of water and/or the collection and storage of natural flows into a pond or reservoir. If you wish to request a temporary stay you must contact the Topeka Field Office, 6531 SE Forbes Ave., Suite B, Topeka, Kansas 66619, 785-296-5733.

Any person who makes unlawful diversions of water while this Order is in effect may be subject to criminal and/or civil enforcement under the Kansas Water Appropriation Act, which may include the assessment of civil penalties of up to \$1,000 per day of violation and modification or suspension of the water right(s) or approval(s) of application.

STEVE & PATTI BLOOMFIELD

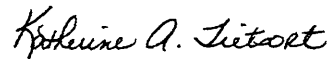
July 18, 2018

File No(s). 50039

Page 2

If you have questions concerning this matter, please contact the Topeka Field Office, Division of Water Resources, Kansas Department of Agriculture; 6531 SE Forbes Ave., Suite B, Topeka, Kansas 66619, 785-296-5733.

Sincerely,



Katherine Tietsort
Water Commissioner

Enclosures: MDS Order

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



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GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE DIVISION OF WATER RESOURCES

IN THE MATTER OF

STEVE & PATTI BLOOMFIELD
2875 FRONTRIER RD
CLIFTON, KS 66937

File No(s). 50039

ORDER REGARDING MINIMUM DESIRABLE STREAMFLOW ADMINISTRATION (REPUBLICAN RIVER)

The Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, under authority of Kansas Statutes Annotated (K.S.A.) 82a-703a *et seq.* regarding minimum desirable streamflows (MDS), finds the following:

1. Pursuant to K.S.A. 82a-703a and 82a-703c, the Chief Engineer shall withhold from appropriation that amount of water he deems necessary to establish and maintain the desired MDS for the **Republican River at Clay Center, Kansas**.

2. Pursuant to K.S.A. 82a-703b, water rights or approvals of application to appropriate water with a priority date after April 12, 1984, shall be subject to MDS requirements identified and established by the Chief Engineer for the **Republican River at Clay Center, Kansas**.

3. K.A.R. 5-15-1 through 5-15-4, effective August 27, 2002, sets forth standards under which MDS may be administered by the Chief Engineer.

4. K.A.R. 5-15-1(d) provides that, "If the streamflow at an MDS gaging station falls below the level established in K.S.A. 82a-703c, and amendments thereto, for a period of seven consecutive days and no streamflow trigger value has been set for an MDS gaging station in K.A.R. 5-15-4, a determination of whether and when MDS administration will begin and how it should occur shall be made by the chief engineer, based on the following factors:

- (1) the general hydrologic conditions affecting streamflow in the stream reach;
- (2) the magnitude and duration of recent streamflows;
- (3) the extent to which groundwater contributes to streamflow;
- (4) the effects of drought on streamflow;
- (5) the existence and effect of relevant water management agreements;
- (6) the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on streamflow; and
- (7) the effect of reservoir operations."

5. As of **April 7, 2018**, the actual daily streamflow in the **Republican River** at the gaging station at **Clay Center** has been below the streamflow established in K.S.A. 82a-703c, and amendments thereto, for seven consecutive days, and that no streamflow trigger has been established for the Republican River in KAR 5-15-4.

6. The Chief Engineer has confirmed that the gaging station is accurately recording the flows of the **Republican River**, and that such flows are insufficient to meet those minimum desirable streamflows set forth in K.S.A. 82a-703c. The determination to administer MDS immediately was based upon the general hydrologic conditions affecting stream flow in the stream reach, the magnitude and duration of recent stream flows, the extent to which groundwater contributes to streamflow and the magnitude of the effect that the administration of water rights with priorities junior to the MDS values would have on the stream flow and the effect of reservoir operations.

7. Administration of water rights and approvals of application for appropriation of water **with priority dates after April 12, 1984**, is required to establish and maintain the desired MDS for the **Republican River** within that portion of the **Republican River** upstream from the United States Geological Survey gaging station located at **Clay Center in Southwest Quarter of the Northwest Quarter of the Southwest Quarter of Section 17, Township 8 South, Range 3 East, Clay County, Kansas**.

IT IS THEREFORE ORDERED THAT:

1. Effective **12:01 AM on April 10, 2018**, and continuing until such time as the Chief Engineer determines minimum desirable streamflows have been met and maintained for the **Republican River**, there shall be **no direct diversion of water or storage of natural flows into any pond or reservoir** under the water right(s) or approval(s) of application identified by the file number(s) above, which has a priority date after April 12, 1984, as required by K.S.A. 82a-703a and 82a-703b.


2. Any direct diversion of water or storage of natural flows into a pond or reservoir under the water right(s) or approval(s) of application subject to this Order on or after **12:01 AM on July 17, 2018**, shall constitute an unlawful diversion of water and shall subject the party in violation of this Order to all applicable criminal and/or administrative penalties, which may include civil penalties up to \$1000 per day the violation continues, and suspension or modification of the water right(s) or approval(s) of application.

3. This Order is being served on owners of record by mail. Therefore, pursuant to K.S.A. 77-531, any diversion or storage of water under the water right(s) or approval(s) of application subject to this Order, shall cease no later than **12:01 AM on July 17, 2018**.

4. If, during the administration of this Order, streamflows increase temporarily to a level above the established MDS, the Chief Engineer **may** provide a **temporary stay** of this Order to allow the direct diversion of water and storage of natural flows into a pond or reservoir under a water right or approval of application subject to this Order on a limited basis. If you wish to request a temporary stay of this Order, you should direct your request to the **Topeka Field Office at 785-296-5733**.

5. This is a final agency action as defined in K.S.A. 77-607(b). If you choose to appeal this decision or any finding or part thereof, you must do so by filing a petition for review in the manner prescribed by the Kansas Judicial Review Act, K.S.A. 77-601 et seq., within 30 days of service of this Order. Your appeal must be made with the appropriate district court for the State of Kansas. The Chief Legal Counsel for the Kansas Department of Agriculture, 109 SW 9th Street, 4th Floor, Topeka, Kansas 66612, is the agency officer who will receive service of a petition for judicial review on behalf of DWR. If you have questions or would like clarification concerning this Order, you may contact the Chief Engineer.

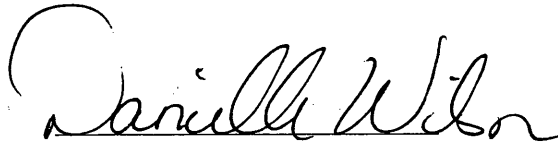
Entered in SHAWNEE COUNTY, KANSAS.


David W. Barfield, P.E. July 18, 2018
Chief Engineer Date

Certificate of Service

A copy of the foregoing Order was sent by First Class Mail service this 18th day of July, 2018, to the following:

STEVE & PATTI BLOOMFIELD
2875 FRONTRIER RD
CLIFTON KS 66937



KDA Staff

#5

THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Jackie McClaskey, Secretary of Agriculture

DIVISION OF WATER RESOURCES
David W. Barfield, Chief Engineer

File Number 50039
This item to be completed by the Division of Water Resources.

Water Resources
Received

APR 18 2018

11:18

KS Dept Of Agriculture

APPLICATION COMPLETE
6/19/18
Reviewer KAS DWS

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.)

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): STEVE BLOOMFIELD
Address: 2875 FRONTIER RD
City: CLIFTON State KS Zip Code 66937
Telephone Number: (785) 556-2062

2. The source of water is: surface water in REPUBLICAN RIVER (stream)
OR groundwater in REPUBLICAN 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 200* acre-feet OR _____ gallons per calendar year, to be diverted at a maximum rate of 1200 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) 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. 1 GMD 0 Meets K.A.R. 5-3-1 (YES/NO) Use FR Source G County CY By HW Date 4/18/18
Code 102 Fee \$ 300 TR # _____ Receipt Date 4/18/18 Check # 5881

DWR 1-100 (Revised 02/12/2014) *Quantity Limited TO 312.6 AF WHEN COMBINED WITH File Nos. 27911 + 27912

4/19/18
SCANNED

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 NW quarter of Section 14, more particularly described as being near a point 4800 feet North and 3150 feet West of the Southeast corner of said section, in Township 6 South, Range 1 EAST, CLAY County, Kansas.

(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):

WILLIAM & TERRY BLOOMFIELD 406 E BARTLETT ST CLIFTON KS 66937-9304
(name, address and telephone number)

(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 April 3, 2018. William M Bloomfield Terry Bloomfield
Applicant's Signature

The applicant must provide the required information or signature irrespective of whether they are the landowner. Failure to complete this portion of the application will cause it to be unacceptable for filing and the application will be returned to the applicant.

7. The proposed project for diversion of water will consist of ONE PUMPSITE
(number of wells, pumps or dams, etc.)
and WILL BE completed (by) JUNE 2019
(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 JULY 2019
(Mo/Day/Year)

- 9. Will pesticide, fertilizer, or other foreign substance be injected into the water pumped from the diversion works?
 Yes No 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 **NOT APPLICABLE**

- 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.

PLACE OF USE – 27811 & 27812

Water Resources
Received

APR 18 2018

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/AGENT
(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):

SEE IRRIGATION USE SUPPLEMENTAL SHEET
_____ (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 Clifton, Kansas, this 3rd day of April, 2018.
(month) (year)

Steve Blossfield
(Applicant Signature)

By _____
(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by BRETT BUNGER TFO/ASST WATER COMM. Date: 3-15-18
(office/title)

Water Resources
Division
KS Dept of Agriculture

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50039

Name of Applicant (Please Print): STEVE BLOOMFIELD

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: STEVE & PATTI BLOOMFIELD

ADDRESS: 2875 FRONTIER RD CLIFTON KS 66937

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	6	1E	L-1 19	22	40	40													121
13	6	1E						L-1 3	4.5										7.5

Landowner of Record NAME: WILLIAM & TERRI BLOOMFIELD

ADDRESS: 406 E BARTLETT ST CLIFTON KS 66937

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14	6	1E					26	26	40	40									132

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	

Water Resources
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APR 18 2018

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.

50,039

Report Date Tuesday, June 5 2018

AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50039 00

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AMOUNT STATISTICS REPORT FOR POINTS OF DIVERSION UNDER A 50039 00 IRR

Water Right and Points of Diversion Within 2.00 miles of point defined as:

4800 Feet North and 3150 Feet West of the Southeast Corner of Section 14 T 6S R 1E

SURFACE WATER ONLY

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=====
File Number   Use ST SR Dist (ft) Q4 Q3 Q2 Q1 FeetN FeetW Sec Twp Rng ID Batt Auth_Quan Add_Quan Unit
A__ 49776 00 IRR GY S      9382 -- SW SE NE 3000 1240 9 6 1E 3      713.00 265.00 AF
A__ 50039 00 IRR AY S      0 -- NE NE NW 4800 3150 14 6 1E 7      200.00 200.00 AF
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Total Net Quantities Authorized:   Direct           Storage
Total Requested Amount (AF) =      200.00           .00
Total Permitted Amount (AF) =      265.00           .00
Total Inspected Amount (AF) =         .00           .00
Total Pro_Cert Amount (AF) =         .00           .00
Total Certified Amount (AF) =         .00           .00
Total Vested Amount (AF) =          .00           .00
TOTAL AMOUNT (AF) =          465.00           .00
=====

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An * after the source of supply indicates a pending application for change under the file number.
 An * after the ID indicates a 15 AF exemption was granted under the file number.
 A "G" in the Batt column indicates the GEO CTR of a battery. A "B" indicates a well in the battery.
 The number in the Batt column is the number of wells in the battery.

Water Rights and Points of Diversion Within 2.00 miles of point defined as:

4800 Feet North and 3150 Feet West of the Southeast Corner of Section 14 T 6S R 1E

SURFACE WATER ONLY

WATER USE CORRESPONDENTS:

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=====
File Number   Use ST SR
A__ 49776 00 IRR GY S
> RICHARD COTT
>
> 1047 20TH RD
> CLAY CENTER KS 67432
>-----
A__ 50039 00 IRR AY S
> STEVE & PATTI BLOOMFIELD
>
> 2875 FRONTIER RD
> CLIFTON KS 66937
>-----
=====

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STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 11, 2018

F&D COX FARMS LLC
204 S LEON ST
CLIFTON KS 66937-9652

Re: Pending New Application, File No. 50,039
Water Right, File Nos. 27,811 and 27,812 Change Applications (Place of Use)

Dear Sir or Madam:

This is to advise you that Steve Bloomfield has filed the new application referred to above for a permit to appropriate 200 acre-feet of surface water per calendar year from the Republican River, for irrigation use, to be diverted at a maximum rate of 1,200 gallons per minute. The pending change applications for File Nos. 27,811 and 27,812 will increase their place of use to match the new application irrigation project. Surface water will be diverted from one (1) pump site located as follows:

in the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 14, in Township 6 South, Range 1 East, Clay County, Kansas.

Records in this office indicate that you own land along the stream in this vicinity and you are being notified of receipt of this application in order that you may be fully informed of the proposed location of the applicant's point of diversion and proposed use of water. Consideration will be given to comments or other information which you desire to submit to this office **within 15 days** from the date of this letter.

You can find the new and change applications and site maps posted by the file numbers referenced above at: <http://agriculture.ks.gov/divisions-programs/dwr/water-appropriation/notices>

If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

A handwritten signature in cursive script, appearing to read "Doug Schemm".

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Steve Bloomfield

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
DIVISION OF WATER RESOURCES
TOPEKA FIELD OFFICE
6531 SE FORBES AVE., SUITE B
TOPEKA, KS 66619



PHONE: (785) 296-5733
FAX: (785) 296-8298
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

May 11, 2018

DARWIN D KNOX
201 E 2ND STREET
CLIFTON KS 66937-9773

Re: Pending New Application, File No. 50,039
Water Right, File Nos. 27,811 and 27,812 Change Applications (Place of Use)

Dear Sir or Madam:

This is to advise you that Steve Bloomfield has filed the new application referred to above for a permit to appropriate 200 acre-feet of surface water per calendar year from the Republican River, for irrigation use, to be diverted at a maximum rate of 1,200 gallons per minute. The pending change applications for File Nos. 27,811 and 27,812 will increase their place of use to match the new application irrigation project. Surface water will be diverted from one (1) pump site located as follows:

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If you have any questions or comments, you may also contact me at (785) 296-3495. If you call, please reference the file number so I can help you more efficiently.

Sincerely,

Douglas W. Schemm
Environmental Scientist
Topeka Field Office

pc: Steve Bloomfield

(Date)

Kansas Department of Agriculture
Division of Water Resources
David W. Barfield, Chief Engineer
1320 Research Park Drive
Manhattan, Kansas 66502

Re: Application
File No. 50039

Minimum Desirable Streamflow

Dear Sir:

I understand that a Minimum Desirable Streamflow requirement has been established by the legislature for the source of supply to which the above referenced application applies.

I understand that diversion of water pursuant to this application will be subject to regulation any time Minimum Desirable Streamflow requirements are not being met.

I also understand that if this application is approved, there could be times, as determined by the Division of Water Resources, when I would not be allowed to divert water. I realize that this could affect the economics of my decision to appropriate water.

I am aware of the above factors, and with the knowledge thereof, request that the Division of Water Resources proceed with processing and approval, if possible, of the above referenced application.

Steve Bloomfield
Signature of Applicant

State of Kansas)
County of Washington) ss

Steve Bloomfield
(Print Applicant's Name)

I hereby certify that the foregoing instrument was signed in my presence and sworn to before me this 3rd day of April, 2018.

Galen R. Haas
Notary Public

My Commission Expires:



Water Resources
Received
APR 18 2018

**MINIMUM DESIRABLE STREAMFLOW FORM TO BE USED WHEN
APPLICABLE WHEN FILING AN APPLICATION FOR PERMIT
TO APPROPRIATE WATER FOR BENEFICIAL USE**

The Kansas Legislature has established minimum desirable streamflows for the streams listed below. If your proposed diversion of water is going to be from one of these watercourses or adjacent alluvial aquifers, please complete the back side of this page and submit it along with your application for permit to appropriate water.

Arkansas River
Big Blue River
Chapman Creek
Chikaskia River
Cottonwood River
Delaware River
Little Arkansas River
Little Blue River
Marais des Cygnes River
Medicine Lodge River
Mill Creek (Wabaunsee Co. area)
Neosho River

Ninnescah River
North Fork Ninnescah River
Rattlesnake Creek
Republican River
Saline River
Smoky Hill River
Solomon River
South Fork Ninnescah
Spring River
Walnut River
Whitewater River

Water Resources
Received

1994

Kansas Dept. of Agriculture

50039

Upstream and Downstream Landowners

Upstream - F&D Cox Farms LLC
204 S Leon St
Clifton KS 66937-9652

Downstream - Darwin D Knox
201 E 2nd St
Clifton KS 66937-9773

Water Resources
Received

APR 18 2018

KS Dept Of Agriculture

SCANNED

STATE OF KANSAS

DEPARTMENT OF AGRICULTURE
1320 RESEARCH PARK DRIVE
MANHATTAN, KS 66502
PHONE: (785) 564-6700
FAX: (785) 564-6777



900 SW JACKSON, ROOM 456
TOPEKA, KS 66612
PHONE: (785) 296-3556
www.agriculture.ks.gov

GOVERNOR JEFF COLYER, M.D.
JACKIE McCLASKEY, SECRETARY OF AGRICULTURE

April 19, 2018

STEVE BLOOMFIELD
2875 FRONTIER RD
CLIFTON KS 66937

RE: Application
File No. 50039

Dear Sir or Madam:

Your application for permit to appropriate water in 14-8S-1E in Clay County, was received and has been assigned the file number noted above.

As a matter of record, the Division of Water Resources has on hand a large number of applications awaiting processing. Therefore to be fair to all concerned, and so that we can process those applications on hand in the order they were received, we intend to concentrate on the backlog of applications until the issue is resolved. Once review of your application has begun, we will contact you, if additional information is required.

In accordance with the provisions of the Kansas Water Appropriation Act, a portion of which is included below, the use of water as proposed prior to approval of the application is unlawful. Once approved, compliance with the terms, conditions and limitations of the permit is necessary. Conservation of the water resources of Kansas is required.

Section 82a-728 of the Kansas Water Appropriation Act, provides (a) except for the appropriation of water for the purpose of domestic use, . . . 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 the Water Appropriation Act 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.

(b) (1) The violation of any provision of this section by any person is a class C misdemeanor . . .

A class C misdemeanor is punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. Each day that the violation occurs constitutes a separate offense.

If you have any questions, please contact me at (785) 564-6637. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

BAT: dlw
pc: TOPEKA Field Office
GMD

SCANNED

00039

1:12,000

New Application



Water Resources
 Received
 18 2018
 ND Dept of Agriculture

SCANNED