

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.

THE STATE OF KANSAS



MAR 20 2019

1058

KS DEPT OF AGRICULTURE

KANSAS DEPARTMENT OF AGRICULTURE Mike Beam, Acting Secretary of Agriculture

DIVISION OF WATER RESOURCES David W. Barfield, Chief Engineer

File Number 50223-A This item to be completed by the Division of Water Resources.

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): EPIC LANDSCAPE PRODUCTIONS, LC Address: 23933 W 175 STREET City: GARDNER State: KS Zip Code 66030 Telephone Number: (913) 897-3858

2. The source of water is: [X] surface water in Tributary to Little Bull Creek (stream) OR [] groundwater in Marais Des Cygnes (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. REDIVERSION OF 78 AF @ 1,000 GPM

3. The maximum quantity of water desired is 103.3 acre-feet OR gallons per calendar year, to be diverted at a maximum rate of NF 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. Code 1 GMD Meets K.A.R. 5-3-1 (YES/NO) Use RR Source G(S) County D By DAW Date 3/22/19 Fee \$ 200 * TR # Receipt Date 3/22/19 Check # Adjustment from TRR

DWR 1-100 (Revised 02/16/2011) *Filing Fee to be paid by Applying Filing Fee From Term Permit #20189073. DWS/DWR 2/27/19 3/25/2019 WM

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 NW quarter of the SE quarter of the NW quarter of Section 28, more particularly described as being near a point 3561 feet North and 3813 feet West of the Southeast corner of said section, in Township 14 South, Range 23 EAST, JOHNSON 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):

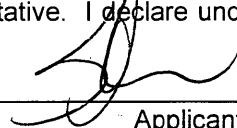
EPIC NURSERY PROPERTIES, LLC, 23933 W. 175 ST, GARDNER, KS 66030
(name, address and telephone number)

(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 March 8th, 2019.



Applicant's Signature

7. The proposed project for diversion of water will consist of ONE DAM AND RESERVOIR
(number of wells, pumps or dams, etc.)

and (will be) completed (by) EXISTING
(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 SUMMER 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 _____

To be Reviewed by Structures staff

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.

NONE. Capacity of Reservoir = 24 acre-feet. Surface Area = 3.2 Acres (3.2 x 5"/12 = 1.3 AF of evaporation).

Direct Use Quantity = 78 acre-feet. 24 AF + 1.3 AF + 78 AF = 103.3 AF of Storage

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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 ^{Pond} Well as completed Drillers log attached

Well location as shown in paragraph No.	(A)	(B)	(C)	(D)
Date Drilled	1998			
Total depth of well	16'			
Depth to water bearing formation				
Depth to static water level				
Depth to bottom of pump intake pipe	6'			

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)

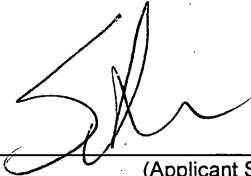
15. The owner(s) of the property where the water is used, if other than the applicant, is (please print):

EPIC NURSERY PROPERTIES, LLC, 23933 W. 175 ST, GARDNER, KS 66030
(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 Gardner, Kansas, this 8 day of March, 2019.
(month) (year)



(Applicant Signature)

By

(Agent or Officer Signature)

(Agent or Officer - Please Print)

Assisted by DWS

TOPEKA FO
(office/title)

Date: 2/27/2019

**IRRIGATION USE
SUPPLEMENTAL SHEET**

File No. 50223-A

Name of Applicant (Please Print): EPIC LANDSCAPE PRODUCTIONS, LC

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: EPIC LANDSCAPE PRODUCTIONS, LC

ADDRESS: 23933 W 175 STREET, GARDNER, KS 66030

S	T	R	NE¼				NW¼				SW¼				SE¼				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
28	14	23E					39				39								78

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	

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
<u>woodson</u>	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Total:	100 %		

b. Estimate the average land slope in the field(s): 1 %

Estimate the maximum land slope in the field(s): 2 %

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: Drip for Field Trees and Holding area Trees.

d. System design features: LAWN MIST HEADS FOR SHADE HOUSES

i. Describe how you will control tailwater:
The outflow of panel drains into a swale that feeds a detention pond. The detention pond drains to the southeast. The 2nd pond is existing from previous owners.

ii. For sprinkler systems:

(1) Estimate the operating pressure at the distribution system: 75 psi

(2) What is the sprinkler package design rate? 60 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:

Trees and Container plants

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).

Tree growing - as needed during hot/dry conditions, or during bare root planting. Containers/potted plants: once in morning and once in afternoon.

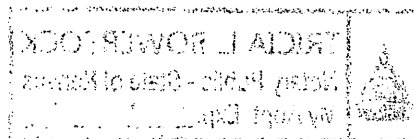
You may attach any additional information you believe will assist in informing the Division of the need for your request.

**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



50223-A



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, Acting Secretary

Laura Kelly, Governor

February 27, 2019

EPIC LANDSCAPE PRODUCTIONS LLC
23933 W 175 ST
GARDNER KS 66030

RE: New Application for Appropriation of Water

Dear Sir or Madam:

Enclosed is an application form related to completing a new application for permit to appropriate water for beneficial use. Please review the "Application For Permit To Appropriate Water For Beneficial Use" form, and make any modifications you wish. You **must sign the application at Paragraph Nos. 6 and 16**. In addition, please **sign the site map** where indicated, and **sign and have notarized** the Minimum Desirable Streamflow form.

Note that this regular application will replace the Term Permit, File No. 20189073, which you previously submitted. The filing fee for this term permit will be applied to this new application.

Please submit the completed application to the **Kansas Department of Agriculture, Division of Water Resources, 1320 Research Park Drive, Manhattan, KS 66502**.

You may contact the Topeka Field Office at (785) 296-5733, or myself at (785) 296-3495, for any additional assistance in completing these application forms.

Sincerely,

Douglas Schemm
Environmental Scientist
Topeka Field Office

Enclosures

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KS DEPT OF AGRICULTURE

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, Interim Secretary

Laura Kelly, Governor

March 25, 2019

EPIC LANDSCAPE PRODUCTIONS, LC
23933 W 175 ST
GARDNER, KS 66030

RE: Application, File No. **50223-A**

Dear Sir or Madam:

The Division of Water Resources (Division) has received your application for a permit to appropriate water for beneficial use. Your application has been assigned the file number referenced above. Please be aware that the Division may have a large number of pending applications on hand at times and makes every attempt to process them in the order in which they are received. You will be contacted if additional information is required.

Please note, this letter only acknowledges receipt of your application and does not guarantee approval. In accordance with the provisions of the Kansas Water Appropriation Act, the use of water as proposed prior to approval of the application is unlawful.

Additional information about the process may be found on our website at agriculture.ks.gov/divisions-programs/dwr. If you have any other questions, please contact our office at 785-564-6640 or your local Topeka Field Office at 785-296-5733. If you call, please reference the file number so we can help you more efficiently.

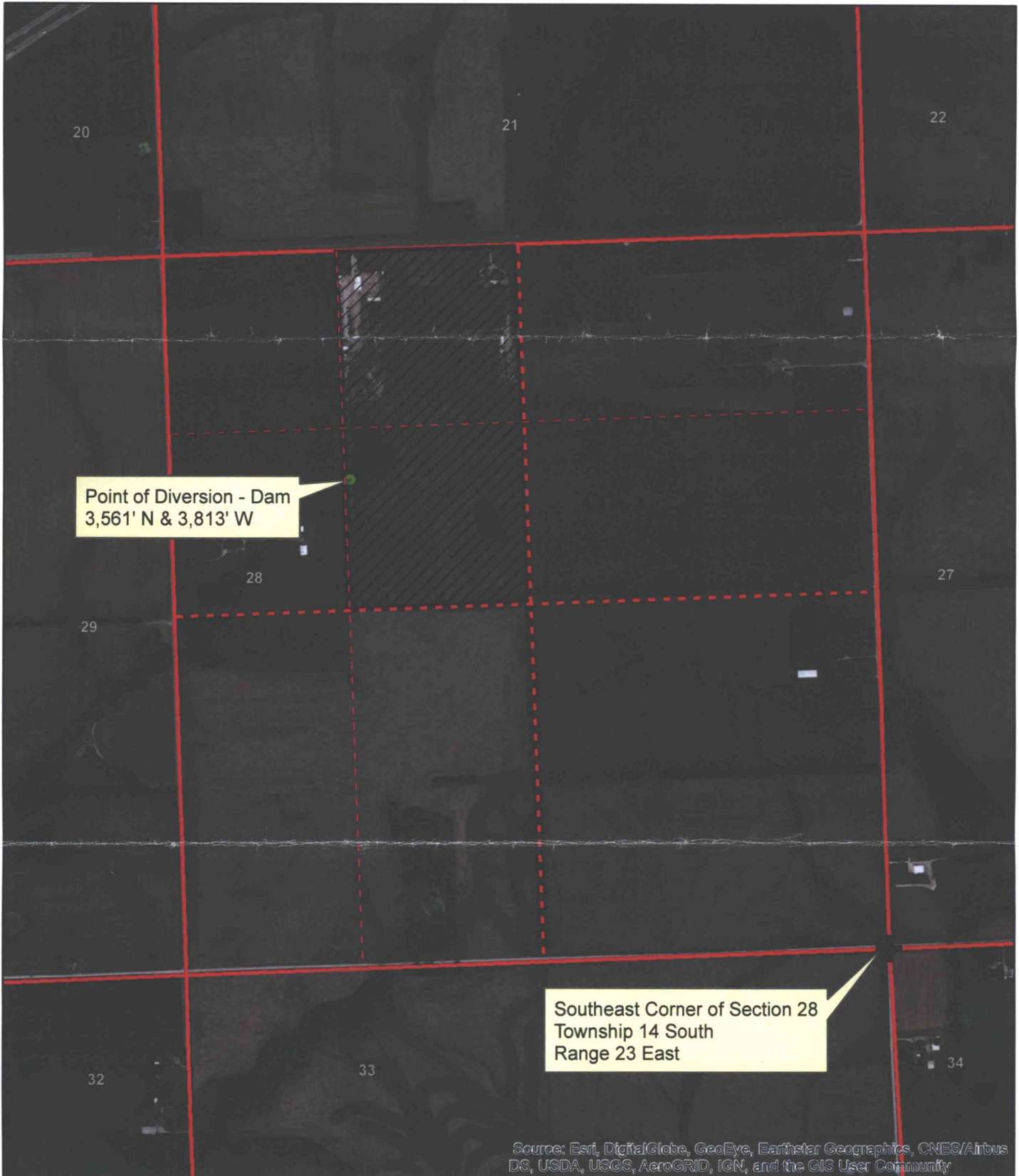
Sincerely,

A handwritten signature in cursive script that reads "Kristen A. Baum".

Kristen A. Baum
New Applications Unit Supervisor
Water Appropriation Program

50223-A

EPIC LANDSCAPE PRODUCTIONS, LC
NEW APPLICATION SITE MAP
Sec. 28, T14S, R23E
JOHNSON COUNTY



Point of Diversion - Dam
3,561' N & 3,813' W

Southeast Corner of Section 28
Township 14 South
Range 23 East

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

1:12,000

-  Proposed Place of Use
-  Proposed Point of Diversion

Upstream and Downstream Landowners adjacent to the stream within 1/2 mile of the property lines have been listed.

[Signature]
KS DEPT OF AGRICULTURE

MAY 20 2019

50223-A

NEARBY LANDOWNERS

UPSTREAM

SJC LLC
5946 COUNTY LINE RD
KANSAS CITY KS 66061

DOWNSTREAM

WALTER G CRUZ
17845 CLEIRE RD
GARDNER KS 66030

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