

Kansas Department of Agriculture
 Division of Water Resources
CHANGE: P/U PD UMW WORKSHEET - WUC UPDATE

1. File Number: 3279	2. Status Change Date: 10/6/2022	3. Change Num: C2	4. Field Office: 04	5. GMD:
6. Status: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied by DWR/GMD <input type="checkbox"/> Dismiss by Request/Failure to Return				7. Filing Date of Change: 4/28/2022
8a. Applicant(s) New to system <input type="checkbox"/>		Person ID _____ Add Seq# 1		8c. Landowner(s) New to system <input type="checkbox"/>
QUENTEL RANCHES LLC MANFRED & DARIA QUENTEL 19311 AQUATIC DR HUMBLE TX 77346				
8b. Landowner(s) New to system <input type="checkbox"/>		Person ID 58610 Add Seq# 1		8d. WUC New to system <input type="checkbox"/>
QUENTEL RANCHES LLC 19311 AQUATIC DR HUMBLE, TX 77346-8035		MID-STATES MATERIALS LLC Attn: QUENTEL 1800 NW BRICKYARD RD TOPEKA, KS 66618		Person ID 57910 Add Seq# 4
9. Documents and Enclosure(s): <input type="checkbox"/> DWR Meter(s) Date to Comply: _____ <input checked="" type="checkbox"/> N & P Date to Comply: 12/31/2023				
<input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input type="checkbox"/> N & P Form <input type="checkbox"/> Water Tube <input type="checkbox"/> Driller Copy <input type="checkbox"/> H & E Letter				
<input type="checkbox"/> Conservation Plan Date Required: _____ Date Approved: _____ Date to Comply: _____				
10. Use Made of Water From: IRR To: IND 1442 - CONST SAND & GRAVEL				
Date Prepared: 9/27/22 By: LI Date Entered: 10/10/2022 By: LMoody				

10/6/2022
LI

File No. **3279** 11. County: **HM** Basin: **ARKANSAS RIVER** Stream: **NA** Formation Code: **113** Special Use: **016**

12. Points of Diversion											Rate and Quantity						
CHK	MOD	DEL	ENT	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm/cfs	Quantity af/mgy	Rate gpm/cfs	Quantity af/mgy	Overlap PD Files
DEL					CN NW SW	22	23	43W	11	2468	4506	IRR	1869 gpm	122 AF	1869	122 AF	3280
ENT					NE SW SW	22	23	43W		1265	4130	IND 48 IN NET EVAP	NE 33.01	101.3 MGY	NE 33.01	101.3 MGY	3280, 26526-D1 & 26526-D2

GOING PROJECT PERMIT - GW PIT

13. Storage: Rate _____ NF Quantity _____ ac/ft Additional Rate _____ NF Additional Quantity _____ ac/ft

14. Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) **NONE NO CHANGE**
 Limitation: _____ af/yr at _____ gpm (_____ cfs) when combined with file number(s) _____

15. 5YR Allocation: Allocation Type _____ Start Year _____ 5 YR Amount _____ Amount Unit _____ Base Acres _____ Comment _____

16. Place of Use																			Total	Owner	Chg?	Overlap Files								
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID	NE¼				NW¼				SW¼				SE¼									
									NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼						
MOD	55637				22	23	43W	8	PROJECT PERMIT SAND & GRAVEL PIT (SW)																	8b	NO	3280, 26526-D1 & D2		
MOD	59499				27	23	43W	2	PROJECT PERMIT - SAND & GRAVEL PIT (L-1)																	8b	NO	3280, 26526-D1 & D2		
ENT	71028				21	23	43W		PROJECT PERMIT - SAND & GRAVEL PIT (L-5)																	8b	NO	3280, 26526-D1 & D2		
DEL	8470				27	23	43W	1								2.0										2	8b	NO	3280 26526-D1	
DEL	18226				22	23	43W	3								17.0	6.0	8.0	35	19						85	8b	NO	3280 26526-D1	
DEL	59498				21	23	43W	3				2.0												20.0		11.0	33	8b	NO	3280 26526-D1

Base Acres: **PIT SIZE MAX 89.75** Year: _____ Minimum Reasonable Quantity: _____

Comments: **GOING TO A PROJECT PERMIT**

KANSAS DEPARTMENT OF AGRICULTURE
Division of Water Resources

M E M O R A N D U M

TO: Files

DATE: September 30, 2022

FROM: Leslie Ireland

RE: Water Right,
File Nos. 3,279; 3,280, 26,526-D1 & 26,526-D2

Manferd and Daira Quentel on behalf of Quentel Ranches LLC, the owner of the referenced files has submitted applications to change the place of use, point of diversion and use made of water under File Nos. 3279, 3280, & 26,526-D1, with a change in the place of use, point of diversion under File No. 26,526-D2, all received on April 28, 2022. An application to operate all of the referenced files under a Project Permit was submitted on May 3, 2022 by Cole Anderson, Bettis Asphalt dba Mid-States Materials.

It would appear that the referenced files meet the requirements of KSA 82a-718 and 82a-732, with the payment a fine and suspension. They are located in the Arkansas River Basin and the Arkansas River Intensive Groundwater Management District (IGUCA).

The changes are to expand the existing 40 acre groundwater pit authorized industrial use under File No. 26,526-D2. The changes from irrigation to industrial use are to provide quantity for the expansion that will shift the geographic center of the pit. The use made of water will be processed by K.A.R. 5-5-9, *Approval of application for a change in the use made of water from irrigation to any other type of beneficial use of water*. The consumptive use percentage for Hamilton County of 83.0%. When applied to the irrigation quantity it will assure compliance with K.A.R. 5-5-3, *Change in consumptive use* from irrigation to the proposed industrial use.

File No. 3279 irrigation use is authorized 122 acre-feet (AF) at a rate of 1,869 gallons per minute (gpm) from the well located at the center of the North side of the Northwest Quarter of the Southwest Quarter (CN NW $\frac{1}{4}$ SW $\frac{1}{4}$) approximately 2468 feet North and 4,506 feet West of the Southeast corner of Section 22, Township 23 South, Range 43 West, Hamilton County, for the irrigation of 120 acres spanning Sections 21, 22 & 27 also served by File Nos. 3280 & 26,526-D1. The 122 AF authorized will provide 101.26 AF for another use, industrial use.

File No. 3280 is authorized 58 AF at 1,869 gpm for irrigation use with a complete overlap with File No. 3279, with no additional limitations. The 58 AF will provide 48.1 AF to be changed.

File No. 26,526-D1 is authorized 59.8 AF at a rate of 1,800 gpm for irrigation use from a well located in the Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$), approximately 3,025 feet North and 4,486 feet West of the Southeast corner of Section 22, Township 23, Range 43 West, Hamilton County. Its 59.8 AF will provide 49.6 AF.

The three irrigation files total of 239.8 AF will provide a total 199 AF for the industrial use.

$$239.8 \text{ AF} \times 83\% \text{ consumptive use Hamilton Co.} = 199 \text{ AF}$$

The annual evaporation of exposed groundwater for Township 23 South, Range 43 West, Hamilton County, per K.A.R. 5-6-3, *Potential net evaporation* is 48 inches per acre. The 199 AF available for change would afford the annual evaporation of groundwater from 49.75 acres.

$$199 \text{ AF} \times 12" \text{ per foot} = 2388" \div 48" \text{ per acre} = 49.75 \text{ acres of groundwater exposure}$$

File No. 26,526-D2, authorizes 53.210 mgy (163.0 AF) for industrial use as natural evaporation from a 40 acre groundwater exposure pit located in the Southwest Quarter of Section 22, and in Lot 1 of Section 27, all in Township 23 South Range 43 West, Hamilton County. The pit is located just to the Southwest of the town of Coolidge along the North side of the Arkansas River with a geographic center approximately 1,200 feet North of the center line of the river. Further defined as 933 feet North and 3,815 feet West of the Southeast corner of 22-23-43W. The pit has operated under this file number as a Project Permit since October of 2021.

The 49.75 acres of groundwater exposure that could be authorized under File Nos. 3,279; 3,280, 26,526-D1 and the 40 acres under File No. 26,526-D2 affords a groundwater table exposure of 89.75 acres.

To confirm the proposed change K.A.R. 5-13-6, *Determination of the maximum rate of diversion and annual quantity of water*, summarized the exposure of the groundwater table as the proposed 89.75 acres x 48" = 4308 ÷ 12 = 359 AF. The existing 163 AF authorized when combined with the 199 AF proposed totals 362.3 AF (118.056 MGY) providing a sufficient quantity.

The irrigated acres in Sections 21, 22 & 27 will no longer be authorized, and the pumping rates will convert to natural evaporation.

The proposed industrial place of use will be described as a groundwater pit with a maximum surface water exposure of for a 89.76 acres located in the Southwest Quarter (SW ¼) of Section 22 and in Lot 5 of Section 21 and Lot 1 of Section 27, all in Township 23 South, Range 43 West, Hamilton County, Kansas.

All of the wells and the existing industrial use have been determined have their source of supply to be the Main Stem Alluvium (Code 113).

The point of diversion of the existing pit will shift to the Northwest away from the centerline of the Arkansas River. It will be described as a geographic center of a groundwater pit located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter of Section 22, approximately 1,266 feet North 4,130 feet West of Southeast corner of said Section, in Township 23 South, Range 43 West, Hamilton County, Kansas.

The irrigation wells will no longer be authorized points of diversion with their quantities assigned to the geographic center. The location of the irrigation well under File Nos. 3279 & 3280, is approximately 2,687 feet from the centerline of the river. The well under File No. 26,526-D1 is approximately 2.178 feet North of the center line of the river.

The proposed changes in point of diversion under File Nos. 3279, 3280 & 26,526-D1, will move the 199 AF authorized by these files to the geographical center of the pit which is towards the centerline of the Arkansas River. The applications were considered per K.A.R. 5-13-5, *Approval of pit operations that are opened or expanded after the effective date of this regulation*, requires areas with a substantial adverse impact to acquire existing right(s) to be used in a manner described in K.A.R. 5-13-7, *Offsets for evaporation of groundwater*, which requires the approval of an application for the use of water at the pit location. The approval of the change in use made of water under File Nos. 3279, 3280 & 26,526-D1 will provide the water for the evaporation caused by increased exposure of the groundwater. Additionally, K.A.R. 5-13-7 allows for the use of groundwater from an unconsolidated regional aquifer that is within a 3.5 mile radius of the geocenter as long as it is in the same aquifer or hydraulically aquifer. The changes in point of diversion is considered to meet the requirements of K.A.R. 5-5-13, *Relocation of alluvial wells* and the Arkansas River IGUCA based on these regulations.

There are the only the irrigation wells authorized under the referenced files located within one-half ($\frac{1}{2}$) mile of the proposed existing geographic center of the pit. The wells are owned by the applicant and located approximately 1,250 feet from the proposed existing geographical center of the groundwater pit. The well under File No. 26,526-D1 is approximately 1,790 feet away. If the wells are retained for domestic use, they appear to meet the requirement of K.A.R. 5-4-4, *Well spacing*. Additionally, the applications appear to comply with K.S.A.82a-1906 without any nearby well owner notification.

A water flow meter, check valve and water level measurement tube and WWC-5 will not be required by any of the change approvals as no new wells will be authorized. The pit will have the conditions that it be bermed, and no excessive stockpiles in the floodplain. It was also advised the pit construct in a manner which will not cause the river to breach into the pit and if so a Water Structures permit will be required for the breach as a channel change. The database will have a completion date of December 31, 2023 to assure compliance with the conditions.

The Project Permit application as submitted will be for all of the referenced files and afford the continued operation on the dredge operated under the Project Permit that has been authorized for File No. 26,526-D2. This permit will be sent with the approvals under the referenced files.

Mike Meyer, Water Commissioner of the Garden City Field Office was notified of the applicant's proposed changes. Mr. Meyer, reviewed the summary memo and indicated in an e-Mail dated September 29, 2022, that he has no objections to the approvals and the Project Permit. He did request the transmittal letter have the wording that irrigation use must cease from the wells and they must be properly plugged.

Based on the above discussion, that the changes in use made of water are reasonable, that impairment to existing water rights is unlikely, that there is no change in the local source of supply and consumptive use will not be increased, it is recommended that the referenced applications be approved.



Leslie Ireland
Environmental Scientist
Water Appropriation Program

From: Meyer, Mike [KDA]
Sent: Thu 9/29/2022 7:45 AM
To: Ireland, Leslie [KDA]
Subject: RE: Review and Recommendation of Changes & Project Permit File Nos. 3,279; 3,280, 26,526-D1 & 26,526-D2

Good morning

I recommend approval. I will let Earl know that these are new finalizations as he was asking about them Friday. Not sure if you want Brett to look them over, since he assisted with them.

I think we should strongly put in the transmittal that the irrigation must cease from the wells and wells must be properly plugged.

Thank you

Mike

From: Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>
Sent: Wednesday, September 28, 2022 4:02 PM
To: Meyer, Mike [KDA] <Mike.Meyer@ks.gov>
Subject: Review and Recommendation of Changes & Project Permit File Nos. 3,279; 3,280, 26,526-D1 & 26,526-D2

Mike,

I think I hit all the targets on these changes and permit. It would appear they meet the rules.

Please let me know if you'd recommend them for approval

As always comments and concerns are welcome.

I am going to ask that the applications get fixed.. it appears the maps are not matched up correctly and we voided one under 3279 it was just wrong..

Leslie Ireland
Environmental Scientist
Change Application Unit
Division of Water Resources



THE STATE OF KANSAS



KANSAS DEPARTMENT OF AGRICULTURE
Mike Beam, Secretary of Agriculture

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

**APPROVAL OF APPLICATION
FOR
CHANGE IN USE MADE OF WATER
PLACE OF USE POINT OF DIVERSION
AND
ORDER IN THE MATTER OF THE AUTHORIZED QUANTITY AND RATE OF DIVERSION
WATER RIGHT, FILE NO. 3279**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Manfred and Daria Quentel on behalf of Quentel Ranches LLC, 19311 Aquatic Drive, Humble, Texas 77346-8035, received in this office on April 28, 2022, for approval of a change in the use made of water, place of use and point of diversion, under the certificate of appropriation issued pursuant to the application for permit to appropriate water for beneficial use, as modified and amended by the Order of the Chief Engineer dated June 12, 1981, approving the application to change the place of use, by the Findings and Order of the Chief Engineer dated November 19, 1998, in the matter of the place of use, the Order of the Chief Engineer dated June 9, 2000, approving the application to change the point of diversion, the Order of the Chief Engineer dated March 31, 2008, approving the application to change the place of use and Order to better describe the authorized point of diversion, by the Correction Order of the Chief Engineer dated August 14, 2012, to correct the authorized place of use, and by the Findings and Orders of the Chief Engineer dated June 26, 2012 and October 7, 2021, in the matter of the place of use, finds that the change is reasonable and will not impair existing rights, and that the application should be and is hereby approved.

This order effectively reduces the authorized quantity to 33.01 million gallons (101.3 acre-feet) of water per calendar year and the rate of diversion rate not in excess of natural evaporation in accordance with the Application for Approval to Change the Place of Use, Point of Diversion and Use Made of Water received in this office on April 28, 2022.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized use made of water shall be:

Industrial Use,

at the authorized place of use and point of diversion described as:

a sand and gravel pit not to exceed 89.75 surface acres in size located in the Southwest Quarter (SW $\frac{1}{4}$) of Section 22, in Lot 5 of Section 21, and in Lot 1 of Section 27, with a geographic center located in the Northeast Quarter of the Southwest Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 22, approximately 1,265 feet North and 4,130 feet to the West of the Southeast corner of said Section,

all in Township 23 South, Range 43 West, Hamilton County, Kansas,

located substantially as shown on the map accompanying the application to change the use made of water, place of use and point of diversion.

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

CERTIFICATE OF SERVICE

On this day of , 2022, I hereby certify that the attached original Approval of Application, for Change in the Authorized Use Made of Water, Place of Use and Point of Diversion, and Order in the Matter of the Authorized Quantity and Rate of Diversion, Water Right, File No. 3279, dated , was mailed postage prepaid, first class, US mail to the following:

QUENTEL RANCHES LLC
MANFRED & DARIA QUENTEL
19311 AQUATIC DR
HUMBLE, TX 77346-8035

With Photocopies sent to:

Garden City Field Office

Division of Water Resources

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



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

Mike Beam, Secretary

Laura Kelly, Governor

October 12, 2022

MID-STATE MATERIALS
1800 NW BRICKYARD ROAD
TOPEKA KS 66618

RE: Project Permit for Existing Sand and Gravel Operations,
File Nos. 3279; 3280; 26,526-D1 & 26,526-D2

Dear Sir or Madam:

Your application for a Project Permit for Existing Sand and Gravel Operations has been examined, approved, and is being returned herewith for your records.

The approval of your application serves to convert the existing industrial use permits under the referenced files authorizing net evaporation, to a project permit. This project permit shall authorize net evaporation as the primary use, and hydraulic dredging and sand washing as secondary uses of water if such secondary uses are located within the same source of supply and are associated with the operation. Any secondary uses shall use water in a manner in which there is no significant net consumptive use.

This approval is subject to the condition that the area adjacent to the pit shall be so graded or bermed so as to exclude overland flow of surface water from entering the pit. Applicable structures permits/approvals must be obtained from the Structures Program of the Division of Water Resources if the land surface within the floodplain of the Arkansas River is raised more than an average of one foot above the existing land surface in the process of excluding overland flow of surface water from entering the pit and/or if any aggregate material is stored within the floodplain. It is also advisable to construct the pit in a manner which will not cause the river to breach into the pit. If this happens, a Water Structures permit will be required for the breach as a channel change.

An annual water use report must be filed with the Chief Engineer by March 1, following the end of each calendar year. If a complete annual water use report is not received by the deadline, then a fine may be assessed and all water use under such permit or right may be suspended. Reports submitted in paper form will be assessed a \$20 per file number paper filing fee. In order to avoid this filing fee, you may submit your report online at www.kswateruserreport.org. The approval of the referenced files as a Project Permit will have the information for the annual report sent to Mid-State Materials at the address above.

If you have any questions, please contact our office at 785-564-6640. 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 Applications and Changes Supervisor
Division of Water Resources

KAB:LI:li

Enclosure(s)

pc: Garden City Field Office

Quentel Ranches LLC, 19311 Aquatic DR, Humble, TX 77346-8035

RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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

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

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

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

CERTIFICATE OF SERVICE

On this 12 day of October, 2022, I hereby certify that the attached original Approval of Application, for Change in the Authorized Use Made of Water, Place of Use and Point of Diversion, and Order in the Matter of the Authorized Quantity and Rate of Diversion, Water Right, File No. 26,526-D1, dated 6 October 2022, was mailed postage prepaid, first class, US mail to the following:

QUENTEL RANCHES LLC
MANFRED & DARIA QUENTEL
19311 AQUATIC DR
HUMBLE, TX 77346-8035

With Photocopies sent to:

Garden City Field Office


Division of Water Resources