

# 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.

Submit To: CHIEF ENGINEER  
Division of Water Resources  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
http://agriculture.ks.gov/dwr

**APPLICATION FOR APPROVAL TO  
CHANGE THE PLACE OF USE, THE  
POINT OF DIVERSION OR THE USE  
MADE OF THE WATER UNDER AN  
EXISTING WATER RIGHT**



State of Kansas

*Filing Fee Must Accompany the Application  
(Please refer to Fee Schedule on signature page of application form.)*

Paragraph Nos. 1, 2, 3, 4 & 8 must be completed. Complete all other applicable portions. A topographic map or detailed plat showing the authorized and proposed points(s) of diversion and /or place of use must accompany this application.

7/15/2021

1. Application is hereby made for approval of the Chief Engineer to change the

- Place of Use  
 Point of Diversion  
 Use Made of Water

(Check one or more)

Water Resources  
Received

KS Dept Of Agriculture

File No. 26,526

2. Name of applicant: MANFRED QUENTEL

Address: 19311 AQUATIC DR

City, State and Zip: HUMBLE TX 77346-8035

Phone Number: (713) 557-2000 E-mail address: kr8nsmiles@yahoo.com

What is your relationship to the water right;  owner  tenant  agent  other? If other, please explain. \_\_\_\_\_

Name of water use correspondent: SAME

Address: \_\_\_\_\_

City, State and Zip: \_\_\_\_\_

Phone Number: ( ) \_\_\_\_\_ E-mail address: \_\_\_\_\_

3. The change(s) proposed herein are desired for the following reasons (please be specific): \_\_\_\_\_

TO AUTHORIZE EXPANDED GROUNDWATER PIT PU, CHANGE IN GEO-CENTER OF THE PIT, AND ADD IND USE TO COVER GROUNDWATER EVAPORATION.

The change(s) (was) (will be) completed by FALL 2020

(Date)

For Office Use Only:  
F.O. 4 GMD \_\_\_\_\_ Meets K.A.R. 5-5-1 (YES / NO) Use IRR/REC Source G/S County HM By BMM Date 7/20/21  
Code C-3 Fee \$ 700 TR # PY00027841 Receipt Date 7/15/2021 Check # CC

**Water Resources  
Received**

4. The presently authorized place of use is: **IRRIGATION & RECREATIONAL**

**KS Dept Of Agriculture**

Owner of Land — NAME: MANFRED QUENTEL

ADDRESS: 19311 AQUATIC DR, HUMBLE, TX 77346-8035

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	23	43W						Lot 1 2											2
22	23	43W							17	6	31	38	19						111
21	23	43W				2								20				11	33

List any other water rights that cover this place of use. 3279 & 3280

**RECREATION**

Owner of Land — NAME: QUENTEL RANCHES LLC

ADDRESS: 19311 AQUATIC DR, HUMBLE, TX 77346-8035

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	23	43W	30 AC MAX SAND & GRAVEL PIT (SE SW) & (SW SW)																
27	23	43W	SAND & GRAVEL PIT L-1																

List any other water rights that cover this place of use. \_\_\_\_\_

(If there are more than two landowners, attach additional sheets as necessary.)

5. It is proposed that the place of use be changed to: **IRRIGATION**

Owner of Land — NAME: MANFRED QUENTEL

ADDRESS: 19311 AQUATIC DR, HUMBLE, TX 77346-8035

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
27	23	43W						Lot 1 2											2
22	23	43W							17	6	8	35	19						85
21	23	43W				2								20				11	33

List any other water rights that cover this place of use. 3279 & 3280

**INDUSTRIAL**

Owner of Land — NAME: QUENTEL RANCHES LLC

ADDRESS: 19311 AQUATIC DR, HUMBLE, TX 77346-8035

Sec.	Twp.	Range	NE¼				NW¼				SW¼				SE¼				TOTAL ACRES
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
22	23	43W	40 AC MAX SAND & GRAVEL PIT (SE SW) (SW SW) & (NW SW)																
27	23	43W	SAND & GRAVEL PIT L-1																

List any other water rights that cover this place of use. \_\_\_\_\_

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**



6. The presently authorized point(s) of diversion (is) (are) ONE WELL (IRR) & PIT GEOCENTER (REC)  
(Provide description and number of points)
7. The proposed point(s) of diversion (is) (are) ONE WELL (IRR) & PIT GEOCENTER (IND)  
(Provide description and number of points)

**List all presently authorized point(s) of diversion:**

8. **Presently authorized point of diversion: IRRIGATION WELL**

One in the SE Quarter of the SW Quarter of the NW Quarter of Section 22, Township 23 South, Range 43 WEST, in HAMILTON County, Kansas, 3025 feet North 4486 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

9. **Presently authorized point of diversion: RECREATION**

One in the NE Quarter of the SW Quarter of the SW Quarter of Section 22, Township 23 South, Range 43 WEST, in HAMILTON County, Kansas, 712 feet North 3985 feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the NE Quarter of the SW Quarter of the SW Quarter of Section 22, Township 23 South, Range 43 WEST, in HAMILTON County, Kansas, 933 feet North 3815 feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

10. **Presently authorized point of diversion:**

One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Authorized Rate \_\_\_\_\_ Authorized Quantity \_\_\_\_\_  
 (DWR use only: Computer ID No. \_\_\_\_\_ GPS \_\_\_\_\_ feet North \_\_\_\_\_ feet West)  
 This point will not be changed     This point will be changed as follows:  
**Proposed point of diversion: (Complete only if change is requested)**  
 One in the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of the \_\_\_\_\_ Quarter of Section \_\_\_\_\_, Township \_\_\_\_\_ South, Range \_\_\_\_\_ (E/W), in \_\_\_\_\_ County, Kansas, \_\_\_\_\_ feet North \_\_\_\_\_ feet West of Southeast corner of section.  
 Proposed Rate \_\_\_\_\_ Proposed Quantity \_\_\_\_\_  
 This point is:  Additional Well     Geo Center    List other water rights that will use this point \_\_\_\_\_

11. Describe the current condition of and future plans for any point(s) of diversion which will no longer be used. \_\_\_\_\_

7/15/2021

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**

Water Resources  
 Received

12. The presently authorized use of water is for IRRIGATION & RECREATIONAL purposes.

It is proposed that the use be changed to IRRIGATION & INDUSTRIAL purposes.

13. If changing the place of use and/or use made of water, describe how the consumptive use will not be increased.

CONSUMPTIVE USE IS BEING ADDRESSED BY REDUCING QUANTITY FROM IRRIGATION USE. AS PARTIAL CHANGE IN UMW PER KAR 5-5-10.

GROUNDWATER PIT IS BEING INCREASED BY 10 ACRES TO A TOTAL OF 40 ACRES  
40 ACRES OF EXPOSED GROUNDWATER X 49"/12 = 163.3 AF OF EVAP

FILE # 26,526 IS AUTHORIZED 112 AF FOR IRR USE & 120 AF REC USE AT CURRENT GW PIT.

163.3 AF - 120 AF = 43.3 AF (NEEDED TO COVER ADDITIONAL PIT)

PLACE OF USE AUTHORIZED A TOTAL OF 292 AF IRR USE UNDER FILE NOS. 3279; 3280 & 26526

Consumptive Use Map, Hamilton County is 83%. IF ALL CHANGED TO NATURAL EVAPORATION USE

292 AF IRR USE x 0.83 = 242.36 AF IF ALL CHANGED so 43.3 AF IND USE ÷ 242.36 AF = 0.178659845

1.0 - 0.178659845 = 0.821340155 x 292 = 239.83 AF remains for IRR USE AT 2 AF per acre allows 119.9 A

120 ACRES FOR IRR USE UNDER FILE NOS. 3279 with 122 AF; 3280 with 58 AF & 26,526 with 59.8 AF to have a total of 239.8 AF FOR IRR USE

(Please show any calculations here.)

14. It is requested that the maximum annual quantity of water be reduced to 59.8 AF IRR with 163.3 AF IND (acre-feet or million gallons).

15. It is requested that the maximum rate of diversion of water be reduced to \_\_\_\_\_ gallons per minute (\_\_\_\_\_ c.f.s.).

16. The application must include either a topographic map or detailed plat. A U.S. Geological Survey Topographic Map, scale 1:24,000, is available through the Kansas Geological Survey, 1930 Constant Avenue, University of Kansas, Lawrence, Kansas 66047-3726 ([www.usgs.gov](http://www.usgs.gov)). The map should show the location of the presently authorized point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. The presently authorized place of use should also be shown. Identify the center of the section, the section lines and the section corners and show the appropriate section, township, and range numbers on the map. In addition the following information must also be shown on the map.

a. If a change in the location of the point(s) of diversion is proposed, show:

- 1) The location of the proposed point(s) of diversion. Distances North and West of the Southeast corner of the section must be shown. Please be certain that the information shown on the map agrees with the information shown in Paragraph Nos. 9, 10 and 11 of the application.
- 2) If the source of supply is groundwater, please show the location of existing water wells of any kind, including domestic wells, within ½ mile of the proposed well or wells. Identify each well as to its use and furnish name and mailing address of the property owner or owners. If there are no wells within ½ mile, please indicate so on the map.
- 3) If the source of supply is surface water, the names and mailing addresses of all landowner(s) ½ mile downstream and ½ mile upstream from your property lines must be shown.

b. If a change in the place of use is desired, show the proposed place of use by crosshatching on the map. Please be certain that the information shown on the map agrees with the information shown in Paragraph No. 5 of the application.

17. Attach documentation to show the change(s) proposed herein will not impair existing water rights and relates to the same local source of supply as to which the water right relates. This information may include statements, plats, geology reports, well logs, test hole logs, and other information as necessary information to show the above. Additional comments may be made below.

DREDGING WILL BE LARGELY NON-CONSUMPTIVE, KAR 5-5-10 will be followed for use made of water change.

Change in point of diversion for industrial use is for geographic center of groundwater pit. The depth of this groundwater pit will stay in the current alluvium and above the buried old river channel freshwater source.

18. If the proposed change(s) does not meet all applicable rules and regulations of the Kansas Water Appropriation Act, please identify the rules and regulations for which you request a waiver. State the reason why a waiver is needed and why the request should be granted. Attach documentation showing that granting the request will not impair existing water rights and will not prejudicially and unreasonably affect the public interest.

It appears all rules will be met.

**IF MORE SPACE IS NEEDED, ATTACH ADDITIONAL SHEETS AS NECESSARY**



Water Resources Received

File No. 26,526

KS Dept Of Agriculture

Any use of water that is not as authorized by the water right or permit to authorize water before the chief engineer approves this application is a violation of the Kansas Water Appropriation Act for which criminal or civil penalties may be assessed. Such violation is a class C misdemeanor, punishable by a fine not to exceed \$500 and/or a term of confinement not to exceed one month in the county jail. K.S.A. 82a-728(b). Civil penalties shall be not less than \$100 nor more than \$1,000 per violation. In the case of a continuing violation, each day such violation continues may be deemed a separate violation. In addition to these penalties the water right may be modified or suspended. K.S.A. 82a-737, as amended.

The application must be signed by all owners of the place of use authorized under the water right and his or her spouse, if married. Please indicate if there is no spouse. If land is being purchased under contract, the seller must sign as landowner until such time as the contract is completed.

In the event that all applicants cannot appear before one notary public, they may as necessary sign separate copies of the application before any notary public conveniently available to them. All copies signed in this manner shall be considered to be valid parts of the application.

If the request is signed on behalf of any Owner by someone with legal authority to do so (for example, an agent, one who has power of attorney, or an executor, executrix, conservator), it will be necessary to attach proper documents showing such authority.

I declare that I am an owner of the currently authorized place of use as identified herein, or that I represent all such owners and am authorized to make this application on their behalf, and declare further that the statements contained herein are true, correct, and complete. By filing this application I authorize the chief engineer to permanently reduce the quantity of water and/or rate of diversion as specified in sections 14 and 15 of this application.

Dated at Humble Texas, Kansas, this 8th day of March, 2021.

Manfred Quentel (Owner)

Daira Quentel (Spouse)

(Please Print)

(Please Print)

(Owner)

(Spouse)

(Please Print)

(Please Print)

(Owner)

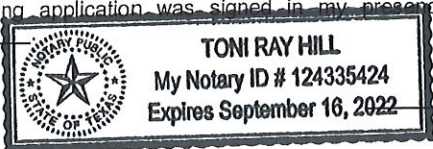
(Spouse)

(Please Print)

(Please Print)

State of Kansas Texas } SS
County of Harris

I hereby certify that the foregoing application was signed in my presence and sworn to before me this 08 day of March, 2021



Signature of Notary Public

My Commission Expires 9-16-22

FEE SCHEDULE

Each application to change the place of use, the point of diversion or the use made of the water under this section shall be accompanied by the application fee set forth in the schedule below:

- (1) Application to change a point of diversion 300 feet or less . . . . . \$100
(2) Application to change a point of diversion more than 300 feet . . . . . \$200
(3) Application to change the place of use . . . . . \$200
(4) Application to change the use made of the water . . . . . \$300

Make check payable to Kansas Department of Agriculture.



Yoxall, Antrim  
& Frymire, LLP

Attorneys at Law

Richard R. Yoxall \*  
Lane L. Frymire\*

\*Licensed in Kansas and Oklahoma

101 West 4th Street  
Liberal, Kansas 67901  
620-624-8444  
Fax 620-624-8221

James R. Yoxall (1926-2014)  
Auburn G. Light (1910-1966)  
Stanley E. Antrim (1935-1999)  
G.L. Light (1886-1950)

March 9, 2021

**Sent via UPS - Overnight Mail**

Mid-States Materials, LLC  
Attn: Cole Andersen  
1800 N. W. Brickyard Rd.  
Topeka, KS 66617

7/15/2021

Water Resources  
Received

KS Dept Of Agriculture

Re: Manfred Quentel

Dear Mr. Andersen:

Manfred Quentel and his wife have executed the documentation from the Kansas Department of Agriculture, Division of Water Resources. These documents were necessary to increase the size of the pit on the land leased to Mid-States Materials. These documents also set forth the consequent reduction to the irrigated acreage.

If you have any questions, please let me know.

Very truly yours,

*Richard R. Yoxall*  
Rev.

Richard R. Yoxall

RRY/bjb

Enclosures





Yoxall, Antrim  
& Frymire, LLP

Attorneys at Law

Richard R. Yoxall \*  
Lane L. Frymire\*

\*Licensed in Kansas and Oklahoma

101 West 4th Street  
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G.L. Light (1886-1950)

March 9, 2021

**Sent via UPS - Overnight Mail**

Mid-States Materials, LLC  
Mr. Cole Andersen  
P. O. Box 236  
Topeka, KS 66601

Re: Manfred Quentel

Dear Mr. Andersen:

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Richard R. Yoxall

RRY/bjb

Enclosures