

Kansas Department of Agriculture  
 Division of Water Resources  
**CHANGE: P/D PU WORKSHEET**

1. File Number: <b>PN 081</b>	2. Status Change Date: <b>11/16/2022</b>	3. Change Num: <b>C1</b>	4. Field Office: <b>02</b>	5. GMD: <b>05</b>
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: <b>2/26/2021</b>
8a. Applicant(s) New to system <input type="checkbox"/>  <b>CHAD T EAKIN TRUST CHAD T EAKIN TRUSTEE PO BOX 214 LARNED, KS 67550-0214</b>		Person ID <b>56331</b> Add Seq# _____	8c. Landowner(s) New to system <input type="checkbox"/>  Person ID _____ Add Seq# _____	
8b. Landowner(s) New to system <input type="checkbox"/>  <b>CHAD T EAKIN TRUST CHAD T EAKIN TRUSTEE PO BOX 214 LARNED, KS 67550-0214</b>		Person ID <b>56331</b> Add Seq# _____	8d. WUC New to system <input type="checkbox"/>  <b>8b</b>  <b>12/31/2024</b>  <b>12/31/2024</b>	
9. Documents and Enclosure(s): <input checked="" type="checkbox"/> DWR Meter(s) Date to Comply: <del>12/31/2023</del> <input checked="" type="checkbox"/> N & P Date to Comply: <del>12/31/2023</del> <input type="checkbox"/> Anti-Reverse Meter <input type="checkbox"/> Meter Seal <input type="checkbox"/> Check Valve <input checked="" 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: _____    To: _____				
Note: <b>IND SIC CODE 1422 - CRUSHED &amp; BROKEN LIMESTONE</b> <b>IND USE IS SAND WASH WELL</b>			Date Prepared: <b>10/20/22</b>	By: <b>LI</b>
			Date Entered: <b>11/17/2022</b>	By: <b>L Moody</b>
			<b>11/14/2022</b> <b>JDK</b>	

File No. **PN 081**      11. County: **PN**      Basin: **ARKANSAS RIVER**      Stream: **NA**      Formation Code: **113**      Special Use: **NA**

12. Points of Diversion										Rate and Quantity						
CHK	MOD	DEL	PDIV	Qualifier	S	T	R	ID	'N	'W	Comment (AKA Line)	Rate gpm	Quantity mgy	Rate gpm	Quantity mgy	Overlap PD Files
DEL		1037		SW NW NW	8	22	16W	2	4380	4650		60-5.0	60 5 mgy	5.0-60	60 5 mgy	NONE
ENT		78069		LOT 6	7	22	16W		2550	640	SAND WASH	60-5.0	60 5 mgy	5.0 60	60 5 mgy	NONE
<b>460</b>																

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										NE¼				NW¼				SW¼				SE¼				Total	Owner	Chg?	Overlap Files
CHK	MOD	DEL	ENT	PUSE	S	T	R	ID		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				
ENT		11256			8	22	16W	3		SAND PIT (NW SW) & Lot 1																	8B	YES	44922
ENT		55225			5	22	16W	9		SAND PIT (SW) Lots 5 & 6																	8B	YES	44922
ENT		71103			7	22	16W			SAND PIT (E2) & Lots 5, 6 & 7																	8B	YES	44922
ENT		8317			7	22	16W	1		34.67 SURFACE AC GROUNDWATER PIT (SE) Lot 5																	8B	YES	10184 & 44922
DEL		24412			5	22	16W	6		SAND WASH PLANT SW-SEE JKT FOR OWNERS																			
DEL		37434			8	22	16W	2		SAND WASH PLANT-W2;SEE JKT FOR OWNERS																			

Base Acres: \_\_\_\_\_      Year: \_\_\_\_\_      Minimum Reasonable Quantity: \_\_\_\_\_  
 Comments: \_\_\_\_\_

**KANSAS DEPARTMENT OF AGRICULTURE**  
**Division of Water Resources**

**MEMORANDUM**

**TO:** Files

**DATE:** October 20, 2022

**FROM:** Leslie Ireland

**RE:** Vested Right  
File No. PN-81

Chad T. Eakin on behalf of the Chad Eakin Trust, owner of the referenced file has filed an application for approval to change the point of diversion and place of use authorized for industrial use. The move is to afford the operation of the wash plant at the currently operated sand pit, which is being changed under File No. 44,922, which is also proposed to operate as a Project Permit.

The referenced file number does not appear abandoned pursuant to K.S.A. 82a-718. The ownership of the place of use will be updated per the county records to the Chad Eakin Trust.

File No. PN-81 has no overlaps in the point of diversion it has always been authorized for industrial use to wash sand and gravel with a maximum of 5 million gallons (15.34 acre-feet) at a rate of 60 gallons per minute from the well located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter (SW $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 8, approximately 4,380 feet North and 4,650 feet West of the Southeast corner of Section 8, in Township 22 South, Range 16 West, (8-22-16W). The sand wash plant is authorized to operate in the pits located in the Southwest Quarter (SW  $\frac{1}{4}$ ) of Section 5 and the West Half (W $\frac{1}{2}$ ) of Section 8, all in 22-16W. The currently authorized and proposed pits are authorized for industrial use under File Nos. 44,922 & 10,184. The file is in the Arkansas River Basin and Groundwater Management District No. 5. It is not located in a special use area. The source of supply has not been determined but appears to be the Arkansas River Alluvium (Code 113).

The proposed existing point of diversion is approximately 2,129 feet to the Southwest and had been operated under File No. 20100500. The move will parallel the Arkansas River, and appears to comply with K.A.R. 5-5-13, *Relocation of alluvial wells*. The point of diversion under the referenced file was requested to be in the Northeast Quarter of the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$  NE $\frac{1}{4}$  SE $\frac{1}{4}$ ) of Section 7, approximately 2,550 feet North and 460 feet West of the Southeast corner of Section 7, in Township 22 South, Range 16 West, (7-22-16W). Further review found it is in an Official Survey would place the well in Lot 6. The submitted well log indicates the source of supply will remain alluvium (Code 113) as of the 38 feet of depth 33 feet is sand and gravel with clay. The owner has stated the old well that will no longer be authorized may be operated for domestic use. The transmittal letter will contain the wording that if the well is not retained for domestic use it should be plugged.

This industrial use, SIC code as 1422 - crushed & broken limestone, is on a portable sand wash plant that moves with the expansion of the sand pit is into the Southeast Quarter (SE $\frac{1}{4}$ ) of 7-22-16W while retaining the Southwest Quarter (SW $\frac{1}{4}$ ) of 5-22-16W and the West Half of 8-22-16W, all in Pawnee County, Kansas. While the place of use description appears to increase, there will not be an increase in use as the quantity will remain metered. The place of use matches the proposed place of use of the active sand and gravel pit under File Nos. 44,922 & 10,184, which cover the evaporation. The owner has requested File No. 44,922 to be converted to a Project Permit that will include the dredge. There should be no increase in the metered quantity, as no actual change in use will occur and therefore there will not be a change to consumptive use and the application complies with K.A.R. 5- 5-3, *Change in consumptive use*.

The only wells within one-half ( $\frac{1}{2}$ ) mile of the proposed well are under common ownership of the owner of the referenced file. It appears no notice per K.S.A. 82a-1906 will be required.

In a letter dated October 5, 2022, Orrin Feril, Manager of Big Bend Groundwater Management District No. 5, recommended approval of the application.

In an e-mail dated October 20, 2022, Jeff Lanterman, Water Commissioner of the Stafford Field Office, indicated that he recommends approval of the referenced application.

A water flow meter will continue to be required for the diversion from this well. A check valve will be required if any chemical or foreign substance is injected into the water through the diversion works according to K.A.R. 5-3-5(c).

Based on the above discussion, that the change is reasonable, that impairment to existing water rights is unlikely, and that no change in the local source of supply will occur, it is recommended that the referenced application be approved.



Leslie Ireland  
Environmental Scientist  
Water Appropriation Program

**From:** Lanterman, Jeff  
**Sent:** Thu 10/20/2022 9:21 AM  
**To:** Ireland, Leslie [KDA]  
**Cc:** Conant, Cameron  
**Subject:** RE: Review and Recommendation of Change PU PD File No. PN 81 Eakin

Leslie. In your memo you state that 44992 is being changed as well. It is actually 44922.

I don't have any objection to approval of the change in PD/PU for PN 81.

Where are we at with 44922, 10184 changes.

Thanks  
Jeff

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**From:** Ireland, Leslie [KDA] <Leslie.Ireland@ks.gov>  
**Sent:** Thursday, October 20, 2022 8:04 AM  
**To:** Lanterman, Jeff <Jeff.Lanterman@ks.gov>  
**Cc:** Conant, Cameron <Cameron.Conant@ks.gov>  
**Subject:** Review and Recommendation of Change PU PD File No. PN 81 Eakin

Jeff,

Please let me know if you would recommend this change.

As always comments and concerns are welcome.

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  
POINT OF DIVERSION AND PLACE OF USE  
VESTED RIGHT  
FILE NO. PN 081**

The Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, after due consideration of the written application of Chad T. Eakin, on behalf of the Chad T. Eakin Trust, P.O. Box 214, Larned, Kansas, 67550, received in this office on February 26, 2021, for approval of a change in the location of the point of diversion and place of use under the vested right order determining and establishing a vested right to continue the beneficial use of water, then identified in the office of the Chief Engineer as Vested Right, Code 6281, Pawnee County, now identified as Vested Right, File No. PN 081, finds that the change is reasonable and will not impair existing rights, that the change relates to the same local source of supply and that the application should be and is hereby approved.

The effective date of the change shall be the date this order is executed by the Chief Engineer, after which the authorized location of the point of diversion shall be:

one (1) well located in the Lot 6 of Section 7, more particularly described as being near a point 2,550 feet North and 460 feet West of the Southeast corner of said section, in Township 22 South, Range 16 West, Pawnee County, Kansas,

and the authorized place of use shall be described as:

a sand and gravel pit in Lot 5, Lot 6, and the Southwest Quarter (SW $\frac{1}{4}$ ) of Section 5, in Lot 5, Lot 6, Lot 7, and the East Half (E $\frac{1}{2}$ ) of Section 7, in Lot 1, and the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$  SW $\frac{1}{4}$ ) of Section 8, all in Township 22 South, Range 16 West, Pawnee County, Kansas,

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

Installation of the works for diversion of water shall be completed on or before December 31, 2024, or within any authorized extension of time. The applicant shall notify the Chief Engineer of the Division of Water Resources, Kansas Department of Agriculture, when construction of the works for diversion has been completed.

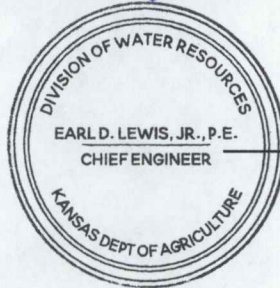


The water right owner shall properly install an acceptable water meter on the diversion works authorized under this water right, prior to the use of water, in strict accordance with the Kansas Administrative Regulations 5-1-4 through 5-1-12 adopted by the Chief Engineer. The water right owner shall notify the Chief Engineer when installation of the water meter has been completed. The water right owner shall maintain the water meter in an operating condition satisfactory to the Chief Engineer, at all times during diversion of water and shall maintain records from which the total quantity of water diverted may be determined. The water right owner shall also report the reading of said water meter and the total quantity of water diverted annually to the Chief Engineer. Such records shall be furnished to the Chief Engineer by March 1 following the end of each calendar year.

All diversion works 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.

In all other respects, the vested right order, determining and establishing a vested right to continue the beneficial use of water, identified in the office of the Chief Engineer as Vested Right, File No. PN 081, is as stated and set forth in the vested right order executed by the Chief Engineer on June 5, 1981.

Ordered this *16<sup>th</sup>* day of *November*, 2022, in Manhattan, Riley County, Kansas.



*Earl D. Lewis Jr.*

Earl D. Lewis Jr., P.E.  
Chief Engineer  
Division of Water Resources  
Kansas Department of Agriculture

State of Kansas                    )  
  ) SS  
County of Riley                    )

The foregoing instrument was acknowledged before me this *16* day of *November*, 2022, by Earl D. Lewis Jr., P.E., Chief Engineer, Division of Water Resources, Kansas Department of Agriculture.

*Melinda Jennings*  
Notary Public





## 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 Approval of Application for the Change in Point of Diversion and Place of Use for Vested Right, File No. PN 081, dated        , 2022 was mailed postage prepaid, first class, US mail to the following:

CHAD T EAKIN TRUST  
CHAD T EAKIN TRUSTEE  
PO BOX 214  
LARNED, KS 67550-0214

With a Photocopy to:

Stafford Field Office  
Groundwater Management District No. 5

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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

CHAD T EAKIN TRUST  
CHAD T EAKIN TRUSTEE  
PO BOX 214  
LARNED, KS 67550-0214

November 22, 2022

RE: Vested Right, File No. PN 081  
Subject: Approval of Application for Change

Dear Mr. Eakin:

Enclosed is the order executed by the Chief Engineer, Division of Water Resources, Kansas Department of Agriculture, approving the application for change under the referenced file.

Your attention is directed to the enclosures and to the terms, conditions, and limitations specified in the approval for change. A condition of the approval is that a water flowmeter meeting K.A.R. 5-1-4 through 5-1-12, must be installed on the diversion works. Please return the required *Notification of Completion of the Diversion Works and/or Installation of the Required Flowmeter*, as soon as these actions are completed. The Notice of Completion form may be found online at [www.agriculture.ks.gov](http://www.agriculture.ks.gov), Water Appropriation Forms, there is no fee for the required completion notification.

The abandoned water well not utilized for domestic use must be plugged in accordance with the requirements of Article 30 of the Rules and Regulations as adopted by the Kansas Department of Health and Environment.

Since this order modifies the original document referred to above, it should be recorded with the Register of Deeds as other instruments affecting real estate.

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.kswaterusereport.org](http://www.kswaterusereport.org).

If you have any questions, please contact our staff at the Stafford Field Office, their phone number is 620-234-5311. If you wish to discuss a specific file, please have the file number ready so that we may help you more efficiently.

Sincerely,

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

Kristen A. Baum  
New Application and Change Unit Supervisor  
Water Appropriation Program

KAB:LI:li  
Enclosure

pc: Garden City Field Office  
Groundwater Management District No. 5

## RIGHT TO A HEARING AND TO ADMINISTRATIVE REVIEW

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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 20<sup>th</sup> day of November, 2022, I hereby certify that the attached Approval of Application for the Change in Point of Diversion and Place of Use for Vested Right, File No. PN 081, dated November 15, 2022 was mailed postage prepaid, first class, US mail to the following:

CHAD T EAKIN TRUST  
CHAD T EAKIN TRUSTEE  
PO BOX 214  
LARNED, KS 67550-0214

With a Photocopy to:

Stafford Field Office  
Groundwater Management District No. 5



Division of Water Resources