

AMENDED RULES and REGULATIONS

**Governing the Rotation, Diversion and Use of Water
for Irrigation Purposes from the Arkansas River by
Irrigation Companies in Hamilton, Kearny and Finney
Counties, Kansas.**

**Division of Water Resources
State Board of Agriculture
1026-S State Office Building
Topeka, Kansas**

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ORDER

On this 12th day of May, 1961, R. V. Smrha, the duly appointed and acting Chief Engineer of the Division of Water Resources of the State Board of Agriculture, in the exercise of authority pursuant to Section 82a-706a, 1957 Supp., G.S. Kans., 1949; and

pursuant to his Order made on March 15, 1960, adopting and promulgating certain Rules and Regulations governing the rotation, diversion and use of water for irrigation purposes from the Arkansas River by irrigation companies in Hamilton, Kearny and Finney Counties, Kansas, as set forth in said Order and approved by the State Board of Agriculture on April 26, 1960; and

pursuant to his Order made on March 30, 1961, continuing said Rules and Regulations to be in force and effect for a period ending on May 15, 1961,

does hereby amend said Rules and Regulations and adopt and promulgate the following amended Rules and Regulations which he deems necessary for the discharge of his duties and for the achievement of the purposes of the Water Appropriation Act pertaining to the control, conservation, regulation, allotment and distribution of the waters of the State, which amended Rules and Regulations as hereinafter set forth shall be in force from and after the effective date hereof first for a period ending on October 31, 1961, and thereafter by further Order of the Chief Engineer continuing or amending the same as may be deemed necessary, to wit:

AMENDED RULES and REGULATIONS

Governing the Rotation, Diversion and Use of Water for Irrigation Purposes from the Arkansas River by Irrigation Companies in Hamilton, Kearny and Finney Counties, Kansas.

Diversions of water by irrigation companies from the Arkansas River (hereinafter referred to as "river") for irrigation purposes in the counties of Hamilton, Kearny and Finney shall be in accordance with the following rules:

Rule 1. The three irrigation companies which divert water from the the river in Hamilton County, Kansas, which are The Frontier Ditch Company, The Alamo Ditch Co., and The Fort Aubrey Ditch Company, shall, except when specifically referred to by name, be hereinafter referred to collectively as "The Hamilton County System". The five irrigation companies which divert water from the river in Kearny and Finney Counties, Kansas, which are The Kearny County Farmers Irrigation Association, The South Side Ditch Association, Great Eastern

Irrigation Association, Finney County Water Users Association, and The Garden City Ditch Company, shall, except when specifically referred to by name, be hereinafter referred to collectively as "The Associated Ditch System". These rules and the administration of the same shall include the headgates of The Frontier Ditch Company and all water constituting State Line flow as defined by the Colorado-Kansas Interstate Compact which, although located in the State of Colorado, are subject to administration by the State of Kansas under the Colorado-Kansas Interstate Compact and the laws of the State of Kansas.

Rule 2. Water constituting State Line flow as defined by the Colorado-Kansas Interstate Compact and all water of the river shall be rotated between The Hamilton County System and The Associated Ditch System only when water demanded by Kansas under the Colorado-Kansas Interstate Compact is available for diversion by the Kansas ditches. All water in the river, including all water constituting State Line flow shall, however, under such circumstances be rotated and charged and no attempt shall be made to distinguish between that water in the river which is released from John Martin Reservoir and water in the river derived from other sources.

Rule 3. When water demanded by Kansas under the Colorado-Kansas Interstate Compact is available for diversion, the Engineer shall charge to and rotate water between The Hamilton County System and The Associated Ditch System in proportion to the respective vested rights of the companies comprising such Systems in the following order and amount:

Order of Rotation	Name of System	Maximum Diversion Rates cfs.	Annual Vested Rights (Acre feet)	Rotation Rights (Acre feet)
1.	The Hamilton County System (Total)		13,800	1,698
	The Frontier Ditch Company	55	5,000	615
	The Alamo Ditch Co.	30	3,000	369
	The Fort Aubrey Ditch Company	35	5,800	714
2.	The Associated Ditch System (Total)		128,000	15,750
	<i>Amazon Canal</i> The Kearny County Farmers Irrigation Association	200	24,000	3,000
	The South Side Ditch Association	200	20,000	3,000

(continued)		Maximum	Annual	
Order of		Diversion	Vested	Rotation
Rotation	Name of System	Rates	Rights	Rights
		cfs.	(Acre feet)	(Acre feet)
	Great Eastern Irrigation Association	300	60,000	5,312.5
	Finney County Water Users Association	250	20,000	3,937.5
	The Garden City Ditch Company	80	4,000	500

In the event the annual vested rights hereinabove set out of any of the companies shall be lawfully changed either by the Chief Engineer or a court of competent jurisdiction, the total rotation rights of the systems hereinabove set out shall be adjusted proportionately.

Rule 4. When water demanded by Kansas under the Colorado-Kansas Interstate Compact is available for diversion, the engineer shall measure and charge for all water diverted from the river; provided, however, that the Hamilton County System shall not be charged with that portion of the water diverted from the river by any companies in said system which shall be returned to the river by such companies when proper guages are installed at proper locations so that such diversion and return flow can be measured with reasonable accuracy. And further provided, that The Associated Ditch System shall not be charged with water diverted by The Garden City Ditch Company after the amount of such company's rotation right for the current rotation period as hereinabove set out has been satisfied.

Rule 5. When water demanded by Kansas under the Colorado-Kansas Interstate Compact is available for diversion and when demand for charge is made by any company in either System, both Systems shall be charged with water, whether diverted or not, to the full extent of the maximum diversion rates of the ditches comprising each of the Systems, subject to the following:

- a) During any period that the Engineer shall determine that a sufficient flow of water is available in the river to supply all companies to their maximum diversion rates or demands, no charge shall be made.
- b) During any period that the Engineer shall determine that water is not available to any company to the extent of at least ten (10%) percent of its maximum diversion rate or ten (10) cubic feet per second, whichever is the greater, no charge shall be made to the company for undiverted water available to it.
- c) During any period when none of the companies are using water for direct irrigation, no charge shall be made.

- d) During any period that the Engineer shall determine that any company is unable by the employment of reasonable and proper maintenance and repair practices to maintain its diversion facilities in sufficient condition and repair to divert water so available, the System of which it is a part shall not be charged with undiverted water available to such company; provided, however, that the credit thus received for water not so charged shall not be carried past the next two rotation periods or into the next calendar year.

Rule 6. The first rotation period under these rules shall commence when, after the effective date of these rules, the first water demanded by Kansas under the Colorado-Kansas Interstate Compact is available for diversion by the Kansas ditches. Except as modified by the provisions of Rule 5. d), a rotation period ends and the next rotation period commences when both systems have been charged with water to the full extent of the rotation rights of such systems as hereinabove set out. When The Hamilton County System has been charged with the diversion of such water to the full extent of its rotation rights as hereinabove set out during any rotation period, the companies comprising that System shall cease the diversion of such water until the Associated Ditch System has been charged with diversion of such water to the full extent of its rotation right as hereinabove set out during such rotation period. In the event The Associated Ditch System shall have been charged with the full extent of its rotation rights during any rotation period, The Associated Ditch System shall nevertheless be entitled to divert water, but such diversion shall be charged to the next rotation period or periods. Such charges shall not be carried into the following calendar year.

Rule 7. The companies comprising each of the two systems may divide and rotate the waters of the river available to each system in such manner as the companies comprising each system shall determine or, in the case of the Associated Ditches, in such manner as may have been or shall be determined by court decree or other competent authority having jurisdiction.

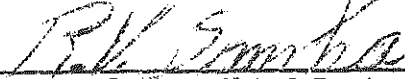
Rule 8. The term "Engineer" when used in these Rules refers to the Chief Engineer of the Division of Water Resources of the State Board of Agriculture or his duly authorized representative.

Rule 9. Each company shall designate in writing to the Engineer the name of the person to whom and by whom the notices hereinabove provided for shall be given. Notices thereafter given to such company or received from such company shall be sufficient if forwarded or given to or received from the person so designated. If any company shall fail to designate the name of a person to whom and by whom the notices hereinabove provided for shall be given as provided in this Rule 10, notices will be considered sufficient if forwarded to such company at its last known address.

Rule 10. The Engineer shall be responsible for the administration and enforcement of these rules and shall administer the same in such manner as to provide for a fair and equitable distribution of water in

the river for irrigation purposes between the systems in proportion to the total respective vested and rotation rights of such systems and shall rotate water among the companies in each system in accordance with rules and regulations, if any, governing the diversion and rotation of water in each of said systems in such manner as will utilize all water available in the river for irrigation purposes to the greatest possible extent.

Authorized by Section 82a-706a, 1957 Supp., G.S. Kans., 1949, effective May 15, 1961.



R. V. Smrha, Chief Engineer
Division of Water Resources
Kansas State Board of Agriculture

Approved by the State Board of Agriculture on the 22nd day of August, 1961.



Roy Freeland, Secretary
Kansas State Board of Agriculture