

Obtained Copy from Pipe
on 1-19-72
HCC

ORDERS AND REGULATIONS APPROVED BY THE EXECUTIVE BOARD OF
ASSOCIATED DITCHES.

June 14, 1923.

First: The Executive Board organized on August 29, 1913, shall be known as the Advisory Board of the Associated Ditches. There shall be one member from each of the five corporations or associations operating irrigation systems under a decree rendered by the United States Court (Judge Pollock) March 14, 1911, November 27, 1911, and April 8, 1912.

Second: Said Executive Board shall consist of five members, three of whom shall constitute a quorum. The individual members of said Executive Board shall be selected by the associations, respectively, one from each ditch as aforesaid. The Executive Board shall elect from its members a chairman and a secretary, each of whom shall hold his respective office for one year. Such Board shall be and constitute a Board of Appeal in all matters wherein the decision or opinion of the water bailiff is brought in question. All complaints as to the claim for or distribution of water which the bailiff is unable to settle or adjust shall be submitted to such Board. All questions concerning the condition of the ditches of the respective parties hereto, diligence of its officers and employees in repairing and all questions concerning the rotation and distribution of the water, under such decree, shall, if the water bailiff is unable to settle, adjust and adjust, be submitted to such Board, whose decision when unanimous shall be final. If not unanimous, an appeal may be had to the Boards of Directors of the respective parties herein:

Third: Such Executive Board shall also constitute an Advisory Board to whom the water bailiff may at any time apply for information or instruction relative to any of his duties and which Board shall, in such case, promptly confer with and advise such bailiff.

Fourth: The provisions of the several decrees of the Federal Court, First Division, under dates of March 14, 1911, November 27, 1911, and April 8, 1912, in the case wherein The Southwestern Irrigation Company was complainant and the Southwest Kansas Land and Irrigation Company, Limited, et al, were defendants, so far as such decrees make provision for distribution and rotation of the waters of the Arkansas River to which all parties thereof are, or may be, entitled, shall be and are hereby construed to mean: That should any of the parties who are or may be entitled to the use of water from the Arkansas River under and by virtue of such decrees, or any or all of them, refuse to take same in their regular turn and as directed by the water bailiff, then and in such case such party or ditch so refusing to take such water in its turn shall lose its right to the waters to which it is entitled during that turn or rotation, and such water bailiff shall charge to such ditch so refusing the full amount of waters to which it is entitled for that turn as though such waters had been delivered to it, and such ditch shall receive no water from such river until its next regular turn shall be reached in the order of rotation.

Provided, however, that should an accident occur, disabling any ditch during the time it is taking water in its turn which makes it necessary to shut the water out of such ditch, then the next ditch in turn shall be entitled to the water thus turned out, free of charge, for the first twenty-four hours or less, after which time such ditch so taking such water shall be charged therewith, and the ditch so disabled and turning such water out shall be charged with the water so turned out for the first twenty-four hours or less, as though it had received such water, and such ditch shall be entitled to the rest of the water so turned out, but on the amount so charged, but on no other account, the ditch so disabled.

Water into its ditch as soon as it has

Provided further, that should the owner or owners of any ditch so disabled fail to use diligence in repairing and putting such ditch in condition, then and in such case such ditch so failing in diligence shall forfeit absolutely the balance of water due it in its turn, all of which shall be by the bailiff charged to it.

Provided, further, that the Executive Board and the water bailiff shall be the sole and exclusive judges as to whether or not diligence has been used.

Provided farther, that in case of the disabling of any ditch as aforesaid and the turning of the waters to which it is entitled into the river, should the ditch next in turn refuse to take such water, such ditch shall be charged therewith, and it shall pass on to the next in turn, and the same order of rotation followed, and each ditch so refusing to take such water shall be charged therewith as though the water had been delivered to it.

Fifth: In case any ditch should at any time receive less than ten per cent of the maximum agreed capacity of such ditch and as by such decrees provided, then such ditch or ditches shall not be charged with any water, and in such case when less than ten per cent of such maximum of water is available for use by any of such ditches, such water shall be regarded and considered as free water.

Sixth: Regular meetings of the Board shall be held at the office of the secretary on the first Tuesday following the first Monday in January, April, July and October of each year, and *Special meetings may be called at any time by the president or the secretary upon request of any member of the Board.*

Rules for the Regulation
and Distribution of the Water of the
Arkansas River between the Ditches of this
Association.

Rule A- In case there shall be a flow of water available in the river to supply all five ditches to their rated capacities.

the bailiff shall cease charging any and all the ditches for whatever water they may elect to use.

Rule B- In case there exists the condition stated in Rule A, it will be permissible for the United States Irrigating Company to convey water to Reservoir No. 5, to the extent only that it does not deprive any ditch of the water that it may require for direct irrigation.

Rule C- Following a sufficiency of water as given in Rule A, the bailiff shall refrain from charging water until the superintendent of one ditch shall request that the water be charged, the request to be made to the water bailiff, who shall immediately act on same and shall notify the secretary of the Board of Associated Ditches on blanks furnished for the purpose, and the secretary of the Board shall in turn immediately notify the secretary of each ditch that the bailiff has re-commenced the measurement and charge of water.

Rule D- It shall be one of the duties of the bailiff to arrange an equitable division of the water at such times as water is not being charged.

Rule E- The Advisory Board by unanimous vote may have its secretary notify the bailiff to cease all charges on water until further notice.

Rule F- During the winter season, if all ditches cease using water for direct irrigation, the bailiff shall stop charging water, if at that time it is being charged, until the superintendent of one ditch shall request that the water be charged. *the request to be made to the water bailiff, who shall immediately act on same* and shall notify the secretary of the Board of Associated Ditches on blanks furnished for the purpose, and the secretary of the Board shall in turn immediately notify the secretary of each ditch that the bailiff has re-commenced the measurement and charge of water.

Rule G- In times of water charging, it shall be the duty of the ditches taking water to assist in maintaining a steady head of water for the ditches ahead of them in that rotation.

Rule H- In times of charging water, the bailiff shall charge each ditch to its full rated capacity when there is that amount of water available for its use in turn of the rotation, unless each ditch makes special arrangement with ditches next in turn to take a portion of the same upon charge.

Rule I- It shall be the duty of each ditch to maintain a gage boardmarked in feet and tenths, near the headgate, and have the gage heights reported to the bailiff daily while water is being used in the ditch.

Rule J- In case not over ten per cent (10%) of the capacity of any ditch is available for it, then the charge shall be suspended for such water.

Rule K- The bailiff shall not charge the Garden City Ditch for water taken after the amount of its apportionment for the current rotation has been satisfied.

X Rule L- Whenever there may be, in the aggregate, sufficient water in the river to supply the ditch next entitled to "measured water", but less than the minimum amount chargeable to the ditch then using it, in such case all available water shall be run to that ditch until the amount falls below the minimum amount chargeable, then the seep water, i.e. water not chargeable, shall be retained by the ditch then running.

Rule M- Only water passing from the river through the headgates of any ditch system which is operating under the Pollock Decree is subject to measurement in accordance with the preceding rules and regulations.

Secretary

President.

Approved:

The Garden City Ditch Company (Garden City Ditch)

By _____

The United States Reclamation Service (Garden City Ditch)

The South Side Ditch Association (South Side Ditch)

By _____

The Henry County Farmers Irrigation Association (Amazon Ditch)

By _____

The Winney County Water Users Association (Farmers Ditch)

By _____