

RULES AND REGULATIONS GOVERNING THE  
ROTATION, DIVERSION AND USE OF WATER  
FOR IRRIGATION PURPOSES FROM THE  
ARKANSAS RIVER BY IRRIGATION COMPANIES  
IN KEARNY AND FINNEY COUNTIES, KANSAS

The companies comprising The Associated Ditch System which are The Kearny County Farmers Irrigation Association, The South Side Ditch Association, Great Eastern Irrigation Association, The Finney County Water Users Association and Garden City Ditch Company, located in the counties of Kearny and Finney in the State of Kansas, and, except when specifically referred to by name, are hereinafter referred to collectively as "The Associated Ditch System" of Finney and Kearny Counties, shall divert, divide and rotate the waters of the Arkansas River, (hereinafter referred to as "river") including water released from John Martin Reservoir and water accumulating in the river from other sources, according to the following rules:

1. The rules herein made are intended to be in compliance with and in clarification of the rights of the companies comprising the Associated Ditch System of Finney and Kearny Counties in the waters of the Arkansas River and the rotation of such waters among such companies as established by decrees and orders (as amended from time to time) of the United States District Court for the District of Kansas dated respectively March 14, 1911, April 8, 1912, and March 30, 1934, in cases numbered 6759 C.C. and 9013 C.C. The companies comprising the Associated Ditch System by the adoption of these rules recognize the validity of such decrees and orders and the continuing jurisdiction of the United States District Court over the subject matter of such actions.

The Division of Water Resources of the State Board of Agriculture is charged with the administration of the river water delivered to the Associated Ditches in Finney and Kearny Counties under the Kansas law of 1957 which provides at Section 82a-719:

"Distribution of water according to decree of court.  
Whenever the rights for the use of waters of the State shall have been adjudicated by any court, the division of water resources with the aid of its chief engineer and other officers and employees, shall aid in the distribution of such water according to such decree and shall distribute the water among the several ditches or water users pursuant to the decree; and shall have the power to open, close or adjust the headgates and regulate the controlling works of any ditch or structure, or cause the same to be opened, closed, adjusted and regulated so as to make a distribution of the water in conformity with the decree."

2. 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. The Engineer shall equitably divide water in the river when water is not being charged in accordance with agreements and arrangements between the companies.

3. All water in the river available to the companies comprising the Associated Ditch System in Finney and Kearny Counties shall be rotated among such ditches according to the following priorities, amounts and capacities.

<u>Order of Rotation</u>	<u>Name of Company</u>	<u>Decreed Rotation Rights</u>	<u>Agreed Ditch Capacities</u>
1.	The Kearny County Farmers Irrigation Association (Amazon Ditch)	3000 A.F.	200 C.F.S.
2.	The South Side Ditch Association (South Side Ditch)	3000 A.F.	200 C.F.S.
3.	Great Eastern Irrigation Association (Great Eastern Ditch)	5312.5 A.F.	354 C.F.S.
4.	The Finney County Water Users Association (Farmers Ditch)	3937.5 A.F.	263 C.F.S.
5.	Garden City Ditch Company	500 A.F.	33 C.F.S.

4. Water shall be measured and charged when the following situation exists:

When any two ditch companies shall notify the Engineer that it desires the measurement and charging of water until either -1) the Engineer is notified by all companies that measurement and charging of water is no longer desired, or -2) the Engineer shall determine that sufficient water is available in the river to supply all companies to their maximum diversion rates or demands.

5. Whereas, it is found that the river conditions have changed considerably since the water was adjudicated by the Courts and it is no longer physically possible to deliver water to the various Associated Ditches without incurring a waste. It is hereby written and agreed that to obtain the most beneficial use of water and secure that each Ditch Company receives their fair and equitable share of water as set down by the Decrees of the Federal Court the

following provisions are hereby written:

- a) When water is being charged, each Company shall be entitled to divert water available to the extent of its decreed rotation right. When its full rotation right has been charged, such Company shall cease the diversion of water until each Company next in rotation has been charged with its full rotation right. Such rotation system shall continue during all times that water is being charged.
- b) Should the water flowing in the river channel be depleted before completion of a full rotation for that ditch being charged with the water. The following criteria will be in effect. If it is the judgement of the Engineer that to make the most beneficial use of the water, the balance of the rotation will be attached to the next rotation of that ditch. When water again becomes available the next ditch in rotation will receive the water.
- c) To obtain the most beneficial use of water at times when water exceeds the rated capacity of the ditch taking water under its current rotation, if that ditch has the carrying capacity, it may be necessary to exceed the rate as set down thus allowing the least amount of waste as possible.

6. Subject to the provisions of Rules 7 and 8, when water is being charged, each company shall be charged with water available to it to the extent of its maximum diversion rate whether diverted or not if required by the Engineer or any Associated Ditch Member unless such company shall make arrangements through the Engineer with the company next in turn to take all or a portion of the available water on charge.

7. If the Engineer shall determine that water is not available for use to any company to the extent of at least ten per cent of its maximum diversion rate, no charge shall be made for water available to it.

8. When none of the companies are using water for direct irrigation, any water in the river shall be available for storage in Reservoir No. 5 without charge.

9. The Engineer shall not charge the Garden City Ditch for water diverted after the amount of its rotation rights for the current and the next rotation periods have been satisfied. It is hereby agreed that the Garden City Canal will run its rotation with the Finney County Water Users Ditch. Should the Finney County Water Users Ditch complete their rotation, the Garden City Canal will be entitled to any rundown to the maximum rated capacity of their Ditch, however if this is not sufficient to run their rotation out, the balance of their rotation will be forfeited. This being subject to paragraph #5, subparagraph B and paragraph #9.

Nor shall he charge the Finney County Water Users Ditch for water diverted after the amount of its rotation period has been satisfied unless there shall be available for diversion more than 26 cubic feet per second. Garden City Ditch may elect to demand "on charge" water being diverted under such "no charge" conditions by the Finney County Water Users Ditch when the diversion quantity shall fall below 26 cubic feet per second and until they have diverted one rotation in advance of the then current rotation of the Finney County Water Users Ditch.

10. Each company shall maintain a proper measuring station at a point near the headgates designated by the Engineer.

11. Each company shall designate in writing to the Engineer the name and address of the person or persons authorized to act for the company in all matters concerning the ditch operation.

12. Each company shall keep its diversion works properly maintained for the diversion of water. If at any time the Engineer shall determine that work needs to be done to the diversion works he shall notify the company by letter of the maintenance required.

13. The Associated Ditch System of Kearny and Finney Counties recognizes the irrigation year of 1981 is a test year for these Operation Rules and that if it is successful it may be continued as is during the next irrigation season and each season thereafter upon agreement of each and all ditches comprising of the Associated Ditch System of Finney and Kearny Counties,

Executed by the parties this 1st day of May, 1981.

THE KEARNY COUNTY FARMERS IRRIGATION ASSOCIATION

By: Calvin Scheuerman  
Calvin Scheuerman, President

ATTEST:

Otis Molz  
Otis Molz, Secretary

THE SOUTH SIDE DITCH ASSOCIATION

By: L. R. Pope  
L. R. Pope, President

ATTEST:

Willard Coder  
Willard Coder, Secretary

THE GREAT EASTERN IRRIGATION ASSOCIATION

By: Fred Stoeckly  
Fred Stoeckly, President

ATTEST:

Jean Nelson  
Jean Nelson, Secretary

THE FINNEY COUNTY WATER USERS ASSOCIATION

By: Henry Gillan, Jr.  
Henry Gillan, Jr., President

ATTEST:

Wilmetta Anderson  
Wilmetta Anderson, Secretary

THE GARDEN CITY IRRIGATION ASSOCIATION

By: Taylor Jones  
Taylor Jones, President

ATTEST:

Henry Burt  
Henry Burt, Secretary