

TO THE OFFICIALS OF THE AMAZON, SOUTH SIDE, GREAT EASTERN,
FARMERS AND GARDEN CITY DITCHES:

Gentlemen:

The Division of Water Resources of the Kansas State Board of Agriculture which is about to take over the administration of water to the five above named ditches under the Kansas law which provides,

"It shall be the duty of the Division of Water Resources of the State Board of Agriculture, under the direction of its chief engineer and other officers and employees, to distribute the water in any natural stream among the several ditches or water users taking water from such streams, according to the rights of each as adjudicated by court decree,"

has in preparation for this work obtained two decrees of the United States District Court, of dates of March 14, 1911 and April 8, 1912, the latter amending the former decree to include the Farmers Ditch, which decrees seem to set forth the manner in which the water rights of these five ditches are to be administered. The following are extracts from the above mentioned decrees which define the manner in which the water rights are to be administered:

A decree of the United States District Court of March 14, 1911, as modified by a decree of April 8, 1912 provides that as between the above named ditches the water shall be, "without any reference to any question of priority of rights between the parties, distributed and rotated * * * * * as follows to-wit:

- "1. The Amazon Ditch - three thousand (3,000) acre feet."
- "2. The South Side Ditch - three thousand (3,000) acre feet."
- "3. The Great Eastern Ditch - four thousand three hundred twelve and one half ($4312\frac{1}{2}$) acre feet, to be used by the United States Irrigating Company either for storage in its reservoir, or for direct irrigating."
- "4. The Farmers Ditch - three thousand nine hundred thirty-seven and five tenths (3937.5) acre feet."
- "5. The Garden City Ditch - one thousand five hundred (1,500) acre feet."

The total amount of water for the basis of distribution as between the parties is given as 1,050 cubic feet per second.

"When any one of said ditches shall have received the amount above indicated, the headgate shall be closed so as to permit the water to pass to the next one in the above named order, and after the Garden City Ditch shall have received its allotment, as aforesaid, its headgates shall be closed and the rotation shall be repeated."

"All water received by any one of the ditches, except as herein otherwise stated, shall be computed and charged to the account of said ditch, except at such times only as there may be sufficient water in the river to fill all said * * * * * ditches during which time none of the water received by any of the * * * * * ditches shall be charged to the account of such ditches, or any of them."

"When none of said waters are necessary for use, or capable of being used, for direct irrigation, the said officer shall deliver the waters applicable to said * * * * * ditches in the Great Eastern Canal for the purpose of storing the same in the Great Eastern Reservoir, which waters shall thereupon become the sole property of the United States Irrigating Company, as a part of its stored water; and said water shall not be charged to said Company hereunder."

"The United States Irrigating Company shall have, and it is hereby given, the right to use the Amazon Canal for the purpose of conveying water from the Arkansas River through the headgate of said Amazon Canal, and along the said Canal to the point where a diversion canal therefrom runs to the Reservoir of United States Irrigating Company at all times when none of the waters apportioned to said canal are being conveyed to the shareholders of said Kearny County Farmers Irrigation Association."

"There shall be no discrimination of season or years as between said ditches, but said above described rules shall apply to all seasons of the year and to water received at any and all times except as above stated."

"These rules for rotation and distribution shall not prevent a deviation therefrom, when in the judgment and discretion of the distributing officer, a more economical use of the water can be had by applying the water to and passing it through another ditch than that to which it properly belongs in its regular rotation and turn; but in such instance, and in all such instances, the amount of water so received shall be charged to the ditch so receiving it, and shall be deducted from its next allowance in turn."

The provisions of these decrees, "shall extend to and embrace all of the waters of the Arkansas River to which any of the parties hereto are now or may hereafter become entitled."

If the above quoted extracts do not completely cover the administration of these water rights, or if there are other decrees which should be considered by employees of this department, it is requested that copies of such decrees be supplied to the Division of Water Resources.

Geo. S. Knapp, Chief Engineer
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