

Division of Water Resources
GARDEN CITY

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KANSAS STATE BOARD OF AGRICULTURE
DIVISION OF WATER RESOURCES

MEMORANDUM

January 28, 1987

TO: Howard Corrigan, Water Commissioner, Garden City Field Office

FROM: David L. Pope, Chief Engineer, Division of Water Resources,
David L. Pope

RE: Guidelines for Management of the Court Ordered Rotation, Diversion, and Use of Water for Irrigation Purposes from the Arkansas River by the Associated Ditch System in Kearny and Finney Counties, Kansas.

This memorandum delegates to you as Water Commissioner, Garden City Field Office, the responsibility for management of the rotation system for diversion of water from the Arkansas River pursuant to the Orders of the United States District Court for the District of Kansas dated March 14, 1911; April 8, 1912; and November 9, 1914 in cases numbered 6759 C.C. and 9013 C.C.

I hereby adopt the following guidelines for the regulation and management of the Court Ordered rotation system pursuant to K.S.A. 82a-719 which provides:

Distribution of water according to decree of Court. Whenever the rights for the use of water of the State of Kansas shall have been adjudicated by any Court, the Division of Water Resources shall 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.

Recognizing the validity of the above mentioned Court Orders and the continuing jurisdiction of the United States District Court for the District of Kansas, the guidelines herein are intended to comply with the Orders of the Court and to clarify the rights of the members comprising

the Associated Ditch System of Finney and Kearny Counties as set forth in the 1981 agreement between the members of the Associated Ditch System entitled, "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".

1. Definitions: When used in this memorandum, the following terms have the following meanings:

a. "Associated Ditch System" means an association comprised of the Kearny County Farmers Irrigation Association, the South Side Ditch Association, Great Eastern Irrigation Association, the Finney County Water Users Association and the Garden City Ditch Company, located in Kearny and Finney Counties in the State of Kansas.

b. "Engineer" means the Chief Engineer of the Division of Water Resources of the Kansas State Board of Agriculture or a duly appointed representative.

c. "River" means the Arkansas River located in Kearny and Finney Counties in the State of Kansas.

d. "Member" means any one of the associations or companies comprising the Associated Ditch System.

e. "Charge" means the accounting of water use by each member under the rotation system.

f. "Rotation System" means the ordered diversion of water by the members of the Associated Ditch System as set forth in paragraph 3 of this memorandum.

g. "Rotation" means one member's turn in each cycle of the rotation system.

h. "Authorized Quantity" means the total volume of water which any one member may take during its rotation.

i. "Authorized Rate" means the maximum allowable capacity for each member during its rotation.

2. The Engineer shall equitably divide river water when it is not being charged under the rotation system.

3. When the rotation system is in effect, the river water shall be rotated according to the following order, quantity and rate as mutually agreed to by all members of the Associated Ditch System in the 1981 agreement:

Order of Rotation	Name of Company	Authorized Quantity	Authorized Rate
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1)	The Kearny County Farmers Irrigation Association (Amazon Ditch)	3000 A.F.	200 C.F.S.
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2)	The South Side Ditch Association (South Side Ditch)	3000 A.F.	200 C.F.S.
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3)	Great Eastern Irrigation Association (Great Eastern Ditch)	5312.5 A.F.	354 C.F.S.
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4)	The Finney County Water Users Association (Farmers Ditch)	3937.5 A.F.	263 C.F.S.
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5)	Garden City Ditch Company	500 A.F.	33 C.F.S.
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4. When at least two members shall request that the Engineer initiate the rotation system, water shall be measured and charged to each member, subject to the provisions of this memorandum. The rotation system shall continue until either: (a) the Engineer is notified by at least four members that the rotation system is no longer required; or (b) the Engineer shall determine that sufficient water is available in the River to satisfy the needs of all members.

5. When the rotation system is in effect, each member shall be entitled to divert, in established order, available water to the extent of its authorized rate and quantity subject to the provisions of this memorandum. When any member's authorized quantity has been charged, such member shall cease the diversion of water until each member next in rotation has been charged with its authorized quantity.

6. When the water is no longer available in the river channel to complete a member's rotation, the balance of that member's authorized quantity which has not been diverted shall be attached to the next rotation of that member if in the judgment of the Engineer it will achieve the most beneficial use of the water.

7. When available water exceeds the authorized rate of the member or members being charged, the Engineer may require such member or members to exceed the authorized rate if the diversion structure has the carrying capacity, the Engineer determines that it will

- achieve the most beneficial use of the water and such use is in compliance with the laws of Kansas as set forth in the Kansas Water Appropriation Act, K.S.A. 82-701 et seq.
8. When the rotation system is in effect and there is sufficient water available to satisfy more than 10% of the authorized rate of the member's ditch, the Engineer may charge such member at that portion of its authorized rate, unless such member makes special arrangement with the member next in rotation to take a portion of the water on charge.
 9. When the Finney County Water Users Association is in rotation, the Garden City Ditch Company shall simultaneously be in rotation. Should the Finney County Water Users Association complete its rotation, the Garden City Ditch Company will be entitled to any rundown until the completion of its rotation. However, if the rundown is insufficient to complete the Garden City Ditch Company's authorized quantity, the balance of its rotation will be forfeited, except as provided in paragraph 7 of this memorandum.
 10. When the Engineer shall determine that water is not available for use by any member to the extent of at least 10 percent of its authorized rate, no charge shall be made for the water available, except that the Garden City Ditch Company may elect to divert charged water from "no charge" water flowing through the Finney County Water Users Association's ditch until the Garden City Ditch Company has diverted one rotation in advance of the Finney County Water Users Association's current rotation at which time the Garden City Ditch Company shall cease the diversion of water until each member next in rotation has been charged with its authorized quantity.
 11. When two ditches initiate the rotation system, they must be able to divert water for direct irrigation.
 12. Each member shall maintain a proper measuring station, at a point which is a reasonable distance from the headgates, as designated by the Engineer.
 13. Each member shall designate in writing to the Engineer the name and address of the person or persons authorized to act for the member in all matters concerning the ditch operation.
 14. Each member shall keep its diversion works properly maintained for the diversion of water. If at any time the Engineer shall determine that the diversion works are in need of repair, he shall notify the member by letter of the required maintenance.