

Division of Water Resources Procedural Guideline

Distribution Guidance for the Associated Ditches

Chapter 2 – Part Q

This guidance is provided to Division of Water Resources (DWR) staff to aid in the implementation the court decrees, the Arkansas River Compact Entered Into By The States of Colorado and Kansas (*Compact*), orders, and agreements to distribute the available Arkansas River surface water supply to the six irrigation ditches (*Associated Ditches*) between the Colorado-Kansas state line (Stateline) and Garden City within the current institutional and administrative setting.

The statutory authority to regulate water rights according to court decrees is set forth in K.S.A. 82a-719, that statute reads in full:

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. History: L. 1933, ch. 206, § 2; L. 1945, ch. 390, § 20; June 28.

This guidance is intended to aid in the implementation of our duties under this statute. This guidance also recognizes the various orders, interstate agreements, and direction as provided by the Associated Ditches that impact the distribution of the Arkansas River surface water supply. References to DWR, distributing officer, river bailiff, or similar title is intended to mean the same thing, the person or persons responsible for administration of the Arkansas River surface water supply.

The distribution of the available Arkansas River surface water supplies will be done using the following:

1. The available surface water supply will be used first for immediate and direct irrigation of ditch service lands, unless there is no surface water irrigation demand or unless surface water is not and cannot be made available at the ditch headgate where there is an irrigation demand. In making the latter determination, DWR will consider transit efficiencies.

2. Surface water diverted will be accounted for at the measuring station of each ditch.
3. From January 1, 2012, ditch diversions shall be applied to that ditch's rotational quantity, whether diverted in turn or not, with certain exceptions described below. Table 1 shows the rotation share and order.

Table 1: Rotation Information

Ditch/Canal	Rotation Share	Rotation Order
Amazon	3,000 AF	1
South Side	3,000 AF	2
Great Eastern	5,312.5 AF	3
Farmer's	3,937.5 AF	4
Garden City	500 AF	5
Frontier (HM-36)**	615 AF	6

** By a stipulated order dated January 29, 1987, the District Court of Hamilton County, Case Caption No. 4806.

4. Any ditch rotation share not diverted in a calendar year will be carried forward to the next calendar year.
5. In the interest of minimizing waste and maximizing efficiency, the distribution officer will distribute and account for water over two rotations. The distribution officer shall limit diversions so that no one ditch may be more than two full rotations ahead of another.
6. A rotation will be considered completed when a ditch's rotational share has either been fulfilled or forfeited. A rotation will be considered forfeited if a ditch deliberately passes on diverting water for either a full or partial rotation when water is available at their headgates. Additionally, a rotation shall be forfeited should a ditch not be able to divert water for any reason while on rotation and is not able to divert again within 48 hours. In the case of the Garden City Ditch, it will be considered to forfeit any remaining rotational share when the Amazon, South Side, Great Eastern, Farmers, and Frontier are all two rotations ahead of the Garden City Ditch. Such a forfeit will advance the Garden City Ditch two full rotations.
7. When a ditch is not able to divert surface water because they are limited out (see 5 above) and they have a direct irrigation demand then they may call against the ditch

with the lowest rotation number if the available surface water supply is not being fully utilized. Specifically:

- (a) If surface water is not fully diverted at a ditch headgate and that ditch diversion rate is below their maximum authorized diversion rate, then the diverting ditch shall either: (i) pick up the unused water when requested by the river bailiff up to the maximum authorized diversion rate, or (ii) shall be charged at the maximum authorized diversion rate until their current rotation is completed, or (iii) the ditch may choose to forfeit their current rotation, then the next ditch in rotation will be requested to divert the full amount available at their headgate up to their maximum authorized diversion rate.
- (b) If surface water is not being diverted by any ditch, then the ditch with the lowest rotation number will be requested to divert the amount available at their headgate up to their maximum authorized diversion rate. The ditch will forfeit their rotation if it fails to divert, then the next ditch will be requested to divert the full amount available at their headgate.

This will continue until the full amount of available surface water is being diverted. The call will come off the river when the calling ditch is no longer limited out and is able to divert.

8. Water will not be charged against a ditch's rotation under any of the following conditions:
 - (a) Water is being released from John Martin Reservoir (JMR) and all ditches reasonable demands are being filled. A ditch that does not request water during a release when sufficient water is available to meet their reasonable demands will be considered filled.
 - (b) At all other times when there is sufficient water available such that all ditches are diverting with the exception of the Garden City Ditch.
 - (c) When the Stateline flow is equal to or less than 35 cfs, the Frontier Ditch (HM-36) will be allowed to divert water without charge against its rotation. Stateline flow is the sum of USGS gages for the Frontier Ditch and the Arkansas River near Coolidge.
9. The Frontier Ditch will be afforded the opportunities allowed by the Fort Aubrey vested water right, HM-26.
10. A release of the available Kansas Section II and/or Offset Account water stored in JMR will be considered when it is requested by at least 50% of the ditch officials. When notified that three ditches have requested an account water release, DWR will work with the Associated Ditches to facilitate the release. The goal would be to provide each ditch the opportunity for a share in the account release. Additionally,

DWR should monitor Arkansas River conditions and provide recommendations to the Associated Ditches on opportune river conditions for account water delivery. When notified of a release request:

- (a) DWR staff will review the hydrologic conditions to determine if river conditions are favorable for a release. If the conditions are unfavorable, then that will be communicated to the each of the ditches.
 - (b) If favorable river conditions are found, then DWR staff will poll each of the Associated Ditches to determine if 50% of the ditch officials support an account release and will ask for headgate demands (the diversion rate at the respective measuring device) for each ditch participating.
 - (c) DWR staff will review the hydrologic conditions, headgate demands, arrangements among the Associated Ditches, account water available, and any other pertinent data to determine the reservoir release rate(s) and account release order.
 - (d) DWR staff will determine whether the reservoir release rate to satisfy headgate demands will cause excessive transit losses from JMR to the ditch headgates. If so, then DWR staff will work with the ditches to adjust headgate demands to achieve a reservoir release rate that minimizes transit losses.
 - (e) DWR staff will coordinate with Colorado Division 2 staff on the JMR account release. Such coordination may require making adjustments to the account releases. If any account releases are adjusted, then those adjustments will be communicated to each of the Associated Ditches.
 - (f) DWR staff will monitor the JMR account release, making adjustments to the account release or individual ditch diversions as needed and coordinated with the Associated Ditches.
 - (i) When the accounts are exhausted, or the account release is terminated, DWR staff will allocate water during the rundown period among the Associated Ditches based on the diversions to date. For the purposes of 8 (a) above, a reservoir release will be considered exhausted at midnight on the sixth day after the release has ceased at JMR.
11. For the purposes of this distribution plan, the South Side Ditch's rotation quantity will be credited for any return flows to the Arkansas River, through either of its returns located near the end of the South Side Ditch as long as those returns are subsequently diverted by either the Farmers and/or Garden City ditches. Such return flow credits cannot create an overall rotation credit to the South Side.
 12. When Arkansas River surface water is not being used, or is not capable of being used, for direct irrigation by the Amazon Ditch, the South Side Ditch, the Farmers Ditch,

or the Garden City Ditch; and that water is not from any Kansas account (JMR) release; then the available surface water may be diverted for storage in Lake McKinney and shall not be charged against the Great Eastern Ditch's rotational share.

13. Water that is diverted for the sole purpose of sanding and that is returned to the river will not be accounted against the rotational amounts. DWR and the appropriate ditches will make their best efforts to measure the quantities of these sanding diversions.
14. Nothing in this guidance shall limit future guidance from having different conditions.

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