

FROM ENFORCEMENT FILE

State of Arizona



DEPARTMENT OF WATER RESOURCES

222 North Central Avenue, Suite 550, Phoenix, Arizona 85004

January 9, 1981

Mr. Lloyd Boone  
Box 7A  
Elfrida, AZ 85610

CERTIFIED MAIL

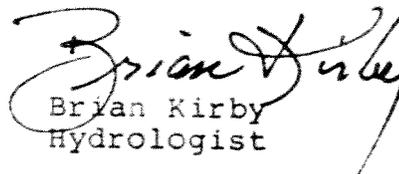
Dear Mr. Boone:

It has come to the attention of this office that the W/2 NW Section 10, Township 21, Range 26, approximately 4½ miles South of Alfrida, Arizona has recently been cleared. Records indicate this land is now under your ownership.

Please be advised, that if the above mentioned acreage is to be irrigated, certain new restrictions by the Arizona Legislature would apply; for example, Arizona Revised Statute 45-437 states that only acres of land which were legally irrigated at any time between January 1, 1975 and January 1, 1980, may be irrigated. Further, an irrigation user or his successor may irrigate in any one year only the highest number of acres the user irrigated in any one year, in the five years between January 1, 1975 and January 1, 1980.

Your attention to this letter is appreciated. If you have any questions concerning this matter, please advise. If you plan to irrigate the newly cleared land, please get in touch with this office immediately.

Yours very truly,

  
Brian Kirby  
Hydrologist

llc

Think Conservation!

Administration 255-1550, Water Resources and Flood Control Planning 255-1566, Dam Safety 255-1541,  
Flood Warning Office 255-1548, Water Rights Administration 255-1581, Hydrology 255-1586.

CULTIVATED



BEING CLEARED



WELLS



SEC. 10

TWP. 21S

RGE. 26E



ARIZONA STATE LAND DEPT.

1-8-81

B-1 B-1A

B-2

ACREAGE IN QUESTION

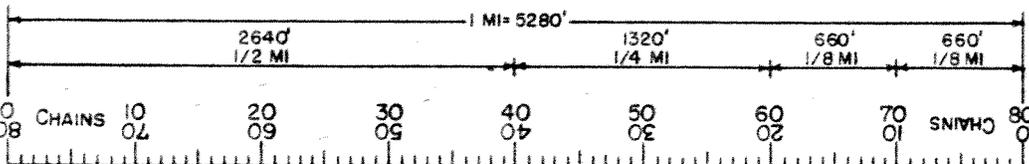
LAND ALREADY FRAMED BY LOYD BOONE

LOCATION OF 1200 GPM WELL

FALLOW

LAND OWNED BY JESSE BOONE (FATHER)

B-7



1 MILE =

- 5280 FEET
- 80 CHAINS
- 320 RODS
- 1760 YARDS
- 1609.3 METERS

1-ROD = 16 1/2 FEET  
 1-CHAIN = 66 FEET  
 1-ACRE = 43560 SQ. FT.



DEPARTMENT OF WATER RESOURCES

MEMORANDUM

TO: Case File PV-81-02  
FROM: Brian Kirby  
DATE: January 14, 1981  
SUBJ: TELEPHONE CONVERSATION WITH LLOYD BOONE.

Conversation included informing Mr. Boone about the Douglas Basin Non-expansion Area and the situation concerning no irrigation if the land was not irrigated from January 1, 1975 to January 1, 1980. He was also informed of the penalty for violation of the statutes. Mr. Boone indicated he would seek legal council, and possibly go ahead with the irrigation.

NOTE: Mr. Boone indicated his loan at the Federal Land Bank was approved November 24, 1980. (For getting the subject area ready for irrigation.)

Mr. Boone indicated he had not irrigated W/2 NW, Section 10, T-21S, R-26E between January 1, 1975 and January 1, 1980.

Brian Kirby  
01/14/82

DEPARTMENT OF WATER RESOURCES

MEMORANDUM

TO: Case File PV-81-02  
FROM: Wayne K. Hood, III  
DATE: September, 1982  
SUBJ: CLOSING MEMORANDUM

The Department of Water Resources became aware on January 5, 1981, that Lloyd Boone may be preparing 80+ acres of land for irrigation in the Douglas INA without a qualified history of irrigation (W $\frac{1}{2}$  NW $\frac{1}{4}$ , Section 10, T21S, R26E). Brian Kirby (DWR) conducted a field investigation on April 24, 1981, and prepared a field report (dated April 29, 1981) providing confirmation that the 80+ acres had been cleared for an irrigation use. In a telephone conversation on January 14, 1981, Mr. Boone admitted to Mr. Kirby that the 80+ acres had not been irrigated between January 1, 1975 to January 1, 1980. Department records support Mr. Boone's statement. Mr. Boone was informed in the telephone conversation not to irrigate the 80+ acres because of the lack of an irrigation history at any time between January 1, 1975 through January 1, 1980.

  
Wayne K. Hood

9/ /82

RECEIVED MAR 5 1984

Box 7A  
Mc Neal, Az. 85617  
March 2, 1984

Az. Dept. of Water Resources  
Tucson A.W.A.  
371 S. Meyer  
Tucson, Az. 85701

Dear Mr. McNulty:

On January 11, 1984, I discussed with you the possibility of establishing a legal irrigation status for the  $W\frac{1}{4}$   $NW\frac{1}{4}$  Sec. 10 Twn. 21 R. 26 E. At that time, I understood there might be a possibility if I prove substantial capital investments during the year preceeding the June 12, 1980 enactment of the 1980 Groundwater Management Code. Attached, please find itemized investments made with intent to farm the above said property. This land has been and is now needed more than ever to enable me to carry on a proper crop rotation program on my farm. Also attached, please find a list of capital investments made prior to June 12, 1979. These investments were made in part with intentions of eventually farming the land in question.

It would be much appreciated if you could render a favorable decision, enabling me to crop the land in this 1984 growing season, that I might avoid further financial burdens. Thank you for your consideration.

Sincerely,



Loyd Boone

Itemized Capital Investments  
June 12, 1979 - June 12, 1980

Additional 8" gated irrigation head pipe Ernest White Jr. Ck. 1453	July 29, 1979	\$ 326.00
Two row spindle type cotton picker John R. Hedges Ck. 1482 & 1494	Oct. 26, 1979 Nov. 7, 1979	6,000.00
Parts for above picker O. S. Stapley Ck. 1481	Oct. 25, 1979	772.80
Sheet metal for cotton picker basket Dan Arvayo Sheet Metal Ck. 1484	Oct. 26, 1979	9.59
Angle iron for cotton trailer construction Phelps Dodge Hardware Jobbing Division Ck. 1483, 1488, 1493, 1502	Oct. 26, 1979 - Nov. 28, 1979	548.12
Wire for cotton trailers Scott & Scott Ck. 1496	Nov. 19, 1979	393.75
Parts to completely re-build an 1800 Oliver tractor Moore Oliver Inc. Ck. 1544, 1551, 1556	Feb. 27, 1980 - Mar. 27, 1980	755.64
Material for the construction of a 3,000 sq. ft. residence consisting in part of 230 sq. ft. farm office	(8%)	
Border Supply Ck. 1531	Jan. 30, 1980	\$ 118.02
Border Supply Ck. 1537	Feb. 6, 1980	691.94
Border Supply Ck. 1549	Mar. 14, 1980	1012.84
Border Supply Ck. 1158	Mar. 29, 1980	1782.29
San Xavier Block Ck. 1559	Mar. 31, 1980	1247.84
San Xavier Block Ck. 1560	Apr. 1, 1980	1247.84
San Xavier Block Ck. 1561	Apr. 2, 1980	1247.84
San Xavier Block Ck. 1562	Apr. 3, 1980	1247.84
		<u>\$7930.77</u>
	x 8% - - - - -	<u>634.46</u>
Total itemized capital investments - - - - -		\$9440.36

Itemized Capital Investments  
Prior to June 12, 1979

1200 g.p.m. well March 1966	\$11,000-
Four row planters February 1976	1,310-
105 H.P. wheel tractor (2nd. of such) December 1976	20,000-
Subsoiler (7 shank) December 1976	1,998-
Gated pipe December 1976	917-
Two additional planters and six insecticide hoppers March 1977	1,323-
2200' of 10" underground plastic pipe April 1978	6,412-
Cotton trailer (3rd. of such) November 1978	230-
1978 Ford pickup January 1979	<u>4,750-</u>
Total itemized capital investments - - - -	\$47,940-

Box 7A  
McNeal, AZ 85617  
March 19, 1984

AZ Dept. of Water Resources  
Tucson A.M.A.  
371 S. Meyer  
Tucson, AZ 85701

Dear Mr. McNulty:

I submit the following as further explanation of a list of expenditures between June 12, 1979 and June 12, 1980 which I submitted to your office on March 2, 1984.

The additional 8" gated pipe in question was 420' of pipe purchased for the purpose of flow line around my house located on the 80 acres in question. This pipe more than doubled the 320' of gated pipe I had been farming with, and in no way did I add any water to my operation.

The cotton picker, parts, and material for the cotton trailers, in all likelihood, would have never been purchased had I known I would never be allowed to increase my operation.

The re-building of my 1900 Oliver tractor was definitely done with the intentions of farming the additional acreage in question for I had purchased a larger new tractor two years prior. The total size of my operation at that time was 160 acres, not requiring two large wheel tractors.

The farm office in my residence was done only in part to serve the land in question. However, without the additional land, my operation is inadequate for my family's needs. Without it my operation will cease to exist. Regretably, I have no such expense items such as land clearing during the time frame, for that was done in Nov. 1980 at which time I spent \$7020. Thank you for your further consideration.

Sincerely,



Loyd Boone

R.R. 1, Box 7A  
McLeal, AZ 85617  
March 22, 1984

AZ Dept. of Water Resources  
Tucson A.M.A.  
371 S. Meyer  
Tucson, AZ 85701

Dear Mr. McNulty:

Enclosed please find copies of a soil map and descriptions of various soil types found on my place (NW $\frac{1}{4}$  SEC 10-TWN 21 R 26 E). These were furnished to me by the Soil Conservation Service at my request in 1975. Also please find a copy of the land clearing checks on the W $\frac{1}{2}$  of the  $\frac{1}{4}$  SEC totaling \$7020.00. I hope this information will be of help to you in considering my land for irrigation. Thank you for your time and effort in this matter.

Sincerely,

  
Loyd Boone

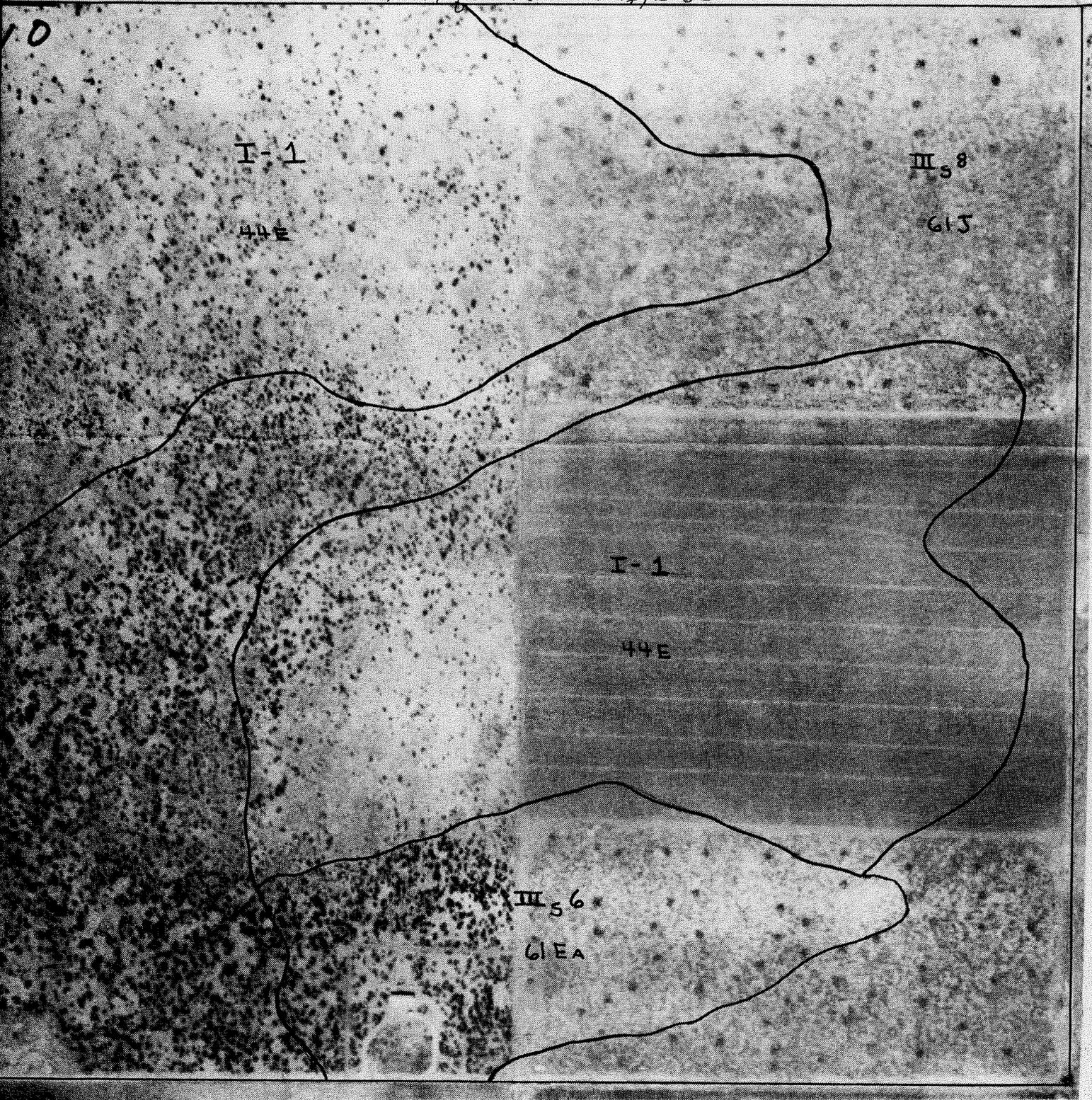
# SOIL MAP

Owner LOYD BOONE Operator LOYD BOONE  
 County COCHISE State ARIZONA date: 10/75  
 Soil survey sheet (s) or code nos. DUH III-109 Approximate scale 1"=330'  
 Prepared by U. S. Department of Agriculture, Soil Conservation Service cooperating  
 with WUP - NRCD Conservation District



3  
10

NW 1/4 of Section 10 T21S, R26E



Soil Conservation Service-Arizona

August 1968

LAND CAPABILITY UNIT IIIs8  
(Irrigated)

Soils in this capability unit have very slowly permeable subsoils. They are nearly level and are subject to no more than slight water erosion. They have moderately fine through coarse surface textures and may contain lime and slight amounts of salt and alkali.

These soils are suited for growing most climatically adapted crops under conservation management.

Conservation treatment includes conservation cropping systems, crop residue use and irrigation water management.

Minimum tillage is important and care must be exercised in irrigating to attain adequate penetration of water in the slowly permeable subsoils.

Seasonal protection from wind erosion may be necessary on the coarse textured surface soils.

61J - Forrest loam - These are deep, well drained soils with loam surfaces, clay subsoils and limy clay loam substratum. They have good water holding capacity with moderate intake rates and slow permeability.

LAND CAPABILITY UNIT I-1  
(Irrigated)

Soils in this capability unit are nearly level and are subject to no more than slight erosion. They are deep and well drained with moderately fine through medium textured surface and subsoils. They have moderate to moderately slow permeability and good water holding capacity (1.5 inches or more AWC per foot of depth). They are relatively free of salt or alkali.

These soils are suited for growing all climatically adapted crops under normal management.

Conservation treatment includes conservation cropping systems and irrigation water management. Minimum tillage is desirable, particularly on the moderately fine textured surface soils.

44E - Elfrida clay loam - These are deep, well drained, clay loam soils with moderately fine textured subsoils and limy, moderately fine textured substratum. They have good water holding capacity and moderate intake and permeability rates.

LAND CAPABILITY UNIT IIIs6  
(Irrigated)

Soils in this capability unit are nearly level and contain coarse fragments in the soil profile. They are subject to no more than slight erosion by water. Textures range from moderately fine through coarse in the surface and subsoils. They may contain slight to moderate amounts of salt or alkali and have moderately slow to rapid permeability.

These soils are suited for growing most climatically adapted crops under conservation management.

Conservation treatment includes conservation cropping systems, and irrigation water management.

Minimum tillage is desirable particularly on the moderately fine textured soils.

61Ea - Forrest gravelly clay loam - These are deep, well drained soils with gravelly clay loam or gravelly sandy clay loam surfaces, gravelly clay subsoils and limy gravelly clay loam substratum. They have good water holding capacity with moderate intake rates and slow permeability.

SUBSTANTIAL CAPITAL INVESTMENT

Tier 5 Review Report

- \* Applicant Loyd Boone
- \* Application C78-Douglas INA #2 Date of report 3/23/84
- \* Legal description: W $\frac{1}{2}$  NW $\frac{1}{4}$  Sec 10 T21S R26E, GSRB&M.

- \* Number of acres claimed 80
- \* Does application fall within the old critical groundwater area?  
Yes X No

- \* Background information (narrative form)

Mr. Boone was raised on an adjacent property, and bought 160 acres in the 1960's. He drilled a large well (1200 GPM) in 1965, just before the land was included in the Critical Groundwater Area. He brought the land in the E $\frac{1}{2}$  of NW $\frac{1}{4}$  Sec 10 into production between 1965 and 1975. He has always intended to farm the whole 160 acres, but never had enough money to do so. He had ASCS do a soil survey of the whole 160 acres in 1975 (copy attached). In 1979 he began preparations for bringing the W $\frac{1}{2}$  into production. In November, 1980, he spent \$7,000 on all of the land in question. He was not aware of the INA status at the time. He was reported to DWR by a neighbor, and Brian Kirby did a field investigation. He was notified that he was in violation, but was not informed of the Substantial Capital Investment provision of the law.\* He found out recently about SCI, and has submitted statements and receipts in support of his claim. His intent is to grow cotton + corn on the acreage, and believes his existing well capacity is adequate. He intends to grow cotton on a skip row basis, which requires less water; he also will continue participating in the set aside program.

\*(The INA SCI provision was apparently passed in 1981.)

\* SCI Investigation

	<u>Yes</u>	<u>No</u>
Does the applicant indicate any capital investments within the time frame prescribed by law?		
1. Land clearing or leveling All clearing done in Nov. 1980	_____	_____X_____
2. Construction or improvements of irrigation delivery system	_____	_____X_____
3. Drilling, deepening, refurbishing of wells	_____	_____X_____
4. Fees for leasing, professional services and purchase of supplies and equipment coincidental with these improvements.  Irrigation head pipe, cotton picker & supplies, cotton trailers, tractor rebuilding, office - \$9440.36	_____X_____	_____
5. Fencing	_____	_____X_____
6. Total cost of improvements		
Actual (with receipts)	_____	_____X_____
Estimated	_____	_____
TOTAL	_____	_____X_____
		<u><u>\$9440.36</u></u>

Investments prior to 1979 = \$47,940

- \* Other sources that support S.C.I. claim, such as Land Sat or A.S.C.S./S.C.S. confirmation.

Claims are supported by DWR enforcement file #81-02-PV-FI, which contains photos of the area.

- \* General narrative that summarizes the S.C.I. investigation.

Although the actual expenditures that can be attributed to this parcel during the required time period are meager, the intent is well established. His case rests heavily on our interpretation that pre-existing wells can be used to irrigate additional land before 1980. He did not have the funds available to develop the 160 acres all at once, but had been increasing the acreage in the E $\frac{1}{2}$  steadily before 1975. The fact that we have taken enforcement action puts him in an awkward position - especially since he was not notified of the change in SCI provision. He received a Federal Land Bank Loan in November, 1980, for improving the land in question. He immediately began clearing, which corroborates his story that funding was the limiting factor in preventing the expansion from taking place in the proper time frame. He stands to lose all of his clearing investment if we deny the claim. He also asked if his SCI is denied, whether there is any kind of temporary permit he could get to revegetate the land. The prepared area is now subject to erosion and has created a bad tumbleweed problem for his neighbors.

Recommendation: Approve the SCI for 80 acres.

- \* Field report submitted by Katharine Jacobs / Katharine Jacobs

- \* AMA Director determination:

- Agree
- Disagree
- Other

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_

- \* Tier 5 Committee determination

- Agree
- Disagree
- Other

*Ok to plant vegetation for deer + control. -- so long as he doesn't graze animals or harvest anything.*

*Very little at the SCI claim related directly to the 80 acres*

W. Ron Maugh - 4/5/84  
\_\_\_\_\_  
\_\_\_\_\_

State of Arizona

# DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor  
WESLEY E. STEINER, Director

4/5/84

Loyd Boone  
Box 7A  
McNeal, AZ 85617

Dear Mr. Boone,

Enclosed is a copy of the Substantial Capital Investment report that I sent to Phoenix on March 23, 1984. We are still awaiting a decision on this case. I will notify you as soon as a decision is made.

Sincerely,

*Katharine Jacobs*

Katharine Jacobs  
Tucson Active Management Area

State of Arizona

# DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor  
WESLEY E. STEINER, Director

April 10, 1984

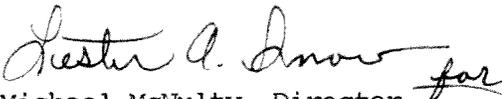
Loyd Boone  
Box 7A  
McNeal, AZ 85617

Dear Mr. Boone,

The Department of Water Resources has considered your request for increasing your irrigation acreage based on substantial capital investment. Based on the fact that there was very little money spent specifically for subjugation of the acreage in question, the Deputy Director has determined that you cannot bring the 80 acre parcel into production. He has given permission for you to establish a cover crop for dust control, so long as it is not harvested or grazed.

I'm sorry that we don't have better news for you. If you have any questions, please call.

Sincerely,

  
Michael McNulty, Director *for*  
Tucson Active Management Area

MM/KJ/r



Arizona Department of Water Resources  
 Tucson Active Management Area  
 371 S. Meyer  
 Tucson, Arizona 85701  
 Phone: 628-5858

DWR INA-03-85

FOR DEPARTMENT USE ONLY  
 File #60-203 **030**

RECEIVED OCT 22 1985

**DOUGLAS IRRIGATION NON-EXPANSION AREA  
 RECORD OF IRRIGATION HISTORY**

1. List the name(s) of legal owners as indicated on the appropriate deed:

Boone Loyd L.  
Last First Middle or Initial

Boone Berta L.  
Last First Middle or Initial

RR 1 Box 7A  
Mailing Address

McNeal AZ 85617  
City State Zip

2. For each parcel of land that was legally irrigated at any time between January 1, 1975 and January 1, 1980, indicate the Assessor's Parcel Number, parcel acreage and legal description. Irrigation is defined in the groundwater law as the application of water to two or more acres of land to produce plants or parts of plants for sale or human consumption or for use as feed for livestock, range livestock or poultry.

Assessor's Parcel Number 404-11-0153 Parcel Acres: 80  
 Legal Description: E 1/2 NW 1/4-10-21-26E

Assessor's Parcel Number \_\_\_\_\_ Parcel Acres: \_\_\_\_\_  
 Legal Description: \_\_\_\_\_

(Use additional sheet if necessary)

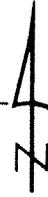
3. Indicate the number of acres irrigated on the land described above in each of the five years of record:

January 1, 1975 to December 31, 1975: 80 acres  
 January 1, 1976 to December 31, 1976: \_\_\_\_\_ acres  
 January 1, 1977 to December 31, 1977: \_\_\_\_\_ acres  
 January 1, 1978 to December 31, 1978: \_\_\_\_\_ acres  
 January 1, 1979 to December 31, 1979: \_\_\_\_\_ acres

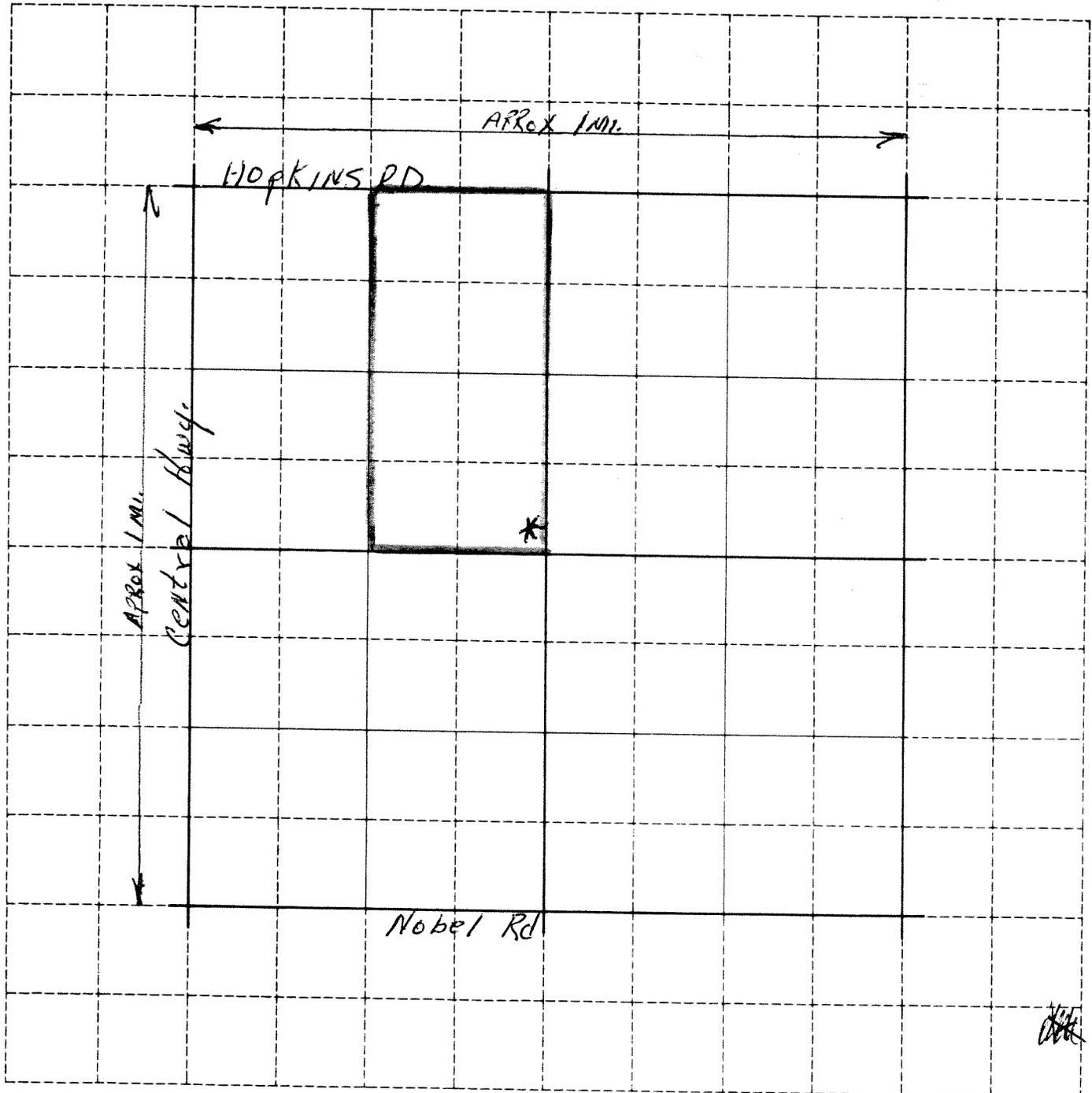
*-160  
 Sci for not  
 80 denied*

On the grid below, draw a map of the land described in Item 2 and indicate the location of the wells described in Item 4. Indicate the scale of the map in the space below.

SEC. 10



TWP. 21  
RGE. 26 E



Scale

$$1 \text{ Mile} = 4 \frac{3}{4}''$$

4. List each well used to irrigate the land. Indicate the well registration number, the year each well was drilled and whether or not you own the well.

DWR Well Registr. No.	Location			Sec	Twp	Rge	Year Drilled	Ownership	
	1/4	1/4	1/4					Yes	No
55-626263	SE	SE	NW	10	21	26E	1965	<input checked="" type="checkbox"/>	<input type="checkbox"/>
55-_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
55-_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
55-_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
55-_____	_____	_____	_____	_____	_____	_____	_____	_____	_____

(Use additional sheet if necessary)

5. If the above wells are in use, is the water withdrawn being measured with a device approved by the Department of Water Resources? well is temporarily out of use since 1983  
 \_\_\_\_\_ yes \_\_\_\_\_ no

6. Check any other sources of water serving the irrigated land:

- \_\_\_\_\_ surface water
- \_\_\_\_\_ effluent
- \_\_\_\_\_ tailwater
- \_\_\_\_\_ other: \_\_\_\_\_

7. On the attached section grid, draw a map of the irrigated land described in item 2. An alternative map may be submitted if it includes the location of irrigated acreage and a scale (minimum scale: 3 inches to the mile).

\*\*\*\*\*

I (We) Loyd & Berta Doone do hereby certify under penalty of **perjury**, that the information contained and statements made herein are to the best of my (our) knowledge and belief true, correct and complete.

DATED this 10th Day of Oct, 1985

Loyd Doone  
Owner Signature

602-642-3768  
602-642-3323  
Daytime Telephone Number

Berta Lynn Doone  
Owner Signature

*16th  
X  
Berta Lynn Doone  
331  
201  
102  
103*

# NOTICE OF IRRIGATION AUTHORITY

## DOUGLAS IRRIGATION NON EXPANSION AREA

### STATE OF ARIZONA DEPARTMENT OF WATER RESOURCES

*This is to document that pursuant to the provisions of  
Title 45, Chapter 2, Arizona Revised Statutes*

LLOYD L. BOONE ETUX  
Box 7A  
McNeal, AZ 85617

*is entitled to irrigate 80.0 acres of land. Groundwater may be used to irrigate only the acres of land described as follows:*

Assessor's Parcel Number 404-11-0150 as of 5/3/85: NW $\frac{1}{4}$  Section 10 T21S R26E, GSRB&M.

Excluding: W $\frac{1}{2}$  NW $\frac{1}{4}$  Section 10 T21S R26E, GSRB&M, as more fully described in the map attached hereto as Exhibit A and made a part hereof by reference.

*The use of groundwater on the above described land for irrigation purposes shall be in accordance with the laws of the State of Arizona and restrictions placed on use by the Director of the Department of Water Resources pursuant to Title 45, Chapter 2, Arizona Revised Statutes.*

NOTICE NO. 60-203030

*is affirmed this 25th day of November, 1985*

ARIZONA DEPARTMENT OF WATER RESOURCES

  
Director

NAME Boone, Lloyd L. Etux

PAGE 1 OF 1

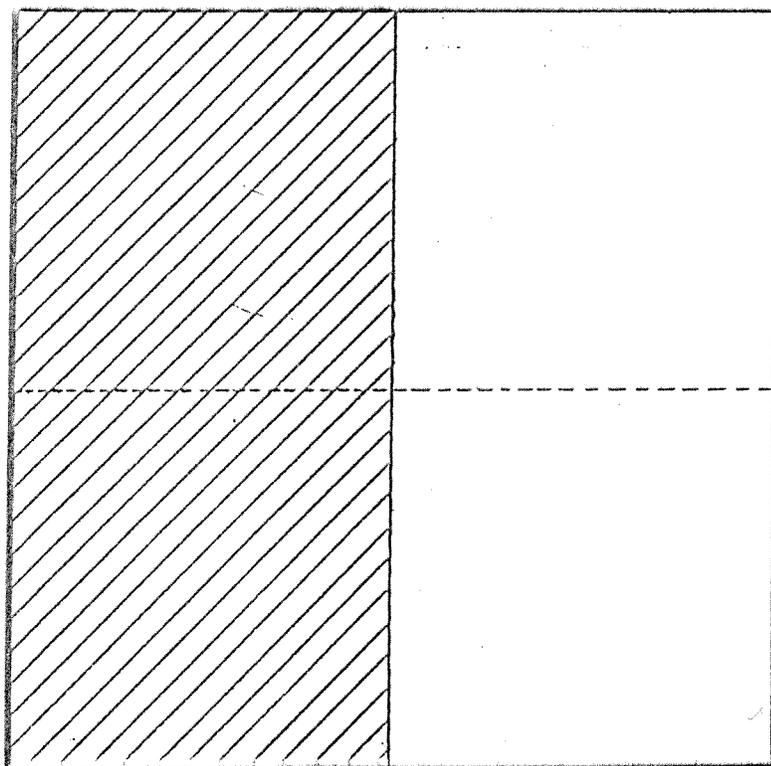
EXHIBIT A

INA USER NO. 60-203030

SECTION 10 TOWNSHIP 21 S, RANGE 26 E

IRRIGATION ACRES AUTHORIZED 80.0 DATE 10/28/85

NW 1/4



Parcel Ownership Boundary (from Cochise County Assessor's Office) \_\_\_\_\_

Irrigation Acres

Non Irrigation Acres

