

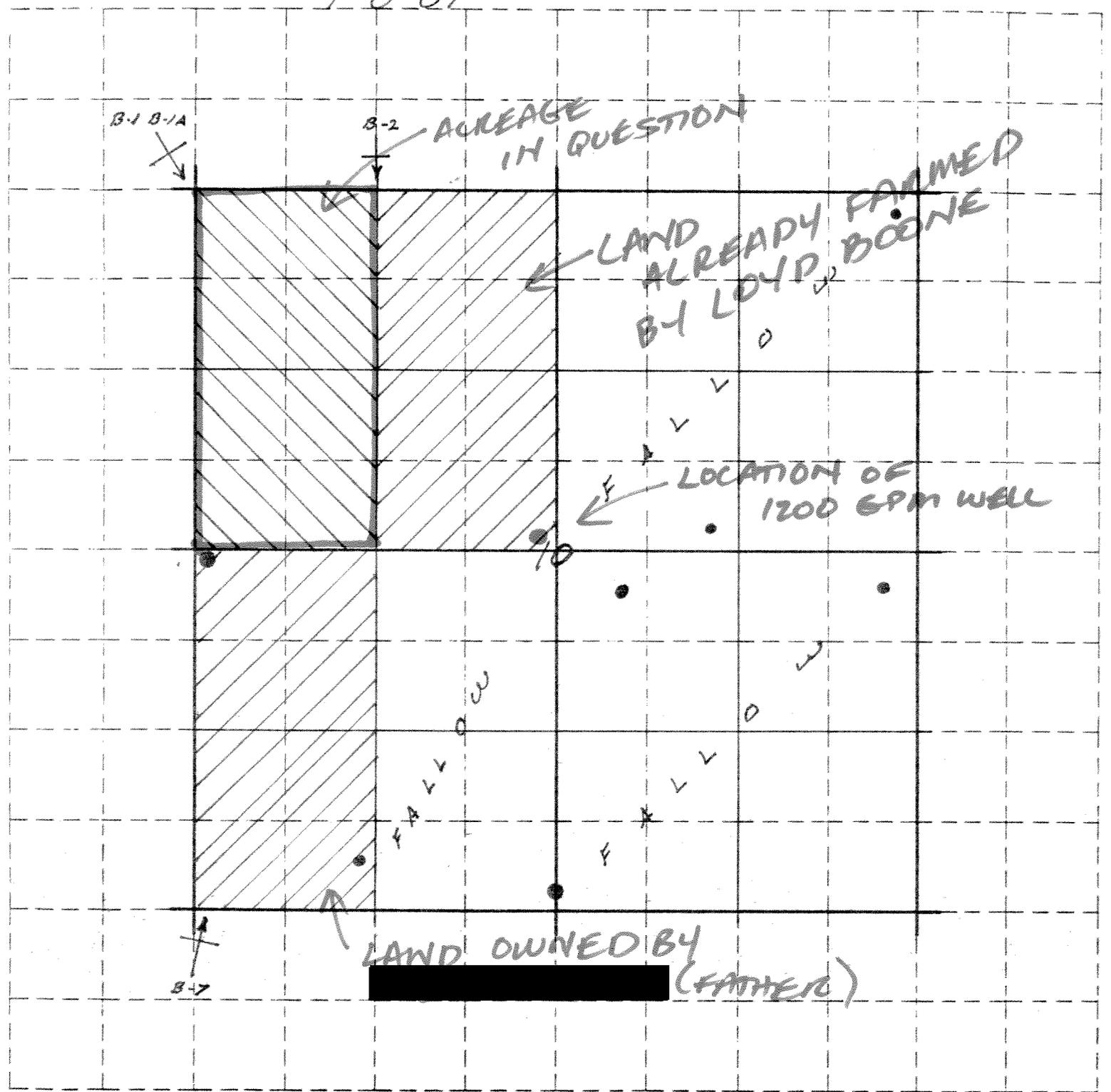
CULTIVATED  
 BEING CLEARED  
 WELLS



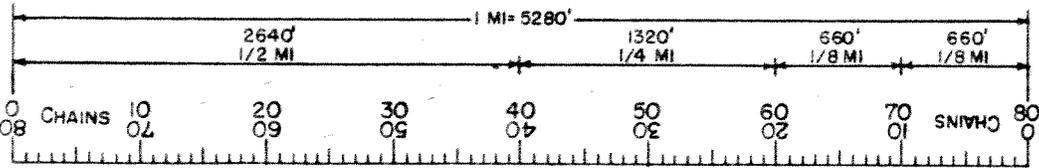
SEC. 10 | TWP. 21S  
 RGE. 26E  
 N

ARIZONA STATE LAND DEPT.

1-8-81



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



1 MILE =  
 5280 FEET  
 80 CHAINS  
 320 RODS  
 1760 YARDS  
 1609.3 METERS



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

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

Does the applicant indicate any capital investments within the time frame prescribed by law?

	<u>Yes</u>	<u>No</u>
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)	_____	\$9440.36_____
Estimated	_____	_____
TOTAL		\$9440.36_____

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

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

*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*

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

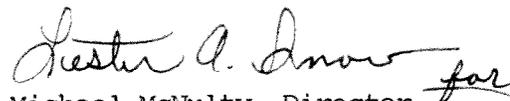
Loyd Boone  
Box 7A  
McNeal, AZ 85617

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