

CULTIVATED



BEING CLEARED



WELLS



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

ARIZONA STATE LAND DEPT.

1-8-81

B-1 B-1A

B-2

ACREAGE IN QUESTION

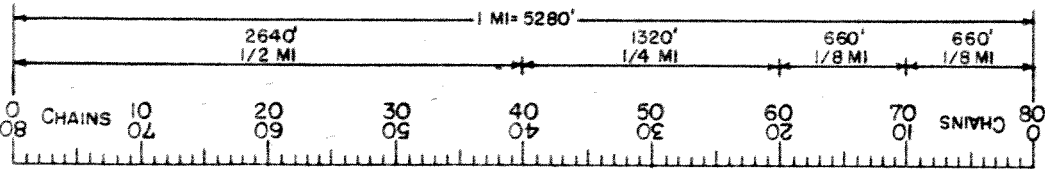
LAND ALREADY FRAMED BY LOYD BOONE

LOCATION OF 1200 GPM WELL

FALLOW

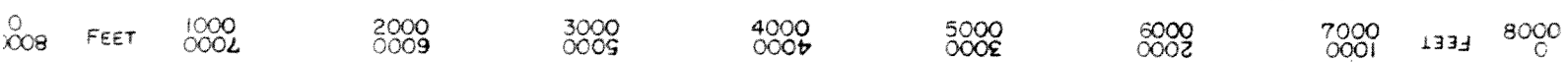
LAND OWNED BY [REDACTED] (FATHER)

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.



RECEIVED MAR 5 1984

  
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,  


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-

  
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,  






- \* 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

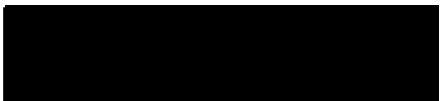
# DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor  
WESLEY E. STEINER, Director

4/5/84



Dear [REDACTED],

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

TUCSON ACTIVE MANAGEMENT AREA OFFICE  
371 S. Meyer  
Tucson, Arizona 85701  
(602) 628-5858

State of Arizona

# DEPARTMENT OF WATER RESOURCES

99 E. Virginia Avenue, Phoenix, Arizona 85004



BRUCE BABBITT, Governor  
WESLEY E. STEINER, Director

April 10, 1984



Dear [REDACTED],

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,

*Jester A. Snow* *for*  
Michael McNulty, Director  
Tucson Active Management Area

MM/KJ/r