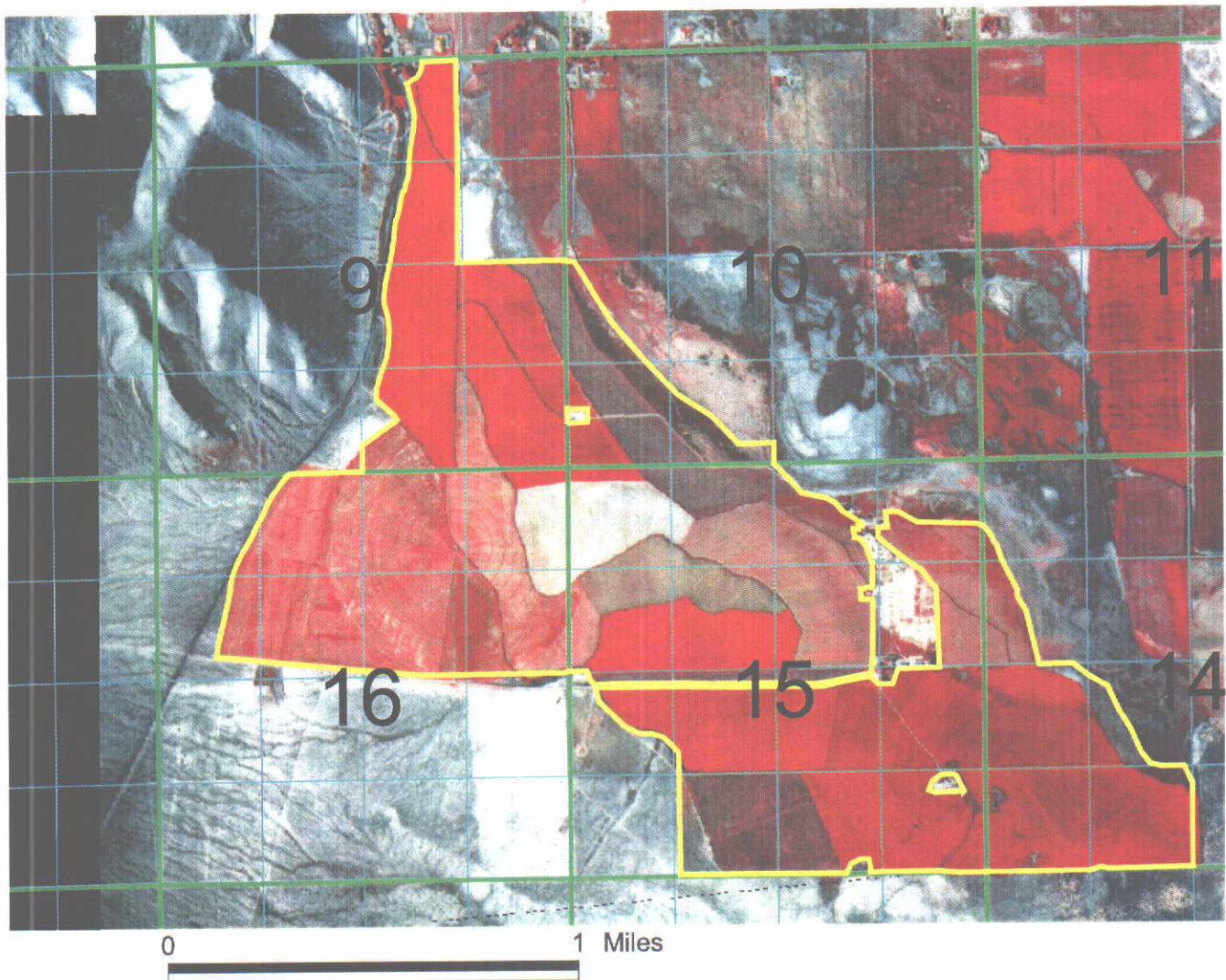


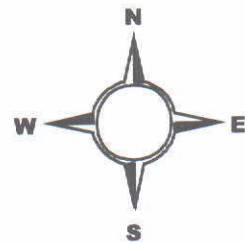
Idaho Department of Water Resources

Water Rights 33-00017A, 18A, 19A, 20A, 21A, 22A, 31D, 31H, 90D, 91C, 2103, 2107, 10073, 10074, 10984, 10985.



Township 5 North Range 29 East

-  Place of Use
-  Section Lines
-  Quarter-Quarter Sections



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
November, 1999

For general information
Pertaining to all Mays
Land and Livestock claims
See A33-00017A

November 23, 1999

RECEIVED

JAN 07 2000

Department of Water Resources
Eastern Region

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: December 10, 1999

Water right number: 33-00021A

MAYS LAND AND LIVESTOCK INC
PO BOX 1
HOWE ID 83244

Daytime Telephone Number:

Evening Telephone Number:

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation; no changes need to be made.

DATE: 1/07/00 SIGNATURE: James G. Mays
Please print your name: James G. Mays

To: AJ Files, Mays Land and Livestock:

A33-00017A
A33-00018A
A33-00019A
A33-00020A
A33-00021A
A33-00022A
A33-00031D
A33-00031H
A33-00090D
A33-00091C
A33-02103
A33-02107
A33-10073
A33-10074
A33-10984
A33-10985

From: Bryce A. Contor

Date: 11/13/1999

Re: Acreage, Transmission Loss.

I. General Description of Mays Rights:

Mays' place of use is composed of four classes of lands. The original farm is located in E ½ of SE ¼ of section 9, section 10, section 14, and section 15. The Jensen (Cowgill) lands are the lands in the NE of section 9 and the W ½ of the SE ¼ of section 9. The enlargement lands are in the N ½ of section 16, and the permit lands are in the S ½ of section 16.

The original farm is covered by rights 17A, 18A, 19A, 20A, 21A, 22A, 31D, and 31H. It is also covered by right 23A which is part of combined right 10073 and right 86, which is a part of combined right 10074. The original rights have had formal transfers which authorize their application to all the lands irrigated on the original farm. The transfers do not list acres per quarter section.

The Jensen or Cowgill rights include 90D, 91C, a part of original right 92 now incorporated into combined right 10073, and a part of original right 93 now incorporated into combined right 10074. These rights have had an accomplished transfer to the current place of use. There are enough original CFS to justify the full acres of place of use without contemplating enlargement. File 33-00017A contains documentation of these accomplished transfers.

*and part of
16 -
See
file A33-
00017A
map.*

Rights 10984 and 10985 authorize the irrigation of the enlargement lands in section 16. The permit lands in section 16 are authorized by permit 33-07183, which was not required to be enjoined to the adjudication.

II. Acreage

To calculate allowable acres of irrigation for each water right, the following assumptions are made:

- The original decree implied .02 cfs/acre.
- The Cowgill accomplished transfers did not work any enlargement or expansion.
- Since the described places of use for transfers to the original farm cover all the historically irrigated lands, no accomplished enlargement or expansion applies to the original Mays rights.

Based on these assumptions, the Cowgill rights each have an authorized irrigated acres calculated by dividing diversion rate by 0.02. The Mays rights have an authorized irrigated acres calculated by dividing diversion rate by 0.018 cfs/acre. This rate was obtained by dividing the sum of the Mays cfs by the apparent original POU for all the rights. The groundwater rights are recommended for the licensed acres, and the enlargements are recommended for 169 acres.

The result is that the sum of the individual groundwater rights is slightly less than the permissible place of use. This is reasonable, as the Cowgill lands were never licensed for the groundwater usage. The surface water rights individually sum to slightly more than the permissible place of use. This is also reasonable, as assumptions for the Cowgill rights amounted to assuming a full 40 acres per quarter-quarter section, and less than that is actually farmed.

III. Transmission Loss

Historically, many of these rights have been assessed a transmission loss by the watermaster. Some of the formal transfers also imposed a transmission loss to some of these rights.

Comments on each individual right discuss transmission losses. More general discussion is included in file 33-00002.

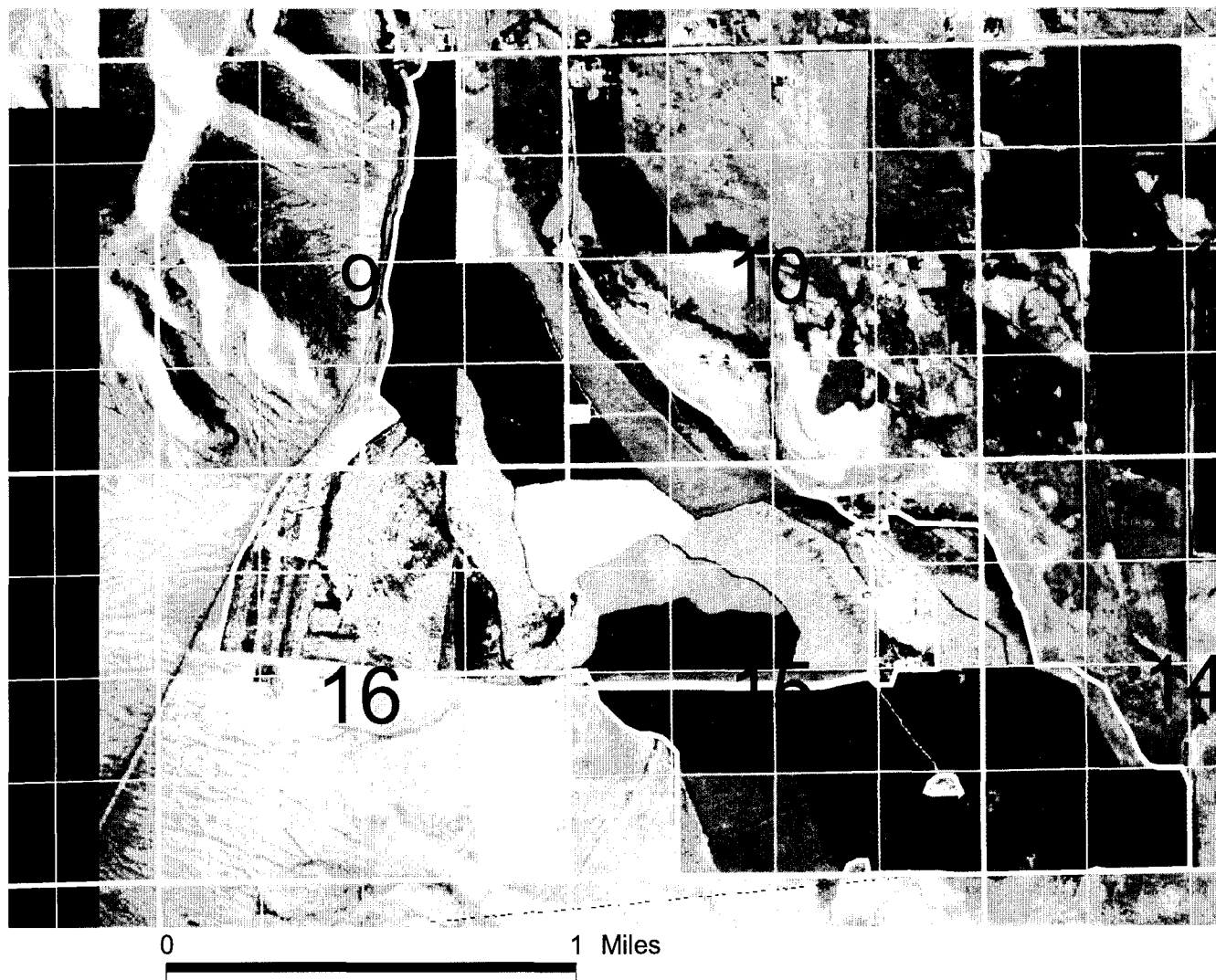
Mays Land and Livestock Acreage Calculations						
Surface Rights - Original Mays						
Right	Rec. CFS	Acres @ Original Rate				
33-00017A	1.90	108.0				
33-00018A	1.92	109.1				
33-00019A	0.34	19.3				
33-00020A	1.90	108.0				
33-00021A	0.24	13.6		33-10073:	33-00023A	0.58 33.0
33-00022A	3.12	177.3			33-00092E	0.50 25.0
33-00023A	0.58	33.0				58.0
33-00031D	1.26	71.6				
33-00031H	1.44	81.8		33-10074:	33-00086	2.93 166.2
33-00086	2.925	166.2			33-00093C	1.60 80.0
						246.2
Total CFS	15.63					
Org. Acres	888.00					
Org. Rate	0.018					
Surface Rights - Original Cowgill				Sum of Recommended Acres - Surface		
Right	Rec. CFS	Acres @ 0.02/acre				
				33-00017A		108
33-00090D	0.40	20.0		33-00018A		109
33-00091C	0.70	35.0		33-00019A		19
33-00092E	0.50	25.0		33-00020A		108
33-00093C	1.60	80.0		33-00021A		14
				33-00022A		177
Groundwater Rights				33-00031D		71
				33-00031H		81
	CFS	Licensed Acres		33-00090D		20
				33-00091C		35
33-02103	3.52	176.0		33-10073		58
33-02107	3.68	795.0		33-10074		246
33-10985		169.0 (enlargement)		33-10984		169
Total Acres		1140.0		Sum		1215
With Overlaps Considered, On Full PPU						
Mays CFS	15.63					
Cowgil CFS	3.20					
GW CFS	7.20					
Total CFS	26.03					
Total Acres'	1163					
CFS/acre	0.023					

Justified by Transmission Loss

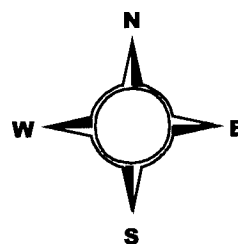
Justified by
Transmission loss

Idaho Department of Water Resources

Water Rights 33-00017A, 18A, 19A, 20A, 21A, 22A, 31D, 31H, 90D, 91C, 2103, 2107, 10073, 10074, 10984, 10985.



Township 5 North Range 29 East

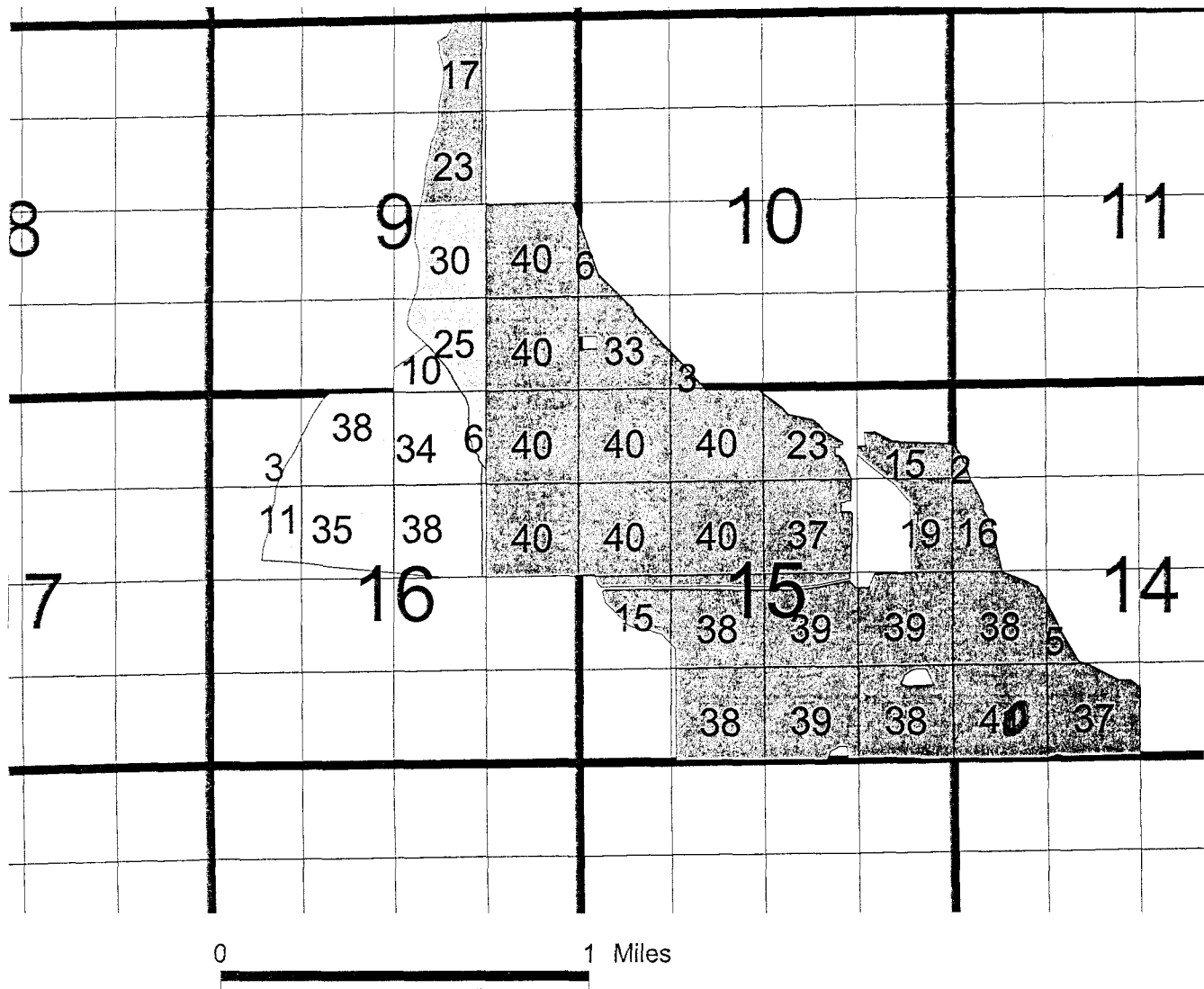


Place of Use
Section Lines
Quarter-Quarter Sections

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
November, 1999

Idaho Department of Water Resources

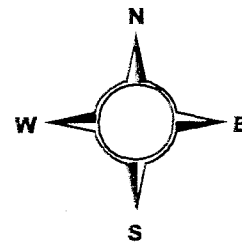
Mays Land and Livestock Recommended Place of Use



0 1 Miles

Township 5 North
Range 29 East

-  Orig. Beneficial Use Acres
-  ~~1977 Enlargement Acres~~ *Accomplished*
-  1987 Enlargement Acres *Transfer*
-  Section Lines
-  Quarter-Quarter Section Lines



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
October, 1999

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	MAYS LAND AND LIVESTOCK INC	04/01/1889	IRRIGATION	04-01 10-31	0.240 CFS	
TOTAL DIVERSION:					0.240 CFS	

Water Source: LITTLE LOST RIVER Tributary to: SINKS
T06N R29E S32 NWNW BUTTE County
Point(s) of Diversion:

Place of use Legal Description for: IRRIGATION

NE			NW			SW			SE			SUM			
T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
05N 29E 9	17	23									40	30	34	40	184.0
05N 29E 10															70.0
05N 29E 14															151.0
05N 29E 15	15	23	37	19			02	16			13	40	40		501.0
05N 29E 16	40	40	40	40			38	03	11	35		39	39	38	247.0
TOTAL ACRES														1153.0	

POU County: BUTTE

Conditions of Approval:

- C05 - RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
- C18 - THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
- NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS.

Remarks: POU1

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 1153 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091C, 33-02103, 33-02107, 33-10073, 33-10074, 33-10984, 33-10985.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 14 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091C, 33-02103, 33-02107, 33-10073, 33-10074, 33-10984, 33-10985.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc:

Water District Number: 33

Field Inspection Flag: D
Presumption Flag:

POU 93

POU 77

AJ0749NP
No. R33-00021A

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 11/13/99
PAGE: 2

Comments: Date: 11/12/1999 User-ID: BCONTOR Subject: COPIED FROM REMARKS
P/D NOT STATED IN DECREE. TRANS. 780.

Audit: 11/13/99 BCONTOR

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A33-00021A
Date Received: 1/05/1990
Receipt No: E011491
Received By: SmS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAYS LAND AND LIVESTOCK INC 208-767-3405
Address: PO BOX 1
HOWE, ID 83244

2. Date of Priority: APR 01, 1889

3. Source: LITTLE LOST RIVER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	29E	32	NW	NW			BUTTE

5. Description of diverting works:
MAYS DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.240		

7. Total Quantity Appropriated is:
0.240 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 3100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	29E	9	NW	NE		IRR	16.0
			SW	NE		IRR	28.0
			NE	SE		IRR	40.0
			NW	SE		IRR	32.0

A33-00021A

Page 1

Date: 01/05/90

A3300021A



MICROFILMED

NOV 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	29E	9	SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				196.0
		10	NW	SW		IRR	22.0
			SW	SW		IRR	40.0
			SE	SW		IRR	22.0
			Section Acres				84.0
		14	NW	NW		IRR	8.0
			SW	NW		IRR	26.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				194.0
		15	NE	NE		IRR	27.0
			NW	NE		IRR	29.0
			SW	NE		IRR	40.0
			SE	NE		IRR	18.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	39.0
			NW	SW		IRR	15.0
			SE	SW		IRR	30.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				518.0
		16	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			NE	NW		IRR	38.0
			NW	NW		IRR	6.0
			SW	NW		IRR	13.0

MICROFILMED
NOV 18 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	29E	16	SE	NW		IRR	33.0

Section Acres 248.0

Total Acres 1240.0

11. Place of use in counties: BUTTE

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

33-0017A/0018A/0019A/0020A/0022A/0023A.

14. Remarks:

P/D NOT STATED IN DECREE. TRANS. 780.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BLAINE COUNTY INVESTMENT CO.

Decree Plaintiff

vs

ROBERT G. MAYS, ET AL

Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Secretary - Treasurer of Mays Land & Livestock, Inc., that I have signed the foregoing document in the space below as Secretary - Treasurer of Mays Land & Livestock, Inc. and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sec. Treas. Mays Land & Livestock, Inc.
Title and Organization

05 Jan 90
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5th day
of Jan 19 90
[Signature]
Notary Public

Seal

BETTY J. THOMPSON, NOTARY PUBLIC
Residing at RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

TSN R29E

RU

MICROFILMED
NOV 18 1992

NOV 18 1992