

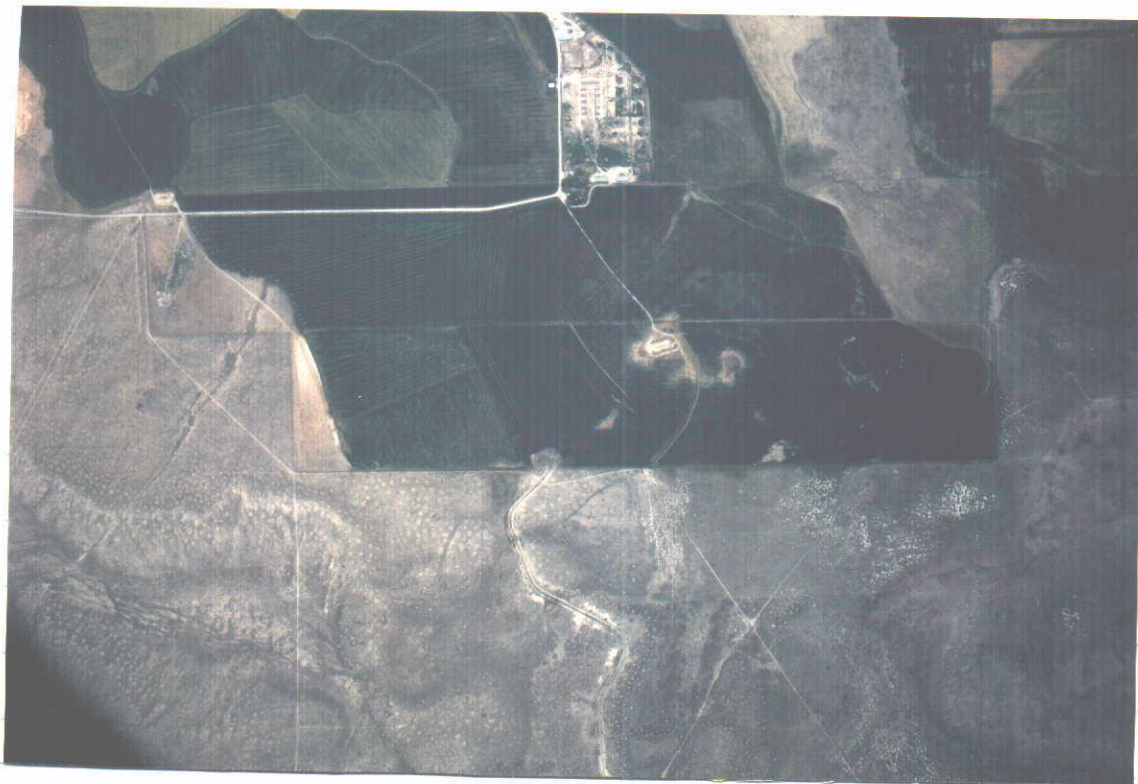
To: File A33-10984, A33-10985
Fr: Bryce A. Contor
Date: 11/8/1999

Re: Date of Priority of Enlargement

Attached 1987 NAPP GIS printout shows enlargement POU irrigated. The attached photo was printed from slide mailed by Debbie at Arco, Id FSA office. She represented that the slide was a 1986 compliance slide showing T5N R29E section 16. Original mailed back to FSA 11/8/1999.

This photo shows no irrigation on the parts of the enlargement POU that are visible in the photo.

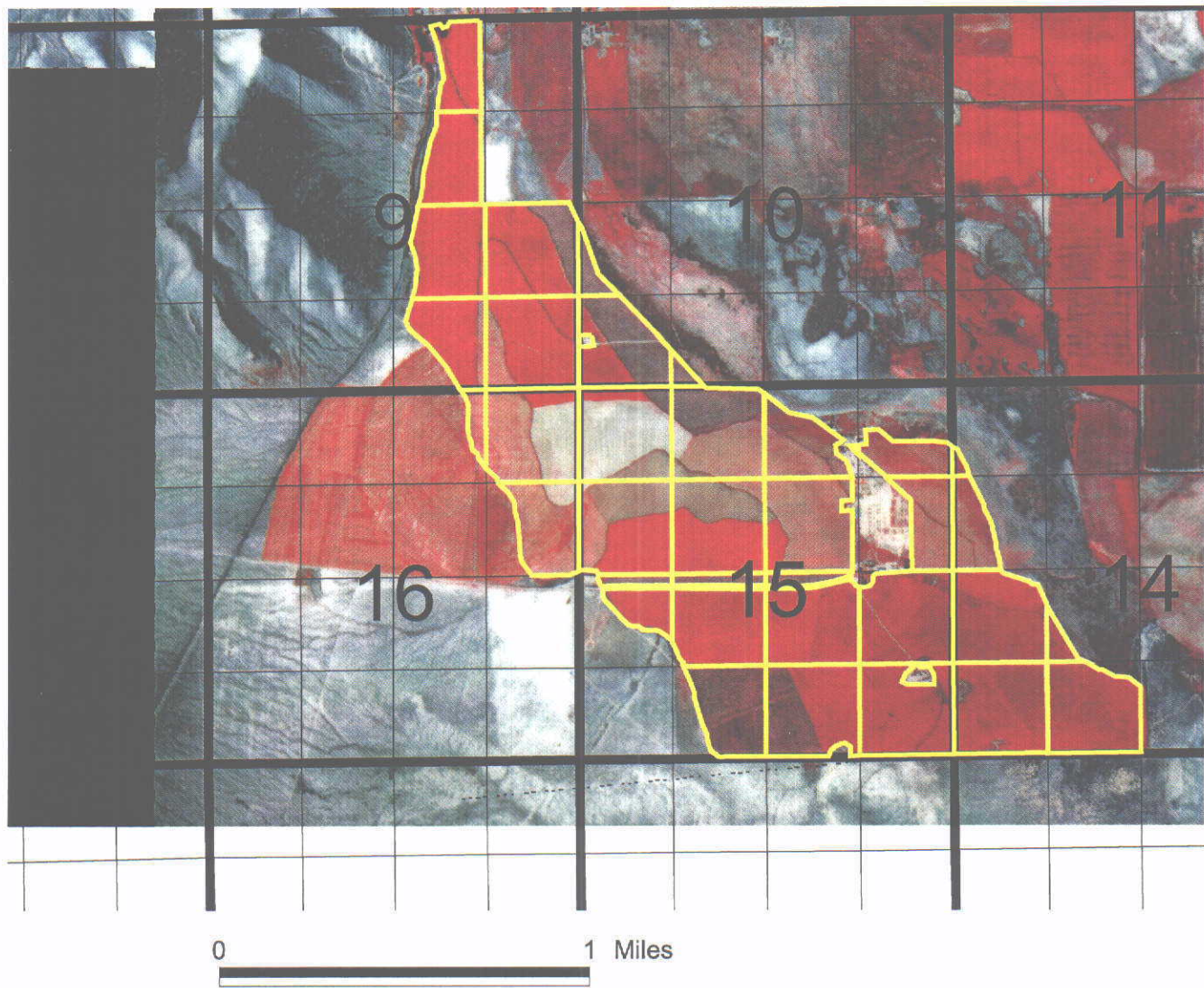
Based on the above I recommend 1987 priority for these two claims.



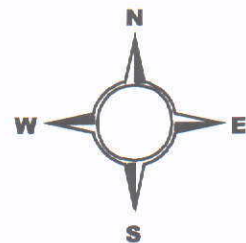


Idaho Department of Water Resources

Mays Land and Livestock 1977 Place of Use



Township 5 North
Range 29 East

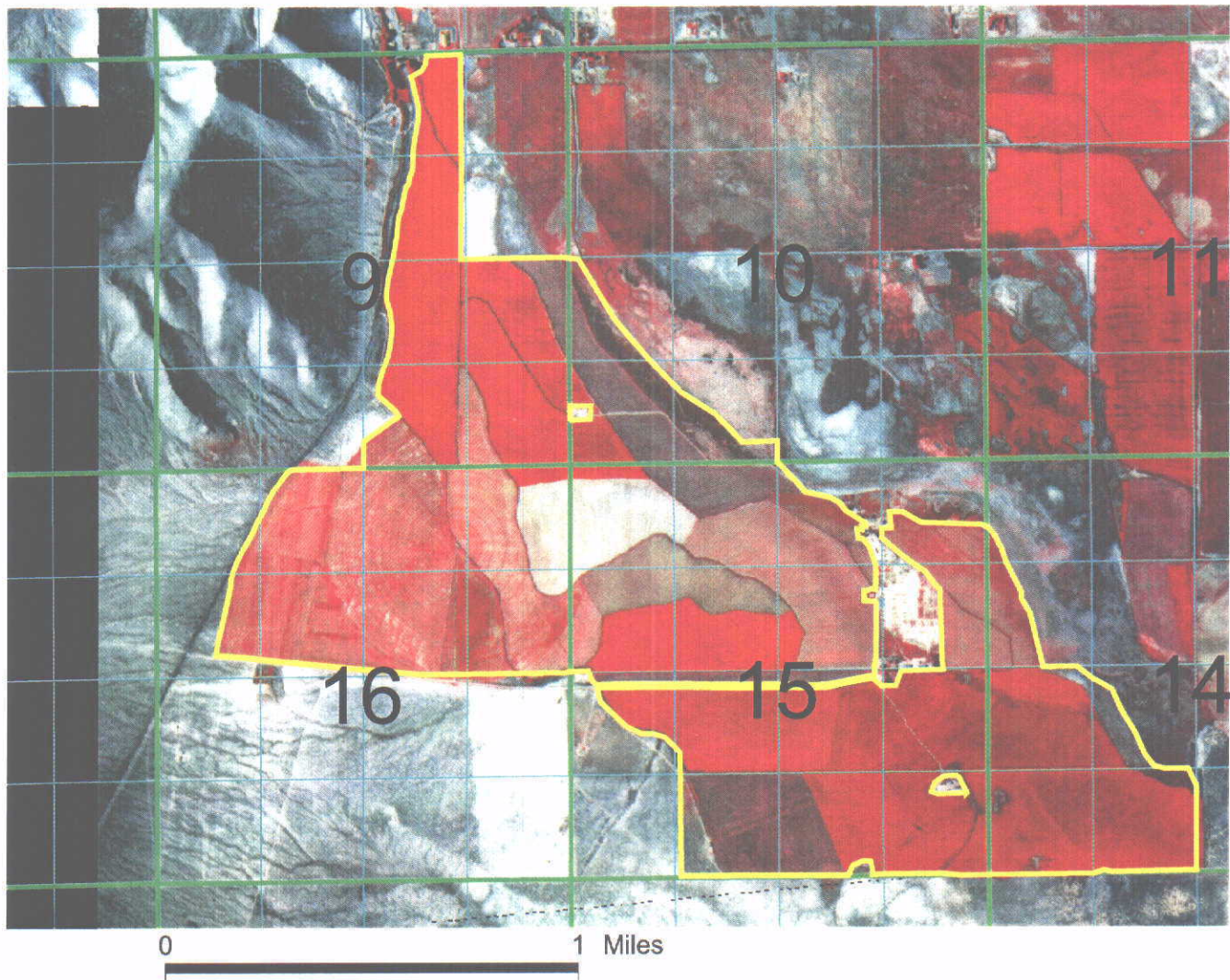


-  J mays 1977.shp
-  5n29e.shp
-  P5n29e.shp

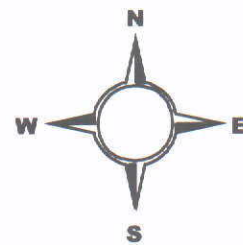
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
October, 1999

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

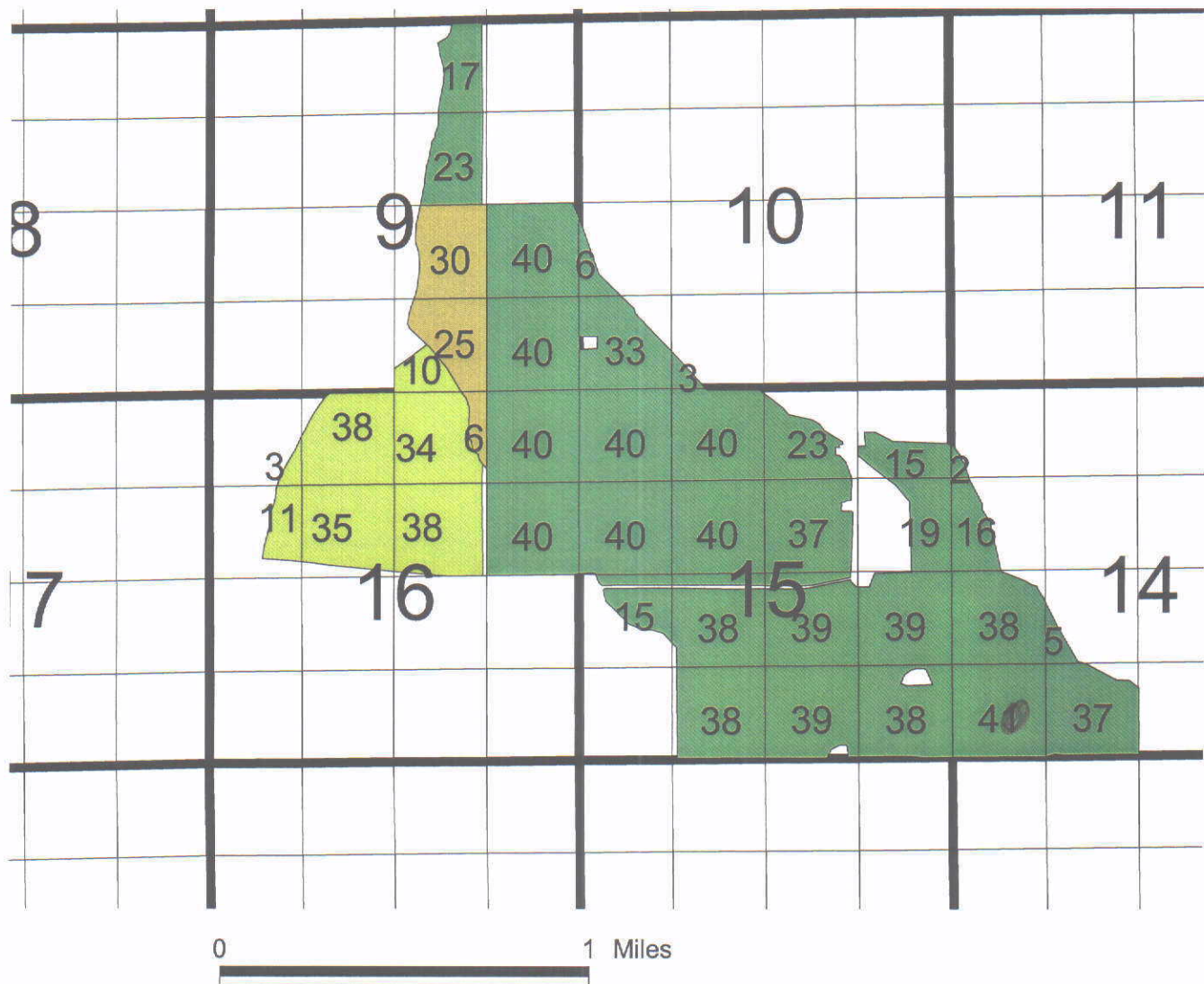


-  Place of Use
-  Section Lines
-  Quarter-Quarter Sections

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

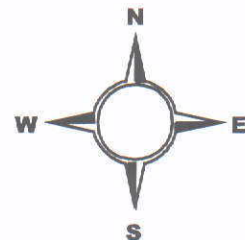
~~1977 Enlargement Acres~~

1987 Enlargement Acres

Section Lines

Quarter-Quarter Section Lines

*Accomplished
Transfer*



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

November 23, 1999

**NOTICE OF ERROR
REPLY**

RECEIVED
JAN 07 2000
Department of Water Resources
Eastern Region

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: 33-10984

MAYS LAND AND LIVESTOCK INC
PO BOX 1
HOWE ID 83244

Daytime Telephone Number:

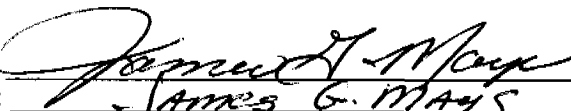
Evening Telephone Number:

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:

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

DATE: 1/07/00 SIGNATURE: 
Please print your name: JAMES G. MAYS

To: File A33-10984
Fr: Bryce A. Contor
Date: 11/13/1999



Re: Diversion Rate.

This claim is actually an enlargement of a number of surface rights. Because all rights will be recommended on a PPU basis, for simplicity I suggested claimant only file enlargement on his most senior surface right.

When assisting at claims taking, I estimated diversion rate using about 700 acres as POU for parent right of enlargement, on pre-enlargement PPU basis. Upon evaluating claim, I determined I should have calculated using only the original acreage associated with the parent right. Calculating on this basis resulted in a higher allowable diversion rate for the enlargement than claimed, so the full claimed rate is authorized.

Since this is an enlargement claim which cannot be diverted independently of its parent right, since all of this claimant's rights are recommended on a PPU basis, and since the enlargement right and its parent right will be limited to the rate authorized by the parent right, this error does not cause injury to the claimant.

Calculations:

169 acre enlargement + 108 acre parent right = 277 acres irrigated.

1.90 cfs/ 277 acres = 0.0068 cfs/acre

0.0068 cfs/acre * 169 acres = 1.16 cfs.

Claimed cfs = 0.50

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'	1153					
CFS/acre	0.023					
Justified by transmission loss.						

Justified by transmission loss

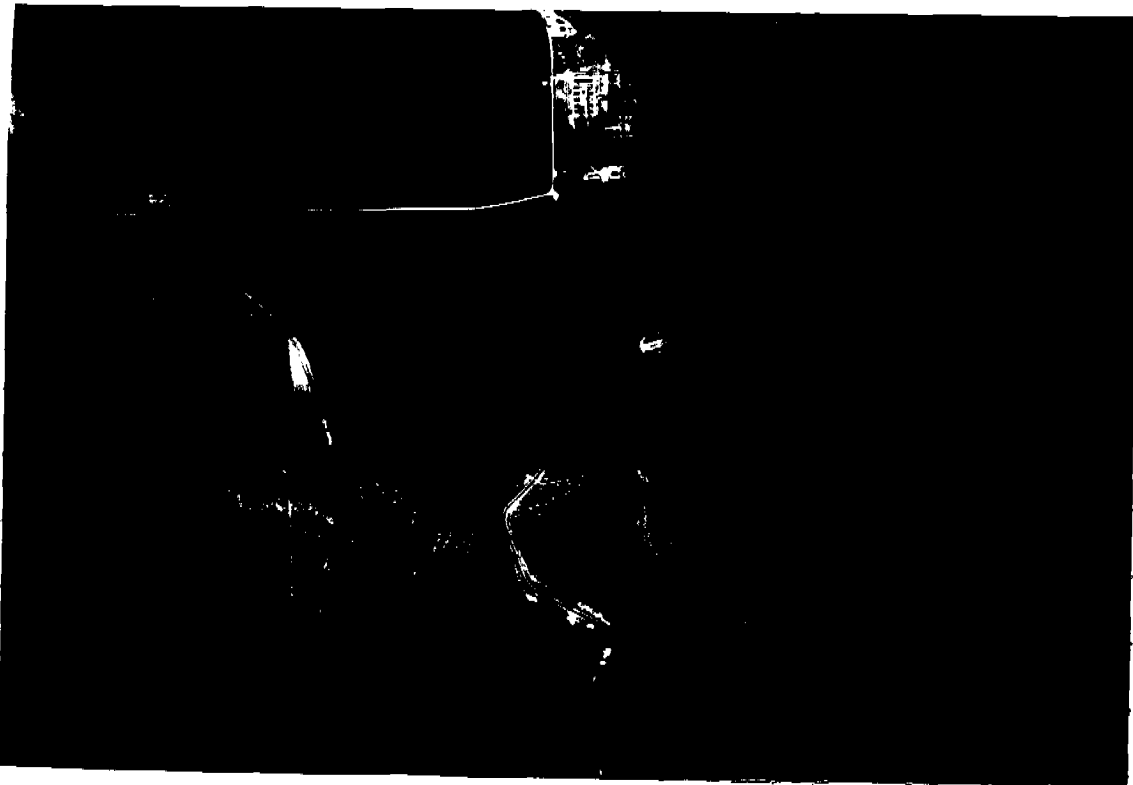
To: File A33-10984, A33-10985
Fr: Bryce A. Contor
Date: 11/8/1999

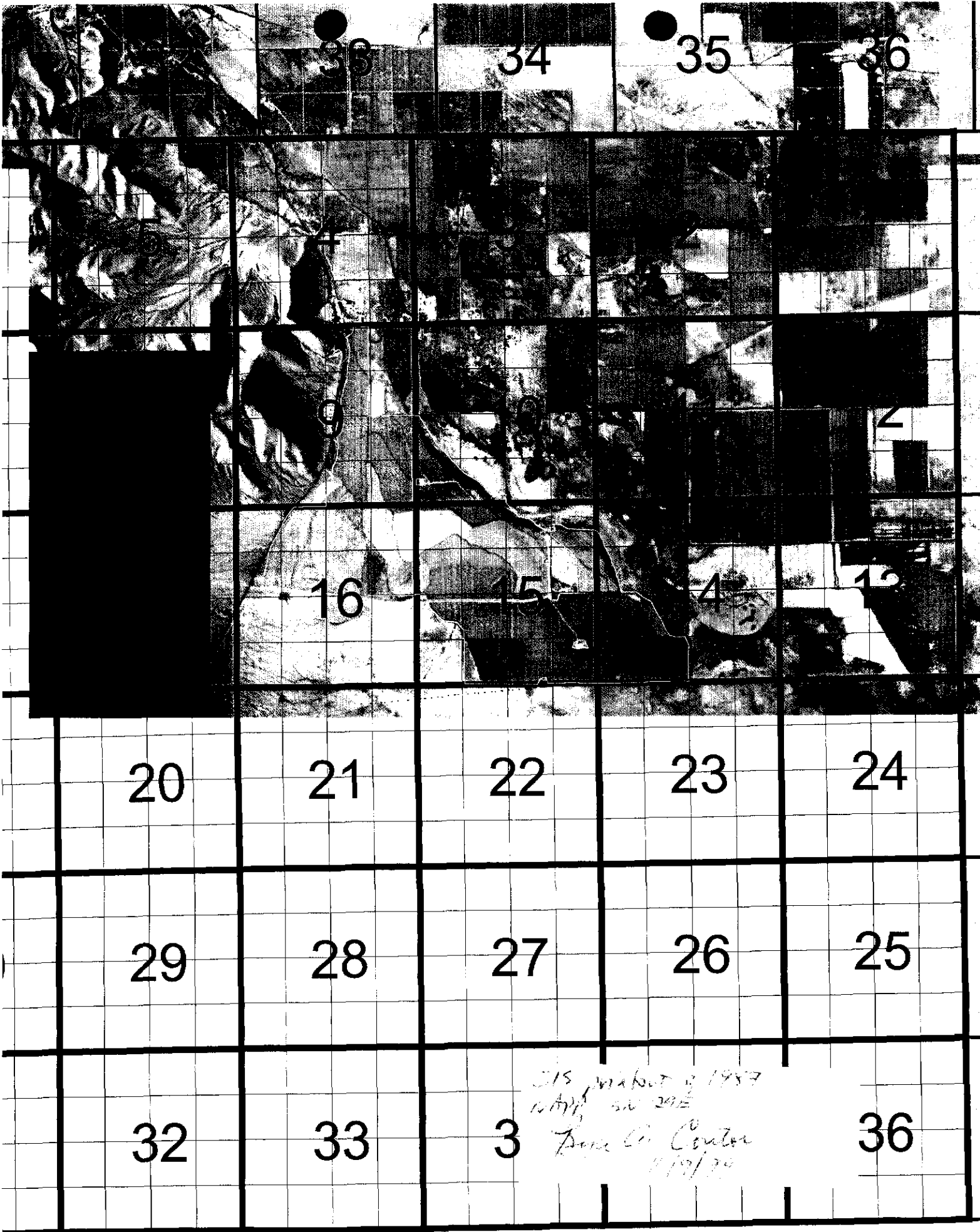
Re: Date of Priority of Enlargement

Attached 1987 NAPP GIS printout shows enlargement POU irrigated. The attached photo was printed from slide mailed by Debbie at Arco, Id FSA office. She represented that the slide was a 1986 compliance slide showing T5N R29E section 16. Original mailed back to FSA 11/8/1999.

This photo shows no irrigation on the parts of the enlargement POU that are visible in the photo.

Based on the above I recommend 1987 priority for these two claims.





IMPORTANT MESSAGE

FOR

Bryce

DATE

10/20/99

TIME

11:40A.M.

P.M.

M

Debbie Porter

OF

PHONE

527-8268

AREA CODE

NUMBER

EXTENSION

☐ FAX☐ MOBILE

AREA CODE

NUMBER

TIME TO CALL

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE

RE: James MaysWR - She found a 1986 slide which
shows land irrigated,T.K.

SIGNED

FORM 3002P
LITHO IN U.S.A.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

October 14, 1999

James Mays
Mays Land and Livestock
P.O. Box 1
Howe, Idaho 83244

Dear James,

Enclosed are two enlargement claims, one for the surface water rights and one for the groundwater rights. These are filed for irrigation that was developed on the west side of the farm, above the main ditch.

A few items to note:

- There are two claims, one to authorize irrigation with surface water and one to authorize irrigation with groundwater.
- There are two copies of each claim, one for your files and one to return.
- The signatures need to be notarized. We have notary service available here at no charge.
- The fee is \$50 per claim.
- I plan to recommend your rights on a permissible place of use basis. This will allow you to apply water from any of the rights to any of the lands.
- Because of the Permissible Place of Use designation, the cfs limitations on the enlargement claims relate to the claim but not directly to the lands.

In other words, even though the two claims only add up to 2.04 cfs, you'll be able to distribute more than that to the enlargement acres, as long as you stay within the total authorized diversion rate for the entire Permissible Place of Use.

- I've highlighted the priority date of "1987" because that is the best evidence I have. With documentation of the date you developed those lands, we can change the priority date. ASCS crop reports or compliance slides would be excellent documentation. Get a signed statement from the FSA clerk identifying the year of the data and the irrigated acres that the data document. At the very least, we could try a notarized affidavit from you certifying the details of when you developed those lands. You can correct the date on the claim and initial beside the correction, and I'll update the computer record.

The second map shows some lands in section nine as "accomplished transfer" lands. For some reason, these lands were not included on the original transfers or well licenses. Irrigation of these lands is documented by 1977 aerial photos I have in the files. As we discussed on the phone, there are enough

acres documented on the 1961 well licenses and the 1951 transfer number 780 that we can recommend these section nine lands as accomplished transfers of place of use.

I look forward to visiting with you on October 19. Bring these two claims, your checkbook, and documentation of priority on the enlargement. Please call me here (208 525 7161) or at home (208 663 4853) if you have questions.

Sincerely,

A handwritten signature in cursive script that reads "Bryce A. Contor". The signature is written in dark ink and is positioned above the printed name.

Bryce A. Contor

10/99

James Mays Enlargement Claim file w/ A33-10984

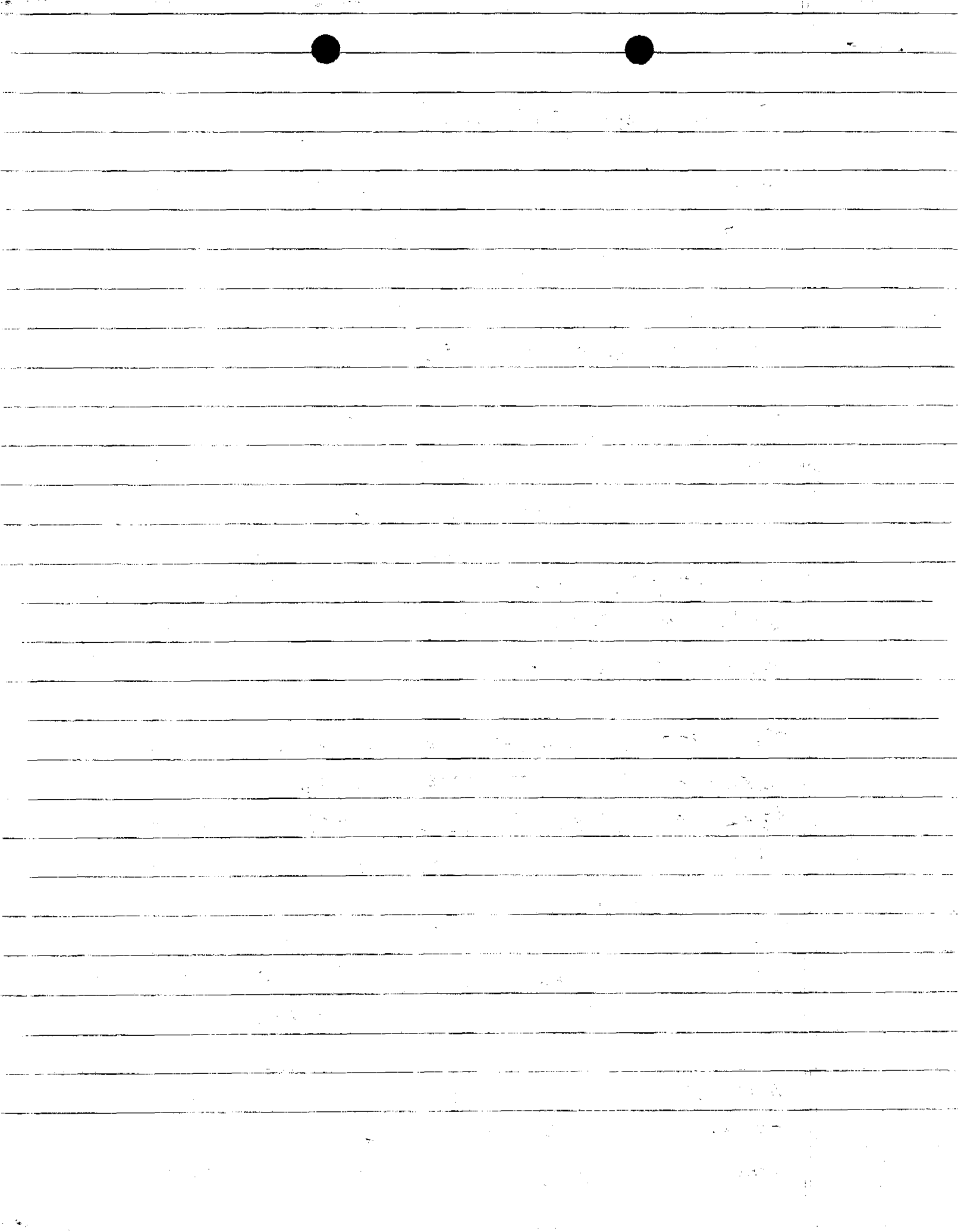
GIS illustration "Mays Land and Livestock 1977 Place of Use" shows historical development of decreed surf. rights under transfer 780 3 Licensed groundwater rights 33-02107 and 33-02103.

GIS illustration "Mays Land and Livestock Recommended Place of Use" shows 1987 permissible place of use for existing rights, and the examiner's recommendation for Permit 33-07183. The version w/ aerial photography shows the outlines. The version w/o photography shows the wr status of each parcel.

attached
to
claim

The "1987 enlargement" shows acres added under claim A33-10984 (surface) and A33-10985 (groundwater). The "1977 Enlargement" shows acres which appears on 1977 aerial photography & which will be recommended as an accomplished transfer based on licensed acres on the east of the PPU which were not irrigated as of 1977.

A33-10984 is claimed based upon 33-000314, which is the larger of the two oldest water rights, w/ priority 9/1/1879. A33-10985



James Mays Enlargement Claim

2

is based on 33-02103, which is the older
of the two ~~surface~~ ^{groundwater} rights.

Acres - 33-10984

Beneficial use w/in transfer 780, before accomplished
transfer, $\approx$ 625 acres. Enlargement acres:

Section 9	SWSE	9
16	NW NE	34
	SW SE	38
	NE NW	38
	NW NW	3
	SW NW	11
	SE NW	38
		<u>171</u>

$$\underline{\text{CFS}} - 10984 \quad 1.44 / (625 + 171) \times 171 = 0.31 \text{ g/s}$$

Acres - 10985

Licensed acres = 176. enlargement acres as above = 171

CFS - 33-10985

$$3.52 / (176 + 171) \times 171 = 1.73$$

James Mays Enlargement Davis p 3

Afa - 33-10985

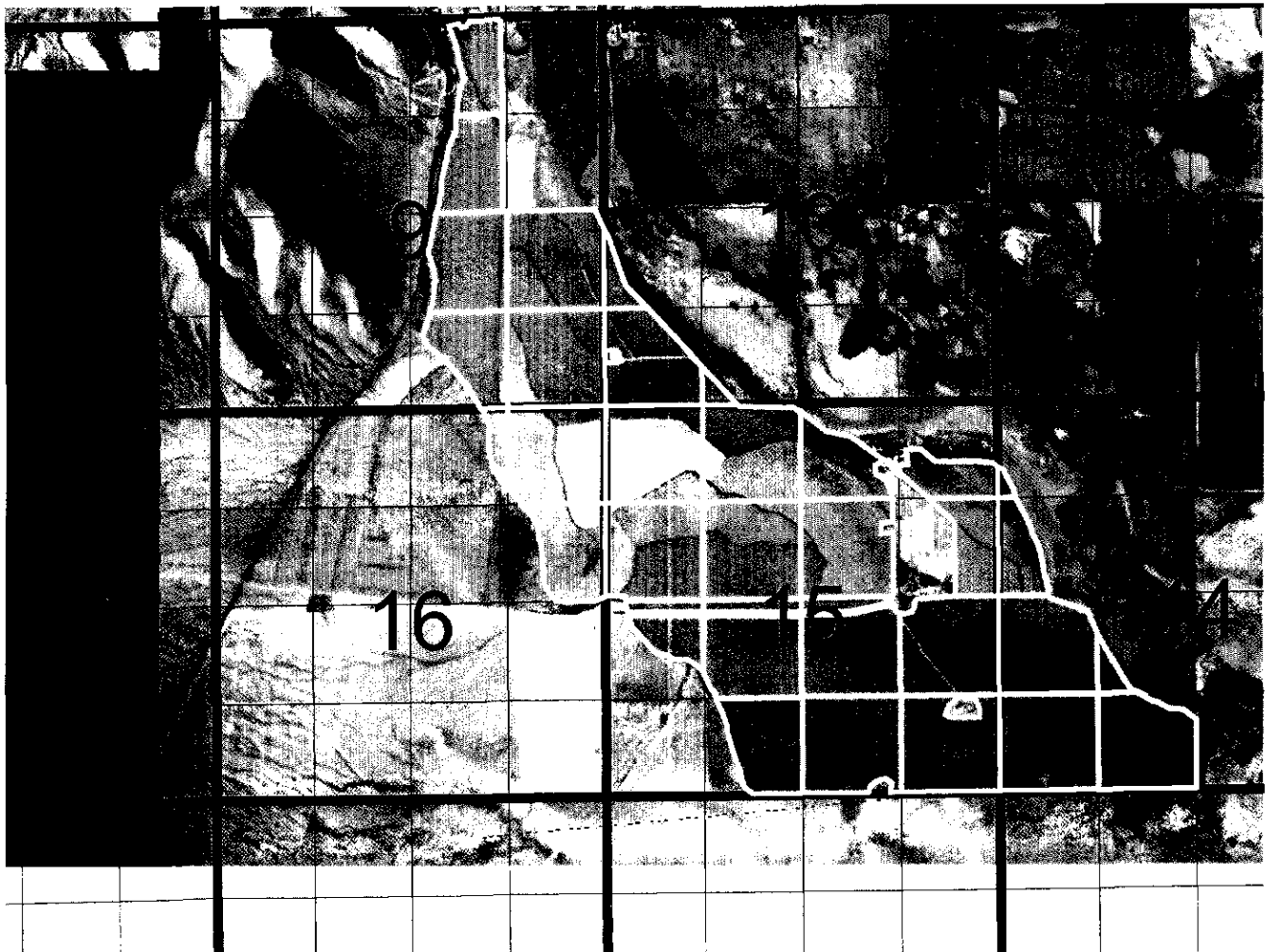
33-02103 has no afa limit. However,

$176 \times 3.5 = 616$ and $(176+171) \times 3.5 = 1214.5$

(347)

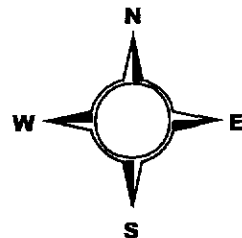
Idaho Department of Water Resources

Mays Land and Livestock 1977 Place of Use



0 1 Miles

Township 5 North
Range 29 East

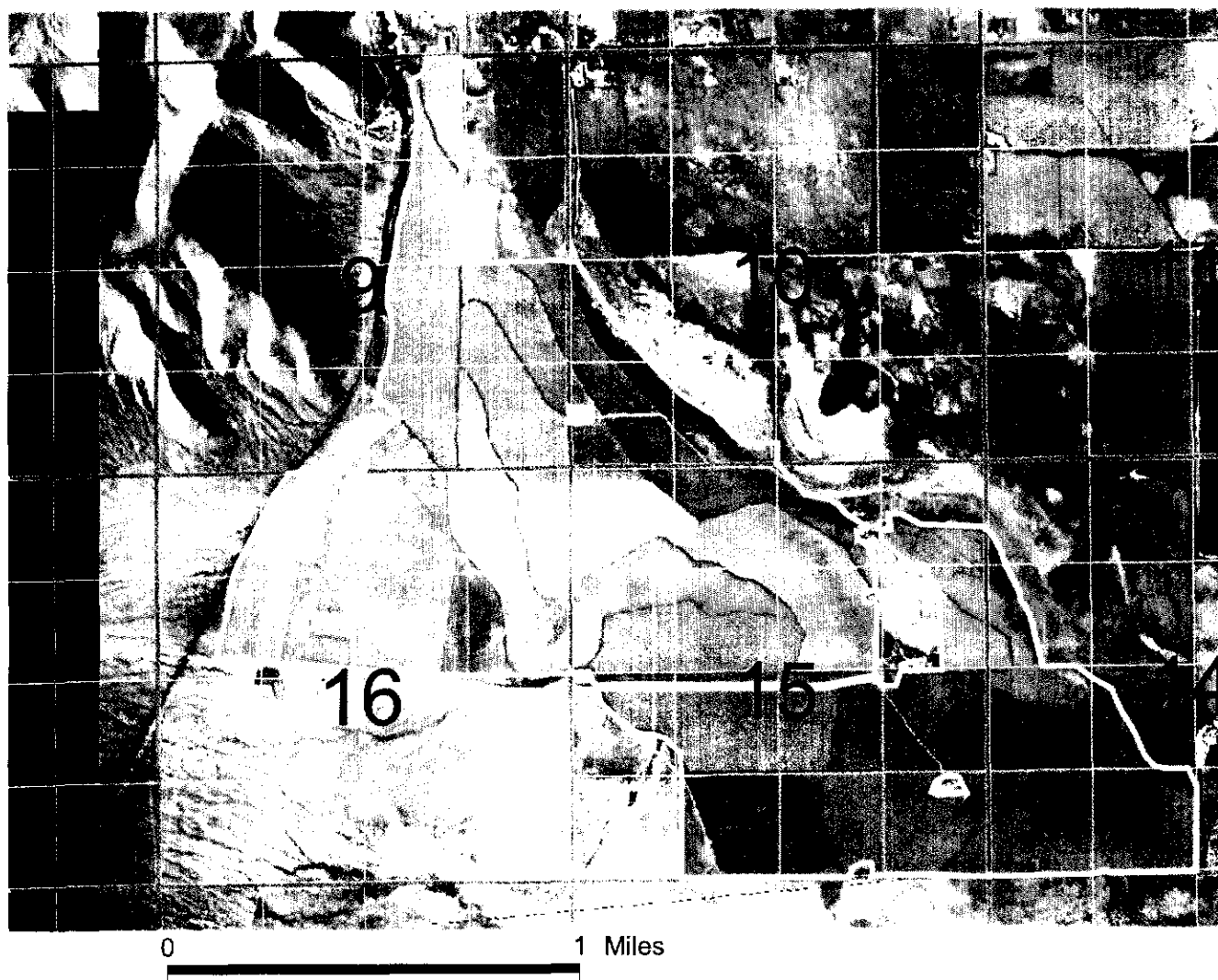


J mays 1977.shp
5n29e.shp
P5n29e.shp

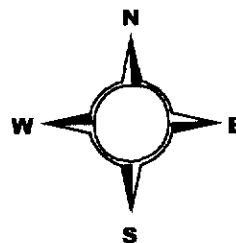
GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by Bryce A. Contor
October, 1999

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

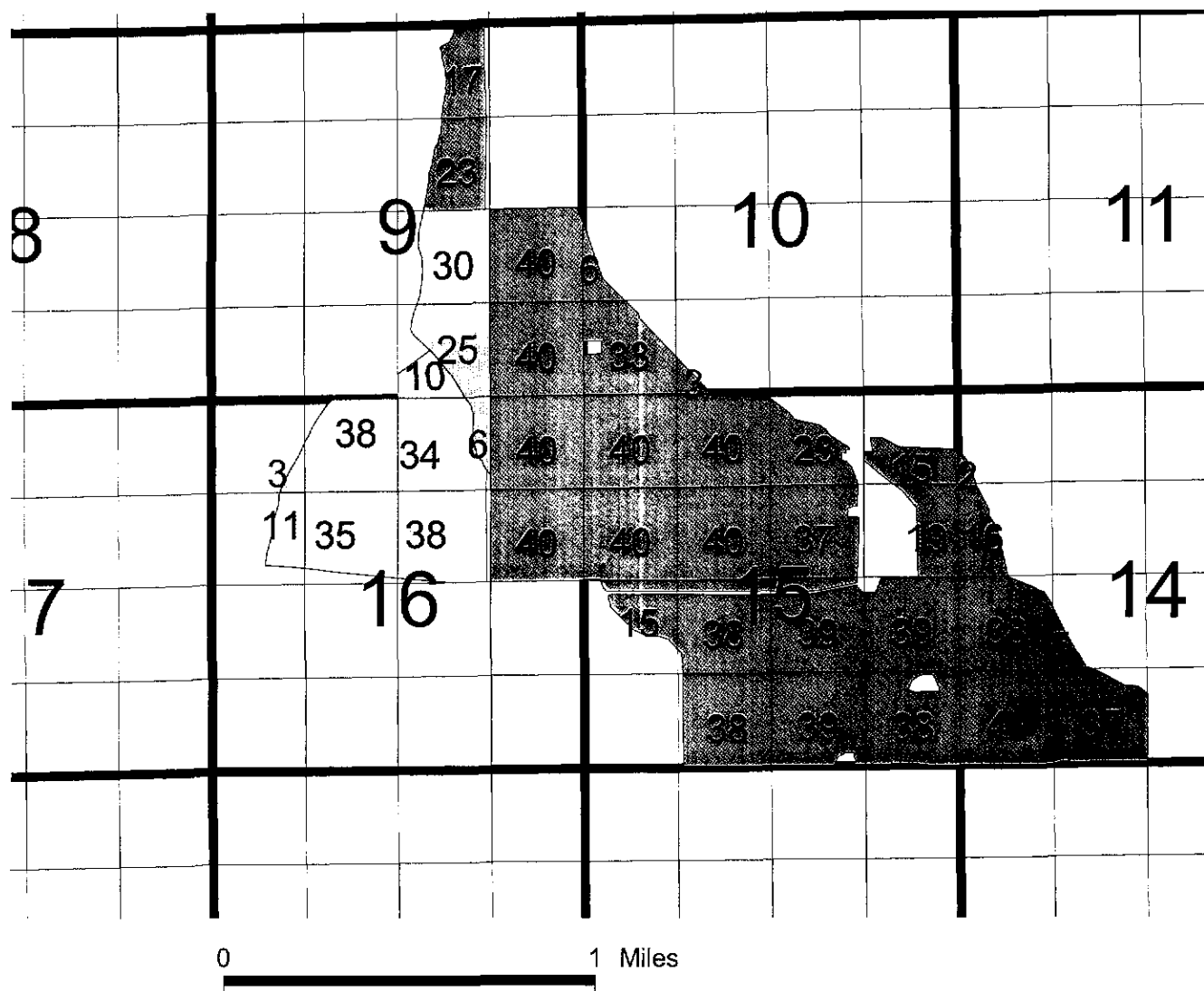


- Place of Use
- Section Lines
- Quarter-Quarter Sections

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

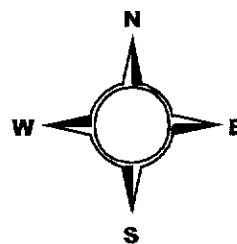
Idaho Department of Water Resources

Mays Land and Livestock Recommended Place of Use



Township 5 North
Range 29 East

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



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

DIVERSION
VOLUME

0.500 CFS

0.500 CFS

Tributary to: SINKS

Stage: BENEFICIAL USE

BUTTE County

Place of use Legal Description for: IRRIGATION

[illegible]

POU County: BUTTE

Conditions of Approval

- 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.
- C11 - THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A
- PRIORITY DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED
- AS ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS
- BETWEEN WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION
- 42-1426, IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR
- RIGHT.

Det # 93

pa # 27

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, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091C, 33-02103, 33-02107, 33-10073, 33-10074, 33-10985.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 169 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

EXP

THE FOLLOWING RIGHTS ARE ALSO DIVERIED OR REDIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-000900, 33-00091D, 33-02103, 33-02107, 33-10073, 33-10074, 33-10985.

AJ0749NP
No. R33-10984

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

DATE: 11/13/99
PAGE: 2

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag: E

Comments: Date: 11/13/1999 User-ID: BCONTOR Subject: ENLARGEMENT POU
THE ENLARGEMENT IS FOR 169 ACRES IN 5N 29E 16. RIGHT 33-10985
IS FOR IRRIGATION OF THE SAME 169 ACRES WITH GROUNDWATER.

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: A33-10984
Date Received: 10/13/1999
Receipt No: ED 25393
Received By: BAC

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 1, 1986

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	NW		BUTTE

5. Description of diverting works:
HARTMANN DIVERSION, DITCH, FLOOD IRR, PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	0.500		

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

8. Total consumptive use is 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
			SW	SE		IRR	40.0

A3310984



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	29E	9	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
			SE	NW		IRR	33.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					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:

14. Remarks:

USE OF THIS RIGHT WITH RIGHT NO. 33-00017A IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 1.90 CFS.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 33-00017A PURSUANT TO SECTION 42-1426, IDAHO CODE.

THE FOLLOWING RIGHTS ARE ALSO DIVERTED OR REDIVERTED THROUGH POINT OF DIVERSION KNOWN AS HARTMAN DIVERSION IN T6N R29E S32 NWNW: 33-00017A, 33-00018A, 33-00019A, 33-00020A, 33-00021A, 33-00022A, 33-00031D, 33-00031H, 33-00090D, 33-00091C, 33-02103, 33-02107, 33-10073, 33-10074, 33-10985.

THIS RIGHT IS FOR AN ENLARGEMENT OF 169 ACRES WITHIN THE PLACE OF USE DESCRIBED FOR THIS RIGHT.

15. Basis of Claim: BENEFICIAL USE

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 President of
Title
MAYS LAND & Livestock, Inc., that I have signed the foregoing
Organization
document in the space below as President of
Title
MAYS LAND & Livestock, Inc. and that the statements contained in the
Organization
foregoing document are true and correct.

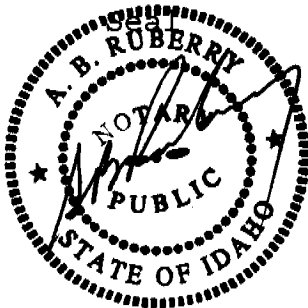
James J. Mann
Signature of Authorized Agent
President, MAYS LAND & Livestock, Inc.
Title and Organization

10/19/99
Date

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 19th day
of October 19 99

ALLAN B. RUBENRY
Notary Public



Residing at ADAMS FALLS IDAHO
My Commission Expires 09/23/03