

Date: 11/27/2007
Agent: S. Hemenway
Claimant: Russell Ruff
WR#: 63-287D
Mailing Address: 200 E. Clear Creek Meridian, ID 83646
Phone #: (208) 221-2634
Physical Address: same as above
Location of POD: 4/29/1926, changed POD to NW1/4 Sec9 T3N R3E to get water on land decreed (Warm Springs to Settlers)
System Description: Settlers Irrigation District Diversion into Settlers Canal, through Warm Springs Slough into pond located on property. Pumped to pressurized sprinklers.
Measuring Device: Not required
Field Exam: Not required, since < 0.20 cfs. Desk top review of 63-287, 63-287A - 63-287C, decrees, 1987 & 2004 NAIP maps, Govt lot maps; Stewart Decree Map; Bureau of Reclamation Notes
Nonirrigation Uses: Irrigation from Storage, Wildlife, and Aesthetic
Other Uses: None
Other WRs Used: WR# 63-32800
Supplemental Water: None
Basis of Claim: Decree 6/1/1882
NOTES: 63-287 decreed for 1.46 cfs; priority date 1/6/1882; 73 inches, Lot3&4, & SENW Sec.19; 80acres
63-287A 0.09 cfs DISALLOWED 63-287B 0.72 cfs Closed
63-287C 0.13 cfs DISALLOWED 63-287D 0.04 cfs

11/12/2005 Reason for Disallowal for 63-287A (by Kimberly Brown)

Comment: First and foremost, the 1987 NAPP image shows no irrigation of this 5 acre parcel and 63-287B claimed all of the decreed 80 acres. In addition, the decree covers Government Lots 3 & 4 and the SENW of S19. Since these claimed 5 acres are located in the omitted or accretion lands and were not a part of the Boise River Decree in 1882, they are not being recommended as part of the decree (see the government lot map in the file and compare with the location of Parcel).

63-287B Basis:Decreed Status:Closed

S45 Diversion for irrigation under this water right prior to April 1 and after October 31 shall occur only as authorized by the Water District 63 Water Master and only when water is being released for flood control by the United States from the Lucky Peak Dam outlet under procedures and requirements for the Memorandum of Agreement between the U.S. Department of the Army and the U.S. Department of the Interior for Flood Control Operations of the Boise River Reservoirs, dated November 20, 1953, the Water Control Manual for Boise River Reservoirs dated April 1985 and any future amendments or

revisions made thereto pursuant to state or federal procedures or law; provided that any such use of this water right prior to April 1 and after October 31 shall be subordinated to water rights for storage in Lucky Peak Reservoir, Lake Lowell, Arrowrock Reservoir, and/or Anderson Ranch Reservoir, as This right is also designated as Right No. 85-A in the Boise River Stewart Decree and Boise River Water Distribution Report.

155 This right shall receive 100 percent of its decreed quantity until the natural flow of the waters of the Boise River shall decrease so that all rights containing this condition cannot receive 100 percent of their decreed quantities, at which time this right and the other rights containing this condition shall first be cut to 75 percent of their decreed quantities, as the natural flow of the river decreases, beginning with the latest rights containing this condition and proceeding to the earliest rights containing this condition in the order of their priority dates, and after all of the rights containing this condition shall have been reduced to 75 percent of their decreed quantities, should the natural flow of the waters of the river decrease below the amount necessary to supply 75 percent of those decreed quantities, then this right and the other rights containing this condition, beginning with the latest and proceeding to the earliest, shall be reduced to 60 percent of their decreed quantities.

5 This water is delivered via the Settlers Irrigation District Canal.

This right is also designated as Right No. 85-A in the Boise River Stewart Decree and Boise River Water Distribution Report

5/23/2005 Reason for Disallowal on 63-287C (by Kimberly Brown)

Comment: The description of the diverting works (#5) on the Notice of Claim states, "Flowing artesian well with submersible pump" and the Remarks state that the "source changed from Boise River to groundwater." The source for a Boise River Decreed right cannot be ground water, as is claimed. In addition, only the use of surface water for irrigation purposes was decreed - domestic and stockwater use are not applicable to this right. Also, the claimed place of use is located above Government Lot 3 (in the accretion lands).

***** 63-287D

W/Claim, Pond = accomplished transfer for change of use(42-1425);land previously irrigated now is a pond.
Pond constructed prior to 11/19/1987 (shown on 1987 and 2004 NAIP maps)
Stewart Decree Map (users of the Boise River) does not include the property that is actually owned by Ruff.
Property owned by Ruff is Accretion Lands
63-287B claimed all of the decreed 80 acres. In addition, the decree covers Gvt Lots 3 & 4 and the SENW of S19. Property claimed by Ruff in 63-287D is not located in this area. The property claimed is located in the NWNW of Sec. 19, the omitted or accretion lands and were not a part of the Boise River Decree in 1882.
63-287B receives 100 percent of its decreed quantity (see 155 under 63-287B notes, listed previously).
Bureau of Reclamation constructed Lucky Peak Dam in the late 1950's for flood control and other purposes.
Prior to that, the property currently claimed by Ruff would be in an area covered by spring run-off.

When the dam was constructed, the channel of the Boise River decreased, exposing more land.

This water is delivered via the Settlers Irrigation District Canal.

Contacted and reviewed findings with Jan Shurte/DWR Western, and she agrees with information provided and decision to DISALLOW.

Recommendations:

P06 Recommended as Settler's Irr. District (63-287B)

F01 Water delivered through Warm Springs Slough via Settler's Irrigation District Canal.

J01 Property owned by Russell Ruff is also known as Block 28 Clearvue Estates Subdivision. Plat Map date shows 1972

Pin R1472050690.

DISALLOWED (not located in decreed area; 63-287B receives 100% of decreed quantity & 80 acres)