

No Color  
Documents  
In File

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: A65-10354  
Date Received: 11/23/1988  
Receipt No: X999999  
Received By: DEMN

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: CITY OF CASCADE 208-382-4279  
Address: P. O. BOX 451  
CASCADE, ID 83611

2. Date of Priority: JUL 16, 1888

3. Source: HAZARD CREEK Trib. to: CASCADE RESERVOIR

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 03E   | 33      |        | NE     | NW  |     | VALLEY |

5. Description of diverting works:

6. Water is used for the following purposes:

| Purpose   | From  | To    | C.F.S. | (or) | A.F.A. |
|-----------|-------|-------|--------|------|--------|
| MUNICIPAL | 01/01 | 12/31 | 2.340  |      |        |

7. Total Quantity Appropriated is:  
2.340 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
|----------|-------|---------|--------|-----|-----|-----|-------|

11. Place of use in counties:

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

13. Other Water Rights Used:

14. Remarks:

PLACE OF USE WITHIN THE CITY LIMITS OF CASCADE.

POINTS OF RE-DIVERSION IS BETWEEN LOTS 3 & 4, S. 3, T. 13N, R3E.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 1/21/1986

STATE OF IDAHO

Decree Plaintiff

vs

A & C CORP., 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 Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): \_\_\_\_\_ Date: \_\_\_\_\_

\_\_\_\_\_ Date: \_\_\_\_\_

State of Idaho )  
County of \_\_\_\_\_ ) SS.

Subscribed and sworn (or affirmed) before me this \_\_\_\_\_ day  
of \_\_\_\_\_ 19 \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Seal

Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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. No.

ATTACHMENT TO  
NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

Please type or print clearly:

Name of Claimant(s) CITY OF CASCADE, IDAHO

Mailing Address  
(include Zip Code) P.O. Box 451  
CASCADE, IDAHO 83611

Phone Number (208) 382-4279

RECEIVED  
NOV 28 1992

Department of Water Resources  
Water Rights Section  
MICROFILMED  
SEP 24 1992

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.

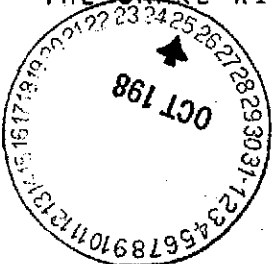
CIVIL CASE NUMBER: 39576

IDENT. NUMBER: 65-10354

DATE RECEIVED:

RECEIPT NO:

RECEIVED BY: \_\_\_\_\_



NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

**RECEIVED**

NOV 23 1988

Nov

Department of Water Resources  
Western Regional Office

1. NAME: CITY OF CASCADE  
ADDRESS: P. O. BOX 759  
CASCADE, ID 83611

2. DATE OF PRIORITY: JUL 16, 1888

3. SOURCE: HAZARD CREEK TRIB. TO: CASCADE RESERVOIR

4. POINT OF DIVERSION:

| TOWNSHIP | RANGE | SECTION | 1/4 OF | 1/4 OF | 1/4 | LOT | COUNTY |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 14N      | 03E   | 33      |        | NE     | NW  |     | VALLEY |

5. DESCRIPTION OF DIVERTING WORKS:

6. WATER IS USED FOR THE FOLLOWING PURPOSES:

| PURPOSE   | FROM  | TO    | C.F.S. | (OR)  | A.F.A. |
|-----------|-------|-------|--------|-------|--------|
| MUNICIPAL | 01/01 | 12/31 |        | 2.340 |        |

7. TOTAL QUANTITY APPROPRIATED IS:  
2.340 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 |
|----------|-------|---------|--------|-----|-----|-----|-------|
|----------|-------|---------|--------|-----|-----|-----|-------|

11. PLACE OF USE IN COUNTIES: VALLEY, VALLEY

12. DO YOU OWN THE PROPERTY LISTED ABOVE AS PLACE OF USE? YES

13. OTHER WATER RIGHTS USED:

14. REMARKS:

PLACE OF USE WITHIN THE CITY LIMITS OF CASCADE.

POINTS OF RE-DIVERSION IS BETWEEN LOTS 3 & 4, S. 3, T. 13N, R3E.

15. BASIS OF CLAIM: DECREE

CASE NUMBER:

COURT :

DECREE DATE: 1/21/1986

STATE OF IDAHO

DECREE PLAINTIFF

VS

A & C CORP., ET AL.

DECREE DEFENDANT

MICROFILMED

SEP 24 1992

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 X WISH TO RECEIVE AND PAY A SMALL ANNUAL FEE FOR MONTHLY COPIES OF THE DOCKET SHEET.

NUMBER OF ATTACHMENTS: \_\_\_\_\_

FOR INDIVIDUALS:

I/WE DO SOLEMNLY SWEAR OR AFFIRM THAT THE STATEMENTS CONTAINED IN THE FOREGOING DOCUMENT ARE TRUE AND CORRECT.

SIGNATURE OF CLAIMANT(S): \_\_\_\_\_ DATE: \_\_\_\_\_

\_\_\_\_\_  
DATE: \_\_\_\_\_

FOR ORGANIZATIONS:

I DO SOLEMNLY SWEAR OR AFFIRM THAT I AM CITY CLERK OF  
TITLE  
CASCADE, IDAHO, THAT I HAVE SIGNED THE FOREGOING  
ORGANIZATION  
DOCUMENT IN THE SPACE BELOW AS CITY CLERK OF  
TITLE  
CITY OF CASCADE, IDAHO AND THAT THE STATEMENTS CONTAINED IN THE  
ORGANIZATION  
FOREGOING DOCUMENT ARE TRUE AND CORRECT.

[Signature]  
SIGNATURE OF AUTHORIZED AGENT

CITY CLERK OF CASCADE, IDAHO  
TITLE AND ORGANIZATION

11/21/88  
DATE

STATE OF IDAHO )  
COUNTY OF VALLEY ) SS.

SUBSCRIBED AND SWORN (OR AFFIRMED) BEFORE ME THIS 21st DAY  
OF NOVEMBER 19 88

[Signature]  
NOTARY PUBLIC

SEAL

RESIDING AT Cascade, Idaho

MY COMMISSION EXPIRES SEP 24 1992  
DATE SEP 24 1992  
ROBERT H. REMICK  
Notary Public - State of Idaho  
Residing at Cascade, Idaho  
FILMED 25

1/23/1988

## SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

City of Cascade

CLAIM IDENT. NO.

A65-10354

DATE RECEIVED

11-23-88

CK #

N/A

AMOUNT \$

YES

NO

Required  
Info?

1. Is the name and address complete with zip code? ☒ YES ☐ NO ☐ \* Required Info?
2. Is a priority date entered? ☒ YES ☐ NO ☐ \*  
Is the priority date acceptable in view of mandatory filing dates? ☒ YES ☐ NO ☐ \*  
See Adjudication Memos #1 and #4 to determine if a Permit is required. ☒ YES ☐ NO ☐ \*
3. (a) Is a source entered? ☒ YES ☐ NO ☐ \*  
(b) Is a tributary to entered? (if required) ☒ YES ☐ NO ☐ N/A ☐ \*
4. Is the legal description of the p.d. sufficient? ☒ YES ☐ NO ☐ \*
5. Is there a description of the diverting works? ☒ YES ☐ NO ☐ \*
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ☒ YES ☐ NO ☐ \*  
Is the period of use included? ☒ YES ☐ NO ☐ \*  
Is a quantity claimed for each use? ☒ YES ☐ NO ☐ \*
7. Is a total quantity claimed entered? ☒ YES ☐ NO ☐ \*
8. If required is a consumptive use entered? ☒ YES ☐ NO ☐ N/A ☐ \*  
Is the consumptive use correct? ☒ YES ☐ NO ☐ N/A ☐ \*
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. ☒ YES ☐ NO ☐ N/A ☐ \*
10. Is (are) the place(s) of use and purpose(s) indicated? ☒ YES ☐ NO ☐ \*
11. Is (are) the county(ies) entered? ☒ YES ☐ NO ☐ \*
12. Is the ownership of p.u. checked? ☒ YES ☐ NO ☐ \*
13. Are other water rights listed or "none" indicated? ☒ YES ☐ NO ☐ \*
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) ☒ YES ☐ NO ☐ N/A ☐ \*
15. Is the basis of the claim indicated? ☒ YES ☐ NO ☐ \*
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) ☒ YES ☐ NO ☐ N/A ☐ \*
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block. ☒ YES ☐ NO ☐ \*
18. Has the claim been signed, sealed, and dated by a notary? ☒ YES ☐ NO ☐ \*
19. Was this claim filed on time, or was an extension granted? ☒ YES ☐ NO ☐ \*
20. Is the fee enclosed correct? ☒ YES ☐ NO ☐ Exempt ☐ \*
21. If this claim is based on an existing water right, has the identification number been entered? ☒ YES ☐ NO ☐ N/A ☐ \*
22. Should this claim be receipted and data entered? ☒ YES ☐ NO ☐ \*

Claim checked by:

LW

Date:

4-4-89

Claim must be returned to claimant:

(Yes) (No)

Claimant must be sent a copy of amended claim for approval:

(Yes) (No)

Receipt Prepared by:

Date:

Claim data entered by:

Date:

Sent to claimant by:

Date:

Checked by:

Date:

Comments:

No POU-OK

MICROFILMED

SEP 24 1992

AJ0749NP  
No. R65-10354

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

DATE: 08/12/99  
PAGE: 1

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| OWNER<br>CODE    | NAME & ADDRESS                                                      | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | CITY OF CASCADE<br>PO BOX 451<br>CASCADE ID 83611<br>(208) 382-4279 | 07/16/1888       | MUNICIPAL | 01-01 12-31           | 2.340 CFS         |                     |
| TOTAL DIVERSION: |                                                                     |                  |           |                       | 2.340 CFS         |                     |

Water Source: HAZARD CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREED

Point(s) of Diversion: T14N R03E S33 NENW  
Point(s) of Re-diversion: T14N R03E S03 Lot03( NWNW)

VALLEY County  
VALLEY County

POU County:

Remarks: POU1 PLACE OF USE WITHIN THE CITY LIMITS OF CASCADE.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 65 Field Inspection Flag:  
Presumption Flag:

Comments: Date: 08/12/1999 User-ID: SBOCK Subject: COPIED FROM REMARKS  
POINTS OF RE-DIVERSION IS BETWEEN LOTS 3 & 4, S. 3, T. 13N, R3E.

Audit: 08/12/99 SBOCK

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

07:31:12  
08/11/99  
45

PAGE: 15  
PROFILE REPORT

CLAIM NUMBER: A65-10354

| OWNER<br>CODE    | NAME & ADDRESS  | PRIORITY<br>DATE | WATER USE | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|-----------------|------------------|-----------|-----------------------|-------------------|---------------------|
| C                | CITY OF CASCADE | 07/16/1888       | MUNICIPAL | 01-01 12-31           | 2.340 CFS         |                     |
| TOTAL DIVERSION: |                 |                  |           |                       | 2.340 CFS         |                     |

Water Source: HAZARD CREEK

Tributary to: CASCADE RESERVOIR

Stage: DECREEB

Point(s) of Diversion:

T14N R03E S33

NENW

VALLEY County

POU County:

R 3 1st 3NWNW

Remarks: GEN PLACE OF USE WITHIN THE CITY LIMITS OF CASCADE.  
~~POINTS OF RE-DIVERSION IS BETWEEN LOTS 3 & 4, S. 3, T. 13N, R3E.~~

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 65

Field Inspection Flag:  
Presumption Flag:

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

07:30:35  
08/11/99

PAGE: 1  
GENERAL INFORMATION

31  
CLAIM NUMBER: A65-10354

LAST: CITY OF CASCADE  
ADDRESS: P O BOX 451  
CITY: CASCADE  
PHONE NUMBER: 208-382-4279

FIRST:  
STATE: ID ZIP: 83611

OWNER CODE: C

FIELD EXAM REQUIRED?

VERIFICATION REQUIRED DUE TO REMARKS?

DATABASE  
Y

FIELD  
EXAMINER  
Y( ) N( )

CLAIM REMARKS: GEN PLACE OF USE WITHIN THE CITY LIMITS OF CASCADE.  
POINTS OF RE-DIVERSION IS BETWEEN LOTS 3 & 4, S. 3, T. 13N, R3E.

FIELD EXAMINATION INFORMATION

CONTACT PERSON: \_\_\_\_\_

PHONE NUMBER: ( ) -

DATE OF FIELD EXAM: \_\_/\_\_/\_\_

APPOINTMENT MADE: Y( ) N( )

TIME: \_\_:\_\_ A( ) P( )

ACCOMPANIED BY: \_\_\_\_\_

PHONE NUMBER: ( ) -

RELATIONSHIP TO CLAIMANT: \_\_\_\_\_

DIRECTIONS TO PROPERTY / NOTES:

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- A. AJ CLAIM: # A65-10354 PRIORITY DATE: 07-16-1888 STAGE: D
- B. WR RECORD: # 65-10354 PRIORITY DATE: 07-16-1888 STAGE: D
- C. CAN THE PRIORITY DATE CLAIMED BE CONFIRMED BY A DECREE OR LICENSE? Y( ) N( )
- D. HAS THERE BEEN A LATER COURT DECREE OF THE WATER RIGHT(S) FROM THIS WATER SOURCE? Y( ) N( )
- E. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE?  
(IF YES, DESCRIBE BELOW) Y( ) N( )
- F. IF THIS CLAIM IS BASED ON A PERMIT, WHERE IS THE PERMIT IN THE LICENSING PROCESS?
- PROOF OF BENEFICIAL USE SUBMITTED N/A( ) Y( ) N( )
- FIELD EXAM COMPLETED N/A( ) Y( ) N( )
- FIELD EXAM SENT TO STATE OFFICE N/A( ) Y( ) N( )
- LICENSE ISSUED N/A( ) Y( ) N( )
- \* IF THE PERMIT WILL NOT BE LICENSED PRIOR TO THE DIRECTOR'S REPORT,  
USE CONDITION CODE A01 AND RECOMMEND AS PERMITTED.
- G. IF THIS CLAIM IS BASED ON BENEFICIAL USE, IS ADDITIONAL EVIDENCE  
OF THE PRIORITY DATE REQUIRED? N/A( ) Y( ) N( )
- \* FOR CLAIMS BASED ON BENEFICIAL USE, DESCRIBE THE EVIDENCE OF PRIORITY SUBMITTED,  
INCLUDING THE ANALYSIS OF THE EVIDENCE.
- H. IS THE STAGE OF THE CLAIM CODED CORRECTLY? Y( ) N( )

NOTES: \_\_\_\_\_

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\_\_\_\_\_

\_\_\_\_\_

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RECOMMENDED PRIORITY DATE:

07-16-1888

REVIEWED BY \_\_\_\_\_

DATE \_\_\_\_\_

A. AJ CLAIM POINT OF DIVERSION AND SOURCE:

| RIGHT                            | TWP. RGE. | SEC. | 1/4                              | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|----------------------------------|-----------|------|----------------------------------|-----|-----|-----|-------------|--------|----------------|------------------|
| A65-10354                        | 14N 03E   | 33   |                                  | NE  | NW  |     |             | VALLEY |                |                  |
| OTHER AJ CLAIMS WITH SAME AJ POD |           |      | WR RECORDS IN SAME 40 ACRE TRACT |     |     |     |             |        |                |                  |
| A PREFIX                         |           |      | R PREFIX                         |     |     |     |             |        |                |                  |
| NONE                             |           |      | 65-11296                         |     |     |     |             |        |                |                  |
|                                  |           |      | R65-11296                        |     |     |     |             |        |                |                  |

SOURCE: HAZARD CREEK

TRIB: CASCADE RESERVOIR

B. WR POINT OF DIVERSION AND SOURCE:

| RIGHT                             | TWP. RGE. | SEC. | 1/4                             | 1/4 | 1/4 | LOT | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NUMBER |
|-----------------------------------|-----------|------|---------------------------------|-----|-----|-----|-------------|--------|----------------|------------------|
| 65-10354                          | 14N 03E   | 33   |                                 | NE  | NW  |     |             | VALLEY |                |                  |
| OTHER WR RECORDS WITH SAME WR POD |           |      | AJ CLAIMS IN SAME 40 ACRE TRACT |     |     |     |             |        |                |                  |
|                                   |           |      | A PREFIX                        |     |     |     |             |        |                |                  |
|                                   |           |      | R PREFIX                        |     |     |     |             |        |                |                  |
| 65-11296                          |           |      | NONE                            |     |     |     |             |        |                |                  |
|                                   |           |      | 65-11296                        |     |     |     |             |        |                |                  |
|                                   |           |      | R65-11296                       |     |     |     |             |        |                |                  |

SOURCE: HAZARD CREEK

TRIB: CASCADE RESERVOIR

C. IS THE CLAIMED POD WITHIN THE SAME 40 ACRE TRACT THAT IS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POD, DESCRIBE THE INJURY  
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

D. CAN THE CLAIMED POD BE VERIFIED USING THE WATER RIGHT FILE OR GPS DATA? N/A( ) Y( ) N( )

E. SHOULD THE CLAIMED POD BE VERIFIED BY FIELD EXAM? Y( ) N( )

F. IS THE CLAIMED SOURCE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN SOURCE, DESCRIBE THE INJURY  
ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

G. CAN THE CLAIMED SOURCE BE VERIFIED USING THE WATER RIGHT FILE? Y( ) N( )

H. SHOULD THE CLAIMED SOURCE BE VERIFIED BY FIELD EXAM? Y( ) N( )

I. HOW WAS THE POD AND SOURCE VERIFIED?

LICENSING FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_) Y( ) N( )

AJ FIELD EXAM (DATE OF FIELD EXAM \_\_\_\_\_ NAME OF EXAMINER \_\_\_\_\_) Y( ) N( )

OTHER (DESCRIBE IN NOTES BELOW)

NOTES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

=====

RECOMMENDED POINT(S) OF DIVERSION AND SOURCE: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

| TWP.  | RGE.  | SEC.  | 1/4   | 1/4   | 1/4   | LOT   | POD<br>FLAG | COUNTY | DIVERSION NAME | DIVERSION NBR |
|-------|-------|-------|-------|-------|-------|-------|-------------|--------|----------------|---------------|
| 14N   | 03E   | 33    |       | NE    | NW    |       |             | VALLEY |                |               |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____  | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____  | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____  | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____  | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____  | _____          | _____         |
| _____ | _____ | _____ | _____ | _____ | _____ | _____ | _____       | _____  | _____          | _____         |

SOURCE: HAZARD CREEK

TRIB: CASCADE RESERVOIR

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

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SYSTEM DESCRIPTION: DESCRIBED BELOW (\_\_\_), SEE LICENSE FILE (\_\_\_), OR SEE ATTACHMENT (\_\_\_)

A. ROOT WATER RIGHT NUMBERS: A65-10354

B. POU LISTING

| TWP                  | RNG | SEC | 1/4 | 1/4 | LOT | NAME | AJ<br>#/ACRES | WR<br>#/ACRES | LANDSAT<br>DATA | FIELD<br>EXAM. | RECOMM.<br>ACRES |
|----------------------|-----|-----|-----|-----|-----|------|---------------|---------------|-----------------|----------------|------------------|
| ADDITIONAL POU FOUND |     |     |     |     |     |      |               |               |                 |                |                  |

TOTAL ACRES A65-10354

POU COUNTY:

C. IS WATER USAGE FOUND IN TRACTS OTHER THAN THOSE CLAIMED? Y( ) N( )

\* IF YES, ARE THESE TRACTS LISTED ABOVE ( ), OR ARE THEY LISTED ON AN ATTACHED SHEET ( )

LIST OF ALL RIGHTS WITH A SAME POU AND IRRIGATION USAGE

NO CLAIMS FOUND WITH SAME POU AND IRRIGATION USAGE

NO RIGHTS WITH SAME POU BUT NOT USED FOR IRRIGATION

D. ARE OTHER WATER RIGHTS USED FOR THE SAME PURPOSE? Y( ) N( )

\* IF YES, COMPLETE OVERLAP REVIEW:

OTHER RIGHTS LISTED IN CLAIM:

E. IS THE CLAIMED POU THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE CHANGE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN POU, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

F. CAN THE CLAIMED POU BE VERIFIED USING THE WATER RIGHT FILE AND AVAILABLE AERIAL PHOTOS? N/A( ) Y( ) N( )

G. SHOULD THE CLAIMED POU BE VERIFIED BY FIELD EXAM? Y( ) N( )

H. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THIS RIGHT? Y( ) N( )

CHECK DOCUMENTS USED TO VERIFY POU: ( ) ORTHOPHOTOQUAD, IDWR NO. \_\_\_\_\_; ( ) TOPOGRAPHIC QUAD, IDWR NO. \_\_\_\_\_;

( ) NAPP, IDWR NO. \_\_\_\_\_; ( ) ASCS PHOTO; ( ) OTHER \_\_\_\_\_

**NOTES:** \_\_\_\_\_

RECOMMENDATIONS:

TOTAL ACRES: \_\_\_\_\_ N/A(\_\_\_\_)

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

.....

A. AJ CLAIMED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| A65-10354 MUNICIPAL         | FROM 01-01 TO 12-31       | 2.340 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 2.340 CFS              |                        |

B. WR RECORDED USES:

| PURPOSE OF USE              | PERIOD OF USE (MONTH/DAY) | DIV. RATE FOR EACH USE | DIV. VOL. FOR EACH USE |
|-----------------------------|---------------------------|------------------------|------------------------|
| 65-10354 MUNICIPAL          | FROM 01-01 TO 12-31       | 2.340 CFS              |                        |
| TOTAL DIVERSION RATE/VOLUME |                           | 2.340 CFS              |                        |

C. DOES THE CLAIMED PURPOSE OF USE CORRECTLY DESCRIBE THE WATER USE? Y( ) N( )

D. IS THE CLAIMED PURPOSE OF USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, AND IF THE ACTUAL WATER USE IS VERIFIED AS AN ACCOMPLISHED CHANGE IN PURPOSE OF USE, DESCRIBE THE INJURY ANALYSIS PERFORMED AND ENTER FLAG "C" WITH THE APPROPRIATE EXPLANATORY CODE.

E. SHOULD THE CLAIMED PURPOSE OF USE BE VERIFIED BY FIELD EXAM? Y( ) N( )

F. DOES THE CLAIMED PERIOD OF USE CONFORM TO IDWR STANDARDS? Y( ) N( )

G. SHOULD THE PERIOD OF USE BE RECOMMENDED TO IDWR STANDARDS? Y( ) N( )

\* IF THE RECOMMENDED PERIOD OF USE IS DIFFERENT THAN IDWR STANDARDS, EXPLAIN IN NOTES BELOW.

H. IS THE CLAIMED DIVERSION RATE FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION RATE FOR EACH USE WAS DETERMINED.

I. SHOULD THE CLAIMED DIVERSION RATE FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A( ) Y( ) N( )

J. IS THE CLAIMED DIVERSION VOLUME FOR EACH USE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* IF NO, DESCRIBE IN NOTES BELOW HOW THE RECOMMENDED DIVERSION VOLUME FOR EACH USE WAS DETERMINED.

K. SHOULD THE CLAIMED DIVERSION VOLUME FOR EACH USE BE VERIFIED BY FIELD EXAM? N/A( ) Y( ) N( )

PAGE: 8

PURPOSE OF USE, PERIOD OF USE, DIVERSION RATE AND DIVERSION VOLUME REVIEW SHEET CONTINUED

38

CLAIM NUMBER: A65-10354

NOTES:

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AJ CLAIM TOTAL DIVERSION RATE: 2.340 CFS

WR ROOT RIGHT TOTAL DIVERSION RATE: 2.340 CFS

A. IS THE CLAIMED TOTAL DIVERSION RATE THE SAME AS DESCRIBED IN THE WATER RIGHT FILE? N/A( ) Y( ) N( )

B. CAN THE CLAIMED TOTAL DIVERSION RATE BE VERIFIED USING THE WATER RIGHT FILE? N/A( ) Y( ) N( )

\* ALL CLAIMS BASED ON BENEFICIAL USE (INCLUDING POSTED NOTICES AND STATUTORY CLAIMS) REQUIRE A FLOW MEASUREMENT.

C. IS THERE ANY INDICATION THAT THERE HAS BEEN A FIVE YEAR PERIOD OF CONTINUOUS NONUSE OF THIS RIGHT, OR ANY PORTION OF THE DIVERSION RATE? Y( ) N( )

\* IF AN AMOUNT SMALLER THAN THE ORIGINAL DIVERSION RATE IS CLAIMED AND A FIELD EXAM IS NOT REQUIRED, EXPLAIN IN NOTES.

D. SHOULD THE CLAIMED DIVERSION RATE BE VERIFIED BY FIELD EXAM? Y( ) N( )

E. FLOW MEASUREMENT

MEASUREMENT METHOD \_\_\_\_\_, SEE ATTACHED CALCULATIONS.

F. RATE/VOLUME CALCULATIONS: (IRRIGATION)

1a. IRRIGATION RATE  
ACRES \_\_\_\_\_ x 0.02 CFS/ACRE = \_\_\_\_\_ CFS  
(Taken from pou review)

1b. CALCULATIONS

IS A DIVERSION RATE PER ACRE GREATER THAN 0.02 CFS/ACRE CLAIMED? Y( ) N( )

IF YES, IS AN ADDITIONAL WATER USE FORM FILED AND ATTACHED? Y( ) N( )

2. IRRIGATION DIVERSION VOLUME

CLAIMED DIVERSION VOLUME = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x DIVERSION VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL DIVERSION VOLUME \_\_\_\_\_ AF/A

3. IRRIGATION CONSUMPTIVE USE

CLAIMED CONSUMPTIVE USE = \_\_\_\_\_ AF/A  
ACRES \_\_\_\_\_ x CONSUMPTIVE VOL. AF/A FOR AREA \_\_\_\_\_ =  
TOTAL CONSUMPTIVE USE \_\_\_\_\_ AF/A

4. CALCULATIONS FOR USES OTHER THAN IRRIGATION: SEE BELOW ( ) OR SEE ATTACHMENT ( )

NOTES: \_\_\_\_\_

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WR RECORD CONDITIONS/REMARKS:

RECOMMENDATIONS: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

| REC.<br>PURPOSE OF USE | REC. PERIOD |       | REC. DIV          |                   | REC. DIV |                   | REC. CONS.      |                   |
|------------------------|-------------|-------|-------------------|-------------------|----------|-------------------|-----------------|-------------------|
|                        | FROM        | TO    | RATE              | CFS               | VOL.     | AF/A              | USE             |                   |
| MUNICIPAL              | 01-01       | 12-31 | DATABASE<br>2.340 | EXAMINER<br>_____ | DATABASE | EXAMINER<br>_____ | DATABASE<br>0.0 | EXAMINER<br>_____ |
| _____                  | _____       | _____ |                   | _____             |          | _____             |                 | _____             |
| _____                  | _____       | _____ |                   | _____             |          | _____             |                 | _____             |
| _____                  | _____       | _____ |                   | _____             |          | _____             |                 | _____             |
| _____                  | _____       | _____ |                   | _____             |          | _____             |                 | _____             |
| TOTAL FOR THIS RIGHT   |             |       | 2.340             | _____             |          | _____             | 0.0             | _____             |

NON-IRRIGATION USES CLAIMED:

NON-IRRIGATION USES RECOMMENDED: CHECK HERE IF RECOMMENDED AS CLAIMED (\_\_\_)

REVIEWED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

FLAG: \_\_\_\_\_

STANDARD CONDITIONS (CODE):

STANDARD REMARKS (CODE):

EXPLANATORY CONDITIONS (CODE):

EXPLANATORY REMARKS (CODE):

A. CHECK ONLY THE FOLLOWING THAT APPLY:

|                              | ACCEPTED<br>AS CLAIMED | NEEDS<br>REVIEW |
|------------------------------|------------------------|-----------------|
| OWNERSHIP _____              | ( )                    | ( )             |
| FORFEIT/ABANDON _____        | ( )                    | ( )             |
| ADDITIONAL DIV. AMOUNT _____ | ( )                    | ( )             |

B. SPLIT WATER RIGHT REVIEW

ROOT WATER RIGHT NUMBER: 65-10354

|                                   | DATABASE | EXAMINER | CFS |
|-----------------------------------|----------|----------|-----|
| TOTAL DIVERSION RATE OF WR SPLITS | 2.340    | _____    |     |

SPLITS:

| OLD RIGHT<br>NUMBERS | CURRENT<br>CLAIM NUMBERS | DIVERSION<br>RATE | CURRENT "R"<br>CLAIM NUM. | "R" DIV.<br>RATE | WR RIGHT<br>NUMBERS | DIVERSION<br>RATE |
|----------------------|--------------------------|-------------------|---------------------------|------------------|---------------------|-------------------|
| -                    | A65-10354                | 2.340             | -                         |                  | 65-10354            | 2.340             |
| TOTAL CFS            |                          | 2.340             |                           |                  |                     | 2.340             |

DIVERSION RATE REVIEW

DO THE SUM CFS RATE OF THE SPLITS EQUAL THE ROOT RIGHT CFS RATE? (Y/N)  
IF NO, IS THE WRITTEN REVIEW DESCRIBED BELOW ( ) OR SEE ATTACHMENT ( )?

| DATABASE | FIELD<br>EXAMINER |
|----------|-------------------|
| Y        | Y( ) N( )         |

NOTES:

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\_\_\_\_\_  
\_\_\_\_\_

AUTHENTICATION:

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME OF FIELD EXAMINER: \_\_\_\_\_ TITLE: \_\_\_\_\_

MAPS AND AERIAL PHOTOGRAPHS USED TO REVIEW THIS NOTICE OF CLAIM TO A WATER RIGHT

| TYPE OF MAP OR PHOTOGRAPH (CHECK IF USED) | IF USED, SUPPLY APPROPRIATE DATE AND OTHER INFORMATION | COPY INCLUDED<br>IN FILE? |
|-------------------------------------------|--------------------------------------------------------|---------------------------|
| ( ) ORTHOPHOTOQUAD                        | DATE OF PHOTO _____ IDWR ID NO. _____                  | Y( ) N( )                 |
| ( ) TOPOGRAPHIC                           | DATE FIELD CHECKED _____ IDWR ID NO. _____             | Y( ) N( )                 |
| ( ) NAPP                                  | DATE OF PHOTO _____ IDWR ID NO. _____                  | Y( ) N( )                 |
| ( ) ASCS AERIAL PHOTO                     | DATE OF PHOTO _____                                    | Y( ) N( )                 |
| ( ) ASCS COLOR SLIDE                      | DATE OF PHOTO _____                                    | Y( ) N( )                 |
| ( ) BLM OR USFS AERIAL PHOTO              | DATE OF PHOTO _____                                    | Y( ) N( )                 |
| ( ) TOWNSHIP SURVEY (GOVERNMENT PLAT)     | DATE OF SURVEY _____                                   | Y( ) N( )                 |
| ( ) SCS SOIL SURVEY MAP                   | DATE ISSUED _____                                      | Y( ) N( )                 |
| ( ) SUBDIVISION PLAT MAP                  | DATE OF MAP _____                                      | Y( ) N( )                 |
| ( ) OTHER _____                           | DATE _____                                             | Y( ) N( )                 |
| ( ) OTHER _____                           | DATE _____                                             | Y( ) N( )                 |
| ( ) OTHER _____                           | DATE _____                                             | Y( ) N( )                 |

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| LIST OF ATTACHMENTS (CHECK IF ATTACHED) | IF ATTACHED, SUPPLY APPROPRIATE INFORMATION | NO. OF<br>PAGES | NOTES |
|-----------------------------------------|---------------------------------------------|-----------------|-------|
| ( ) LICENSING FIELD EXAM                | DATE OF FIELD EXAM _____                    | _____           | _____ |
| ( ) WATER RIGHT LICENSE                 | DATE LICENSE SIGNED _____                   | _____           | _____ |
| ( ) IDWR APPROVED TRANSFER              | DATE TRANSFER APPROVED _____                | _____           | _____ |
| ( ) SYSTEM DESCRIPTION                  | DATE DRAWN _____                            | _____           | _____ |
| ( ) PHOTOGRAPHS                         | DATE(S) PHOTOS TAKEN _____                  | _____           | _____ |
| ( ) SPLIT RIGHT REVIEW                  | DATE REVIEW COMPLETED _____                 | _____           | _____ |
| ( ) HUBBLE ANALYSIS                     | DATE ANALYSIS COMPLETED _____               | _____           | _____ |
| ( ) CONVEYANCE LOSS ANALYSIS            | DATE ANALYSIS COMPLETED _____               | _____           | _____ |
| ( ) FLOW MEASUREMENT CALCULATIONS       | DATE SYSTEM MEASURED _____                  | _____           | _____ |
| ( ) OTHER _____                         | DATE _____                                  | _____           | _____ |
| ( ) OTHER _____                         | DATE _____                                  | _____           | _____ |

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM VERIFICATION REPORT

07:30:35  
08/11/99

PAGE: 14  
QUICKLOOK INFORMATION

44  
CLAIM NUMBER: A65-10354

| WR ELEMENT                | DATA<br>DISCREPANCY<br>Y/N | CORRESPONDENCE<br>SENT/RECEIVED<br>BY WHOM/DATE | FIELD EXAM<br>BY WHOM/DATE | CHANGE<br>CLAIM<br>Y/N | ELEMENT<br>DOCUMENTED<br>WHOM/DATE | COMPLETED<br>REVIEW<br>WHOM/DATE | COMPLETED<br>DATA ENTRY<br>WHOM/DATE | VERIFIED<br>DATE<br>WHOM/DATE |
|---------------------------|----------------------------|-------------------------------------------------|----------------------------|------------------------|------------------------------------|----------------------------------|--------------------------------------|-------------------------------|
| PRIORITY DATE             |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| POINT OF DIV              |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| SOURCE                    |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PLACE OF USE              |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| DIV. AMOUNT<br>CFS/VOLUME |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| CONSUMPTIVE USE           |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PURPOSES OF USE           |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| PERIOD OF USE             |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| BASIS OF CLAIM            |                            |                                                 |                            |                        |                                    |                                  |                                      |                               |
| REMARKS                   | Y                          |                                                 |                            |                        |                                    |                                  |                                      |                               |

BARCODE UPDATED  
WHOM/DATE

valley

## MAP NO.

doi:10.1017/S0022292412001909

City of Cascade, Idaho

(Mailing Address)

**RECEIVED**

DEC 3 1976

- 

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

Within the City Limits of Cascade, Idaho

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

(8) If you are claiming water as a member of an organization, list name of organization.

\* MAX DIV CAPACITY OF 8" PIPE - SEE NOTES OF HEARING FOR 65-12104

- (9)

*Individual*

(Date)

(Signature of Claimant)

## Organization



100

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Mayor of

Notary Public

My commi

1/30/78 DPT 6-4-78

## BEFORE THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO

650000 C

IN THE MATTER OF THE APPLICATION OF  
THE VILLAGE OF CASCADE AND HENRY CROSS  
TO TRANSFER THE POINT OF DIVERSION AND  
PLACE OF USE OF CERTAIN WATERS OF  
HAZZARD CREEK, FLOWING FROM WEST MOUN-  
TAIN, IN VALLEY COUNTY, IDAHO.

No. 675

O R D E R

WHEREAS, The Village of Cascade, Idaho, and Henry Cross, on July 17, 1944, filed in the Department of Reclamation of the State of Idaho an application praying that the State Reclamation Engineer issue to the Village of Cascade, Idaho, a proper certificate authorizing a change and transfer in the point of diversion and place of use of certain waters of Hazzard Creek flowing from West Mountain, in Valley County, Idaho, for irrigation, domestic and stock use, and notice of hearing of said application was duly given and made by publication thereof in the Cascade News, as evidenced by the affidavit of publication on file with the Department of Reclamation, in the manner and for the time provided by law, fixing August 7, 1944, at 10:00 o'clock A.M. and the office of the State Reclamation Engineer as the time and place of said hearing, which was continued pursuant to stipulation, and said hearing having been duly and regularly continued to this time and place, and

WHEREAS, No protest to said application is now on file, and the said application coming on regularly for hearing at this time and place, and the evidence filed with said application shows that said change and transfer are necessary in order to continue the beneficial use of said waters and effectually carry out the written agreement between said applicants for the exchange of waters, as more fully set forth in said application, and that other water rights will not be affected and that no one will be injured by such change and transfer, -

MICROFILMED

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application of the Village of Cascade, Idaho, and Henry Cross, to change and transfer the point of diversion and place of use of certain waters of said Hazzard Creek flowing from West Mountain, Valley County, Idaho, be and the same is hereby granted, and that a certificate authorizing the transfer of said point of diversion and place of use as prayed for in said application be issued to said applicant, the Village of Cascade, Idaho, in accordance with the statutes of the State of Idaho in such case made and provided; that other water rights will not be affected and no one will be injured by such change and transfer in the point of diversion and place of use of said water.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed, at the State Capitol, in Boise City, Idaho, this 29th day of June, 1945.

*Mark R. Kulp*

MARK R. KULP  
State Reclamation Engineer

*Roy W. Thompson*  
Roy W. Thompson  
Supervisor of Water Distribution

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
CERTIFICATE OF WATER RIGHT  
TRANSFERRED RIGHT NO. 675

THIS IS TO CERTIFY That through mesne conveyances the Village of Cascade, Valley County, Idaho, a municipal corporation of the State of Idaho, is the record owner, and Henry Cross is the contract owner, of, and the latter is using all of the right, title and interest of the Village of Cascade, in and to the waters of Hazzard Creek flowing from West Mountain in Valley County, Idaho, for irrigation, stock and domestic use, the use of which waters was acquired from Sollie Callender and Viola Callender, by an indenture dated June 28, 1939, recorded July 10, 1939, in Book 18 of Deeds, at page 438, of the records of Valley County, Idaho, under Water Right Locations made on said Hazzard Creek by L. S. Kimball, one for 360 miner's inches made July 16, 1888, recorded July 24, 1888, in Book 2 of Water Rights, at page 87, of the records of Boise County, Idaho, and in Book 1 of Water Rights, at page 309, of the records of Valley County, Idaho, and one for 3 cubic feet per second made May 24, 1900, recorded May 26, 1900, in Book 3 of Millsites and Water Rights, at page 327, of the records of Boise County, Idaho, also filed May 31, 1900 in Book 1 of Water Locations, page 243, of the office of the State Engineer at Boise City, Idaho, and also recorded in Book 1 of Water Rights, at page 309, of the records of Valley County, Idaho.

That said waters of Hazzard Creek were until about June 28, 1939, diverted at a point where Hazzard Creek crosses the east line of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 28, Township 14 North, of Range 3 East, Boise Meridian, and were conducted through a canal or ditch to and used upon the following described lands situate, lying and being in Water District No. 20 H, in Valley County, State of Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) and the Northeast Quarter (NE $\frac{1}{4}$ ) of Section 27, and the West Half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$ ) of Section 26, Township 14 North, Range 3 East, Boise Meridian.

That now upon the application of said Village of Cascade and Henry Cross for a certificate to change and transfer the point of diversion and place of use of the said waters of Hazzard Creek, and after due and legal notice given of the hearing of said application, said hearing was duly continued to this time and place, and no protest to said application now on file, and it appearing that the old point of diversion and place of use of all of the right, title and interest of the Village of Cascade in and to the waters of Hazzard Creek, flowing from West Mountain, in Valley County, Idaho, are no longer used, that other rights not be affected and that no one will be injured by such change and transfer, and that the statutes of the State of Idaho in such case made and provided have been complied with, the said application is granted, and the said Village of Cascade is hereby granted the right to change and transfer the point of diversion and place of use of the said waters of Hazzard Creek from the former point of diversion and place of use hereinbefore set forth and specified, for irrigation, domestic and stock uses, to the following new point of diversion and place of use, namely, -

(a) NEW POINT OF DIVERSION, is at a point where Hazzard Creek crosses the west line of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 28, Township 14 North, of Range 3 East, Boise Meridian;

(b) NEW PLACE OF USE, is upon and in connection with the following described lands, situate, lying and being in Water District No. 20 H, in Valley County, State of Idaho, to-wit:

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 33, the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 34, the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 28, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 27, the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 27, and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 34, all in Township 14 North, Range 3 East, Boise Meridian,

for irrigation, domestic and stock uses.

That the right to such change and transfer in the point of diversion and place of use is hereby confirmed, and is hereby restricted to said new point of diversion and place of use as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at the State Capitol, in Boise City, Idaho, this 29th day of June, 1945.

*Mark R. Kulp*  
MARK R. KULP

State Reclamation Engineer

*Ray C. Thompson*  
Ray C. Thompson

Supervisor of Water Distribution

675

NOTICE OF PROPOSED TRANSFER AND CHANGE OF  
POINTS OF DIVERSION AND USE OF WATER UNDER WATER RIGHT

NOTICE IS HEREBY GIVEN That the Board of Trustees of the Village of Cascade, County of Valley, State of Idaho, as the record owner, and Henry Cross, as the contract owner, of the water hereinafter referred to, have applied to the State Reclamation Engineer of the State of Idaho, for a certificate authorizing said Village of Cascade and the said Henry Cross to transfer and change the point of diversion and use of all the right, title and interest of the Village of Cascade in and to the waters of Hazzard Creek flowing from West Mountain in Valley County, Idaho, for irrigation, domestic and stock use, as conveyed to said Village of Cascade by Sollie Callender and Viola Callender, husband and wife, by indenture dated June 28, 1939, recorded July 10, 1939, in Book 18 of Deeds, at page 438, of the records of Valley County, Idaho, from the land upon which said water was formerly used, i.e., the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4) and the Northeast Quarter (NE1/4) of Section 27, and the West Half of the Northwest Quarter (W1/2NW1/4) of Section 26, Township 14 North, Range 3 East, Boise Meridian, the point of diversion for said waters being formerly at a point where said Hazzard Creek crosses the east line of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 28, Township 14 North, Range 3 East, Boise Meridian, and is in the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) of Section 28, Township 14 North, Range 3 East, Boise Meridian; to the following described tract: the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 33, the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) of Section 34, the Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section 28, the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) of Section 27, the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 27, and the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 34, all in Township 14 North, Range 3 East, Boise Meridian, for irrigation, domestic and stock uses; and the new point of diversion for said waters of Hazzard Creek will be at a point where Hazzard Creek crosses the west line of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 28, Township 14 North, Range 3 East, Boise Meridian, and is in the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 28, Township 14 North, Range 3 East, Boise Meridian, Valley County, Idaho.

And that on the 7th day of August, A.D. 1944, at the hour of 10:00 o'clock A.M., Mountain War Time, before the State Reclamation Engineer, or his authorized agent, at the State Capitol Building, Boise, Ada County, Idaho, the opportunity will be given to any and all persons to appear and present for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer and changes.

Dated this 18th day of July, 1944.

MARK R. KULP

State Reclamation Engineer

MICROFILMED

APPLICATION FOR TRANSFER, AND CHANGE OF POINTS  
OF DIVERSION AND USE OF WATER UNDER WATER RIGHT

Received and filed for record in the Department  
of Reclamation at Boise, Idaho, at  
4:45 P. M. July 17, 1944  
Mark R. Kuep  
State Reclamation Engineer

STATE OF IDAHO }  
COUNTY OF VALLEY } ss.

J. L. Whitson and Henry Cross, being each first duly sworn,  
jointly and severally depose and say:

1. That J. L. Whitson, whose true name is such, is the duly  
elected, qualified and acting Chairman of the Board of Trustees of  
the Village of Cascade, County of Valley, State of Idaho, and that  
his postoffice address is Cascade, Idaho.

2. That Henry Cross, whose true name is such, is a widower, of  
lawful age, a citizen of the United States and of the State of Idaho,  
and that his postoffice address is Cascade, Idaho.

3. That the Village of Cascade is the record owner and Henry  
Cross is the contract owner of and the latter is using all of the right,  
title and interest of the Village of Cascade, in and to the waters of  
Hazzard Creek flowing from West Mountain, in Valley County, Idaho, for  
irrigation, domestic and stock use. That until about June 28, 1939,  
said water right was used for the aforesaid purposes in connection  
with the following described lands situate, lying and being in Water  
District No. 20 H, in Valley County, State of Idaho, to-wit:

The Southeast Quarter of the Northwest Quarter  
(SE $\frac{1}{4}$ NW $\frac{1}{4}$ ) and the Northeast Quarter (NE $\frac{1}{4}$ ) of Sec-  
tion 27, and the West Half of the Northwest Quar-  
ter (W $\frac{1}{2}$ NW $\frac{1}{4}$ ) of Section 26, Township 14 North, Range  
3 East, Boise Meridian.

4. That said Village of Cascade became the owner of its said water  
rights in Hazzard Creek as follows:

The said Sollie Callender and Viola Callender, husband and wife,  
conveyed all of their right, title and interest in and to the waters and  
water rights of Hazzard Creek, flowing from West Mountain in said Valley  
County, Idaho, to the Village of Cascade by an Indenture dated June 28,  
1939, and which was duly recorded July 10, 1939, in Book 18 of Deeds, at

page 438, of the records of Valley County, Idaho, which records are by reference incorporated herein and made a part hereof as though set out at length herein.

That said Henry Cross became the contract owner of the said water rights of the Village of Cascade in said Hazzard Creek in the following manner:

That about August 21, 1942, the said Henry Cross and the said Village of Cascade made and entered into a written agreement, of which the following is a true copy:

"AGREEMENT

"THIS AGREEMENT, Made and entered into this 21st day of August, 1942, by and between HENRY CROSS, a widower, of Cascade, County of Valley, State of Idaho, the party of the first part, and the VILLAGE OF CASCADE, a municipal corporation of the State of Idaho, the party of the second part:

"WITNESSETH:

"THAT WHEREAS The party of the first part is the owner of 210 miners inches of the waters of South Campbell Creek, also known as Campbell Creek, and the party of the second part is the owner of a first right in and to the waters of Hazzard Creek, all in Valley County, Idaho;

"AND WHEREAS The Board of Trustees of the Village of Cascade, Idaho, deems it necessary and for the general welfare of the citizens of the Village of Cascade to effect an exchange of the water rights hereinabove referred, and the party of the first part will materially benefit from such transfer and is willing to make such exchange with the Village of Cascade;

"AND WHEREAS Benefits will accrue to both parties hereto from said exchange;

"AND WHEREAS The said Board of Trustees by proper resolution duly and regularly passed on the 20th day of August, 1942, has authorized the Chairman of the Board and the Clerk of the Board to enter into such an exchange agreement;

"NOW THEREFORE, For and in consideration of the benefits accruing to each of the parties hereto, and in consideration of the mutual promises hereinafter contained, the party of the first part agrees to transfer to the party of the second part by a good and sufficient conveyance, 210 miners inches of the waters of South Campbell Creek also known as Campbell Creek, The first party reserving to himself all ditch rights, and the party of the second part agrees to transfer to the party of the first part by a good and sufficient conveyance, all its right title and interest in and to the waters of Hazzard Creek flowing from West Mountain in Valley County, Idaho.

"It being understood and agreed by and between the parties hereto that the above described transfer shall be made when the same shall have been authorized by the Department of Reclamation of the State of Idaho, after due proceedings had therefore, and after the same shall have been properly authorized by the full compliance with all statutory regulations respecting such transfers.

"Both parties hereto further agreeing that they will take any and all necessary steps, and execute any and all necessary documents that may be required to carry out such a transfer of waters as hereinbefore provided; provided, however, that it is further understood and agreed between the parties hereto that until a permanent transfer of the waters is effected by the parties hereto, the party of the second part shall have the right to use the waters of the party of the first part in Campbell Creek, and the party of the first part shall have the right to use the waters of the party of the second part in Hazzard Creek, without any further consideration being paid by either party to the other.

"THIS AGREEMENT shall apply to and be binding upon the heirs, executors, administrators and assigns of the party of the first part and upon the successors and assigns of the party of the second part.

"IN WITNESS WHEREOF The parties hereto have caused this agreement to be executed in duplicate by their proper officers thereunto duly authorized, the day and year in this agreement first above written.

(SEAL)

"RANDALL WALLIS  
"Clerk.

"HENRY CROSS  
"Party of the First Part.

"VILLAGE OF CASCADE, IDAHO

By G. K. SCOTT  
Chairman of the Board of Trustees."

5. That said waters of Hazzard Creek were until about June 28, 1939, diverted at a point where said Hazzard Creek crosses the east line of the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 28, Township 14 North, of Range 3 East, Boise Meridian, and said waters were, until about said date, conducted through a canal or ditch to and used upon the lands of Sollie Callender and his predecessors in interest, described in paragraph 3 hereof, as per "Map B" hereto attached and made a part of this application.

6. That affiants and applicants desire to abandon the use of the said waters of Hazzard Creek, upon the said lands of Sollie Callender, as described in paragraph 3 hereof, and to convey and

beneficially use the same upon and in connection with all of the lands of Henry Cross, situate, lying and being in Water District No. 20 H, in Valley County, State of Idaho, to-wit:

The Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section 33, the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 34, the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section 28, the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 27, the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 27, and the Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$ ) of Section 34, all in Township 14 North, Range 3 East, Boise Meridian, (Map B);

for irrigation, domestic and stock uses.

That applicants' reasons for making such transfer are that, as will appear from the agreement between Henry Cross and the Village of Cascade, set forth at length in paragraph 4 hereof, said Henry Cross has agreed to exchange and convey his 210 miner's inches of the waters of South Campbell Creek as decreed to him as hereinbefore set forth, to the Village of Cascade, and the latter has agreed to exchange and convey all of the right, title and interest in and to the waters of Hazzard Creek, County of Valley, State of Idaho, which said village now owns, and it is more beneficial and to the mutual interest of said Henry Cross to use the waters of Hazzard Creek, and of the said Village of Cascade to use the waters of South Campbell Creek. That this application is made for the purpose of effectually carrying out such exchange of waters in accordance with the said agreement set forth in paragraph 4 hereof. That said transfer has enabled and will continue to enable said Henry Cross to beneficially use such waters and to divert and beneficially use the same by means of gravity flow upon his lands as described in paragraph 3 hereof.

7. That said applicants have diverted and conveyed and intend to continue to divert and convey said waters of Hazzard Creek to the lands of Henry Cross, as above referred to, in the following manner:

The new point of diversion for said waters of Hazzard Creek will be at a point where Hazzard Creek crosses the west line of the

Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ ) of Section 28, Township 14 North of Range 3 East, Boise Meridian, and from which point, ever since about June 28, 1939, said Henry Cross has been and now is diverting all of the Village of Cascade's right, title and interest in and to the waters of Hazzard Creek; that said waters are diverted by means of a rock diversion works and thence conducted through a ditch to the lands of said Henry Cross, all as more fully appears on the "Map B" hereto attached and made a part of this application; and that no one will be injured by such changes and transfer in the point of diversion and places of use as set forth in this application.

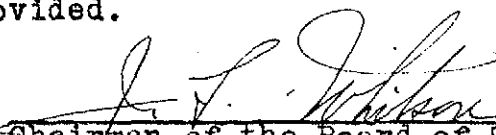
8. That at the date of this application there is no duly appointed, qualified and acting watermaster of said water district No. 20 H, in Valley County, State of Idaho.

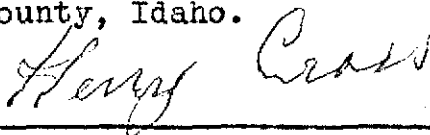
WHEREFORE, AFFIANTS AND APPLICANTS PRAY That the Reclamation Engineer of the State of Idaho issue to applicants the proper certificate authorizing such change and transfer in the points of diversion and place of use of all of the right, title and interest of the Village of Cascade, in and to the waters of Hazzard Creek flowing from West Mountain, in Valley County, Idaho, and more particularly referred to in paragraph 3 hereof, as in the statutes of the State of Idaho in such cases made and provided.

(SEAL)

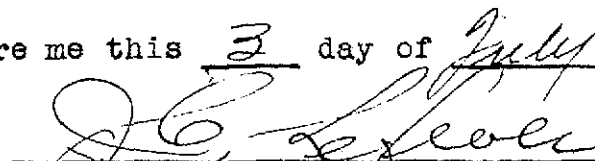
Attest:

  
Clerk of the Board of Trustees  
of the Village of Cascade,  
Valley County, Idaho.

  
Chairman of the Board of Trustees  
of the Village of Cascade, Valley  
County, Idaho.

  
Henry Cross

Subscribed and sworn to before me this 3 day of July,  
1944.

  
Notary Public for the State of  
Idaho, residing at Cascade.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

1. From what stream is the water diverted?

Ans. Hazzard Creek.

2. Where is the diversion point located?

Ans. Until about June 28, 1939, the original point of diversion of the waters of Hazzard Creek was at a point where said Hazzard Creek crosses the east line of the Southeast Quarter of the Southwest Quarter of Section 28, Township 14 North, Range 3 E.B.M., but ever since the aforementioned date the diversion point has been at a point where Hazzard Creek crosses the west line of the Southeast Quarter of the Southwest Quarter of Section 28, Township 14 North, Range 3 E.B.M.

3. Through what ditch is it now conducted?

Ans. Said waters are now conducted through a 6" conduit to the Village of Cascade, Valley County, Idaho.

4. How much land is now irrigated by the water sought to be transferred?

Ans. All of the lands in the said Village of Cascade, and vicinity.

5. Give the description.

Ans. All of the lands now or hereafter embraced within the Village of Cascade, Valley County, Idaho, and the vicinity thereof.

6. What is the total amount of water in inches, or second feet, dedicated to said land?

Ans. All the right, title and interest of the Village of Cascade in and to the waters of Hazzard Creek flowing from West Mountain in Valley County, Idaho.

7. What kind of crops are being raised?

Ans. Gardens, lawns and general domestic uses.

8. How much water per acre is now required to irrigate said land?

Ans. One miner's inch per acre.

9. What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Ans. Land where water formerly used no longer irrigated.

10. Give location of new point of diversion, if change is to be made.

Ans. The new point of diversion for said waters of Hazzard Creek will be at a point where Hazzard Creek crosses the west line of the Southeast Quarter of the Southwest Quarter of Section 28, Township

14 North, Range 3 East, Boise Meridian, and from which point, ever since about June 28, 1939, said Henry Cross has been and now is diverting all of the Village of Cascade's right, title and interest in and to the waters of said Hazzard Creek.

11. Through what ditch will it be conducted after transfer?

Ans. Through a newly constructed ditch to the Henry Cross ditch, thence to the lands of Henry Cross.

12. How much water will be required per acre to irrigate the land to which this water is transferred?

Ans. One miner's inch per acre.

13. Do you claim any other water right for the land from which you seek to abandon the use of this water?

Ans. No, not after the exchange of my Campbell Creek waters for the Hazzard Creek waters as mentioned in the foregoing application.

14. If so, give amount, date and source.

Ans. \_\_\_\_\_

15. Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.

Ans.

Signed

*Henry Cross*

Applicant.

Signed

*J. J. Wilson*

Chairman of the Board of  
Trustees of the Village of  
Cascade, Valley County,  
Idaho,

Applicant.

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filed with  
district court  
10-4-88

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR GEM COUNTY

|                                |   |                         |
|--------------------------------|---|-------------------------|
| IN THE MATTER OF THE GENERAL   | ) | Civil Case No. 3667     |
| DETERMINATION OF THE RIGHTS TO | ) |                         |
| THE USE OF SURFACE AND GROUND  | ) | WITHDRAWAL OF OBJECTION |
| WATER OF THE PAYETTE RIVER     | ) | OF THE CITY OF CASCADE, |
| DRAINAGE.                      | ) | IDAHO                   |
|                                | ) |                         |

On March 2, 1979, the director of the Idaho Department of Water Resources filed with this court a Proposed Finding of Water Rights for the Payette River drainage. Included among the proposed water rights were four water rights for the city of Cascade, state of Idaho. Those four water rights, listed briefly below, are fully set forth in Appendix A to this motion:

1. 65-3138 - 2.34 cfs, dating from June 1, 1899 for  
(Campbell Creek) municipal use
2. 65-10354 - 2.34 cfs, dating from July 16, 1888 for  
(Hazard Creek) municipal use
3. 65-10353 - 60 afa dating from March 1, 1919 for  
(Skein Creek) municipal use from storage
4. 65-10353 - 60 afa dating from March 1, 1919 for  
(Skein Lake) municipal use from storage

The city of Cascade had actually filed five claims in the Payette Adjudication. Those five claims are listed briefly below for comparison with what was recommended to the court after the Idaho Department of Water Resources investigated the five claims.

1. 65-3138 - 10.4 cfs dating from June 1, 1899 for  
(Campbell Creek) municipal use.

2. <sup>No claim</sup> 65-3139 - 1.2 cfs dating from June 1, 1899 for  
(Campbell Creek) municipal use.
3. <sup>No claim</sup> 65-10351 - 90 AF dating from Sept. 24, 1921, for  
(Raft Lake) municipal use from storage.
4. 65-10353 - 60 AF dating from March 1919 for municipal  
(Skein Creek/  
Skein Lake) use from storage.
5. 65-10354 - 2.5 cfs dating from September, 1957 for  
(Hazard Creek) municipal use.

On June 21, 1979 Water Resources received an objection from the city of Cascade, Idaho to the Proposed Findings. The city objected to the dismissal of claim 65-3139 (for an additional diversion rate from Campbell Creek) and the dismissal of claim 65-10351 (from Raft Lake).

The city of Cascade, state of Idaho, through its undersigned attorney hereby withdraws its objections to the Proposed Finding of Water Rights.

DATED this 29<sup>th</sup> day of September, 1988.

ROBERT H. REMAKLUS, Lawyer P.A.

15/  
\_\_\_\_\_  
Attorney for City of  
Cascade, Idaho