

CAREY H. NIXON

ATTORNEY AT LAW

112 N. SIXTH ST.

BOISE, IDAHO

July 17, 1944



Mr. Mark R. Culp
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Culp:

I enclose herewith applications for transfer and change of points of diversion and use of water under water right, --

1. Application by Henry Cross and the Village of Cascade for the transfer and change of points of diversion and use of 210 miner's inches of the water of South Campbell Creek, Valley County, State of Idaho, as decreed to Henry Cross by decree in that certain action entitled "Henry Cross et al, Plaintiffs, vs. Andrew S. Dukes et al, Defendants", in the Valley County District Court on September 26, 1930, together with form of notice of proposed transfer and change of points of diversion and use of water right as provided by Chapter 53 of the 1943 Session Laws.
2. Application by the Village of Cascade and Henry Cross for the transfer and change of points of diversion and use of waters of Hazzard Creek, flowing from West Mountain in Valley County, Idaho, conveyed to the Village of Cascade by Sollie Callender et ux, dated June 28, 1939, and recorded July 10, 1939 in Book 18 of Deeds, Page 438, of the Records of Valley County Idaho, together with form of notice of Proposed transfer and change of points of diversion and use of water right as provided by Chapter 53 of the 1943 Session Laws.
3. Application by the Village of Cascade for the transfer and change of points of diversion and use of 60 miner's inches of the water of South Campbell Creek, County Valley, State of Idaho, as decreed to Addie M. Hillman by decree in that certain action entitled "Henry Cross et al, Plaintiffs, vs. Andrew S. Dukes et al, Defendants," in the Valley County District Court on September 26, 1930, and conveyed through mesne conveyances to the Village of Cascade on May 11, 1931, by deed recorded May 11, 1931, in Book 16 of Deeds at Page 155 of the Records of Valley County Idaho, together with form of notice

of pr
of wa
1943

I tru
so th
comme
are a
me.

CHN:m
c c F
V
C

of proposed transfer and change of points of diversion and use of water under water right as provided by Chapter 53 of the 1943 Session Laws.

I trust that you will find the foregoing papers in proper form so that the notice may be published by the statutory time commencing with this week's issue of the Cascade News. If there are any fees or charges to be made by your office, kindly advise me.

Yours very truly,


CAREY H. NIXON

CHN:mm

c c Fred J. Gardner
Village Clerk
Cascade, Idaho

Jul
The Cascade News
Cascade, Idaho

Gentlemen:

We are enclosing three local notices, which we wish you to publish once a week for two consecutive weeks- that is, in your issues of July 21st and July 28th.

The cost of the publication is to be paid by the Village of Cascade, and the statement for cost of publication, and also the affidavits of publication, should be sent to Fred J. Gardner, Village Clerk, at Cascade, Idaho.

Please acknowledge receipt of this notice and send us a copy of your paper containing the first publication.

Very truly yours,

WALTER L. KULP
State Declaration Examiner
By

Chief Clerk

3 encls.

65 3488

DEP.

C. A. BOTTOLFSSEN
GOVERNOR

BOISE

July 18, 1944

The Cascade News
Cascade, Idaho

Gentlemen:

We are enclosing three legal notices, which we wish you to publish once a week for two consecutive weeks- that is, in your issues of July 21st and July 28th.

The cost of the publication is to be paid by the Village of Cascade, and the statement for cost of publication, and also the affidavits of publication, should be sent to Fred J. Gardner, Village Clerk, at Cascade, Idaho.

Please acknowledge receipt of this notice- and send us a copy of your paper containing the first publication.

Very truly yours,

MARK E. KULP
State Reclamation Engineer

By *Leanne L. Anderson*
Chief Clerk

3 encls.

*O.K. Cascade News
Anderson*

RECEIVED
JUL 21 1944
Department of Reclamation

mile south of the southwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 - NE 1/4) of Section 33, Township 14 North, Range 3 East B. M., and is

PUBLISHER'S AFFIDAVIT

OF IDAHO

of Valley

ss

being first duly sworn, deposes and says:

is the *John L. Hillman* of the CASCADE NEWS, a newspaper published at Cascade, in the County of Valley, State of Idaho, said newspaper is in general circulation in the county aforesaid and newspaper that the advertisement, a copy of which is hereto

was published in said newspaper once a week for five weeks in the regular and entire issue of every number thereof the period and time of publication, and was published in the newspaper and not in a supplement, that publication of such notice began

191

and ended

191

described and sworn to before me, a Notary Public in and for the County of Valley, and the State of Idaho, this 12 day of

1914

John L. Hillman, Notary Public,

commission expires

191

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, owner of the waters hereinafter referred to, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing said Village of Cascade to transfer and change the points of diversion and use of that certain water right bearing date of priority of June 1, 1889, for 60 miner's inches of the waters of South Campbell Creek, County of Valley, State of Idaho, for irrigation, domestic and stock use, decreed to Addie M. Hillman by Decree of Judge A. O. Sutton, of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs. Andrew S. Dukes, Robert L. Dukes, Dollie Ward and Wayne Ward, her husband, Robert K. Dunn and Nettie Dunn, his wife, Defendants," said Decree bearing date of September 26, 1930, and recorded at page 485 of Volume Five of Decrees of the State Department of Reclamation at Boise City, Ada County, Idaho, and in Book 2 of Judgements, at page 154, of the Records of Valley County, Idaho, from the land upon which said water was formerly used, i. e. the Southwest Quarter of the Southeast Quarter (SW 1/4 - SE 1/4) of Section 27, and the Northwest Quarter of the Northeast Quarter (NW 1/4 NE 1/4) of Section 34, Township 14 North, Range 3 East Boise Meridian; the point of diversion for said water being formerly at the head of what is known as the Henry Cross Ditch, located at a point on South Campbell Creek at or about one-half mile south of the southwest corner of the Northeast Quarter of the Northeast Quarter (NE 1/4 - NE 1/4) of Section 33, Township 14 North, Range 3 East B. M., and is

Township 13 North, Range 3 East B. M., and is in Lot 4, Section 13, Township 13 North, Range 3 East B. M., Valley County, Idaho.

And that on the 7th day of August, A. D. 1944, at the hour of 10:00 o'clock A. M., Mounting 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 change. Dated this 18th day of July, 1944.

MARK R. KUL
State Reclamation Engineer
7-21-2cV.Cas.

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, owner of the waters hereinafter referred to, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing said Village of Cascade to transfer and change the points of diversion and use of that certain water right bearing date of priority of June 1, 1889, for 60 miner's inches of the waters of South Campbell Creek, County of Valley, State of Idaho, for irrigation, domestic and stock use, decreed to Addie M. Hillman by Decree of Judge A. O. Sutton, of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs. Andrew S. Dukes, Robert L. Dukes, Dollie Ward and Wayne Ward, her husband, Robert K. Dunn and Nettie Dunn, his wife, Defendants," said Decree bearing date of September 26, 1930, and recorded at page 485 of Volume Five of Decrees of the State Department of Reclamation at Boise City, Ada County, Idaho, and in Book 2 of Judgements, at page 154, of the Records of Valley County, Idaho, from the land upon which said water was formerly used, i. e. the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ -SE $\frac{1}{4}$) of Section 27, and the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ -NE $\frac{1}{4}$) of Section 34, Township 14 North, Range 3 East Boise Meridian; the point of diversion for said water being formerly at the head of what is known as the Henry Cross Ditch, located at a point on South Campbell Creek at or about one-half mile south of the southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ -NE $\frac{1}{4}$) of Section 33, Township 14 North, Range 3 East B. M., and is

Township 13 North, Range 3 East, B. M., and is in Lot 4, Section 3, Township 13 North, Range 3 East, B. M., 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.
7-21-2cV.Cas.

3 AFFIDAVIT

being first duly sworn, deposes and say

of the CASCADE NEWS, a

in the County of Valley, State of
al circulation in the county aforesaid
ettisement, a copy of which is hereto

per once a week for
entire issue of every number thereof
ation, and was published in the news-
ent that publication of such notice began

ended 191

Notary Public in and for the

Idaho, this 12 day of

1914
Notary Public.

191

Conference

USE OF
RIGHT

GIVEN

of the
of

ter of

ad to,

ma-

gar-

ner needs

to know

to become

in a

Colon

His

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

the

Southeast Quarter of the
Section 33, Township 14 North,
Range 3 East, B. M., to the follow-
ing described tract:-

All of the lands now or here-
after embraced within the Village
of Cascade, County of Valley,
State of Idaho, and in the vicinity
thereof,

for irrigation, domestic, stock and
general municipal uses; and the
new point of diversion for said
waters is about 1320 feet upstream
from the original point of diver-
sion of the Henry Cross Ditch and
on a point on the right bank of
South Campbell Creek, which
point bears South 70°09' East
768.5 feet distant from the north-
west corner of Lot 4 section 3,

Township 13 North, Range 3 East,
B. M., and is in Lot 4, Section 3,
Township 13 North, Range 3 East,
B. M., 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 Re-
clamation Engineer, or his author-
ized agent, at the State Capitol
Building, Boise, Ada County, Ida-
ho, the opportunity will be given
to any and all persons to appear
and present for his consideration
any reason or reasons why a cer-
tificate should not be issued auth-
orizing such transfer and changes.

Dated this 18th day of July,
1944.

MARK R. KULP
State Reclamation Engineer.

7-21-2cV.Cas.

Washington EARY-GO-ROU DREW PEAL

Washington,
**ORLEMANSKI-LANGE
TALKS WITH STALIN**
of the most importan
reports of the war hav
ed at the White House
: from any trained dip
om two private Amerit
-Father Orlemanski of
Mass., and Prof. Oscar
i-American leader and t
the University of Chicago, both
om had interviews with Stalin.
hough less widely publicized
Father Orlemanski's interview



genthau Jr. addresses the opea-
ary conference, now meeting to
k to a peacetime basis and the
stments and other financial prob-
ed.

Itall
able
memb
sire fi
a Var

BOISE IDAHO

DAVIT

sworn deposes and says

the CASCADE NEWS, a

of Valley, State of

the county aforesaid

by which is hereto

for

every number thereof

published in the news

of such notice began

190

and on the

day of

County Public.

191

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

NOTICE IS HEREBY GIVEN That Henry Cross, as the record owner, and the Board of Trustees of the Village of Cascade, County of Valley, State of Idaho, 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 Henry Cross and said Village of Cascade to transfer and change the point of diversion and use of that certain water right bearing date of priority of June 1, 1889, for 210 miner's inches of the waters of South Campbell Creek, County of Valley, State of Idaho, for irrigation, domestic and stock use, decreed to Addie M. Hillman by Decree of Judge A. O. Sutton, of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs. Andrew S. Dukes, Robert L. Dukes, Dollie Ward and Wayne Ward, her husband, Robert K. Dunn and Nettie Dunn, his wife, Defendants", said Decree bearing date September 26, 1930, and recorded at page 435 of Volume Five of Decrees of the State Department of Reclamation at Boise City, Ada County, Idaho, and in Book 2 of Judgements, at page 154, of the Records of Valley

County, Idaho, from the land upon which water was formerly used, i. e. 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 $\frac{1}{4}$ SF $\frac{1}{4}$) 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, 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, the point of diversion for said water being formerly at the head of what is known as the Henry Cross Ditch located at a point on South Campbell Creek at or about one-half mile south of the southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ -NE $\frac{1}{4}$) of Section 33, Township 14 North, Range 3 East B. M., and is in the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 33, Township 14 North, Range 3 East B. M., Valley County, Idaho; to the following described tract: All of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and in the vicinity thereof, for irrigation, domestic, stock and general municipal uses; and the new point of diversion for said waters is about 1320 feet upstream from the ori-

ginal point of diversion of the Henry Cross Ditch and on a point on the right bank of South Campbell Creek, which point bears South 70° 09' East 768.5 feet distant from the northwest corner of Lot 4, Section 3, Township 13 North, Range 3 East, B. M., and is in Lot 4, Section 3, Township 13 North, Range 3 East, B. M., 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.
7-21-2c VII

ments and other financial prob-
le to a peaceful basis and the
ary conference, now meeting to
than

HO

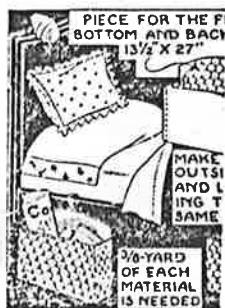
eris Says:

mother

ires.



THIS bag was planned as a thoughtful gift for someone finding days in bed difficult without having books, writing materials and case scattered about



getting lost. If you have an assortment of ready-made, sick or well, you may like this. The bag may be sewed to suit and there you are with it hand.

The bag shown here is made of a remnant of heavy cotton upholstery material in tones of green with a touch of red in the pattern. The red was repeated in the sateen

to fight a duel in the air. Each man ascended in a balloon, and at a convenient height the fight began, each man taking pot shots at

BULL DOG

IN THE MATTER OF THE APPLICATION OF
HENRY CROSS AND THE VILLAGE OF CASCADE
TO TRANSFER THE POINT OF DIVERSION AND
PLACE OF USE OF 210 MINER'S INCHES OF
THE WATERS OF SOUTH CAMPBELL CREEK,
COUNTY OF VALLEY, STATE OF IDAHO,
FORMERLY DECREED TO HENRY CROSS.

STIPULATION

WHEREAS, Robert Dunn, of Cascade, Idaho, is about
to file a protest against the granting of the application
for transfer of water rights above referred to, and negotia-
tions are pending between the said applicant and said pro-
testant for the settlement of said controversy,

NOW, THEREFORE, it is hereby stipulated as follows
between the attorneys of the respective parties, each there-
unto duly authorized:

That the hearing before the Department of Reclamation
with respect to granting of said transfer, heretofore set for
August 7, 1944, may be continued and that either the applicants
or the protestant may at any time call up said matter for hear-
ing by giving not less than ten (10) days' written notice to
the other party, unless meanwhile said matter shall have been
mutually adjusted and compromised by the parties.

Dated August 5, 1944.

Harry L. Dunn
Attorney for Applicant,
Residence: Boise, Idaho.

Edwin H. Hume
Attorney for Protestants,
Residence: Boise, Idaho.

3:15 P. Aug. 8
Mark R. Hump
A.

65-3108

Edwin Snow
Lawyer
Boise, Idaho

August 8, 1944

RECEIVED

AUG 8
3:15 p.m.
Division of Reclamation

Hon. MARK E. KULP,
State Reclamation Engineer,
State Capitol Bldg.,
Boise, Idaho.

Dear Mr. Kulp: Re: Three Applications for
transfer of water rights -
(1) South Campbell Creek, and
(2) Hazard Creek, Valley
County, Idaho.

Both Mr. Leroy M. Dixon and I have hereto-
fore advised you verbally concerning the con-
tinuance of the above controversy concerning
the above transfers.

Enclosed herewith for your records are
three signed stipulations for continuance of
the transfer.

Very truly yours,

Edwin Snow

ES:ED

ENC.

65 3108

August 1, 1944

Mr. Edwin Snow
Attorney at Law
Idaho Building
Boise, Idaho

Re: Three applications for
Transfer of Water Rights -
(1) South Campbell Creek, and
(2) Harvard Creek, Valley
County, Idaho

Dear Mr. Snow:

Recognition is hereby made of your letter
of August 1, 1944, enclosing three stipulations for
continuance of the hearings on the above transfer ap-
plications, duly signed by yourself and Mr. Percy C.
Nixon.

These stipulations have been placed on file,
and the hearings will be continued indefinitely.

Very truly yours,

Walter J. Hall
State Reclamation Engineer

APPLICATION
OF DIVERSION AND OF WATER UNDER WATER RIGHT

STATE OF IDAHO)
COUNTY OF VALLEY) ss.

4:45 P. July 17 1934
Mark R. Gump

J. L. Whitson, being first duly sworn, deposes and says:

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 the Village of Cascade is the record owner of and is using a certain water right bearing date of priority of June 1, 1889, for 60 miner's inches of the water of South Campbell Creek, County of Valley, State of Idaho, decreed to Addie M. Hillman by Decree of Judge A. O. Sutton, of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs. Andrew S. Dukes, Robert L. Dukes, Dollie Ward and Wayne Ward, her husband, Robert K. Dunn and Nettie Dunn, his wife, Defendants", said Decree bearing date September 26, 1930, for irrigation, domestic and stock use and which Decree was and now is duly recorded at page 485 of Volume Five of Decrees of the State Department of Reclamation of Boise City, Ada County, Idaho, and which Decree was also recorded in Book 2 of Judgments, at page 154, of the records of Valley County, Idaho. That until about May 11, 1931, 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 Southwest Quarter of the Southeast Quarter
(SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27 and the Northwest Quarter
of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34,
Township 14 North, Range 3 East Boise Meridian.

3. That said Village of Cascade herein, as owner of the said water right so decreed to said Addie M. Hillman as mentioned and described in paragraph 2 hereof, in the following manner:

(a) That the said Addie M. Hillman conveyed said 60 miner's inches of water so decreed to her by the Decree mentioned and described in paragraph 2 hereof, to Raymond L. Conyers by an Indenture dated August 4, 1930, and which was duly recorded November 15, 1930, in Book 16 of Deeds, at page 118, of the records of Valley County, State of Idaho;

(b) That the said Raymond L. Conyers and Rhoda M. Conyers, husband and wife, conveyed said 60 miner's inches of water so decreed as aforesaid to Addie M. Hillman by the Decree mentioned and described in paragraph 2 hereof, to the Village of Cascade by an Indenture dated May 11, 1931, and which was duly recorded May 11, 1931, in Book 16 of Deeds, at page 155, 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.

4. That said waters of South Campbell Creek, as decreed to Addie M. Hillman, were, until about May 11, 1931, diverted at the head of what is known as the Henry Cross Ditch, located at a point on said South Campbell Creek at or about one-half mile south of the Southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, Township 14 North, Range 3 East, Boise Meridian, and said waters were, until about said date, conducted through said Henry Cross Ditch to and used upon the lands of Addie M. Hillman described in paragraph 2 hereof, and as per "Map A" hereto attached and made a part of this application.

5. That affiant and applicant desires to abandon the use of said 60 miner's inches of the waters of South Campbell Creek, upon the said lands of Addie M. Hillman, as described in said Decree and in paragraph

all
Cascade
of,

will
water

herein
upon

of div
veyed

after
and in

genera
tinues

such wa
and ell

expens
take se

Henry C
the elev

on said

6.
miner's

of Casca
ner:

feet upst

Ditch and

point bea
of Lot 4,

hereof, and to

all of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and in the vicinity thereof, for irrigation, domestic, stock, and general municipal uses.

That applicant's reasons for making such transfer are that, as will appear from paragraph 3 hereof, said 60 miner's inches of the waters of South Campbell Creek as decreed to Addie M. Hillman as hereinbefore set forth, since about May 11, 1931, have not been used upon the lands therein mentioned but have been diverted at the point of diversion mentioned and described in paragraph 6 hereof, and conveyed and used upon and in connection with all the lands now or hereafter within the Village of Cascade, County of Valley, State of Idaho, and in the vicinity thereof, for irrigation, domestic, stock, and general municipal uses. That said transfer has enabled and will continue to enable the Village of Cascade to have the beneficial use of such waters and to divert and use the same by means of gravity flow and eliminate and obviate the necessity for installation of pumps and expensive pumping costs if the Village of Cascade were required to take said waters from the original point of diversion at the head of Henry Cross Ditch, which said point is approximately 132 feet below the elevation of the present diversion works of the Village of Cascade on said South Campbell Creek.

6. That said applicant intends to divert and convey said 60 miner's inches of the waters of South Campbell Creek to the Village of Cascade and vicinity, as above referred to, in the following manner:

The new point of diversion for said waters is about 1320 feet upstream from the original point of diversion of the Henry Cross Ditch and at a point on the right bank of South Campbell Creek, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of Lot 4, Section 3, Township 13 North, Range 3 East, Boise Meridian,

on "Map A" hereto attached as "Map A" which point the Village of Cascade now diverts, and for more than 27 years last past has diverted from South Campbell Creek other waters owned by said Village and from which point, ever since about May 11, 1931, the Village of Cascade has been and now is diverting the 60 miner's inches of the waters of South Campbell Creek decreed to said Addie M. Hillman, as mentioned and described in paragraph 2 hereof; that said waters are diverted by means of a concrete dam and diversion works and collected in a penstock and concrete reservoir, and thence conducted through a 6" conduit to the Village of Cascade and vicinity in Valley County, State of Idaho, all as more fully appears on the "Map A" 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.

7. 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, AFFLIANT AND APPLICANT PRAY That the Reclamation Engineer of the State of Idaho issue to applicant the proper certificate authorizing such change and transfer in the points of diversion and place of use of said 60 miner's inches of the waters of South Campbell Creek, as decreed to Addie M. Hillman by the Decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in the action entitled "Henry Cross, et al, Plaintiffs, vs. Andrew S. Dukes, et al, Defendants" and more particularly referred to in paragraph 2 hereof, as in the statutes of the State of Idaho in such cases made and provided.

(SEAL)

Attest:

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

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

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

1. From where
Ans.

2. Where
Ans.

Ditch 1
mile s
North
East, E
has been
of dive
of South
distant
North, E
3, Valley
Inlet
many years
Creek to

3. Through
Ans.

4. How much
Ans.

5. Give de
Ans.
All of
Cascade

6. What is
to said
Ans. 6

7. What ki
Ans. G

8. How much
Ans. 1

9. What will
on it is
Ans. L

APPLICANT WISH ANSWER THE FOLLOWING QUESTIONS

1. From what stream is the water diverted?

Ans. South Campbell Creek.

2. Where is the diversion point located?

Ans. Until about May 11, 1931, the original point of diversion (See Map "A" hereto attached) of the waters of South Campbell Creek was at the head of what is known as the Henry Cross Ditch located at a point on said South Campbell Creek about one-half mile south of the southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, Township 14 North, Range 3 East, B.M., but ever since the aforementioned date the diversion point has been, and now is about 1320 feet upstream from the original point of diversion of the Henry Cross Ditch and at a point on the right bank of South Campbell Creek, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of Lot 4, Section 3, Township 13 North, Range 3 East, Boise Meridian, and is in Lot 4 of said Section 3, Valley County, Idaho (designated on Map "A" hereto attached as "Inlet City Water Main"), where the Village of Cascade now is and for many years last past has been diverting the waters from South Campbell Creek by means of diversion works and collecting basins.

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, but were formerly conducted through the Henry Cross Ditch referred to in the foregoing application.

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 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. 60 miner's inches.

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. 1 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. Lands of Addie M. Hillman are no longer irrigated and will not be affected.

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

Ans. The new point of diversion for said waters will be about 1320 feet upstream from the original point of diversion of the Henry Cross Ditch and at a point on the right bank of South Campbell Creek, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of Lot 4, Section 3, Township 13 North, Range 3 East, Boise Meridian, and is in Lot 4 of said Section 3, Valley County, Idaho (designated on Map "A" hereto attached as "Inlet City Water Main"), where the Village of Cascade now is and for many years last past has diverted from South Campbell Creek, including since May 11, 1931, the waters involved in the foregoing application.

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

Ans. Through a 6" conduit to the Village of Cascade.

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

Ans. All of the 60 miner's inches of the waters of South Campbell Creek referred to in the foregoing application will be required for irrigation, domestic, stock and general municipal uses upon and in connection with the lands now or hereafter embraced within the Village of Cascade, Valley County, Idaho.

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

Ans. No.

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. Y. Village of Cascade has flood water rights in Reservoir Lake; also certain interests in and to Campbell Lake Reservoir, sometimes known as Raft Lake, and the waters, storage waters, dams, structures and irrigation and water works connected therewith, all on West Mountain, in Valley County, Idaho.

Signed

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

Applicant.

1. From what stream is the water diverted?

Ans. South Campbell Creek.

2. Where is the diversion point located?

Ans. Until about June 28, 1939, the original point of diversion (see Map "A" hereto attached) of the waters of South Campbell Creek was at the head of what is known as the Henry Cross Ditch located at a point on said South Campbell Creek about one-half mile south of the southwest corner of the Northeast quarter of the Northeast quarter (NE1/4NE1/4) of Section 33, Township 14 North, Range 3 East, E.M., but ever since the aforementioned date the diversion point has been, and now is about 1920 feet upstream from the original point of diversion of the Henry Cross Ditch and at a point on the right bank of South Campbell Creek, which point bears S. 76° 09' E. 768.5 feet distant from the northwest corner of Lot 4, Section 3, Township 13 North, Range 3 East, Boise Meridian and is in Lot 4 of said Section 3, Valley County, Idaho (designated on Map "A" hereto attached as "Inlet City Water Main"). Where the Village of Cascade now is and for many years last past has been diverting the waters from South Campbell Creek by means of diversion works and collecting basins.

3. Through what ditch is it now conducted?

Ans. Said waters are now conducted through a 4" conduit to the Village of Cascade, Valley County, Idaho, but were formerly conducted through the Henry Cross Ditch referred to in the foregoing application.

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 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, indicated to said land?

Ans. 210 miner's inches.

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. 1" per acre.

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

Ans. Lands formerly irrigated by these waters will not be affected for the reason that waters of Buzzard Creek now owned by the Village of Cascade are being conveyed by it to said Henry Cross, on approval of this application, as will more fully appear from the aforesaid application.

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

Ans. The new point of diversion for said waters will be about 1320 feet upstream from the original point of diversion of the Henry Cross Ditch and at a point on the right bank of South Campbell Creek, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of Lot 1, Section 3, Township 13 North, Range 21 East, Boise Meridian and is in Lot 4 of said Section 3, Valley County, Idaho (designated on Map "A" hereto attached as "Inlet City Water Right"), where the Village of Cascade now is and for many years has been diverted from South Campbell Creek, including since June 28, 1939, the waters involved in the foregoing application.

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

Ans. Through a 6" conduit to the Village of Cascade.

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

Ans. All of the 210 miner's inches of the waters of South Campbell Creek referred to in the foregoing application will be required for irrigation, domestic, stock and general municipal uses upon and in connection with the lands now or hereafter embraced within the Village of Cascade, Valley County, Idaho.

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

Ans. Yes.

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

Ans. 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, which are to be transferred under separate application to Henry Cross, coincident with his transfer of Campbell Creek waters to the Village of Cascade.

18. 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. Yes. Village of Cascade has flood water rights in Reservoir Lake; also certain interests in and to Campbell Lake Reservoir, sometimes known as Raft Lake, and the waters, storage waters, dams, structures and irrigation and water works connected therewith, all on West Mountain, in Valley County, Idaho.

Signed

Henry Cross

Applicant.

Signed

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

Applicant.

STATE OF IDAHO }
COUNTY OF VALLEY } ss.

4145- R. July 17 4
Mark R. Hump

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

1. 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.

2. 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.

3. That Henry Cross is the record owner and the Village of
Cascade is the contract owner of and the latter is using a certain
water right bearing date of priority of June 1, 1889, for 210 miner's
Inches of the water of South Campbell Creek, County of Valley, State
of Idaho, decreed to said Henry Cross by Decree of Judge A. C. Sutton,
of the Seventh Judicial District of the State of Idaho, in and for
the County of Valley, in that certain action entitled "Henry Cross and
Addie M. Hillman, Plaintiffs, vs. Andrew S. Dukes, Robert L. Dukes,
Dollie Ward and Wayne Ward, her husband, Robert J. Dunn and Nettie
Dunn, his wife, Defendants", said Decree bearing date September 26,
1930, for irrigation, domestic and stock use and which Decree was
and now is duly recorded at page 485 of Volume Five of Decrees of the
State Department of Reclamation of Boise City, Ada County, Idaho, and
which Decree was also duly recorded in Book 2 of Judgments, at page
154, of the records of Valley County, Idaho. That until about June
23, 1939, said water right was used for the aforesaid purposes in con-
nection 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 (NE1/4) of Section 33, the Northwest Quarter of the Northwest Quarter (NW1/4) of Section 34, the Southeast Quarter of the Southeast Quarter (SE1/4) of Section 28, the Southwest Quarter of the Southwest Quarter (SW1/4) of Section 27, the Southeast Quarter of the Southwest Quarter (SE1/4) of Section 27, and the Northeast Quarter of the Northwest Quarter (NE1/4) of Section 34, all in Township 14 North, Range 3 East, Boise Meridian. (Map "B").

4. That said Village of Cascade became the contract owner of the said water right so decreed to said Henry Cross, 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;

"AND THEREFORE, For and in consideration of the benefits accruing to each of the parties hereto, and in consideration of the mutual promises hereinabove 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,

"It being
ties hereto
when the sum
of Reclamation
had therefore
authorized to
lations respec

"Both parties
any and all
sary documents
fer of water
it is further
that until a
the parties
the right to
Campbell Creek
right to use
Hazzard Creek
either party

"THIS AGREEMENT
heirs, execut
the first part
party of the

"IN WITNESS
agreement to
cers thereunto
ment first at

(SEAL)

"RANDALL WA
"Clerk.

5. That said
Cross, were, until
is known as the H
Campbell Creek at
of the Northeast
33, Township 14 N
"A" hereto attach
until about said
used upon the lan
per Map "A" hereto

This instrument was
August, 1942, by and bet
cade, County of Valley, State of Idaho, the party of
first part, and the VILLAGE OF CASCADE, a municipal corpora-
tion of the State of Idaho, the party of the second part:

WITNESSETH:

WITNESSETH 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 wel-
fare 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 Vil-
lage of Cascade;

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

AND WHEREAS The said Board of Trustees by proper resolu-
tion 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.

"HENRY CROSS

"Party of the First Part.

"VILLAGE OF CASCADE, IDAHO.

"By G. K. SCOTT

"Chairman of the Board of Trustees."

(SEAL)

"RANDALL WALLIS

"Clerk.

5. That said waters of South Campbell Creek, as decreed to Henry Cross, were, until about June 28, 1939, diverted at the head of what

is known as the Henry Cross ditch, located at a point on the

"HENRY CROSS
"Party of the First Part.

"VILLAGE OF CASCADE, IDAHO.

(SEAL)

"RANDALL WALLIS
"Clerk.

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

5. That said waters of South Campbell Creek, as decreed to Henry Cross, were, until about June 28, 1919, diverted at the head of what is known as the Henry Cross Ditch, located at a point on said South Campbell Creek at or about one-half mile south of the southwest corner of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, Township 14 North, Range 3 East, Boise Meridian (designated on Map "A" hereto attached as "Old Point of Diversion"), and said waters were until about said date, conducted through said Henry Cross Ditch to and used upon the lands of Henry Cross described in paragraph 3 hereof, as per Map "A" hereto attached and made a part of this application.

6. That affiants and applicants desire to abandon the use of said 210 miner's inches of the waters of South Campbell Creek, upon the said

app
change

graph

able :

vert a

and ob

costs

the or

which

present

Creek.

7.

contin

South

ferred

T

stream :

lands of Henry Cross, as described in said Decree and in paragraph 3 hereof, and to convey and use the same upon and in connection with all of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and in the vicinity thereof, for irrigation, domestic, stock and general municipal 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 its right, title and interest in and to the waters of Hazzard Creek flowing from West Mountain in Valley County, 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 the Village of Cascade to beneficially use such waters and to divert and beneficially use the same by means of gravity flow and eliminate and obviate the necessity for installation of pumps and expensive pumping costs if the Village of Cascade were required to take said waters from the original point of diversion at the head of the Henry Cross Ditch, which said point is approximately 132 feet below the elevation of the present diversion works of the Village of Cascade on said South Campbell Creek.

7. That said applicants have diverted and conveyed and intend to continue to divert and convey said 210 miner's inches of the waters of South Campbell Creek to the Village of Cascade and vicinity, as above referred to, in the following manner:

and at 2 1/2
bears 3.
Lot 4, S
is in Lot
Map "A"
point the
last past
said Vill
the Vill
inches of
Cross, w
of; that
sign work
thence of
vicinity,
on the Ha
and that
point of
8. 1/2
qualified
Valley C
since of
authoriz
place of
Creek, as
the Seven
County of
1906, vs.

able the Village of Cascade to beneficially use such waters and to divert and beneficially use the same by means of gravity flow and eliminate and obviate the necessity for installation of pumps and expensive pumping costs if the Village of Cascade were required to take said waters from the original point of diversion at the head of the Henry Cross Ditch, which said point is approximately 132 feet below the elevation of the present diversion works of the Village of Cascade on said South Campbell Creek.

7. That said applicants have diverted and conveyed and intend to continue to divert and convey said 210 miner's inches of the waters of South Campbell Creek to the Village of Cascade and vicinity, as above referred to, in the following manner:

The new point of diversion for said waters is about 1320 feet upstream from the original point of diversion of the Henry Cross Ditch

and at a point on the right bank of South Campbell Creek, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of Lot 4, Section 3, Township 13 North, Range 3 East, Boise Meridian, and is in Lot 4 of said Section 3, Valley County, Idaho, (designated on Map "A" hereto attached as "Inlet City Water Main"), and from which point the Village of Cascade now diverts, and for more than 27 years last past has diverted from South Campbell Creek other waters owned by said Village and from which point, ever since about June 28, 1939, the Village of Cascade has been and now is diverting the 210 miner's inches of the waters of South Campbell Creek leased to said Henry Cross, under the terms of said agreement set forth in paragraph 4 hereof; that said waters are diverted by means of a concrete dam and diversion works and collected in a penstock and concrete reservoir, and thence conducted through a 6" conduit to the Village of Cascade and vicinity, in Valley County, State of Idaho, all as more fully appears on the Map "A" 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, PETITIONERS AND DEFENDANTS 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 said 210 miner's inches of the waters of South Campbell Creek, as decreed to Henry Cross by the Decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in the action entitled "Henry Cross, et al., Plaintiffs, vs. Andrew J. Bates, et al., Defendants", and more particularly

refer

Idaho

ATTEST:

[Signature]
Clerk
Trust
Cascad

referred to in paragraph 3 hereof, as in the statutes of the State of Idaho in such cases made and provided.

Henry Cross

ATTEST:

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

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

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

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

and
Stat
Terr
of
in
of
for
of
decr
serv
of
will
and
refer
at
nati
pay
the
North
North
South
South
South
North
and
in
out
south
and
and
Sec
to
and
and
man
192
pro
whic
and
and
and

[illegible]

18th day of July 1944

1950

VILLAGE OF CASCADIA
CASCADE, IDAHO

Instrument No. 15231

That I, the said, John A. McLean, do hereby certify, that the year 1904, was a year of unusual high water in the river, and that the water was unusually high in the month of June, and that the water was unusually high in the month of July, and that the water was unusually high in the month of August, and that the water was unusually high in the month of September, and that the water was unusually high in the month of October, and that the water was unusually high in the month of November, and that the water was unusually high in the month of December.

that the said part of the first part, for
in consideration of the sum of - - - - - that is to say fifty -
- - - - - dollars, lawful money of the United States of America,
to have been paid to the said part of the second part,
the receipt whereof to have been given, for that,
and for a good, lawful and honest consideration, to wit,
that, to have been paid into the said part of the second
part, on the 1st day of April, 1900, all the following
certain real estate, to wit, to wit, of
state of Ohio, to-wit:

The lowest water level was met with a section of, and the bottom was covered with a fast growth of water lilies, all over the lake. A few water lilies were also seen in a small pond in the middle of the lake, and a few water lilies were also seen in a small pond in the middle of the lake, and a few water lilies were also seen in a small pond in the middle of the lake.

[illegible]

...the

against the said estate of the first part, and that I will
execute all and every such claim or claims whatsoever, lawfully
claimed or to claim the same, shall or will have to do with
these presents forever done.

It is further agreed, that the said part of the first part has
hereunto set her hand and seal the day and date first above
written.

Witness, Sealed and Delivered
in the presence of

Edith M. Willson (S.W.)

(S.W.)

(S.W.)

(S.W.)

WITNESSES,
County of Valley

On this 4th day of August, 1935, at the County of Valley, State of
Idaho, I, the undersigned, a Notary Public in and for the State of
Idaho, do hereby certify that the foregoing is a true and correct
copy of the original instrument, and that the same is a true and
correct copy of the original instrument, and that the same is a true
and correct copy of the original instrument.

In testimony whereof, I have hereunto set my hand and seal
of office and the day and date first above written.

Notary Public in and for the State of Idaho,
at the County of Valley, State of Idaho,
this 4th day of August, 1935.

at the County of Valley, State of Idaho, this 4th day of August, 1935.

STATE OF ILL., ss.
County of Valley

I, Ernest J. Robt, Notary Public, do hereby certify for the
above state and county, to each and every person, that
the foregoing copy of deed is a full and true copy of such
instrument, which is recorded in book 12 of deeds at page
118, records of my office.

In testimony whereof, I have hereunto set my hand and
affixed my official seal this 2nd day of April, 1944.

X-Notary Public for
Illinois, for the

Ernest J. Robt

these persons are not named.

In 1931, the anti-trust parties of the first part have presented
at their own expense a bill for the first time written.

First, the bill is written
the purpose of

a bill of 1931 (1)

which is to give (2)

(3)

(4)

STATE OF NEW YORK,
County of [] ss.

On this 11th day of May, 1931 before me, J. J. [], a Notary
Public in and for the State of New York, personally appeared [],
known to me to be the person whose name and description
to the State of New York, and authorized to act as the executor of the
will of [].

That [], the person whose name and description are set forth
in the foregoing, is the person who has executed the will of [].

(1)

Notary Public in and for the
State of New York, residing at
[], City of New York.

Witness my hand and seal
this 11th day of May, 1931.

Notary Public in and for the
State of New York, residing at [], City of New York.
My commission expires on the 11th day of May, 1931.
In witness whereof, I have hereunto set my hand and seal
this 11th day of May, 1931.

Notary Public in and for the

State of New York, residing at [], City of New York.

Public in the...
...
to the...
...

...
of the...
(11)

...
...
...

...
...
...

...
...
...
...
...

...
...
...
...
...

...
...
...
...

6-1125

Charles Campbell

IN THE MATTER OF THE APPLICATION OF
THE VILLAGE OF CASCADE TO TRANSFER
THE POINT OF DIVERSION AND PLACE OF
USE OF SIXTY (60) MINER'S INCHES OF
THE WATERS OF SOUTH CAMPBELL CREEK,
COUNTY OF VALLEY, STATE OF IDAHO,
FORMERLY DECREED TO ADDIE M. HILLMAN

and

STIPULATION

IN THE MATTER OF THE APPLICATION OF
HENRY CROSS AND THE VILLAGE OF CAS-
CADE TO TRANSFER THE POINT OF DIVER-
SION AND PLACE OF USE OF 210 MINER'S
INCHES OF THE WATERS OF SOUTH CAMPBELL
CREEK, COUNTY OF VALLEY, STATE OF
IDAHO, FORMERLY DECREED TO HENRY CROSS.)

WHEREAS, under that certain decree of Judge O. A. Sutton of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs. Robert K. Dunn, et al, Defendants", bearing date September 26, 1930, and recorded at page 485 of Volume 5 of Decrees of the State Department of Reclamation at Boise, Idaho, the Village of Cascade, Idaho, is now the record owner of 60 miner's inches of the decreed waters of South Campbell Creek and is now the contract owner of 210 miner's inches of the decreed waters of South Campbell Creek, and Robert K. Dunn is now the record owner of 270 miner's inches of the decreed waters of South Campbell Creek, all bearing date of priority of June 1, 1889, for irrigation, domestic and stock use, the point of diversion of which decreed waters was fixed at the head of the "Henry Cross Ditch", and the place of use was upon the lands described and specified in said decree, and

benefit
Campbe.
Range
09' 2.
4 (and
the above
ment of
the point
inches of
head of
lot 4, S
described
or hereaft
Valley, St
domestic,
1930, he ha
said Village
said decreed
of his power
applications
transfer and
of the water
NOT,
and do hereby
fer and chan
said 270 miner
Campbell Cree
present point

about the year 1917 and since
Campbell Creek and since about May 11, 1931, has diverted and
beneficially used a part of its said decreed water from South
Campbell Creek at a point in Lot 4, Section 3, Township 13 North,
Range 3 East, Boise Base and Meridian, which point bears S. 70°
09' E. 768.5 feet distant from the northwest corner of said Lot
4 (and sometimes hereinafter called "new point of diversion", and
the above captioned applications have been filed with the Depart-
ment of Reclamation of the State of Idaho to transfer and change
the point of diversion and place of use of its said 270 miner's
inches of the decreed waters of South Campbell Creek from the
head of "Henry Cross Ditch" to its present point of diversion in
Lot 4, Section 3, aforesaid, and the place of use from the lands
described and specified in said decree to all of the lands now
or hereafter embraced within the Village of Cascade, County of
Valley, State of Idaho, and the vicinity thereof, for irrigation,
domestic, stock and general municipal purposes, and

WHEREAS, Robert K. Dunn claims that since about May 1,
1935, he has been diverting from the same point of diversion as
said Village of Cascade, and beneficially using, a part of his
said decreed waters of South Campbell Creek for the operation
of his power plant and has filed written protests to the said
applications made by the Village of Cascade and Henry Cross to
transfer and change the points of diversion and the place of use
of the waters of South Campbell Creek above referred to,

NOW, THEREFORE, the parties hereto have mutually agreed
and do hereby stipulate that the Village of Cascade may trans-
fer and change the point of diversion and place of use of its
said 270 miner's inches of the decreed waters of said South
Campbell Creek from the head of "Henry Cross Ditch" to its
present point of diversion in Lot 4, Section 3, Township 13 North,

Range 3 East, Boise Base and Meridian, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of said Lot 4, and the place of use from the lands to which said waters were decreed to be appurtenant, to all of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and the vicinity thereof, for irrigation, domestic, stock and general municipal uses, upon the conditions hereinafter prescribed, and not otherwise.

1. That until such time as the Cascade Dam and Reservoir shall flood all, or substantially all, of the irrigable lands of Robert K. Dunn to which his said water rights are appurtenant by the terms of said water decree, or until the United States has acquired for reservoir purposes all, or substantially all, of said irrigable lands, whichever time is the later, the decreed waters of South Campbell Creek, Water District 20-H, Valley County, State of Idaho, shall be divided, allocated, diverted and used as follows:

A. During the periods of time when the natural flow of South Campbell Creek, measured immediately above the Village of Cascade's said point of diversion, in Lot 4, Section 3, above mentioned, shall be less than 75 miner's inches, the Village of Cascade shall be entitled to divert at its said new point of diversion, between the hours of midnight and 6:00 A.M. of each day, the entire flow of the decreed waters of South Campbell Creek, or so much thereof as may be necessary to fill and keep filled until 6:00 A.M. of each day, the village storage tanks; and during the period from 6:00 A.M. until midnight of each day Robert K. Dunn shall be entitled to divert at said new point of diversion and beneficially use the entire flow of the decreed waters of South Campbell Creek to the extent of 57 miner's inches, and the balance of the flow of the decreed waters of South Campbell Creek shall be

all, of said irrigable lands, whichever time is the later, the decreed waters of South Campbell Creek, Water District 20-H, Valley County, State of Idaho, shall be divided, allocated, diverted and used as follows:

A. During the periods of time when the natural flow of South Campbell Creek, measured immediately above the Village of Cascade's said point of diversion, in Lot 4, Section 3, above mentioned, shall be less than 75 miner's inches, the Village of Cascade shall be entitled to divert at its said new point of diversion, between the hours of midnight and 6:00 A.M. of each day, the entire flow of the decreed waters of South Campbell Creek, or so much thereof as may be necessary to fill and keep filled until 6:00 A.M. of each day, the village storage tanks; and during the period from 6:00 A.M. until midnight of each day Robert K. Dunn shall be entitled to divert at said new point of diversion and beneficially use the entire flow of the decreed waters of South Campbell Creek to the extent of 57 miner's inches, and the balance of the flow of the decreed waters of South Campbell Creek shall be available for use by the Village of Cascade, -provided, however, that in the event and during the period of any fire requiring the use by the Village of Cascade of water for its extinguishment, and until its

extent the said
of said South
and divided at
in Lot 4, Section
Base and Meridian
768.5 feet distance
as follows:

When the natural
in miner's inches

75 but less than
80
85
90
95
100
105
110
115
120
125
130
135
140
145
150

When the natural
150 miner's inches
the same can be
Robert K. Dunn shall
elevenths (9/11) of
of Cascade shall be
elevenths (2/11) of

storage tanks can again be filled, the Village of Cascade shall be entitled to divert at said point of diversion and to use the entire flow of the decreed waters of South Campbell Creek, and when said storage tanks have again been filled, the entire flow of the decreed waters of South Campbell Creek shall again be divided as hereinabove specified.

B. When the flow of the decreed waters of South Campbell Creek is 75 miner's inches or more, then to the extent the same can be beneficially used, the decreed waters of said South Campbell Creek shall be measured, allocated, and divided at the Village of Cascade's point of diversion in Lot 4, Section 3, Township 13 North, Range 3 East, Boise Base and Meridian, which point bears South 70° 09' East 768.5 feet distant from the northwest corner of said Lot 4, as follows:

When the natural flow in miner's inches is -

		Village of Cascade Shall Receive	Robert K. Dunn Shall Receive
75 but less than 80		18 miner's inches	57 to 61 miner's inches
80	85	19	61 " 65
85	90	20	65 " 69
90	95	21	69 " 73
95	100	22	73 " 77
100	105	23	77 " 81
105	110	24	81 " 85
110	115	25	85 " 89
115	120	26	89 " 93
120	125	26	94 " 98
125	130	26	99 " 103
130	135	26	104 " 108
135	140	26	109 " 113
140	145	26	114 " 118
145	150	26	119 " 122
150	***	27	123 " *

When the natural flow is in excess of 150 miner's inches, and to the extent the same can be beneficially used, said Robert K. Dunn shall be entitled to nine-elevenths (9/11) thereof and the Village of Cascade shall be entitled to two-elevenths (2/11) thereof.

2. The Village of Cascade, at its sole expense, provide such suitable and substantial structures or devices as, in the judgment of the Reclamation Engineer of Idaho, are adequate for fairly and accurately dividing, measuring and allocating the waters of South Campbell Creek at said new point of diversion.

3. That at all times after the happening of the later of the contingencies specified in paragraph 1 hereof, all the decreed water of South Campbell Creek to the use of which the Village of Cascade may at any time be entitled, may be measured, allocated and diverted at its said new point of diversion as herein and in said applications described.

4. The share of the waters of Campbell Lake (sometimes called Raft Lake) Reservoir to the extent owned, respectively, by the said Village of Cascade and by the said Robert K. Dunn, may, to the extent of their respective ownerships therein, be withdrawn, diverted, and used by each of them, at their respective points of diversion, at such times and from time to time as each of them, respectively, shall determine, and neither the said Village of Cascade nor the said Robert K. Dunn shall have any right whatever of, in, or to the share of such water owned by the other, or the right to call for the release and diversion thereof, and the waters of said Campbell Lake shall not be considered as a part of the natural flow of South Campbell Creek.

5. The Reclamation Engineer of the State of Idaho may make and enter appropriate orders and issue to applicants the proper certificate authorizing said applicants to change and transfer the point of diversion and place

con

pol

Sou

up

tin

mak

her

or

Pro

ject

tio

rea

str

or

thr

of

vers

Dep

be

prot

writ

cat

the

tio

sti

of use of said 270 miner's inches of water covered by the pending applications, subject to and in accordance with the conditions herein recited, but not otherwise.

6. The Village of Cascade and Henry Cross each hereby consents that Robert K. Dunn may likewise divert at said "new" point of diversion any portion of his decreed water right in South Campbell Creek required to operate his said power plant up to the time of the happening of the later of the two contingencies specified in paragraph 1 hereof; and they will make no objection to the granting of any application he may hereafter make to the Department of Reclamation for formal change or transfer for that purpose, to said "new" point of diversion. Provided, however, that any such change or transfer shall be subject to the terms of this stipulation.

7. This stipulation is made by the parties in contemplation of the construction of Cascade Dam and Reservoir within a reasonably short time. In the event that such contemplated construction is abandoned by the United States Reclamation Service or the beginning of construction thereon delayed for more than three years from the date of this stipulation, then and in either of such events the Order of Transfer and change of points of diversion and the places of use and Certificate of Transfer by the Department of Reclamation, made pursuant to this stipulation, may be vacated upon the application of either the applicants or the protestant at any time upon not less than thirty (30) days written notice given to the other party, and applicant's application for such transfer and change and protestant's protest thereto, shall be reinstated before the Department of Reclamation for hearing and determination thereof precisely as if this stipulation, and conditional order of such transfer and change

based thereon, had not been made; and said conditional order
of such transfer and change shall by its terms so provide.

Dated at Boise, Ada County, Idaho, this 15th day of
June, 1945.

VILLAGE OF CASCADE, APPLICANT,

By Harry A. Simon
Its Attorney of Record.

VILLAGE OF CASCADE AND HENRY
CROSS, APPLICANTS,

By Harry A. Simon
Their Attorney of Record.

ROBERT K. DUNN, PROTESTANT,

By Edwin Snow
His Attorney of Record.

IN THE MATTER OF THE APPLICATION OF
THE VILLAGE OF CASCADE TO TRANSFER
THE POINT OF DIVERSION AND PLACE OF
USE OF SIXTY (60) MINER'S INCHES OF
THE WATERS OF SOUTH CAMPBELL CREEK,
COUNTY OF VALLEY, STATE OF IDAHO,
FORMERLY DECREED TO ADDIE M. HILLMAN

and

IN THE MATTER OF THE APPLICATION OF
HENRY CROSS AND THE VILLAGE OF CAS-
CADE TO TRANSFER THE POINT OF DIVER-
SION AND PLACE OF USE OF 210 MINER'S
INCHES OF THE WATERS OF SOUTH CAMPBELL
CREEK, COUNTY OF VALLEY, STATE OF
IDAHO, FORMERLY DECREED TO HENRY CROSS.

No. 274

ORDER

WHEREAS, The Village of Cascade and the Village of Cas-
cade and Henry Cross filed in the Department of Reclamation an
application praying that the State Reclamation Engineer issue to
said applicants a proper certificate authorizing a change and
transfer in the points of diversion and place of use of certain
waters adjudicated and decreed in that certain decree of Judge
O. A. Sutton of the Seventh Judicial District of the State of
Idaho, in and for the County of Valley, in that certain action
entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs.
Robert K. Dunn, et al, Defendants", bearing date September 26,
1930, and recorded at page 135 of Volume 5 of Decrees of the
State Department of Reclamation at Boise, Idaho, and under which
decree the Village of Cascade is now the record owner of 60
miner's inches of the decreed waters of South Campbell Creek
and is now the contract owner of 210 miner's inches of the de-
creed waters of South Campbell Creek, and Robert K. Dunn is now
the record owner of 270 miner's inches of the decreed waters of
South Campbell Creek, all bearing priority of June 1, 1889, for
irrigation, domestic and stock use, the point of diversion of
which decreed waters was fixed at the head of the "Henry Cross

[illegible]

... , and, all the following describe well
... with all the following, to wit:

...ter of of
... .. of
... .. of
... .. of
... .. of
... .. of

1. The first of these is the fact that the
2. second of these is the fact that the
3. third of these is the fact that the
4. fourth of these is the fact that the
5. fifth of these is the fact that the
6. sixth of these is the fact that the
7. seventh of these is the fact that the
8. eighth of these is the fact that the
9. ninth of these is the fact that the
10. tenth of these is the fact that the

...the



1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

The first part of the first part was devoted to
the first part of the first part of the first part.

3
The first part of the first part was devoted to
the first part of the first part of the first part.
The first part of the first part was devoted to
the first part of the first part of the first part.
The first part of the first part was devoted to
the first part of the first part of the first part.

THE FIRST PART OF THE FIRST PART
OF THE FIRST PART OF THE FIRST PART

On this 11th day of May, 1931, before me, J. M. Lee, a Notary
Public in and for said county, personally appeared J. M. Lee, who
being sworn, depose and say that the foregoing is a true and
correct copy of the original of the same as the same is
now on file in the office of the Notary Public for said county.

Witness my hand and seal of office at the City of New York,
this 11th day of May, 1931.
(S)

J. M. Lee
Notary Public in and for the
County of New York, at New York,
this 11th day of May, 1931.

THE FIRST PART OF THE FIRST PART
OF THE FIRST PART OF THE FIRST PART

On this 11th day of May, 1931, before me, J. M. Lee, a Notary
Public in and for said county, personally appeared J. M. Lee, who
being sworn, depose and say that the foregoing is a true and
correct copy of the original of the same as the same is
now on file in the office of the Notary Public for said county.

Witness my hand and seal of office at the City of New York,
this 11th day of May, 1931.
(S)

Witness my hand and seal of office at the City of New York,
this 11th day of May, 1931.
(S)

Charles Campbell

BEFORE THE DEPARTMENT OF RECLAMATION OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF
THE VILLAGE OF CASCADE TO TRANSFER
THE POINT OF DIVERSION AND PLACE OF
USE OF SIXTY (60) MINER'S INCHES OF
THE WATERS OF SOUTH CAMPBELL CREEK,
COUNTY OF VALLEY, STATE OF IDAHO,
FORMERLY DECREED TO ADDIE M. HILLMAN

and

STIPULATION

IN THE MATTER OF THE APPLICATION OF
HENRY CROSS AND THE VILLAGE OF CAS-
CADE TO TRANSFER THE POINT OF DIVER-
SION AND PLACE OF USE OF 210 MINER'S
INCHES OF THE WATERS OF SOUTH CAMPBELL
CREEK, COUNTY OF VALLEY, STATE OF
IDAHO, FORMERLY DECREED TO HENRY CROSS.)

WHEREAS, under that certain decree of Judge O. A. Sutton of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie M. Hillman, Plaintiffs, vs. Robert K. Dunn, et al, Defendants", bearing date September 26, 1930, and recorded at page 485 of Volume 5 of Decrees of the State Department of Reclamation at Boise, Idaho, the Village of Cascade, Idaho, is now the record owner of 60 miner's inches of the decreed waters of South Campbell Creek and is now the contract owner of 210 miner's inches of the decreed waters of South Campbell Creek, and Robert K. Dunn is now the record owner of 270 miner's inches of the decreed waters of South Campbell Creek, all bearing date of priority of June 1, 1889, for irrigation, domestic and stock use, the point of diversion of which decreed waters was fixed at the head of the "Henry Cross Ditch", and the place of use was upon the lands described and specified in said decree, and

about the year 1931 maintained a point of diversion on South Campbell Creek and since about May 11, 1931, has diverted and beneficially used a part of its said decreed water from South Campbell Creek at a point in Lot 4, Section 3, Township 13 North, Range 3 East, Boise Base and Meridian, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of said Lot 4 (and sometimes hereinafter called "new point of diversion"), and the above captioned applications have been filed with the Department of Reclamation of the State of Idaho to transfer and change the point of diversion and place of use of its said 270 miner's inches of the decreed waters of South Campbell Creek from the head of "Henry Cross Ditch" to its present point of diversion in Lot 4, Section 3, aforesaid, and the place of use from the lands described and specified in said decree to all of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and the vicinity thereof, for irrigation, domestic, stock and general municipal purposes, and

WHEREAS, Robert K. Dunn claims that since about May 1, 1932, he has been diverting from the same point of diversion as said Village of Cascade, and beneficially using, a part of his said decreed waters of South Campbell Creek for the operation of his power plant and has filed written protests to the said applications made by the Village of Cascade and Henry Cross to transfer and change the points of diversion and the place of use of the waters of South Campbell Creek above referred to,

AND, WHEREAS, the parties hereto have mutually agreed and do hereby stipulate that the Village of Cascade may transfer and change the point of diversion and place of use of its said 270 miner's inches of the decreed waters of said South Campbell Creek from the head of "Henry Cross Ditch" to its present point of diversion in Lot 4, Section 3, Township 13 North,

Range 3 East, Boise Base and Meridian, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of said Lot 4, and the place of use from the lands to which said waters were decreed to be appurtenant, to all of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and the vicinity thereof, for irrigation, domestic, stock and general municipal uses, upon the conditions hereinafter prescribed, and not otherwise.

1. That until such time as the Cascade Dam and Reservoir shall flood all, or substantially all, of the irrigable lands of Robert K. Dunn to which his said water rights are appurtenant by the terms of said water decree, or until the United States has acquired for reservoir purposes all, or substantially all, of said irrigable lands, whichever time is the later, the decreed waters of South Campbell Creek, Water District 20-E, Valley County, State of Idaho, shall be divided, allocated, diverted and used as follows:

A. During the periods of time when the natural flow of South Campbell Creek, measured immediately above the Village of Cascade's said point of diversion, in Lot 4, Section 3, above mentioned, shall be less than 75 miner's inches, the Village of Cascade shall be entitled to divert at its said new point of diversion, between the hours of midnight and 6:00 A.M. of each day, the entire flow of the decreed waters of South Campbell Creek, or so much thereof as may be necessary to fill and keep filled until 6:00 A.M. of each day, the village storage tanks; and during the period from 6:00 A.M. until midnight of each day Robert K. Dunn shall be entitled to divert at said new point of diversion and beneficially use the entire flow of the decreed waters of South Campbell Creek to the extent of 57 miner's inches, and the balance of the flow of the decreed waters of South Campbell Creek shall be

4.1, of said irrigable lands, whichever time is the later, the decreed waters of South Campbell Creek, Water District 20-H, Valley County, State of Idaho, shall be divided, allocated, diverted and used as follows:

A. During the periods of time when the natural flow of South Campbell Creek, measured immediately above the Village of Cascade's said point of diversion, in Lot 4, Section 3, above mentioned, shall be less than 75 miner's inches, the Village of Cascade shall be entitled to divert at its said new point of diversion, between the hours of midnight and 6:00 A.M. of each day, the entire flow of the decreed waters of South Campbell Creek, or so much thereof as may be necessary to fill and keep filled until 6:00 A.M. of each day, the village storage tanks; and during the period from 6:00 A.M. until midnight of each day Robert K. Dunn shall be entitled to divert at said new point of diversion and beneficially use the entire flow of the decreed waters of South Campbell Creek to the extent of 57 miner's inches, and the balance of the flow of the decreed waters of South Campbell Creek shall be available for use by the Village of Cascade, -provided, however, that in the event and during the period of any fire requiring the use by the Village of Cascade of water for its extinguishment, and until its

storage tanks shall again be filled, the Village of Cascade shall be entitled to divert at said point of diversion and to use the entire flow of the decreed waters of South Campbell Creek, and when said storage tanks have again been filled, the entire flow of the decreed waters of South Campbell Creek shall again be divided as hereinabove specified.

B. When the flow of the decreed waters of South Campbell Creek is 5 miner's inches or more, then to the extent the same can be beneficially used, the decreed waters of said South Campbell Creek shall be measured, allocated, and divided at the Village of Cascade's point of diversion in Lot 4, Section 3, Township 13 North, Range 2 East, Boise Base and Meridian, which point bears South 70° 09' East 768.5 feet distant from the northwest corner of said Lot 4, as follows:

When the natural flow in miner's inches is -		Village of Cascade Shall Receive	Robert K. Dunn Shall Receive
75 but less than 80		18 miner's inches	57 to 61 miner's inches
80	85	19	61 " 65
85	90	20	65 " 69
90	95	21	69 " 73
95	100	22	73 " 77
100	105	23	77 " 81
105	110	24	81 " 85
110	115	25	85 " 89
115	120	26	89 " 93
120	125	26	94 " 98
125	130	26	99 " 103
130	135	26	104 " 108
135	140	26	109 " 113
140	145	26	114 " 118
145	150	26	119 " 122
150	***	27	123 " "

When the natural flow is in excess of 150 miner's inches, and to the extent the same can be beneficially used, said Robert K. Dunn shall be entitled to nine-elevenths (9/11) thereof and the Village of Cascade shall be entitled to two-elevenths (2/11) thereof.

2. The Village of Cascade shall, at its sole expense, provide such suitable and substantial structures or devices as, in the judgment of the Reclamation Engineer of Idaho, are adequate for fairly and accurately dividing, measuring and allocating the waters of South Campbell Creek at said new point of diversion.

3. That at all times after the happening of the later of the contingencies specified in paragraph 1 hereof, all the decreed water of South Campbell Creek to the use of which the Village of Cascade may at any time be entitled, may be measured, allocated and diverted at its said new point of diversion as herein and in said applications described.

4. The share of the waters of Campbell Lake (sometimes called Raft Lake) Reservoir to the extent owned, respectively, by the said Village of Cascade and by the said Robert K. Dunn, may, to the extent of their respective ownerships therein, be withdrawn, diverted, and used by each of them, at their respective points of diversion, at such times and from time to time as each of them, respectively, shall determine, and neither the said Village of Cascade nor the said Robert K. Dunn shall have any right whatever of, in, or to the share of such water owned by the other, or the right to call for the release and diversion thereof, and the waters of said Campbell Lake shall not be considered as a part of the natural flow of South Campbell Creek.

5. The Reclamation Engineer of the State of Idaho may make and enter appropriate orders and issue to applicants the proper certificate authorizing said applicants to change and transfer the point of diversion and place

of use of said 2 1/2 minor's inches of water covered by the pending applications, subject to and in accordance with the conditions herein recited, but not otherwise.

6. The Village of Cascade and Henry Cross each hereby consents that Robert K. Dunn may likewise divert at said "new" point of diversion any portion of his decreed water right in South Campbell Creek required to operate his said power plant up to the time of the happening of the later of the two contingencies specified in paragraph 1 hereof; and they will make no objection to the granting of any application he may hereafter make to the Department of Reclamation for formal change or transfer for that purpose, to said "new" point of diversion. Provided, however, that any such change or transfer shall be subject to the terms of this stipulation.

7. This stipulation is made by the parties in contemplation of the construction of Cascade Dam and Reservoir within a reasonably short time. In the event that such contemplated construction is abandoned by the United States Reclamation Service or the beginning of construction thereon delayed for more than three years from the date of this stipulation, then and in either of such events the Order of Transfer and change of points of diversion and the places of use and Certificate of Transfer by the Department of Reclamation, made pursuant to this stipulation, may be vacated upon the application of either the applicant or the protestant at any time upon not less than thirty (30) days' written notice given to the other party, and applicant's application for such transfer and change and protestant's protest thereto, shall be reinstated before the Department of Reclamation for hearing and determination thereof precisely as if this stipulation, and conditional order of such transfer and change

based thereon, had not been made; and said conditional order
of such transfer and change shall by its terms so provide.

Dated at Boise, Ada County, Idaho, this 15th day of
June, 1945.

VILLAGE OF CASCADE, APPLICANT,
By Harry A. Simon
Its Attorney of Record.

VILLAGE OF CASCADE AND HENRY
CROSS, APPLICANTS,
By Harry A. Simon
Their Attorney of Record.

ROBERT K. DUNN, PROTESTANT,
By Edwin Howe
His Attorney of Record.

IN THE MATTER OF THE APPLICATION OF
THE VILLAGE OF CASCADE TO TRANSFER
THE POINT OF DIVERSION AND PLACE OF
USE OF SIXTY (60) MINER'S INCHES OF
THE WATERS OF SOUTH CAMPBELL CREEK,
COUNTY OF VALLEY, STATE OF IDAHO,
FORMERLY DECREED TO LUDIE M. HILLMAN

No. 674

and

ORDER

IN THE MATTER OF THE APPLICATION OF
HENRY CROSS AND THE VILLAGE OF CAS-
CADE TO TRANSFER THE POINT OF DIVER-
SION AND PLACE OF USE OF 210 MINER'S
INCHES OF THE WATERS OF SOUTH CAMPBELL
CREEK, COUNTY OF VALLEY, STATE OF
IDAHO, FORMERLY DECREED TO HENRY CROSS.

WHEREAS, The Village of Cascade and the Village of Cas-
cade and Henry Cross filed in the Department of Reclamation an
application praying that the State Reclamation Engineer issue to
said applicants a proper certificate authorizing a change and
transfer in the points of diversion and place of use of certain
waters adjudicated and decreed in that certain decree of Judge
O. A. Sutton of the Seventh Judicial District of the State of
Idaho, in and for the County of Valley, in that certain action
entitled "Henry Cross and Ludie M. Hillman, Plaintiffs, vs.
Robert A. Dunn, et al, Defendants", bearing date September 26,
1930, and recorded at page 135 of Volume 5 of Decrees of the
State Department of Reclamation at Boise, Idaho, and under which
decree the Village of Cascade is now the record owner of 60
miner's inches of the decreed waters of South Campbell Creek
and is now the contract owner of 210 miner's inches of the de-
creed waters of South Campbell Creek, and Robert A. Dunn is now
the record owner of 270 miner's inches of the decreed waters of
South Campbell Creek, all bearing priority of June 1, 1889, for
irrigation, domestic and stock use, the point of diversion of
which decreed waters was fixed at the head of the "Henry Cross

herein was as follows:

(a) as to the 60 miner's inches of decreed water:

Southwest quarter of Northeast quarter (SW 1/4) of Section 27 and Northwest quarter of Northeast quarter (NW 1/4) of Section 34, Township 14 North, Range 3 East, Boise Meridian, and

(b) as to the 210 miner's inches of decreed water:

The following described lands situate, lying and being in Water District No. 20 R, in Valley County, State of Idaho, to-wit:

The Northeast quarter of the Northeast quarter (NE 1/4) of Section 34, the Northwest quarter of the Northeast quarter (NW 1/4) of Section 34, the Southeast quarter of the Southeast quarter (SE 1/4) of Section 28, the Southwest quarter of the Southwest quarter (SW 1/4) of Section 27, the Southeast quarter of the Northeast quarter (SE 1/4) of Section 27, and of Section 34, all in Township 14 North, Range 3 East, Boise Meridian,

and

That the Village of Cascade and the said Henry Cross have applied to change the point of diversion of the aforesaid decreed waters of South Campbell Creek from said decreed point of diversion to a point in Lot 4, Section 5, Township 13 North, Range 3 East, Boise Meridian, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of said Lot 4 (and sometimes hereinafter called "new point of diversion"), and to change and transfer the place of use of the aforesaid waters from the lands described in said decree to all of the lands now or hereafter embraced within the Village of Cascade, County of Valley, State of Idaho, and in the vicinity thereof, for irrigation, domestic, stock and general municipal uses, and

That notice of hearing of said application for the transfer and change of points of diversion and place of use of the aforesaid decreed waters of South Campbell Creek 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

fixing August 7, 1944, at 10:00 a.m.

the State Reclamation Engineer at the time and place of said hearing, and said Robert K. Dunn having appeared and filed written protests to the said application of the Village of Cascade and Henry Cross to transfer and change the points of diversion and place of use of said decreed waters of South Campbell Creek and said hearing having been duly and regularly postponed to this time and place, and

WHEREAS, said applications and protests coming regularly on to be heard at this time and place and the said applicants, Village of Cascade and Village of Cascade and Henry Cross, and the said protestant, Robert K. Dunn, having filed herein their written stipulation that said applicants may transfer and change the points of diversion and place of use of their said 270 miner's inches of the decreed waters of South Campbell Creek, as herein and in said stipulation provided, and as more particularly set forth and specified in the "Certificate of Water Right, Transferred Right No. 674" hereto annexed, and that other water rights will not be affected and that no one will be injured by such transfer and change in the points of diversion and place of use of the aforesaid decreed waters of South Campbell Creek to said new point of diversion and place of use, as provided in said stipulation, and that the use of any of said decreed waters for which application for transfer has been made, cease upon the lands to which said waters were decreed to be appurtenant and from the records and files herein it appearing proper that an order should be made granting said applications in accordance with the terms and conditions of said stipulation, -

NOW, THEREFORE, IT IS HEREBY ORDERED, -

1. That the said applications of the Village of Cascade and of the Village of Cascade and Henry Cross to transfer and change

the rights of riparian owners of the decreed waters of South Campbell Creek is hereby granted, subject to the conditions herein and in said stipulation provided, and that "Certificate of Water Right, Transferred Right No. 674", hereto attached and by reference incorporated herein and made part hereof as though set out at length, shall be issued to said applicants in accordance with the statutes of Idaho in such case made and provided.

2. That other water rights will not be affected and no one will be injured by such change and transfer in the points of diversion and place of use of the aforesaid decreed waters of South Campbell Creek as hereby ordered.

3. In the event that the contemplated construction of the Cascade Dam and Reservoir is abandoned by the United States Reclamation Service or the beginning of construction thereon delayed for more than three years from the date hereof, then and in either of such events, this order for transfer and change and the said "Certificate" based thereon, may be vacated and annulled upon the application of either of the applicants or the protestant, at any time upon not less than thirty (30) days' written notice to the other party and this department, and thereupon applicants' applications for transfer and change and protestant's protest thereto shall be reinstated before the Department of Reclamation for hearing and determination thereof precisely as if this order for transfer and change had not been made.

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 25th day of June, 1945.

Mark R. Kulp

Mark R. Kulp

State Reclamation Engineer

BY A. H. PLOW

Supervisor of Water Distribution

65-6

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF VALLEY

HENRY CROSS and ADDIE M.
HILLMAN,

Plaintiffs,

vs.

ANDREW S. DUKES, ROBERT L.
DUKES, DOLLIE WARD and WAYNE
WARD, her husband, ROBERT K.
DUNN and NETTIE DUNN, his wife,

Defendants.

Case No. 482 Inst. No. 22
DISTRICT COURT VALLEY COUNTY,
IDAHO

Filed Oct. 3rd 1930 at M.
FOREST E. ROBB - Clerk
By Bernice A. Kerby - Deputy

D E C R E E

This cause came regularly on for trial before the Court without a jury, in the courtroom of Valley County, Cascade, Idaho, on the 15th day of July, 1930; Messrs. Wm. M. Morgan and F. M. Kerby appeared for the plaintiffs Henry Cross and Addie M. Hillman; Edwin Snow appeared for the defendants Robert K. Dunn and Nettie Dunn; and Fred M. Taylor and Rhodes and Estabrook appeared for the defendants Robert L. Dukes, Andrew S. Dukes, Wayne Ward, and Dollie Ward; witnesses were sworn and examined on behalf of the respective parties, and documentary evidence introduced; and the parties hereto having filed herein a stipulation in writing waiving the making and filing of findings of fact and conclusions of law by the court herein and agreeing upon the amount, priority, and source of the water rights to be allotted to all parties herein; and the court being fully advised in the premises,

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED as follows:

1. That that certain stream called in plaintiffs' original

part

6526

alle

with

and

(NE)

(NW)

Que

wes

Sci

of

14

of

DI

ON

of

H

65

8

(C

E

t

out a jury, in the court of the county of ...
15th day of July, 1930; Messrs. Wm. M. Morgan and F. M. Leroy appeared
for the plaintiffs Henry Cross and Addie M. Hillman; Edwin Snow appeared
for the defendants Robert K. Dunn and Nettie Dunn; and Fred M. Taylor
and Rhodes and Estabrook appeared for the defendants Robert L. Dukes,
Andrew S. Dukes, Wayne Ward, and Dollie Ward; witnesses were sworn and
examined on behalf of the respective parties, and documentary evidence in-
troduced; and the parties hereto having filed herein a stipulation in
writing waiving the making and filing of findings of fact and conclu-
sions of law by the court herein and agreeing upon the amount, priority,
and source of the water rights to be allotted to all parties herein;
and the court being fully advised in the premises,

NOW, THEREFORE, it is hereby ORDERED, ADJUDGED and DECREED
as follows:

1. That that certain stream called in plaintiffs' original
complaint "Campbell Creek", but in all the subsequent pleadings "South
Campbell Creek" is one and the same stream, and is in this decree re-
ferred to and mentioned as "South Campbell Creek"; and said stream is
independent of North Campbell Creek, is not a tributary thereof, and
contributes no part of the water supply of North Campbell Creek; that
Alder Creek and North Campbell Creek is each an independent stream, not a
tributary of any other stream herein mentioned, and contributes no

part of said creek.
~~65 2013 65 3138~~ 2. That the plaintiff Henry Cross is hereby decreed and
allotted 210 miner's inches of the waters of South Campbell Creek,

with priority of June 1, 1889, for the irrigation of and domestic
and stock use upon 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 South-
west 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; that the point of diversion
of said water is at the head of what is known as the Henry Cross
Ditch, located at a point on said South Campbell Creek at or about
one-half mile south of the Southwest Corner of the Northeast Quarter
of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 33, Township 14 North,
Range 3 East Boise Meridian.

~~65 2013 65 3139~~

3. That the plaintiff Addie M. Hillman is hereby decreed
and allotted 60 miner's inches of the waters of said South Campbell
Creek, with priority of June 1, 1889, for the irrigation of and do-
mestic and stock use upon the Southwest Quarter of the Southeast Quar-
ter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 27 and the Northwest Quarter of the Northeast
Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 34, Township 14 North, Range 3 East Boise
Meridian; the point of diversion for said water is at the head of what
is known as the Henry Cross Ditch, located at a point on said South
Campbell Creek at or about one-half mile south of the Southwest Corner
of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section
33, Township 14 North, Range 3 E., B.M.

~~65 2013 65 3140~~ 4. That the defendants and cross-complainants Robert K.
Dunn and Nettie Dunn are hereby decreed and allotted 270 miner's

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
TRANSFERRED RIGHT NO. 674

THIS IS TO CERTIFY, That under that certain decree of Judge O. A. Sutton of the Seventh Judicial District of the State of Idaho, in and for the County of Valley, in that certain action entitled "Henry Cross and Addie L. Hillman, Plaintiffs, vs. Robert K. Dunn, et al., Defendants", bearing date September 26, 1930, and recorded at page 485 of Volume 5 of Decrees of the State Department of Reclamation at Boise, Idaho, adjudicating the waters of South Campbell Creek, the Village of Cascade, through mesne conveyances is now the record owner of 60 miner's inches of the decreed waters of South Campbell Creek, acquired from Addie L. Hillman and is now the contract owner of 210 miner's inches of the decreed waters of South Campbell Creek, acquired from Henry Cross, and Robert K. Dunn is now the record owner of 270 miner's inches of the decreed waters of South Campbell Creek, all bearing date of priority of June 1, 1889, for irrigation, domestic and stock use, the point of diversion of which decreed waters was fixed at the head of the "Henry Cross Ditch", located at a point on said South Campbell Creek at or about one-half mile south of the Southwest corner of the Northeast quarter of the Northeast quarter (SW 1/4 NE 1/4) of Section 33, Township 14 North, Range 3 East, Boise Meridian, and the place of use as to the decreed waters of applicants herein was as follows:

- (a) As to the 60 miner's inches of decreed water:
Southwest quarter of Northeast quarter (SW 1/4 NE 1/4) of Section 27 and Northeast quarter of Northeast quarter (NE 1/4 NE 1/4) of Section 33, Township 14 North, Range 3 East, Boise Meridian, and

- (b) As to the 210 miner's inches of decreed water:

The following described lands situate, lying and being in Water District No. 20-1, in Valley County, State of Idaho, to-wit:

The Northeast quarter of the Northeast quarter (NE NE 1/4) of Section 33, the Northwest quarter of the Northwest quarter (NW NW 1/4) of Section 34, the Southeast quarter of the Southeast quarter (SE SE 1/4) of Section 28, the Southwest quarter of the Southwest quarter (SW SW 1/4) of Section 27, the Southeast quarter of the Southwest quarter (SE SW 1/4) of Section 27, and the Northeast quarter of the Northwest quarter (NE NW 1/4) of Section 34, all in Township 14 North, Range 3 East, Boise Meridian.

THAT NOW, Upon the applications of said Village of Cascade, and said Village of Cascade and Henry Cross, for a certificate to transfer and change the points of diversion and place of use of their said 270 miner's inches of the decreed waters of South Campbell Creek, and after due and legal notice given of the hearing of said applications, said Robert W. Dunn filed his written protests to said applications, the hearing was duly continued to this time and place, and the said applicants and protestant having now filed herein their written stipulation for the transfer and change of the points of diversion and place of use of applicants' said 270 miner's inches of the decreed waters of South Campbell Creek, as in said stipulation provided and as hereinafter more particularly set forth and specified, and it appearing that the old points of diversion and places of use of said 270 miner's inches of decreed waters are no longer used, that other water rights will not be affected and that no one will be injured by such transfer and change, and that the statutes of the State of Idaho in such case made and provided have been complied with, the said applications are granted, and the said Village of Cascade is hereby granted the right to transfer and change the points of diversion and place of use of said 270 miner's inches of decreed waters of South Campbell Creek.

the Northwest quarter of the Southwest quarter of Section 27, the Southeast quarter of the Southwest quarter (SE 1/4) of Section 27, and the Northeast quarter of the Northwest quarter (NE 1/4) of Section 34, all in Township 14 North, Range 3 East, Boise Meridian.

That now, Upon the applications of said Village of Cascade, and said Village of Cascade and Henry Cross, for a certificate to transfer and change the points of diversion and place of use of their said 270 miner's inches of the decreed waters of South Campbell Creek, and after due and legal notice given of the hearing of said applications, said Robert K. Dunn filed his written protests to said applications, the hearing was duly continued to this time and place, and the said applicants and protestant having now filed herein their written stipulation for the transfer and change of the points of diversion and place of use of applicants' said 270 miner's inches of the decreed waters of South Campbell Creek, as in said stipulation provided and as hereinafter more particularly set forth and specified, and it appearing that the old points of diversion and places of use of said 270 miner's inches of decreed waters are no longer used, that other water rights will not be affected and that no one will be injured by such transfer and change, and that the statutes of the State of Idaho in such case made and provided have been complied with, the said applications are granted, and the said Village of Cascade is hereby granted the right to transfer and change the points of diversion and place of use of its said 270 miner's inches of the decreed waters of said South Campbell Creek from the decreed point of diversion and place of use as hereinbefore set forth and specified, for irrigation, domestic, stock and general municipal uses, to the following new points of diversion and place of use, namely:

(a) New point of diversion is in Lot 4, Section 3, Township 13 North, Range 3 East, Boise Base and Meridian, which point bears S. 70° 09' E. 768.5 feet distant from the northwest corner of said Lot 4, all in Valley County, Idaho;

(b). New place of use is within the Village of Cascade, County of Valley, State of Idaho, and the vicinity.

That the right to such transfer and change in the points of diversion and place of use which is hereby confirmed is granted upon the following conditions, namely, -

1. That until such time as the Cascade Dam and Reservoir shall flood all, or substantially all, of the irrigable lands of Robert K. Dunn to which his said water rights are appurtenant by the terms of said water decree, or until the United States has acquired for reservoir purposes all, or substantially all, of said irrigable lands, whichever time is the later, the decreed waters of South Campbell Creek, Water District 20 H, Valley County, State of Idaho, shall be divided, allocated, diverted and used as follows:

A. During the periods of time when the natural flow of South Campbell Creek, measured immediately above the Village of Cascade's said point of diversion, in Lot 4, Section 3, above mentioned, shall be less than 75 miner's inches, the Village of Cascade shall be entitled to divert at its said new point of diversion, between the hours of midnight and 6:00 A.M. of each day, the entire flow of the decreed waters of South Campbell Creek, or so much thereof as may be necessary to fill and keep filled until 6:00 A.M. of each day, the village storage tanks; and during the period from 6:00 A.M. until midnight of each day Robert K. Dunn shall be entitled to divert at said new point of diversion and beneficially use the entire flow of the decreed waters of South Campbell Creek to the extent of 57 miner's inches, and the balance of the flow of the decreed waters of South Campbell Creek shall be available for use by the Village of Cascade, provided, however, that in the event and during the period of any fire requiring the use by the Village of Cascade of water for its extinguishment, and until its storage tanks can again be filled, the Village of Cascade shall be entitled to divert at said point.

diversion and to use the entire flow of South Campbell Creek, and when said storage tanks have again been filled, the entire flow of the decreed waters of South Campbell Creek shall again be divided as hereinabove specified.

B. When the flow of the decreed waters of South Campbell Creek is 75 miner's inches or more, then to the extent the same can be beneficially used, the decreed waters of said South Campbell Creek shall be measured, allocated, and divided at the Village of Cascade's point of diversion in Lot 4, Section 3, Township 13 North, Range 3 East, Boise Base and Meridian, which point bears South 70° 09' East 768.5 feet distant from the northwest corner of said Lot 4, as follows:

When the natural flow
in miner's inches is -

		Village of Cascade Shall Receive	Robert K. Dunn Shall Receive	
75 but less than 80		18 miner's inches	57 to	61 miner's inches
80	85	19	61	65
85	90	20	65	69
90	95	21	69	73
95	100	22	73	77
100	105	23	77	81
105	110	24	81	85
110	115	25	85	89
115	120	26	89	93
120	125	26	94	98
125	130	26	99	103
130	135	26	104	108
135	140	26	109	113
140	145	26	114	118
145	150	26	119	122
150		27	123	

When the natural flow is in excess of 150 miner's inches, and to the extent the same can be beneficially used, said Robert K. Dunn shall be entitled to nine-elevenths (9/11) thereof and the Village of Cascade shall be entitled to two-elevenths (2/11) thereof.

2. The Village of Cascade shall, at its sole expense, provide such suitable and substantial structures or devices as, in the judgment of the Reclamation Engineer of Idaho, are adequate for fairly and accurately dividing, measuring and allocating the waters of

4, as follows:

When the natural flow
in miner's inches is -

		Village of Cascade Shall Receive	Robert K. Dunn Shall Receive
75 but less than 80		18 miner's inches	57 to 61 miner's inches
80	85	19	61
85	90	20	65
90	95	21	69
95	100	22	73
100	105	23	77
105	110	24	81
110	115	25	85
115	120	26	89
120	125	26	93
125	130	26	97
130	135	26	99
135	140	26	103
140	145	26	104
145	150	26	108
150		27	109
			113
			114
			118
			119
			122
			123

When the natural flow is in excess of
150 miner's inches, and to the extent
the same can be beneficially used, said
Robert K. Dunn shall be entitled to nine-
elevenths (9/11) thereof and the Village
of Cascade shall be entitled to two-
elevenths (2/11) thereof.

2. The Village of Cascade shall, at its sole expense, provide
such suitable and substantial structures or devices as, in the judg-
ment of the Reclamation Engineer of Idaho, are adequate for fairly
and accurately dividing, measuring and allocating the waters of
South Campbell Creek at said new point of diversion.

3. That at all times after the happening of the later of the contingencies specified in paragraph 1 hereof, all the decreed water of South Campbell Creek to the use of which the Village of Cascade may at any time be entitled, may be measured, allocated and diverted at its said new point of diversion as herein and in said applications described.

4. The share of the waters of Campbell Lake (sometimes called Hart Lake) Reservoir to the extent owned, respectively, by the said Village of Cascade and by the said Robert K. Dunn, may, to the extent of their respective ownerships therein, be withdrawn, diverted, and used by each of them, at their respective points of diversion, at such times and from time to time as each of them, respectively, shall determine, and neither the said Village of Cascade nor the said Robert K. Dunn shall have any right whatever of, in, or to the share of such water owned by the other, or the right to call for the release and diversion thereof, and the waters of said Campbell Lake shall not be considered as a part of the natural flow of South Campbell Creek.

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 Boise, Idaho, this 2nd day of June, A.D. 1945.

Mark R. Auld
MARK R. AULD
State Reclamation Engineer

ROY L. HORTON
Superintendent of Water Distribution

TRANSFER NO

NAME

AMOUNT
C.F.S.

BALANCE
C.F.S.

RIGHT
NO

674

Gross, Henry

4.2

Village of Cascade

4.2

0

65-3138

65-3138A