

Case #7

STATE OF IDAHO,

County of Washington

Charles R. Edwards

being first duly sworn, deposes and says:

That his name is Charles R. Edwards; that he is of lawful age, a citizen
of the United States and of the State of Idaho, and that his postoffice address is Cambridge,
Idaho.

That he is the owner and using a certain water right, bearing date of priority of March 20 1911
for 1.02 cubic feet per second of the waters of Buck Creek

County of Washington, State of Idaho, decreed to him by State Engineer,
and later adjudication was had he was decreed 5/8 inches to acre in high
water and 3/4 inches in low water, for 3 acres,
by decree of Judge J. P. Bryan of the Seventh Judicial District of the State of

Idaho, in and for the County of Washington in the case of Muir Brothers

vs. W. W. Allison et al said decree bearing date of May 9, 1918.

(as obtained by virtue of License No. 7341 issued by the State Engineer of the State of Idaho, dated September 23, 1915, bearing date of priority of March 20, 1911, 19....

for the purpose of irrigating the following described lands situate, lying and being in Water District No.
in the County of Washington and State of Idaho, to-wit: SE 1/4 NW 1/4 SW 1/4 NE 1/4

NW 1 SE 1 Sec. 28 Twp. 15 N. R. 3 W. B. M.

.....and is the person (99 1147797540 0014 00) ~~the corporation~~ to whom such right so issued, ~~and the owner thereof~~ owner thereof in the following manner, i. e.

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream at..... SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 15. T.
15 N. R. 3 W. B. M.

and conducted to the above described lands through..... Edwards Ditch

as per map hereto attached and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of Seven.....

of said water upon the above described land, and to convey and use same upon the following tract, situate,

lying and being in the County of Washington and State of Idaho, to-wit:

NW 1/4 Sec. 28, Twp. 15 N. R. 3 W. B. M.

That his reasons for desiring to make such transfer are as follows: That he has tiled desert entry upon said NW 1/4 NE 1/4, Sec. 28 Twp. 15 N. R. 3 W. and must show water right for the same.

That he intends to divert and convey said 7 inches of water to the tract of land last above described in the following manner, to-wit: Thru Ditch, Lateral from Main Edwards Ditch, which lateral has been constructed and the water has been conveyed thru the same to the said lands, for three years.

as set forth upon the map hereto attached; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the State Engineer of the State of Idaho issue to him the proper certificate authorizing such transfer, and give proper notice of the same to the Water Master of Water District No. 6, in accordance with the provisions of Section 3264 of the Revised Codes of Idaho, as amended.

Subscribed and sworn to before me this 23 day of July.

A. D. 1918.

Edw. R. Edwards
Elyabeth Norton
Notary Public
Cambridge, Idaho

Applicant will answer the following questions:

From what stream is the water diverted? Rush Creek,

Where is the diversion point located? SE 1/4 Sec. 15, T. 15 N. R. 3 W. B. M.

Through what ditch is it now conducted? Edwards Ditch

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

Give the description: Nine acres on the NW 1/4 Sec. 28 Twp. 15 N. R. 3 W. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? None so far

but I ask that seven inches be dedicated to the said land.

What kind of crops are being raised? Grain and Hay.

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

What will be the effect on the land now irrigated, if the use of water on it is discontinued? The land will be rendered worthless and will not produce any crop of any kind.

From what stream will the water be diverted if the transfer is made? Rush Creek.

Give location of new point of diversion Same old point of Diversion SE 1/4 Sec. 15 Twp. 15 N. R. 3 W. B. M.

Through what ditch will it be conducted after transfer? Edwards Ditch

How much water will be required per acre to irrigate the land to which this water is transferred? It will require 1 inch to the acre, but will have to use less and more, the Court having allowed 3/8 inches to acre in low water and 1/2 inches to the acre in high water.

Do you claim any other water right for the land from which you seek to abandon the use of this water? No.

Is there now any other water right for the land to which you seek to make this transfer? No.

Signed

Edw. R. Edwards
Applicant.

OFFICE OF THE STATE ENGINEER
BOISE, IDAHO.

October 21, 1918.

Re: Edwards Application for Transfer.
Bush Creek - Dist. 41E.

Mr. Fred A. Wilkie,
State Engineer,
Boise, Idaho.

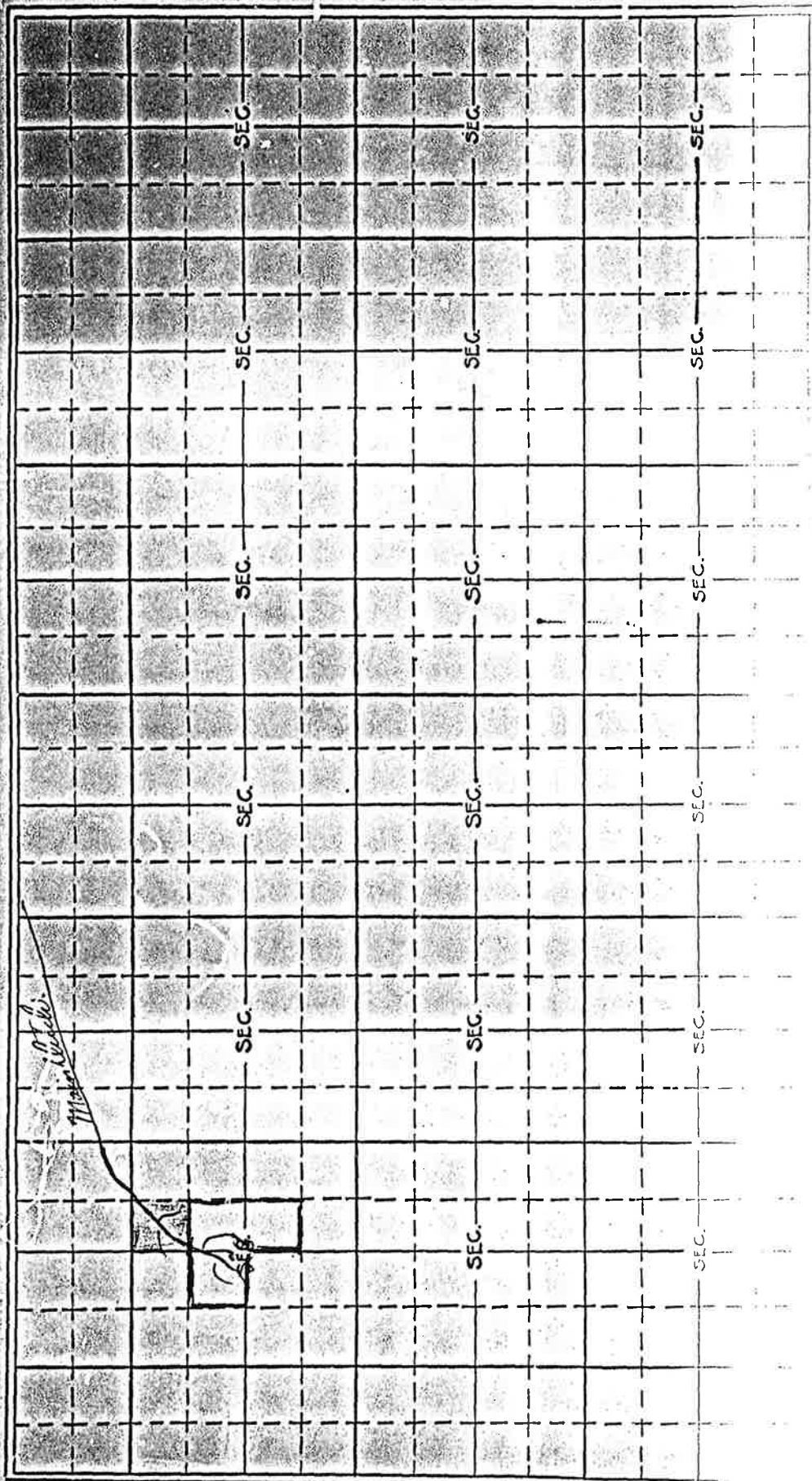
Dear Sir:

On Friday, October 16, 1918, I made an examination of the lands mentioned in the application for transfer by C. K. Edwards, of Cambridge, Idaho. The land to which (SW $\frac{1}{4}$ NE $\frac{1}{4}$ - 28 - 15N - 37E) the water is sought to be transferred is very hilly and rocky; was taken up under the Desert Act by Mr. Edwards, and adjoins his 120 acre homestead. On this desert, about 8 acres are under cultivation and irrigation, and is the probable extent of tillable land, but more can be irrigated for pasture purposes.

The lands from which the water is desired to be taken were taken up under the Homestead Act by Edwards, and consist of the SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, Tp. 15 N., Rg. 3 W., and about 45 acres are under cultivation and irrigation - this cultivated area is scattering and in patches over the tract.

The water right attached to this homestead is as follows: On March 20, 1911, Edwards took out permit No. 7341, and license for 1.14 second feet was issued under this permit on September 23, 1915. However, on May 9, 1918, a decree was rendered in the Seventh Judicial District of this State on the waters of Tolsen River and its tributaries, on the basis of 5/8 inch per acre, high water right, and 3/8 inch per acre, during low water period. In this adjudication, Mr. E. K. Edwards was

Name of Applicant



SCALE: 2 INCHES = 1 MILE. DRAW PLAN IN INK

File 69-A 6

S T A T E O F I D A H O
OFFICE OF THE STATE ENGINEER
CERTIFICATE OF WATER RIGHT

Transferred Right No. 227.

This is to certify that CHAS. R. EDWARDS, of Cambridge, State of Idaho, has a right to the use of the waters of Rush Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Washington, in the case of Muir Brothers, plaintiffs, vs. W. W. Allison, et al, defendants, dated May 9, 1918, by Ed. L. Bryan, Judge, wherein 0.54 second feet of the waters of Rush Creek, Water District No. 41E, were dedicated to the SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Tp. 15 N., R. 3 W., B.M., the said decree being entered at Boise, Idaho, in the records of the State Engineer, in Volume 4, Page 61; that upon application of the above-named Chas. R. Edwards for a transfer of water right, made before the State Engineer of the State of Idaho, and, after due investigation, said application having been granted by the said State Engineer, the right to use 0.54 second feet of said waters upon the lands above described is hereby abandoned and a description of the lands to be irrigated under such right and to which the water right hereby confirmed shall by this instrument become appurtenant, for irrigation and domestic purposes, is shown in the following table, limited at any given time to an amount actually needed and beneficially used for said purposes, and shall not exceed the following amount:

0.54 second feet, dated March 20, 1911.

NE 1/4				NW 1/4				SW 1/4				SE 1/4				
Twp	Rge	Sec:	NE ₁ ⁴	NW ₁ ⁴	SW ₁ ⁴	SE ₁ ⁴	NE ₂ ⁴	NW ₂ ⁴	SW ₂ ⁴	SE ₂ ⁴	NE ₃ ⁴	NW ₃ ⁴	SW ₃ ⁴	SE ₃ ⁴	Total	
15N	3W	28		40	40			40				40			160	

The right to the use of the water aforesaid hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

No right to the use of water on the lands herein named exists at the date of this certificate, except as herein stated.

WITNESS the seal and signature of the State Engineer of the State of Idaho, affixed at Boise, Idaho, this 21st day of November, 1918.

(SEAL)

FRED A. WILKIE,
State Engineer.

Recorded in Water Dist. No. 41E. Ma-22-18.M.E.B.
Platted on May--Water Dist. No. 41E. 11-21-18.S.T.B.
Point of Diversion--SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 15S, R. 3W., B.M.