

July 12, 1962

Re: Transfer of Water Right
No. 992 - Rafe Nelson

Transfer of Water Right
No. 993 - Kester C. Cockrell

Mr. Charles Herndon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Herndon:

We are enclosing Certificate of Water Right Transferred Right No. 992 issued to Rafe Nelson, and Certificate of Water Right Transferred Right No. 993 issued to Kester C. Cockrell. A copy of the above mentioned Certificates is also enclosed, which you may retain for your files.

There is a \$1.00 recording fee for each of these Transfers, which you may remit to the Department of Reclamation.

Very truly yours,

GEO. H. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl.

RWF:pmk

cc: Rafe Nelson
Kester C. Cockrell
Edgar W. Smith, Watermaster

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Kester C. Cockrell of Rt. No. 1, Salmon, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of Kirtley Creek as follows:

Amount: 0.7 cubic feet per second. Priority: Aug. 1, 1871. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21 N, Range 22 E, B. M. Place of Use: SE $\frac{1}{4}$ - NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ - NW $\frac{1}{4}$, Sec. 11, T. 21 N., R. 22 E. B. M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21 N. Range 22 E, B. M. Place of Use: S $\frac{1}{2}$ - SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 21 N., R. 22 E. B. M.

And that on the 5th day of July, 1962, at 10:00 o'clock A. M., at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, 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.

GEO. N. CARTER
State Reclamation Engineer
No. 324 6-21 to 6-28-2tc

Affidavit of Publication

STATE OF IDAHO } ss.
County of Lemhi }

RECEIVED
JUL 2 1962

Department of Reclamation

Larry H. Robinson, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Water Transfer--Cockrell

..... a true
printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two (2) consecutive issues, commencing with the issue dated June 21, 19 62 and ending with the issue dated June 28, 19 62.

Larry H. Robinson

Subscribed and sworn to before me, this 28
day of June, 1962

Charles Henderson

Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

Publication Fee \$ 9.60

RECEIVED

JUN 12 1962

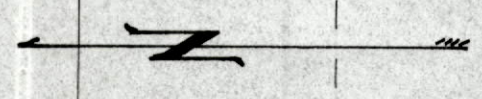
Department of Reclamation

33 34
4 3

34 35
3 2

T. 22 N., R. 22 E. B.M.
T. 21 N., R. 22 E. B.M.

35 36
2 1



Nelson
Ferry

4 3
9 10

3 2
10 11

Nelson
Ditch

Abandoned
Nelson Ditch

NEUSEY
SEC 2

Kirtley
Sec 1
Sec 5

Ditch

Beck
Ditch

2 1
11 12

River
Ditch

KIRTLEY CR.
Nelson - Cockrell
Ditch Map

1 in = 1000 ft

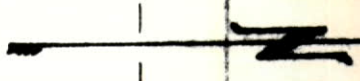
MICROFILMED

6-5-62

Hugh M. Cairnes

T. 21 N., R. 22 E. 8 M.

2 11



Nelson
Farm

4 2
9 10

Nelson

ditch

Abandoned
Nelson Ditch

9 2
10 11

NEVSEY
SEC 2

3 1
11 12

Beck Ditch

SW 1/4
Sec 1
Kirtley

Creek

River Ditch

MICROFILMED

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JUN 12 1982

Department of Reclamation

C. S. C. 2

Angela M. C.

KIRTLLEY CR.

Nelson - Cockrell

Ditch Map

1 in = 1000 ft

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
--------------	------	------------------	-------------------	--------------

	Elder, Thomas	0.7		74-0167
933	Cockrell, Kester C.	0.7	0	74-0167A

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RECEIVED

T

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Kester C. Cockrell
of
Route #1
Salmon, Idaho

ORDER GRANTING TRANSFER
993
NO. _____

For a Transfer of Water Right in
Water District No. 79-A,
Lemhi County, Idaho.

WHEREAS, On the 5th day of July, 1962, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of the application of Kester C. Cockrell of Route #1, Salmon, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and;

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby.

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 12th day of July, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RECEIVED
JUL 12 1962

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 993

THIS IS TO CERTIFY, That Kester C. Cockrell, of Route #1, Salmon, Idaho, is the owner of and using a certain water right bearing date of August 1, 1871, for .7 cubic feet per second of the waters of Kirtley Creek, County of Lemhi, State of Idaho, decreed to Daniel Beck, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi in the case of,

SOCRATES A. MYERS

Plaintiff

vs.

ROBERT B. STOCKER, et al

Defendants

said decree bearing date of May 11, 1905, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Town-
ship 21 North, Range 22 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 303;

That said Kester C. Cockrell has become the owner of said water right by purchase;

And that now upon the application of Kester C. Cockrell for the transfer of .70 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of .70 cubic feet per second of the waters of Kirtley Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 4, Township 21 North, Range 22
E. B. M.,

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

.70 cubic feet per second, bearing
date of priority of August 1, 1871,

That the water right hereby transferred has heretofore been conducted from Kirtley Creek to the first above described lands through private ditch with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21 North, Range 22 E. B. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21 North, Range 22 E. B. M.,

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 12th day of July, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 993

THIS IS TO CERTIFY, That Kester C. Cockrell, of Route #1, Salmon, Idaho, is the owner of and using a certain water right bearing date of August 1, 1871, for .7 cubic feet per second of the waters of Kirtley Creek, County of Lemhi, State of Idaho, decreed to Daniel Beck, by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi in the case of,

SOCRATES A. MYERS

Plaintiff

vs.

ROBERT B. STOCKER, et al

Defendants

said decree bearing date of May 11, 1905, and being appurtenant to the following described lands, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, Section 10;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Town-
ship 21 North, Range 22 E.B.M.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 303;

That said Kester C. Cockrell has become the owner of said water right by purchase;

And that now upon the application of Kester C. Cockrell for the transfer of .70 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of .70 cubic feet per second of the waters of Kirtley Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$,
Section 14, Township 21 North, Range 22
E. B. M.,

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

.70 cubic feet per second, bearing
date of priority of August 1, 1871,

RECORDED

That the water right hereby transferred has heretofore been conducted from Kirtley Creek to the first above described lands through private ditch with point of diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21 North, Range 22 E. B. M.,

That the water right hereby transferred will hereafter be conducted to the last above described lands through private ditch with point of diversion in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21 North, Range 22 E. B. M.,

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 12th day of July, 1962.

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

74-B

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF LEMHI.

Socrates A. Myers

Plaintiff

vs

Robert B. Stocker, John Cole,
Thomas Elder, William Hagel,
Frank Hagel, May Hagel, Roy Stine,
Amy Stine, Neil Stine, John Adams,
The Lemhi Placer Mining Company, a
corporation, and James B. Grant,

Defendants.

J U D G M E N T.

This cause coming on to be heard this 11th day of May, 1905, before the Court, John H. Padgham Esq. appearing as counsel for plaintiff, Messrs Quarles and Quarles for defendant Robert B. Stocker, C. A. Boyd and Milton A. Brown for defendant Daniel Coles, Messrs Redwine and Sinclair for defendant Thomas Elder, Fred J. Cowen for defendants William C. Hagel, May Hagel, Roy Stine, Amy Stine and Neil Stine, John Adams disclaiming all right, title interest or estate in the waters of Kirtley Creek, and H. G. Redwine appearing for the defendants The Lemhi Placer Mining Company, a corporation and James B. Grant, and the Court after hearing all the testimony in the cause, and the arguments of counsel for the respective parties, and the Court having made and filed its findings of fact and conclusions of law herein,

Now therefore it is ordered, adjudged and decreed as follows:

I. 74 0167

That Daniel Beck as the grantee of the defendant and cross complainant Thomas Elder, is entitled to have, and is hereby awarded the right to the use of seven tenths of one cubic foot per second of the waters of Kirtley Creek, Lemhi County, Idaho, for the purpose of irrigating the southeast quarter of the north east quarter, the east half of the south east quarter of Section ten, and the southwest quarter of the north west quarter of Section eleven, in Township Twenty one north of Range Twenty Two east of Boise Meridian in Lemhi County, Idaho, the right of the said Daniel Beck to the use thereof to date from the first day of August, 1871. Said right is the first appropriation of the waters of Kirtley Creek to the amount and for the purpose aforesaid, and is appurtenant to said land.

2. 74 0168

That the defendant and cross complainant Robert B. Stocker is entitled to have, and is hereby awarded the right to the use of two cubic feet per second of the waters of Kirtley Creek for the purpose of irrigating the east half of the south east quarter; the north west quarter of the south east quarter; the south west quarter of the north east quarter; the north east quarter of the south west quarter and the south east quarter of the north west quarter of Section four in Township Twenty One north of Range Twenty Two east of Boise Meridian, in Lemhi County, State of Idaho, the right of the said Robert B. Stocker to the use thereof to date from the first day of June 1873. Said right is the second appropriation of the waters of Kirtley Creek to the amount and for the purpose aforesaid, and is appurtenant to said land.

MICROFILMED

July 12, 1962

Re: Transfer of Water Right
No. 992 - Rafe Nelson

Transfer of Water Right
No. 993 - Roster C. Cockrell

Mr. Charles Herndon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Herndon:

We are enclosing Certificate of Water Right Transferred
Right No. 992 issued to Rafe Nelson, and Certificate of Water
Right Transferred Right No. 993 issued to Roster C. Cockrell.
A copy of the above mentioned Certificates is also enclosed,
which you may retain for your files.

There is a \$1.00 recording fee for each of these Trans-
fers, which you may remit to the Department of Reclamation.

Very truly yours,

W. H. CAYLOR
State Reclamation Engineer
By

WILLIAM W. HENSEN, Deputy
State Reclamation Engineer

Encl.

WTH:mk

cc: Rafe Nelson

Roster C. Cockrell

Edgar W. Smith, Watermaster

Application For Transfer of Water Right

RECEIVED
JUN 12 1962

STATE OF IDAHO

County of Lemhi

} ss.

Kester C. Cockrell

Department of Reclamation

being first duly sworn, deposes and says:

That his name is Kester C. Cockrell; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Route #1, Salmon, Idaho.

That he is the owner and using a certain water right, bearing date of priority of Aug. 1, 1871, for .7 cubic feet per second of the waters of Kirtley Creek

County of Lemhi, State of Idaho, decreed to Daniel Beck

by decree of Judge J. M. Stevens of the 6th Judicial District of the State of

Idaho, in and for the county of Lemhi, in the case of Socrates A. Myers

vs. Robert B. Stocker, et al, said decree bearing date of May 11, 1905

(or obtained by virtue of License No. issued by the State Department of Reclamation of the State of Idaho, dated, 19, bearing date of, 19)

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 79-A in the County of Lemhi and State of Idaho, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 21 North, Range 22 E. B. M.

and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e. Grantees

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 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, Township 21 North, Range 22 E, B. M., and conducted to the above described lands through private ditch as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the use of .70 cubic feet per second 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 Lemhi and State of Idaho, to-wit:

E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 14, Township 21 North, Range 22 E. B. M.

That reasons for desiring to make such transfer are as follows: By Instruments #5987 and #5988, dated September 10, 1907, and recorded September 16, 1907, in Book "R" of Deeds, pages 143 and 144, respectively, Records of the County Recorder of Lemhi County, State of Idaho, transfers as herein requested were made by the predecessors in interest of the parties to the land involved and which in place of use has actually been carried on since the said 10th day of September, 1907.

That he intends to divert and convey said.....7.....second feet of water to the tract of land last above described in the following manner and as per map accompanying this application:

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in NE 1/4 of SE 1/4 of Section 2, Township 21N, Range 22E, and thereafter conduct same to the above described land through the private ditch, as per map appended.

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Walter L Fox
Grace L Fox

Hester Cockrell *Wanda Cockrell*
Lamar Cockrell *Raymond Cockrell*
Applicant

Subscribed and sworn to before me this 16 day of May, 1962

Charles Hendon

Notary Public.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?

Where is the diversion point located?

Through what ditch is it now conducted?

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

Give the description:

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

What kind of crops are being raised?.....

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

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

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

Through what ditch will it be conducted after transfer?

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

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

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

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

Signed.....
Applicant.

STATE OF IDAHO, }
County of..... } ss.

I, ..., Watermaster of.....

Water District No....., County of....., State of Idaho, whose postoffice address

is....., have read or heard read the foregoing affidavit and petition

of....., and, of my own knowledge, believe the same to be true

as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer

issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

transfer prayed for) for the following reasons:.....

.....

.....

.....

Watermaster, District No.....

Dated at....., Idaho, this.....day of....., 19.....

Name of Applicant _____

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

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SEC.

SEC.

SEC.

SEC.

7-2-62

Mr. Thomas:

The Recorder Herald did not make the necessary correction mentioned in your letter of June 25th.

Peggy



July 3rd: Mr. Thomas said to let this go through as is.

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Kester C. Cockrell of Rt. No. 1, Salmon, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of Kirtley Creek as follows:

Amount: 0.7 cubic feet per second. Priority: Aug. 1, 1871. Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21 N, Range 22 E, B. M. Place of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 21 N., R. 22 E. B. M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21 N, Range 22 E, B. M. Place of Use: S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 21 N., R. 22 E. B. M.

And that on the 5th day of July, 1962, at 10:00 o'clock A. M., at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, 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.

GEO. N. CARTER
State Reclamation Engineer
No. 324 6-21 to 6-28-2tc

Affidavit of Publication

RECEIVED
JUL 2 1962

STATE OF IDAHO } ss.
County of Lemhi }

Larry H. Robinson

Department of Reclamation

, being first duly sworn, deposes and says that he is one of the printers (publisher) of the RECORDER HERALD, a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general circulation therein,

That the Water Transfer-Cockrell

..... a true
printed copy of which is attached to the margin hereof, has been and was correctly printed and published in the regular and entire issue of every number of said newspaper and not in any supplement thereof or thereto for two (2) consecutive issues, commencing with the issue dated June 21, 19 62 and ending with the issue dated June 28, 19 62

Larry H. Robinson

Subscribed and sworn to before me, this 28

day of June, 19 62

Charles Henderson

Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

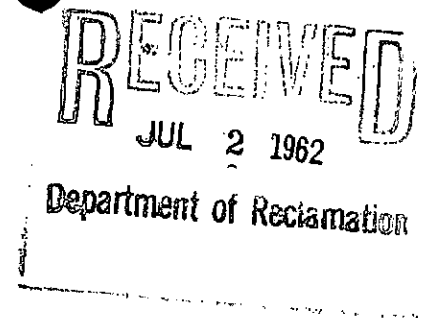
Publication Fee \$ 9.60



OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

June 30, 1962



Department of Reclamation

State House

Boise, Idaho

Attention Ralph W. Thomas, Deputy

Gentlemen: RE: Transfer of Water Rights Kester C. Cockrell
Rafe Nelson

We are enclosing herewith Affidavits of Publication of the proposed transfer of water rights for Kester C. Cockrell and Rafe Nelson, which notices were published in two issues of the Recorder Herald of Salmon, Idaho.

Very truly yours,

CH:fb

Charles Herndon
CHARLES HERNDON *B*

June 25, 1962

Re: Transfer of Water Right
Kester C. Cockrell

Recorder Herald,
Salmon, Idaho.

Gentlemen:

Kindly correct the legal notice in regard to
Mr. Cockrell's application to transfer a water right.

Change "To Be Transferred To" in the first
portion of Place of Use from S¹SE¹ to E¹SE¹ - - Sec. 4.

Thank you.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

RWT:pmk

Mr. Thomas:

There's an error in the publication notice -

Place of Use should be " $E\frac{1}{2}SE\frac{1}{4}$ " instead of $S\frac{1}{2}SE\frac{1}{4}$, as it appears in the publication.

Peggy

**NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT**

Notice is hereby given that Kester C. Cockrell of Rt. No. 1, Almon, Idaho, has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of Kirtley Creek as follows:

Amount: 0.7 cubic feet per second. Priority: Aug. 1, 1871.
Point of diversion: $\text{SW}\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21 N, Range 22 E, B. M. Place of Use: $\text{SE}\frac{1}{4}$ -NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ -NW $\frac{1}{4}$, Sec. 11, T. 21 N., R. 22 E. B. M.

To Be Transferred To

Point of diversion: $\text{NE}\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21 N, Range 22 E, B. M. Place of Use: $\text{S}\frac{1}{2}$ -SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, T. 21 N., R. 22 E. B. M.

And that on the 5th day of July, 1962, at 10:00 o'clock A. M., at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, 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.

GEO. N. CARTER

State Reclamation Engineer
No. 324 6-21 to 6-28-21c

S T A T E O F I D A H O

DEPARTMENT OF RECLAMATION

Boise, Idaho

June 13, 1962

Re: Transfer of Water Right
Kester C. Cockrell

Recorder Herald,
Salmon, Idaho.

Gentlemen:

Enclosed you will find notice for publication, once a week for two consecutive weeks prior to **July 5, 1962** the date set for hearing; the expense of the publication is to be paid by the applicant's attorney, **Charles R. Herndon** of **Salmon, Idaho** to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice and furnish this office with a copy or tear-sheet of the first publication.**

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

**If the first copy is not received in this office for checking purposes and errors appear in subsequent issues, it is possible that re-publication of corrected copy will be at your own expense.

Encl.
RWT:pmk

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Kester C. Cockrell of
Rt. #1, Salmon, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
and/or place of use of the waters of Kirtley Creek as follows:
Amount: 0.7 cubic feet per second. Priority: Aug. 1, 1871
Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21 N, Range 22 E, B. M.
Place of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 11, T. 21 N., R. 22 E. B. M.

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21 N, Range 22 E, B. M.
T. 21 N.,
Place of Use: E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 4, R. 22 E. B. M.

And that on the 5 day of July, 19 62, at 10:00 o'clock A. M.,
at Room 107 Statehouse, Boise, Idaho before the State Reclamation Engineer, or
his authorized agent, 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.

GEO. N. CARTER
State Reclamation Engineer

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Kester C. Cockrell of Rt. #1, Salmon, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of Kirtley Creek as follows:

Amount: 0.7 cubic feet per second.

Priority: Aug. 1, 1971 1871

Point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, Township 21N, Range 22E, B. M.

Place of Use: SE⁺NE⁺, E²SE^{1/4} Sec. 10; SW⁺NW⁺ Sec. 11 T21N R22E BM

To Be Transferred To

Point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 2, Township 21N, Range 22E, B. M.

Place of Use: E²SE⁺, NW⁺SE⁺, SW⁺NE⁺, NE⁺SW⁺, SE⁺NW⁺ Sec. 4 T21N R22E BM

And that on the 5 day of July, 1962, at 10:00 o'clock A M., at Room 107, Statehouse, Boise, Idaho before the State Reclamation Engineer, or his authorized agent, 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.

State Reclamation Engineer

June 12, 1962

Re: Transfer of Water Rights
Kester C. Cockrell
Rafe Nelson

Mr. Charles Herndon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Herndon:

Returned herewith are the carbon copies of Form 20
which we received.

The legal notice is being sent to the Recorder Herald,
Salmon, Idaho, for publication in two successive weekly issues.
Date for the hearing in case of protest has been set for 10:00
A.M., July 5, 1962, in this office.

Upon issuance of the certificates of transferred water
right, the abstract of water rights for Kirtley Creek will be
amended according to the agreement.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

RALPH W. THOMAS, Deputy
State Reclamation Engineer

Encl.
RWT:pmk

RECEIVED
JUN 14 1962
STATE RECLAMATION ENGINEER

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
SALMON, IDAHO

RECEIVED
JUN 12 1962

Department of Reclamation

June 11, 1962

Department of Reclamation
State House
Boise, Idaho

Attention Roy W. Thompson,

Gentlemen: RE Water District No. 79-A - Kirtley Creek
Water Transfer Nelson-Cockrell

We send you herewith in duplicate, applications for transfer of water right, Nos. 1 and 2, Nelson and Cockrell, respectively, together with maps, being original and duplication, showing the point of diversion of this transfer.

I am likewise sending you a signed copy of the Agreement.

If convenient we would like to have the duplicate original Application after it has been approved by your office, for holding in our files.

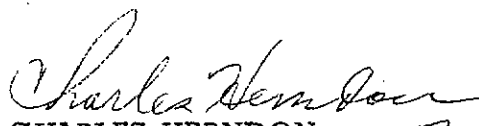
You are authorized to make any changes in the application to conform to the manner in which you want your records to show the transfer since there are no particular places where we could show the actual date of priority on the water on your change of place of use on the form.

If there is anything further, please advise.

We do not recall sending you any money in connection with this transfer and am not sure whether or not any is required.

Many thanks for all of your help.

Sincerely yours,


CHARLES HERNDON

RECEIVED

May 2, 1962

Re: Water District No. 79-A
Kirtley Creek

Mr. Charles Herndon,
Attorney at Law,
Salmon, Idaho.

Dear Mr. Herndon:

Upon further study of the first and second rights from Kirtley Creek, the writer suggests, subject to your approval, that transfers be executed on the regular forms of this department for the exchange of said water rights (Reference: Sections 42-108 and 42-222, Idaho Code.)

We have prepared on our regular forms an outline for the exchange of said water rights. First transfer from decreed water right No. 1, .70 cubic feet per second with priority of August 1, 1871, from SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10; SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, Township 21 North, Range 22 E.B.M., to be transferred to the E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, Township 21 North, Range 22 E.B.M.

By said transfer, this will change the water right of Rafe Nelson to read as follows: .70 cubic feet per second with priority of August 1, 1871; 1.30 cubic feet per second with priority of June 1, 1873.

It appears to the writer that by Instrument #5988 the phraseology seems somewhat ambiguous. We are sending you extra forms for Application of Transfer of Water Right, and if you think it necessary, you can place all the names at the head of the Application for Transfer, if you consider all names as a joint ownership (as owners of Cockrell lands).

By the second transfer, Rafe Nelson, as owner of the second right, transfers to Cockrell .70 cubic feet per second with priority of June 1, 1873, of the right decreed to Robert Stocker, now owned by

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RECORDED
INDEXED

Mr. Charles Herndon
Page #2
5-2-62

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Cockrell. (See Transfer Marked #2). Cockrell right will then read .70 cubic feet per second with priority of June 1, 1873. Proposed transfers would be more complete if you would supply the points of diversion of the Rafe Nelson point of diversion, and the Cockrell point of diversion by legal land description. The decree does not so state, and we do not have this information in our files.

We think it would be well to have a signed copy of the Agreement on file in this office, along with the Application for Transfer. Provided transfers are used, please answer all questions that apply.

Very truly yours,

GEO. N. CARTER
State Reclamation Engineer
By

ROY W. THOMPSON
Supervisor of Water Distribution

Encl.
RWT:pmk

OFFICE OF THE
PROSECUTING ATTORNEY
LEMHI COUNTY

CHARLES HERNDON
ATTORNEY AT LAW
BALMON, IDAHO

April 30, 1962

RECEIVED
MAY 2 1962

Department of Reclamation

Department of Reclamation
Boise, Idaho

Attention Roy W. Thompson

Gentlemen: RE: Water District 79-A Kirtley Creek

I have pointed out to the parties involved that it would take a Court Decree to actually change the priority but that an agreement of all parties would permit the Department to change the matter on its records. Accordingly I have prepared the enclosed Agreement and am having it signed by the various parties.

I believe that this agreement for you to transfer the water rights on your record will take care of the matter as the parties do not want to go to the expense of a court hearing unless it is necessary.

All of the parties directly involved in this particular water right are parties to this agreement.

If you agree that this will be satisfactory we will forward the signed agreement when it is completed.

With kindest personal regards, I am

Sincerely yours,

Charles Herndon
CHARLES HERNDON B

CH:fb

MINUTES

RECEIVED
MAY 2 1962

Department of Reclamation

AGREEMENT

THIS AGREEMENT, Made and entered into this 30th day of April, 1962, by and between WALTER C. FOX and GRACE FOX, husband and wife, KESTER C. COCKRELL and WANDA COCKRELL, husband and wife, KESTER LAMAR COCKRELL, a single man, and CHARLES RAYMOND COCKRELL, a single man, of the County of Lemhi, State of Idaho, parties of the first part, and RAFE NELSON and REVA NELSON, husband and wife, of the County of Lemhi, State of Idaho, parties of the second part, -

WITNESSETH:

THAT, WHEREAS, by Decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, entitled: Socrates A. Myers, Plaintiff, vs. Robert B. Stocker et al, Defendants, which said Decree was datd July 23, 1907, and recorded in Book "A" of Judgments, page 726, Records of the Lemhi County Recorder's Office, on the 23rd day of July, 1907, Daniel Beck was awarded, as the Grantee and Cross-Complainant of the Defendant Thomas Elder in said suit, the right to the use of seven-tenths of one cubic foot per second of the waters of Kirtley Creek, in Lemhi County, Idaho, (which said amount is 35 miners inches), with date of priority the 1st day of August 18, 1871, which said right constituted the first appropriation of the waters of Kirtley Creek, appurtenant to lands described in said Decree as the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, in Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho; and,

WHEREAS, The said Daniel Beck is the predecessor in interest of the parties of the first part; and,

WHEREAS, by said Judgment above referred to recorded in Book "A" of Judgments, page 726, the Defendant and Cross Complainant Robert B. Stocker was awarded the right to the use of two cubic feet per second of the waters of Kirtley Creek for lands therein described, with date of priority the

first day of June, 1873, which said right constituted a second appropriation of the waters of Kirtley Creek; and,

WHEREAS, the said Robert B. Stocker was a predecessor in interest of the parties of the second part herein; and,

WHEREAS, on the 10th day of September, 1907, by Instrument #5987, recorded September 16, 1907, in Book "R" of Deeds, page 143, the said Daniel Beck, predecessor in interest of the parties of the first part, and one John Anscomb, transferred to Robert B. Stocker, predecessor in interest of the parties of the second part, all of their right, title and interest in and to 35 inches of the first right of the waters of Kirtley Creek, as decreed in Judgment Book "A, page 726, Lemhi County Records, above referred to; that by said conveyance and sale for a consideration of \$250.00, the said sellers sold and conveyed to the said Stocker all of the water right so decreed, together with the right to the use of said 35 inches of said first right waters; and,

WHEREAS, by Instrument #5988, dated September 10, 1907, recorded September 16, 1907, in Book "R" of Deeds, page 144, records of the County of Lemhi, State of Idaho, the said Robert B. Stocker sold and conveyed to Daniel Beck and John Anscomb, for a consideration of \$1.00, "The right to the flow of waters of Kirtley Creek to extent of 35 inches, second right, reserving to (1) a prior right to use the flow of waters of said Kirtley Creek to the extent of 100 inches at all times, understanding that said 100 inches shall be a prior right and shall rest and be vested in Robert B. Stocker; (2) that the 35 inches hereby conveyed shall be a second right and inferior to said 100 inches and said 35 inches shall rest and be vested in said parties of the second part, Reference is hereby to said decree made." and,

WHEREAS, since the year 1907, the water masters have distributed the waters of Kirtley Creek in accordance with the provisions of the above transfers, delivering to the parties of the second part and their predecessors

in interest, the 35 inches of first right water, and an additional 65 inches, making 100 inches first right water to the premises now owned by the parties of the second part, Rafe Nelson and Reva Nelson, which are described as follows:

$E\frac{1}{2} SE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4}$, and $SE\frac{1}{4} NW\frac{1}{4}$, Section 4, Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho;

and,

WHEREAS, Since the said year 1907, the 35 inches of second right water referred to in said Deeds of Transfer, has been used as second right water by the parties of the first part and their predecessors in interest, upon the premises hereinabove described as those of Daniel Beck in said Judgment.

NOW, THEREFORE, In consideration of the sum of \$1.00, each to the other herein paid, and the mutual covenants and agreements with each other as follows:

1. That the parties of the first part shall be entitled to the 35 inches second right water for use upon the Daniel Beck premises described as follows:

$SE\frac{1}{4} NE\frac{1}{4}$, the $E\frac{1}{2} SE\frac{1}{4}$, of Section 10, and the $SW\frac{1}{4} NW\frac{1}{4}$ of Section 11, in Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho.

2. That the parties of the second part shall be entitled to the use of 35 inches first right water as set forth in that certain Instrument #5987, for the irrigation of the premises described as follows:

The $E\frac{1}{2} SE\frac{1}{4}$, $NW\frac{1}{4} SE\frac{1}{4}$, $SW\frac{1}{4} NE\frac{1}{4}$, $NE\frac{1}{4} SW\frac{1}{4}$, and $SE\frac{1}{4} NW\frac{1}{4}$, Section 4, Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho;

and shall likewise be entitled to an additional first right water to the amount of 65 inches, making a total of 100 inches first right water to the parties of the second part of the waters of Kirtley Creek, as mentioned in said transfers Instruments #5987 and #5988, above referred to.

3. That the Department of Reclamation of the State of Idaho is hereby requested to make such transfers upon its records as to show

the priorities as herein set forth.

IT IS FURTHER MUTUALLY AGREED that the terms of this agreement shall inure to and be binding upon the heirs, executors, administrators, successors or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Walter C. Fox

(SEAL)

Grace Fox

(SEAL)

Kester C. Cockrell

(SEAL)

Wanda Cockrell

(SEAL)

Kester LaMar Cockrell

(SEAL)

FIRST PARTIES

Charles Raymond Cockrell

(SEAL)

Rafe Nelson

(SEAL)

Reva Nelson

(SEAL)

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this _____ day of May, 1962, before me, the undersigned, a
Notary Public in and for said State, personally appeared WALTER C. FOX,
GRACE FOX, KESTER C. COCKRELL, WANDA COCKRELL, KESTER LAMAR COCKRELL,
and CHARLES RAYMOND COCKRELL, known to me to be the persons whose
names are subscribed to the within instrument, and acknowledged to me that
they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this _____ day of May, 1962, before me, the undersigned, a
Notary Public in and for said State, personally appeared RAFF NELSON and
REVA NELSON, known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official sea, the day and year in this certificate first above written.

Notary Public for the State of Idaho
Residing at Salmon, Idaho

RECEIVED

JUN 12 1962

AGREEMENT

Department of Reclamation

THIS AGREEMENT, Made and entered into this 30th day of April, 1962, by and between WALTER C. FOX and GRACE FOX, husband and wife, KESTER C. COCKRELL and WANDA COCKRELL, husband and wife, KESTER LAMAR COCKRELL, a single man, and CHARLES RAYMOND COCKRELL, a single man, of the County of Lemhi, State of Idaho, parties of the first part, and RAPE NELSON and REVA NELSON, husband and wife, of the County of Lemhi, State of Idaho, parties of the second part, -

WITNESSETH:

THAT, WHEREAS, by Decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Lemhi, entitled Socrates A. Myers, Plaintiff, vs. Robert B. Stocker et al, Defendants, which said Decree was dated July 23, 1907, and recorded in Book "A" of Judgments, page 726, Records of the Lemhi County Recorder's Office, on the 23rd day of July, 1907, Daniel Beck was awarded, as the Grantee and Cross-Complainant of the Defendant Thomas Elder in said suit, the right to the use of seven-tenths of one cubic foot per second of the waters of Kirtley Creek, in Lemhi County, Idaho, (which said amount is 35 miners inches), with date of priority the 1st day of August 18, 1871, which said right constituted the first appropriation of the waters of Kirtley Creek, appurtenant to lands described in said Decree as the SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, Section 10, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 11, in Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho; and,

WHEREAS, The said Daniel Beck is the predecessor in interest of the parties of the first part; and,

WHEREAS, by said Judgment above referred to recorded in Book "A" of Judgments, page 726, the Defendant and Cross Complainant Robert B. Stocker was awarded the right to the use of two cubic feet per second of the waters of Kirtley Creek for lands therein described, with date of priority the

first day of June, 1873, which said right constituted a second appropriation of the waters of Kirtley Creek; and,

WHEREAS, the said Robert B. Stocker was a predecessor in interest of the parties of the second part herein; and,

WHEREAS, on the 10th day of September, 1907, by Instrument #5987, recorded September 16, 1907, in Book "R" of Deeds, page 143, the said Daniel Beck, predecessor in interest of the parties of the first part, and one John Anscomb, transferred to Robert B. Stocker, predecessor in interest of the parties of the second part, all of their right, title and interest in and to 35 inches of the first right of the waters of Kirtley Creek, as decreed in Judgment Book "A", page 726, Lemhi County Records, above referred to; that by said conveyance and sale for a consideration of \$250.00, the said sellers sold and conveyed to the said Stocker all of the water right so decreed, together with the right to the use of said 35 inches of said first right waters; and,

WHEREAS, by Instrument #5988, dated September 10, 1907, recorded September 16, 1907, in Book "R" of Deeds, page 144, records of the County of Lemhi, State of Idaho, the said Robert B. Stocker sold and conveyed to Daniel Beck and John Anscomb, for a consideration of \$1.00, "The right to the flow of waters of Kirtley Creek to extent of 35 inches, second right, reserving to (1) a prior right to use the flow of waters of said Kirtley Creek to the extent of 100 inches at all times, understanding that said 100 inches shall be a prior right and shall rest and be vested in Robert B. Stocker; (2) that the 35 inches hereby conveyed shall be a second right and inferior to said 100 inches and said 35 inches shall rest and be vested in said parties of the second part, Reference is hereby to said decree made." and,

WHEREAS, since the year 1907, the water masters have distributed the waters of Kirtley Creek in accordance with the provisions of the above transfers, delivering to the parties of the second part and their predecessors

in interest, the 35 inches of first right water, and an additional 65 inches, making 100 inches first right water to the premises now owned by the parties of the second part, Rafe Nelson and Reva Nelson, which are described as follows:

$E\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, and $SE\frac{1}{4}NW\frac{1}{4}$, Section 4, Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho;

and,

WHEREAS, Since the said year 1907, the 35 inches of second right water referred to in said Deeds of Transfer, has been used as second right water by the parties of the first part and their predecessors in interest, upon the premises hereinabove described as those of Daniel Beck in said Judgment.

NOW, THEREFORE, In consideration of the sum of \$1.00, each to the other herein paid, and the mutual covenants and agreements with each other as follows:

1. That the parties of the first part shall be entitled to the 35 inches second right water for use upon the Daniel Beck premises described as follows:

$SE\frac{1}{4}NE\frac{1}{4}$, the $E\frac{1}{2}SE\frac{1}{4}$, of Section 10, and the $SW\frac{1}{4}NW\frac{1}{4}$ of Section 11, in Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho.

2. That the parties of the second part shall be entitled to the use of 35 inches first right water as set forth in that certain Instrument #5987, for the irrigation of the premises described as follows:

The $E\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}$, and $SE\frac{1}{4}NW\frac{1}{4}$, Section 4, Township 21 North, Range 22 East of the Boise Meridian, in Lemhi County, State of Idaho;

and shall likewise be entitled to an additional first right water to the amount of 65 inches, making a total of 100 inches first right water to the parties of the second part of the waters of Kirtley Creek, as mentioned in said transfers Instruments #5987 and #5988, above referred to.

3. That the Department of Reclamation of the State of Idaho is hereby requested to make such transfers upon its records as to show

the priorities as herein set forth.

IT IS FURTHER MUTUALLY AGREED that the terms of this agreement shall inure to and be binding upon the heirs, executors, administrators, successors or assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

Walter C. Fox (SEAL)
Walter C. Fox

Grace Fox (SEAL)
Grace Fox

Kester C. Cockrell (SEAL)
Kester C. Cockrell

Wanda Cockrell (SEAL)
Wanda Cockrell

Lamar Cockrell (SEAL)
Kester LaMar Cockrell

FIRST PARTIES

Charles Raymond Cockrell (SEAL)
Charles Raymond Cockrell

Rafe Nelson (SEAL)
Rafe Nelson

Reva Nelson (SEAL)
Reva Nelson

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this 16 day of May, 1962, before me, the undersigned, a
Notary Public in and for said State, personally appeared WALTER C. FOX,
GRACE FOX, KESTER C. COCKRELL, WANDA COCKRELL, KESTER LAMAR COCKRELL,
and CHARLES RAYMOND COCKRELL, known to me to be the persons whose
names are subscribed to the within instrument, and acknowledged to me that
they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal, the day and year in this certificate first above written.



Charles Nelson

Notary Public for the State of Idaho
Residing at Salmon, Idaho

STATE OF IDAHO :
 : ss.
County of Lemhi :

On this 16 day of May, 1962, before me, the undersigned, a
Notary Public in and for said State, personally appeared RAFF NELSON and
REVA NELSON, known to me to be the persons whose names are subscribed to
the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official sea, the day and year in this certificate first above written.



Charles Nelson

Notary Public for the State of Idaho
Residing at Salmon, Idaho

RECEIVED

Department of Reclamation

RECEIVED

6-5-C-2

Hugh M. Cramer

T 22 N, R 22 E B.M.
T 21 N, R 22 E B.M.

33 34
4 3

34 35
3 2

35 36
2 1

NEUSEY
SEC 2

Kirtley
Sec 1
SW 1/4

Harrell
Sec 1
SW 1/4

Nelson
Ditch

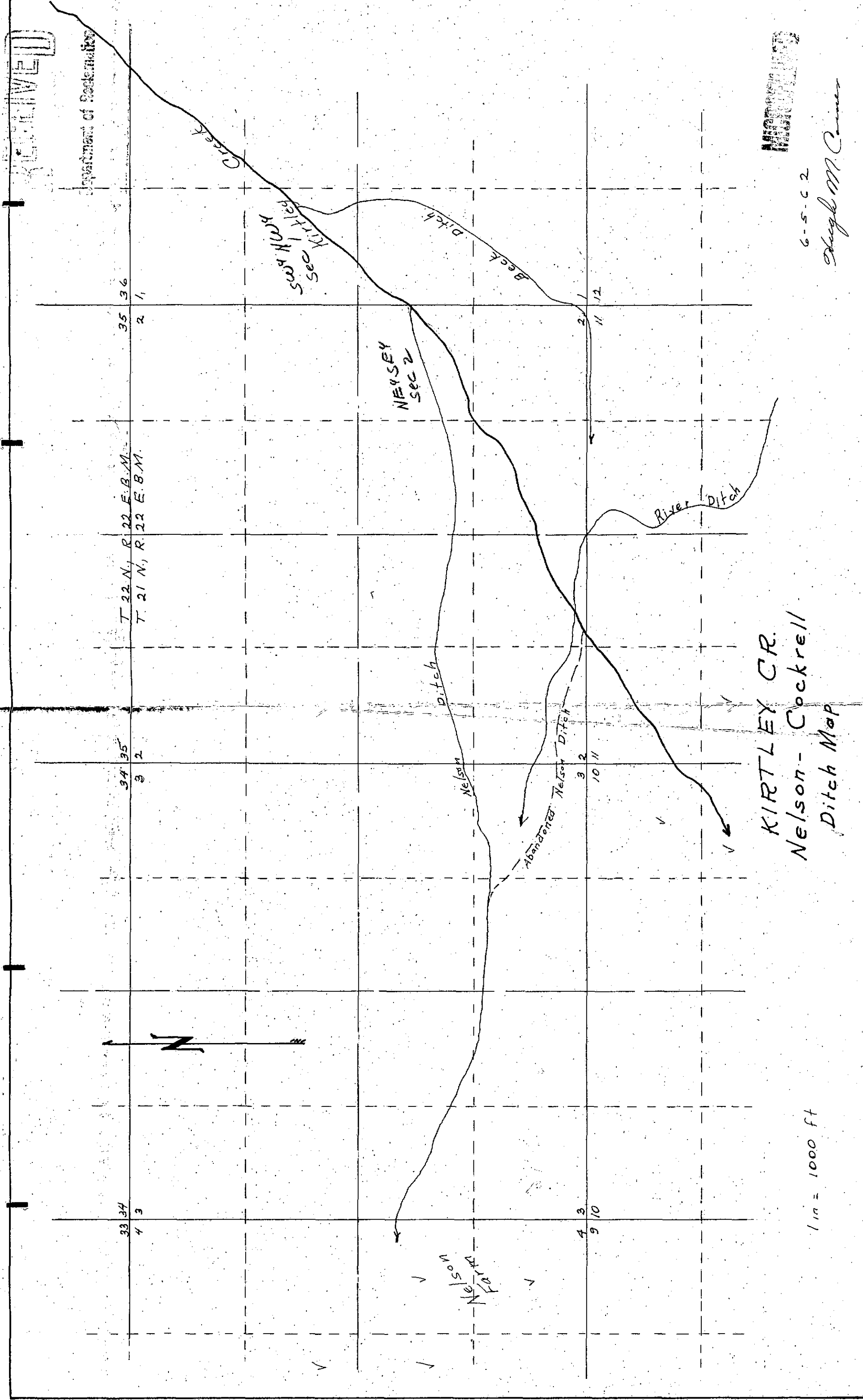
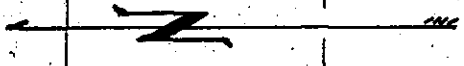
Abandoned Nelson Ditch

Beck Ditch

River Ditch

KIRTLEY CR.
Nelson-Cockrell
Ditch Map

1 in = 1000 ft



T. 21 N. R. 12 E. S. 4



Nelson
Farm

4 3
9 10

Nelson
Ditch

ditch

NEUSEY
SEC 2

SW 1/4 NE 1/4
Sec 1 Kirtley

Beck Ditch

3 1
11 12

River Ditch

RECEIVED

Department of Agriculture

MICROFILMED

KIRTLLEY CR.

Nelson - Cockrell

Ditch Map

1 in = 1000 ft

C. W. C. 2

W. L. M. C.