

3932 Kelly

3932

Name R.H.L. Kelly Trust  
By yo Peter D. Kelly  
Address Route 3, Box 59A  
The Dalles, OR 97058

Change in POD  
Date filed April 13, 1978  
Date of hearing July 27, 1978 August 24, 1978  
Place of hearing The Dalles  
Date of order 12-5-78 Vol. 31, page 477  
Date for application of water Completed  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Certificate issued JAN 19 1981 Vol. 43, page 49824

DESCRIPTION OF WATER RIGHT

Name of stream Fifteenmile Creek  
Trib. of \_\_\_\_\_ County of Wasco  
Use \_\_\_\_\_  
Quantity of water \_\_\_\_\_ No. of acres \_\_\_\_\_  
Name of ditch \_\_\_\_\_  
Date of priority July 23, 1924  
In name of Louis J. Kelly  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 9709 Per. No. 6421 Cert. No. 7540  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEES PAID

Date	Amount	Receipt No.
<u>4-13-78</u>	<u>85-</u>	<u>2173</u>
TOTAL . . .		
<u>8-14-78</u>	<u>\$2 Cert. Fee</u>	<u>Trans from 2173</u>
<u>The Dalles Chronicle \$48.59 pd 8-14-78 dk #2533</u>		

FEES REFUNDED

Date	Amount	Check No.
Ex	20-	
POD	15-	
Cert	2-	
POW	48 59	
	<u>85.59</u>	

REMARKS

W.R.I.S.	
Assembled <u>5-15-83</u> by <u>SM</u>	
Entered	_____ by _____
Verified	_____ by _____

	INDEX CARDS:	Entered	Checked
TO BE ENTERED WHERE CHECKED	<input checked="" type="checkbox"/> Name	<u>leg</u>	_____
	<input checked="" type="checkbox"/> Stream	<u>leg</u>	_____
	<input checked="" type="checkbox"/> Pt. of Div.	<u>leg</u>	_____
	<input checked="" type="checkbox"/> Calendar	<u>leg</u>	_____
	<input type="checkbox"/> Twp. & Rge.	<u>leg</u>	_____
	<input type="checkbox"/> Decree-vault	_____	_____
	<input type="checkbox"/> Decree-safe	_____	_____
	<input checked="" type="checkbox"/> Cert. of W/R	<u>leg</u>	_____
	<input checked="" type="checkbox"/> Per. Folder	<u>leg</u>	_____
	<input type="checkbox"/> Chaindex	_____	_____
<input type="checkbox"/> Cross Ref.	_____	_____	
<input checked="" type="checkbox"/> Power Claim	_____	_____	
<input checked="" type="checkbox"/> Abstracts	<u>leg</u>	_____	



## STATE OF OREGON

Canceled Sp. Cr. Rec. Vol. 31 P. 476

Superseded by

COUNTY OF WASCO

Cert. No. \_\_\_\_\_

## CERTIFICATE OF WATER RIGHT

This is to Certify, That R.H.L. Kelly Trust Louis J. Kelly % Peter Kelly Rt 3 Box 54Aof The Dalles, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Fifteen Mile Creeka tributary of Columbia River for the purpose of Irrigation under Permit No. 6421 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 23, 1924;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.77 cubic foot per second; if available at the original point of diversion;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows:

2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 0.3 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9,  
0.2 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 6.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 7.9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 8.7  
acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 6.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 14.7 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 7.3  
acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 4, Township 1 North, Range 15 East, and 2.6 acres  
in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  and 3.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33, Township 2 North, Range  
15 East of Willamette Meridian in Wasco County, Oregon.

7.3 acres SWNE14.7 NENW7.3 NW1/4NW3.9 SENW0.2 SESW7.9 NWSE6.1 SWSESec 40.3 NWNE2.0 NENWSec 9T1N R15E W1/42.6 acres SWSW3.4 SESWSec 33T2N R15E W1/4

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 7540 Vol 7 SRWR NOT canceled by the provisions of an order of the WRD entered Dec 5, 1978 and is issued to confirm a change in point of diversion approved by another order of the WRD entered Dec 5, 1978 approving transfer application No. 3932 and supercedes certificate 7540.

The issuance etc.

C-49824



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON

WASCO COUNTY

IN THE MATTER OF THE APPLICATION )  
OF R.H.L. KELLY TRUST FOR AP- )  
PROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER )  
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ORDER APPROVING  
TRANSFER NO. 3932

On April 13, 1978, an application was filed in the office of the Water Resources Director by R.H.L. Kelly Trust, c/o Peter D. Kelly, Trustee, for approval of a change in point of diversion from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 504.530.

The certificate recorded at page 7540, Volume 7, State Record of Water Right Certificates, in the name of Louis J. Kelly, describes a right which includes the use of not to exceed 0.7 cubic foot per second from Fifteenmile Creek for irrigation of a certain 2.6 acres in SW $\frac{1}{4}$  SW $\frac{1}{4}$ , 3.4 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 33, Township 2 North, Range 15 East, W.M.; 7.3 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$ , 14.7 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$ , 7.3 acres in NW $\frac{1}{4}$  NW $\frac{1}{4}$ , 3.9 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$ , 0.2 acre in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , 7.9 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , 6.1 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4; 0.3 acre in NW $\frac{1}{4}$  NE $\frac{1}{4}$  and 2.0 acres in NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9, Township 1 North, Range 15 East, W.M., with a date of priority of July 23, 1924.

The authorized point of diversion is located South 40 degrees East, 1248 feet from the Northwest Corner of Section 9, being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 9, Township 1 North, Range 15 East, W.M.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to two points of diversion located: (1) 80 feet North and 2240 feet West from the Southeast Corner of Section 4, being within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 4; and (2) 930 feet South and 840 feet West from the North Quarter Corner of Section 4, being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, both in Township 1 North, Range 15 East, W.M.

Notice of the application, pursuant to ORS 540.520(2), was published in The Dalles Chronicle, a newspaper printed and having general circulation in Wasco County, Oregon, for a period of three weeks in the issues of July 3, 10 and 17, 1978.

Mr. Thomas J. Paul, Watermaster, has filed a statement to the effect that the proposed change in point of diversion may be made without injury to existing rights.

V31, 0477

No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the requested change in point of diversion, as described herein, without loss of priority, is approved.

It is FURTHER ORDERED that the quantity of water diverted at the new points of diversion shall not exceed the quantity of water available at the old point of diversion under the subject right.

It is FURTHER ORDERED that the following provisions shall be effective when in the judgment of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device be measuring the water to which the applicant is entitled;

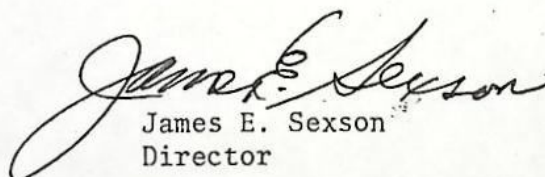
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that NO time need be fixed for completion as the change in point of diversion is completed.

The order of the Water Resources Director entered December 5, 1978, provided for cancellation of that portion of the right described by certificate of water right recorded at page 7540, Volume 7, State Record of Water Right Certificates, NOT involved in this transfer proceeding; therefore,

It is FURTHER ORDERED that the certificate of water right recorded at page 7540, Volume 7, State Record of Water Right Certificates, is canceled; and upon proof satisfactory to the Water Resources Director of completion of works and beneficial use of water to the extent intended under the provisions of this order, a confirming certificate of water right shall be issued to the applicant herein.

Dated at Salem, Oregon this 5th day of December, 1978.

  
James E. Sexson  
Director

2475



BEFORE THE WATER RESOURCES DIRECTOR OF OREGON  
WASCO COUNTY

IN THE MATTER OF CANCELLATION )  
OF A PORTION OF A WATER RIGHT )  
IN THE NAME OF LOUIS J. KELLY )  
-----

O R D E R

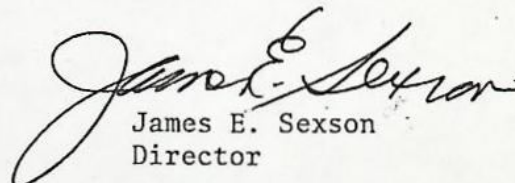
On December 4, 1978, Peter D. Kelly, acting as authorized agent for the R.H.L. Kelly Trust, submitted an affidavit that the R.H.L. Kelly Trust is the owner of a certain water right and the lands to which the water right is appurtenant; that the R.H.L. Kelly Trust has abandoned any and all interest in and to said water right and requests the same be canceled.

The water right in question is a portion of the right described by the certificate recorded at page 7540, Volume 7, State Record of Water Right Certificates, in the name of Louis J. Kelly, and is for the use of not to exceed 0.07 cubic foot per second of water from Fifteenmile Creek, with a date of priority of July 23, 1924, for irrigation of a certain 1.4 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  and 4.2 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, Township 1 North, Range 15 East, W.M., being that portion of the right described by said certificate NOT involved in the water right transfer application No. 3932 proceedings.

ORS 540.621 provides that: "Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Director that the water right has been abandoned by him and that he desires cancellation thereof, the Water Resources Director shall enter an order canceling the water right."

NOW, THEREFORE, it hereby is ORDERED that the said water right, being a portion of the right described by the certificate recorded at page 7540, Volume 7, State Record of Water Right Certificates, is canceled.

Dated at Salem, Oregon this 5th day of December, 1978.

  
James E. Sexson  
Director

12117476



## STATE OF OREGON

COUNTY OF WASCO

## CERTIFICATE OF WATER RIGHT

This is to Certify, That Louis J. Kelly

of The Dalles, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Fifteen Mile Creek

a tributary of Columbia River for the purpose of Irrigation under Permit No. 6421 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 25, 1924;

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.77 cubic foot per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows:

2 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 0.3 acre in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 9, 0.2 acre in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 6.1 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , 7.9 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 8.7 acres in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 8.1 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 14.7 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , 7.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 4, Township 1 North, Range 15 East, and 2.6 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  and 3.4 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33, Township 2 North, Range 15 East of Willamette Meridian in Wasco County, Oregon.

2.0 ac NE $\frac{1}{4}$ NW $\frac{1}{4}$  - 2.0  
0.3 ac NW $\frac{1}{4}$ NE $\frac{1}{4}$  - 0.3  
Section 9  
0.2 ac SE $\frac{1}{4}$ SW $\frac{1}{4}$  - 0.2  
6.1 ac SW $\frac{1}{4}$ SE $\frac{1}{4}$  - 6.1  
7.9 ac NW $\frac{1}{4}$ SE $\frac{1}{4}$  - 7.9  
8.7 ac SW $\frac{1}{4}$ NE $\frac{1}{4}$  - 8.7  
8.1 ac SE $\frac{1}{4}$ NW $\frac{1}{4}$  - 8.1  
14.7 ac NW $\frac{1}{4}$ NW $\frac{1}{4}$  - 14.7  
7.5 ac NW $\frac{1}{4}$ NW $\frac{1}{4}$  - 7.5  
Section 4  
Tp. 1 N., R. 15 E., W. 1 M

2.6 ac SW $\frac{1}{4}$ SW $\frac{1}{4}$   
3.4 ac SE $\frac{1}{4}$ SW $\frac{1}{4}$  - 3.4  
Section 33  
Tp. 2 N., R. 15 E., W. 1 M

The right to the use of the water for irrigation purposes is restricted to the lands or place of use herein described.

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 19th day

of March, 1928

Rhea Luper

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 7, page 7540



**NOTICE OF WATER RIGHT  
TRANSFER APPLICATION**  
NO. 3932

Notice is given hereby that an application has been filed in the office of the Water Resources Director by R.H.L. Kelly Trust, c-o Peter D. Kelly, Trustee, for approval of a change in point of diversion from Fifteenmile Creek, pursuant to the provisions of ORS 540.510 to 540.530.

The certificate recorded at page 7540, Volume 7, State Record of Water Right Certificates, in the name of Louis J. Kelly, describes a right which includes the use of not to exceed 0.7 cubic foot per second from Fifteenmile Creek for irrigation of a certain 2.6 ac in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 3.4 ac in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 33, T 2 N, R 15 E, WM; 7.3 ac in SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, 14.7 ac in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 7.3 ac in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 3.9 ac in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, 0.2 ac in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, 7.9 ac in NW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, 6.1 ac in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of Sec. 4; 0.3 ac in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>, and 2.0 ac in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec 9, T 1 N, R 15 E, WM, with a date of priority of July 23, 1924.

The authorized point of diversion is located S 40 degrees E 1248 ft from the NW Corner of Sec 9, being within the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Sec 9, T 1 N, R 15 E, WM.

The applicant herein, owner of the lands above described, proposes to change the point of diversion therefrom, without loss of priority, to two points of diversion located: (1) 80 ft N & 2240 ft W from the SE Corner of Sec 4, being within the SW<sup>1</sup>/<sub>4</sub>

# Affidavit of Publication

STATE OF OREGON, } ss.  
County of Wasco

I, Klea Espy

being first duly sworn, depose and say that I am the principal clerk of the publisher of The Dalles Chronicle, a newspaper of general circulation, as defined by sections ORS 193.010 and 193.020; Oregon Compiled laws, annotated; printed and published at The Dalles, in the aforesaid county and state, that the

Notice of Transfer Application printed copy of which is hereto annexed, was published in the entire issue of said

newspaper for Three weeks successive and consecutive issues in the following issues: July 3, 10, 17, 1978 *ok*

Subscribed and sworn to before me this 17 day of July, 1978

*Klea Espy*  
*J. F. Wright*  
Notary Public for Oregon.

My Commission Expires July 31, 1983

All item

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