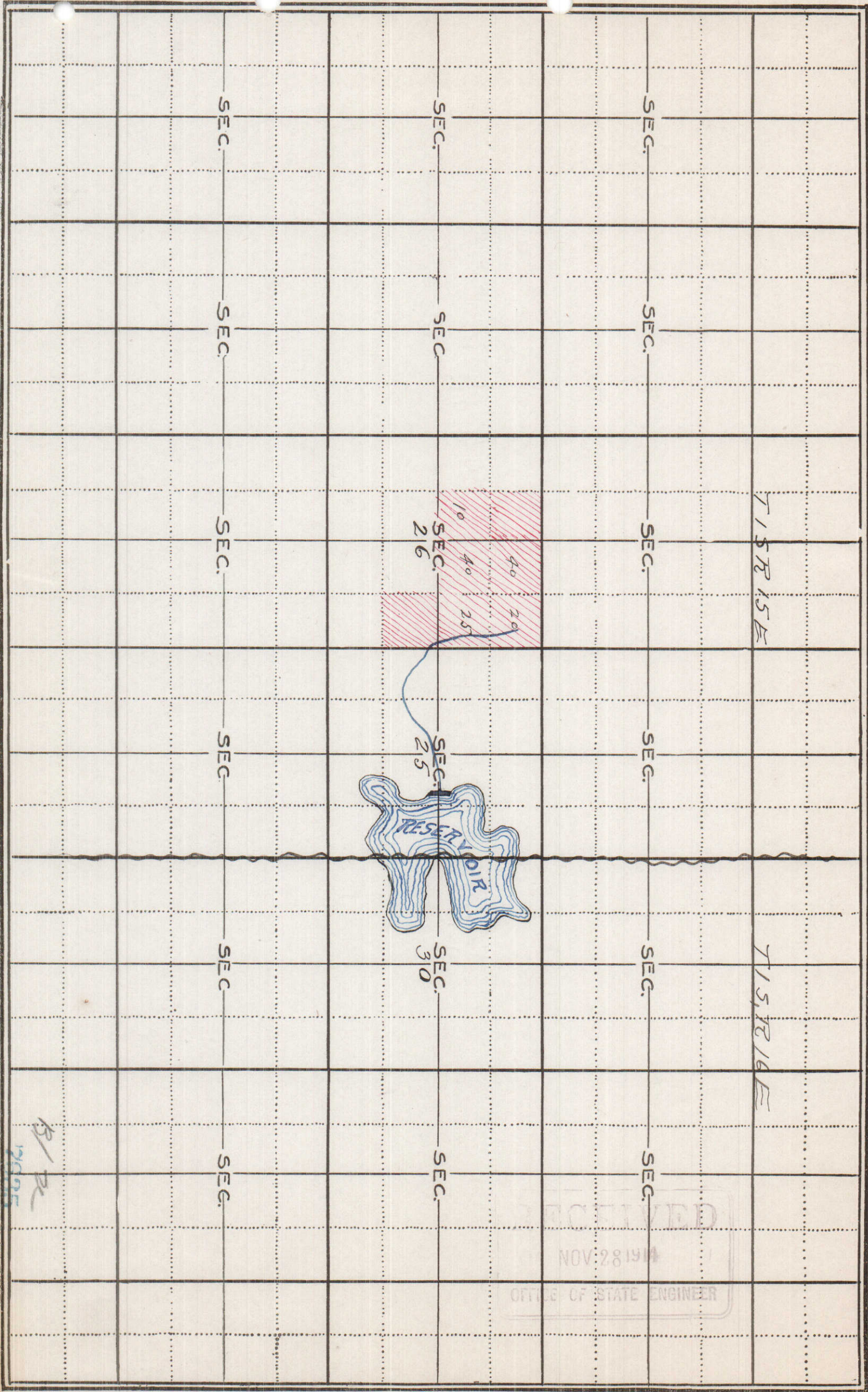


Name of Applicant Michael Kelly

#7635



INTER-DEPARTMENT MEMO — 1

DATE 9/28/82

FROM D. Tuthill

TO 37-2218

SUBJECT Storage right.

A question has been raised regarding the storage right for Kelley Reservoir. Does 37-2218 provide for storage?

The old water right system provided for 2 filings on storage systems. Thus, direct flow was separated from ^{the} storage right. However, this system (which included issuance of "R" permits) did not begin until 1916. Prior to that time the storage right was included with the direct flow right. Thus, consider 37-2218 to include up to 250 af storage.

~~DET~~ SIGNATURE

State of Idaho
License and Certificate of Water Right

Water License No. 7635
Water District No. 6

Amount 2.7 sec. ft.
Priority 6-9-1911

THIS IS TO CERTIFY that Michael Kelly
of Fairfield, Idaho, made application for a permit to appropriate the
public waters of the State of Idaho, dated August 9th, 1911; that Permit No. 7635
was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5
second feet, was issued thereunder on September 11th, 1914, showing that said works
were completed on the 22d day of August, 1914; and that on the 22d
day of August, 1914,

Michael Kelly

of Fairfield, State of Idaho, made proof to the satisfaction of the
State Engineer of Idaho, of a right to the use of the waters of unnamed stream,
a tributary of Michael Kelly's reservoir for the purpose of irrigation and domestic use,
under Use Permit No. 7635 of the Commissioner of Reclamation, and that said right to the use of said
waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State
Engineer of Idaho and entered of record in Volume 5 of Licenses, at page 2516, on the 6th
day of December, 1919;

The right hereby confirmed dates from August 9th, 1911;

The Point of Diversion is located
in the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 25, Twp. 1 S., R. 15 E., B. M.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
exceed 2.7 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
1 S.	15 E.	26	NE $\frac{1}{4}$ NE $\frac{1}{4}$	40	20
			NW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SW $\frac{1}{4}$ NE $\frac{1}{4}$	40	40
			SE $\frac{1}{4}$ NE $\frac{1}{4}$	40	25
			SE $\frac{1}{4}$ NW $\frac{1}{4}$	40	10
Total number of acres irrigated-----				135	

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.

WITNESS the seal and signature of the Commissioner of Reclamation
day of December, 1919, affixed at Boise, Idaho, this 6th

W. G. Swendsen,
Commissioner of Reclamation.

(SEAL)

By S. T. Baer, Deputy.

37-2218

37-2218

No. 11158.

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of Applicant: Michael Kelly

Postoffice address: Soldier

County: Blaine State: Idaho

2. The quantity of water claimed is five cubic feet per second.

3. Source of water supply: Unnamed Stream Michael Kelly's Reservoir (See Remarks No. 1)

4. Location of point of diversion: SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, T. 1 S. R. 15 E.

County of Blaine

5. To be used for: Irrigation

I. Irrigation and domestic use:

(a) Amount of land to be irrigated: 280 acres.

(b) In the following legal subdivisions: NE $\frac{1}{4}$ - E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, T.

1 S., R. 15 E. N. M.

6. Estimated cost of works: \$1200.00

7. Description of works for diversion:

I. Kind of works: Ditches and Reservoir

III. Dimensions of works:

(b) Capacity of reservoir: 250 acre feet.

(d) Conduit ditch, width at bottom 2 $\frac{1}{2}$ feet, width at water line 3 feet, depth of water 1 $\frac{1}{2}$ feet. Average grade per mile is 8 feet. Length of conduit is $\frac{3}{4}$ mile and it crosses the following quarter sections: The SW $\frac{1}{4}$ NE $\frac{1}{4}$, the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ Sec. 25, T. 1 S. R. 15 E.

8. The time required for the completion of the construction of such work is three years.

9. Time required for the complete application of the water to the proposed use is no additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Michael Kelly Applicant

By H. L. Childs...Agent

Remarks: No. 1. Said Michael Kelly's Reservoir is situated on a part of E $\frac{1}{2}$ Sec. 25, T. 1 S. R. 15 E., and on part of W $\frac{1}{2}$ Sec. 30 T. 1 S. R. 16 E. and upon unappropriated, government ownership lands, and the source of water supply is from flood or snow waters.

No. 2--The springs on the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26, as shown on the map, are on the desert entry owned by the applicant herein and are not included in the application under this permit.

APPROVAL OF STATE ENGINEER.

The number of this permit is 7635

Date of first receipt at office of State Engineer 9:00 a.m. August 9, 1911.

Recorded in Book 24 Page 7635 Approved August 24, 1911

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before October 23, 1911, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before February 24, 1913

The whole of said work to be completed on or before August 24, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before August 24, 1914

Witness my hand this twenty-fourth day of August, 1911

A. E. Robinson,
State Engineer.

License issued to 2.7 Page 2516

Proof of Completion of Works made August 22, 1914.

Certificate of Completion of Works issued September 11, 1914.

Permit No. 7635

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Michael Kelly of Soldier, County of Blaine, and State of Idaho, the holder of Permit No. 7635, issued upon Application No. 11158, bearing date of priority of August 9, 1911, authorizing the diversion of 5 second feet of the waters of an unnamed stream, Michael Kelly's Reservoir, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 5 second-feet of the waters of an unnamed stream, Michael Kelly's Reservoir; that the point of diversion of said waters is at a point in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25, Tp. 1 S. R. 15 E.B.M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 26, Tp. 1 S. R. 15 E.B.M., containing 280 acres.

Witness my hand this 11th day of September, A. D. 1914.

F. P. King,

State Engineer of the State of Idaho.

WATER RIGHT NUMBER 37-2218

OWNER LAST NAME - KELLY / FIRST NAME - MICHAEL / ORIG OWNER -
ADDRESS LINE 1 - ADDRESS LINE 2 -
ADDRESS LINE 3 - CITY - FAIRFIELD STATE - ID ZIP CODE -
SOURCE - UNNAMED STREAM / TRIBUTARY OF - CAMAS CREEK /
STAGE - LICENSE / STATUS - PRIORITY - 08-09-1911 COUNTY - CAMAS / TOTAL DIV. RATE - 2.7000 -CFS
TOTAL DIV. VOLUME - .00 AFA TRFR/AMEND - WATER DIST. - 37 / DLE/CAREY ACT - RIGHT BASIS -
DIVERSION POINT - SWNE 25 01S 15E LOT REDIV - 272.0 386.0 7.0 7.0 0.0 0.0 0.0 0.0 0.0 0.0 1.9
FROM - TO - USE - IRRIGATION / USE DIV. RATE - 2.7000 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - DOMESTIC / USE DIV. RATE - .0000 CFS USE DIV. VOLUME - .00 AFA
FROM - TO - USE - IRRIGATION STORAGE / USE DIV. RATE - .0000 CFS USE DIV. VOLUME - 250.00 AFA
FROM - TO - USE - IRRIGATION FROM STORAGE / USE DIV. RATE - .0000 CFS USE DIV. VOLUME - 250.00 AFA
USE - IRRIGATION PLACE OF USE - TWN 01S RNG 15E SEC 26 TRACT NENE LOT AC 20 TRACT NWNE LOT AC 40
TRACT SWNE LOT AC 40 TRACT SENE LOT AC 25
TRACT SENW LOT AC 10
DATE - TOTAL ACRES 135

DECREE NAME -
REMARKS - LICENSE INCORRECTLY INDICATES BLAINE CO. /
STORAGE INCLUDED WITH DIRECT FLOW RIGHT. /
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE - PERMIT/DENIED - PROTESTED - HEARING - OLD NO. - 7635 /
PROOF MADE - FLD EXAM - COND. OF APPROVAL -
DIVERSION MEANS -

VERIFIED DHH

IDENT. NO. 37-2218

I D A H O D E P A R T M E N T O F W A T E R R E S O U R C E S

WATER RIGHT
DATA ENTRY LOG

[illegible]

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 7635 / 37-2218
 Old No. New No.

Record

1. Original Owner: Michael Kelly

Present Owner: _____

2. Address: _____

3. City: Fairfield State: Id Zip: _____

4. A. Source of Water: unnamed stream

B. Tributary of: Michael Kellys Reservoir

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid):

C. Priority Date: 8-9-1911

D. County: 13

E. Total Diversion Rate: 2.7

F. Total Diversion Volume:

G. Transfer/Amendment (P,T of A or blank):

H. Water District:

I. DLE/Carey Act (D,C or blank):

J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SWNE</u>	<u>25</u>	<u>13</u>	<u>15E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for 2 purposes. Amount 2.7
 (cfs or AC-FT/yr)

from _____ to _____ for D purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

April 08, 1974

RE: Your reference Bar H Bar

Mr. Alan D. McCombs
Manager
Federal Land Bank Association
121 Fourth Avenue West
Gooding, Idaho 83330

Dear Mr. McCombs:

In answer to your March 28th letter, I am enclosing a copy of Water License No. 37-2218 which pertains to the Kelly Reservoir you had in question. However, I have not located a right on Ryans Spring. The only information I was able to come up with was a filing made by Mr. Michael Kelly in July 05, 1907, on an unnamed stream. This was for 4.0 c.f.s., irrigation purposes with a point of diversion in the SW¹/₄NE¹/₄ of Section 25/26, T 1 S, R 15 E., B.M. The lands to be irrigated was 200 acres; E¹/₂NE¹/₄, NE¹/₄SE¹/₄, SE¹/₄NW¹/₄, SW¹/₄NE¹/₄ all in Section 26. As I understand it, some of this land was Homestead and some of it Desert Entry. Anyway, to make a long story short, this was cancelled for failure to make proof of beneficial use.

Could Bar H Bar possibly have any decreed rights on this land? If so you will have to send me a source, i.e. Big Wood River, Silver Creek, etc., and I will be happy to look further.

Very truly yours,

(Mrs.) ELEANOR J. WOODS
Records Supervisor

EJW:e

Enclosure

37-2218

FEDERAL LAND BANK ASSOCIATION OF GOODING

121 FOURTH AVENUE WEST GOODING, IDAHO 83330

TELEPHONE: 934-4921



March 28, 1974

ALAN D. MCCOMBS, MANAGER

RECEIVED

MAR 29 1974

Department of Water Administration

Bar H Bar Inc.

Mrs. Eleanor Woods, Records Supervisor
Department of Water Adm.
State House - Annex 2
Boise, Idaho 83701

Dear Mrs. Woods:

We have an application from the Bar H Bar Inc., Fairfield, Idaho, revealing a water right of 725 AF in the Kelley Reservoir and 50 inches of water from Ryans Spring. Said water is located on land as per the attached legal description. If at all possible it would be appreciated if you could verify the above rights.

Thanking you in advance, I remain.

Yours very truly,

A handwritten signature in cursive script that reads "Alan D. McCombs".

Alan D. McCombs
Manager

ADM:hm
Att:



37-2218

F. LEGAL DESCRIPTION

Township 1 South, Range 15 East, Boise Meridian, Camas County, Idaho.

Section 2: $S\frac{1}{2}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$

Section 11: $NW\frac{1}{4}NW\frac{1}{4}$

Section 10: That portion of land situated between the Union Pacific Railroad and Highway 68 containing 82.1 acres more or less in the $S\frac{1}{2}S\frac{1}{2}$, EXCEPT the following described parcel of land to wit:
Beginning at the southwest corner of Section 10, Township 1 South, Range 15 EBM, thence running N $89^{\circ} 55'$ East following the section line, a distance of 1583.00 feet, thence running North $0^{\circ} 5'$ West a distance of 40 feet WHICH IS THE REAL POINT OF BEGINNING, thence running N $0^{\circ} 5'$ West, a distance of 130 feet, thence running N $89^{\circ} 55'$ East a distance of 135 feet, thence running South $0^{\circ} 5'$ East a distance of 130 feet, thence running S $89^{\circ} 55'$ West a distance of 130 feet to the point of beginning.
That portion of the $SW\frac{1}{4}$ North of the Union Pacific Railroad right of way.

Section 23: $NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$, $W\frac{1}{2}SE\frac{1}{4}$

Section 25: All

Section 26: $N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$, $SW\frac{1}{4}SW\frac{1}{4}$

37-2218

37. 72~~42~~

72~~42~~

7333

2949

REPORT OF ENGINEER

Doc 4-6

1. State name of applicant and number of permit: Michael Kelly # 7635
2. State source of water supply: Unnamed Stream
3. Location of point of diversion: SW⁴ NE Sec 25 T. 15 R. 15 E.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: 2 1/2 ft
- (b) Width at water line: 3 "
- (c) Depth of water: 1.5 "
- (d) Grade per mile: 10 "
- (e) Capacity of ditch: 5 1/2 second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: No water at this time but has had a good flow
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Sec 26 NE NE 20 Acres
" 26 NW NE 40 "
" 26 SW NE 40 "
" 26 SE NE 25 "
" 26 SE NW 10 " all in T. 15 R. 15 E
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated. T 35

Remarks :

Ex OA 29 - 14

Walter R Heyck

STATE OF IDAHO,

County of.

55.

RECEIVED

NOV 28 1914

_____, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this..... day of..... 191.....

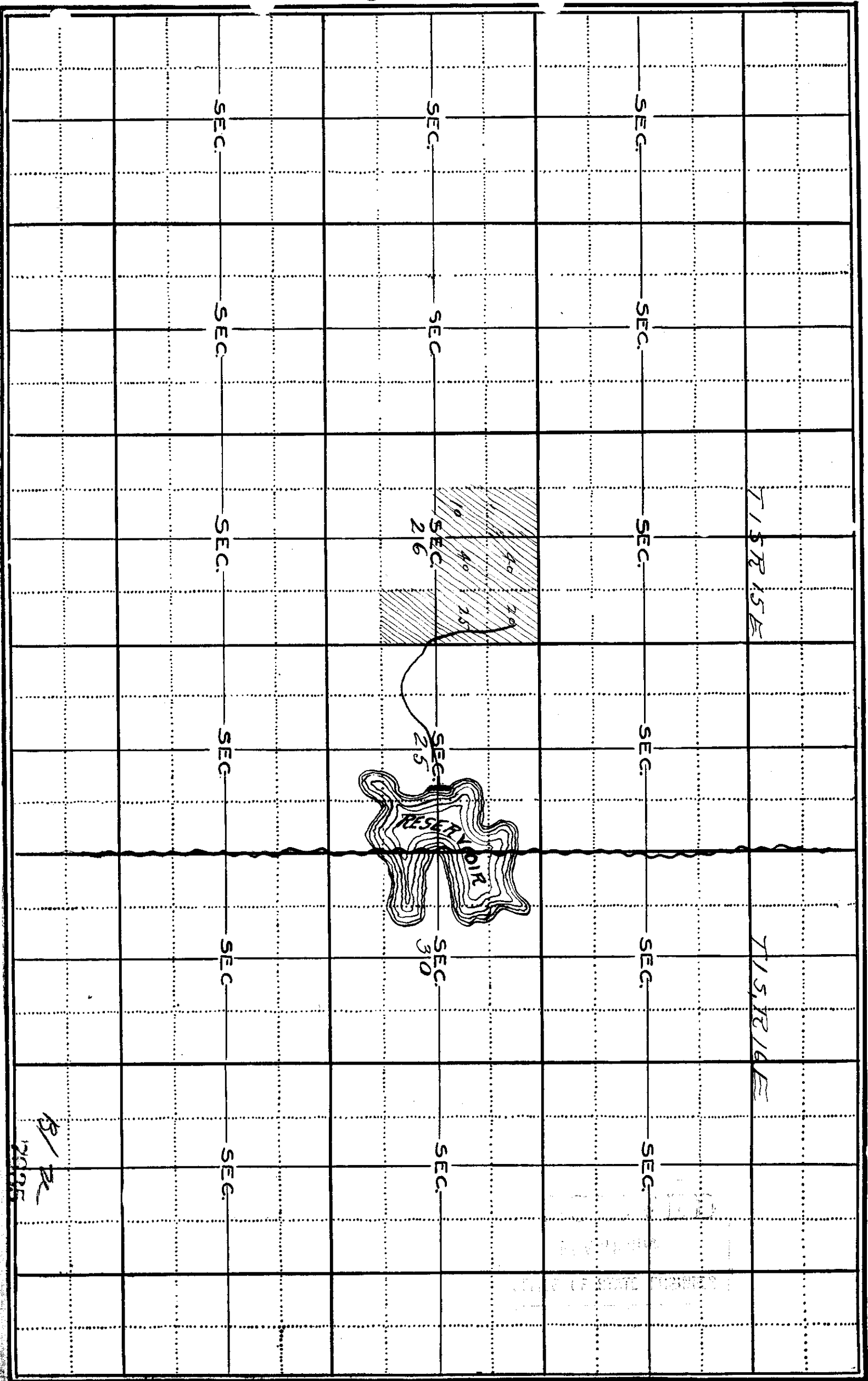
My Commission Expires

Notary Public

7635

Name of Applicant Michael Kelly

7635



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

Printed and for sale by the Statesman Shop, Boise, Idaho.