

BEFORE THE STATE ENGINEER OF OREGON

Baker County

IN THE MATTER OF THE APPLICATION )  
 OF C. J. MARKLE FOR THE APPROVAL )  
 OF A CHANGE IN POINT OF DIVERSION ) ORDER  
 AND PLACE OF USE OF WATER FROM )  
 ROCK CREEK. )  
 ----- )

Now at this time this matter coming on for consideration before the State Engineer on the application of C. J. Markle for a change in point of diversion and place of use of water from Rock Creek and it appearing that a Notice of Publication was prepared setting forth that by decree of the Circuit Court for Baker County, dated March 18, 1918, a water right was recognized in the name of C. N. Chambers for the irrigation of 40 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 35, Twp. 7 S., R. 38 E., W. M. through the Brown-DeLong-Chambers Ditch with a priority of 1897 and also in the name of John Richmond for the irrigation of 37.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 2, Twp. 8 S., R. 38 E., W.M. through the Brown-DeLong-McCollock Ditch with a priority of 1905. That C. J. Markle as successor in interest to the said C. N. Chambers and John Richmond, proposes to change the point of diversion to the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 33, Twp. 7 S., R. 38 E., W.M. and to irrigate 22 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 40 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , 3 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and 7 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 3, Twp. 8 S., R. 38 E., W.M. That said notice was published in the Baker Democrat-Herald, a newspaper having general circulation in Baker County, for a period of four successive and consecutive weeks, the date of the first issue being the 28th day of December, 1929 and ending with the issue dated the 18th day of January, 1930.

And it further appears that within the time as set forth in said notice, objections were filed by Wm. N. Chambers to the approval of the application on the grounds that C. J. Markle is not the successor in interest to said C. N. Chambers to the decreed right for the use of water on the

SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 35, Twp. 7 S., R. 38 E., W. M., through the Brown-DeLong-Chambers Ditch with a priority date of 1897 and that Wm. N. Chambers and A.E.Chambers are the owners of said land and water right. It is further alleged that the only interest of the said C. J. Markle in and to the waters of Rock Creek is an undivided one-fourth interest in a certain water right formerly owned by C. N. Chambers with a date of priority of 1905 to be conveyed through the Chambers Ditch.

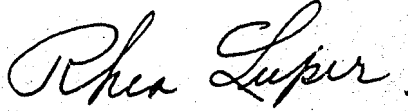
And it further appearing that a stipulation was filed on the 14th day of February, 1930, signed by C. J. Markle, the applicant, and Wm. N. Chambers and A. E. Chambers, objectors, setting forth that the said Wm. N. Chambers and A. E. Chambers are the owners of said water right for the irrigation of 40 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 35, Twp. 7 S., R. 38 E., W. M., through the Brown-DeLong-Chambers Ditch with a priority of 1897, and that the said C. J. Markle is the owner of that certain water right from Rock Creek through the Chambers Ditch with a priority of 1905 for the irrigation of 37.5 acres, and further that there are no objections to the change in point of diversion and place of use of the said water right with a priority of 1905 through said Chambers Ditch.

It further appears that the change in point of diversion and place of use will not be an injury to existing rights to the use of water from Rock Creek.

NOW THEREFORE, IT IS HEREBY ORDERED that the change in point of diversion and the transfer of 37.5 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 2, Twp. 8 S., R. 38 E., W. M. to 14.5 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , 12 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ , 6 acres in NE $\frac{1}{4}$ SE $\frac{1}{4}$  and 5 acres in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 3, same township and range, be approved, and that said transfer shall be made without loss of the original priority of 1905. It is further ordered that said water to be transferred shall be applied to the last above described lands within one year from the

date of this order, provided, that such period of time as fixed herein shall be subject to extension by order of the State Engineer, for good cause shown.

Dated at Salem, Oregon, this 7th day of March, 1930.



RHEA LUPER,  
State Engineer.

*Notations made in  
Dues Vol. 6 p. 437  
and Cert. 4429.*