DEC 28 1992

Engineer's Report

WATER RESUUKUES DEPT SALEM, OREGON

Water use on the property involved in this report appears to have been quite consistent over the years. The canals and ditches Mr. Markley is using are essentially located in the same locations as originally installed by Jacob Mussell. These ditches are clearly shown on the 1897 GLO survey of the township. I have included with this data, copies of the field notes from this survey including a portion of the plat map prepared at the time.

The only significant change has been in the SE/SE quarter of Section 1, T23S, R46E. The fields were expanded and the ditch moved when leveling work was done.

Note that the diversion point is not the same as originally laid out by Jacob Mussel. The course of Succor Cr. changed during a flood in 1960. The attached photocopy of the SCS aerial photo of Sept. 2, 1954 shows the original diversion site. Also this photo also confirms utilization of the ground in a manner similar to its present use.

The structure at the original diversion is identified as a concrete wasteway on the attached map. Part of the original structure was washed out, and the diversion location was moved to its present site. Further channel changes occurred during the flood of 1984.

The diversion is not located on Mr. Markley's property, but is located on Tax Lot 701. This property is owned by the following individual:

Nelson R. Johnson P.O. Box 1109 Homedale, ID 83628

The diversion dam is a low gravel dam across Succor Creek. It feeds an earth canal which reaches the Markley property after approximately $\frac{1}{4}$ mile. This ditch also feeds other parcels under other ownership further downstream.

The following measurements and calculations were made on the ditch at a point 200 ft. downstream of the concrete wasteway shown in Sec. 11, T23S, R46E.

Top Width: 11.3 ft. Bottom Width: 6.6 ft.

Depth: 3.1 ft.

Grade: 0.0003 ft/ft. Capacity: 37.0 cfs

The earth head ditches on the property are similar is size:

Top Width - 3 ft.

Bottom width - 1.5 ft.

Depth - 1 ft.

The concrete ditches on the property are of standard size:

Top width - 3.3 ft.

Bottom width - 1.0 ft.

Depth - 1.2 ft.

There were two other major attempts to construct canals to expand irrigated acreage that cross the Markley property. These are the Schenck and Graff Canals. The Graff canal started construction in 1901. I found no information as to a start date of the Schenck canal. Neither canal was successful and are not in use today, and have not been used for many years. These canals are quite visible in aerial photographs of the area.

Please feel free to contact me if you have questions.

Vern Pritchard

Dec 24, 1992

RECEIVEDDEC 2 8 1992

Dogumentation Attachments

WATER RESOURCES DEPT. SALEM, OREGON

- Jacob Mussell Water Claim
- 2. Cadastral Survey Notes and Map
- 2. Legal Description of Markley property
- 4. ROW for canal across Nelson Johnson property
- Photocopy of SCS Soil map, Sept 2, 1954
- Fingineer's Report

J Louetter treett"

ency and 1 Portale and then out ut a place Conny 43 by 'a irriga Sitchen! River

ely 8th 1885 and J'

RECEIVE

DEC 28/1992

NATER RÉSOURCES DEPT. SALEM, DREGON

Hatire is travely given that of locate and claim by right of location one water right or water ditch to be taken out of ducker buck in Baller County Oregon, at a point about two nicles in a Hestorly min port is situated on the date and Oregon divisione line 15 miles due South of the mouth of the Curpher River, Said ditale is to be taken for in the South bank of Sucker Creeks and serves it are Exiting attraction to observe social cutile Mail Darry 1000. One Flower & mines in ones of writer which is dicined and located this 2nd day of Homewhere is & The "dimensioner of mind witch lave as follows four feet will on the top Three feet will on the bottom and two feet decp.

Filtrees by send this our day of Threen the 1 - 0 1 6 6 1 3 8 1 7

Garab. Milionell

Ties for second nomember 19 the 1000

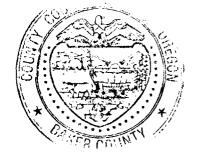
TUS Wiscom

STATE OF OREGON, County of Baker, SS I hereby certify that I have compared the within instrument with the original instrument now on file in my office, and that it is a true and correct copy of the same and of the

Dated 1992.

Julia Woods County Clerk

By Canttle Le Brand Deputy



DEC 28 1992

STATE OF OREGON, Sometimes of Baker.

WATER RESOURCES DE SALEM, OREGON

I, E. H. MIX, County Clerk of the above named County and State, do hereby certify that the foregoing of the continual last the same is a correct transcript therefrom and of the whole of such original to color, as the same appears at page 2. You we do not continue for Baker County, Oregon, in my Office and in my care and enstody.

County Clerk.

- Sucker Greek. ...

Motice Matrie is hereby given that I locate and Claim by right of lo Calion One water right or water ditch to be taken out of Sucher breed in Daker County Oregon at a faint about 2 miles west of the 15 mile Book on the Idaho and Oregon duission him which unde post is 15 miles due south ditch runs in an Easterly direction on the South Sand of said Over 40 Chamo. The dementions of said Ditch are as follows: Tour feet wide on the top there feet wide on the Sottom and two feet dup and shall Carry 1000 7 One Thousand Miners where of water Said Detel Lung Claimed "Les located for the busposes of insigation this 22nd day of October ON 1886 Field Och 26 1885-M. W. Wiedom Cololeck (By Id) Woodom. Deputy.

Genera Description. This Township contains almost every variety of land, from rich bottom lands, to high, mountainous lande. The bottom lands produce good crops, by irrigation. Sucker bleck flows through the Op. from S. W. to N. E. This stream goes dry during pome of the pummed months. The bottom lande are not subject to inundation The high lands produc an abundant growth o acob mussel has settled on the S. E 1/4 of Sec. 1. William of stace has settled on the Who of the W. 12 vf Sec. 22 al Otto Osiese on the S.E. 14 of sec. 33 of this, Tp. There are no other settless in this It. July 6, 1897 Eruet P. Backs. U.S. Deputy Surveyor Subdivisions of J. 238, R. 46 E. Thans the lat and 22° 20' N. on The decl. and, and determine a true meridian, with the solar at the cov. of secs. 13, 14, 2,3, and 24. 0 There of sun, 1. 0° 1 Dr. bet. secs. 13 & 14. How rolling ground. Gragon rotal Jeans V. 16 OV. and S. 16° E. A by creek bed olks wide, soulee N.E. Set a basalt stone 13X8X7 ind, Pine, in the ground for 4 section, markell 14 on Or. fuce, and raised a mound of stone, Ift. buse, 1/2 It high Mof Lite impracticable Neukloed, Tiks. wide, course V.E Set a basalt étone 15x7x7 ins. 10 ms. in the ground! for our of secs. (11, 12, 13)

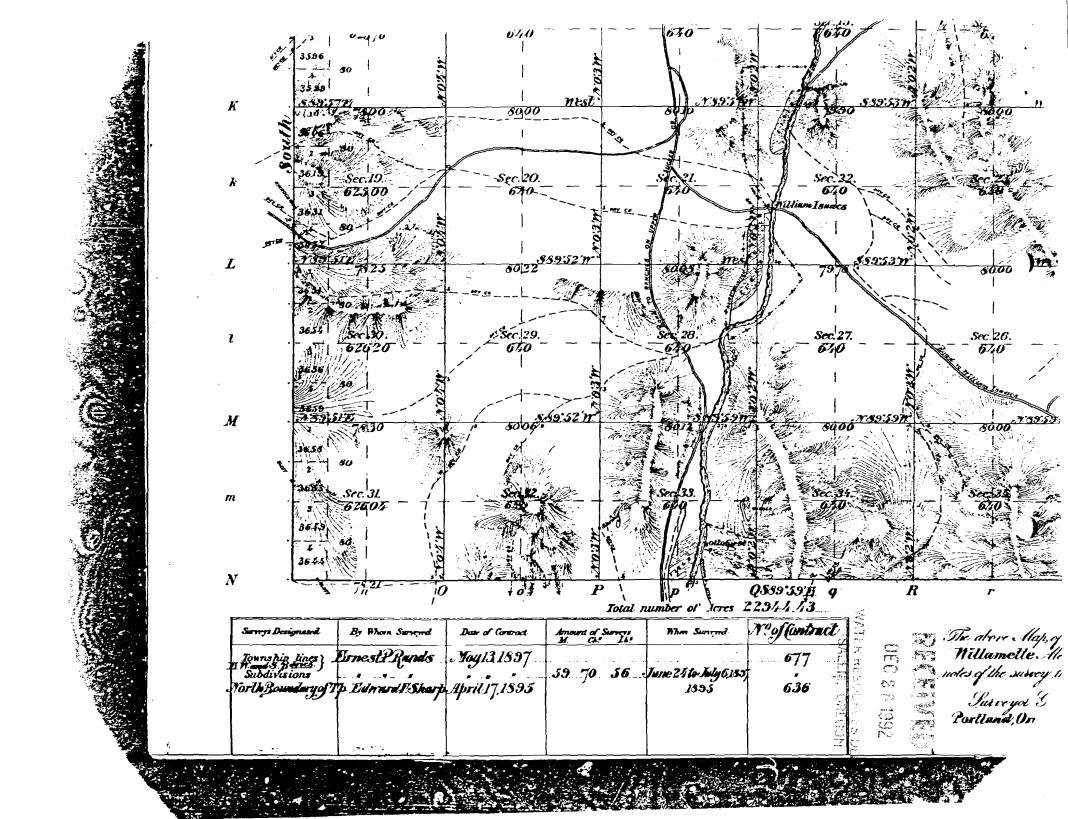
Subdivisions of J. 23 S, R, 46 8 199 DEC 28 199 0% Chains 200, on N.E. and \$6 E. on D. E. faces with & notches on D. and motch on E. edges; and raised a mound of stone, 2 St. buse, 1/2 St. high Woof cov. Eito impracticable. 40 Sand wlena. Soil, yellow dobe and worky, Att. vate. no timber. 1.800 0/6, on a vandom line bet secs. 12 2 13. \$0.00 Sata lengh. 4 veal, col. 80. 3 Obntersect E. Saly, of the Stan, 12, 13. at 15 neveloped described. There, or run, Weston a true line, bet. secs. 12 1/2 and 13. Over rolling ground. 18.30 A dry crelt bed, 4 lks. svide, coulse IV. Set a basalt stone, 13x 7x

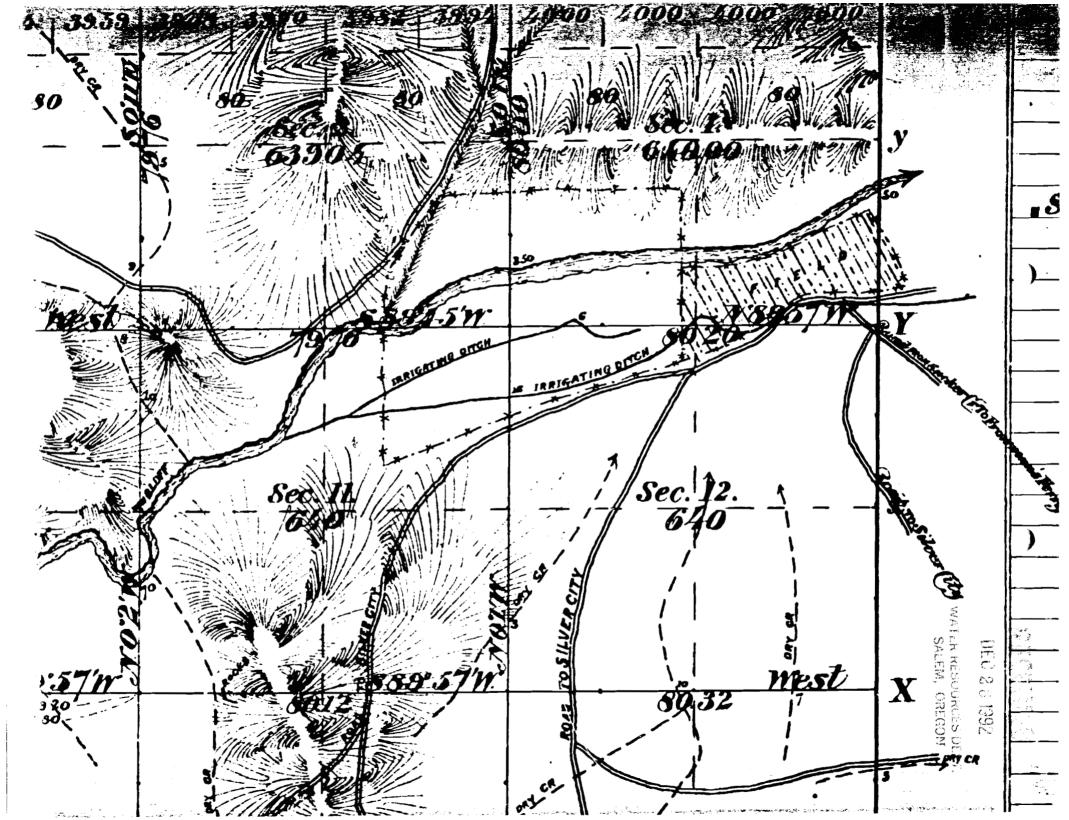
Subdivision is of T. 23 D. R. 7 6 6. Chains Jins, Jins., in the ground for 14 sec. cov, marked 14 on N. face, and vaised a mound of stone 2 St. base, 1/2 St. high, Dr. of wor. Pits impracticable A dry week bed 10 lks. wide, corlise 1. 20° CV. Hagon road to Silver bety bears 16/3d S. The en, of secs. 11, 12, 13 & 14. Sand, rolling. Soil, weekf, 4th. wate. no timber. N. 0 1 W. bet. pecs. 11 20 12. Over rolling ground. 15.50 A dry creek bed, 5 lks. wide, could N.E. 2 40.00 Set a basalt stone, 15×10×7ins. coins in the ground for "4 sec. cov., marked 14 on Ir. fase, dug feite, 18×18×12 mo. N. and S. of stone, 3 st. diet., and raised a monde of earth 3/2 St. base, 1/2 St. high, Dr. of

Subdivisions of 1.0395, X. 46 ERECENTER Chums Secend Sitt to Top of hell bears E. Ed V. 47,00 49,00 Deselva 75 ft. to 58.00 Enter bottom lund, bears E. Ed Ir. 58.95 Road, leading to Silver City Jeans n. 8, 8 p. Dr. 60.90 The fence, fears V. 65 E. and es. 65% 17-63.50 Arigaing detch, 16 ikst. wine, course (6 Enter a dense growth of eagy and greater ordely coeais 8. 2. M. 40 Orrigating detch, clks, server, course 6178 80.00 Set a sashed boulded, 10 x 9x y - ine, io uns. in the ground, for con: of pecs. 192, 11 30 12, marked 23 S. on V. E. and, 46 6. on S.E. faced with 5 notches on S., and I notch on E: edges; dug pito 18x18x121 ind. in each see!, I St. dist. and jaised a mound of earth, 4St. base, Ist. higher In of cov. Subdivision of T. 232, RHE. Chains Soil, on bottom, eandy loam, oren 1. innber. Undergrowth sage and gredseewod. Wense undergrowth, 5.00 chs. Eact on a random line bet secs ! rand 12. 40.00 Set temp. 14 pec. cov. 80.20 Entersect & ody of the yells. 12 heretofore described. Thene or run -1.89 Of Won true line,. oct. sees. I and 12. Over rolling ground 0. 40 Wagon roud (to Frowman's Fresry) on Snake River, bears V. 70 W. 30 Goad leading from Sucker Fish Office to Silver City hears V.E.

Subdivisions of T. 2.28., R. 46 &. DEC 26 1992 and S. Dr. 23.70 dring titch, 18 lks. unde corlese W.E. 26.60 Thire fence, bears N. 20 E. Ed S. 200 St. Errigaling d'teh, o les unde, course S.E Set a washed trulder, 18x6x6 ins., gins. in the ground for 14 Sec. cov. amarked '4 on W. face's dug pite 18x18x12 ins., E. land It. of stone, 34. dist. and raised a mound of saith, 3/2 H. base 2 St. high - 4. of con. 41.90 Orrigating ditch; 6 lks. wide, coulse av.E. Due fence bears V. El S. L2.90 65.00 Orrigating ditch, 6 lks. wide, corbine as. E. and enter dense growth of eage and greasewood. 66.37 The Jeane litch, course N.E The cov. of seed. 1, 3, 11 and 12 80.20 Sand, rolling Soil, 2nd of 3d 3rd. rate. no umber.

Subdivision of T.2.3 S. R. 46.6. Chains Undergrowth, sage Elyreamond. Land evered with desse undergrowth, 25.00 chr. N. O Ith on random line, set sees i and 2. 40.00 Settemp. 14 pech con. 80.00 entersect V. ody. of Tp. at the cov. of sect. 1, 5, 35 El 36 which is a washed boulder, eige above/grund xx9x yus., frimly set marked and withersel as described by the Surgeyor Freneral. Tences sun S. 0 16, on twe line bet, cecs. 1 and 2. Over nearly level ground through stinted bage and greasurord. 22.50 Pottom of varine 50 St. deep, course S. C. Set a basalf-stone 14x6x6x6ins.





INSTRUMENT IN 85-2276 Page Lot Property

RECEIVED DEC 2 8 1992

BAR AIM AND LAW IL D

WATER HELDEN

INDUE MAINLY, Crarror, Let 1 double of to BAROLD L. MARKIISALEM ENRECKO Grantes, about the ied one-half there is the inflowing depending recently, it saying the granter's latent in to create hereby a to a boy in common between herse . I and the grantee, each with an undivided one-mail interest:

Land in Cwynes County, State of Idaho as follows:

Twp. 3 N., R. 5 W.: Sev. 52: SEVS SENSEL

Lots 9, 17 x 17, Block 95 Homedale Townsite

SISWADAL Sec.

EXCEPTING the following described parcel: Communiting at the SE corner of the by or SWASWA of Sec. 4, T3N, R 5 W.B.M. being the real point of beginning; theace North along the East line of haid SWASWA of said Section 4 to the North line of said St of SWASWA of said Sec. 4; thence West along the the 284 Jan - March 19 8 North line of said Sy of SWYSWY of said Section 4 a distance of 400 fect; thence South on a line parallel with and 400 feet West of the East line of said SWASWA of said Sec. 4 to the South line of said SWASWA of said Sec. 4: thence East along the South lire of said SW\SW' of said Sec. 4 a distance of 400 feet more or less to the real point of

COMPARID STATE OF OREGON

一般のでは ままないかいから

County of Malhour

at 11:06 O'clock a. M. DEBORAS R. Deading

les 140 86-22% 1 mody

that the widow instructed of

AND

Land in Malheur County, State of Oregon as follows:

beginning.

In Twp. 23 S., R. 46 E., W.M.:

Sec. 1: 87

Sec. 2:

NWASDA, ENSUA, SYRODA SYNEY, NWASEA, SYRODA, NERSUA, NAMEA Sec. 11: SUMSWA, SWENNY, NEESWA, NEDWA, DWANES

Consideration for this transfer is: Phant Planning

Dated:

Irem M. Murkley

STATE OF OREGON

County of Malheur)

The foregoing was acknowledged before me this 24 day of march , 1986 in trong yerking. 1756.

Kirriele Booker Notary Public (or

My Commission expires 10 25- 38

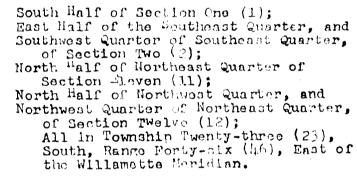
DEC 2 8 1992

WARRANTY BEEN

KNOW ALL MEN BY WHESE TRESERTS, That WALTER SALEM, OREGON SMITH, a backelor, and Revert Decris, a backelor, both of Homedale, Owyhee County, Idaho, in consideration of the sum of One and no/100 Dollars (\$1.00), lawful money of the United States, to them in hand hald by HARCLD MARKLEY and IRENE MARKLEY, husband and wife, of Homedale, Idaho, have barrained and sold, and by these presents do grant, bargain, sell and convey, unto said Harcld Markley and Irene Markley, husband and wife, and to their heirs and assigns, all the bounded and described roal property cituated in the County of Malheur, State of Oregon, to-wit:











Together with all vater, water rights, ditches, and rights-of-way for ditches, belonging to said land.

Subject to all limitations and conditions in the United States nated technique, including the reservations therein of rights-of-way under the provisions of the Act of Congress approved August 30, 1800; subject, also, to existing rights-of-way for roads, ditches, and all other casements along or upon or used in connection with said above described real estate.





Subject to taxes and assessments for the year 1957, including all assessments of Cvyhee Trrigation District for 1957 water and contractile construction costs of the Owyhee Project, if any.







LITER RESOURCES DEFT

ecrively:

MINRUL AT 10.125220

TOGETHER With all and sincular the tenaments. hereditaments and amountenances thereunto balonging or in anywise appertaining, and also all their estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD The above described and granted premises unto the said Harold Markley and Trene Harkley, husband and wife, their heirs and assigns forever. the said grantors above named do covenant to and with the said above named grantees, their heirs and assigns, that they are lawfully seized in fee simple of title in the above granted premises, that said title is free from all incumbrances, and that they will, and their hoirs, executors and administratour shall, WARRANT and femover DEFEND the above granted memices, and every part and carcel thereof, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, The grantors above named have hereunto set their hands and seals, this first day of March, 1957.

Maltin Smith (SMIL)

Witnesses to signatures:

MISTRUMENT NO LA SOLO

STATE OF LUAHO COUNTY OF CANYON

DEC 28 1992

PERMINE

BE IT REMEMBERED, That on this 18th day of WATER RESOURCES DES 1957, before me, the underst ned, a Notary Jublic in and Top ONEGON said County and State, personally appeared the within named WALTER A. SMITH, a bacholor, and ROBERT DETNIS, a bachelor, who are known to me to be the identical individuals describad in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

STATE OF OPERON) That No. 12 5280 Town

INDEXED

County of Matter) 12 State of Calphane 1/

Jamie Stables

The NEXNW in Section 11, T23S, R46E, W. M.

Together with all water rights, ditch rights, improvements and fixtures used in connection therewith or in anywise appertaining.

Subject to the following: all patent and state deed reservations; the bonded debt of all taxing units; all repayment contracts between the Gem Irrigation District and the United States; and all rights of way over the premises regardless of how evidenced or acquired and whether the same appear of record or not.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantes, that they are the owners in fee simple of said premises; that they are free from all encumbrances

and that the y will warrant and defend the same from all lawful claims whatsoever.

· 6. 1964. Dated: February

Manford Ml Stimmel Dorothy L. Stimme1

On this day of Feb. 19 64, before me, a notary public in and for said State, personally appeared Manford M. Stimmel and

> Dorothy L. Stimmel, husband and wife, -----111111111111

own to me to be the person 8 whose name 8 are subscribed to the within instrument, and acknowledged to me that . They executed the same. cite

teer

Residing at Homedale Comm. Expire Residing at

Notary Public Idaho STATE OF IDAHO, COUNTY OF Macheur

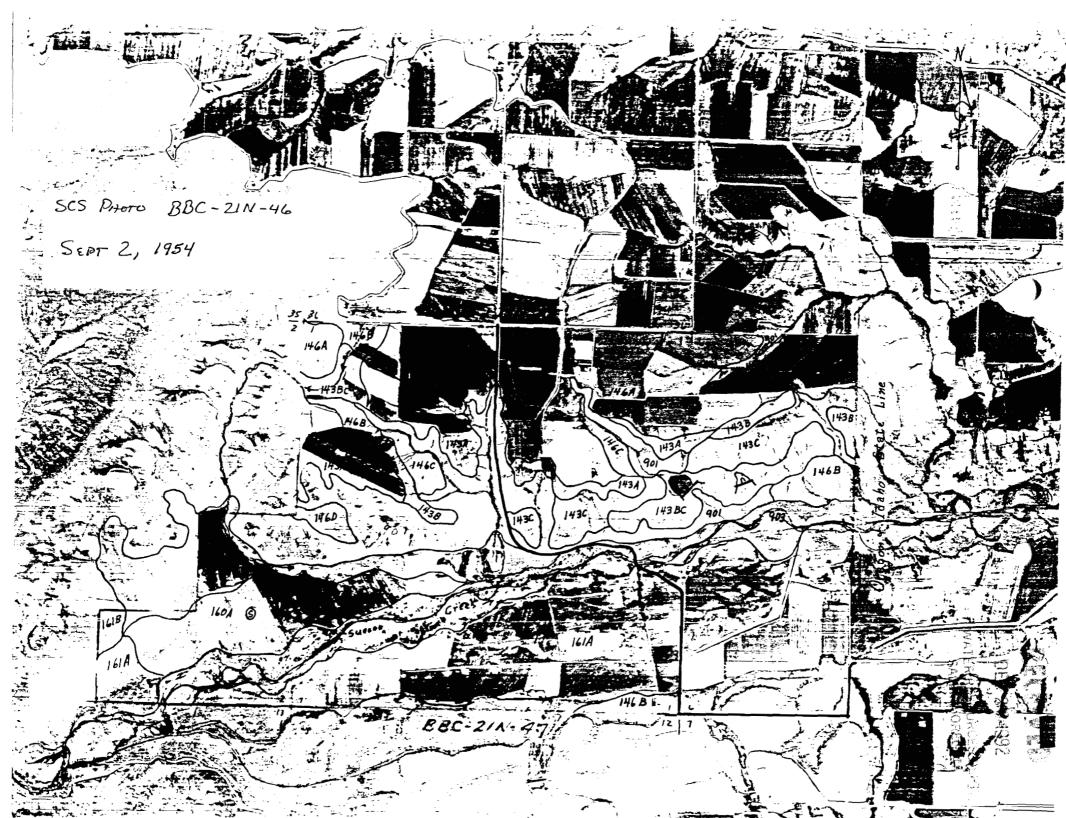
I hereby certify that this instrument was filed for record at the request of

day of aclasic 30 4 74 minutes past day 1967, in my office, and duly recorded in Book 137 of Deeds at page / O

ROBERT L. MORCOM

Ex-Officio Recorder

Mail to:



P.O. Box 134 Vale, Oregon 97918 Dec. 24, 1992

RECEIVED

DEC 28 1992

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department 3850 Portland Road NE Salem, Oregon 97310

Dear Sirs:

Please find enclosed a Surface Water Registration Statement, supporting documents, and a CWRE map prepared for Harold Markley of Adrian, Oregon. Mr. Markley would like to register a long standing water use whose source is Succor Creek. Enclosed is a check for \$307.00 to cover fees.

Please let me know if any further information is required.

Yours truly,

Vernon R. Pritchard

SURFACE WATER REGISTRATION CHECKLIST

(received after July 18, 1990)

CHECK BASIN MAP LOW NAME OWILLS # 11 UNADJUDICATED AREA? YES RECEIPT # 95576 Succes Cr.) SWR NUMBER 263					
RECEIPT # 95576 (Succes CR) SWR NUMBER 263					
CHECK ENCLOSURES PRELIMINARY DATA BASE ENTRY_ WF					
ACKNOWLEDGEMENT LETTER CON STREAM INDEX					
CHECK QUADRANGLE MAP CHECK GLO PLATS					
WATERMASTER CHECKLIST PUBLIC NOTICE PUBLICATION					
FORM REVIEW blanks filled in signed date received stamped MAP REVIEW source and trib diversion point location conveyances (pipes, ditch, etc.) place of use					
scale township, range, section north arrow CWRE stamp disclaimer date survey was performed P.O.B. of survey dimensions and capacity of diversion system					
<pre>"beneficial use" type title</pre>					
"permanent-quality" paper "beta Acox WATER RIGHT RECORD CHECK FIELD INSPECTION					
FINAL FILE REVIEW FINAL DATA BASE ENTRY					
ENTER ON PLAT CARDS					

C:\WP51\SWR\CHCKLIST.1

7-30-92



February 19, 1993

WATER
RESOURCES
DEPARTMENT

HAROLD MARKLEY 1133 DESERT GLEN ADRIAN OR 97901

Dear MR MARKLEY,

This will acknowledge that your Surface Water Registration Statement in the name of HAROLD MARKLEY has been received by our office. The fees in the amount of \$307.00 have been received and our receipt #95576 is enclosed. Your registration statement has been numbered SWR-263.

Our office will review your form and map in the near future. If necessary we will schedule a meeting with you that will include a site inspection. If there are problems with your form we are usually able to take care of them during our visit. We will be able to answer any questions you might have about the adjudication process at that time.

Please feel free to contact this office if you have any questions.

Sincerely,

Don Knauer

Adjudication Specialist

Enclosure

C:\WP51\SWR\CLAIMANT\SWR-0263.001



RECEIPT # 95576 STATE OF OREGON
WATER RESOURCES DEPARTMENT
3850 PORTLAND ROAD AF

378-8455/378-8130 (FAX)

RECEIVED FRO	OM: House to the Kills		APPLICATION	
BY:	// (PERMIT	
			TRANSFER	
CASH: 0	CHECK: # OTHER: (IDENTIFY)		<u> </u>	
			TOTAL REC'D	\$307 N
01-00-6	WRD MISC CASH ACCT			
842 010	ADJUDICATIONS			\$ 302M
831.087	PUBLICATIONS/MAPS			\$
				\$
830.650	PARKING FEES Name/month			s
	OTHER: (IDENTIFY)			
REDUC	CTION OF EXPENSE	CASH A	CCT.	
COST CENTER AND OBJECT CLASS		VOUCH	ER#	\$
03-00-0	WRD OPERATING ACCT			
	MISCELLANEOUS:	—		
840.001	COPY FEES			\$
850.200	RESEARCH FEES			\$
880.109	MISC REVENUE: (IDENTIFY)			\$
520.000	OTHER (P-6): (IDENTIFY)			\$
		EXAM FEE	7	RECORD FEE
040.004	WATER RIGHTS:	\$	040.000	\$
842.001	SURFACE WATER	s	842.002	\$
842.003	GROUND WATER TRANSFER	s	842.004	\$
842.005	WELL CONSTRUCTION	EXAM FEE	842.006	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
842.016	WELL DRILL OPERATOR	\$	842.019	\$
042.010	LANDOWNER'S PERMIT		842,024	\$
			5 12,02	
06-00-0	WELL CONST START FE	E		
842.013	WELL CONST START FEE	\$	CARD#	
	MONITORING WELLS	s	CARD #	l
45-00-0	LOTTERY PROCEEDS	ā ģ		
864.000	LOTTERY PROCEEDS			<u> </u>
07-00-0	HYDRO ACTIVITY	LIC NUMBER		
842.011	POWER LICENSE FEE(FW/WRD)]	\$
842.115	HYDRO LICENSE FEE(FW/WRD)			\$
				•
	_ HYDRO APPLICATION			\$

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal