

## Wallowa County.

IN THE MATTER OF THE APPLICATION OF )  
 THE CITY OF WALLOWA FOR THE APPROVAL )  
 OF A CHANGE IN THE PLACE OF USE, CHAR- )  
 ACTER OF USE, AND POINT OF DIVERSION )  
 OF THE WATERS OF BEAR CREEK. )

O R D E R

Now, at this time, this matter coming on for consideration by the State Engineer upon the application of the City of Wallowa, and it appearing as follows:

That by decree of the Circuit Court of the State of Oregon for the County of Wallowa, dated January 20, 1919, in the matter of the determination of rights to the waters of the Wallowa River and its tributaries, a water right from Bear Creek, a tributary of the Wallowa River, was allowed for the irrigation of 80 acres in the  $N\frac{1}{2}SW\frac{1}{4}$ , Section 15, T. 1 N. R. 42 E., under priority of 1833, and for 40 acres in the  $SE\frac{1}{2}SW\frac{1}{4}$ , 5 acres in the  $NW\frac{1}{4}SE\frac{1}{4}$ , 7 acres in the  $SW\frac{1}{4}SE\frac{1}{4}$ , same section, township and range, under priority of 1893;

That the City of Wallowa, which is situated in Section 14, of the same township and range, has acquired title to the lands to which said water right is appurtenant, and proposes to change the use of water from said lands to general municipal purposes within the limits of said City;

That the water, as at present used, is diverted through the Chamberlain Ditch, which has its head in the northern portion of the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 22, of the above township and range, and under the change as proposed to be made, the diversion point of said water would be moved about three-quarters of a mile upstream to a point in the southerly portion of the  $SE\frac{1}{4}NW\frac{1}{4}$  of Section 27, same township and range, at which point is located the head of the pipeline now used by said City of Wallowa;

That under the limitations prescribed by said decree of the Circuit Court, the lands above described are entitled to certain quantities of water in terms of acre feet per acre, which, if used at a steady rate of flow, would be equivalent to the following quantities:

May 1 to July 31 - 2 sec. ft. with priority of 1883  
1.3 sec. ft. with priority of 1893

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Aug. 1 to Oct. 1 - 0.67 sec. ft. with priority of 1883  
0.43 sec. ft. with priority of 1893

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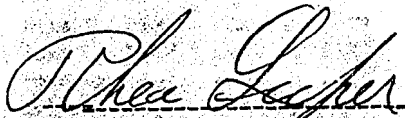
That other water users on Bear Creek whose rights might be affected by the proposed change, were duly notified of said application by the City, and objections were filed by certain parties against said change;

That a hearing was had before the State Engineer and testimony taken, and written briefs were thereafter submitted;

That after careful consideration of said application, testimony and evidence submitted, it appearing to the State Engineer that such change may be made without material injury to other rights; NOW, THEREFORE,

It is hereby ORDERED that said change in the use of the waters of Bear Creek by said City of Wallowa be, and the same is hereby, approved.

Dated this 10th day of July, 1926, at Salem, Oregon.



RHEA LUPER  
State Engineer.

(No. 1000's made  
or 1000's vds.)  
Decree - Vol. 5, p. 152  
Cert. No. 2975