

BEFORE THE STATE ENGINEER OF OREGON

WALLOWA COUNTY

|                                     |                  |
|-------------------------------------|------------------|
| IN THE MATTER OF THE APPLICATION )  |                  |
| OF C. H. THORP FOR THE APPROVAL )   |                  |
| OF A CHANGE IN POINT OF DIVERSION ) | <u>O R D E R</u> |
| AND PLACE OF USE OF WATER FROM )    |                  |
| BEAR CREEK. )                       |                  |
| ----- )                             |                  |

Now at this time this matter coming on for consideration before the State Engineer on the application of C. H. Thorp for a change in point of diversion and place of use of water from Bear Creek and it appearing that notice of publication was prepared setting forth that by decree of the Circuit Court for Wallowa County dated January 20, 1919, a water right was recognized in the name of Ben Rich for the irrigation of 11 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 10, T. 1 N.R. 42 E. W. M., through the Pipes or Davis Ditch, with a date of priority of 1890; a water right was also recognized in the name of the Chamberlain Ditch Company for the irrigation of 17 acres in NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and 18 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10, same township and range, through the Chamberlain Ditch with a date of priority of 1893, and that the applicant proposes to transfer the water rights appurtenant to 5 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and 15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$  to 20 acres in the SW $\frac{1}{2}$ NE $\frac{1}{2}$  of Section 15, and to transfer 10 acres from NE $\frac{1}{2}$ NW $\frac{1}{2}$  and 5 acres from NW $\frac{1}{2}$ NW $\frac{1}{2}$ , Section 10, to 15 acres in NW $\frac{1}{2}$ SW $\frac{1}{2}$ , Section 15, all T. 1 N. R. 42 E. W. M., and to convey the waters for such lands through the McNutt or Fellman Ditch. That said notice was published in the Wallowa Sun, a newspaper having general circulation in Wallowa County for a period of four successive and consecutive weeks, the date of the first issue being April 10, 1930, and ending with the issue dated May 1, 1930.

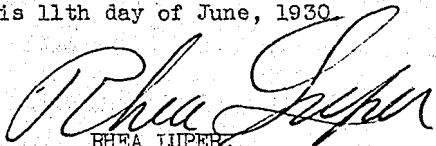
It further appears that within the time as set forth in said notice no objections were filed to the approval of this transfer, and that Hugh Dougherty, as successor in interest to Ben Rich, has given his consent

in writing to the transfer of the water rights appurtenant to 5 acres in NE $\frac{1}{4}$ NE $\frac{1}{4}$  and 15 acres in NW $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 10, and that George F. Werst, owner of the water rights appurtenant to 17 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and 18 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Section 10, all in T. 1 N. R. 42 E. W. M., has also given his consent in writing to such transfer, and that J. B. Plass, President of the Chamberlain Ditch Association, has approved in writing the release of those lands which were irrigated from the Chamberlain Ditch, and 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 Bear Creek,

NOW THEREFORE, IT IS HEREBY ORDERED that the change in point of diversion and place of use of water from Bear Creek be and the same is hereby approved and that such transfer shall be made without loss of the original priority. It is further ordered that said water to be transferred shall be applied to 20 acres in SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and 15 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Section 15, T. 1 N. R. 42 E. W. M., within one year from 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 11th day of June, 1930.

*Noted on Decree-Vol. 5 pages  
154 and 191 and Cert's. #2978  
and 3143*

  
RHEA LUPER,  
State Engineer,