

Wallowa-Whitman National Forest Case Study

Research Inquiry

In 2010, the city of Baker City, Oregon hired SHRA to explore the history of a 20+ mile ditch located in the Wallowa-Whitman National Forest that dated to the area's mid-19th century mining boom. Over the years, the city had improved the ditch and continued to use it for delivery of its municipal water supply. However, modern repairs had triggered the need for an Environmental Impact Statement. In order to comply, the town commissioned a thorough history of the ditch and its use to determine whether it met the requirements to be classified as a perpetual public ditch under the 1866 Mining Act and whether there was adequate evidence to demonstrate a prescriptive easement.

Methodology

SHRA's research methodology for this case drew on Dr. Stevens' expertise in western water history and best practices for historic litigation support. SHRA researchers culled an assortment of relevant documents to identify key events and activities related to the ditch's existence, including evidence of the area's mining history, photographs, National Forest history, engineering surveys, construction and maintenance, important local and national policy decisions and other legal decision that affected use of the ditch, and local water rights filings, among other relevant information. After reviewing a plethora of documents, SHRA analyzed the documents as a body of materials in order to accurately explain the history of the ditch in question.

Research Conclusion

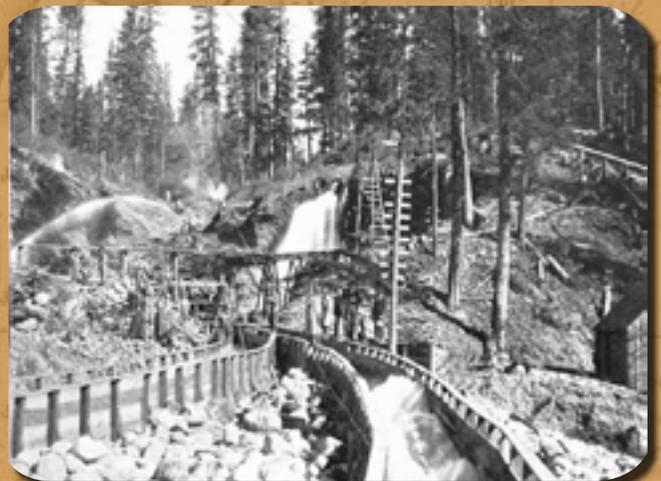
The final report for this case, coupled with Dr. Stevens' full day of testimony in Federal District Court in eastern Oregon, supported the conclusion that portions of the ditch could be classified under the 1866 Mining Act, and evidence pointed to establishment of a prescriptive easement, as well. SHRA researchers compiled a detailed history of the ditch, complete with data points and events, from 1862 to 1978.

Repositories and Collections Consulted

- U.S. National Archives:
 - U.S. Forest Service
 - U.S. General Land Office
- Historic Maps
- Historic Newspapers
- County Deed Books and Other County Records
- Historic City Council Meeting Minutes
- Local Histories and Other Secondary Sources
- Correspondence
- Published/Unpublished Federal Agency Reports

Deliverables

- Narrative Report and Timeline
- Project Database
- Expert Testimony



Contact Jennifer Stevens, Ph.D., for references
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