

Deschutes County

IN THE MATTER OF THE APPLICATION)
 OF HORACE H. FLAKE AND DOLORES E.)
 FLAKE, BENJAMIN S. RUSSELL AND)
 CLAUDINE J. RUSSELL, CHESTER J.)
 SIEFARTH AND MILDRED SIEFARTH,)
 J. G. CHRISCO AND LOLA CHRISCO)
 AND JOHN W. STENKAMP AND LORRAINE)
 STENKAMP FOR THE APPROVAL OF A)
 CHANGE IN PLACE OF USE OF WATER)
 FROM DESCHUTES RIVER.)

O R D E R
APPROVING APPLICATION

On April 8, 1953, Horace H. Flake and Dolores E. Flake,, husband and wife; Benjamin S. Russell and Claudine J. Russell, husband and wife; Chester J. Siefarth and Mildred Siefarth, husband and wife; J. G. Chrisco and Lola Chrisco, husband and wife; and John W. Stenkamp and Lorraine Stenkamp, husband and wife, filed an application for the approval of a change in place of use of water pursuant to the provisions of Section 116-606, O. C. L. A.

In the supplemental findings of fact and order of determination of the State Engineer entered May 15, 1953, in the matter of the determination of the relative rights to the use of the water of Deschutes River and its tributaries, a water right was adjudicated in the name of Deschutes Reclamation and Irrigation Company for the irrigation of, among other lands, 17 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 14 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 4, Township 17 South, Range 12 East, W. M., with a date of priority of September 1, 1899, through the Swalley Canal from Deschutes River.

Horace H. Flake and Dolores E. Flake, husband and wife, and Benjamin S. Russell and Claudine J. Russell, husband and wife, owners of 44.3 acres of the land above described, to-wit: 17 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 4, propose to transfer the water rights appurtenant thereto, without loss of priority, to the five tracts described as follows:

1. To 4 acres in the name of Claudine J. Russell, described as:

That portion of the Southeast Quarter of the Southeast Quarter ($SE\frac{1}{4} SE\frac{1}{4}$) of Section Four (4) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) of Section Three(3) in Township Seventeen (17), South, Range Twelve (12) E. W. M. bounded as follows: Beginning at the intersection of the Easterly right-of-way line of the Dalles-California Highway as now located with the East-West Section line between Sections Four (4) and Nine (9); thence northeasterly along said easterly right-of-way of the Dalles-California Highway 450 feet; thence easterly on a line parallel with the East-West Section Line common to Sections Four (4), Nine (9), Three (3), and Ten (10), to an intersection with the Westerly right-of-way line of the Great Northern Railroad; thence Southwesterly along said westerly right-of-way line of the Great Northern Railroad right-of-way to an intersection with the East-West section line common to Sections Four (4), Nine (9), Three (3) and Ten (10); thence Westerly along said East-West Section line common to Sections Four (4), Nine (9), Three (3) and Ten (10), to the point of beginning.

*SE 1/4 SE 1/4 Sec 4 - 0 1/2 1/2
SW 1/4 Sec 3 - 3*

2. To 0.7 acre in the name of Chester J. Siefarth, described as:

That portion of the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$), of Section Three (3), Township Seventeen (17) South, Range Twelve E.W.M., described as follows, to-wit: Beginning at a point on the East-West line running between the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) which intersects with the Easterly right-of-way line of The Dalles-California Highway as now located; thence in a Southwesterly direction 525 feet along said Easterly right-of-way line of The Dalles-California Highway; thence East and parallel to the said East-West line running between the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) to an intersection with the Swalley canal as now located; thence in a Northeasterly direction along the Swalley Canal to a point which is 75 feet North and at right angles to the easterly projection of the most southerly boundary as set out above; thence East and parallel to the line running between the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) to a point of intersection with the North-South line between the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) and the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$); thence North to the intersection of the 1-16th line of said section; thence West on the East-West line running between the Northwest Quarter of the Southwest Quarter ($NW\frac{1}{4} SW\frac{1}{4}$) and the Southwest Quarter of the Southwest Quarter ($SW\frac{1}{4} SW\frac{1}{4}$) to the point of beginning.

3. To 1 acre in the name of Claudine J. Russell, described as:

That portion of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Three (3), Township Seventeen (17) South, Range Twelve (12) E. W. M. lying between the two tracts of land above described and comprising approximately the middle third of said 40 acre tract.

4. To 12.6 acres in the name of J. G. Chrisco and Lola Chrisco, described as:

That portion of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nine (9), East of the right-of-way of the Dalles-California Highway, excepting that portion thereof East of the West right-of-way line of the Oregon Trunk Railway, and that portion of the Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Nine (9), lying East of the right-of-way of the Dalles-California, except that portion thereof easterly of the West right-of-way line of the Oregon Trunk Railway.

5. To 26 acres in the name of John W. Stenkamp and Lorraine Stenkamp, described as:

The Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$) and the Southeast Quarter of the Southeast Quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Nine (9) Township Seventeen (17) South, Range Twelve (12) E. W. M.

Notice by publication as provided by Section 115-606, O. C. L. A., was not given in connection with this application for the reason said section provides notice is not required in applications for a change in place of use of water.

On April 6, 1953 the Board of Directors of the Deschutes Reclamation and Irrigation Company approved the proposed transfer.

No objections having been filed and it appearing that the proposed change in place of use of water from Deschutes River may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in place of use of water be and the same hereby is approved and that the water

12 $\frac{1}{2}$ SE NE

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right hereinbefore described as being appurtenant to 17 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, 13.5 acres in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and 13.8 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, said Section 4, Township 17 South, Range 12 East, W. M., with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority transferred to 44.3 acres in the five tracts hereinabove set forth.

It is FURTHER ORDERED that the said water so transferred shall be applied to beneficial use on or before October 1, 1954 or within such extension of time as may be granted by the State Engineer for good cause shown, and satisfactory proof shall be filed with the State Engineer.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use on the lands to which the water is transferred hereby, Certificate of Water Right shall be issued to the Deschutes Reclamation and Irrigation Company at the time certificates are issued in the Deschutes River adjudication proceedings.

Dated at Salem, Oregon this 19th day of May 1953.

*Noted on Supp'l. Findings
Vol. 15 p. 283*


CHAS. E. STRICKLIN
State Engineer

Trsf. F-31