

BEFORE THE STATE ENGINEER OF OREGON

Deschutes County

IN THE MATTER OF THE APPLICATION )  
OF JOHN W. AND LORRAINE STENKAMP )  
FOR THE APPROVAL OF A CHANGE IN )  
CHARACTER OF USE OF WATER FROM )  
DESCHUTES RIVER. )  
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ORDER

APPROVING APPLICATION

5-107

On October 6, 1955, John W. and Lorraine Stenkamp filed an application for the approval of a change in character of use of water from Deschutes River pursuant to the provisions of ORS 540.510 to 540.530.

The State Engineer's supplemental findings and order of determination entered May 15, 1953, on the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, determined the extent to which the inchoate water rights of the Deschutes Reclamation and Irrigation Company were completed. In said findings the State Engineer found that H. H. Flake, a land owner under the Deschutes Reclamation and Irrigation Company, had reclaimed and irrigated, 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. Subsequently, on May 19, 1953, the State Engineer entered an order approving the application of Horace H. Flake, et al., wherein the water rights appurtenant to 44.3 acres of the lands above described were transferred without loss of priority to among other lands within the project, 26 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 17 South, Range 12 East, W. M., and on September 27, 1955, the State Engineer entered an order approving an application of John W. and Flora L. Stenkamp wherein the water rights appurtenant to 25 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 17 South, Range 12 East, W. M., were transferred to other lands within the project, leaving 1 acre water right appurtenant to the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , said Section 9.

The applicants herein, owners of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 17 South, Range 12 East, W. M., to which the 1 acre water right is appurtenant propose to change the use of water from irrigation to that of domestic purposes for a dwelling located on said premises.

Notice by publication as provided by ORS 540.520 was given in the Bend Bulletin, a newspaper printed and having general circulation in Deschutes County, Oregon, for a period of three weeks and being the issues of April 2, 9 and 16, 1956. The time for hearing as fixed in the notice, namely: May 29, 1956, was not less than thirty days after the last publication of notice.

The Board of Directors of the Deschutes Reclamation and Irrigation Company on September 6, 1955, approved the proposed change in use of water.

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

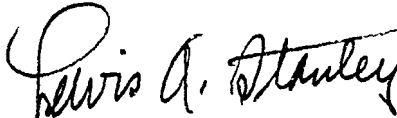
NOW, THEREFORE, it hereby is ORDERED that the proposed change in use of water be and the same hereby is approved and that the water right hereinbefore described as appurtenant to 1 acre in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 9, Township 17 South, Range 12 East, W. M., for irrigation purposes with a date of priority of September 1, 1899, be severed therefrom and simultaneously and without loss of priority transferred to domestic purposes for a dwelling located on said premises.

It is FURTHER ORDERED that the quantity of water used for domestic purposes, heretofore used for the irrigation of 1 acre, shall be limited to the duty of water fixed for irrigation purposes by the decree of the Circuit Court for Deschutes County, Oregon, dated March 24, 1933, in the matter of the determination of the relative rights to the use of the waters of Deschutes River and its tributaries, or such pro rata part thereof as is available.

It is FURTHER ORDERED that said water so transferred shall be applied to beneficial use on or before October 1, 1957 or within such extension of time as may be granted by the State Engineer for good cause shown.

It is FURTHER ORDERED that upon receipt of proof satisfactory to the State Engineer of the complete application of water to beneficial use, 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 proceeding.

Dated at Salem, Oregon this 26th day of June 1956.



LEWIS A. STANLEY  
State Engineer

*Noted on Plat cards only.*

*Test. # S-104*