The Clayton/Deer Park Historical Society is a group of individuals dedicated to the preservation of the history of the area just north of Spokane, Washington. The Society collects oral, literary, and pictorial history to publish and otherwise make accessible to the public.

The Clayton/Deer Park Historical Society meets on the second Saturday of each month at 9 AM. We gather at the Clayton Drive-In, located just off Highway 395 on Railroad Ave.

INTRODUCTION

In practically every manuscript published that attempts to describe the Arcadia Orchards Company, its failure was attributed to the loss of irrigation water from Loon Lake. In the research that I have done there is practically no documentation of that assertion. The much repeated popular belief is that Loon Lake lot owners sued the company to stop the yearly lowering of the lake level due to irrigation water withdrawal. Historical research indicates that Loon Lake water levels have changed repeatedly since the original settlers homesteaded along its shores.

LOON LAKE HISTORY

Loon Lake received an original meander survey as part of the United States Government’s plan to map the Washington Territory in the late 1880s. Unfortunately the elevation benchmarks that were surveyed in several separate surveys were inaccurate and several elevations had been reported for the same benchmark (Lawrence Benson Personal Communication). The history of Loon Lake water level changes go back prior to 1889 and Washington statehood and the actions of the original settler in the area, Charles E. Arnold. Mr. Arnold purchased 132.10 acres, or most of the NW/4 - T30N - R41EWM (N1/2 NW1/4, Lot/Tract 2, Lot/Tract 3) under the Land Purchase Act of April 24, 1820, as listed on the Bureau of Land Management’s web data site. He received the patent to the land on April 14, 1891 sometime after he had settled on the land. Sometime prior to Washington statehood Mr. Arnold dynamited the granite rock outcrop on the north side of the lake to drain into Sheep Creek and lower the water level to expose more useable farm-land. Precisely when this happened is uncertain. However by 1893 and the September 15th issue of the Spokesman-Review newspaper it was reported that D. C. Corbin had filed a temporary injunction against Arnold changing the level of the lake. Apparently Arnold’s excavations had lowered the lake about 3 feet and that substantially affected Corbin’s resort area shoreline on the east side of the lake.

In a 2001 memorandum from Dick Bard (a Colville land surveyor) to Mr. Steve Ivey (the Washington Aquatic Land Surveyor, Land Survey Section, Engineering Division) describes, “Later accounts…” that described Loon Lake levels lowered by the Arcadia Orchard Company in 1911. It was estimated by “…local citizens…” that the lake had been lowered by as much as six feet. Appar-
ently there was an application (#9917) of the Arcadia Orchards Company to overflow state owned shore land that was rejected on March 5, 1917. This application must have been related to not taking irrigation water during the years of high rainfall and allowing the lake to rise to higher levels to save the water for future use.

In an October 6, 1911, front page article in the Chewelah Independent describes at some length the dangers of letting the Arcadia Company tap (Continued on page 687)
Loon Lake’s waters. In this article the author describes the lake as the headwaters of the Colville River and that if the continued use of lake water for Arcadia irrigation is allowed to continue land owners somewhat above the flood plain of the Colville River in the Chewelah Valley would, in the future, not be able to obtain water to irrigate their land. Perhaps in a subsurface hydrologic connection Loon Lake is part of the headwaters of the Colville River but Sheep Creek and Grouse Creek are more direct sources in the Loon Lake area than the lake. In this same article W. T. Horr partner in the Horr-Holland Mill Company complains that the “…waters of the lake are now lower than I have ever seen…” and that his mill had to employ more men to get logs into the mill from the lake. Another property owner, Evan Morgan, complained that the water level is lower than he had ever seen in his 20 years on the lake and that several of his pumps supplying summer water to cottages are dry. The article goes on to state that the natural low water levels in the lake are usually from November 1st to November 20th.

According to personal communication from Mr. Benson of Ramer and Associates Surveying the lake level has been modified at times by two other local resort owners, Evan Morgan and the McVay group. This apparently was revealed in informal discussions surrounding a 1980s law suit regarding lake lot boundaries in which Mr. Benson took part (Lawrence Benson, Personal Communication). After much research I have been unable to document these specific lake lowering episodes.

On February 24, 1950 the Stevens County Superior Court established the official high water level of Loon Lake at the elevation 2381.25 feet in cause #13367. Prior to this order I can find no official maximum (or minimum!) lake level as ever having been established. This was long after the final demise of the Arcadia Orchards Company in 1925.

Figure 2: Deer Park Union article of March 8, 1934, describing high Loon Lake water levels and that resort owners do not want to open the old Arcadia Orchard canal valve on the south end of the lake to lower the water levels.
WATER RIGHTS LAW

Water rights law in Washington prior to the enactment of the Washington State code in 1917 (CH. 90. 03. RCW) followed the informal codes established in the California gold rush days in the middle 1800s. In Washington State formalized code (RCW 90. 03. 010.) indicates that the waters in the state belong to the public (publici juris), and are not subject to private ownership. In addition a person could obtain a right to use the water of the state under the “prior application doctrine”. Thus, water rights were established when a person had the intent to divert water for beneficial use, and exercised due diligence in constructing the diversion works and applying the water to a beneficial use. This right is “related back” to the date on which one showed the necessary intent to use the water (“senior rights”).

In the case of both Loon Lake and Deer Lake, Arcadia Orchard Company applications for water appropriation were filed in 1906 and recorded in the Stevens County water rights books. Under the laws existing at that time Arcadia Orchard Company had “senior rights” for beneficial use of the lake water. Arcadia Orchard Company had applied for Loon Lake water at the rate of 5000 cubic feet per second and Deer Lake water at the same rate for a total of 10,000 cubic feet per second. Superior Court filings in the case of Loon Lake Irrigation Company versus Arcadia Orchard Company in 1914 (Superior Court of Spokane Case #2-46312, which contains 55 pages of material) clearly outlines that lands had been cleared for orchard planting and that irrigation works had been constructed to provide water to the orchards being planted. Thus, beneficial use for the water had been established in fact.

“Loon Lake Shore Owners” had attempted to sue the Arcadia Orchard Company to stop it from taking lake water for irrigation. Figure 3 is an image of the November 3, 1911, Deer Park Union front page article describing how a Loon Lake Shore owner’s law suit failed. Unfortunately this article is not specific as to which law suit had (Continued on page 689)
failed. The file of Stevens County Superior Court case decision number 2865 describes a law suit filed by Loon Lake Park Company, et al, in October of 1908 trying to stop the Arcadia Orchards Company from taking Loon Lake water. However, this case ended in May of 1909 with the court dismissing the case without a decision and without costs to either party.

Stevens County Superior Court files on another case, number 3980, are much more interesting. In this action the Loon Lake Park Company, et al (present Granite Point Park area?) sued the Arcadia Orchard Company to keep it from taking Loon Lake water in December of 1911. By January 15, 1912 the court “demurred” to make a decision, thus letting the matter drop. Apparently some sort of agreement had been reached because on the same date the “Demurrer” was overturned and the defendant (Arcadia) “…excepts and exemptions allowed.”

The legal language in both of these cases is at best confusing but it seems some sort of agreement about Loon Lake water had been made between Arcadia and the plaintiffs including Loon Lake Park Company in 1912. John Fahey in his “Selling the Watered West: Arcadia Orchards” refers to the Arcadia Orchards Company negotiating “draw-down” easements with Loon Lake shoreline owners to maintain the orchard’s water supply (Fahey manuscript, p. 14, footnote 21).

From the Deer Park Union newspapers available to me from 1911 to 1925, and the demise of the Arcadia Orchard Company, I can find no further mention of a shore owner’s law suit to prohibit Arcadia Orchards from taking Loon Lake water for irrigation purposes.

ARCADIA ORCHARD EARLY IRRIGATION DEVELOPMENT

In 1911 the Arcadia Orchards Company completed a flume from the southern end of Loon Lake through an approximately 2000 foot long tunnel through the granitic rock that led to their Highline Canal. This canal was connected to their orchard irrigation system that stretched from the area northwest of Clayton, Washington to south of Denison, Washington and crossed an area of almost two townships (Figure 4). At that time Loon Lake area residents estimated that the lake level was lowered about six feet by the irrigation use of the water.

Prior to the spring of 1909 a company named Loon Lake Irrigation Company had been formed by Evan Morgan and associates to develop apple orchards between Loon Lake and Deer Lake. On April 5, 1909 Loon Lake Irrigation Company flumes and infrastructure was sold to Arcadia Orchard Company. The years from 1909 to 1913 apparently were wetter than normal and the development of the flumes between Loon Lake and Deer Lake was not pressed. By 1914, however, the Arcadia Orchard Company was working to connect Deer Lake to Loon Lake and extend a canal connection to tap the waters of Grouse Creek. The elevation of the Deer Lake water level is approximately 100 feet higher than Loon Lake and the Arcadia Orchard Company wanted to improve the canals and was met with a law suit demanding that they stop the work and not trespass on the land they had obtained in 1909. Many pages of filings were recorded which revealed that Arcadia Orchard Company had applied for and received an appropriation of 5000 cubic feet per minute of Loon Lake water and 100 cubic feet per second of Deer Lake water. In addition the filings indicate that Daggett and McIntyre of Arcadia Orchards Company claimed ownership of all of Deer Lake’s water. Loon Lake Irrigation Company lost their law suit (Spokane Superior Court Case #2-46312) and no mention was made of any Loon Lake shore owners suing Arcadia Orchard Company over lowering the lake level.
THE END OF THE ARCADIA ORCHARD COMPANY

The Arcadia Orchard Company is assumed by many to have failed because it lost the source of its irrigation water. Nowhere in the literature of the time do I find any evidence that water was unavailable after January 1912. No mention of any water rights loss can be found in the Deer Park Union’s front page coverage of the Arcadia Orchards business in the existing digital material I have to the end (Continued on page 691)

Figure 4: Map showing the extent of Arcadia Orchard Company’s land in 1911. Only about 9,000 acres of the 18,000+ acres shown on the map were in active orchards.
of the company in 1925! There are Deer Park Union articles about the Arcadia Orchard Company being sued in 1919 for not delivering water to an orchard owner. It was ruled that the owner had not opened the valves or gates to his tract and that irrigation water was available at this late date in the life of the company.

The Arcadia Orchard Company suffered from a large number of serious economic problems in the 1914 to 1925 period unrelated to irrigation water problems. The corporation had spent a great deal of money on the land for the orchard, labor and materials for clearing the land and installing the irrigation system, orchard tree stock, smudge pots, and executive wages but had not paid any on its large indebtedness, either interest or principal, to the Netherland American Mortgage Company. The Arcadia loans due in 1914 were extended on the premise that the economic conditions in 1914 were similar to the period after the panic year of 1893 in which the Netherlands American Mortgage Company recouped handsomely on their investments in Spokane real estate. World War I had hindered Arcadia’s efforts to obtain a sufficient number of railroad freight cars to carry the apple crop to market. This wartime rail car shortage affected the Deer Park Lumber Company in the same manner. Serious frosts had reduced the crop size over several years when the apple market was good. The recession that occurred after the end of the war further reduced the apple market.

Perhaps a more serious problem for the orchards was in the varieties of apples grown. The Jonathan, Winesap and other like varieties were not accepted as a premium apple in the eastern United States markets as were the central Washington orchard’s Delicious variety.

By 1925 the company had been taken over by the Netherlands American Mortgage Company, the president, E. N. Robinson, terminated and what lands remained sold over a period of time for what the company could get. The lack of irrigation water did not cause the failure of the Arcadia Orchard Company!

I stand by my assertion that the failure of the Arcadia Orchards Company was not materially affected by water problems and that the failure of the company was due to the loss of irrigation water is an “Myth”.

REFERENCES
1. Fahey, John, 19??, Selling the watered west: Arcadia Orchards: Unpublished Manuscript, Northwest Room Spokane Public Library, 57 p., plus notes.

MAE HUFFMAN FISCHBACH’S 100TH BIRTHDAY PARTY
Bill Sebright

November 22, 2012, Mae turned 100! On Saturday, November 24, hundreds of people gathered in the Isabella Room at the Davenport Hotel to celebrate this milestone.

Mae was born in Clayton, Washington, and joined her older brother Bob. Her Dad was the first rural mail carrier for the Clayton area. She started school a couple years late because of inflammatory rheumatism. She graduated from Clayton High School in 1932. She then left Clayton for business school and later to get married. She was married to Ted Fischbach, also a Clayton High School graduate, for 61 years, until 1995. She has lived in the same house for over 74 years. Every year on her birthday she is reminded of President Kennedy’s assassination, November 22, 1963.

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WARREN NORD’S HONOR FLIGHT

By J. L. Brian

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The first snow of the new season is falling. I am driving one mile to a neighbor’s house. My neighbor, WWII Veteran, Warren Nord, has just returned from an “Honor Flight”. In case you’re unaware, Honor Flights are conducted on behalf of World War II Veterans as a way of acknowledging the deep debt our country owes them for their service.

According to the Honor Flight Network’s web site; www.honorflight.org Earl Morse, a retired Air Force Captain and Physician’s Assistant, conceived the idea of honor Flights. The very first Honor flight took place in May 2005, when 12 WWII veterans boarded six small planes and flew to Washington DC to visit the WWII memorial, which opened a year earlier in May of 2004. As so often happens when a good idea becomes a reality, it catches fire, and so it has been with Honor Flight Network. Honor Flights now take place from several hubs around the country and all travel is by commercial airline. More than 81,000 veterans have enjoyed the honor so far…

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Warren Nord entered the Marines in September of 1945, just fifteen days after the end of WWII. He and two other Clayton teenagers, Kenny Mathis and Vernon Cable signed up together while the war was still being fought, just prior to beginning their Senior year at Deer Park High School. Warren’s parents were against him enlisting and insisted that he graduate first but, after checking with the draft board, they learned that Warren would be inducted as soon as he turned 18 on October 10, so that ended the argument.

“I didn’t want to go to the draft because at that time when you went through the draft you didn’t know where you were going, Army, Navy, Marine Corps or whatever. I was afraid of the Navy, I don’t like the water. If I’d of had to spend four years on the ocean I’d a been a mess, so the three of us decided to go into the Marine Corps. We all did alright.”

Warren first worked in the “Message Center” and then transferred to “Classified files”. He answered directly to Generals, Sanderson and Woods. His first deployment was to China where he spent a year. He and his company then moved to Guam. After six months in Guam, he moved with the same company again to California. His term of service ended in 1949.

“So, I missed the battles or the war you might say fifteen days. I always felt that maybe I shouldn’t put in for this, Honor Flight, so my daughter did it for me.”

Though Warren didn’t actively fight on the front lines of the war, he qualified for the Honor Flight as a WWII veteran based on the fact that he signed up for service while the war was still being fought and during his term of service aided vital communication in the immediate aftermath of that horrific conflict.
I am sure there are many humble veterans like Warren that wonder whether they deserve the recognition. Warren’s trip to the WWII Memorial in Washington DC convinced him that this wonderful experience is something no WWII veteran should miss. Even if the veteran requires oxygen or a wheelchair, accommodations to allow them to take the trip are usually possible. Applications are available on the Honor Flight Network website.

Cory Nord, Warren’s son, accompanied his father on the flight as a Guardian. As a veteran, Warren’s costs were paid in full by the Honor Flight organization but Cory had to pay his own way. There isn’t always room on the plane for family members willing to pay their own way, so Cory was lucky to be able to accompany his dad.

A word of caution, make sure you type the web address correctly and that you use the extension, .org. There are other organizations that offer Honor Flights but these are for profit enterprises that charge for the trip. Honor Flight Network will NEVER ask the Veteran for a penny, all meals, board, and travel are paid for the veteran through donations to the Honor Flight Network. Veteran’s need bring no money at all unless they want to purchase memorabilia from merchants in the Washington DC area.

Priority is given to WWII veterans as well as any veteran, from any era, facing terminal illness. As WWII veterans visits are satisfied, Honor Flight Network is beginning to offer this same wonderful adventure to veterans of the Korean and Vietnam wars.

Warren Nord

“Everyplace we landed, hit ground, we had people lined up to shake hands, pat you on the back and sing songs…When we got off at Phoenix I think there was a line of people that must have been 60 or 70 feet long, that come up and pat you on the back or shake your hand or give you a hug, it was unbelievable!”

Cory Nord reported,

“It was Phoenix coming back, we had an honor guard leading us through the airport…two guys and a gal carrying flags leading us through the airport…It was always announced on the plane that this is an honor flight…veterans were always loaded first…Everywhere we stopped they had a ground crew, that was part of the honor flight that would help with wheelchairs and getting to the next gate”

Warren and Cory want to encourage all WWII veterans to make application to the Honor Flight Network so that they too may visit the WWII memorial erected to honor their sacrifice.

Clayton/ Deer Park Historical Society Minutes —— November 10, 2012

In attendance:  Mary Jo Reiter, Don Reiter, Mark Wagner, Bill Sebright, Sharon Clark, Marilyn Reilly, Roxanne Camp, Penny Hutten, Warren Nord, Lorraine Nord, Lynn Fackenthal Wells, Ralph Allen, Wally Parker, Pat Parker, Bob Gibson, Pete Coffin, Judy Coffin, Allan Fackenthal, Grace Hubal, Donald Ball, Lorraine Ball, Ella Jenkins, Lonnie Jenkins, and Sue Rehms.

Society President, Bill Sebright called the meeting to order at 9:02 AM. He reported: 1) Marie Morrill, Florene Moore, Pete Coffin, Judy Coffin, Bob Bushnell and he met David Benscoter at the apple orchard west of Arcadia Elementary School. David’s full report is in Mortarboard #55 handed out at the meeting. 2) He sent an early picture of the Congregational Church to Sue Kelsch of the Deer Park Gazette. She had requested the picture. 3) There are a couple fund raisers coming up. Sunday at the Pizza Factory Winterfest is having a silent auction and a portion of each pizza purchased will go to Winterfest. The North Spokane County Farm Museum is having a pie social. Max Reinland will be the auctioneer. It will be Sunday, November 18 at 2 PM.

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Treasurer, Mark Wagner reported that there is $3,764.48 in the main checking account. Deposits: $112.00. Maintenance Web hosting account had $184.51 in funds with a $10.95 in activity monthly hosting fee.

Grace Hubal, Secretary reported: 1) She sent one thank you note to Ila Grandlund. 2) She is working on a Society phone tree. It is on the agenda.

Vice President, Pete Coffin reported that he: 1) Acquired several Stevens County Superior Court decisions concerning Loon Lake Shore Owner's law suits against the Arcadia Orchard Company and revised the manuscript "Arcadia Orchards Company and Irrigation Water." The final manuscript and digital material will be given to Editor Sharon Clark for printing in the Mortarboard. 2) Has been answering KSPS questions covering the proposed "Northwest Profiles" segment on the Arcadia Orchards Company utilizing the Reiter 35 mm film. 3) Received a letter from the Washington State Historical Society responding to my questions about the 1920s Deer Park Union article where they asked for information about the naming of Dragoon Creek. In the words of Sergeant Schultz, "They know nothing." 4) Wrote a letter to the Eastern Washington Historical Society about the naming of Dragoon Creek. She was given the name of Rose Sliger-Krause as an authority on such matters by the MAC staff. 5) Is composing a Mortarboard article on the Blue Grouse Mountain tungsten mining area, utilizing material in the Deer Park Union and material given to the Society by Al Kemp. 6) Received a 1971 Deer Park Tribune supplement, describing the sawmill, from Ken Westby that he circulated during the meeting and will file in his "man cave" credenza with other such material.

Print Editor, Sharon Clark: 1) The November 2012 Mortarboard #55 was distributed. Two Pete Coffin articles, "Arcadia Orchards and the Smudge Pot" and "Naming of Dragoon Creek" are included. David Benscoter’s report of the remaining Arcadia apple trees was also included. There is also an article on O.G. Follevaag.

Website Director, Penny Hutten reported: 1) The statistics for the visitors on the Clayton Deer Park website are 5860 for the month of October and so far in the month of November, we have had 1613. These numbers reflect the number of pages viewed. 2) Penny is working on a Bob Clouse's Memorial web page and is waiting on more information. 3) She interviewed Margaret Bockemuehl Tiesse by phone and has planned to get together in a few weeks to go through her pictures. She grew up on the corner of Margaret and 7th Street in Deer Park. Anyone who has additions or corrections to website, please contact Penny. 4) She received a phone call from Site Lock Security. This company does security for ipages (our website provider). We don’t need more website security at this time.

Grace met with each of the members in attendance and discussed the new Society phone tree.

Florence Moore was not present but she reported that a planning meeting for the Deer Park 50 Year Class Reunion for the Class of '63 is next Saturday. The 100 Year All Class Reunion will be after the picnic at Settlers’ Day next year.

We are still looking for anyone with stories about Bob Clouse. Please share them, so they can be included in Jeff Lilly’s article. Please give stories to Bill (276-2693, sebrightba@wildblue.net).

Mike Reiter suggested after the last meeting that we do something nice for Taffy and Randy Long for allowing us to meet at their restaurant all these years. If you have any ideas please let Grace Hubal know.

Warren Nord was on the last Honor Flight of the year to Washington D. C. Warren said, “It was the trip of the Lifetime…” Everything was taken care. He is waiting for the DVD of the trip to be completed. Warren will bring it to a future meeting.

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Bob and Lily Gibson just celebrated their 63rd wedding anniversary.

Next meeting: Saturday, December 8 at 9 AM at the Clayton Drive-In

Meeting adjourned at 9:54 AM

The meeting minutes submitted by Grace Hubal, Secretary

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Roxanne Camp asked if anyone remembers about a family by the name of Addy and Naomi Eason. Addy was might have been a preacher at a local church. Someone her son knows was a foster boy with the Easons. Pete asked about what years this was. He could look in some sources if he knew the general time frame. Anyone recognizing the name, contact Roxanne or an exec. board member.

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