

Application No. 8809

Permit No. 6961 ^{76073 Confirmed} _{ejkt}

Certificate No. 7730 ~~73649~~

FEES PAID

Date	Amount	Receipt No.

Name One State Game Comm.

CANCELLED
(Remaining Right)
NOV 16 1998

By Portland, Ore.

Stream Index, Page No. 1-19

Application Record, Book No. _____

Total _____

FEES REFUNDED

Date	Amount	Check No.

Date filed _____

Special Order Record Vol 52 Pg 1009

Action suspended until 11-16-99 Purge

ASSIGNMENTS

Date	To whom	Address	Volume	Page

REMARKS

T-6654 Δ P.O. + P.O.U. (over 5.4 1-7-97)

CONSTRUCTION

Date for beginning _____

Date for completion _____

Extended to _____

Date for application of water _____

Extended to _____

PROSECUTION OF WORK

Form "A" filed _____

Form "B" filed _____

Form "C" filed _____

FINAL PROOF

Blank mailed _____

Proof received _____

Date certificate issued _____

Receipt for recording fee No. _____



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

November 19, 1998

OREGON DEPT FISH & WILDLIFE
ROBERT DODGE
PO BOX 59
PORTLAND OR 97207

RE: File 8809 (Certificate 73649)

Pursuant to your request Certificate 73649 has been cancelled by order of the Director of the Water Resources Department.

Your certificate is of no further force or effect.

If you have any questions, please contact me at the above number, extension 245, or toll-free 1-800-624-3199.

Sincerely,

GARY BALL
Certificate Section

GB:jh

cc: Greg Beaman, Watermaster

BEFORE THE WATER RESOURCES DIRECTOR OF OREGON
TILLAMOOK COUNTY

IN THE MATTER OF CANCELLATION OF A)
WATER RIGHT IN THE NAME OF OREGON) ORDER
DEPARTMENT OF FISH AND WILDLIFE)

The Water Resources Department (Department) received an affidavit from the owner of lands stating that they have abandoned the water right appurtenant to their land and requesting the cancellation of the certificate. Whenever the owner of a perfected and developed water right abandons the right, an order canceling the right shall be entered. The Water Resources Director has reviewed the affidavit and makes the following disposition of the request:

STATEMENT OF FACTS

The Department received an affidavit from Robert O. Dodge, PE, CWRE, Project Engineer, Oregon Department of Fish and Wildlife. The affidavit states they are the owner of lands and the water right appurtenant as evidenced by Certificate 73649, State Record of Water Right Certificates. The affidavit further states the right appurtenant to their property has been abandoned and requests the certificate be canceled.

Certificate 73649 allows for the use of 0.005 cubic foot per second (cfs) of water from Gold Creek, a tributary of the Trask River, for domestic use, with a date of priority of January 23, 1923.

CONCLUSIONS OF LAW

Whenever the owner of a perfected and developed water right certifies under oath to the Water Resources Commission that the water right has been abandoned by the owner and that the owner desires cancellation thereof, the Commission shall enter an order canceling the water right (ORS 540.621).

ORDER

IT IS ORDERED that the right described by Certificate 73649, State Record of Water Right Certificates, is canceled.

Dated 11/16/98.



Martha O. Pagel, Director

S 8809

Oregon

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SEP 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON

DEPARTMENT OF
FISH AND
WILDLIFE



ENGINEERING

September 24, 1998

Water Resources Department
158 12th Street NE
Salem, OR 97310-0210

Gentlemen:

I hereby authorize cancellation of our water use certificate No. 73649, Permit No. 6961, which describes a right to develop the use of up to 0.005 cfs of water from Gold Creek for Domestic use.

I am authorized to act on behalf of Oregon Department of Fish and Wildlife by virtue of my position as Facilities Engineer 3. Oregon Department of Fish and Wildlife has been advised of this action, and is aware of the consequences and other options which may be available.

Sincerely,

A handwritten signature in black ink that reads "Robert O. Dodge".

Robert O. Dodge, P.E., C.W.R.E
Oregon Department
Fish and Wildlife

John A. Kitzhaber
Governor



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 872-5299
FAX (503) 872-5632
TDD (503) 872-5259
Internet WWW:<http://www.dfw.state.or.us/>

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WATER RESOURCES DEPT.
SALEM, OREGON



DEPARTMENT OF
FISH AND
WILDLIFE
ENGINEERING

A F F I D A V I T

State of Oregon)
)
County of Tillamook) ss

We, Oregon Department of Fish and Wildlife, of 2501 SW 1st Ave., P.O. Box 59, Portland, OR 97207, being first duly sworn, hereby depose and say that we are the legal owners of the property described by the deed and legal description attached and made a part hereto, and the water right that is appurtenant to said lands; that the water right is recorded as Certificate No. 73649, under date of priority of Jan 23, 1923, for the use of water from Gold Creek for the purpose of domestic use; that we have abandoned any and all interest in this water right and request that said right be cancelled that is appurtenant to our land.

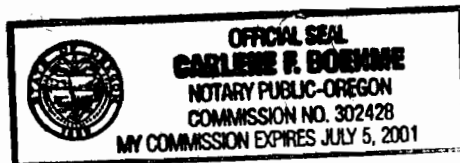
IN WITNESS WHEREOF, I hereunto set my hand this 24th day of September, 1998.

Robert O. Dodge for Oregon Department of Fish and Wildlife

Robert O. Dodge

Subscribed and sworn to before me this 24th day of September, 1998.

Carlene F Boehme
Notary Public of Oregon
My Commission Expires _____



John A. Kitzhaber
Governor



2501 SW First Avenue
PO Box 59
Portland, OR 97207
(503) 872-5299
FAX (503) 872-5632
TDD (503) 872-5259
Internet WWW: <http://www.dfw.state.or.us/>

SEP 28 1998 INDEXED

WATER RESOURCES DEPT.
WARRANTY DEED SALEM, OREGON

BOOK 248 PAGE 71

KNOW ALL MEN BY THESE PRESENTS, that Albert E. Hanenkrat, John A. Hanenkrat and Dreama J. Hanenkrat hereinafter called the grantor for the consideration hereinafter stated, to the grantor paid by the State of Oregon acting by and through its Fish and Wildlife Commission hereinafter called the grantee, do hereby grant, bargain, sell and convey unto the said grantee, its successors and assigns, all the following real property, with the tenements, hereditaments and appurtenances thereunto belonging situated in the County of Tillamook, and State of Oregon, bounded and described as follows, to-wit:

PARCEL I

That part of Government Lot 2, of Section 1, Township 2 South, Range 9 West of the Willamette Meridian, in Tillamook County, Oregon, more particularly described as follows: Beginning at a point which is North 1493.62 feet and West 987.61 feet from the Northwest corner of Section 6, Township 2 South, Range 8 West of the Willamette Meridian, said point also being the true point of beginning of a parcel of land deeded by Wayne D. McMillan, et ux, to the State of Oregon Fish Commission described in book 180, page 503, Deed Records, in Tillamook County, Oregon; thence South 2° 58' 55" West 79.20 feet to a point on the Southerly edge of the fish hatchery access road; thence South 60° 13' 30" West 3.06 feet; thence South 72° 21' 20" West 42.18 feet; thence South 82° 24' 50" West 41.64 feet; thence South 86° 46' 40" West 64.58 feet; thence North 0° 34' 33" West 240.96 feet more or less to a point in the centerline of Trask River (said point also being a point in the South line of that parcel described in book 230, page 81, deed record thence Northeasterly along the centerline of the Trask River to a point on the East line of Government Lot 2, which is North 2° 58' 55" East from the point of beginning; thence South 2° 58' 55" West 351.29 feet more or less to the true point of beginning. - - - -

PARCEL II

That part of Government Lot 2 of Section 1, Township 2 South, Range 9 West, Willamette Meridian, Tillamook County, Oregon more properly described as follows: Beginning at a point which is North 1493.62 feet and West 987.61 feet from the Northwest corner of Section 6, Township 2 South, Range 8 West, Willamette Meridian and being the true point of beginning of a parcel of land deeded by Wayne D. McMillan and wife to the State of Oregon Fish Commission described in Book 180, Page 503, Deed Records, Tillamook County; thence South 2° 58' 55" West to a point on the southerly edge of the fish hatchery access road, thence following south edge of said road, South 60° 13' 30" West 3.06 feet, thence South 72° 21' 20" West 42.18 feet, thence South 82° 24' 50" West 41.64 feet, thence South 86° 46' 40" West 64.58 feet to a point being the true point of beginning of said Parcel 2; thence continuing along south edge of said road South 86° 46' 40" West 56.93 feet, thence North 0° 34' 33" West 215 feet more or less to the centerline of the Trask River, thence north-easterly along the centerline of the Trask River 65 feet more or less to a point being the Northwest corner of Parcel 1 described in this deed, thence South 0° 31' 33" East along the westerly boundary of Parcel 1, 240.96 feet more or less to the point of beginning.

To have and to hold the above described and granted premises unto the said grantee, its successors and assigns forever.

This deed is being re-recorded to correct an error in the description.

2902.004

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SEP 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON

- 2 -

It is agreed, between the parties hereto, that said above described premises are to be used by the Party of the Second Part as and for the propagation, rearing and other fish cultural activities of salmon and other anadromous and food fish species.

It is further agreed and understood between the parties that normal siltation problems will attend the logging operations of the Party of the First Part and that the Lessor contemplates future logging to some extent in the Gold Creek Water Shed, upstream and above the above parcel or tract of land herein demised, and the Party of the First Part agrees that it will endeavor to the best of its ability to hold siltation and the introduction of logging and other timber debris to a minimum; also to extend full cooperation to the Lessee in working out mutual problems in connection therewith.

It is further understood and agreed between the parties hereto, that Lessee's occupancy and use of said tract of land for the purposes herein stated is not to operate to or otherwise tend to prevent the necessary and desirable logging operations of Lessor in the area indicated.

It is further understood that Lessor reserves the right and easement to cross said leased premises for purposes of access to and from other land, for moving equipment, or for any other purposes except for log hauling; and that any such easement will be exercised with minimum interference to the use of the premises by Lessee.

It is further understood and agreed between the parties hereto that should the Lessor, during the term of this lease, desire to sell or dispose of the above described leased premises or the tract of which said premises are a part and parcel, said Party of the First Part hereby agrees to give the Lessee advance notice

2902.003

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SEP 28 1998

of said intention to sell and shall give said Lessee the opportunity to purchase said real property above described. WILSON RESOURCES DEPT. SALEM, OREGON

For better reference to the property herein leased, there is attached hereto a sketch marked "Exhibit A" and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their proper officers the day and year first above written.

SPAULDING PULP AND PAPER COMPANY

By [Signature] President
LESSOR

ATTEST:

By _____
Secretary

THE STATE OF OREGON
Acting by and through the
Fish Commission of Oregon

By _____
State Fisheries Director.
LESSEE

APPROVED AS TO FORM:

By [Signature]
Assistant Attorney General

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SEP 28 1988

WATER RESOURCES DIVISION
SALEMI, OREGON

40 north
N 8125.29
W 58.44

Mound of stones
Spruce tree

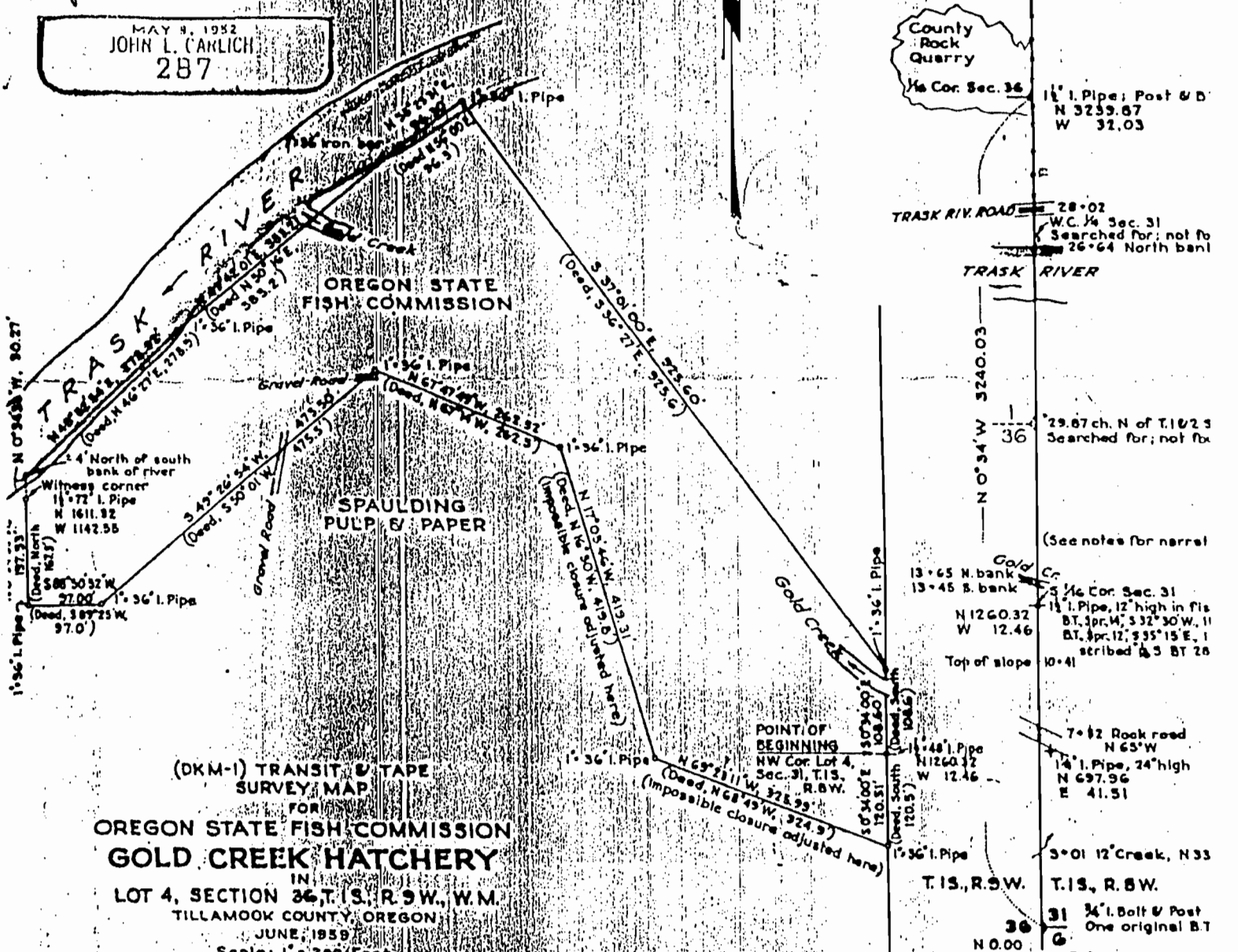
SURVEYORS CERTIFICATE

I, John L. Carllich, hereby certify that this map was made from notes of an actual survey made by me in June, 1959 and that it truly represents the property herein shown.

REGISTERED
OREGON
LAND SURVEYOR

John L. Carllich

MAY 9, 1952
JOHN L. CARLICH
287



(DKM-1) TRANSIT & TAPE
SURVEY MAP
FOR
OREGON STATE FISH COMMISSION
GOLD CREEK HATCHERY
IN
LOT 4, SECTION 36, T.15, R.9W., W.M.
TILLAMOOK COUNTY, OREGON
JUNE, 1959
Scale: 1" = 200 Feet

NOTE: Meridians true from solar observation;
Deed bearings adjusted to true bearings
(Deed "South" = S 0° 34' 00" E, etc.)

VICINITY MAP
Scale: 1" = 600 Feet

TRASK RIVER SALMON HATCHERY

2902.00
2902

SEP 28 1998

WATER RESOURCES DEPT. SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That SPAULDING PULP & PAPER CO.

a corporation duly organized and existing under the laws of the State of Oregon in consideration of Ten and 00/100 Dollars

to it paid by WAYNE D. McMILLAN and NELLIE McMILLAN, husband and wife

does hereby remise, release and forever QUITCLAIM unto the said WAYNE D. McMILLAN and NELLIE McMILLAN, husband and wife

, their heirs and assigns all its right, title and interest in and to the following described real property with the tenements, hereditaments and appurtenances, situated in the County of Tillamook State of Oregon, bounded and described as follows, to-wit:

That part of Government Lot 1 of Section 1, Township 2 South, Range 9 West of the Willamette Meridian, beginning at a point in the South line of the Oregon State Fish Commission property described in deed to the State of Oregon, recorded December 15, 1914, in Book 30 at page 282, Deed Records, which point is North 1493.62 feet, and West 987.61 feet, from the Northwest corner of Section 6, Township 2 South Range 8 West of the Willamette Meridian; and running thence South 2° 59' West, 152.29 feet to the Northerly Right-of-Way line of Stone's Rock Road; thence along the Northerly Right-of-way line of said road as follows: South 72° 03' East 203.72 feet; South 61° 02' East 274.26 feet; South 37° 05' East 264.94 feet; thence continuing South to the center of an unnamed creek which flows Northeasterly; thence North-easterly along the center of said creek, 350 feet, more or less, to the Southerly Boundary of said Fish Commission property; thence following the Southerly line of the Fish Commission property Northwest-erly and Southwesterly to the point of beginning.

This deed is given to confirm and make more definite the boundaries of that tract conveyed to Wayne D. and Nellie McMillan by deed recorded December 31, 1954, in Book 145, Page 170, Deed Records, SPAULDING PULP & PAPER CO.

By Sidney M. Collier, President
By A. J. Sather, Asst. Secretary

STATE OF OREGON,

County of Yamhill

ss.

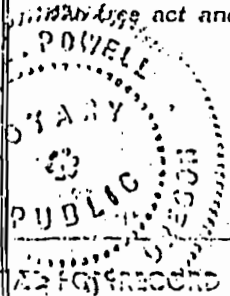
On this 17th day of April, 1962,

before me appeared Sidney M. Collier and A. J. Sather both to me personally known, who being duly sworn, did say that he the said Sidney M. Collier is the Exec. Vice President, and he the said A. J. Sather is the Asst. Secretary of SPAULDING PULP & PAPER CO. the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Sidney M. Collier and A. J. Sather acknowledged said instrument to be act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the day and year last above written.

Effie R. Powell
Notary Public for Oregon.

My commission expires April 5, 1963



RECORDED May 17 1962 AT 5:42 AM CLAYDS L. HOOVER, COUNTY CLERK

PHOTOCOPIED
INDEXED
QUITCLAIM DEED
CORPORATION
(FORM No. 722)

Spaulding Pulp & Paper Co.
TO
Wayne D. McMillan
-et al-

STATE OF OREGON,
County of Tillamook } ss.
I certify that the within instrument was received for record on the 17th day of May, 1962, at 8:42 o'clock P.M., and recorded in book 180 on page 515, Record of Deeds, of said County.

WITNESS my hand and seal of County affixed.
CLAYDS L. HOOVER
County Clerk-Recorder.
By Stanley B. Dawson Deputy.

STEVENESS LAW PUB. CO., PORTLAND
Take of Rec.
Book 180, page 515
304 State Office Bldg.
Fished Portland, Oregon

200-2052

BOOK 180 PAGE 364

STATE OF OREGON,

County of Linn

SS.

BE IT REMEMBERED, That on this 11th day of December, 1961, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Wayne B. McMillan and Nellie E. McMillan

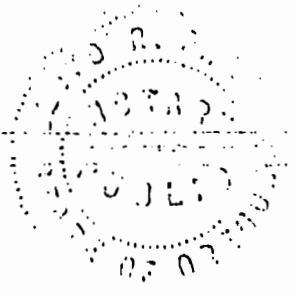
known to me to be the identical individual(s) described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Lloyd Palmer

Notary Public for Oregon.

My Commission expires
MY COMMISSION EXPIRES OCT 13th, 1962



PHOTOCOPIED INDEXED

WARRANTY DEED

(FORM No. 703)
STEVENESS LAW PUB. CO., PORTLAND, ORE.

Wayne B. McMillan
Nellie E. McMillan

State of Oregon
First Commissioner
Oregon

STATE OF OREGON,
County of Linn

I certify that the within instrument was received for record on the 17th day of March, 1962, at 8:40 o'clock A. M., on and recorded in book 180 on page 583, Record of Deeds of said County.

Witness my hand and seal of County affixed.

GLADYS L. HOOVER

County Clerk—Recorder.
By *Gladys Hoover*
Deputy.

WHEN RECORDED RETURN TO

State of Oregon
Ask Commissioner
for State Office Building
at P. O. Fisher, Portland 11, Oregon

RECEIVED

SEP 28 1968

WATER RESOURCES DEPT.
SALEM, OREGON



KNOW ALL MEN BY THESE PRESENTS, That

Wayne D. McMillan and Nellie McMillan, husband and wife
in consideration of -- Two Thousand and no/100 -- Dollars,
to them paid by State of Oregon, Fish Commission of Oregon
do hereby grant, bargain, sell and convey unto said State of Oregon, Fish Commission of Oregon
their heirs and assigns, all the following real property, with the
tenements, hereditaments and appurtenances situated in the County of Tillamook
and State of Oregon, bounded and described as follows, to-wit:

That part of Government Lot 1 of Section 1, Township 2 South,
Range 9 West of the Willamette Meridian, beginning at a point
in the South line of the Oregon State Fish Commission property,
described in deed to the State of Oregon, recorded December 15,
1914 in Book 90 at page 232, Deed Records, which point is North
1493.62 feet, and West 987.61 feet from the Northwest corner of
Section 6, Township 2 South, Range 9 West of the Willamette
Meridian; and running thence South 02° 59' West, 152.29 feet;
thence South 72° 03' East 203.72 feet, thence South 61° 02'
East 274.26 feet; thence South 37° 05' East 264.94 feet; thence
North 38° 05' East 346.00 feet; to the southerly boundary of
said State of Oregon tract; thence following the southerly
line of the Fish Commission property Northwesterly and South-
westerly to the Point of Beginning.

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SEP 28 1998

WATER RESOURCES DEPT.
SALEM, OREGON

- Except:
1. Rights of the public in and to that portion of said premises lying in streets, roads and highways.
 2. Mountain States Power Company Easement, including the terms and provisions thereof, recorded August 19, 1946, in Book 98 at page 548, Deed Records.
 3. Exclusive Right to use Road through Section 1, Township 2 South, Range 9 West of the Willamette Meridian, including the terms and provisions thereof, granted by C.F. Stone and wife to Seaboard Pulp & Paper Company by deed recorded April 30, 1948 in Book 112 at page 357, Deed Records.



To Have and to Hold, the above described and granted premises unto the said
State of Oregon, Fish Commission of Oregon

their heirs and assigns forever.

And Wayne D. McMillan and Nellie McMillan, husband and wife

the grantor

above named do covenant to and with the above named grantee, their heirs and assigns that
lawfully seized in fee simple of the above granted premises, that the above granted premises
are free from all encumbrances,

except as noted above

and that they will and their heirs, executors and administrators, shall warrant and forever defend the
above granted premises, and every part and parcel thereof, against the lawful claims and demands of all
persons whomsoever,

Witness our hands and seals this fifth day of December, 19 61.

Executed in the Presence of

..... Wayne D. McMillan (SEAL)

..... Nellie McMillan (SEAL)

..... (SEAL)

..... (SEAL)

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

OREGON DEPARTMENT OF FISH AND WILDLIFE
2501 SW 1st AVENUE
PORTLAND, OREGON 97201

confirms the right to use the waters of GOLD CREEK, a tributary of the TRASK RIVER, for DOMESTIC USE.

This right was perfected under Permit 6961. The date of priority is JANUARY 23, 1923. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.005 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SECTION 31, T 1 S, R 8 W, WM; NE $\frac{1}{4}$ NE $\frac{1}{4}$, SECTION 1, T 2 S, R 9 W, WM.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SECTION 1
TOWNSHIP 2 SOUTH, RANGE 9 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 7730, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered JAN 07 1997, approving Transfer Application 6654.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director,
affixed JAN 07 1997.

/s/ MARTHA O. PAGEL

Martha O. Pagel, Director

Recorded in State Record of Water Right Certificates numbered 73649.

T-6654.LHN

COPY

STATE OF OREGON
COUNTY OF TILLAMOOK
CERTIFICATE OF WATER RIGHT

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OREGON DEPARTMENT OF FISH AND WILDLIFE
2501 SW 1st AVENUE
PORTLAND, OREGON 97201

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The points of diversion are located as follows:

~~SW~~ ~~SW~~, ~~SE~~ ~~SW~~, SECTION 31, T 1 S, R 8 W, WM; ~~NE~~ ~~NE~~, SECTION 1, T 2 S, R 9 W, WM.

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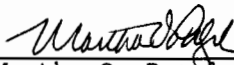
~~NE~~ ~~NE~~
SECTION 1
TOWNSHIP 2 SOUTH, RANGE 9 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 7730, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered January 7, 1997, approving Transfer Application 6654.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director,
affixed January 7, 1997.


Martha O. Pagel, Director

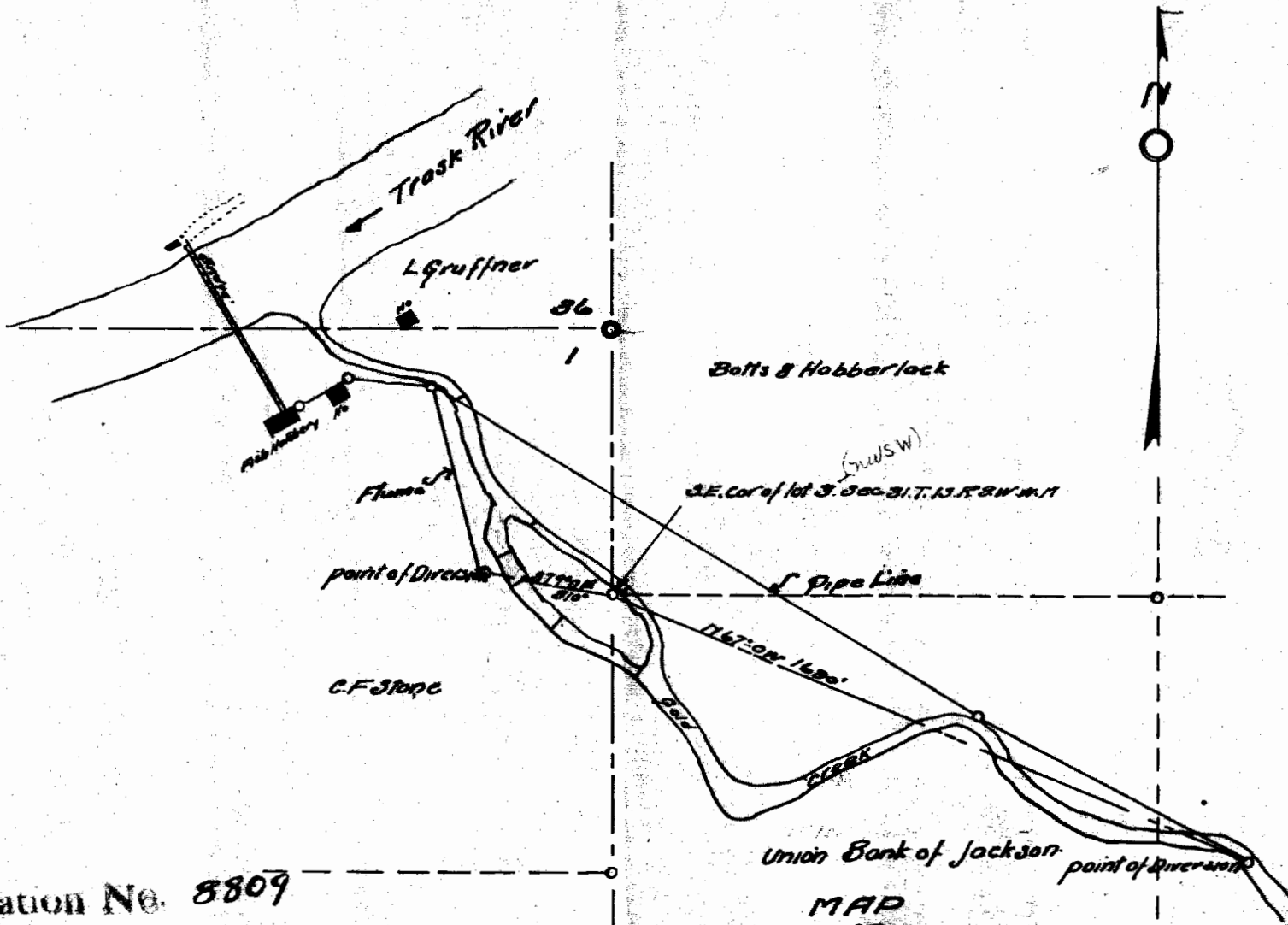
Recorded in State Record of Water Right Certificates numbered 73649.

T-6654.LHN

SURVEYOR'S CERTIFICATE

L.W.E. Anderson a deputy Co. Surveyor of Tillamook Ore, do hereby certify that this map was made from notes taken during an actual survey made by me in July 1924, under the direct supervision of W.S. Coates Co. Engineer of Tillamook Ore, and that it correctly represents the location of all stream and other works herein shown.

Deputy Co. Surveyor
L.W.E. Anderson



Application No. 8809
Permit No. 6961

MAP
OF
WATER RIGHT ON GOLDCK FOR
OREGON STATE FISH COM..
Located Sec. 31, T. 13, R. 2W. N. 11.
Scale 1" = 1000'
July 1924.

PROOF OF APPROPRIATION

Permit No.....

Recording fee paid

Receipt No.....

By order of
10 min. 50 sec.

10. Does the accompanying blueprint or the map filed with your permit show correctly the location of diverting works and area of land where water is used? **Yes**

11. If not, wherein is such map in error?

.....

12. If the dimensions of your ditch or dam do not correspond to those described in your permit, state what changes have been made, giving dimensions of ditch (or other distributing works)

.....
.....
.....
.....
.....

13. If water is used for power, mining, domestic, municipal, storage, manufacturing, or any other purpose than irrigation, give the extent and method of such use
Fish Hatchery & Domestic Purposes
.....
.....
.....
.....

STATE OF OREGON, }
COUNTY OF **MULTNOMAH** } ss.

I, **HUGH C. MITCHELL**, being first duly sworn, depose and say that I have read the above and foregoing proof of appropriation of water; that I know the contents thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this **22nd** day of **May**, 192**8**.

Hugh C. Mitchell

Subscribed and sworn to before me this **28th** day of **May**, 192**8**.

Margery B. Wilson
Notary Public for Oregon

[NOTARIAL SEAL]

My commission expires **3/29/32**

AFFIDAVIT OF WITNESSES

We, Charles Buckbee, and Tom Nicklaus
of Tillamook County, being first duly sworn, depose and say that
we are well acquainted with the facts and conditions set forth in the foregoing statement relative
to proof of appropriation of water under Permit No. 6961; that we and each of us have
been over and upon each tract described in said proof, and from such personal inspection have
knowledge that all necessary ditches, dams and other diversion and distributing works have been
constructed, and water used as stated therein; that we have carefully read such proof of appropria-
tion, and that each and every statement contained therein is true to the best of our knowledge
and belief.

- Charles Buckbee
- Tom Nicklaus

Subscribed and sworn to before me this 26th day of May, 1928

[NOTARIAL SEAL]

Reeie W. Watson
Notary Public for Oregon

My commission expires Jan. 13th, 1929.

This is to certify that I have made an inspection of the hatchery
of the Oregon State Fish Commission on Gold Creek and have found the ap-
propriation completed to the extent of 4.0 second feet. I recommend the
issuance of a water right certificate for that amount for domestic and
fish hatchery purposes.

J.P. Ryan
Ass't to State Engineer.

NOTICE OF BEGINNING OF CONSTRUCTION

I, Fish Commission of Oregon, the holder of Application No. 8809, being Diversion Permit No. 6961, issued by the State Engineer of the State of Oregon for the appropriation of Four second-feet of the waters of Gold Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, began the actual construction of the works described therein on the 29th day of October, 1925, being within the time limitation as fixed in said permit for the beginning of construction work.

Station Personnel

The appropriator should state the manner of beginning construction work, number of men and teams employed, the amount of work completed up to the date of this statement, and any additional information which may tend to show the beginning of work in good faith.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of November, 1927,

Portland, Oregon (Present Address)

Handwritten signature of Hugh S. Mitchell

(Signature of Applicant)

Director.

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

NOTICE OF COMPLETION OF CONSTRUCTION

I, Fish Commission of Oregon, the holder of Application No. 8809, being Diversion Permit No. 6961, issued by the State Engineer of the State of Oregon for the appropriation of Four second-feet of the waters of Gold Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, have completed the construction of the works described therein the 29th day of December, 1925, being within the time limitation as fixed in said permit or as extended by the State Engineer for the completion of construction work.

Remarks:

If the works have a less capacity than as described in the permit, or you have definitely abandoned your plan of irrigating any of the lands described

in your permit, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of November, 1927,

Portland, Oregon (Present Address)

Handwritten signature of Hugh S. Mitchell

(Signature of Applicant)

Director.

Fill out, detach, and mail to the State Engineer, Salem, Oregon. Form D should be used in reporting progress of work if more than one year has been allowed for completion.

NOTICE OF COMPLETE APPLICATION OF WATER TO A BENEFICIAL USE

I, Fish Commission of Oregon, the holder of Application No. 8809, being Diversion Permit No. 6961, issued by the State Engineer of the State of Oregon for the appropriation of Four second-feet of the waters of Gold Creek in accordance with the tenor of such permit and the limitations endorsed thereon by the State Engineer, completely applied the water to a beneficial use, on the 7th day of January, 1926, being the time limitation as fixed in said permit or as extended by the State Engineer for the complete application of water to a beneficial use.

Remarks:

All used

If all of the water granted in the permit had not been fully applied to beneficial use, you should so state, so that delinquent appropriators may

have notice.

IN WITNESS WHEREOF, I have hereunto set my hand this 25th day of November, 1927,

Portland, Oregon (Present Address)

Handwritten signature of Hugh S. Mitchell

(Signature of Applicant)

Director.

Fill out, detach, and mail to the State Engineer, Salem, Oregon.

Gourley 11:00

Bob Nieman
Kaiser Gypsum Co.

Acoustical Mineral Tile

19000

App. No.
17109

Alden Miller A
Oregon City U.S. Bank
Dickman Bldg.

Dr. Guy Mount

Wagner

Tide Cr. Adams

French

Trask River 1/2" Oct 19-1925

Chester Case

Lot 8 Sec 1 25 9W

23485

8809

378-3066

8809, 54001

19 March 1976

Oregon Department of Fish and Wildlife
P.O. Box 3503
Portland, Oregon 97208

ATTENTION: George J. Kernan

Dear Mr. Kernan:

This will acknowledge your map, fees of \$51.00 and application for a permit to appropriate 9 cubic feet per second of water from Trask River for fish culture located within Lot 1 of Section 1, Township 2 South, Range 9 West, W.M. immediately downstream from the confluence of Gold Creek. This application, filed in the name of the Oregon Department of Fish and Wildlife, has been filed as No. 54001.

In checking our records regarding existing water rights, I have found that certificate No. 7730, State Record of Water Right Certificate was issued to the Oregon State Game Commission in approval of the right perfected under permit No. 6961. This certificate is evidence of the right to appropriate not to exceed 4 cubic feet per second of water from Gold Creek for domestic use and a fish hatchery.

According to the mapping involved on the existing water right and the new application, it appears that this may be the same fish hatchery project.

Could you please provide us with information regarding the status of the use of water from Gold Creek for the operation of a fish hatchery as it may relate to your new application to appropriate water from Trask River.

Upon receipt of this additional information, your application will be examined further.

Sincerely,

Vestal R. Garner
Water Rights Engineer

VRG:lcm

ENCL: Receipt No. 51840

July 2, 1968

Tillamook Water Commission
City Hall
Tillamook, Oregon 97141

ATTENTION: Ted Fisher, Superintendent

Gentlemen:

There is only one right of record for appropriation of water from Gold Creek. Certificate recorded at page 7730 was issued to the Oregon State Fish Commission for appropriation of 4 cubic feet per second from Gold Creek for domestic and fish hatchery. The place of use is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 2 South, Range 9 West and there are three points of diversion listed.

We have no record as to the flow of Gold Creek so I cannot give you a specific answer as to what quantity may be available for appropriation, but an application for a permit would be accepted. It would also be necessary to consider the rights on Trask River downstream of Gold Creek if the flow of Gold Creek was required to satisfy them. The Water Resources Board has set a minimum flow figure for Trask River but this is at a point about $\frac{1}{2}$ mile above Gold Creek.

I am enclosing an application form and a copy of the Rules and Regulations of the State Engineer for your use.

Very truly yours,

CHRIS L. WHEELER
State Engineer

By
Trevor Jones
Assistant

TJ:slh

Enclosures

January 9, 1928.

The Oregon State Fish Commission,
Portland, Oregon.

Gentlemen:

You will find enclosed blank forms for your use in submitting final proof of appropriation of water under Permit Nos. 6961, 7029, 7210, 7211, 7188, 7756, 7835.

Under question 7, please fill in the amount of land which has been actually irrigated. The answers to questions 8-12 inclusive should be given and your affidavit made on the second page. The affidavit of witnesses should also be secured and the proofs returned to this office with \$1.00 for recording each of your water right certificates.

Yours very truly,

RHEA LUPER,
State Engineer.

EAS:DL
ENCs:



RECEIVED
JUN 21 1968
STATE ENGINEER
SALEM OREGON

TILLAMOOK WATER COMMISSION

CITY HALL

TILLAMOOK, OREGON 97141

June 20, 1968

12750
20000
5000

State Engineer
516 Public Service Building
Salem, Oregon

Dear Sir:

The Tillamook Water Commission Board would like to know if there is a possibility of securing water rights on Gold Creek, located in Tillamook County. Are there any prior water rights on the creek at the present time? If so to whom are these issued.

Any information you may give the Board will be greatly appreciated.

Thank you.

Yours truly,

Tillamook Water Commission

By: Ted Fisher
Ted Fisher, Superintendent

sf

October 22, 1925.

Oregon State Fish Commission,
1105 Gasco Building,
Portland, Oregon.

Gentlemen:

Herewith you will find Application No. 8809, being Permit No. 6961, together with blueprint. This application has been approved and recorded in this office.

October 7, 1925.

Fish Commission of Oregon,
1105 Gasco Building,
Portland, Oregon.

Gentlemen:- Attention Edison I. Ballagh,
Master Fish Warden.

I am in receipt of your letter of October 6th transmitting check for \$14.00 in payment of fees on Application No. 8609 for the appropriation of water from Gould Creek and for recording an assignment of application from the Oregon Game Commission.

Official receipt No. 3016 covering the fees is enclosed.

The assignment has been recorded in the Miscellaneous Records of this office and is returned herewith.

The application will be approved within the next few days after which permit will be forwarded.

Yours respectfully,

Rhee Luper,
State Engineer.

ER-LA

ASSISTANT MASTER FISH WARDEN

COMMISSIONER
JOHN C. VEATCH, CHAIRMAN
W. T. EAKIN
J. S. HAYES

FISH COMMISSION OF OREGON

1105 GASCO BUILDING
PORTLAND

October 6, 1925

Mr. Rhea Luper,
State Engineer,
Salem, Oregon.

Dear Sir:

We enclose herewith our check in the sum of \$14.00,
covering your fees on Application No. 8809 for permit for water
on Gold Creek, in accordance with your letter received here Sept. 28th.

Please return to us a receipt for the \$14.00.

Thanking you in advance, I am,

Very truly yours,

Edison L. Ballagh,

Master Fish Warden.

*Fish Comm. of Oregon
app 8809 { \$1.00 fee miscel recording
3.00 Exam.
10.00 recording*

STATE ENGINEER
RECEIVED

OCT 7 1925

SALEM, OREGON

* Permit No.....

APPLICATION FOR A PERMIT

To appropriate the Public Waters of the State of Oregon

I, Oregon Game Commission, of Portland, County of Multnomah, State of Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, subject to existing rights:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Gould Creek, tributary of Trout River.

2. The amount of water which the applicant intends to apply to beneficial use is three cubic feet per second.

3. The use to which the water is to be applied is for Trout Hatchery.

4. The point of diversion is located 57' N of SW corner of Lot 1, Sec 1, Tp 2 S, R 9 W.

being within the Lot 1 of Sec 1, Tp 2 S, R 9 W, W. M., in the county of Tillamook.

5. The Flume to be one eighth miles in length, terminating in the Lot 1 of Sec 1, Tp 2 S, R 9 W, W. M., the proposed location being shown throughout on the accompanying map.

6. The name of the ditch, canal or other works is The Gould Creek Hatchery Flume.

DESCRIPTION OF WORKS

DIVERSION WORKS—

7. (a) Height of dam feet, length on top feet, length at bottom feet; material to be used and character of construction

(b) Description of headgate (Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon.

CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line)feet; width on bottomfeet; depth of waterfeet; gradefeet fall per one thousand feet.

(b) At miles from headgate: Width on top (at water line)feet; width on bottomfeet; depth of waterfeet; gradefeet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR IRRIGATION—

9. The land to be irrigated has a total area of acres, located in each smallest legal subdivision, as follows: (Give area of land in each smallest legal subdivision which you intend to irrigate)

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilizedfeet. (Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec....., Tp....., R....., W. M. (No. N. or S.) (No. E. or W.) (Legal subdivision)

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return Sec....., Tp....., R....., W. M. (No. N. or S.) (No. E. or W.)

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

11. To supply the city of
..... County, having a present population of
(Name of)
and an estimated population of in 192.....

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$.....
- 13. Construction work will begin on or before
- 14. Construction work will be completed on or before
- 15. The water will be completely applied to the proposed use on or before

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Water Board, accompany this application.

Oregon State Game Commission
(Name of applicant)
By W. O. Hadley

Signed in the presence of us as witnesses:

- (1) (Name) (Address of witness)
- (2) (Name) (Address of witness)

Remarks:

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows:

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before, 192.....

WITNESS my hand this day of, 192.....

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: If for irrigation, this appropriation shall be limited to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject to such reasonable rotation system as may be ordered by the proper State officer

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is

Actual construction work shall begin on or before and shall thereafter be prosecuted with reasonable diligence and be completed on or before

Complete application of the water to the proposed use shall be made on or before

WITNESS my hand this day of, 192.....

State Engineer.

Permits for power development are subject to the limitation of franchise as provided in Section 6633, Lord's Oregon Laws, and the payment of annual fees as provided in Chapter 213, Session Laws of 1915.

Old Year 1914

Application No. 8809

Permit No.

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

Division No. District No.

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 23 day of January
192... 3 at 3:30 o'clock P.M.

Returned to applicant for correction:

Corrected application received:

Approved:

Recorded in Book No. of
Permit, on Page
State Engineer.

Superseded