

WATER DISTRIBUTION AGREEMENT
FOR STORED WATER IN
CASE CREEK DAM & RESERVOIR #1
in Marion, County, Oregon

File Nos. R-44864
44865
44949
44866
44879

We the undersigned do agree to divide the stored irrigation waters of the above mentioned reservoir, which we own, in the following manner.

Total Storage Capacity = 213.0 Acre Feet.

C. P. Burnham 5% of 213.0 = 10.65 Ac.Ft.
Ac.Ft.
/s/ Charles Paige Burnham Date December 30, 1969
of Signature

Henry Wilmes 20% of 213.0 = 42.60 Ac.Ft.
Ac.Ft.
/s/ Henry Wilmes Date December 30, 1969
of Signature

Edmond Dansky 30% of 213.0 = 63.90 Ac.Ft.
Ac.Ft.
/s/ Edmond Dansky Date January 5, 1970
of Signature

Robert G. Williamson 45% of 213.0 = 95.85 Ac.Ft.
Ac.Ft.
/s/ Robert G. Williamson Date December 30, 1969
of Signature

STATE OF OREGON)
County of Marion) ss. 100% = 213.0 Ac.Ft.

I certify that the within was received by me on the 5th day of January, 1970 at 1:48 o'clock p.m., and was recorded in Miscellaneous Records, Vol. 4, Page 2101.

CHRIS L. WHEELER
State Engineer

\$1.13 paid

cjs

STATE OF OREGON

OFFICE OF THE STATE ENGINEER

IN THE MATTER of application)
of BARKER TIMBER CO., P.O. Box)
449, Eugene, Oregon to appropriate 1.0 cfs from Farnam Cr.,)
tributary to the Siuslaw River,)
to form a 186-acre foot lake to)
be used for recreational purposes)

File Nos. R-46448 & 46449

STIPULATION

WHEREAS, BARKER TIMBER COMPANY has made applications for a permit to appropriate 1.0 cfs from Farnam Creek and build a dam in the stream channel to form a 186-acre foot impoundment for recreation located in the NE¼ SE¼, Section 11, T. 20 S., R. 5 W., W. M., Lane County, and

WHEREAS, the Oregon State Game Commission is charged by law with the duty of the preservation, propagation, and promotion of game fish, and

WHEREAS, Farnam Creek provides spawning and rearing areas for migratory salmon and cutthroat trout, and

WHEREAS, the construction of a dam and impoundment on Farnam Creek would be detrimental to the production of the above mentioned game fish, and

WHEREAS, the public will not be allowed access to the above mentioned impoundment, and

WHEREAS, by virtue of the statutory duties imposed upon the Oregon State Game Commission it would in the performance of said duties be obliged to protest the above application in the event that the granting of the above application and the use by the applicant of the waters of Farnam Creek would be detrimental to the fish life of said stream.

NOW, THEREFORE, it is stipulated and agreed as follows:

That the applicant, Barker Timber Company shall:

1. Permit the State Game Commission to stock juvenile salmon or steelhead into the reservoir to utilize the impoundment for natural rearing.
2. Permit access to the impoundment for the above purpose.
3. Incorporate a water outlet structure in the dam which will permit reasonable fish emigration as approved by the State Game Commission.
4. Permit the State Game Commission to study progress and success of anadromous fish rearing in the reservoir. This would include the installation of traps, racks or other structures in Farnam Creek below the dam as required to handle adult fish which might attempt to return to the impoundment.
5. Allow chemical rehabilitation of the impoundment and its tributaries if fish species are found which endanger the reservoir's capacity to rear anadromous fish.
6. Release natural overflow from the dam after initial filling, and a flow of at least 0.5 cfs during the filling period. Substantial reservoir water level manipulations thereafter would be conducted by mutual agreement between the owner and the State Game Commission.
7. Not advocate or sanction water uses (other than angling) that may be detrimental to fish production in the reservoir.
8. Permit private stocking of only rainbow trout or other fish species recommended by the State Game Commission.

IT IS FURTHER AGREED AND STIPULATED that the Oregon State Game Commission will:

1. Not require the applicant to provide upstream fish passage over the dam.
2. Periodically and upon request inform applicant of anadromous fish stocking plans or success.
3. Provide applicant upon request advice regarding trout stocking or methods to enhance the reservoir for fish production.
4. Take all reasonable precautions to respect and protect the owner's property.

The OREGON STATE GAME COMMISSION, in consideration of the applicant having executed this stipulation, will not protest the granting of a permit.

It is further agreed that this stipulation shall be submitted to the State Engineer and, by reference, be made a part of any permit issued under the application.

DATED this 24 day of December, 1969.

BARKER TIMBER COMPANY
By /s/ S. R. Barker
OREGON STATE GAME COMMISSION
By /s/ John M. McKean, Director

STATE OF OREGON)
) ss.
County of Marion)

I certify that the within was received by me on the 31 day of December 1969, at 8:00 o'clock a.m., and was recorded in Miscellaneous Records, Vol. 4, pages 2101, 2102, and 2103.

CHRIS L. WHEELER
State Engineer

\$1.50 paid

cjs

STATE OF OREGON)
) ss.
County of Polk)

From: Roy Wooldridge & Mary C. Wooldridge
To: Lane W. Crossley & Yvonne C. Crossley
Appl. No. GR-1236, Certificate No. GR-1195.

I, ROY WOOLDRIDGE & MARY C. WOOLDRIDGE, h&w, of Route L, Box 62, Independence, County of Polk, State of Oregon, for and in consideration of one & no/100 Dollars and other valuable consideration, do hereby assign, transfer and set over unto LANE W. CROSSLEY & YVONNE C. CROSSLEY, h&w, of Route 4, Box 822, Eugene, County of Lane, State of Oregon, all my right, title and interest in and to certain waters acquired through ~~Application~~ Registration Certificate No. GR 1236, ~~Permit~~ No. GR 1195, issued by the State Engineer of Oregon, and authorize the State Engineer to issue to the said Lane W. Crossley and Yvonne C. Crossley, h&w, or their assigns, water right certificate upon the completion of the Appropriation.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of December, 1969.

/s/Roy Wooldridge
Roy Wooldridge
/s/Mary C. Wooldridge
Mary C. Wooldridge

Witnesses:
/s/ Charles T. Richmond

STATE OF OREGON)
) ss
County of Marion)

I certify that the within was received by me on the 29th day of December, 1969 at 8:00 o'clock a.m., and was recorded in Miscellaneous Records, Vol. 4 page 2103.

CHRIS L. WHEELER
State Engineer

\$1.00 paid

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