

## SKAMANIA BOOM CO. TO FISH COMMISSIONER.

THIS AGREEMENT, made and entered into by and between SKAMANIA BOOM COMPANY, a corporation organized under the laws of the State of Washington as a log driving and boom company, first party, and the FISH COMMISSIONER OF THE STATE OF WASHINGTON second party, WITNESSETH:

THAT WHEREAS, The first party has heretofore made application to the Fish Commissioner of the State of Washington, for a permit to construct and maintain dams in Wind River and its tributaries,

AND WHEREAS,

## I.

Wind River is a mountain stream rising in the Cascade Mountains and flows southerly a distance of over twenty miles to the Columbia River and empties into the Columbia River in Section 28, Township 3 North of Range 8 East of the Willamette Meridian.

## II.

That in Section 21, said township and range, there exist falls in Wind River so precipitous that food fish are unable to ascend further up the stream than said falls, being a distance of about two miles from the mouth of Wind River.

## III.

That no shell fish ever frequent said Wind River, and no food fish frequent said Wind River, except during the spawning season in the Fall of the year, and during said period the State of Washington Fish Hatchery, which is located on part of the Murphy Donation Land Claim in Section 27, said township and range, is operated, and during said time artificial barriers are erected across Wind River in the vicinity of said fish hatchery for the purpose of preventing food fish from ascending the stream and for the further purpose of aiding the gathering of the spawn of said salmon, and said falls will always prevent food fish from ascending Wind River above said falls.

## IV.

That the State of Washington owns the site and buildings, including residence, of said fish hatchery so located but said hatchery cannot be operated successfully or to its capacity for the reason that its water supply is limited and impaired to such a point that the spawn of said hatchery is liable to destruction for want of running water, and said hatchery is otherwise fully equipped, including lights and residence.

## V.

That the first party, Skamania Boom Company, is ready and willing to aid in the propagation of fish in Wind River and especially in said hatchery to the extent of procuring for the use of said hatchery the flow from a certain spring located about 400 feet North of the Spokane Portland and Seattle right of way on the western portion of the Hobbins Donation Land Claim.

## VI.

That Skamania Boom Company has had erected for over ten years three dams in Wind River, and its tributaries, to-wit:

one in Wind River, one in Trout C k and one in Panther Creek, all of said dams being above the falls in said Section 21.

VII.

That each of said dams is about forty feet in height, and in the opinion of the Fish Commissioner, and in fact, it is impracticable and unnecessary to erect any fish ladder or fishway over either of said dams, or any dam above said falls, and said Skamania Boom Company has maintained all of said dams for over ten years prior hereto without any fishway or fish ladder, and it is not desirable or necessary or practical to require dams above said falls to be provided or equipped with a fish ladder or fishway.

VIII.

That during all of said period and especially ever since the erection of said hatchery by the State of Washington the State of Washington had adopted and considered said falls as a complete obstruction of said Wind River as far as the same relates to food fish or shell fish, and said falls are a complete barrier against food fish ascending said stream, and no shell fish exist in Wind River the same being a fresh water mountain stream.

IX.

And Skamania Boom Company, having heretofore procured to the State of Washington a right and easement in and to said spring on the west line of the Robbins Donation Land Claim for the use by the State of Washington for said hatchery all of the flow of said spring up to such amount as will fill a pipe six inches in diameter, and has furnished the pipe to carry the flow from said spring to the hatchery, and has procured a right of way over the land of the Wind River Lumber Company between said spring and the hatchery, and has dug a trench, and has furnished and laid six-inch diameter pipe the whole distance between said spring and hatchery, and has procured to the State of Washington the right of ingress and egress to repair, replace and maintain said pipe along its course between the spring and the hatchery, and said supply of water from said spring being necessary to the continuance of said State hatchery as a hatchery and is much more important than the erection of fish ladders and fishways in the dams or in any dams to be erected above said falls in Wind River or its tributaries.

X.

And the Fish Commissioner of the State of Washington has had a survey made for the location of the said pipe from said spring to the hatchery and has selected the route and location where said pipe is now located, and the size and dimensions of the site are satisfactory to the Commissioner, and the plans and specifications have been furnished by the said Commissioner, and it is considered and agreed between the parties that the first party has complied with its agreements and all that is necessary to fully equip said fish hatchery, and has actually conveyed to the State everything required in accordance with the plans and specifications



furnished by the Fish Commissioner of the State of Washington, and all the dams so erected have been constructed to a height where the construction of a fish ladder is impracticable, and said Skamania Boom Company already has agreed, as provided herein, with reference to the construction and maintenance of such dams with the Fish Commissioner of the State of Washington.

IT IS THEREFORE AGREED Between the parties that the Fish Commissioner grant and hereby does grant a permit to said Skamania Boom Company, its successors and assigns, to construct, maintain and operate in Wind River and its tributaries the dams now constructed by Skamania Boom Company, or those to be constructed in said streams above the present hatchery site in Section 27, Township 3 North of Range 7 East of Willamette Meridian, without provision being made for a fish ladder or fishway thereover.

IN WITNESS WHEREOF, The parties hereto hereby execute this agreement, in triplicate, pursuant to a resolution of the Trustees of the Skamania Boom Company and pursuant to the discretion and authority vested in the Fish Commissioner pursuant to law and as applicable to the facts in this matter duly considered by the Fish Commissioner on behalf of the State of Washington.

January 3, 1916.

SKAMANIA BOOM COMPANY.

By J.H. Dunlop, President.  
First party.

L.H. Darwin.  
Fish Commissioner of the State  
of Washington.  
Second Party.

Filed for record by A.L. Pennock, on Jan. 17, 1916 at 9 A.M.

*Chas. H. Nelson*  
County Auditor.

WALLETTE TO SKAMANIA COUNTY,

THIS AGREEMENT, Made and entered into this (3) day of January A.D. one thousand nine hundred and sixteen BY AND BETWEEN MONROE VALLETTE the party of the first part and Skamania County, State of Washington the party of the second part, WITNESSETH: That the said party of the first part, in consideration of the covenants and agreements hereinafter made by the party of the second part, hereby covenant that he, said first party, will remove all dirt and rock slides, make rock fills, and otherwise keep up and care for Permanent Highway No. 2 and State Road No. 8 called Government Slide, between the 15th day of January, 1916, and the 1st day of April, 1916, said party of the first part agreeing to leave the road in as good condition on April 1st, 1916, as it was when first completed. And the said party of the second part, in consideration of the covenants and agreements of the said first party hereto covenants and agrees to and with said first party that he the second party hereto will pay to the said first party