

MISCELLANEOUS RECORD G

SKAMANIA COUNTY

Johnson-Cox Company, Makers, Tacoma - 4127

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, except as provided in Section 39, Chapter 117, Session Laws 1917.

Witness the seal and signature of the State Supervisor of Hydraulics affixed this 14th day of May, 1941.

Engineering data
O.K. JFPA

Chas. J. Bartholet
State Supervisor of Hydraulics

Filed for record May 15, 1941 at 9:10 a.m. by State of Washington.

Malcolm J. Case
Skamania County Auditor.

#30547

S. R. Birdwell et ux et al to Gunnar Johnson.

THIS AGREEMENT, Made and entered into this 3rd day of July, 1941, by and between R. M. Wright, successor in interest to S. R. Birdwell and Rosella L. Birdwell, party of the first part, and Gunnar Johnson, party of the second part, WITNESSETH:

That whereas the party of the first part, as successor in interest of the said S. R. Birdwell et ux, claim certain rights under and by virtue of certain water rights made by D. W. Mann, claimant, filed for record on November 27th, 1903 and recorded on the same day in the office of the Auditor of Skamania County, Washington, in Book "E" Miscellaneous Records of said County at page 4, and whereas a controversy arose between S. R. Birdwell and Rosella Birdwell, husband and wife, claimants to said water right, and the party of the second part, which was submitted to the office of the State Supervisor of Hydraulics for adjudication, and pursuant thereto said Supervisor of hydraulics made the following findings:

"State of Washington, Department of Conservation and Development, before R. K. Tiffany, Supervisor of Hydraulics.
In the Matter of Arbitration of Rights of S. R. Birdwell and Gunnar Johnson to appropriate and use waters of certain springs located on land lands of said Gunnar Johnson, in Skamania County, Washington.
Findings as to basis for contract division of water.

1. Reference is made to Preliminary Findings in the above mentioned matter, dated July 21st, 1927. It appears that Birdwell has perfected a right to make beneficial use of the spring originally tapped by his system.
2. That Johnson, as riparian owner and under his permit, is entitled to all of the flow of three other springs located on his land and in close proximity to the Spring tapped by Birdwell, and that he may develop a supply of all of these springs and carry the flow thus developed into his water system, but that in such development he shall not interfere with the flow of the larger, or Birdwell Spring.
3. As an alternative, Johnson may continue to divert from the Birdwell Spring in amount not greater than one one hundredth of a cubic foot per second, which is approximately the flow of a one inch pipe under four inch pressure, provided that he divert all water from the other springs so that it, together with the overflow from his tank, shall flow into the Birdwell System.
4. That Birdwell should have access to Johnson's land for the purpose of repairing, maintaining or renewing his pipe line or water system.

Dated at Olympia, Washington, this 26th day of November, 1927.

R. K. Tiffany,
State Supervisor of Hydraulics."

And whereas it has been found that the conditions contained in paragraph 1 and 3 of said findings can not be conveniently be complied with; that the parties in interest adopted and have complied with the conditions of paragraph 2 thereof, and that such adoption and compliance should be made a matter of public record. Therefore it is hereby agreed by and

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between the parties hereto that paragraph 2 of findings aforesaid have been adopted by the parties hereto, and are now being complied with.

It is further agreed by the parties hereto that the said agreement and decision was modified to provide that the said party of the second part should permit the overflow of his tank to flow into the reservoir used by the said Birdwells and the party of the second part and their successors in interest.

It is now further agreed that the party of the second part shall have the right to take from his reservoir for use upon the premises owned by him at the time of said decision for domestic purposes and for irrigation so much water as will flow through two three-quarter inch pipes; provided however that said water so used for domestic and irrigation purposes be reasonably conserved and not wasted, and provided further that said water shall not be used for more than three dwelling houses and appurtenant grounds upon the premises of the party of the second part or his successors in interest.

In Testimony Whereof the parties have recited these presents this 3rd day of July, 1941.

R. M. Wright

Party of the first part.

Gunnar Johnson

Party of the second part.

MEMORANDUM

It is understood by the parties hereto that Joseph Chandler is now obtaining water from the tank of the above mentioned Gunnar Johnson for use at his dwelling house on nearby property. This use is permissive only and the rights granted will be terminated upon demand of the above named party of the first part.

R. M. Wright

Gunnar Johnson

Filed for record July 3, 1941 at 2-50 p.m. by R. M. Wright.

Mable Johnson
Skamania County Auditor.

#30563

Verdie Haight to C. W. Cooley et ux.

KNOW ALL MEN BY THESE PRESENTS, That VERDIE HAIGHT, a Widow, for and in consideration of the sum of One Dollar, to her in hand paid, does hereby GRANT and CONVEY unto C. W. Cooley and Olivia E. Cooley, husband and wife, the Grantees herein, the right and privilege to take and use so much water as may be necessary and convenient for the use of the Grantees, for domestic uses only, and in no event more than one-half of the flow of the hereinafter mentioned spring, and to be used only on that tract of land described in deed dated January 26, 1938, executed by C. C. Hon and Daisy Hon, husband and wife, to the said Grantees, and recorded at page 29, Volume "27" Deed records of Skamania County, Washington; together with the right to enter upon the hereinafter described land for the purpose of installing, maintaining and repairing a pipe line to conduct said water, providing that said pipe shall be so laid and maintained as to not interfere with the reasonable use of said lands by the Grantor. The said water is to be taken from springs located upon property of the Grantor's in the Southeast Quarter of the Northeast Quarter of Section 36, Township 3 North, Range 7 East W. M.

Dated this ____ day of June, 1941.

Verdie Haight