

COPY

GORDON, 1954

November 24, 1954

Hon. A. W. WAY
Member of the Senate
1864 Heather Lane
Eureka, California

Dear Senator Way:

Perhaps the best way to answer your recent question concerning the Prairie Creek Hatchery water supply will be to quote the pertinent section of the lease agreement covering this installation. It reads as follows:

"EXCEPTING and reserving, however, to the grantors, their successors and assigns, the right to muddy; roil, or otherwise obstruct, pollute or disturb the waters of Prairie Creek or any tributary thereof that may be necessary or caused by any of the operations of grantors, their successors or assigns, in logging the real properties of the said grantors, their successors or assigns, now owned or hereafter acquired; and in this particular and for good, valuable and adequate consideration, grantee, for itself, its successors and assigns, releases grantors, their successors and assigns, and/or officers, employees or agents thereof, from any and all damages and/or injury to grantee whether or not resulting from the fault or negligence of grantors, their successors and assigns, and however the same may occur or be caused; and reserving to grantors, their successors and assigns, the right to use all water in Prairie Creek and its tributaries which may be necessary or proper in any of the logging operations of grantors, their successors or assigns, except three second feet of water from Lost Man Creek, as covered by provision (1) of Permit No. 4619."

This is an old lease dating back to July 29, 1936. It came to our attention fairly recently, and I am also much disturbed over the problem it presents.

Sincerely yours,

Seth Gordon
Director

AC:am (Gordon?)
bc: W. T. Shannon
Region 1