

CURT SMITCH
Director



STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

600 Capitol Way North • Olympia, Washington 98501-1091 • (206) 753-5700

Date 11/2/93

Department of Ecology
Water Resources Section
Southwest Region
7272 Cleanwater Lane
Olympia, Washington 98504

Water Right Application # 52 28496
Applied for by LILLEGARD, BRUCE
Water PLUM CREEK
WRIA # 2A
Amount 1.11 cfs irr/frost protected

The waters to be affected by this water right application:

- support anadromous fish
- support resident fish
- support no fish
- based on site-specific knowledge
- based on experience with this type of water

The Department of Wildlife has reviewed the above referenced water right application and submits the following recommendations:

- This is a second response after field investigation following a hold request.
- WDOE has adopted minimum flows and stream closures for this WRIA. Water rights should be subject to adopted minimum flows and closures as stated in WAC 173-5_____.
- Deny:
- Deny: According to WDW policy (POL-3200 5. Diversion From Very Small Streams to be Discouraged), "Any diversion from very small streams (less than five feet wide between toes of banks) is detrimental to fish habitat at any flows except floods. The Department will discourage any diversion from very small streams which support fish."
- Deny: This water right, if granted, would adversely impact wetlands in violation of Executive Order 90-04.
- Minimum flow: All diversions shall cease when the flow of _____ as measured at _____ is less than _____ cfs during _____ and _____ cfs during _____.
- This is based on _____.
- This water right, if issued, should be subject to existing low flow on _____.
- If that existing low flow is not clearly defined as to point of measurement and specific number of cfs, then please notify us so that we may recommend specifics.

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___ Single domestic water rights normally do not exceed 0.02 cfs. If this water right is issued, we request that it be limited to no more than 0.02 cfs.

X Please HOLD pending investigation to determine minimum flow needed. We will be able to provide site-specific minimum flow recommendations by 3/15/93 after field investigations are completed.

___ Please HOLD pending completion of IFIM study which should be conducted by applicant following Instream Flow Study Guidelines available from Department of Wildlife.

___ Screening criteria: Maximum approach velocity 0.40 ft/sec, 1/8 inch mesh.

___ Hydraulic Project Approval required.

___ Spring is important wildlife habitat. We request that WDOE establish conditions to minimize impact to wildlife habitat. Please call us if we can assist.

___ No comments.

___ Other:

Thank you for the opportunity to review and comment.

Sincerely,

Constance Iten

Constance Iten
Habitat Biologist

CI:mjf

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CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

July 8, 1992

Brice H. Lillegard
Star Rt. Box 243
Grayland, Washington 98547-0243

Re: Surface Water Application No. S 2-28496

Dear Mr. Lillegard:

We acknowledge receipt of your affidavit of publication of notice in connection with the above-numbered application.

The water codes require that no action be taken toward issuance of a permit earlier than thirty (30) days after the last date of publication. This period of time is allowed for filing any protests or objections. In some cases it is also necessary for us to await approval of the Departments of Fisheries and Wildlife before issuing permits.

A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,

Sheri Fox
Water Resources

SF:pz(12B)

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Affidavit of Publication

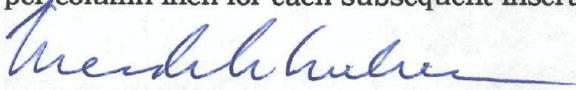
County of Pacific

ss

State of Washington

Meredith Nicholson

being first duly sworn on oath deposes and says that he is the Publisher of *The Willapa Harbor Herald*, a weekly newspaper, that said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the Superior Court of Pacific County, which is the county of its publications. That the annexed is a true copy of Application to Appropriate Public Waters S2-28496 as it was published in regular issues (and not in supplement form) of said newspaper once a week for a period of two consecutive weeks, commencing on the 17th day of June 1992, ending on the 24th day of June 1992, both dates inclusive and that such newspaper was regularly distributed to its subscribers during all of said publications for the sum of \$47.51, which amount has been paid in full at the rate of \$5.50 per column inch for the first insertion, \$4.50 per column inch for each subsequent insertion.



Subscribed and sworn to before me this 24th day of June, 1992.



Notary Public in and for
State of Washington
Residing at Raymond, Washington

SEAL

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS TAKE NOTICE:

That Bruce H. Lillegard of Grayland, Washington on May 20, 1992 under Application No. S2-28496 filed for permit to appropriate public waters, subject to existing rights, from a pond/sump tributary gum creek in the amount of 1.11 cubic feet per second as needed each year, for Heat & Frost Protection and irrigation during irrigation season. The source of the proposed appropriation is located within SE1/4 NW1/4 Ocean Spray Cranberry Tract of Section 29, Township 15 N., Range 11W W.M., in Pacific County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections: protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from June 24, 1992.

Dept. of Ecology
P.O. Box 47775
Olympia, WA 98504-7775
(Publish: June 17 & 24, 1992)

affidavit OK

7/6/92

SP



CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

May 21, 1992

Bruce H. Lillegard
Star RT.1 Box 243
Grayland, Washington 98547-0243

Re: Surface Water Application No. S 2-28496

Dear Mr. Lillegard:

Your application for the appropriation of water has been assigned the above-referenced number. Please refer to this number in future correspondence.

Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed. The applicant is responsible for the payment of the publication.

Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication from the newspaper, please forward it to this office promptly.

Sincerely,

Sheri Fox
Water Resources

SF:pz
Enclosures

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Bruce H. Lillegard
of Grayland, Washington on May 20, 1992 under
Application No. 52-28490 filed for permit to appropriate public waters, subject to existing rights,
from a pond / sump tributary ^{Gum} ~~plum~~ creek
in the amount of 1.11 cubic feet per second as needed
each year, for Heat & Frost Protection and irrigation during irrigation season

The source of the proposed appropriation is located within SE 1/4 NW 1/4 Ocean Spray Cranberry
Tract

of Section 29, Township 45 N., Range 14W W.M., in Pacific County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

* Notice must be published once a week for two consecutive weeks.

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NOTICE