

CURT SMITCH
Director



STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

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

RECEIVED

'90 NOV 30 P12:26

Department of Ecology
Water Resources Section
7272 Cleanwater Lane
Mail Stop LU-11
Olympia, Washington 98504

DEPARTMENT OF ECOLOGY
S W REGIONAL OFFICE

Water Right Application # S227916
Applied for by Kevin M. Burke
WRIA # 18
Water unnamed stream trib Dungeness River
Amount 0.02 cfs (nonconsumptive)

The waters to be affected by this water right application:

- support anadromous fish
- support resident fish
- support no fish
- based on site-specific experience
- 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 5 cubic feet per second mean annual flow or less than 5 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."

Minimum flow: all diversions shall cease when the flow of _____ as measured at _____ is less than _____ cfs during _____ and _____ cfs during _____. This recommendation 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.
- ___ Please HOLD pending investigation to determine minimum flow needed. We will be able to provide site-specific minimum flow recommendations by ___/___/___ 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.
- Other: No objections to non-consumptive use. ~~provided~~ Fish planting permit may be required.
- ___ No comments.

Thank you for the opportunity to review and comment.

Sincerely,

Hala Beecher
Instream Flow Biologist

Received 21 November 1990
Due to WDOE 20 January 1991

12 MAR 91 2:57

SW Region _____

Date: 3-9-91

Department of Ecology

7272 Cleanwater Ln

Clallam

Olympia, WA 98504

Gentlemen:

Water Right Application # 5 227916

The Department of Fisheries has reviewed the above-referenced Water Right Application and would like to submit the following recommendations.

Denied: See attached.

No dam shall be allowed.

Low Flow: All diversion shall cease when the flow of _____ falls to _____ cfs as measured at _____.

(Screening Criteria)

Screening:

Hydraulic Project Approval required.

Other: ~~See attached.~~ *I recommend that this application be approved.*

No Comments.

Thank you for the opportunity to review and comment.

Sincerely,

Randy Johnson

Habitat Manager

cc: Water Right File

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 17, 1991

Kevin M. Burke
Post Office Box 2201
Sequim, Washington 98382

Re: Surface Water Application No. S 2-27916

Dear Mr. Burke:

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.

Also, the statutes prescribed that a field examination must be made before a permit may be issued. This examination will be carried out during the next visit to your area by one of our field examiners. However, we are not able, at this time, to forecast the date of that visit.

Sincerely,

Sheri Fox
Water Resources

SF:th(12B)

In the Superior Court of the
State of Washington for
Clallam County

JAN 15 1991

Affidavit of Publication

STATE OF WASHINGTON }
COUNTY OF CLALLAM } ss.

The undersigned being first duly sworn on oath, deposes and says:

That she is authorized to and does make this affidavit for and on behalf of Peninsula Daily News, a corporation, and that the following statements of fact are within her personal and actual knowledge.

That said corporation is the owner and publisher of the Peninsula Daily News published in Clallam County, and has been approved as a legal newspaper by order of the Superior Court of said Clallam County of the State of Washington.

That the annexed is a true copy of a
notice of application to
appropriate public waters
as it was published in regular issues (and not in supplement form) of said newspaper on

December 6, 13, 1990

and that said newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged

for the foregoing publication is \$ 47.52
at the rate of

\$ 5.30 per column inch plus
a \$2.00 notary fee.

Carol Farguhar

Subscribed and sworn to before me this

27th day of December 1990

James L. Seeter
Notary Public in and for the State of
Washington residing at Port Angeles.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
NOTICE OF APPLICATION
TO APPROPRIATE
PUBLIC WATERS
TAKE NOTICE:
That Kevin M. Burke of Sequim, Washington on October 16, 1990 under Application No. S-227916 filed for permit to appropriate public waters, subject to existing rights, from unnamed creek and pond in the amount of .02 cubic feet per second as needed year round each year, for wildlife habitat, fish propagation, and fire protection.
The source of the proposed appropriation is located within
SW¼ NE¼ of Section 20,
Township 29 N., Range 3W,
W.M., in Clallam 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 December 13, 1990.
DEPARTMENT OF ECOLOGY
Southwest Regional Office
7272 Cleanwater Lane
MS/LU/JJ

affidavit
OK
1/15/91
SF

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 2, 1991

Kevin M. Burke
Post Office Box 2201
Sequim, Washington 98382

Re: Surface Water Application No. S 2-27916

Dear Mr. Burke:

On November 20, 1990, this office sent a notice to you for publication in a newspaper within Clallam County.

We have not received the necessary Affidavit of Publication and, therefore, cannot continue to process your application.

Please reply within thirty (30) days or, if you are no longer interested in the application, please sign the statement below and return to this office.

Sincerely,

Sheri Fox
Water Resources

SF:th

I AM NO LONGER INTERESTED IN PROCESSING SURFACE WATER APPLICATION NO. S 2-27916 AND HEREBY AGREE TO IT BEING CANCELLED.

(Signature)

PLEASE NOTIFY OF ADDRESS CHANGE

RECEIPT 171754

WASHINGTON STATE
DEPARTMENT OF ECOLOGY

Nov. 19, 1990

Kevin Burke

RECEIVED FROM

Ten dollars DOLLARS 10.00

FUND: General Rec. Rev. Basic Data Other Cash Check

SOURCE: Water Code Publications Adjudications Refunds
Per. and Lic. Investments Registration Other M.O.

App 5227916

check # 1312

By *Laura Hanson*

Thank You

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 19, 1990

Kevin M. Burke
Post Office Box 2201
Sequim, Washington 98382

Re: Surface Water Application No. S 2-27916

Dear Mr. Burke:

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 Clallam County. A list of these newspapers in your county is enclosed.

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:th
Enclosures

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Kevin M. Burke
of Sequim, Washington on October 16, 1990 under
Application No. S 227916 filed for permit to appropriate public waters, subject to existing rights,
from unnamed creek and pond
in the amount of .02 cubic feet per second as needed year round
each year, for wildlife habitat, fish propagation, and fire protection
.....
The source of the proposed appropriation is located within SW 1/4 NE 1/4
.....
.....
of Section 20 Township 29 N., Range 3W W.M., in Clallam 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 is to be published once a week for two consecutive weeks**

DEPARTMENT OF ECOLOGY

Southwest Regional Office

7272 Cleanwater Lane MS/LU 11

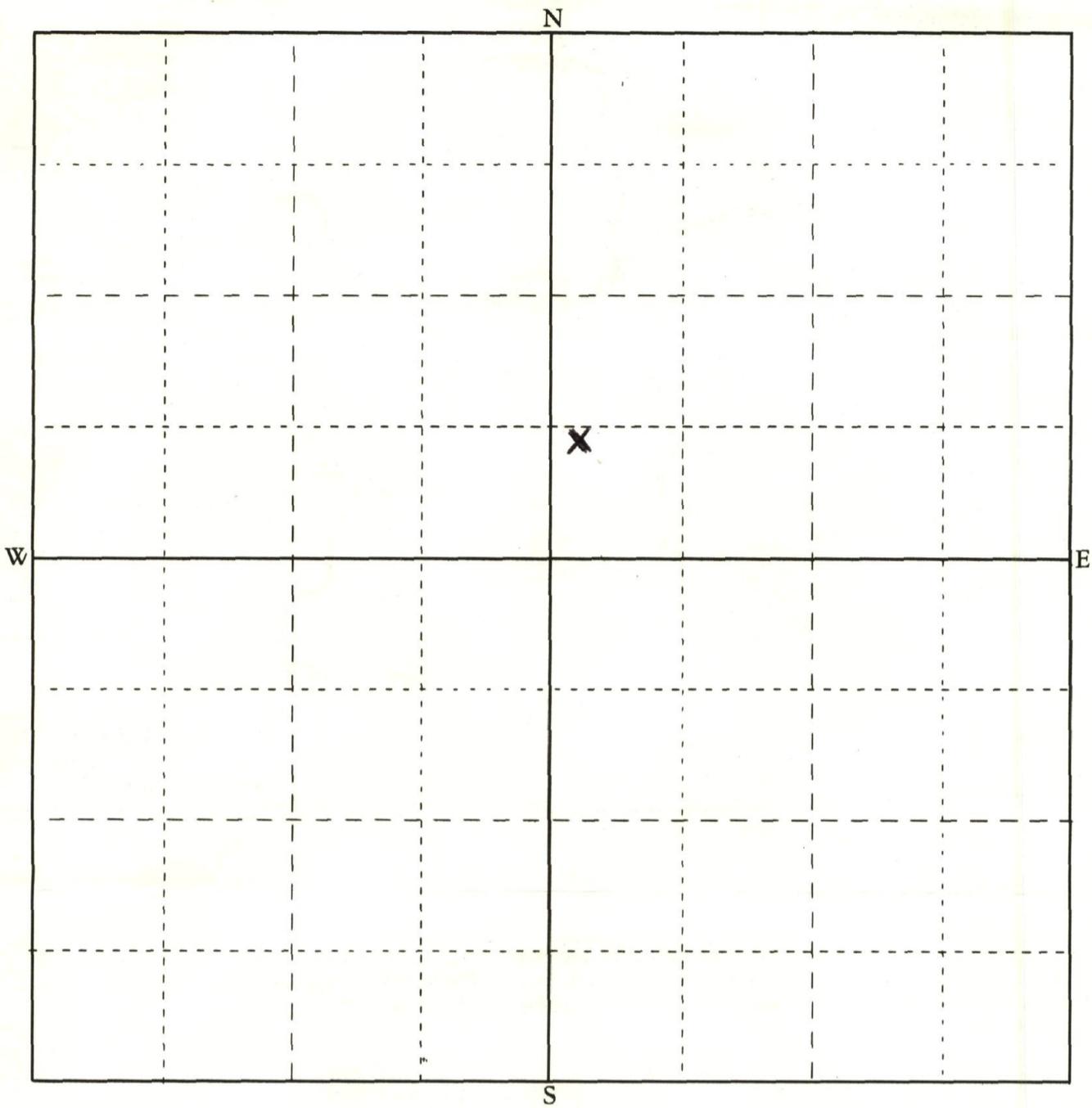
Olympia, Washington 98504-6811

NOTICE

5227916

SECTION MAP

Sec. 20 Twp. 29 N N. R. 3 W



Scale: 1 inch = 800 feet (each small square = 10 acres)

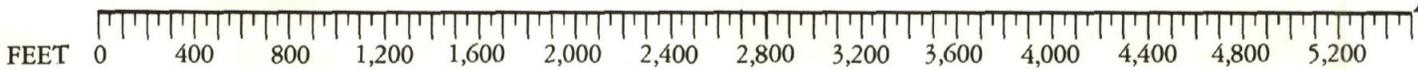
Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

Indicate traveling directions from nearest town in space below.

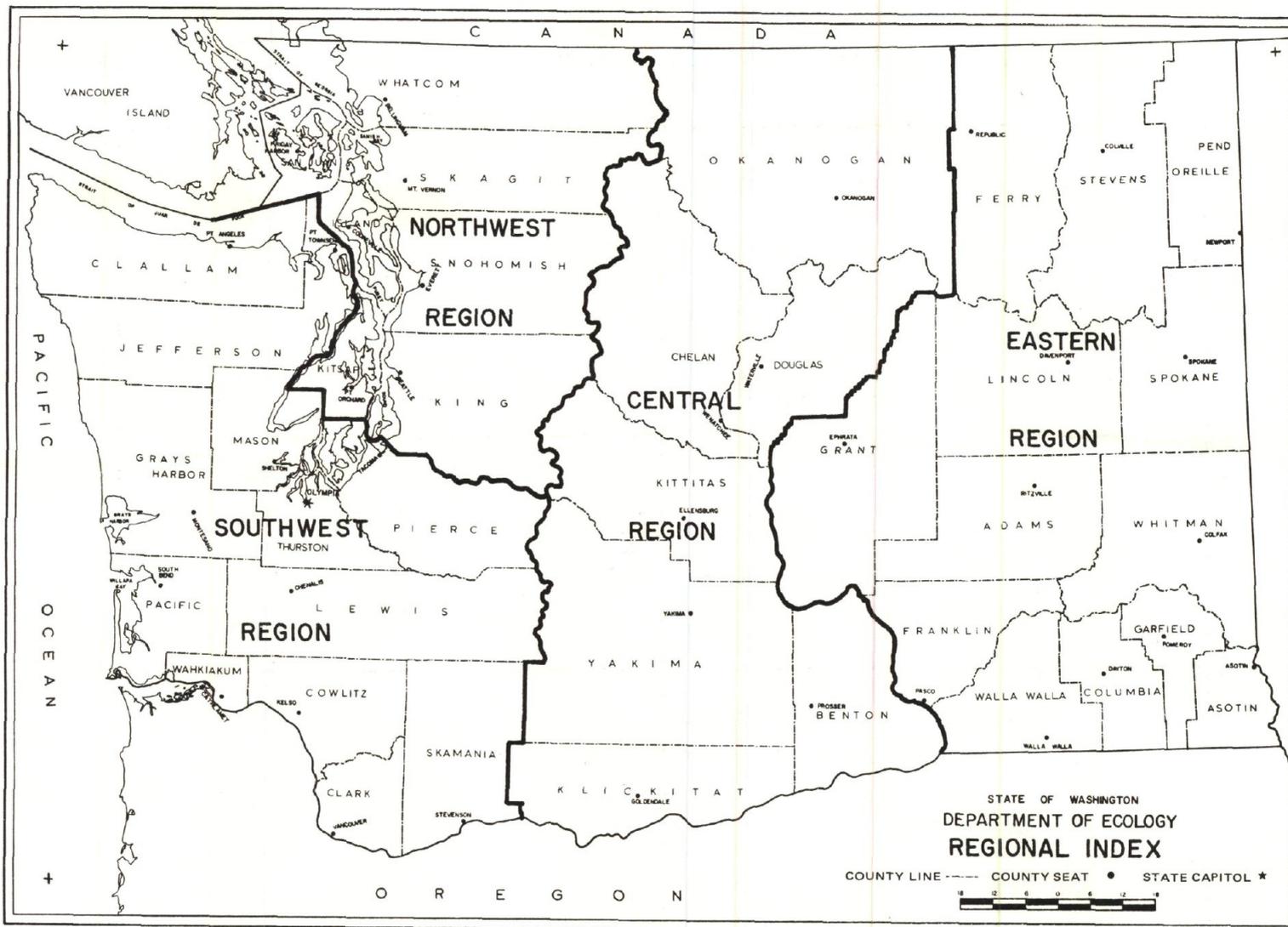
FROM SEQUIM: PROCEED EAST ON HWY 101, TURN RIGHT
 ON PALO ALTO ROAD AND CONTINUE FOR APPROXIMATELY 7.5
 MILES. STREET ADDRESS IS 1492 PALO ALTO ROAD.

Detach here

Fold along scale



Detach this scale at the perforation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline property and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the application and \$10.00 examination fee.



Your water right application will be processed by the Regional Office of the Department of Ecology having jurisdiction in the area in which your water works are located. **Please submit your completed application form, maps, sketches and \$10.00 examination fee to the appropriate Regional Office.**

Northwest Regional Office
4350 150th Avenue N.E.
Redmond, Washington 98502 - 5301
Tel. (206) 885-1900

Central Regional Office
3601 West Washington
Yakima, Washington 98903 - 1164
Tel. (509) 575-2491

Southwest Regional Office
7272 Cleanwater Lane
Olympia, Washington 98504 - 6811
Tel. (206) 753-2353

Eastern Regional Office
N. 4601 Monroe, Suite 100
Spokane, Washington 99205 - 1295
Tel. (509) 456-2926

The appropriate Regional Office will be happy to answer any further questions you may have.