

REPORT OF EXAMINATION
Routing Slip

File No. S22832B

	<u>Initial</u>	<u>Date</u>
Author	<u>[Signature]</u>	<u>3/17/93</u>
Tracking	<u>[Signature]</u>	<u>3/17/93</u>
Typist	<u>Lisa</u>	<u>3/18/93</u>
Proofed by Typist	<u>TH</u>	<u>3-19-93</u>
Checked by Reviewer (1)	<u>MP</u>	<u>4-2-93</u>
Checked by Reviewer (2)	<u>[Signature]</u>	<u>4-2-93</u>
Proofed by Author	<u>[Signature]</u>	<u>4/18/93</u>
Author's Signature	<u>[Signature]</u>	<u>4/18/93</u>
Reviewed by HG Name _____		
Lead Permit Writer Approval	<u>VW</u>	<u>4/26/93</u>
Section Supervisor Approval and Signature	<u>GB</u>	<u>5/16/93</u>

Mail Copies of Report to:

Enclosures:

- 1) Fisheries _____
- _____
- 2) Wildlife _____
- _____
- 3) Tribal _____
- _____
- 4) Protestant (s) _____
- _____
- 5) Dept. of Health _____
- _____
- 6) Others _____
- _____

- 1) Interim Guidelines _____
- 2) Wac's _____
- 3) GW Bulletin #1 _____
- 4) Others _____

Mail Originals and cc's 5/19/93 TH

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 30, 1991

Freeman K. Pitt
269 Pare Road
Kelso, Washington 98626-9639

Re: Surface Water Application No. S 2-28328

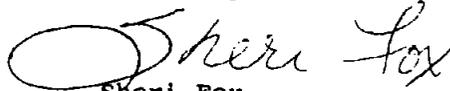
Dear Mr. Pitt:

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:th(12B)

AFFIDAVIT OF PUBLICATION

IN THE MATTER NOTICE OF PUBLICATION

R43 NOTICE OF APPLICATION T

4C-16-042

STATE OF WASHINGTON }
COUNTY OF COWLITZ } SS.

CATHY HIGGINS being duly sworn says

that he/she is the CHIEF CLERK of the

THE DAILY NEWS

And that The Daily News, published in Cowlitz County, has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for Cowlitz County, and that the Annexed printed copy is a true copy of the NOTICE

in the above entitled matter as it was printed in the regular entire issue of said paper for a period of TWO INSERTIONS

commencing on the 30 day of NOVEMBER, 19 91 and ending on the 07 day of DECEMBER, 19 91, and that said newspaper was regularly distributed to its subscribers during all of said period, and that said NOTICE

was published in said newspaper and not in supplement form. That the full amount of the fee charged for said foregoing publication is the sum of \$ 55.95 which amount has been paid in full at the rate of \$ 7.87 per inch for the first insertion and \$ 7.05 per inch for each subsequent insertion.

Notice of Application to Appropriate Public Waters

State of Washington
Department of Ecology
TAKE NOTICE: That Freeman K. Pitt of Kelso, Washington on November 5, 1991 under Application No. S228328 filed for permit to appropriate public waters, subject to existing rights, from unnamed creek tributary to Coweeman River in the amount of .62 cubic feet per second as needed year round each year, for single domestic supply and irrigation during the irrigation season. The source of the proposed appropriation is located within NW 1/4 SW 1/4 of Section 13, Township 8 N., Range 1W W.M., in Cowlitz 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: Dec. 7, 1991.
Dept. of Ecology
LU-11
P.O. Box 47775
Olympia, WA 98504-7775
Publish: Nov. 30, Dec. 7, 1991

*affidavit ok
12/30/91
JF*

Account#: 40-16-042 Class: 100 PD No.: DomingtoPay
Lines: 44 Price: \$ 55.95 3/4 Times Run: 002 Rate: 31 Box#: Bold/Italic Lines: 000
Customer Name: Lisa Pitt
Taken By: legal Start: 11/30/91 Stop: 12/07/91

[Signature]
Notary Public for the State of Washington,
residing in Cowlitz County

AFFIDAVIT OF PUBLICATION

IN THE MATTER NOTICE OF PUBLICATION

R43 NOTICE OF APPLICATION T

40-16-042

STATE OF WASHINGTON }
COUNTY OF COWLITZ } ss.

CATHY HIGGINS being duly sworn says

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was published in said newspaper and not in supplement form. That the full amount of the fee charged for said foregoing publication is the sum of \$ 55.95 which amount has been paid in full at the rate of \$ 7.87 per inch for the first insertion and \$ 7.05 per inch for each subsequent insertion.

Cathy Higgins

Subscribed and sworn to before me this 10 day of DECEMBER, 19 91

Marianne Albright

Notary Public for the State of Washington,
residing in Cowlitz County

Notice of Application to Appropriate Public Waters
State of Washington
Department of Ecology
TAKE NOTICE: That Freeman K. Pitt of Kelso, Washington, on November 5, 1991 under Application No. S225328 filed for permit to appropriate public waters, subject to existing rights, from unnamed creek tributary to Coweeman River in the amount of .02 cubic feet per second as needed year round each year, for single domestic supply and irrigation during the irrigation season. The source of the proposed appropriation is located within NW 1/4 SW 1/4 of Section 13, Township 8 N., Range 1W W.M., in Cowlitz 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: Dec. 7, 1991.
Dept. of Ecology
LU-11
P.O. Box 47775
Olympia, WA 98504-7775
Publish: Nov. 30, Dec. 7, 1991.

CURT SMITCH
Director



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STATE OF WASHINGTON
DEPARTMENT OF WILDLIFE

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

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

Water Right Application # 5228328
Applied for by PITT, FREEMAN
WRIA # 26
Water UNNAMED CREEK / COWEEMAN R.
Amount 0.02 cfs

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 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."

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 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.
- 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.
- ___ 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 comments.

Thank you for the opportunity to review and comment.

Sincerely,

Constance Itt

Instream Flow Biologist

Received 11/19/91
Due to WDOE _____

JOSEPH R. BLUM
Director



11 DEC 91 2:50

STATE OF WASHINGTON
DEPARTMENT OF FISHERIES

115 General Administration Building • Olympia, Washington 98504 • (206) 753-6600 • (SCAN) 234-6600

December 6, 1991

Department of Ecology
Southwest Region 2
7272 Cleanwater Lane
Olympia, Washington 98504

**SUBJECT: Water Right Application #S-228328 - Applicant -
Freeman Pitt**

Gentlemen:

The Department of Fisheries (WDF) has reviewed the above-referenced Water Right Application and has the following comment.

WDF has concerns about low flows in the Coweeman River drainage during the summer months. This request to withdraw water should not be granted until it can be verified that this diversion will not reduce the respective stream flow below the annual average low flow, as published in the United States Geological Survey reports (RCW 75.20.110).

Thank you for the opportunity to review and comment. If there are any questions regarding our comments, please contact Ken Mohoric, Regional Habitat Manager, at (206) 696-6323.

Sincerely,

Gayle Kreitman
Regional Supervisor, Freshwater Permits
Habitat Management Division

GK:KM:nb

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 18, 1991

Freeman K. Pitt
269 Pare Road
Kelso, Washington 98626

Re: Surface Water Application No. S 2-28328

Dear Mr. Pitt:

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 Cowlitz County. 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.

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,

A handwritten signature in cursive script that reads "Sheri Fox".

Sheri Fox
Water Resources

SF:th
Enclosures

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Freeman K. Pitt
of Kelso, Washington on November 5, 1991 under
Application No. 5 228328 filed for permit to appropriate public waters, subject to existing rights,
from unnamed creek tributary to Coweeman River
in the amount of .02 cubic feet per second as needed year round
each year, for single domestic supply and irrigation during the irrigation season

The source of the proposed appropriation is located within NW $\frac{1}{4}$ SW $\frac{1}{4}$
of Section 13, Township 8 N., Range 1W W.M., in Cowlitz 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.

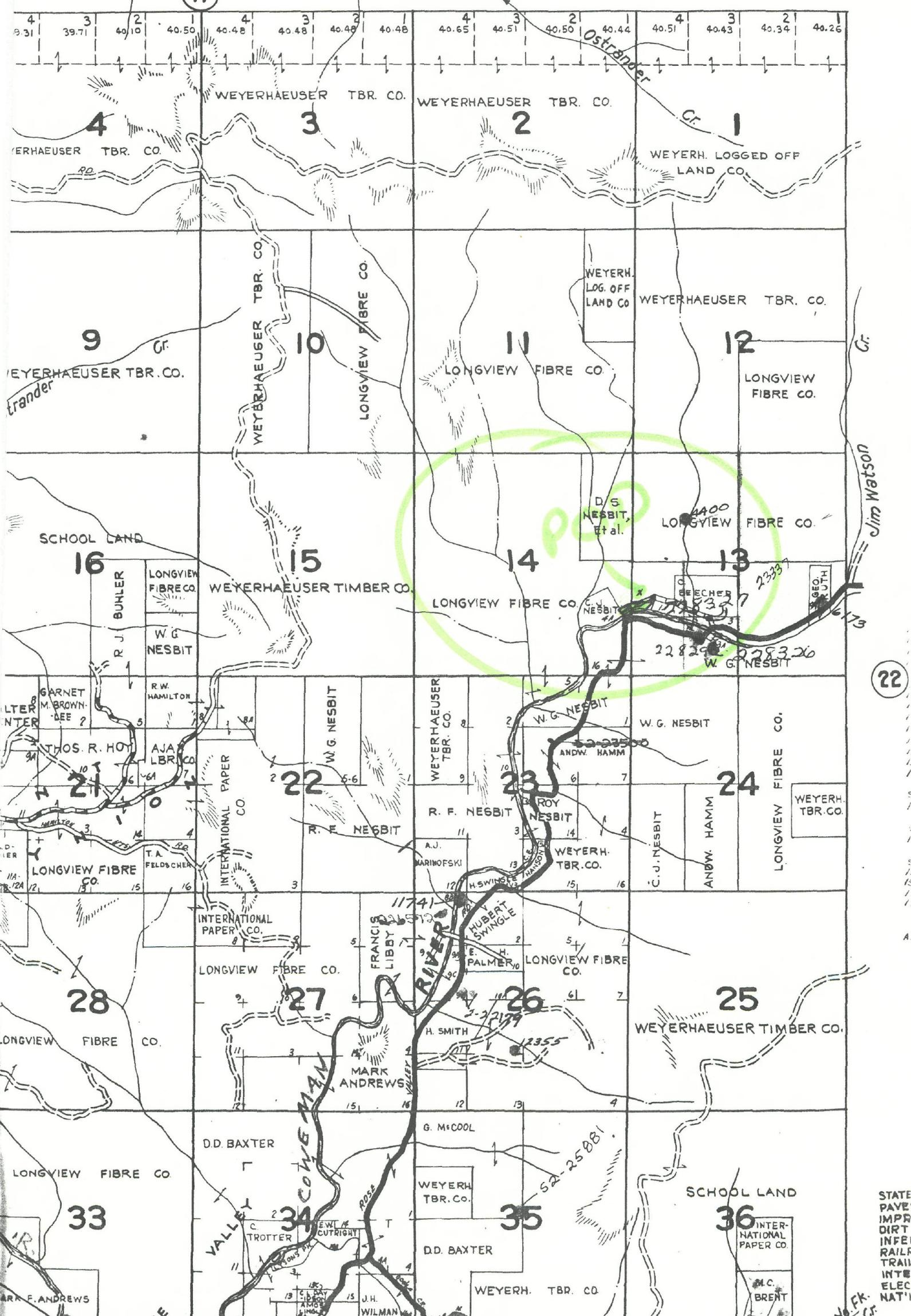
Dept of Ecology
LU-11
PO Box 47775
Olympia WA 98504-7775

NOTICE

TOWNSHIP 8 N., RANGE 1 W.W.M. COWLITZ COUNTY

SCALE 2 IN = 1 MILE

17



22

STATE
PAVE
IMPR
DIRT
RAILR
TRAIL
INTE
ELEC
NAT'L

Exhibit #4

900817010

VOL. 1082 PAGE 0805

RECORDED BY Dennis Ott

VOL. 1082 PAGE 0805

AUG 17 10 31 AM '90

COMPLIANCE AUDITOR
BY Jim Weber

REC 02
8.20
08-17-90 04 5331

Filed for Record at Request of

NAME Freeman K. Pitt
ADDRESS 269 Pave Rd.
CITY AND STATE Kelso, WA 98626

QUIT CLAIM DEED

THE GRANTOR Longview Fibre Company

for and in consideration of Five Thousand Dollars (\$5000.00)

convey and quit claim to Freeman Pitt as his separate estate

the following described real estate, situated in the County of Cowlitz State of Washington, including any after acquired title:

See Attached Exhibit "A"

Received \$ 64.00 excise tax levied pursuant to Chap. 11, Laws Ex. 1951

902585 DONNA R. ROLFE

AFF. NO. COWLITZ COUNTY TREAS.

Date AUG 17 1990 Holland Deputy

Dated this 7th day of August, 1990.

R. P. Wallenberg
Longview Fibre Co.



STATE OF WASHINGTON)
) ss.
County of Cowlitz)

On this 7th day of August, 1990, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, R. P. Wallenberg of Longview Fibre Company personally appeared to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that he signed and sealed this said instrument as free and voluntary act and deed for the use and purposes therein mentioned.

GIVEN under my hand and official seal this 7th day of August, 1990



Michael M. Durand
Notary Public in and for the State of Washington, residing at Kelso

Exhibit # 3

900817010

VOL. 1082 PAGE 0806

A parcel in the SW $\frac{1}{4}$ of Section 13, Township 8 North, Range 1 West, W.M. & E., Cowlitz County, Washington, described as follows:

Beginning at a point on the Section Line 1625.25 feet north of the Section Corner common to Sections 13, 14, 23 & 24.

Thence N 64° 15' E 380.3 feet;

Thence N 80° 20' E 208.5 feet;

Thence S 45° W to the thread of the Coweeman River;

Thence southwesterly downstream along said thread to the Section Line;

Thence north along said Section Line to the point of beginning, all in Section 13 containing 1.5 acres more or less.

TOGETHER with a parcel in the SE $\frac{1}{4}$ of Section 14, Township 8 North, Range 1 West, adjoining the aforementioned parcel, described as follows:

Beginning at the previously described point of beginning;

Thence S 64° 15' W 211.2 feet;

Thence S 57° 03' E to the thread of the Coweeman River;

Thence northeasterly, upstream along said thread to the Section Line;

Thence north along said Section Line to the point of beginning, all in Section 14 and containing 0.5 acres more or less.