

February 8, 1999

Kathleen A Emery
643 Olympic Hot Springs Rd
Port Angeles, WA 98363

State Representative Lynn Kessler
412 Legislative Building
Olympia, WA 98504-0600

Dear Rep. Kessler:

I am sending this correspondence regarding a Water Rights Application which I submitted in March of 1998. I feel that the Department of Ecology didn't respond to my application in a timely manner and I feel I should be refunded my \$10 application fee.

I completed and returned the application in March of 1998. In August, I placed a long distance phone call trying to find out the status of my application. I finally received a letter from J Mike Harris stating that the application was received and was being evaluated. My first question is: Why did it take 6 months just to acknowledge the receipt the application? I do not feel this is a timely response.

In December of 1998, I placed several phone calls to Mr. Harris and didn't received any return phone calls. In my frustration, I again called the Department of Ecology and asked to speak with Mr. Harris's supervisor. His supervisor in turn told me to place yet another long distance phone call to Marie Peters (Dept. of Ecology). I placed this call on January 5, 1999 and left a message. She returned my phone call a few days later and left a message. After the telephone tag game, we finally made contact on January 19th. At this time she stated that the department wasn't issuing water rights in my area due to a study being done by the Water Shed Planning Group.

Due to the facts stated above and the expense of all the long distance phone calls, I feel that I should be refunded the \$10 application fee. I was only requesting .05 cubic feet of water per second or a maxim of 1/2 acre feet per year for livestock and irrigation purposes. I have owned this property for 20 years. The creek that I'm requesting rights to runs right through my property and is now in jeopardy due to a proposed rock quarry that is adjacent to my property. Had the application been processed in a timely fashion, I may have been granted the Water Rights for which I had applied.

Thank you for your time and consideration regarding this matter.

Respectfully,

Kathleen Emery
Kathleen Emery

Ask Kim Stewart

March 10, 1999

Kathleen Emery
643 Olympic Hot Springs Road
Port Angeles, WA 98363

Dear Mrs. Emery:

Re: Surface Water Application No. S2-29634

On April 3, 1998, The Department of Ecology received your application for a water right to divert .05 cfs from a stream, tributary to the Elwha River. A letter was sent to you on September 14, 1998 stating that it would be some time before Ecology would be able to begin evaluating your application. The letter explained that pending applications are grouped by watershed and are processed according to the date of submittal and the availability of adequate information to make a decision.

Before a decision can be made on any water right application, even those for small quantities of water, Ecology must determine that:

- Water is available for the proposed use
- The proposed use is beneficial
- The water use will not impair existing water rights or in-stream resources
- The proposed use is in the public interest

Anadromous fish populations in the Elwha River have suffered grave declines. Adequate stream flows must be maintained to prevent further loss of habitat and increases in stream temperature. More information is needed concerning the in-stream flow needs of fish in the Elwha River, water quality, and water budget, before Ecology can proceed with the evaluation of water right applications in this watershed. These issues are being addressed through a local watershed management process.

Whereas diversion of .05 cfs may seem insignificant, there are 16 other water right applications pending in the Elwha watershed, all of which were filed earlier than your application. Cumulatively, these proposed appropriations have the potential to result in a significant reduction in stream flow and impairment of in-stream resources.

Water right applications in the Elwha River watershed will remain inactive until more information becomes available through further studies and the watershed management process. Unfortunately, I am unable to predict when enough information will become available to begin evaluating applications, or how long it will take before decisions are issued on all of the senior applications in the watershed.

The length and uncertainties associated with the permitting process is understandably frustrating. If you no longer need a water right, your application will be withdrawn upon request. However, the \$10 application fee is non-refundable according to statute (RCW 90.03.470).

I hope this letter helps you understand the direction Ecology is taking to balance the water needs of the state's growing population and the need to restore and maintain healthy fish populations in our streams.

to Sue Mavermann



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

September 14, 1998

Dear Water Right Applicant:

Re: Water Right Application No. S2-29634

This letter is to acknowledge that the Washington State Department of Ecology received your water right application. We have assigned your application the number indicated above. Please include this number in future correspondence regarding your application with the Department of Ecology.

When we begin actively evaluating applications in your area, we will prepare a public notice and send it to you with publication instructions. It will be sometime before we are able to begin working in your area. In the meantime, please notify Ecology of changes such as address, property ownership, or variations in your proposed water use plans.

The availability of water in Washington state is a serious problem. Much of the water in our state has already been appropriated. The competition for water has escalated with our state's increasing population, conflicting water policy issues, and grave declines in salmon and other fish populations. A new watershed management law brings us a step closer to addressing some of these issues. It sets into motion a locally based process to address water quantity, quality, and habitat issues. Watershed management will help meet challenges for getting water to people, industries, farms, and fish.

In some areas of the state, we are continuing to evaluate applications within watersheds where we have previously gathered information and completed watershed assessments. We are also continuing to process water right permit or change applications that are intended to address public health and safety emergencies, the natural environment, or are for nonconsumptive withdrawals. All other applications are grouped by watershed and processed according to the date of submittal, and when we have enough information and staff resources to make decisions.

If you would like further information on your application, please contact the Southwest Regional Office at (360) 407-0240.

Sincerely,

J. Mike Harris

J. Mike Harris
Water Resources Supervisor
Southwest Regional Office

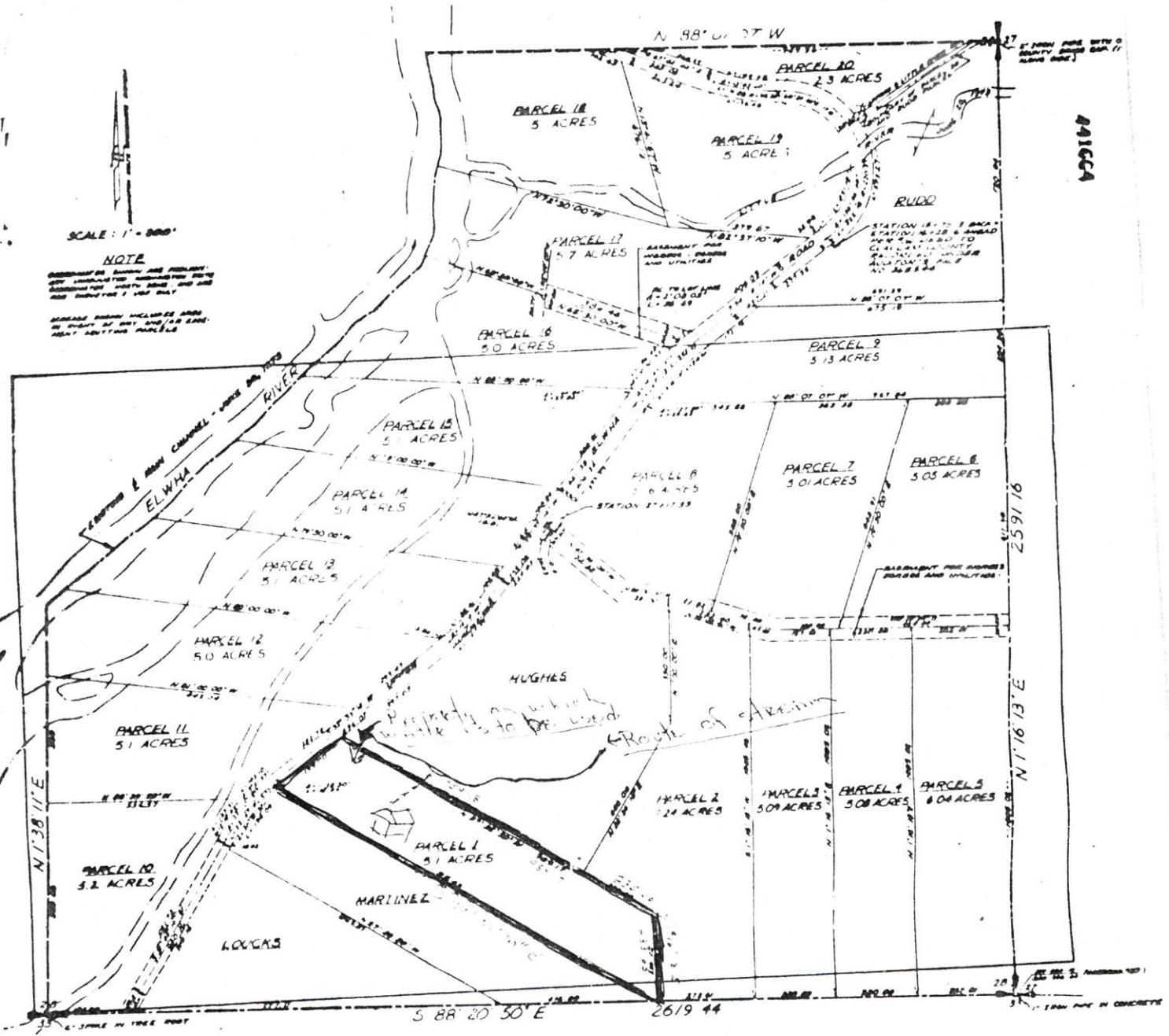
JMH:th



SCALE: 1" = 800'

NOTE

CONVEYANCE OF SURVEY AND PROPERTY
 NOT VALID UNLESS THE INSTRUMENT BEING
 RECORDED FOR THE PARTY WHOSE INTEREST
 AND RIGHTS ARE DESCRIBED THEREIN ONLY
 SURVEY DATA INCLUDED HEREIN
 IS SUBJECT TO ANY AND ALL SURVEY
 ADJUSTMENTS AND REVISIONS



S-28
 T30N
 R7W

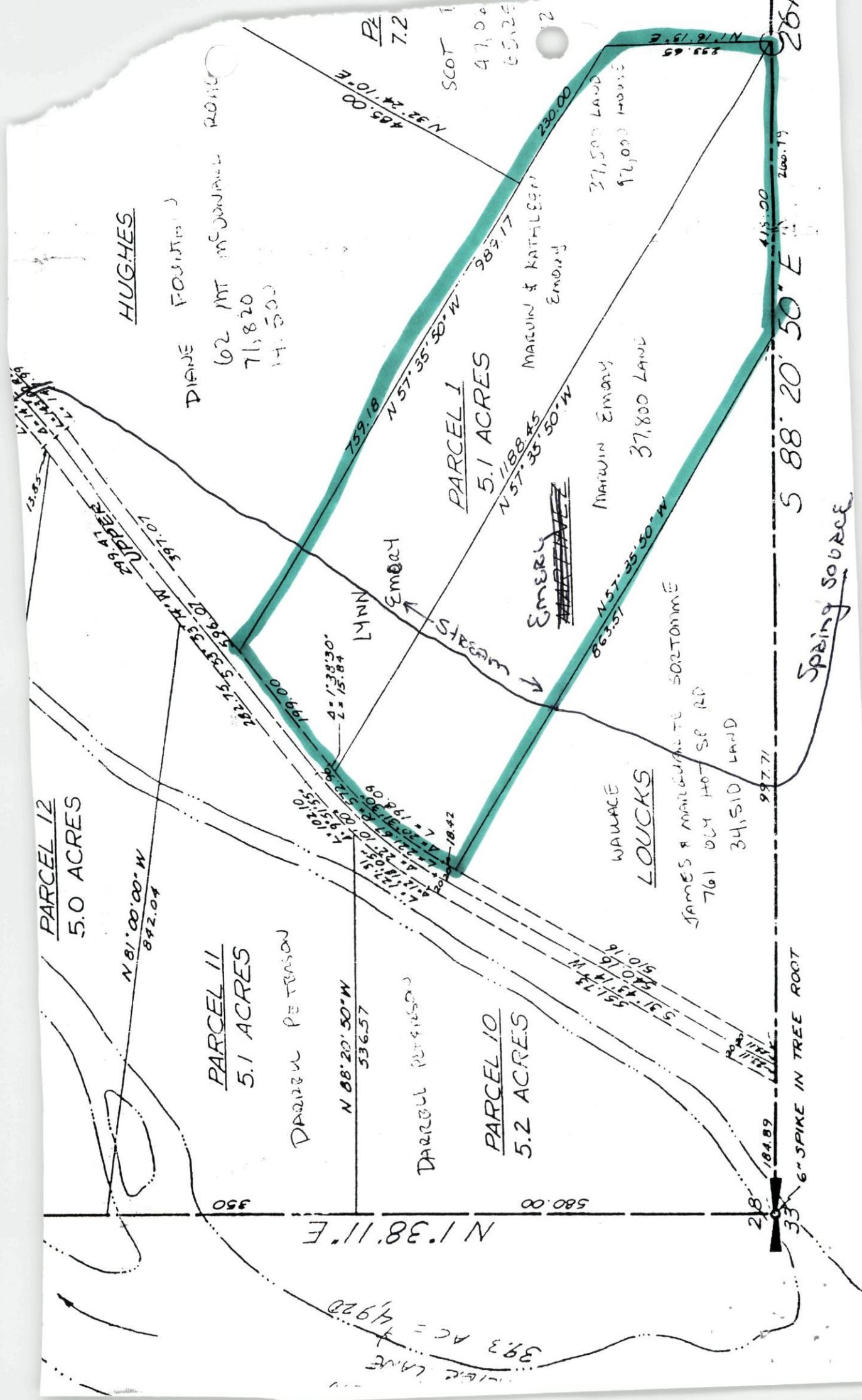
SURVEY OF PARCELS IN THE SOUTHEAST QUARTER OF SECTION 28,
 TOWNSHIP 30 NORTH, RANGE 7 WEST, N.M. LYING EASTERLY OF
 THE MAIN CHANNEL OF THE ELWHA RIVER, ALL IN CLALLAM
 COUNTY, WASHINGTON
 FOR: DARRELL E. PETERSEN
 DATE: MARCH 24, 1975

BY: PETERSEN & ASSOCIATES, INC.
 LAND SURVEYING
 404 SOUTH LINCOLN STREET
 PORT ANGELES, WASHINGTON 98102
 PHONE: 452-9242



224186

RECORDING CERTIFICATE
 FILED FOR RECORD AT THE REQUEST OF PETERSEN
 THIS 18th DAY OF APRIL, 1975 A.D. AT 2:15 MINUTE:
 PAST 3 O'CLOCK P.M. AND RECORDED IN VOLUME
 1 OF SURVEYS, PAGE 209, RECORDS OF CLALLAM
 COUNTY, WASHINGTON
Shelley Brown
 DEPT. COUNTY CLERK



HUGHES

DIANE FOUNTAIN

62 MT MCDONALD ROAD
71,820
14,500

P 7.2

SCOT 1
4700
6525

PARCEL 1
5.1 ACRES

EMORY
37,500 LAND
97,000 HOUSE

EMORY
37,800 LAND

WALTER
LOUCKS

JAMES & MARGARET SORTONNE
761 OLD HOT SP RD
34,510 LAND

PARCEL 12
5.0 ACRES

PARCEL 11
5.1 ACRES

PARCEL 10
5.2 ACRES

DARRELL PETERSON

DARRELL PETERSON

SPRING SOURCE

6" SPIKE IN TREE ROOT

$N 1^{\circ} 38' 11" E$

39.3 AC = 4,920
MILE LANE

218
33

997.71

$5 88^{\circ} 20' 50" E$

200.19

287

239.65
 $N 57^{\circ} 35' 10" W$

13.05
4.17
7.17

29.47
39.707

536.07
39.707

282.75
536.07

199.00
199.00

4 = 1' 38" 50"
2 = 15" 84"

14 MN

EMORY

WALTERS

EMORY

EMORY

EMORY

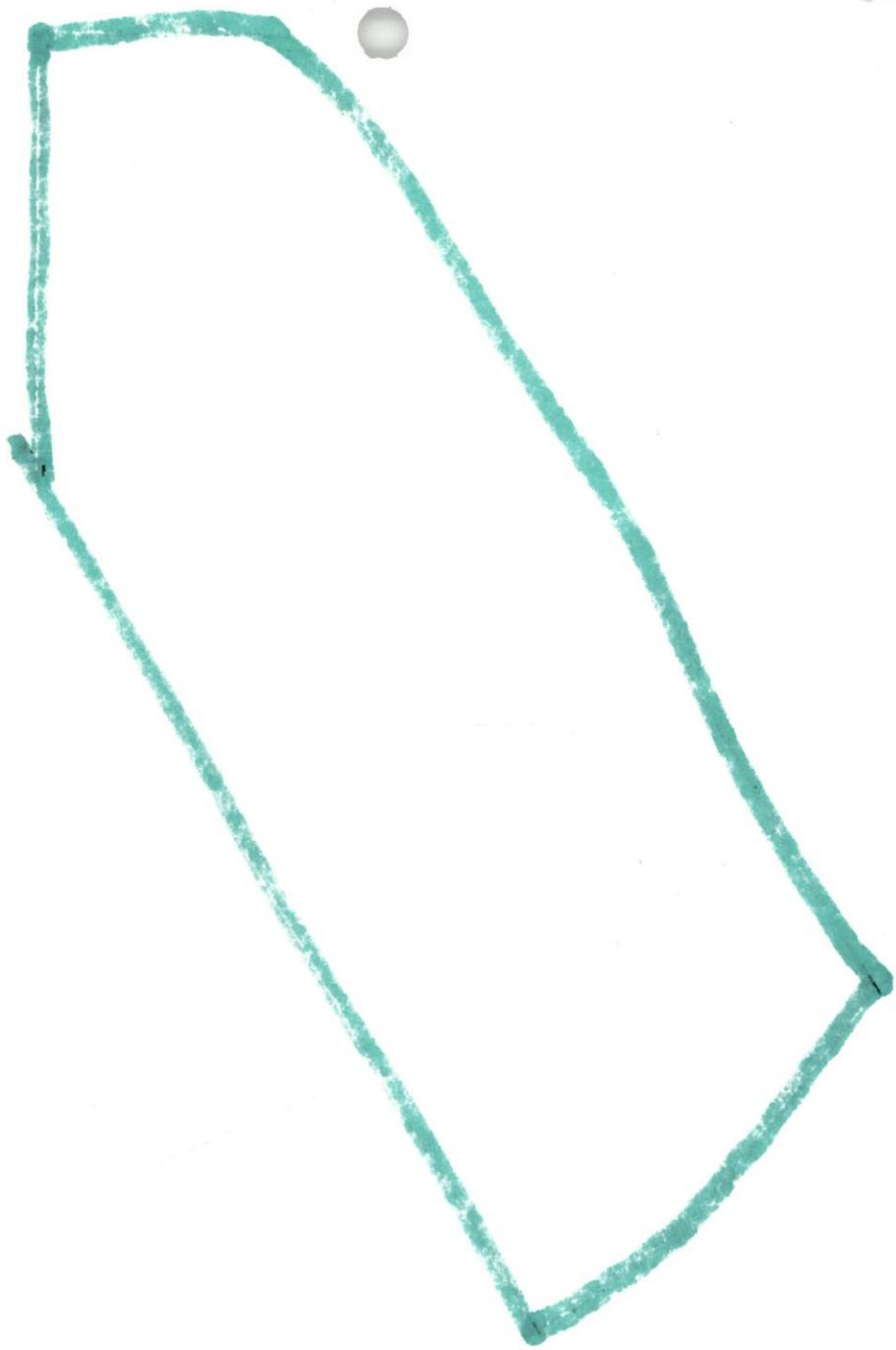
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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CERTIFICATE OF WATER RIGHT

- Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)
- Ground Water (Issued in accordance with the provisions of Chapter 263, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)

PRIORITY DATE	APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
May 24, 1976	S 2-24186	S 2-24186 P	S 2-24186 C

NAME
MARVIN L. EMERY

ADDRESS (STREET) (CITY) (STATE) (ZIP CODE)
469 Hot Springs Road Port Angeles, Washington 98362

This is to certify that the herein named applicant has made proof to the satisfaction of the Department of Ecology of a right to the use of the public waters of the State of Washington as herein defined, and under and specifically subject to the provisions contained in the Permit issued by the Department of Ecology, and that said right to the use of said waters has been perfected in accordance with the laws of the State of Washington, and is hereby confirmed by the Department of Ecology and entered of record as shown.

PUBLIC WATER TO BE APPROPRIATED

SOURCE
Unnamed Stream

TRIBUTARY OF (IF SURFACE WATERS)
Elwha River

MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE	MAXIMUM ACRE-FEET PER YEAR
0.02		1

QUANTITY, TYPE OF USE, PERIOD OF USE
1 Acre-foot per year Domestic Supply Continuously

LOCATION OF DIVERSION/WITHDRAWAL

APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL
1000 feet east and 700 feet north from the South Quarter Corner of Section 28.

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION)	SECTION	TOWNSHIP N.	RANGE, (E. OR W.) W.M.	W.R. COUNTY
SW $\frac{1}{4}$ SE $\frac{1}{4}$	28	30	7 W	Gallam

RECORDED PLATTED PROPERTY

LOT BLOCK OF (GIVE NAME OF PLAT OR ADDITION)

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

That portion of the SE $\frac{1}{4}$ of Sec. 28, T. 30N., R. 7 W.W.M., commencing at the southeast corner of Section 28; thence west along the south line of said Section 28, feet more or less, to the true point of beginning; thence north 1°16'13" east 233.65 feet; thence north 57°35'90" west 989.17 feet to Highway 101; thence southwesterly along said highway 199.00 feet; thence south 57°33'30" east 1198.45 feet to the point of beginning. LESS all roads.

PROVISIONS

Diversion intake shall be tightly screened at all times with wire mesh having openings with dimensions not greater than .125 (1/8) inch.

The Water Resources Act of 1971 specifies certain criteria regarding utilization and management of the waters of the State in the best public interest. Issuance of this certificate was based on sufficient waters available, at least during portions of the year. However, it is pointed out to the certificate holder that his use of the water may be subject to regulation at certain times, based on the necessity to maintain water quantities sufficient for preservation of the natural environment.

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 RCW 90.03.380, 90.03.390, and 90.44.020.

This certificate of water right is specifically subject to relinquishment for nonuse of water as provided in RCW 90.14.180.

Given under my hand and the seal of this office at Olympia Washington, this 13th day of April, 1979.

WILBUR G. HALLAUER, DIRECTOR
Department of Ecology

ENGINEERING DATA

OK *R/C*
WES

by *E.W. Assestine*
E.W. ASSESTINE, Regional Manager

FOR COUNTY USE ONLY