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State of Washington Application for a Water Right

Please follow the attached instructions to avoid unnecessary
delays.

For Ecology Use
Fee Paid
Date

Section 1. APPLICANT - PERSON, ORGANIZATION, OR WATER SYSTEM

Name Mike Lang Home Tel: (360) 482 - 8100

Mailing Address P.O. Box 192 Work Tel: (360) 482 - 2500

City Montesano State WA Zip+4 98563 + FAX: () -

Section 2. CONTACT - PERSON TO CALL ABOUT THE APPLICATION

Same as above

Name Lonnie Crumley, LWC Consulting Home Tel: (360) 482 - 3037

Mailing Address 97 Bartell Road Work Tel: () Same As Above

City Oakville State Wa Zip+4 98568 + FAX: (360) 482 - 5139

Relationship to applicant Hired Consultant

Section 3. STATEMENT OF INTENT - 22 cfs

The applicant requests a permit to use not more than 100 (gallons per minute or cubic feet per second) from a surface water source or ground water source (check only one) for the purpose(s) of Providing water to two ponds for water storage and irrigation of hay fields and private fish rearing. ATTACH A "LEGAL" DESCRIPTION OF THE PLACE OF USE. (See instructions.) NOTE: A tax parcel number or a plat number is not sufficient.

Estimate a maximum annual quantity to be used in acre-feet per year: 70 acres, 3,049,200 acre feet/year

Check if the water use is proposed for a short-term project. Indicate the period of time that the water will be needed:
From / / to / /

Section 4. WATER SOURCE

If SURFACE WATER	If GROUNDWATER
Name the water source and indicate if stream, spring, lake, etc. If unnamed, write "unnamed spring," "unnamed stream," etc.: <u>Two unnamed springs</u> Number of diversions: <u>2</u>	A permit is desired for <u> </u> well(s).

Source flows into (name of body of water): Eaton Creek and then into the Lower Chehalis River					Size & depth of well(s):		
LOCATION							
Enter the north-south and east-west distances in feet from the point of diversion or withdrawal to the nearest section corner: Diversion # 1 Lot 2-2545 ft N on center line of Section 19, then 300 feet East of center line. Diversion # 2 Lot 4-50 feet N on center line of Section 19 and 1350ft. East from center line.							
¼ of	¼ of	Section	Township	Range(E/W)	County	If location of source is platted, complete below:	
						Lot	Block
NW1/4	SE 1/4	19	T17N	R5W	Grays Harbor	2	survey vol 17 PG <i>123</i>
SE1/4	SE1/4	19	T17N	R5W	Grays Harbor	4	survey vol 17 PG <i>123</i>
For Ecology Use		Date Received: <u>1-7-02</u>		Priority Date: <u>1-7-02</u>			
SEPA: <u>Exempt</u> /Not Exempt		FERC License # _____		Dept. Of Health # _____			
Date Accepted As Complete <u>1-22-02</u>		By <u>SC</u>		Date Returned _____		By _____ WRIA: <u>23</u>	

Section 5. GENERAL WATER SYSTEM INFORMATION

A. Name of system, if named Mike Lang Ponds

B. Briefly describe your proposed water system. **(See instructions.)**

In lot 2, diversion #1, the unnamed spring would be diverted to a water storage pond 80 feet wide, 250 feet long and 8 feet deep. The diversion would be constructed by excavating a new channel across the property roughly 500 feet south to the existing pond from which the outflow would enter Eaton Creek on the opposite side. Trees and shrubs will be planted around the pond and newly excavated streambed to provide shade. Gravel would be added to the streambed for sediment control and fish habitat enhancement. The pond has a clay base, and currently catches and retains surface water runoff.

This unnamed stream was diverted some 35 to 40 years ago to supply extra water for cleaning a dairy barn operation that no longer exists. During the summer this spring-fed stream flows from the hillside east of Lang's; it then goes underground once it enters the field on the Lang property. In winter, when the water table is higher, the stream flows above ground. The channel was constructed on a fill across the Lang property. A man-made channel similar to an irrigation ditch, its base is elevated roughly three feet relative to the surrounding fields to maintain grade, until it enters the neighbor's property, where it flows through a recessed channel. From the neighbor's property the stream enters a series of culverts under two county roads, Sund and then South Bank. The culverts were installed prior to the old stream diversion and are not designed to carry the additional water from the diverted stream. During the winter months and peak rain periods, Sund and South Bank Roads are flooded by the creek, which causes the roads to be closed for short periods of time. As the stream flow drops during the summer months, it dries up and runs underground about half way across the Lang property as it enters the portion that is elevated. Over the years most of the channel has become plugged with reed canary grass. Therefore, when the winter rains come the channel cannot accommodate the flows and all surrounding properties get flooded. In the summer as the stream dries up several species of fish are trapped in the artificial wetlands between the two county roads, which have been created by the undersized and elevated county culverts. The entire area dries up and the fish that enter the area get trapped behind the undersized and elevated culvert under South Bank Road, where they perish once the area goes dry. WDFW survey indicates two species effected, mud minnows and sculpins. This diversion would restore the stream to the proximity of its original path and would reenter Eaton Creek as it most likely did decades earlier. The diversion would allow the county culverts to function as they were originally designed and the attraction water that draws fish into the

seasonal wetland and stream would be reduced.

Diversion #2 on lot 4 would assist in supplying water to a larger second pond 80 feet wide 1200 feet long and 10+ feet deep. This pond also catches surface runoff during the winter. The second spring has the same characteristics as the first spring; it originates on the Lang property from a hillside above the fields and flows for a short distance across the field before sinking underground during summer months. In the winter it flows across the field through man-made ditches to eventually join Eaton Creek. This spring would be diverted to the pond, a distance of 150 feet, where the water could be stored and the overflow would go back into Eaton Creek without going underground during summer months. The new streambed would be excavated in a similar fashion as the first diversion described above with stream enhancement treatments added such as gravel in the streambed, and planting of shade trees and native shrubs. The second pond would also have shade trees and native plants added, similar to the first pond. Wetland vegetation would be included in both ponds to provide habitat for fish and other aquatic life forms.

Both ponds are designed to provide pond wetland habitat as well as water storage. With the water storage located at the base of the hill and adjacent to the hay fields it is anticipated that pumping water from the ponds onto the fields would not be needed because it is expected they will be sub irrigated by the ponds. This would be a benefit to Eaton Creek during the summer by increased water flow because the ponds' overflow would enter the creek instead of going underground. This would be a benefit to fish enhancement within Eaton Creek as well as adding water storage which is in short supply within the Chehalis Basin.

Private fish rearing for trout or anadromous salmonids is going to be developed for both ponds under the direction and guidance of private fish consultants, the Washington Department of Fish and Wildlife, and the help of private non-profit volunteer organizations within the Chehalis Basin.

C. Do you already have any water rights or claims associated with this property or system? YES NO
PROVIDE DOCUMENTATION.

Section 7. IRRIGATION/AGRICULTURAL/FARM INFORMATION
(Complete for all irrigation and agriculture uses.)

A. Total number of acres to be irrigated: 70

B. List total number of acres for other specified agricultural uses:

Use Residential Acres 4
Use Forestland Acres 59
Use Agriculture Acres 67
Use Fish Rearing Acres 3

C. Total number of acres to be covered by this application: 70

D. Family Farm Act (Initiative Measure Number 59, November 3, 1977, as amended by Chapter 237, Laws of 2001)
Add up the acreage in which you have a controlling interest, including only:

- ‡ Acreage irrigated under water rights acquired after December 8, 1977;
- ‡ Acreage proposed to be irrigated under this application;
- ‡ Acreage proposed to be irrigated under other pending application(s).

1. Is the combined acreage greater than 6000 acres? YES NO
2. Do you have a controlling interest in a Family Farm Development Permit? YES NO
If yes, enter permit no: N/A

- E. Farm uses (**Hay field irrigation, fish rearing**)
 Stockwater - Total # of animals _____ Animal type _____ (If dairy cattle, see below)
 Dairy - # Milking _____ # Non-milking _____

Section 8. WATER STORAGE

Will you be using a dam, dike, or other structure to retain or store water?(**Ponds will be below ground level**) YES NO
The ponds will be excavated below surrounding ground level and the spoils will be removed and or evenly distributed across the fields if the materials are suitable. There will be no dams nor dykes.

NOTE: If you will be storing 10 acre-feet or more of water and/or if the water depth will be 10 feet or more at the deepest point, and some portion of the storage will be above grade, you must also apply for a reservoir permit. You can get a reservoir permit application from the Department of Ecology.

Section 9. DRIVING DIRECTIONS

Provide detailed driving instructions to the project site.

From Olympia take the Highway 8 west towards Aberdeen. Take the first Elma exit. Turn left at the stop sign, onto Highway 12 heading south. Drive 6 miles to Porter. Turn right at Porter onto Porter Creek Road and go over the bridge which crosses the Chehalis River. Stay on Porter Creek Road, which turns into South Bank Road, for 2.1 miles just past the last of three ninety-degree turns. The driveway is on the left; the address is 600 South Bank Road. An 8 foot vertical board fence and cable gate front the property.

The Lang house is across the field on a hillside above the first pond. The diversion for the first pond would be at the base of the hillside roughly 500 feet north of the house location and where the hill meets the field. The second pond would be across the field to the south of the house at the most southerly line of the property, identified by an alder tree line. The diversion point would be at the tree line at the base of the hill as it meets the field. If a visit is scheduled a either Mike or Lonnie Crumley, LWC Consulting, would be available to show anyone the locations.

Section 10. REQUIRED MAP

- A. Attach a map of the project. (**See instructions.**)

Section 11. PROPERTY OWNERSHIP

- A. Does the applicant own the land on which the water will be used? **X**YES NO
 If no, explain the applicant's interest in the place of use and provide the name(s) and address(es) of the owner(s):

Lot number 4 shows the property is owned by Redi Pak Corp in Snohomish. This is a company owned by Mike Lang.

- B. Does the applicant own the land on which the water source is located? **X**YES NO

If no, submit a copy of agreement:

I certify that the information above is true and accurate to the best of my knowledge. I understand that in order to process my application, I grant staff from the Department of Ecology access to the site for inspection and monitoring purposes. Even though I may have been assisted in the preparation of the above application by the employees of the

Department of Ecology, all responsibility for the accuracy of the information rests with me.

Tommy County LWC Consulting
Applicant (or authorized representative)

12/31/01
Date

Michael J. King
Landowner for place of use (if same as applicant, write "same")

1-3-02
Date