



WATER-RIGHT DOCKET

Mount Rainier National Park

Docket No: 15

PARADISE HYDROELECTRIC SYSTEM LONGMIRE TRANSFER

Preliminary Docket Information

00-00-0000: water right/source docket information

W A T E R D O C K E T I N F O R M A T I O N

A R E A MT. RAINIER N P

DOCKET NO. 15

APPLICATION NO. VESTED WATER RIGHT- APPLICATION TO AMEND

PERMIT NO.

CERTIFICATE NO. 211

TITLE OF DOCKET PARADISE HYDROELECTRIC SYSTEM (LONGMIRE TRANSFER)

PRIORITY 12/31/1911

REMARKS:

CERTIFICATE OF CHANGE OF POINT OF DIVERSION
AND PLACE OF USE OF WATER

In accordance with the provisions of Chapter 117, Laws of
Washington for 1917, and amendments thereto, and the
regulations of the State Supervisor of Hydraulics thereunder.

THIS IS TO CERTIFY That the United States of America,
Department of the Interior, National Park Service, by John C.
Preston, Superintendent of Mount Rainier National Park, Longmire,
Washington, has complied with all of the requirements of Section
39 of the Water Code and is hereby granted a permit to change
the point of diversion of waters of Nisqually River to the
extent of 16.5 cubic feet per second from a point within the
NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to a point on
Paradise River, tributary of Nisqually River, within the approx-
imate SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed),
such point being N 62°46' E. 12,811 feet from the Southwest corner
of Sec. 28, Twp. 15 N., Rge. 8 E.W.M. and about 2.5 miles above
the present point of diversion; and

To change the place of use of such water from use for
power within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.
W.M. to use for power purposes on lands within the approximate
E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), all
in Pierce and Lewis counties, Washington.

WITNESS The seal and signature of the Supervisor of
Hydraulics of the State of Washington, affixed this 10th day of
June, 1944.


CHAS. J. BARTHOLET
State Supervisor of Hydraulics.

Recorded:
Vol. 1, Page 211 of
Records of Change of
Point of Diversion,
Purpose and place of
Use of Water.

390979

CERTIFICATE OF CHANGE OF POINT
OF DIVERSION

1357605

State of Washington, Department
of Hydraulics

to

United States, Department of
Interior

STATE OF WASHINGTON) ss.
County of Lewis

I certify that the within
instrument was filed for record
at the request of
John C. Preston, Supt.
on June 27, 1944
at 10:31 o'clock A. M.
Recorded in Misc. Record 25
on page 187

Harold Quick
Auditor, Lewis Co., Wash.

By (Sgd.) Alma Justices
Deputy

(SEAL)

RECORDED
VOL. 3 OF Water Claims
PAGE 66 REQUEST OF

1944 NOV. 16 AM 9:38

J. E. FORD, AUDITOR
PIERCE COUNTY, WASH.
DEPUTY
(Sgd.) C. Connell

CERTIFICATE OF CHANGE OF POINT OF DIVERSION
AND PLACE OF USE OF WATER

In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the regulations of the State Supervisor of Hydraulics thereunder.

THIS IS TO CERTIFY That the United States of America, Department of the Interior, National Park Service, by John C. Preston, Superintendent of Mount Rainier National Park, Longmire, Washington, has complied with all of the requirements of Section 39 of the Water Code and is hereby granted a permit to change the point of diversion of waters of Nisqually River to the extent of 16.5 cubic feet per second from a point within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to a point on Paradise River, tributary of Nisqually River, within the approximate SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), such point being N 62°46' E. 12,811 feet from the Southwest corner of Sec. 28, Twp. 15 N., Rge. 8 E.W.M. and about 2.5 miles above the present point of diversion; and

To change the place of use of such water from use for power within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E. W.M. to use for power purposes on lands within the approximate E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), all in Pierce and Lewis counties, Washington.

WITNESS The seal and signature of the Supervisor of Hydraulics of the State of Washington, affixed this 10th day of June, 1944.


CHAS. F. BARTHOLET
State Supervisor of Hydraulics.

Recorded:
Vol. 1, Page 211 of
Records of Change of
Point of Diversion.
Purpose and Place of
Use of Water.

Affidavit of Publication THE CHEHALIS ADVOCATE

STATE OF WASHINGTON, } ss.
COUNTY OF LEWIS

George B. Hayden, being first duly sworn on oath ~~Henry B. Vilbeck~~, Publisher of THE CHEHALIS ADVOCATE, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Chehalis, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Chehalis Advocate was on the 3rd day of July, 1941, approved as a legal newspaper by the Superior Court of said Lewis County, as provided in Chapter 213, Session Laws of 1941, and that the annexed is a

true copy of a *Notice of Intention to Change of point of diversion*
purpose & place of use of water
as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of 2 consecutive weeks, commencing on the

27 day of April, 1944
and ending on the

4 day of May, 1944
both dates inclusive, and that such 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 the sum of \$1.50 at the rate of \$1.40 a hundred words for the first insertion, and 80 cents a hundred words for each subsequent insertion.

George B. Hayden
Publisher - Foreman

Subscribed and sworn to before me this

22 day of May, 1944
Marie C. Jubb
Notary Public in and for the State of Washington, Residing in Chehalis.

LEGAL NOTICES

NOTICE OF PETITIONS FOR CHANGE OF POINTS OF DI- VERSION, PURPOSE AND PLACE OF USE OF WATER.

To Whom It May Concern:

Notice is hereby given that the United States of America, Department of the Interior, National Park Service, by John C. Preston, Superintendent of Mount Rainier National Park, Longmire, Wash-

ington, on February 28, 1944, filed petitions with the State Supervisor of Hydraulics, Olympia,

Washington, for permits to make the following changes: (1) To change the point of diversion of 0.76 second-feet of the waters of Rampart Creek, Canyon, or Ravine, tributary of Nisqually River, from a point within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29, Twp. 15 N., Rge. 8 E. W. M. to a point within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$, respectively, of Section 33, Twp. 15 N., Rge. 8 E. W. M., such point being about 1.5 miles below the present point of diversion and up Coal Creek tributary; and to change the purpose and place of use of such waters, which are now used for domestic, irrigation and stock watering purposes on lands within Longmire Placer claim and lands of Tacoma Eastern Railroad, formerly owned by Longmire Mineral Springs Company in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 28, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 32, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E. W. M., to be used for domestic, irrigation and stock watering, recreational and fire protection purposes on the following described lands: Any and all land, now, or hereafter developed as the Longmire Headquarters and Utility Areas, Longmire Campground, and Longmire Village in Mt. Rainier National Park, in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 28; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29; E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32, and W $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 33, all in Twp. 15 N., Rge. 8 E. W. M., Pierce and Lewis Counties, Washington.

(2) To change the point of diversion of 7.35 second-feet of the waters of Van Trump Creek, tributary of Nisqually River, from a point within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 15, Twp. 15 N., Rge. 8 E. W. M. to a point within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E. W. M., such a

point being N 62 degrees 46 minutes E, 12,811 ft. from SW corner of Sec. 23, Twp. 15 N., Rge. 8 E. W. M., and 1.5 miles below the present point of diversion, on Paradise River, tributary of Nisqually River; and to change the place of use of such water, which has been used for generating electric power within the approximate SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), to use for power purposes on the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed); all in Pierce and Lewis Counties, Washington.

(3) To change the point of diversion of 16.5 second-feet of the waters of Nisqually River from the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E. W. M. to a point within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E. W. M., such point being N. 62 degrees 46 minutes E, 12,811 ft. from the SW corner of Sec. 23, Twp. 15 N., Rge. 8 E. W. M. and 2.5 miles above the present point of diversion, on Paradise River, tributary of the Nisqually River; and to change the place of use of such waters, which have been used for generating electric power in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E. W. M. to use for power purposes on lands within the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), all in Lewis County, Washington.

Any person, firm or corporation whose right will be injuriously affected by the granting of said petitions may file with the Supervisor of Hydraulics, at Olympia, Washington, such objections or representations, in writing, as he may desire to make within thirty (30) days after the last date of publication, which date is May 4, 1944.

Witness my hand and official seal this 1st day of March, 1944.

CHAS. J. BARTHOLET,
State Supervisor of Hydraulics.

April 27, May 4.

point being N 62 degrees 46 minutes E, 12,811 ft. from SW corner of Sec. 23, Twp. 15 N., Rge. 8 E. W. M., and 1.5 miles below the present point of diversion, on Paradise River, tributary of Nisqually River; and to change the place of use of such water, which has been used for generating electric power within the approximate SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), to use for power purposes on the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed); all in Pierce and Lewis Counties, Washington.

(3) To change the point of diversion of 16.5 second-feet of the waters of Nisqually River from the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E. W. M. to a point within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E. W. M., such point being N. 62 degrees 46 minutes E, 12,811 ft. from the SW corner of Sec. 23, Twp. 15 N., Rge. 8 E. W. M. and 2.5 miles above the present point of diversion, on Paradise River, tributary of the Nisqually River; and to change the place of use of such waters, which have been used for generating electric power in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E. W. M. to use for power purposes on lands within the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), all in Lewis County, Washington.

Any person, firm or corporation whose right will be injuriously affected by the granting of said petitions may file with the Supervisor of Hydraulics, at Olympia, Washington, such objections or representations, in writing, as he may desire to make within thirty (30) days after the last date of publication, which date is May 4, 1944.

Witness my hand and official seal this 1st day of March, 1944.
CHAS. J. BARTHOLET,
State Supervisor of Hydraulics.
April 27, May 4.

Affidavit of Publication

THE CHEHALIS ADVOCATE

STATE OF WASHINGTON, ss.
COUNTY OF LEWIS

George B. Hayden, being first duly sworn on oath
Henry B. Whitlock, being first duly sworn on oath
deposes and says that he is Publisher of THE

CHEHALIS ADVOCATE, a weekly newspaper, which has been established, published in the English language, and circulated continuously as a weekly newspaper in the City of Chehalis, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Chehalis Advocate was on the 3rd day of July, 1941, approved as a legal newspaper by the Superior Court of said Lewis County, as provided in Chapter 213, Session Laws of 1941, and that the annexed is a

true copy of a notice of publication
for change of point of diversion
purpose and place of use of water
as it was published in regular issues (and not in supplement form) of said newspaper once each week for a period of 2 consecutive weeks, commencing on the

13 day of April, 1944
and ending on the 19 day of April, 1944
both dates inclusive, and that such 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 the sum of \$15.00, at the rate of \$1.40 a hundred words for the first insertion, and 80 cents a hundred words for each subsequent insertion.

George B. Hayden
Publisher - Foreman

Subscribed and sworn to before me this 8 day of April, 1944
Marie E. J. J. J.
Notary Public in and for the State of Washington, Residing in Chehalis.

NOTICE OF PETITIONS FOR CHANGES OF POINTS OF DIVERSION, PURPOSES AND PLACE OF USE OF WATER

To Whom It May Concern:

Notice is hereby given that the United States of America, Department of the Interior, National Park Service, by John C. Preston, Superintendent of Mount Rainier National Park, Longmire, Washington, on February 28, 1944, filed petitions with the State Supervisor of Hydraulics, Olympia, Washington, for permits to make the following changes: (1) To change the point of diversion of 0.76 second-feet of the waters of Rampart Creek Canyon, or Ravine, tributary of Nisqually River, from a point within the NE 1/4 of SE 1/4 of Sec. 29, Twp. 15 N., Rge. 8 E. W. M. to points within the SE 1/4 of NW 1/4 and NE 1/4 of SW 1/4, respectively, of Section 33, Twp. 15 N., Rge. 8 E. W. M., such point being about 1.5 miles below the present point of diversion and up Coal Creek tributary; and to change the purpose and place of use of such waters, which are now used for domestic, irrigation and stock watering purposes on lands within Longmire Placer Claim and lands of Tacoma Eastern Railroad, formerly owned by Longmire Mineral Springs Company in SW 1/4 of SW 1/4 of Sec. 28, SE 1/4 of SE 1/4 of Sec. 29, NE 1/4 of NE 1/4 of Sec. 32, and NW 1/4 of NW 1/4 of Sec. 33, Twp. 15 N., Rge. 8 E. W. M., to be used for domestic, irrigation and stock watering, recreational and fire protection purposes on the following described lands: Any and all land now, or hereafter developed as the Longmire Headquarters and Utility Areas, Longmire Campground, and Longmire Village in Mt. Rainier National Park, in SW 1/4 of SW 1/4 of Sec. 28; SE 1/4 of SE 1/4 of Sec. 29; E 1/2 of NE 1/4 and NE 1/4 of SE 1/4 of Sec. 32, and W 1/2 of NW 1/4 of NE 1/4 of NW 1/4 of NW 1/4 of SW 1/4 of Sec. 33, all in Twp. 15 N., Rge. 8 E. W. M., Pierce and Lewis Counties, Washington.

(2) To change the point of diversion of 7.35 second-feet of the waters of the Ban Trump Creek, tributary of Nisqually River, from a point within the SE 1/4 of NW 1/4 of Sec. 15, Twp. 15 N., Rge. 8 E. W. M. to a point within the SW 1/4 of SW 1/4 of Sec. 23, Twp. 15 N., Rge. 8 E. W. M., such point being N 62 degrees

46 minutes E. 12.811 feet from SW corner of Sec. 28, Twp. 15 N., Rge. 8 E. W. M. and 1.5 miles below the present point of diversion, on Paradise River, tributary of Nisqually River; and to change the place of use of such water, which has been used for generating electric power within the approximate SW 1/4 of SE 1/4 of Sec. 15, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), to use for power purpose on the approximate E 1/2 of SE 1/4 of Sec. 22, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), all in Pierce and Olympia, Washington.

(3) To change the point of diversion of 16.5 second-feet of the waters of Nisqually River from the NE 1/4 of NW 1/4 of Sec. 33, Twp. 15 N., Rge. 8 E. W. M. to a point within the SW 1/4 of NW 1/4 of Sec. 33, Twp. 15 N., Rge. 8 E. W. M., such point being N 62 degrees 46 minutes E. 12.811 feet from the SW corner of Sec. 28, Twp. 15 N., Rge. 8 E. W. M. and 2.5 miles above the present point of diversion, on Paradise River, tributary of the Nisqually River; and to change the place of use of such waters, which have been used for generating electric power in the NW 1/4 of NW 1/4 of Sec. 33, Twp. 15 N., Rge. 8 E. W. M. to use for power purposes on lands within the approximate E 1/2 of SE 1/4 of Sec. 22, Twp. 15 N., Rge. 8 E. W. M. (unsurveyed), all in Lewis County, Washington.

Any person, firm or corporation whose right will be injuriously affected by the granting of said petitions may file with the Supervisor of Hydraulics, at Olympia, Washington, such objections or representations, in writing, as he may desire to make within thirty (30) days after the last date of publication, which date is April 6, 1944.

Witness my hand and official seal this 1st day of March, 1944.
CHAS. J. BARTOLET,
State Supervisor of Hydraulics.
March 30, April 6.

Sec. 23

AFFIDAVIT OF PUBLICATION

No.

STATE OF WASHINGTON }
COUNTY OF PIERCE } ss.

NOTICE OF PETITION FOR CHANGE OF POINT OF DIVERSION AND PLACE OF USE OF WATER.

To Whom It May Concern: Notice is hereby given that the United States of America, Department of the Interior, National Park Service, by John C. Preston, Superintendent of Mt. Rainier National Park, Longmire, Wash., on February 28, 1944, filed a petition with the State Supervisor of Hydraulics, Olympia, Washington for permit to make the following changes: To change the point of diversion of 16.5 second-feet of the waters of Nisqually River used for generating electric power from a point within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to a point situated within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E. such point being N 62° 46' East 12,811 ft. from the SW corner of Sec. 28, Twp. 15 N., Rge. 8 E.W.M. and 2.5 miles above the present point of diversion, on Paradise River; and to change the place of use of such water from use on lands within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to use within the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), all in Pierce and Lewis counties, Washington.

Any person, firm or corporation whose right will be injuriously affected by the granting of said petition may file with the Supervisor of Hydraulics, at Olympia, Washington, such objections or representations, in writing, as he may desire to make within thirty (30) days after the last date of publication, which date is April 4, 1944.

Witness my hand and official seal this 14th day of March, 1944.
CHAS. J. BARTHOLET,
(Seal) State Supervisor of Hydraulics,
March 28, April 4

J. D. OGDEN, being first duly sworn on oath deposes and says: that he is the Business Manager and Publisher of the

"TACOMA DAILY INDEX"

a daily legal newspaper. That said newspaper is a legal newspaper, which, pursuant to the provisions of Chapter 213 of the 1941 Session Laws of the State of Washington, has been approved as a legal newspaper by order of the Superior Court of the State of Washington in and for Pierce County, entered on June 12, 1941, in Cause No. 84921, entitled "In the matter of the application and qualification of Tacoma Daily Index as a legal newspaper." That said newspaper has been published regularly and continually, at least once a week, in the English language, as a newspaper of general circulation in the city of Tacoma, Pierce County, Washington, the city where the same was published at the time of said application for approval, for at least six months prior to the date of such application, and it is now and during all of said time was so printed, either in whole or in part, in an office maintained at the aforesaid place of publication, and the same is now and ever since said date has been so published. That the

*Notice of Petition for change of Point of
Diversion and Place of Use of Water*
of which the attached is a printed copy as published, was published in

said newspaper once each week for *two* weeks, successively, to-wit: on

the *28th* day of *March*, 19*44*

the *4th* day of *April*, 19*44*

the day of, 19.....

the day of, 19.....

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That said newspaper was generally circulated all of said time, and that said advertisement was published in the newspaper proper and not in supplement form.

Subscribed and sworn to before me this *4th* day of

April, 194*4*

Victor J. Healy

Notary Public in and for the State of Washington,
Residing at Tacoma, Pierce County, Washington.

PETITION FOR CHANGE OF POINT OF DIVERSION OF WATER
AND PLACE OF USE.

TO THE STATE SUPERVISOR OF HYDRAULICS OF WASHINGTON:

The undersigned, your petitioner, respectfully represents:

First: That he is a user of waters of Nisqually River
(Stream or Lake)
under Permit No. _____, Certificate No. _____, decreed right _____
or appropriation made by construction prior to
(Title of Case) _____
Dec. 31, 1933, _____
June 15th, 1937. _____
(Give date, if prior to)

Second: That such right consists of 16.5 Cu. Ft. per Sec.
(Cu. Ft. per Sec.)

Third: That he wishes to change the point of diversion and place of use
of such water to the extent of 16.5 Cu. Ft. per Sec.
(Cu. Ft. per Sec.)

Fourth: That the use of such water is for the purpose of generating
electric power, and that he diverts water from said stream at a point situated
in the NE quarter of NW quarter of Section 33, Township 15 N., Range
8 E. W. N.

Fifth: That he wishes to change said point of diversion to a point sit-
uated in the SW quarter of SW quarter of Section 23,
Township 15 N., Range 8 E. W. N., such point being N 62°46' E 12.811 ft.
from SW Cor. Sec. 28, T. 15 N., R. 8 E. W.N. and 2.5 miles above the present
(Distance above or below)
point of diversion, on Paradise River, tributary of the Nisqually River.

Sixth: That the water is being used for power on the following described
land: NW 1/4 of NW 1/4
Section 33, Township 15 N., Range 8 E. W. N.

Seventh: That he desires to change the place of use of said waters for
power on the following described lands: Unsurveyed E 1/2 of SE 1/4
(Purpose)
Section 22, Township 15 N., Range 8 E. W. N., Pierce County,
Washington, and that such changes can be made without detriment or injury to
existing rights or the State's interest in water, as provided in Section 6,
Chapter 122, Session Laws of 1929.

DATED this 1st day of February, 1944.

United States of America,
Dept. of the Interior, National Park Service Longmire
(Petitioner) (Postoffice Address)
By /s/ John C. Preston Washington
Supt., Mt. Rainier National Park

(See attached rider.)

Rider

All land in the drainage of the Nisqually River and its tributaries north of the south boundary of Mt. Rainier National Park, or south line of Section 32, T. 15 N., R. 8 E., W. M., is federally owned, but the Eagle Peak Copper Mining Company occupies an unpatented mining claim under permit from the United States at the junction of Paradise and Nisqually Rivers near the corner common to Sections 21, 22, 27 and 28, T. 15 N., R. 8 E., W. M.

As a part of the permit covering the mining claim, the Mining Company is authorized to divert sufficient water to generate 100 H. P. State authorization for said diversion is vested in use since prior to June 15, 1917. The original power plant had a capacity of 40 KW but was replaced, after a fire, by a 15 KW unit which uses approximately 5 or 6 sec. ft. of water. The development is shown approximately on the accompanying drawing NP-RAI-6983 with diversion below the return flow from the Paradise Power Plant of the United States.

The act of March 3, 1921 (41 Stat. 1353) specifies:

That hereafter no permit, license, lease, or authorization for dams, conduits, reservoirs, power houses, transmission lines, or other works for storage or carriage of water, or for the development, transmission, or utilization of power within the limits as now constituted of any national park or national monument, shall be granted or made without specific authority of Congress."

The change in point of diversion and place of use, covered by this petition, was, in fact, made in 1921 and has been operative since that date without protest. Such change, as non-consumptive and without storage, has no effect on other water claimants, and was built with due recognition of the one vested right within the national park other than those of the applicant and its predecessors in interest.

Method Used to Determine
Vested Water Rights
on
Van Trump Creek
and
Nisqually River

By

A. van V. Dunn
Hydraulic Engineer

Van Trump Creek (Christine Falls Power Plant - Priority 1916)

Installed capacity, 200 KVA = 268 Horsepower.

Gross Head - 400 ft.

Pipe Line: 1151 ft. of 14 inch & 1188 ft. of 12 inch.

Horse Power at 80% Efficiency = $\frac{\text{Flow} \times \text{head}}{11}$

Flow = 7.37 sec. ft.

Head Loss in 14" Pipe	-	20.6 ft.
Head Loss in 12" Pipe	-	44.6 ft.
Total Head Loss	-	65.2 ft.
Gross Head	-	400.0 ft.
Net Power Head	-	334.8 ft.

Horse Power generated at 100% eff. $\frac{7.37 \times 334.8}{8.8} = 281 \text{ H.P.}$

Efficiency of generator unit = $268/281 = 96\%$ which is o.k.

In order not to claim too much, claim right to 7.35 sec. ft.

Nisqually River (Longmire Power Plant - Priority 1908)

Installed Capacity unknown.

Gross Head - 40 ft.

Pipe Line: 1025 ft. of 24 inch.

Assume 60 Horsepower unit (about 45 KW)

60 Horsepower at 80% Efficiency = $\frac{\text{flow} \times 40}{11}$

Flow = 16.5 sec. ft.

Head Loss in 24" Pipe -	5.8 ft.
Gross Head -	<u>40.0 ft.</u>
Net Power Head -	<u>34.2 ft.</u>

Horsepower generated at 100% eff. = $\frac{16.5 \times 34.2}{8.8} = 64.2 \text{ H.P.}$

Efficiency of generator unit = $60/64.2 = 93.5\%$ which is o.k.

Accept claim of vested right to 16.5 sec. ft.

In 1917 when the water code was adopted the 200 KVA unit at Christine Falls served 600 guests at Paradise and the Longmire Plant served 350 guests.

Water Rights Procedure

Van Trump right -	7.35 sec. ft.
Longmire right -	<u>16.50 sec. ft.</u>

Total right to transfer to Paradise Hydroelectric Plant -	23.85 sec. ft.
---	----------------

Per Dunn's report on Mt. Rainier Water Claims, Nisqually Drainage, dated Feb. 22, 1943, the best possible installation at Paradise would require - 23.40 sec. ft. which is here claimed as vested right.

This shows that present need and vested rights are equal. In analysis of the Paradise installation in May 1942 Engineer L. L. Hohl determined that maximum efficiency of the actual penstock results with diversion of 33.0 sec. ft. The difference, or 9.6 sec. ft., constitutes new appropriation since June 15, 1917, for which an application for appropriation is being filed.

Park or Monument Mt. Rainier N.P. (12)		TABULATION OF DATA FOR STUDY OF WATER RIGHTS							National Park Service Office of the Chief Engineer San Francisco, Calif.	
Sheet 1 of 4										
1- General Name of Water System	2- Location (By Township, Range or Other)	3- Source of Supply (If a Spring, name Stream which is Trib.)	4- Location of Point of Diversion	5- Places Where Water is Used	6- Nature of Use (Domestic, Sanitary, Fire, etc.)	7- Method of Diversion	8- Cond. of System	9- Place, Amount and Condition of Return, Is there Pollution?		
1. Langmuir	Sec. 28, 29, 32, 33 T15N, R8E	Cold Creek	Sec. 33 T15N, R8E	Headquarters buildings, utility area, residences, camp ground	Domestic, sanitary, fire protection	Dam, pipe line	Good	1/4 mile below Longmire 94% No Pollution 2-20 Nisqually River		
2. Langmuir Operator Cabin	Sec. 28, 29, 32, 33 T15N, R8E	Creek tributary to Nisqually River	Sec. 29 T15N, R8E	Inn, cabins and operator's utilities	Domestic, sanitary, fire protection	Dam, pipe line	Fair	1/4 mile below Longmire 100% No Pollution 2-20 Nisqually River		
3. Rock Crusher, Tongue Rock	Sec. 28 T15N, R8E	Nisqually River	Sec. 28 T15N, R8E	Rock crusher	Industrial	Pump and pipe line	Good	0.75 mile below 100% No Pollution		
4. Paradise Valley	Paradise Valley	Edith Creek		Operator, Govt. Bldgs., camp ground	Domestic, sanitary, fire protection	Dam and pipe line	Fair	Above Nisqually River 95% No Pollution		
5. Yakima Park Park	Yakima Park	Lodi Creek & Frozen Lake	Berkeley Park	Operator, Govt. Bldgs., camp ground	Domestic, sanitary, fire protection	Dam, pump pipe line	Good	1/4 mile below Yakima Park 100% No Pollution		
6. White River Entrance River	White River	Klickitat Cr.		Govt. buildings	Domestic, sanitary, fire protection	Dam, pipe line	Good	1/4 mile below 100% No Pollution		
7. Tipsoo Lake (Proposed)	Tipsoo Lake	Springs trib. to Chinook Cr.		Picnic area, both fort stations, future ranger sta.	Domestic, sanitary	Collecting house pipe line		95% No Pollution Camp area same area		
8. Nisqually Entrance Lake George	Sec. 24 T15N, R7E	2 creeks trib. to Nisqually Riv.	Sec. 24 T15N, R7E	Government buildings	Domestic, sanitary	2 Dams, pipe lines	Good	95% No Pollution Camp area same area		
9. Ranger Station	Lake George	Lake George		Ranger station	Domestic	Dipped		100% No Pollution Camp area same area		
10. St. Andrews Cr. Patrol Cabin	Wrist Boundary	St. Andrews Creek	-1	Patrol cabin	Domestic	Dipped		100% No Pollution Camp area same area		
11. Sunset Park Patrol Cabin	Sunset Park	Lake trib. to Mowich Riv.		Patrol cabin	Domestic	Dipped		100% No Pollution Camp area same area		
11a. Sunset Park (Proposed)	Sunset Park	Creek trib. to Mowich Riv.		Maint. Camp and Camp Ground	Domestic	Pump and pipe line		94% No Pollution Septic tank same area		
12. Mowich Entrance (Proposed)	Sec. 27 T17N, R7E	Creek trib. to Mowich Riv.	Sec. 27 T17N, R7E	Maintenance camp, ranger sta., comfort sta.	Domestic, sanitary	Dam and pipe line		95% No Pollution Camp area same area		
13. Mowich Lake Ranger Station	Sec. 25 T17N, R7E	Mowich Lake	Sec. 25 T17N, R7E	Ranger Station	Domestic	Dipped		100% No Pollution Septic tank same area		
13a. Mowich Lake (Proposed)	Sec. 25 T17N, R7E	Creek Trib. to Mowich Riv.	Sec. 25 T17N, R7E	Ranger Station, Camp Ground	Domestic	Dam and pipe line		95% No Pollution Septic tank same area		

Note: In answering, please refer to Letter of the Director under Date of Feb. 7, 1935.
When space in column is inadequate, write information on separate sheet and
indicate in column by "Note A", "Note B", etc.

Refer to Docket No. MORA-0001 Laughingwater Pipeline for a complete inventory of all
existing water uses/rights/systems in Mount Rainier National Park as of May 1935.

Other Supporting Information

MOUNT RAINIER, WATER RIGHT DOCKETS

Dec. 1957

Observe not distributed to Regional Superintendent and WDC

Permit No.	Water System	Drainage System	Drawing	Action	Remarks
3709	Laughing Water Pipeline	Champanocoh	978	10/1/60	
3714	Tipso Lake Pipeline	Champanocoh	985	10/1/60	
3715	Timow Lake Outlet Pipeline	White River	984	10/1/60	
3717	Altolet Pipeline	White River	984	10/1/60	
3813	Altolet Entrance Water System	Altolet River	983	10/1/60	

Observe not distributed to Regional Superintendent, and of which copies are being sent to WDC

3710	Cattle Pipeline	Champanocoh River	978	10/1/61	Ext. of time WDC docket
3711	Spring 5 Pipeline	Champanocoh River	978	10/1/61	
3713	Loft Spring Pipeline	White River	984	10/1/61	
3734	Prosen Lake Storage	White River	984	10/1/61	
3715	Prosen Lake Diversion	White River	984	10/1/61	
3788	Carbon River Entrance Pipeline	Carbon River	986	10/1/61	Ext. of time WDC docket
3799	Isent Creek Pipeline	Carbon River	986	10/1/61	
3814	Shoma Vista	Altolet River	983	10/1/61	
208	Longline Water System	Altolet River	983	10/1/61	
211	Paradise Hydroelectric System	Altolet River	983	10/1/61	
209	Paradise Hydroelectric System	Altolet River	983	10/1/61	
2061	Paradise Hydroelectric System	Altolet River	983	10/1/61	
210	Paradise Water System	Altolet River	983	10/1/61	
3815	Paradise Water System	Altolet River	983	10/1/61	

Ext. of time WDC docket

Report of Inspector distributed 3/2/61

See Dunn's letter

12/6/59 to Supervisor

10/1/61 (Ext. of time WDC docket)

10/1/61 (Ext. of time WDC docket)

10/1/61 (Ext. of time WDC docket)

10/1/61 (Ext. of time WDC docket)

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

27/5

June 13th, 1944.

Mr. Chas. J. Bartholet,
State Supervisor of Hydraulics,
Olympia, Washington.

Dear Mr. Bartholet:

There are enclosed Notices of Beginning of Construction under Water Right Permits 3813, 3814, 3815 and 3816, properly executed. Notices of Completion of Construction, ~~Complete~~ Application of Water, and Proof of Appropriation under Permit 3816 are also enclosed.

Very truly yours,

John C. Preston
Superintendent.

cc Mr. Dunn ✓
Region Four



THUR B. LANGLIE
GOVERNOR

STATE OF WASHINGTON

DEPARTMENT OF CONSERVATION AND DEVELOPMENT

ED DAVIS, DIRECTOR
TRANSPORTATION BUILDING
OLYMPIA

6/5/44
DIVISIONS:
GEOLOGY
FORESTRY
RECLAMATION
FLOOD CONTROL
WATER RESOURCES
MINES AND MINING
COLUMBIA BASIN PROJECT

June 3, 1944.

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco, 5, California

Dear Sir:

Complying with your request of May 29, we are enclosing 5 copies of forms for filing Notices of Completion of Construction.

As to notices in connection with certificates of change of point of diversion, purpose and place of use of water, no further notices are required.

We are also enclosing three of the certificates of change, namely: on Rampart Creek; on an unnamed tributary of Deadhorse Creek; and on Van Trump Creek.

As the notice of application for change of point of diversion and place of use of 16.5 c.f.s. of the waters of Nisqually River had to be readvertised, and the thirty day period after last date of publication does not expire until June 10, we will hold up issuance of that certificate until that date.

We are sending you an original and four extra copies of each certificate, as we believe that will furnish you with all of the copies required by your department.

The certificates should be sent by you to the county auditors of either or both Lewis and Pierce counties, depending on which counties are involved in the changes, after which they should be returned to you for your records.

Will you please check the certificates before forwarding them on to the county auditors.

Yours very truly

CHAS. J. BARTHOLET
Supervisor of Hydraulics

By *B. Hallahan*
Secretary.

G.H.

c.c.- John C. Preston, Supt. of Mt. Rainier National Park.

S. F. No. 1912-12-43-25C. 5206.

Cash Receipt

STATE OF WASHINGTON
Department of Conservation and DevelopmentN^o 25442

RECEIVED FROM U. S. National Park Service Olympia, Wash., May 27, 1944
Twenty and 00/100 DOLLARS 20.00
 To be placed to General Fund ☒ Reclamation Revolving Fund
 the credit of: Trust Fund

Wash. Code
Fifty - recording & activities
of the park service
at the state house
at the place of use.

ED DAVIS, Director

By

M. Stuck
B.F.

ORIGINAL

Standard Form No. 1034a—Rev.
Form approved by
Comptroller General, U. S.
May 26, 1938
(Gen. Reg. No. 51, Supp. No. 7)

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

REGION FOUR OFFICE

D. O. No. **12 238452**
Bu. Vou. No. **34-731**

GENERAL ACCOUNTING
OFFICE PREAUDIT

Certified for payment in the
sum of \$.....

Comptroller General of the
United States

By

U. S. Dept. of the Interior, National Park Service

(Department, bureau, or establishment)

Voucher prepared at San Francisco, Calif., March 4, 1944.

(Give place and date)

THE UNITED STATES, Dr.,

To Supervisor of Hydraulics, State of Washington

(Payee)

Address Olympia, Washington

Payee's Account No.

PAID BY

(For use of Paying Office)

No. and Date of Order	Date of Delivery or Service	Articles or Services (Enter description, item number of contract or general supply schedule, and other information deemed necessary) Terms % Discount Cash days	Quantity	UNIT PRICE		AMOUNT Dollars
				Cost	Per	
3/4/44		Brought forward from continuation sheet(s)				
		Fees for filing and recording Certificates of Change of Points of Diversion and Place of Use under vested water rights at Mt. Rainier National Park, as follows:				
		1. To change 0.76 sec. ft. under original county filing by David Longaire from Rampart Creek to Coal Creek				5 00
(Continued)						

Shipped from to Weight Government B/L No.

Total

I certify that the above bill is correct and just; that payment therefor has not been received; and that except as otherwise noted all of the articles, materials, and supplies furnished under purchase order No.
if unmanufactured articles, materials, and supplies, have been mined or produced in the United States, and if manufactured articles, materials, and supplies, they have been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured, as the case may be, in the United States; and that State or local sales taxes are not included in the amounts billed.

*Payee (This certificate not required when a bill is certified to be made by payee on attached bill or bill)
Supervisor of Hydraulics, State of Washington Do not sign

Per /s/ G. HallahanTitle Secretary

(Payee must NOT use this space)

Differences

.....

.....

.....

Account verified; correct for

(Signature or initials)

Contract No. Date Req. No. Date Invoice Rec'd

Pursuant to authority vested in me, I certify that the above articles were received in good condition, after due inspection, acceptance, and delivery prior to payment as required by law, or the services were performed as stated; that they were procured under the contract numbered above or the unnumbered contract attached hereto, or that they were procured without written contract, in open market, and with or without advertising, under the circumstances stated in No. 5 of "Method of or Absence of Advertising" shown on reverse hereof, and were necessary for the public service; and that the prices charged are just and reasonable and in accordance with the agreement.

†Approved for \$ 20.00

(Memorandum—Do not sign)

Rex Wendle, Authorized Certifying
Title Officer - March 15, 1944

ACCOUNTING CLASSIFICATION (for completion by Administrative Office)

Appropriation, limitation, or project symbol	Appropriation title			Limit'n or Proj't Amount	Appropriation Amount	
141/41056	Water Rights, National Park Service, 1941-1944				\$20.00	
Allotment symbol	Amount	Encumbrance liquidated	COST ACCOUNT		OBJECT OF EXPENDITURE	
			Symbol	Amount	Symbol	Amount
				101 Administration		07

Paid by { Check No. dated 19.... for \$..... } on Treasurer of the United States in favor of payee named above.
Cash, \$..... on 19.... * Payee

(Sign original only)

* When a voucher is signed or receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.
† If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the blank space below "Approved for \$.....", and over his official title.

U. S. GOVERNMENT PRINTING OFFICE 10-1751a

Per

Title

Standard Form No. 1035 a—Revised
Form approved by
Comptroller General, U. S.
June 8, 1937
(Gen. Reg. No. 51, Sup. No. 7)

Public Voucher for Purchases, and Services other than Personal

MEMORANDUM

CONTINUATION SHEET

34-781

U. S. Dept. of the Interior, National Park Service Sheet No. 2 of Bureau Voucher No. _____
(Department, Bureau, or Establishment)

No. and Date of Order	Date of Delivery or Service	ARTICLES OR SERVICES (Enter description, Item Number of Contract or General Supply Schedule, and other information deemed necessary) Terms _____ % Discount Cash _____ days	QUAN- TITY	UNIT PRICE		AMOUNT	
				Cost	Per	Dollars	Cts.
		2. To change point of diversion of 7.35 sec. ft. under rights vested by use as of June 15, 1917, from Van Trump Creek to Paradise River				5	00
		3. To change point of diversion of 16.5 sec. ft. under rights vested by use as of June 15, 1917, from the Nisqually River to Paradise River				5	00
		4. To change point of diversion of 0.035 sec. ft. under rights vested by use as of June 15, 1917, from Reese's Camp diversion on spring tributary of Deadhorse Creek to Edith Creek				5	00
TOTAL						20	00

NOTE.—This form to be used as a "Continuation Sheet" where more than one sheet is required, carrying forward the total or totals to, or summarizing them upon, Form No. 1034.
U. S. GOVERNMENT PRINTING OFFICE 10-2282

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RIGHTS SECTION
SAN FRANCISCO, CALIF.
601 Sheldon Building

May 15, 1944.

Mr. Chas. J. Bartholet,
Supervisor of Hydraulics,
Olympia, Washington.

Dear Mr. Bartholet:

Reference is made to your letter of May 12 advising of an error in the description of the 40 acre subdivision in which the new water use is made under the petition to change points of diversion from Van Trump Creek and the Nisqually River to the Paradise Hydroelectric Plant at Mt. Rainier. You also advise that you do not see that the error in publication matters, and you are willing to issue the Certificates on the publication if we approve.

We concur in your decision and request that you issue the Certificates on the basis of the last publication. This error is much more trivial than that causing the previous republication because it does not change the relation to the development of the Eagle Peak Mining Company. In the second place, the Section 22 is only partially surveyed and no further subdivision will probably ever be made now that the area is in Mt. Rainier National Park. Hence, although the place of use appears to fall in the SW $\frac{1}{4}$ of the section, we are only absolutely certain that it would fall in the S $\frac{1}{2}$ of the section in a complete survey.

Yours very truly,

(SGD.) A. VAN V. DUNN

A. van V. Dunn,
Hydraulic Engineer.

cc: Supt. Mt. Rainier.

C O P Y

STATE OF WASHINGTON

DEPARTMENT OF CONSERVATION AND DEVELOPMENT
Ed Davis, Director
Transportation Building
Olympia

May 12, 1944.

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco 5, California

Dear Sir:

We have received affidavit of publication of notice of change of point of diversion and place of use of water in connection with the three petitions which were published in Lewis County and which were republished by the Chehalis Advocate because of an error made by the paper. The point of diversion on Nisqually River has now been correctly advertised.

However, we find on making a final check of the petitions before issuing certificates of change, that there appears to be an error in the petitions as to description of the new place of use, on the petition for Van Trump Creek and the Nisqually River petition. The description given in the notice, as published is the one set out in your petitions, within the approximate E₂ of SE₄ of Sec. 22, but the map you sent in shows the power plant as within the E₂ of SW₄ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. We believe the latter is correct. It is our opinion that this will not make the slightest difference to anyone besides the National Park Service and that it is merely a typographical error and there is no necessity to have the notice republished. We are quite willing to issue the certificates showing the new place of use as within the SW₄ of Sec. 22, if that is correct, without republishing the notices.

Please advise us if this is agreeable to you.

Yours very truly,

(Sgd) Chas. J. Bartholet

CHAS. J. Bartholet
Supervisor of Hydraulics

c. c.- John C. Preston

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

April 13, 1944.

MEMORANDUM for the Superintendent,
Mt. Rainier National Park.

Reference is made to the letter of April 10 from the State Supervisor of Hydraulics advising that the notice of change of points of diversion under vested water rights in the Nisqually drainage of Mt. Rainier has been published with a typographical error.

We no longer have legal counsel here, but Messrs. Maier, Crowley and I feel that notice should be republished correctly. Diversion in Section 23, as required, is above the headgate of the Eagle Peak Mining Company headgate where it would at least be of interest to that company. Diversion in Section 33 would be near Longaire where it would concern no one else. We suggest that you advise the publisher of the Chehalis Advocate to advertise the correction accordingly.

If you send the certificate of past publication to the paper to illustrate your point, please ask them to send it on here after noting the error. I think, since there will be two publications, we should include both certificates in the final assembly for the deed file.

In your reply to Mr. Bartholet you might also suggest that the permits which do not involve the erroneous publication might be issued now if such procedure would not incur any extra recording fees. This Section is moving to Chicago and we expect to leave here about June 18. We should like to finish the assembly of these instruments which we can at once so that there is not a lot of last minute work before we leave. You will recall, too, that we originally asked Mr. Bartholet to send the permits directly to this office when issued.

An extra copy of this memorandum is included for transmittal to Mr. Bartholet if you wish to do so.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:sh

C O P Y

State of Washington
Department of Conservation and Development
Olympia

April 10, 1944.

Mr. John C. Preston, Supt.
Mount Rainier National Park
Longmire, Washington

Dear Sir:

We acknowledge receipt of affidavits of publication set out in your letter of April 7.

We have also received today, direct from the Chehalis Advocate, two sets of affidavits of publication of notices of Applications Nos. 5971 and 5972 and of petitions for change of points of diversion, purpose and place of use of water on Rampart Creek, Van Trump Creek and Nisqually River.

We have checked over these notices and find them correctly published except the notice in the Chehalis Advocate in regard to petition for change of waters of Nisqually River, in which they have made an error in the Section, which is given as 33 instead of 23, as set out in the notice sent to them. We have marked this on the copy of notice, which we are forwarding to you. We doubt whether there will ever be any question regarding any of these changes as they are all within the park area, and therefore we will not require that the notice shall be republished. Of course, if you prefer to have it republished, the paper should do so, as it is their error, and we will leave the matter to your judgment.

We are forwarding the voucher from the paper for cost of publication and one copy of each notice, keeping the other set for our records. We hope this will be agreeable to you. If not, we will also send the other set to you upon request and have you return them to us later.

Yours very truly

CHAS. J. BARTHOLET
Supervisor of Hydraulics

By

Secretary.

G.H.

c.c.- A. van V. Dunn.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

April 7, 1944.

Mr. Chas. J. Bartholet,
State Supervisor of Hydraulics,
Olympia, Washington.

Dear Mr. Bartholet:

There are enclosed Affidavits of Publication received from
the Tacoma Daily Index covering the publication of the following
notices issued by your office:

- (1) Petition for change of points of diversion,
dated March 1, 1944
- (2) Water Right applications Nos. 5969, 5970 and 5971,
dated March 1, 1944
- (3) Petition for change of point of diversion,
dated March 14, 1944

Sincerely yours,

John C. Preston
Superintendent.

cc Region Four
Water Rights Section ✓

{ Attached are voucher from Tacoma Daily Index for payment (\$28.16);
also Affidavits of Publication for your files.

JCP

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

March 23, 1944.

Tacoma Daily Index,
726 Pacific Avenue,
Tacoma, Washington.

Gentlemen:

There are enclosed the following instruments issued by the State Supervisor of Hydraulics, which we request be published for two consecutive weekly issues of your newspaper:

Notice of Petitions for Change of Points of Diversion,
dated March 1, 1944

Notice of Water Right Applications Nos. 5969, 5970 and
5971, dated March 1, 1944

Notice of Petition for Change of Point of Diversion,
dated March 14, 1944

After publication has been completed kindly submit two copies of Affidavit of Publication to this office, both to be originals.

Charges should be billed on the enclosed voucher, which should be signed where indicated, and returned to this office for payment after publication has been completed.

Very truly yours,

John C. Preston
Superintendent.

cc Mr. Dunn ✓

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

3/27

March 23, 1944

The Chehalis Advocate,
Chehalis, Washington.

Gentlemen:

There are enclosed the following instruments issued by the State Supervisor of Hydraulics, which we request be published for two consecutive weekly issues of your newspaper:

Notice of Water Right Application No. 5972, dated March 1

Notice of Petitions for Change of Point of Diversion,
dated March 1, 1944

Notice of Water Right Application No. 5971, dated March 15

After publication has been completed kindly submit two copies of Affidavit of Publication to this office, both being originals.

Charges should be billed on the enclosed voucher, which should be signed where indicated, and returned to this office for payment, after publication has been completed.

Very truly yours,

John C. Preston
Superintendent,

cc Mr. Dunn ✓

WASHINGTON
DIVISION AND DEVELOPMENT
PIA

3/17

March 15, 1944.

Mr. John C. Preston, Supt.
Mount Rainier National Park
Longmire, Washington

Dear Sir:

We are enclosing, herewith, a separate notice of Application No. 5971, which should be published for two consecutive weekly issues of any newspaper of general circulation published at Chenails, the county seat of the county in which the use is to be made (or part of it), after which kindly send the affidavit of publication to this office. This is in addition to the combined publication of Applications 5969, 5970 and 5971, which we sent you to be published in Pierce County, as explained in our letter of today to Mr. Dunn, a copy of which is enclosed.

We also enclose a notice of petition of change of point of diversion and place of use of waters of the Nisqually River to Paradise River, which notice should be published in two consecutive weekly issues of any newspaper published at Tacoma, the county seat of Pierce County, after which send the affidavit of publication to us. This publication is in addition to publication in Lewis County, which we have already requested you to make in a notice combined with other petitions for change.

We hope this will straighten out the whole matter.

Yours very truly

CHAS. J. BARTHOLET
Supervisor of Hydraulics

By *G. Hallahan*
Secretary.

G.H.

c.c.- Mr. A. van V. Dunn.

NOTICE OF PETITION FOR CHANGE OF POINT OF DIVERSION AND PLACE OF USE
OF WATER.

To Whom It May Concern: Notice is hereby given that the United States of America, Department of the Interior, National Park Service, by John C. Preston, Superintendent of Mt. Rainier National Park, Longmire, Wash., on February 28, 1944, filed a petition with the State Supervisor of Hydraulics, Olympia, Washington for permit to make the following changes: To change the point of diversion of 16.5 second-feet of the waters of Nisqually River used for generating electric power from a point within the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to a point situated within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E., such point being N 62°46' East 12,811 ft. from the SW corner of Sec. 28, Twp. 15 N., Rge. 8 E.W.M. and 2.5 miles above the present point of diversion, on Paradise River; and to change the place of use of such water from use on lands within the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to use within the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), all in Pierce and Lewis counties, Washington.

Any person, firm or corporation whose right will be injuriously affected by the granting of said petition may file with the Supervisor of Hydraulics, at Olympia, Washington, such objections or representations, in writing, as he may desire to make within thirty (30) days after the last date of publication, which date is _____.

Witness my hand and official seal this 14th day of March, 1944.


CHAS. J. BARTHOLET
State Supervisor of Hydraulics.

NOTICE OF PETITIONS FOR CHANGE OF POINTS OF DIVERSION,
PURPOSE AND PLACE OF USE OF WATER.

TO WHOM IT MAY CONCERN:

Notice is hereby given that the United States of America, Department of the Interior, National Park Service, by John C. Preston, Superintendent of Mount Rainier National Park, Longmire, Washington, on February 28, 1944, filed petitions with the State Supervisor of Hydraulics, Olympia, Washington, for permits to make the following changes: (1) To change the point of diversion of 0.76 second-feet of the waters of Rampart Creek, Canyon, or Ravine, tributary of Nisqually River, from a point within the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29, Twp. 15 N., Rge. 8 E.W.M. to points within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NE $\frac{1}{4}$ of SW $\frac{1}{4}$, respectively, of Section 33, Twp. 15 N., Rge. 8 E. W.M., such point being about 1.5 miles below the present point of diversion and up Coal Creek tributary; and to change the purpose and place of use of such waters, which are now used for domestic, irrigation and stock watering purposes on lands within Longmire Placer Claim and lands of Tacoma Eastern Railroad, formerly owned by Longmire Mineral Springs Company in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 28, SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29, NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 32, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M., to be used for domestic, irrigation and stock watering, recreational and fire protection purposes on the following described lands: Any and all land now, or hereafter developed as the Longmire Headquarters and Utility Areas, Longmire Campground, and Longmire Village in Mt. Rainier National Park, in SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 28; SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 29; E $\frac{1}{2}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 32, and W $\frac{1}{2}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 33, all in Twp. 15 N., Rge. 8 E.W.M., Pierce and Lewis Counties, Washington.

(2) To change the point of diversion of 7.35 second-feet of the waters of Van Trump Creek, tributary of Nisqually River, from a point within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 15, Twp. 15 N., Rge. 8 E.W.M. to a point within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E.

W.M., such point being N 62°46' E. 12, 811 ft. from SW corner of Sec. 28, Twp. 15 N., Rge. 8 E.W.M. and 1.5 miles below the present point of diversion, on Paradise River, tributary of Misqually River; and to change the place of use of such water, which has been used for generating electric power within the approximate SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 15, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), to use for power purposes on the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), all in Pierce and Lewis Counties, Washington.

(3) To change the point of diversion of 16.5 second-feet of the waters of Misqually River from the NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to a point within the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 23, Twp. 15 N., Rge. 8 E.W.M., such point being N 62°46' E. 12,811 ft. from the SW corner of Sec. 28, Twp. 15 N., Rge. 8 E.W.M. and 2.5 miles above the present point of diversion, on Paradise River, tributary of the Misqually River; and to change the place of use of such waters, which have been used for generating electric power in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 33, Twp. 15 N., Rge. 8 E.W.M. to use for power purposes on lands within the approximate E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 22, Twp. 15 N., Rge. 8 E.W.M. (unsurveyed), all in Lewis County, Washington.

Any person, firm or corporation whose right will be injuriously affected by the granting of said petitions may file with the Supervisor of Hydraulics, at Olympia, Washington, such objections or representations, in writing, as he may desire to make within thirty (30) days after the last date of publication, which date is _____.

Witness my hand and official seal this 1st day of March, 1944.

CHAS. J. BARTHOLET
State Supervisor of Hydraulics.

STATE OF WASH... N
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
OLYMPIA

MAR

March 2, 1944.

Mr. John C. Preston, Supt.
Mount Rainier National Park
Longmire, Washington

Dear Sir:

Enclosed is a notice, covering three petitions for change of points of diversion and place of use, which you should have published for two consecutive weekly issues of any newspaper of general circulation published at Tacoma, the county seat of the county in which the proposed diversions and use are to be made, after which kindly send affidavit of publication to this office.

Notice of two of these petitions (for changes on Rampart Creek and Van Trump Creek) must be published in both Lewis and Pierce counties, as the points of diversion and places of use are in the two counties, and we have combined the notice to include notice of the petition for change on the unnamed spring tributary to Deadhorse Creek, in Pierce County.

The fourth petition for change on Paradise River is combined with the first two changes in the other notice, which we are sending you to be published in Lewis County.

Will you please check over all of the notices carefully before they are published.

Yours very truly

CHAS. J. BARTHOLET
Supervisor of Hydraulics

By

Secretary.

G.H.

c.c.- Mr. A. van V. Dunn.

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
OLYMPIA

MAR 5 1944

March 2, 1944.

Mr. John C. Preston, Supt.
Mount Rainier National Park
Longmire, Washington

Dear Sir:

Will you please have the attached notice of three petitions for changes of points of diversion and place of use published at Chehalis, the county seat of Lewis County, in which the diversions and place of use are to be made, for two consecutive weekly issues of any newspaper of general circulation, after which the affidavit of publication should be sent to this office.

Yours very truly

CHAS. J. BARTHOLET
Supervisor of Hydraulics

By

Secretary.

G.H.

c.c.- Mr. A. van V. Dunn.

COPIED

WATER RIGHTS SECTION
601 Sheldon Building
San Francisco 5, California

February 24, 1944.

State Supervisor of Hydraulics,
Olympia, Washington.

Dear Sir:

We enclose applications relating to water rights at Mt. Rainier National Park as follows, all in the Nisqually River Drainage:

1. Application to appropriate a supplemental supply for the Nisqually Entrance with a declaration of vested interests at time of adoption of your water code.
2. Application to appropriate water for the Tahoma Vista area from a nameless tributary of Fish Creek.
3. Application to change point of diversion and enlarge area of use under a water claim filed in the county by David Longmire in 1906.
4. Application to change point of diversion and place of use from the old Longmire hydroelectric plant on the Nisqually River, with claimed priority of 1911, to the Paradise Hydroelectric plant of this Service.
5. Similar application to change point of diversion and place of use from Van Trump Creek power plant with claimed priority of 1916 to said Paradise hydroelectric plant.
6. Application for supplemental supply to cover remainder of diversion capacity of the Paradise hydroelectric plant.
7. Application to change point of diversion of original Reese's Camp system at the Paradise area, with priority of 1906, to the present water system of the National Park Service in that area.
8. Application to appropriate a supplemental supply from Edith Creek to cover capacity of the Paradise water system in excess of the vested interests established for Reese's Camp.

There is also enclosed a summary of the method used in determining the vested power rights appurtenant to the Nisqually and Van Trump hydroelectric plants.

From your letter to Superintendent Preston at Mt. Rainier, dated October 19, 1943, and relating to Applications 5916 and 5917, we gather that you will only need 3 prints of the map NP-RAI-6983 to accompany this group of applications, and enclose them accordingly. More prints are available if our interpretation is wrong.

We enclose a voucher for \$24 which seems to cover the initial fees for filing. Should the applications for change in points of diversion cost more, we can merely substitute a new continuation sheet. Hence, please sign the first sheet and return with a statement of any alterations you may wish.

Please address this office if you have any questions regarding the applications, but send the notice of appropriation for publication to the Superintendent, Mount Rainier National Park, Longmire, Washington.

Yours very truly,

AvVD:sh

A. van V. Dunn,
Hydraulic Engineer.

Enclosure 363.

cc: Director.
Region Four.
Supt., Mt. Rainier.

2/19

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

January 31, 1944.

MEMORANDUM for Hydraulic Engineer, Water Rights Section,
c/o Regional Director, Region Four.

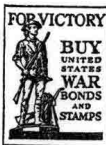
As suggested by you we have enumerated below the changes which it is felt should be made in the various applications and petitions prepared by you covering the appropriation of water in the Nisqually drainage in this park. We have only shown these changes in pencil on the carbon copies of the prepared forms as it was thought desirable that the corrections be made on all copies in one office, in order to eliminate the possibility of any differences occurring. We trust that this action on our part is satisfactory to you.

1. The only change suggested for the Nisqually Entrance System is in paragraph 1 to show the two nameless streams as being tributary to the Nisqually River direct rather than Tahoma Creek. It is recognized that this does not change the rights in any way.

2. In the application to appropriate water for the Tahoma Vista parking area, it is recommended that you show the source as being an unnamed tributary of Fish Creek which in turn would be a tributary of Tahoma Creek. This is a minor change and does not in any way affect the rights involved. It appears in paragraph 1.

3. As far as the Petition for change of point of diversion to cover transfer of vested right to 16.5 sec. ft. of Nisqually River water, the date on the petition should probably be changed from 1908 to 1911, as mentioned in our memorandum of December 22, in view of the fact that the latter date has now been established. We agree with you that it would not be justifiable to rewrite the Petition merely to provide for the small additional domestic use established in 1906.

Regarding the rider attached to this petition the right of the Eagle Peak Copper Mining Company to occupy and work its claims has been definitely established and I am sure there was no attempt to authorize any such operations by the permit in question. However, as you state, if the Park Service would have no authority to authorize the diversion of water about the only right involved would be the right-of-way for the flume. Just what should be done is not entirely clear, but it is obvious from your memorandum that the permit should



be eventually rewritten to more accurately describe the authorization intended. However, there is for consideration the fact that the original permit was executed prior to June 15, 1917, the date the State Code became effective. This possibly might have some bearing on the matter but it seems rather doubtful.

It now appears quite definite that no water right was ever issued to the Eagle Peak Copper Mining Company or any of its organizers or officers, but we intend to investigate this matter further in connection with a search of the records that must be made in connection with another matter. The County Auditor of Lewis County was contacted in regard to Mr. Wheelock's claim that he had made water right filings in 1905 and 1908 and he advised that there was no record of any action taken by Lewis County in connection therewith. However, mention was made of water rights in the mining claim filing for Paradise No. 1, which is one of the claims of the Eagle Peak Copper Mining Company. Quoting from the mining claim record this particular claim reads as follows: "--together with all mineral deposits contained therein, and all timber growing within the limits of said claim, and all water or water privileges thereon or appurtenant thereto, situated in --- Mining District, Lewis County, State of Washington". The County Auditor advises that this is the only reference to water rights in the claim. In the meantime this will not affect the petition you have prepared unless you desire to modify the rider slightly as has been outlined herein.

4. With reference to the Petition to change point of diversion from Van Trump Creek, the same rider referred to in the preceding paragraph is attached and any change in wording made should appear in both petitions.

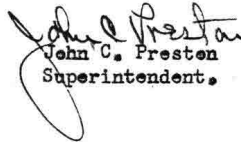
5. In the application to appropriate 9.6 sec. ft. of water from the Paradise River, the only change to be made is the reference to the date of the construction of the Longmire power plant which is shown as 1908 under the Remarks paragraph. The date of the construction of this plant was originally estimated to be 1908, but has subsequently been established as 1911.

6. In regard to the Petition for change of point of diversion in Paradise Valley, it is unfortunate that making the Reese Camp spring tributary to the Nisqually River via Deadhorse Creek weakens your petition, but it is believed that the addition to the rider suggested in your memorandum of December 28 will adequately protect the Government's interest. The first line in the last paragraph of the rider should be eliminated.

7. In application to appropriate 1.25 sec. ft. for domestic purposes and 0.25 sec. ft. for power purposes in Paradise Valley, as previously explained the Edith Creek system was initially constructed in 1916 with some improvement and reconstruction in 1923, in the event you deem it desirable to mention this. In our memorandum of December 22, 1943 we erroneously showed the latter date as 1920. This information appears under paragraph 17.

8. Where changes are involved in Drawing 6983 they have been indicated on the copy which is attached to this memorandum. The tracing and the balance of the copies of the drawing are being returned under separate cover.

Also enclosed are originals and duplicates of all applications and petitions. The originals have been signed.


John C. Preston
Superintendent.

cc Region Four.

Water Rights Section
601 Sheldon Building
San Francisco 5, California

December 28, 1943.

MEMORANDUM for the Superintendent,
Mount Rainier National Park.

Reference is made to your memorandum of December 22, 1943, with regard to corrections to be made in the applications to appropriate water in the Nisqually drainage of Mt. Rainier.

It is extremely desirable to have the information correct, both as statements to be signed by you, and as records for future adjudication. For several reasons I suggest that you make the corrections you desire on the typed applications, indicate the desired changes on the map, sign the applications and return all to this office for transmittal to the State Supervisor of Hydraulics.

As indicated by the accompanying letter to the State Supervisor of Hydraulics, there is some question of requirements which should be settled before we send more. It is also desirable to make a revised negative if the tracing is to be retained by the state, as I previously contemplated. Further, it is extremely essential to have our other copies of the applications agree exactly.

There are several comments to offer with regard to the suggested changes:

1. The change in drainage from the springs serving the west entrance makes no change in rights.
2. The change in name of source for Tahoma Vista supply does not change rights.
4. The loss in power priority on the old Longaire power plant, from 1908 to 1911 is not serious. I would not attempt to assign the date, June 22, 1906, to power, but we could probably use it for a little more vested domestic use if we desired to do so. This would introduce a further right initiated by the railway which could be transferred to the Coal Creek system and thus reduce the amount to be transferred from Rampart Creek under the petition I listed as No. 3 in my memo of October 18, 1943. However, unless you wish to do it, I do not feel that I can show enough gain to justify rewriting one petition and drafting another.

FILE COPY

After reading the permit for the Eagle Peak Copper Mining Company in Chicago, I agree that the statement in the rider to the petition is not exactly right, but the permit itself cannot grant exactly what it states, either. Only the state can grant the right to divert water, and certain maps of the mining claims have been made part of the original permit and probably apply to the renewal. In your files you will find a blue print about 18" x 24" on scale of "half inch equal 100 ft.", showing the mill site, Paradise Claim No. 1, Aldula Claim, and the flume location, all with a seal in lower right corner. I have copy but forgot to note instrument to which it was attached. There was also a cruder sketch of about the same size on scale 200' = 1 inch, showing these claims but not the flume, and including Ira Henry Nos. 1 and 2 claims as well; and this sketch was sent to the park with permit Jan. 1-Dec. 31, 1918, with a letter of transmittal dated February 27, 1918. There was also more detailed location of mill site, an aerial tram, and certain ties, submitted with Superintendent Reaburn's letter of July 26, 1918.

I did not try to obtain a legal definition from the Chief Counsel, but I interpret the permit to recognize the unpatented mining claims and mill site, and grant the right of way for the flume, provided water rights perfected by claimant (from county or state) shall not result in generation of more than 100 horse power. If I am correct there is not much wrong with the rider in the National Park Service water right claims except that it strengthens the permit which we may want to cancel and amend at any time.

Perhaps we should ask for more thorough legal consideration of the history of the permit before we do more. If we do, we should first have copies of the county water right filings by the company. I am interested in dates and quantities of water on record.

5 & 7. Explained above.

8 & 9. We weaken the petition (No. 8) by both priority and by making original Reese Camp spring tributary to the Nisqually through Deadhorse Creek. Hence, I think we should add the following to the rider:

"The change in point of diversion, covered by this petition, from Deadhorse to Edith Creek, was made at the close of the tourist season in 1916. The new point of diversion was thus vested as of June 15, 1917, but the last full use of 0.035 sec. ft. of water at old diversion was during 1916 and its full use at the new point did not take place until July 1917."

It is then most essential to correct the priority to that established by construction in 1916 for the supplemental appropriation (No. 9).

AvVD:SH

A. van V. Dunn,
Hydraulic Engineer.

cc: Region Four.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

DEC 27 1943	
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December 22, 1943.

MEMORANDUM for Hydraulic Engineer, Water Rights Section,
c/o Regional Director, Region Four.

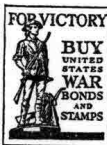
With reference to the several water right applications for Nisqually River claims prepared by you, we have withheld filing them with the State Supervisor of Hydraulics until after your return from Chicago as there were several small errors which it was desired to bring to your attention. In most instances they are more or less inconsequential but there probably are some changes which you would want to make. For convenience these comments are made on the various applications in the order in which they are listed in your memorandum of October 18:

1. The source of the Nisqually Entrance water system is two nameless tributaries of the Nisqually River proper not Tahoma Creek. As far as can be determined the only change required is in paragraph 1, and can be made here if agreeable to you. *OK*

2. It is felt that the source of the water supply for the Tahoma Vista parking area would be better described as an unnamed tributary of Fish Creek rather than Fish Creek itself. Fish Creek is the outlet from Lake George. The only change required would be in paragraph 1 of application and can be made here. *OK*

4. With reference to the petition to transfer vested right to 16.5 sec. ft. of Nisqually River water from the old Longmire power plant to the existing Paradise River plant subsequent data obtained indicates that the Longmire plant was not built until 1911. Between 1906 and 1911 power was generated by steam with coal as fuel. All that will be required is to change the date from December 31, 1908 to December 31, 1911, in the first paragraph. However, we did locate a letter from the Department dated June 22, 1906 authorizing the Tacoma Eastern Railroad to carry water to the hotel at Longmire by means of a 2 inch pipe, extending about 950 ft. beyond the limits of the leased land. While this establishes an earlier use of water it does not appear to be of any special significance. *OK*

In the rider which is attached to this petition it is stated that the Eagle Peak Copper Mining Company's mining operations are covered by a permit from the Government. Actually the diversion of water from Paradise River is the only provision covered in the permit so it would be well to modify the statement accordingly. This can be done here.



5. In the rider attached to the petition to transfer vested right to 7.35 sec. ft. of Van Trump Creek to Paradise power plant the same change referred to in paragraph four should be made.

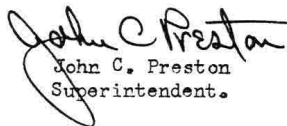
7. Date of construction of Longmire system under Remarks column to be changed from 1908 to 1911.

8. In connection with petition to change point of diversion of vested right initiated for Reese's Camp, Paradise Valley, the spring indicated in paragraph 1 should be tributary to Deadhorse Creek and the Nisqually River direct. Also from later data uncovered in our files it appears quite definite that this spring was not developed until 1908. The first sentence on the rider to this petition should also be deleted. These changes are all minor and can be made here if you prefer.

9. In regard to new application to appropriate 1.25 sec. ft. for domestic purposes and 0.25 sec. ft. for power purposes by the Paradise water system as supplemented supply to that under the vested Reese Camp right, our information indicates that the first installation on Edith Creek was in 1916 although there would be no appreciable use thereof until after July 1, 1917 when Paradise Inn was first opened for public use. Prior to the summer of 1917 all accommodations as far as the public was concerned were in the old Reese Camp location, although doubtless there was some usage by construction crews and other employees in the fall of 1916 and the early summer of 1917 prior to June 15. This is mentioned in the event you thought it worth while to make claim therefor. Otherwise all that will be necessary will be to change paragraph 17 to show the initial construction in 1916 with some improvement and reconstruction in 1920. Please advise further in regard to this.

A few changes in Drawing 6983 will also be necessary to correspond to the changes already mentioned in regard to the various applications, petitions, etc. We will be glad to draw in the corrected locations for the various streams at the Nisqually Entrance, and Paradise if you desire, both on the prints and the tracing.

We will withhold making any of the changes outlined above until further advice is received from you as to just how you desire to have this matter handled.


John C. Preston
Superintendent.

cc Region Four

Mr. Dunn.

601 Sheldon Building

October 18, 1943.

MEMORANDUM for the Superintendent,
Mt. Rainier National Park.

The following water right applications for Misqually River claims in Mt. Rainier National Park are enclosed for your signature and filing with the State Supervisor of Hydraulics:

1. Application to appropriate 0.100 sec. ft. from nameless tributaries of Tahoma Creek for the Misqually Entrance. This application also records an additional claim to 0.004 sec. ft. (2585 gpd) as vested right established by use prior to the adoption of the water code on June 15, 1917. All year use is claimed.
2. Application to appropriate 0.05 sec. ft. from Fish Creek for the Tahoma Vista Parking Area from May 1 to October 31 inclusive of each year. (You may prefer to claim all year use.)
3. Petition to change points of diversion and place of use under the water right filing, with priority of May 23, 1906, of the Longmire Mineral Springs Company for Rampart Creek and Canyon, as that claim was recorded at page 33, book 2 of Water Rights in Pierce County. The recorded claim for 10.0 sec. ft. was preposterous. By the terms of the petition, we reduce the right to 0.76 sec. ft. and assign 0.21 sec. ft. to the Rampart Creek Pipe Line and 0.55 sec. ft. to the Coal Creek Pipe Line, both of which serve the Longmire Area. Since 0.75 sec. ft. is about all the available supply in Rampart Creek, and we are transferring 0.55 sec. ft. to Coal Creek, there will now be an unappropriated 0.55 sec. ft. of flow in Rampart Creek, which we can cover by new appropriation when we wish. The present petition will allow the park to use:

135,727 gpd from Rampart Creek
355,473 gpd from Coal Creek

491,202 gpd, total Longmire right and probable need.

4. Petition to transfer vested right to 16.5 Sec. ft. of Misqually River water from the old Longmire Power Plant to the existing Paradise Power Plant, with priority of December 31, 1908.

5. Petition to transfer vested right to 7.35 sec. ft. of Van Trump Creek water from old Christine Falls Power Plant to Paradise Power Plant with priority of October 1, 1916.
6. "Method Used to Determine Vested Water Rights on Van Trump and Nisqually River", being a justification for claim to vested power rights, to accompany two preceding petitions.
7. Application to appropriate 9.6 sec. ft. of water from Paradise River as supplemental supply from January 1 to December 31 for power purposes.
8. Petition to change point of diversion of vested right initiated for Reese's Camp at Paradise with priority of 1906 for 0.035 sec. ft., to existing Paradise Water System.
9. Application to appropriate 1.25 sec. ft. for domestic purposes and 0.25 sec. ft. for power purposes by the Paradise Water System as supplemental supply to that under the vested Reese Camp right.

We also enclose the tracing and 17 prints of drawing WF-RAI-6983, Nisqually River Water Claims, Mt. Rainier National Park. The tracing and 15 prints should go to the Supervisor of Hydraulics to provide a map in duplicate to accompany each application and petition. The remaining prints are for your use and we have a negative from which to make more copies if desired.

A duplicate of each application and petition is forwarded herewith for your temporary record. If you are able, and are requested to make minor changes in the originals, please keep this copy up to date.

The attached voucher for \$24.00 to cover initial filing fees should be sent to the Supervisor of Hydraulics together with the applications, petitions and maps.

I am starting for Chicago within a week for a stay of about six weeks. I have prepared the nine instruments on the basis of your memorandum of September 20 in order to complete them while my mind is on the subject. Although we might acquire vested rights to somewhat different quantities of water if we had more historical detail, I believe that my present estimates are fair to all. However, you should be particularly critical of my treatment of the Eagle Mining Company claims and the recorded right of the Longmire Mineral Springs Company. Do not submit any of the instruments unless you agree.

It may be that we shall have to prove title to the vested rights initiated by others than the United States. If any such questions, or misunderstandings on your part, arise during November please refer them to me in care of the Director.

There will be advertising in connection with the petitions just as with the applications. I think we have already found that this can be handled best from your office, but the bills may be sent here for direct payment. It is requested, however, that you indicate approval on the voucher if they are sent before my return.

Some of the applications are on an obsolete form. In transmitting them to the Supervisor of Hydraulics please refer to his letter to me of August 31, 1943, authorizing their use for wartime economy.

A. van V. Dunn,
Hydraulic Engineer.

AvVD:SH

Enclosure 334.

cc: Director.
Regional Director, Region Four.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
MOUNT RAINIER NATIONAL PARK
LONGMIRE, WASHINGTON

SEP 22 1943

ROUTING

Date

FILE

September 20, 1943.

Air Mail

MEMORANDUM for Mr. A. van V. Dunn, Hydraulic Engineer,
Water Rights Section.

In reply to your memorandum of September 6 regarding the use of water systems in the Nisqually drainage of this park, we are furnishing such additional data as are available at this time. We have attempted to obtain as much information as possible from available records and various "old timers", although in many respects it is not complete.

As far as the old Longmire power system is concerned the Rainier National Park Company does not have any worthwhile information but we have been able to determine from an old print and the remains of the power plant that the wood pipe line was roughly 1025 feet in length and 24 inches in diameter. The head is estimated to be 40 feet, but we will arrange to verify this shortly. So far we have not been able to obtain anything definite on the type and capacity of the wheels and generator but we have a few additional leads to run down which may be productive of results, one being a lease issued to the Tacoma Eastern Railroad under date of November 13, 1912 by the Secretary of the Interior covering operation of the original National Park Inn. We are requesting a copy of this lease from the Director's office.

In regard to the Christine Falls power plant on Van Trump Creek General Manager Sceva of the Rainier National Park Company advises that the total length of the penstock was 2339 $\frac{1}{2}$ feet, 1151 feet being 14 inch and 1188 $\frac{1}{2}$ feet being 12 inches in diameter. He further estimates the head to have been from 350 to 400 feet. The capacity of the plant was 200 KVA, being built in 1916. We are attempting to verify these figures from the original operator of the plant who also assisted with the installation.

Regarding the Paradise River plant of the Rainier National Park Co. you are correct in your assumption that the output of this plant has been increased to 800KVA.



As far as the old Reese "Camp of the Clouds" is concerned it appears quite definite that water was obtained from a spring near the present ranger cabin which is approximately 500 feet from the original camp location. We know that water was piped in but nothing very concrete is available as to the size of the pipe, etcetera. We have a few more contacts to make and you will be informed of the results obtained. It seems probable, however, that only a small line was used due to transportation difficulties which prevailed at that time.

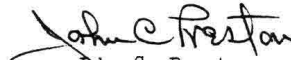
The rated guest capacity at Longmire by June 14, 1917 is estimated to have been 350; and at Paradise 600. There is every reason to assume that the full capacity was used at both locations.

Regarding the available flow of Rampart Creek, it seems improbable that the operator used the 10 sec. ft. claimed in the Longmire filing at any time prior to June 15, 1917.

No pipe line has ever been installed in the Tahoma Creek campground.

Your attention is called to a further use of water from the Paradise River by the Eagle Peak Copper Mining Company. A permit which has been renewed yearly since 1915 authorizes that concern to divert sufficient water to generate 100 h.p. Water is conveyed in an open flume a distance of approximately 1000 feet. The size of the present generator is only 15 KW, but Mr. R. H. Wheelock, one of the officers of the company states that the old power plant which burned down had a 40 KW capacity generator. The amount of water diverted amounts to probably as much as 5 to 6 sec. ft. Mr. Wheelock also states that he filed a water right in the Lewis County courthouse in Chehalis in 1905 and also in 1908 for mining purposes. He does not have any record to support this claim, but we are writing Lewis County in regard to the matter.

As soon as any additional data is available we will communicate with you further.


John C. Preston
Superintendent.

cc Region Four

HUR B. LANGLIE
GOVERNOR

ED DAVIS
DIRECTOR



SEP 2 1943

(Handwritten signature/initials)

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
DIVISION OF WATER RESOURCES
CHARLES J. BARTHOLET, SUPERVISOR
OLYMPIA

August 31, 1943.

Mr. A. van W. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco, California

Dear Mr. Dunn:

We will accept applications for permits to appropriate water and to change the points of diversion of water as outlined in your letter of August 27.

However, the transfer of water rights from the Misqually River in Sec. 33, Twp. 15 N., Rge. 8 E. and from Van Trump Creek in Sec. 15, Twp. 15 N., Rge. 8 E. to Paradise Creek should include change of place of use as well as point of diversion. We are enclosing forms in duplicate for your use. Only one copy is required for this office.

Yours very truly

(Handwritten signature of Charles J. Bartholet)

CHAS. J. BARTHOLET
Supervisor of Hydraulics.

CJB:CM

(Handwritten note: Copy retained by Mr. Dunn 9/6/43)

Mr. Dunn.

601 Sheldon Building

August 27, 1943.

MEMORANDUM for the Superintendent,
Mount Rainier National Park.

The attached copies of letters from the State Supervisor of Hydraulics and my reply are self-explanatory. If you do not have copies of the earlier letters from Mr. Bartholet to which I refer please advise, as they may all become quite important again at some future date such as that when the Wisqually is adjudicated.

If we cannot establish the precedent of changing points of diversion from one tributary to another and the glacial sources continue to recede, it is quite probable that the park will frequently lose all its old water right priorities and have to establish new inferior ones or buy or condemn to preserve its initial position. In the second place, we should be very careful not to change from one source of supply to another except as a last resort.

It seems probable that I shall be able to complete applications for appropriation and, I hope, some changes in points of diversion on receipt of Mr. Bartholet's reply. Before doing so, however, I should like to know more about the old operator's systems. I believe Mr. Scova may be able to help.

1. Has the operator any plans of the old Longmire and Van Trump power developments? If not, can Mr. Scova tell me the length and diameter of the pipe at each site, the quantity of water normally diverted, the gross head, and the type and capacity of the wheels and generators? (I already have the Puget Sound Bridge & Dredging Company drawing No. 2 under Contract 805 relating to the Paradise power development, which shows transfer of 200 KVA unit from Van Trump to Paradise development.)
2. What are the present generator units at the Paradise development? From Mr. Drysdale's report I gather that the output has been increased from 600 to 800 KVA since 1921.
3. Where did the Neese Camp obtain its water in 1917 and was there a pipe line?
4. What was the rated guest capacity at Longmire and at Paradise by June 14, 1917, and had the full capacity ever been used?

5. What is available flow of Rampart Creek? The report of 1935 gives 100, but does not give unit of measure. Did operator use 10 sec. ft. claimed in Longaire filing at any time before June 15, 1917, including both domestic use from stream and therapeutic use of springs?

There is also a feeling in this office that a pipe line has been installed at Tahoma Creek Campground since 1935. If so, have you a map of the campground and plan of the pipe line?

Any maps sent by you or Mr. Seeva will be returned within one month if so requested.

AVD:SH

Attachments.

OGD
A. van V. Dunn,
Hydraulic Engineer.

cc: Director, with attachments.
Region Four, with attachments.

601 Sheldon Building

August 27, 1943.

Mr. Chas. J. Bartholet,
State Supervisor of Hydraulics,
Olympia, Washington.

Dear Mr. Bartholet:

From your letters of February 24, March 5, and August 27, 1943, and your water code manual, our proper procedure for Nisqually drainage water claims seems to be somewhat complicated if we are to preserve old priorities as we should. It also seems to me that now that we have provided you with an advance print of drawing NP-RAI-6983, Nisqually River Water Claims, Mt. Rainier, we should ask for a reconsideration of some of the earlier discussion. The following plan of procedure is given for that purpose.

1. We have the Tacoma Vista Pipe Line in Sections 10 and 11, T. 15 N., R. 7 E., which was built during the summer of 1931, has been used continuously since then with annually increasing diversions until the war reduced public attendance, and which will not be used to full capacity until the road from the Nisqually Entrance is completed to the northwest corner of the park to provide a complete section in the loop through the park from Tacoma and Seattle. A standard form of application for appropriation of water should be filed.
2. We have the Nisqually Entrance Pipe Line and Sunshine Pipe Line in Section 34, T. 15 N., R. 7 E. Water use was started shortly after the park was created on March 2, 1899, but the quantity of water used has increased, particularly to the extent of the use from the Sunshine Pipe Line and upper diversion of the Nisqually Entrance Pipe Line which were built subsequent to the adoption of the water code on June 15, 1917. A single application for appropriation of water as a supplemental supply should be filed for all water in excess of that actually beneficially used before June 15, 1917. Under "Remarks" on the application we can define the vested right established by use prior to June 15, 1917, so that it may be considered for earlier priority if, or when, the Nisqually River is adjudicated.
3. We have a pipe line diverting from Rampart Creek in Section 29, T. 15 N., R. 8 E., which is covered by a county filing of May 31, 1906,

by David Longmire. The deed from the Longmire Mineral Springs Company, successors to David Longmire, to the United States, dated December 30, 1938, and recorded at Page 385, Volume 615 of the Pierce County Records, covers the Longmire lands and "any and all water rights whether obtained through the State of Washington or riparian or otherwise." He can do nothing further to cover this water system but use it and be sure that it is introduced at any adjudication of the Nisqually River which may be called in the future.

4. We have the pipe line diverting from Coal Creek in Section 33, T. 15 N., R. 8 E., which was built in 1932. Under normal conditions we should file an application to appropriate the waters of Coal Creek, but when the Park Service acquired the Longmire tract it razed much of the old lodge development and certain water systems diverting from mineral springs in Rampart Canyon under the aforesaid county water right filing by David Longmire. By letter of March 5, 1943, you suggested that a change in point of diversion cannot be made from one tributary of a stream to another, but Section 39 of your water code manual merely says: "The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights."

The United States owns and the Park Service has exclusive jurisdiction over all of Sections 28, 29, 32 and 33, T. 15 N., R. 8 E., shown on drawing NP-RAI-6983 and there are no diversions below the Hotel diversion on Rampart Creek, none on the Nisqually between Rampart and Coal Creeks, and none on Coal Creek below the designated NPS diversions. With this more complete picture we think you may agree that we might file one application for change in point of diversion under the county filing for any quantity which we may otherwise have to abandon because of reduced lodge development. Such a procedure will help us preserve the more valuable priority of 1906, and it also offers the one method for recording the county filing in your office.

5. The old Longmire Power Pipe Line shown on the Nisqually River in Section 33, T. 15 N., R. 8 E., was built in 1908 and operated until 1921. There was also a power pipe line on Van Trump Creek in Section 15, T. 15 N., R. 8 E., which was built in 1916, Van Trump Creek being the one that enters the Nisqually River along the center line of Section 22 on the aforesaid drawing. The Paradise Power Pipe Line in Sections 22 and 23 was built in 1921 to replace both of the others. A 200 KVA generator unit was in fact moved from the Van Trump to the Paradise development, and I do not doubt but that we can trace some equipment from the Longmire plant to the Paradise installation.

Apparently the Paradise development operates with between two and three times the combined water use at the Longmire and Van Trump plants, and it serves both Longmire and Paradise for which the individual plans were first provided. The priority of a non-consumptive power water right is not

particularly important, but we think we should transfer such vested rights as we can prove, from the two older diversions to that on the Paradise River by an application for change in point of diversion and then file another application to appropriate a supplemental supply for the rest of the developed capacity.

6. Reese's Camp was started at Paradise about 1906, using water from the Edith Creek drainage. There have been several diversions, moving upstream as more head was needed for fire protection. The upper and lower dams shown on map were built in 1920, and the present diversions were built shortly before the war. A vested right exists for the quantity beneficially used prior to June 15, 1917. An application for a supplemental appropriation to cover increasing use since that date can be filed.

As a matter of fact, however, it was only possible to raze part of the old accommodations at Longmire as alternate ones were provided at Paradise. All land between Longmire and Paradise is federally owned, and the only intervening water claim is that of the United States for the Paradise Power Diversion. We see no reason why we should be denied the right to apply and obtain a permit from you to transfer part of the old Longmire county filing if we so desired.

We are particularly interested in obtaining a favorable reaction toward changing points of diversion from one tributary to another because of the unusual behavior of the streams in Mount Rainier National Park. Their sources are glaciers just a few miles above most of our diversions. As the glaciers recede the relative flow in adjacent tributaries varies greatly. As one current example, the Paradise and Stevens Glaciers have receded until they are nominally one. In the last few years the flow toward Stevens Creek, in the Cowlitz River basin, has increased while that toward the Paradise River has decreased. If the same trend continues we shall either have to divert water from Stevens Creek to the Paradise, or move our power plant again. These glaciers have moved back at an average of 100 feet per year over the last thirty years. We do not have as much data on the behavior of Rampart Creek, but it seems quite probable that our need for the Coal Creek diversion is due in part to the behavior of the Kautz and Van Trump Glaciers since 1906.

Yours very truly,

(SGD) A. van V. Dunn

AVVD:SH

A. van V. Dunn,
Hydraulic Engineer.

cc: Director.
Region Four.
Supt., Mt. Rainier N. P.

C O P Y

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
Ed Davis, Director
Transportation Building
OLYMPIA

August 17, 1943.

Mr. A. van V. Dunn
Hydraulic Engineer
National Park Service
601 Sheldon Building
San Francisco, California

Dear Sir:

Referring to your letter of August 14, concerning water right filings in Rainier National Park:

To comply with the statutes and rules and regulations promulgated by this office we cannot accept a single application to cover the several points of diversion located on different tributaries of the Misqually River, except that single applications may cover the different diversions in Section 12, and also Sec. 33, Twp. 15 N., Rge. 8 E. and in Sec. 34, Twp. 15 N., Rge. 7 E.

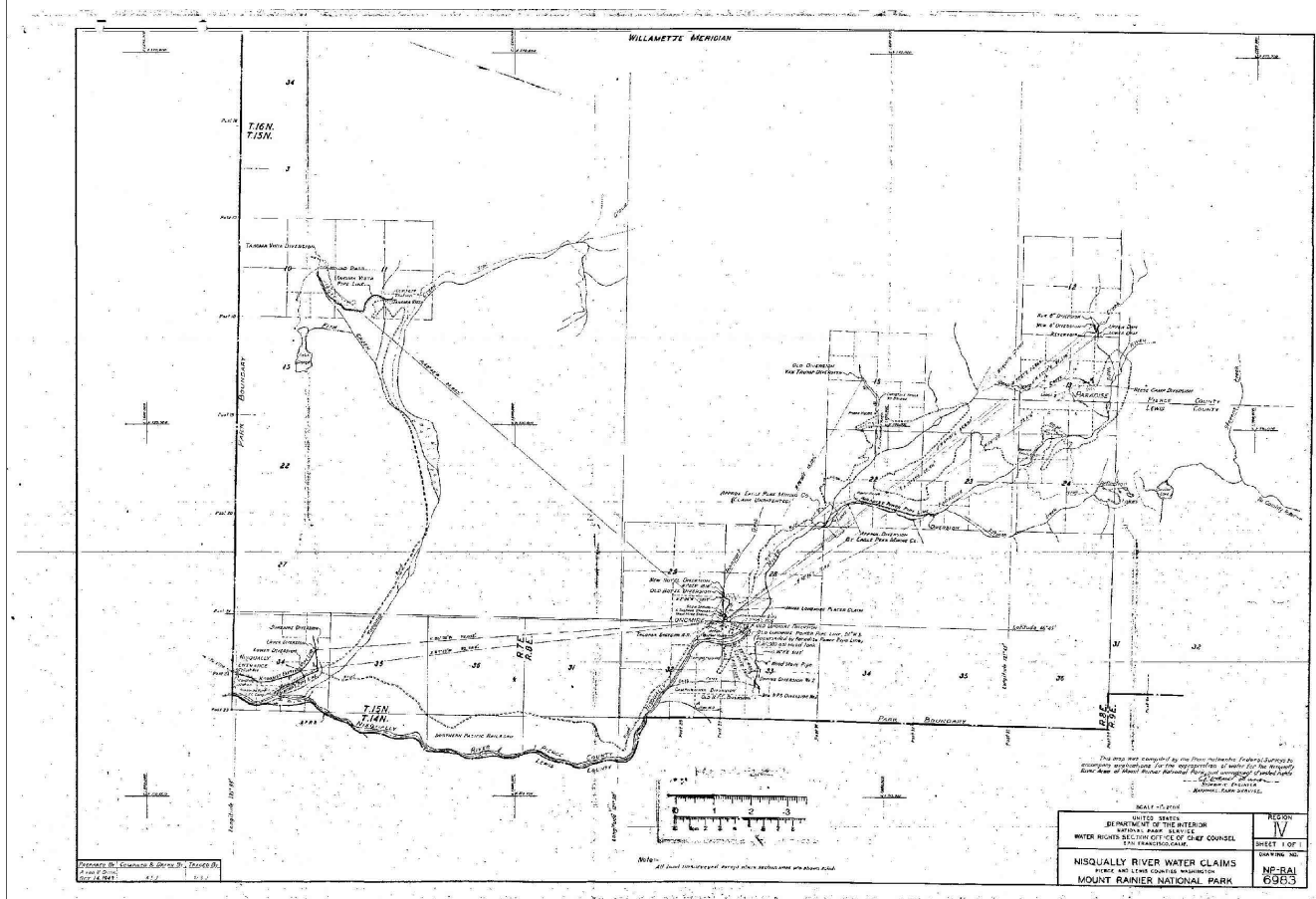
Any waters that were diverted and used before June 15, 1917, the date our Water Code became effective, whether or not water right notices were posted and filed, are vested rights under laws and court decisions in the State. Therefore, no filings on such old rights are necessary, but I assume that all of the diversions in the park have been increased since 1917, thereby making it advisable to file applications for the increased quantities or the whole amount of the diversion.

Yours very truly,

/s/ Chas. J. Bartholet

CHAS. J. BARTHOLET
Supervisor of Hydraulics.

CJB:GH



Docket Information

Number of Documents in Docket 54

Documents Dated from 8/17/1943 to 12/6/1957

Docket Compiled: 5/27/2011