



WATER-RIGHT DOCKET

Olympic National Park

Docket No: 17

OVINGTON WATER SYSTEM

State Water Rights Documentation

06-25-1947: statement

June 25, 1948.

Statement

This water right was perfected under permit granted after protest of application, and conditional on prior recognition of all rights initiated prior to October 26, 1927. It is weak by not having been tied into county filings as part of expanding use under claimed priority of 1907.

As of this date, June 25, 1948, it remains to be seen whether the United States can establish the proper integration of county filings and subsequent appropriation with the early priority.

(SGD.) A. VAN V. DORN
Chief, Water Resources Branch.

C O P Y

STATE OF WASHINGTON

Department of Conservation and Development
Art Garton, Director
Transportation Building
Olympia

June 3, 1948

The Director
National Park Service
Washington 25, D. C.

Attention: A. van V. Dunn, Chief
Water Resources Branch

Dear Sir:

Re: Permit No. 1275

The Deed of Executrix wherein the above numbered water right permit was transferred to the National Park Service by the Estate of Anna Emily Ovington has been recorded in Volume IV, page 853 of Miscellaneous Records of this Division, and our records changed accordingly.

The time in which to Begin Construction under this permit has been extended until November 1, 1948; however the enclosed Notice should be filed if work is started on or before that date.

We are also enclosing our receipts for the miscellaneous copying charges in connection with this permit, and the assignment fee.

Very truly yours,

(Sgd) H. W. Pollock

H. W. Pollock
Supervisor of Hydraulics

HWP:eb
Enc.

C O P Y

Address
The Director, National Park Service Washington 25, D . C.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

March 11, 1948.

Mr. Rodney Ryker,
Supervisor of Hydraulics,
Department of Conservation and Development,
Box 207,
Olympia, Washington.

Dear Mr. Ryker:

As suggested in your letter of March 4, we enclose a purchase order and voucher to cover the statutory fee of \$2.00 for filing the certified copy of the deed from Elizabeth Webster, Executrix, as evidence of assignment of the water rights of the estate of Anna E. Ovington at Olympic National Park, including those under Permit No. 1275. Please sign the voucher on the line indicated by pencil cross, and return it for payment.

Sincerely yours,

(SGD) A. VAN V. DUNN.

A. van V. Dunn,
Chief, Water Resources Branch.

Enclosure 145.

AvVD:sh

Address only
The Director, National Park Service) Washington 25, D. C.

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

February 25, 1948.

Mr. Rodney Ryker,
Supervisor of Hydraulics,
Department of Conservation and Development,
Transportation Building,
Olympia, Washington.

Dear Mr. Ryker:

Copies of the correspondence between you and Superintendent Macy of Olympic National Park, with regard to Water Right Permit No. 1275, have been referred to this Office for review and further action.

Apparently Mr. Ovington constructed the first of his resort development about 1904. He filed notices of appropriation of water in 1913 and 1915, claiming first diversion and use of water more than six years before 1913. In 1928, he filed an application with your office, on which Permit No. 1275 was granted, and an application with the Federal Power Commission on which License No. 905 was issued. We understand that the claims under Permit No. 1275 were protested by the Port Angeles Western Railroad and H. H. Butler, but that the contest was settled. We also note that no notice of beginning of construction has been filed with you under Permit No. 1275. By deed of January 17, 1947, the Ovington property was conveyed to the United States, together with "all water rights for use in connection with said premises, whether for domestic use, hydroelectric power or otherwise."

We enclose a certified photostat copy of the deed from Elizabeth Webster, Executrix of the Estate of Anna Emily Ovington. Unless you have other reasons for wishing to have your assignment form executed, we believe this gives a better description of the broad interests in water rights which were assigned.

Before we take further action to perfect, or amend rights, we are attempting to assemble all of the records. As a part of this assembly, will you please send us the following:

1. Copy of the application on which Permit No. 1275 was issued.

2. Copy of the map filed with that application.
3. Copy of Permit No. 1275.
4. Copies of any records which you may have with relation to the former protests of the permit, or claim, by the Port Angeles Western Railroad or H. H. Butler.

A purchase order and a blank voucher are enclosed. Please sign the voucher and return it for payment with a statement of any amendments in charges which you care to make.

Sincerely yours,

(SGD) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Resources Branch.

Enclosure 128.

cc: Regional Director, Region Four (2).

AvVD:sh.

S. F. No. 309-1932, 1566.

CERTIFICATE RECORD No. One, PAGE No. 275STATE OF WASHINGTON, COUNTY OF Clallam**CERTIFICATE OF WATER RIGHT**

(For rights perfected under original, enlargement or secondary permits.)

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

This is to certify, that Anna E. Ovington
of Ovington, State of Washington, has made
proof to the satisfaction of the State Supervisor of Hydraulics of Washington, of a right to the use of
the waters of Lake Crescent, a tributary of _____,
for the purposes of Power
under Appropriation Permit No. 1053 issued by the State Supervisor of Hydraulics, and
that said right to the use of said waters has been perfected in accordance with the laws of Washington,
and is hereby confirmed by the State Supervisor of Hydraulics of Washington and entered of record in
Volume One, at Page 275, on the 26th day of July, 19 28; that
the right hereby confirmed dates from October 26th, 1927; that the amount of water to
which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount
actually beneficially used for said purposes, and shall not exceed 0.33 cubic feet per second.

A description of the lands under such right, and to which the water hereby confirmed is appurtenant,
or if for other purposes, the place where such water is put to beneficial use, is as follows:

PLACE OF USE			LEGAL SUBDIVISION	No. Acres Described in Permit	No. Acres Actually Irrigated
Section	Township	Range			
<u>29</u>	<u>30 N.</u>	<u>9 W.W.M.</u>	<u>SE $\frac{1}{4}$ of NW $\frac{1}{4}$</u>	<u>Site of Power Plant</u>	

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of
use herein described, except as provided in Section 39, Chapter 117, Session Laws 1917.

WITNESS the seal and signature of the State Supervisor of Hydraulics affixed this 26th day
of July, 19 28.

ENGINEERING DATA

/s/ R. K. Tiffany
State Supervisor of Hydraulics.

O.K. /s/ C.J.B.

Permit No. 1053

Certificate of Water Right

Recorded in the office of State Supervisor
of Hydraulics, Olympia, Washington, in
Book No. One of Water Right
Certificates, on Page 275, on
the 26th day of July,
1928.

STATE OF WASHINGTON, }
County of _____ } ss.

I certify that the within was received
and duly recorded by me in Volume _____
of Book of Water Right Certificates, Page
_____ on the _____ day of
_____, 19____.

STATE PRINTING PLANT, OLYMPIA, WASH.

Form 19

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
Division of Hydraulics

**APPLICATION FOR A PERMIT
To Appropriate Public Waters of the State of Washington**

Application No. 2321Permit No. 1275

I, Anna E. Ovington (Name of applicant),
of Ovington (Postoffice), County of Clallam,
State of Washington, do hereby make application for a permit to appropriate
the following described public waters of the State of Washington subject to existing rights:

If the applicant is a corporation, give date and place of incorporation _____

1. The source of the proposed appropriation is unnamed-stream Ovington Creek
(Name of stream)
tributary of Lake Crescent
2. The amount of water which the applicant intends to apply to beneficial use is 0.1
cubic feet per second.
3. The use to which the water is to be applied is domestic use and irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)
4. Time during which water will be required each year continuously for domestic use;
from May 1st to October 1st for irrigation.
5. The approximate point of diversion is located One thousand feet North of the center
(Give distance and bearing to section corner)
of Section 29, on or near the line dividing the NE $\frac{1}{4}$ from the NW $\frac{1}{4}$ of Sec.
29, Township 30 North, Range 9 West of W.M.
being within the _____ of Sec. 29, Tp. 30 N., R. 9 W. W.M.,
(Give smallest legal subdivision) (No. E. or W.)
in the county of Clallam
6. The pipe line to be 1200 ft. ~~as shown~~ in length, terminating
(Main ditch, canal, or pipe line)
in the Lot 4 of Sec. 29, Tp. 30 N., R. 9 W. W.M.,
(Smallest legal subdivision) (No. E. or W.)
the proposed location being shown on the accompanying map.
7. The name of the ditch, canal or other works is _____
8. Estimated cost of development necessary to utilize fully the appropriation herein asked for
\$ 400.00
9. Does the stream from which you wish to appropriate water flow through the tract of land on
which the water is to be used? _____
10. Do you own the required right-of-way for the proposed works? _____

DESCRIPTION OF WORKS.

DIVERSION WORKS—

11. (a) Height of diversion dam _____ feet; length on top _____ feet;
length at bottom _____ feet; material to be used and character of construction _____

(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

- (b) Description of headgate _____

(Timber, concrete, etc.; number and size of openings)

When storage works are contemplated a storage permit must be filed in addition to the above. These forms can be secured, together with instructions, by addressing the State Supervisor of Hydraulics, Olympia, Washington.

CANAL SYSTEM—

12. (a) Give approximate dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line).....feet;
width on bottom.....feet; depth of water.....feet;
grade.....feet fall per one thousand feet.

(b) At.....miles from headgate: Width on top (at water line).....feet;
width on bottom.....feet; depth of water.....feet;
grade.....feet fall per one thousand feet.

SUPPLY THE FOLLOWING INFORMATION ACCORDING TO USE PROPOSED:

IRRIGATION—

13. The land to be irrigated has a total area of one-half acres,
described as follows: West half of Lot 4, Section 29, Township 30 North,
(Give legal subdivision by section, township and range)
Range 9 West, W.M.

(If more space is required, attach separate sheet)

14. Give the legal description of land when water is to be used for purposes other than irrigation,
power and municipal supply.....
(Legal subdivisions) Sec....., Tp.....N., Rge.....W. M.
(E. or W.)

(a) To what stream is water returned.....

(b) Locate the point of return.....
(Smallest legal subdivision of section) Tp.....N., Rge.....W. M.
(E. or W.)

POWER—

15. (a) Total amount of power to be developed.....
(Theoretical horsepower) H. P.

(b) Total fall to be utilized.....feet.
(Head)

(c) The nature of the works by means of which the power is to be developed.....

(d) Such works to be located in.....of Sec.....
(Legal subdivision)
Tp.....N., Rge.....W. M.
(No. E. or W.)

(e) To what stream is the water to be returned.....

(f) Locate point of return.....of Sec.....

Tp.....N., Rge.....W. M.
(No. E. or W.)

(g) The use to which power is to be applied is.....

MUNICIPAL SUPPLY—

16. To supply the city of _____
(Name)
County, having a present population of _____
and an estimated population of _____ in 19____.
(a) Estimated present requirement _____
(b) Estimated future requirement _____

17. Construction work will begin on or before _____

18. Construction work will be completed on or before _____

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Supervisor of Hydraulics accompany this application.

Anna E. Ovington

(Name of applicant)

Signed in the presence of us as witnesses:

(1) T. S. Potter _____ Ovington, Wn.
(Name) (Address of witness)
(2) Mrs. Nina Halverson _____ Port Angeles, Wash.
(Name) (Address of witness)

Remarks: _____

STATE OF WASHINGTON, }
COUNTY OF THURSTON. } ss.

This is to certify that I have examined the foregoing application together with the accompanying maps and data, and return the same for correction or completion, as follows: _____
for signature _____

In order to retain its priority, this application must be returned to the State Supervisor of Hydraulics, with corrections, on or before July 9, 1928.

WITNESS my hand this 9th day of June, 1928.

R. K. TIFFANY

State Supervisor of Hydraulics.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions. If for irrigation, this appropriation shall be subject to such reasonable rotation system as may be ordered by the State Supervisor of Hydraulics; and it is specifically subject to any rights to appropriation and diversion of waters of this stream which may have been legally established prior to August 22nd, 1928.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 0.1 cubic feet per second, or its equivalent in case of rotation.
The priority date of this permit is August 23rd, 1928 (Extended to 11-1-35)
Actual construction work shall begin on or before May 15th, 1930 (" " 12-1-41)
and shall thereafter be prosecuted with reasonable diligence and be completed on or before (" " 6-1-45)
(" " 10-1-46)
(" " 11-1-48)
 May 15th, 1931

Complete application of the water to the proposed use shall be made on or before
 November 1st, 1931

Given under my hand and the seal of this office at Olympia, Washington, this 13th day
of May, 1929.

Conditions Accepted:

 Permittee.

 R. K. TIFFANY
 State Supervisor of Hydraulics.

Application No. 2321

Permit No. 1275

PERMIT

To Appropriate Public Waters of the State of Washington

Filed by Anna E. Ovington County of Clallam

This instrument was first received in the office of the State Supervisor of Hydraulics, Olympia, Washington, on the 23rd day of August, 1928, at 9:00 o'clock A. M.

Approved May 13th, 1929

 R. K. TIFFANY
 State Supervisor of Hydraulics.

Before your certificate of water right is issued it will be necessary for you to file with the State Supervisor of Hydraulics a copy of each of the following reports:

- 1st. Progress reports (in case temporary permit is issued).
- 2nd. Affidavit of publication of notice of water right application.
- 3rd. Notice of beginning of construction.
- 4th. Notice of prosecution of work with diligence.
- 5th. Notice of completion of construction.
- 6th. Notice of application of water to a beneficial use.
- 7th. Proof of appropriation of water.

Upon a satisfactory showing that the appropriation has been perfected as provided by statute the State Supervisor of Hydraulics will issue a water right certificate.

(Blanks will be furnished by the office of State Supervisor of Hydraulics.)

Cert. # 5
issued 7-26-28

Form 10

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
Division of Hydraulics

APPLICATION FOR A PERMIT
To Appropriate Public Waters of the State of Washington

Application No. 2195 Permit No. 1053

I, Anna E. Ovington
(Name of applicant)

of Ovington, County of Clallam
(Postoffice)

State of Washington, do hereby make application for a permit to appropriate
the following described public waters of the State of Washington subject to existing rights:

If the applicant is a corporation, give date and place of incorporation _____

1. The source of the proposed appropriation is Ovington Creek
(Name of stream)

tributary of Lake Crescent

2. The amount of water which the applicant intends to apply to beneficial use is 1/3
cubic feet per second.

3. The use to which the water is to be applied is Power
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. Time during which water will be required each year Continuously

5. The approximate point of diversion is located near the North and South center
(Give distance and bearing to section corner)

line of Section 29, Township 30 N., Range 9 West, W.M., about 2,000
feet North of the center of said section.

being within the N $\frac{1}{2}$ of N $\frac{1}{2}$ of Sec. 29, Tp. 30 N., R. 9 W. W. M.,
(Give smallest legal subdivision) (No. E. or W.)

in the county of Clallam

6. The Pipe line to be 800 ft. ~~xx~~ in length, terminating
(Main ditch, canal, or pipe line)

in the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 29, Tp. 30 N., R. 9 W. W. M.,
(Smallest legal subdivision) (No. E. or W.)

the proposed location being shown on the accompanying map.

7. The name of the ditch, canal or other works is no name

8. Estimated cost of development necessary to utilize fully the appropriation herein asked for
\$ 1,000.00

9. Does the stream from which you wish to appropriate water flow through the tract of land on
which the water is to be used? _____

10. Do you own the required right-of-way for the proposed works? _____

DESCRIPTION OF WORKS.

DIVERSION WORKS—

11. (a) Height of diversion dam _____ feet; length on top _____ feet;
length at bottom _____ feet; material to be used and character of construction

no dam or headgate

(Loose rock, concrete, masonry, rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate _____

(Timber, concrete, etc.; number and size of openings)

When storage works are contemplated a storage permit must be filed in addition to the above. These forms can be secured, together with instructions, by addressing the State Supervisor of Hydraulics, Olympia, Washington.

1a

CANAL SYSTEM—

12. (a) Give approximate dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) _____ feet; width on bottom _____ feet; depth of water _____ feet; grade _____ feet fall per one thousand feet.

(b) At _____ miles from headgate: Width on top (at water line) _____ feet; width on bottom _____ feet; depth of water _____ feet; grade _____ feet fall per one thousand feet.

SUPPLY THE FOLLOWING INFORMATION ACCORDING TO USE PROPOSED:

IRRIGATION—

13. The land to be irrigated has a total area of _____ acres, described as follows: _____

(Give legal subdivision by section, township and range)

(If more space is required, attach separate sheet)

14. Give the legal description of land when water is to be used for purposes other than irrigation, power and municipal supply _____ Sec. _____, Tp. _____ N., Rge. _____ W. M. (Legal subdivisions) (E. or W.)

(a) To what stream is water returned _____

(b) Locate the point of return _____ Tp. _____ N., Rge. _____ W. M. (Smallest legal subdivision of section) (E. or W.)

POWER—

15. (a) Total amount of power to be developed _____ 11.5 _____ H. P. (Theoretical horsepower)

(b) Total fall to be utilized _____ 300 _____ feet. (Head)

(c) The nature of the works by means of which the power is to be developed _____ water motor

(d) Such works to be located in _____ SE $\frac{1}{4}$ of NW $\frac{1}{4}$ _____ of Sec. 29 _____ Tp. 30 N., Rge. 9 W. W. M. (Legal subdivision) (No. E. or W.)

(e) To what stream is the water to be returned _____ Ovington Creek

(f) Locate point of return _____ 800 feet S. of point of diversion _____ Sec. 29 _____ Tp. 30 N., Rge. 9 W. W. M. (No. E. or W.)

(g) The use to which power is to be applied is _____ the generation of electricity to supply light and power for Ovington's Summer Resort.

22

State Supervisor of Hydraulics.

3a

~~This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions. Upon completion of the proposed work, the applicant shall be required to file with the State Supervisor of Hydraulics a copy of each of the following reports:~~
~~"This permit is for power use only and is specifically subject to the rights to appropriate water from the same stream for beneficial use, which were initiated prior to October 26, 1927."~~

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed ----- $1/3$ ----- cubic feet per second, or its equivalent in case of rotation.
The priority date of this permit is October 26, 1927

Actual construction work shall begin on or before February 1, 1929
and shall thereafter be prosecuted with reasonable diligence and be completed on or before
February 1, 1930

Complete application of the water to the proposed use shall be made on or before
October 1, 1930

Given under my hand and the seal of this office at Olympia, Washington, this 6th day
of February, 1928.

Conditions Accepted:

Permittee.

R. K. TIFFANY

State Supervisor of Hydraulics.

Application No. 2195

Permit No. 1053

PERMIT

To Appropriate Public Waters of the State of Washington

Filed by Anna E. Ovington County of Clallam

This instrument was first received in the office of the State Supervisor of Hydraulics, Olympia, Washington, on the 26th day of October, 1927, at 2:10 o'clock P.M.

Approved February 6, 1928

R. K. TIFFANY

State Supervisor of Hydraulics.

Before your certificate of water right is issued it will be necessary for you to file with the State Supervisor of Hydraulics a copy of each of the following reports:

- 1st. Progress reports (in case temporary permit is issued).
- 2nd. Affidavit of publication of notice of water right application.
- 3rd. Notice of beginning of construction.
- 4th. Notice of prosecution of work with diligence.
- 5th. Notice of completion of construction.
- 6th. Notice of application of water to a beneficial use.
- 7th. Proof of appropriation of water.

Upon a satisfactory showing that the appropriation has been perfected as provided by statute the State Supervisor of Hydraulics will issue a water right certificate.

(Forms will be furnished by the office of State Supervisor of Hydraulics.)

4 a.

C O P Y

Mining Records. Vol. 5. Page 36

Anna Emily Ovington et vir to Public.

Notice of Appropriation of Water

State of Washington)
 : ss
County of Clallam)

To whom it may concern:

Notice is hereby given that the undersigned appropriates and claims all the water, to the extent of one cubic foot per second of time lying being and flowing in a certain brook or stream which has no specific name, but which flows in a southerly direction through Section 29, township 30 north, range 9 west of Willamette Meridian, in Clallam County, Washington, and empties into Lake Crescent, in said County and State, at a point about 800 feet west of the westerly line of Lot 3 in said section 29.

The point of appropriation from the said stream is a point in the channel of said stream distant from the mouth of said stream about 1800 feet.

The said water is appropriated for household and domestic purposes, for the purpose of irrigation and general riparian purposes; also, for the purpose of furnishing power to drive machinery of various kinds, and to generate electricity for lighting and power purposes.

That the place as near as the appropriation can now describe it, of the intended use of said water, is in, around and upon lot 3, section 29, township 30 north, range 9 west of W. M. aforesaid, commonly known and designated as "Ovington's Summer Resort".

That the appropriator intends to divert and use the said water by means of head-works and pipe line.

That the general course over which the said water is to be conveyed from the point of appropriation to the point of use is a southwesterly direction, and the distance is approximately 2,000 feet.

That more than seven years prior to the date hereof, the appropriator appropriated, diverted and used, and since the date of said appropriation, has been continually using upon the premises above described, a portion of the water of said stream intended to be covered by this notice, and that for the remainder of the said appropriation, the appropriator intends to have the work for the diversion of said water commenced within six months from the date hereof, and completed as diligently as possible.

That this notice is posted on the easterly bank of said stream in a conspicuous place, at the intended point of diversion, which is distant about

1800 feet from the mouth of said stream.

Dated at Port Angeles, Washington this 2nd of April, 1915.

Anna Emily Ovington
Edward J. Ovington

State of Washington)
 : ss
County of Clallam)

This is to certify that on the 2nd of April, 1915 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came Anna Emily Ovington, Edward J. Ovington to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year in this certificate first above written.

Notary Seal
Com. Expires
June 29, 1917.

S. N. Robertson
Notary Public in and for the
State of Washington, residing
at Port Angeles.

Filed of record by T. F. Trumbull
April 2 - 1915 at 2 P.M.
J. W. Warren Auditor
By W. B. Smith, Deputy

C O P Y

Vol. 4 Mining Records, Page 384

Appropriation of Water

Anna Emily Ovington, et vir to Public.

State of Washington)
 : ss
County of Clallam)

To whom it may concern:

Notice is hereby given that the undersigned appropriates and claims all the water, to the extent of one cubic foot per second of time, lying, being and flowing in a certain brook or stream which has no specific name, but which flows a southerly direction through section 29, township 30 north, range 9 west of Willamette Meridian, in Clallam County, Washington and empties into Lake Crescent, in said county and state, at a point about 800 feet west of the westerly line of Lot 3 in said section 29.

That the point of appropriation from the said stream is a point in the channel of said stream distant from the mouth of said stream about 1800 feet.

That said water is appropriated for household and domestic purposes, for the purpose of irrigation and general riparian purposes; also, for the purpose of furnishing power to drive machinery of various kinds, and to generate electricity for lighting and power purposes.

That the place, as near as the appropriator can describe it, of the intended use of said water, is in, around and upon lot 3, section 29, township 30 north, range 9 west of W.M. aforesaid, commonly known and designated as "Ovingtons Summer Resort".

That the appropriator intends to store, divert and use the said water by means of a dam, head-works and pipe line.

That the general course over which the said water is to be conveyed from the point of appropriation to the point of use is a south-westerly direction, and the distance is approximately 2,000 feet.

That more than six years prior to the date hereof, the appropriator appropriated, diverted and used, and since the date of said appropriation has been continually using upon the premises above described a portion of the water of said stream intended to be covered by this notice, and that for the remainder of said appropriation, the appropriator intends to have the work for the diversion of said water commenced within three months from the date hereof, and completed as diligently as possible.

That this notice is posted on the easterly bank of said stream, in a conspicuous place, at the intended point of diversion, which is distant about 1800 feet from the mouth of said stream.

Dated at Port Angeles, Washington this 17th day of February 1913.

Anna Emily Ovington
Edward J. Ovington

State of Washington)
 : ss
County of Clallam)

This is to certify that on this 17th day of February 1913 before me Ellen M. McCoffrey a Notary Public in and for the State of Washington, duly commissioner and sworn personally came Anna Emily Ovington and Edward J. Ovington, her husband to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal, the day and year in this certificate first above written.

Notarial Seal
Com. Exp.
Nov. 22, 1916.

Ellen M. McCoffrey
Notary Public in and for
the State of Washington
residing at Port Angeles.

Filed for record by T. F. Trumbull
Feb. 17, 1913 at 2:55 P.M.
R. D. McLaughlin, Auditor
by J. W. Warren, Deputy

C O P Y

STATE OF WASHINGTON

Department of Conservation and Development
Art Garton, Director
Transportation Building
Olympia

June 3, 1948

The Director
National Park Service
Washington 25, D. C.

Attention: A. van V. Dunn, Chief
Water Resources Branch

Dear Sir:

Re: Permit No. 1275

The Deed of Executrix wherein the above numbered water right permit was transferred to the National Park Service by the Estate of Anna Emily Ovington has been recorded in Volume IV, page 853 of Miscellaneous Records of this Division, and our records changed accordingly.

The time in which to Begin Construction under this permit has been extended until November 1, 1948; however the enclosed Notice should be filed if work is started on or before that date.

We are also enclosing our receipts for the miscellaneous copying charges in connection with this permit, and the assignment fee.

Very truly yours,

(Sgd) H. W. Pollock

H. W. Pollock
Supervisor of Hydraulics

HWP:eb
Enc.

225300

VII 189 PAGE 317

DEED OF EXECUTRIX

KNOW ALL MEN BY THESE PRESENTS:

That the grantor, ELIZABETH WEBSTER, as executrix of the will of Anna Emily Ovington, deceased, and under and by virtue of the power and authority vested in her by such will, and not otherwise, and for and in consideration of the sum of Twenty-nine Thousand Fifty Dollars (\$29,050.00) lawful money of the United States, does by these presents grant, bargain, sell and convey unto the UNITED STATES of AMERICA, the grantee, the following described real property, to wit:

Government Lot Three (3) in Section Twenty-nine (29), Township Thirty (30) North of Range Nine (9), W.W.M., Clallam County, Washington.

The East 396 feet of the West 528 feet of Government Lot Four (4) in Section Twenty-nine (29), Township Thirty (30) North of Range Nine (9), W.W.M., Clallam County, Washington.

Lots Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35), Thirty-six (36), Thirty-seven (37), Thirty-eight (38), Forty-four (44), Forty-five (45), Fifty-three (53), Fifty-four (54), Fifty-five (55) and Fifty-six (56), Plat of Sunshine Cove on Lake Crescent, Clallam County, Washington, according to the Plat thereof on file in the office of the Auditor of Clallam County.

Tax Lot One Hundred Eighty-four (184) described as follows: Beginning at the Northwest (NW) corner of the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), Section Eighteen (18), Township Thirty (30) North of Range Eight (8), W.W.M., running thence East along the East and West center line of said Section Eighteen (18), 122 feet; thence South parallel to and 122 feet Easterly from the West line of said Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$) and West line of Lot Six (6) of said Section Eighteen (18), to the shore of Lake Crescent; thence Northwesterly along the shore of Lake Crescent to the line between Lots Six (6) and Five (5) in said Section Eighteen (18); thence Northerly along said line between Lots Six (6) and Five (5) and the line between the Northeast Quarter (NE $\frac{1}{4}$) of the Southeast Quarter (SE $\frac{1}{4}$), and Lot Five (5), of said Section Eighteen (18) to the point of beginning, being in Clallam County, Washington,

together with all easements, rights and appurtenances thereunto belonging, particularly including, but not limited to, all water rights for use in connection with said premises whether



The grantor conveys to the grantee all of the right, title and interest of the estate of Anna Emily Ovington, deceased, in and to the above described premises and appurtenances, as the executrix of the will of said deceased only, and not individually, and makes no covenants or warranties concerning the above described premises or appurtenances, except that she is the regularly appointed, and duly qualified and acting executrix of the will of Anna Emily Ovington, deceased. That said will has been admitted to probate, and that under the terms and provisions thereof, she is authorized to, and does hereby, grant, bargain and sell the right, title and interest of said estate in and to said premises and appurtenances.

Elizabeth Webster
Executrix of the Will
of
Anna Emily Ovington, Deceased.

IN WITNESS WHEREOF, I have hereunto set my hand this
17th day of January, 1947.

A circular notary seal for William H. Williams, Notary Public, State of California. The seal includes the text "COMMISSION EXPIRES OCT. 3, 1968".

John T. Tinsdale
Notary Public in and for
the State of Washington,
residing at Port Angeles.

Handwritten: The [illegible] [illegible]
[illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

-2-

Ed
J. Reed
2 Cover

Form 10-114
(Rev. 10-15-64)

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

This permit consists of 6 pages

PERMIT NO. 14-10-0434-1741 12/31/67
PREVIOUS PERMIT NO. 14-10-0447-553

SPECIAL USE PERMIT
Olympic National Park

(Area)

Melvin S. Hilt, of Route 1, Box 515, Port Angeles, Wash. 98362
during the period from January 1, 1966, through December 31, 1966, is hereby authorized to use the following-described land in the above-named area:
Park land necessary for a water intake and pipeline in the Section 24 and Lot 4, Section 24, Township 30 North, Range 9 West, W.M., a distance of 1334 feet, and being from Cuyington Creek to the Bonnie Erbe property on Lake Crescent

for the purpose of maintaining intake and pipeline for domestic water supply

subject to the conditions on the reverse hereof and attached pages and to the payment to the Government of the United States of the sum of five and no/100 Dollars (\$ 5.00), in advance per annum or portion (Monthly, semiannually, etc.); or as follows: thereof

payment to be made to the Superintendent by Express or Postal Money Order, Certified Check, or Draft payable to the National Park Service, or Cash.

Issued at Port Angeles, Washington 98362, this 13 day of April, 1966
(City)

/s/ Bennett T. Gale
Superintendent

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied, therein.

TWO WITNESSES TO SIGNATURES		* PERMITTEE (SIGNATURE)	
NAME		NAME	
/s/ Marge Olson		/s/ Melvin S. Hilt	
ADDRESS		ADDRESS	
906 West 14th Port Angeles, Wash.		Route 1, Box 515, Port Angeles, Wash.	
NAME		NAME	
/s/ Fairlie Parda			
ADDRESS		ADDRESS	
1535 W. 16 Port Angeles, Wash.			

APPROVED: (If approval is required by higher authority)

NAME	TITLE	DATE

Sign name or names as written in body of permit. In partnership, permittee should sign as "members of firm"; for corporation, "officers and directors," etc., should sign, with title, the sufficiency of such signature being attested by the Secretary, who should indicate the date of such attestation.

Other Supporting Information

C O P Y

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT

ART GARTON, DIRECTOR

TRANSPORTATION BUILDING

OLYMPIA

March 23, 1948

The Director
National Park Service
Department of the Interior
Washington 25, D. C.

Dear Sir:

Re: Certificate No. 275
Anna Ovington

In reply to your letter of March 15, we are enclosing a copy of Water Right Certificate No. 275, issued July 26, 1928 to Anna Ovington for 0.33 c.f.s., for power development. Also enclosed is a copy of the sketch which accompanied the application showing the location of the point of diversion.

The application number under which this certificate was issued is 2195; permit No. 1053. There is no State of Washington power license for power development under 50 horsepower. We have no record in our files relative to Federal Power Commission Permit No. 905, probably due to its inactivity.

Enclosed find our statement in the amount of \$1.00 covering the preparation of the certificate and sketch.

Very truly yours,

(Sgd) Rodney Ryker

Rodney Ryker
Supervisor of Hydraulics

RR:nm
Encs.

C O P Y

FEDERAL POWER COMMISSION
WASHINGTON 25

Project No. 905 - Washington

MAR 11 1948

The Director, National Park Service
Department of the Interior
Washington 25, D. C.

Dear Sir:

Reference is made to a letter dated February 18, 1948 from the Chief, Water Resources Branch, advising the Commission that the National Park Service has acquired the Ovington property and appurtenant water rights of former project No. 905 and requesting copies of the project map and of such parts of the application and license as would help in clarifying such water rights.

Enclosed are copies of the project map (Exhibit F - FPC No. 905-1), the application, the license, and a statement, dated May 11, 1939, from the Division of Water Resources of the Department of Conservation and Development of the State of Washington.

If further data is needed, it will be gladly furnished if available.

Very truly yours,

(Sgd) Leon M. Fuquay

Leon M. Fuquay
Secretary

Inclosure No. 7570:
Print of (FPC No. 905-1)
Copy of application
Copy of license
Copy of letter 5/11/39

C O P Y

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Address
The Director, National Park Service Washington 25, D . C.

March 11, 1948.

Mr. Rodney Ryker,
Supervisor of Hydraulics,
Department of Conservation and Development,
Box 207,
Olympia, Washington.

Dear Mr. Ryker:

As suggested in your letter of March 4, we enclose a purchase order and voucher to cover the statutory fee of \$2.00 for filing the certified copy of the deed from Elizabeth Webster, Executrix, as evidence of assignment of the water rights of the estate of Anna E. Ovington at Olympic National Park, including those under Permit No. 1275. Please sign the voucher on the line indicated by pencil cross, and return it for payment.

Sincerely yours,

(SGD) A. VAN V. DUNN.

A. van V. Dunn,
Chief, Water Resources Branch.

Enclosure 145.

AvVD:sh

UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
Address only
The Director, National Park Service) Washington 25, D. C.

February 25, 1948.

Mr. Rodney Ryker,
Supervisor of Hydraulics,
Department of Conservation and Development,
Transportation Building,
Olympia, Washington.

Dear Mr. Ryker:

Copies of the correspondence between you and Superintendent Macy of Olympic National Park, with regard to Water Right Permit No. 1275, have been referred to this Office for review and further action.

Apparently Mr. Ovington constructed the first of his resort development about 1904. He filed notices of appropriation of water in 1913 and 1915, claiming first diversion and use of water more than six years before 1913. In 1928, he filed an application with your office, on which Permit No. 1275 was granted, and an application with the Federal Power Commission on which License No. 905 was issued. We understand that the claims under Permit No. 1275 were protested by the Port Angeles Western Railroad and H. H. Butler, but that the contest was settled. We also note that no notice of beginning of construction has been filed with you under Permit No. 1275. By deed of January 17, 1947, the Ovington property was conveyed to the United States, together with "all water rights for use in connection with said premises, whether for domestic use, hydroelectric power or otherwise."

We enclose a certified photostat copy of the deed from Elizabeth Webster, Executrix of the Estate of Anna Emily Ovington. Unless you have other reasons for wishing to have your assignment form executed, we believe this gives a better description of the broad interests in water rights which were assigned.

Before we take further action to perfect, or amend rights, we are attempting to assemble all of the records. As a part of this assembly, will you please send us the following:

1. Copy of the application on which Permit No. 1275 was issued.

2. Copy of the map filed with that application.
3. Copy of Permit No. 1275.
4. Copies of any records which you may have with relation to the former protests of the permit, or claim, by the Port Angeles Western Railroad or H. H. Butler.

A purchase order and a blank voucher are enclosed. Please sign the voucher and return it for payment with a statement of any amendments in charges which you care to make.

Sincerely yours,

(SGD) A. VAN V. DUNN

A. van V. Dunn,
Chief, Water Resources Branch.

Enclosure 128.

cc: Regional Director, Region Four (2).

AvVD:sh.

April 15, 1948.

Statement

State Water Laws of Washington, now in effect, became effective on June 15, 1917. Section 1 (7351 Remington Revised Statutes) recognizes the validity of water rights on that date, as follows:

Section 1 (7351) The power of the state to regulate and control the waters within the state shall be exercised as hereinafter in this act provided. Subject to existing rights all waters within the state belong to the public, and any right thereto, or to the use thereof, shall be hereafter acquired only by appropriation for a beneficial use and in the manner provided and not otherwise; and, as between appropriations, the first in time shall be the first in right. Nothing contained in this act shall be construed to lessen, enlarge or modify the existing right acquired by appropriation, or otherwise. They shall, however, be subject to condemnation as provided in section 4 hereof, and the amount and priority thereof may be determined by the procedure set out in sections 14 to 26 inclusive hereof.

(SGD.) A. VAN V. DUNN

Chief, Water Resources Branch.

STATE OF WASHINGTON
Department of Conservation and Development
Art Garton, Director
Transportation Bldg.
Olympia

December 2, 1947

Mr. Preston P. Macy, Superintendent,
National Park Service
Olympic National Park
Port Angeles, Washington

Dear Mr. Macy:

Re: Permit No. 1275
Anna E. Ovington

We are enclosing an assignment form by which transfer can be made by attorneys for the Ovington Estate to the United States.

This permit has been extended from time to time to November 1, 1946 and to date no Notice of Completion of Construction has been filed.

We are herewith extending the Beginning of Construction date to November 1, 1948 and are enclosing Notices of Beginning and Completion of Construction which may be filed any time your rehabilitation is completed.

After these forms have been returned to this office, a Proof of Appropriation form will be sent you and upon return of this form, a final water right certificate can be issued.

Very truly yours,

/s/ Rodney Ryker
Rodney Ryker
Supervisor of Hydraulics

RR:nm
Enc.

C O P Y

FEDERAL POWER COMMISSION
WASHINGTON

EP-905 and 1312-Washington

FEB 14 1940

The Director, National Park Service,
Department of the Interior,
Washington, D. C.

Sir:

Reference is made to a letter dated November 7, 1939 from the Associate Director advising the Commission that the lands occupied by projects No. 905 and 1312 are now within the boundaries of the Olympic National Park, and requesting what, since these lands are now administered by the National Park Service, the Superintendent of Olympic National Park, Preston B. Macy, Port Angeles, Washington, be designated as the field representative of the Commission in connection with these projects. The lands occupied by projects No. 905 and 1312 were formerly within the boundaries of the Olympic National Forest.

The license for project No. 905 expired on June 29, 1938. An application for renewal of license for the project was filed with the Commission on May 23, 1938. A report from the Secretary of the Interior pursuant to the provisions of Section 4(e) of the Federal Power Act was received by the Commission on October 16, 1939. Since jurisdiction of the lands occupied by the project is now administered by the National Park Service, the Commission by its order dated January 25, 1940 dismissed the application for a new license. A copy of the order is inclosed.

In accordance with your request the licensee of project No. 1312 and the U. S. Forest Service, Department of Agriculture, have been advised that supervisory control of project No. 1312 has been transferred from the Forest Service to the National Park Service and that the accredited representative of the Commission on the project shall be Preston B. Macy, Superintendent of Olympic National Park, Port Angeles, Washington, in lieu of the Regional Forester of the Forest Service, Portland, Oregon. Copies of the letters to the licensee of project No. 1312 and the Forest Service are inclosed.

Very truly yours,

(Sgd) Leon M. Fuquay,
Secretary.

Inclosure 102159.

COPY

STATE OF WASHINGTON
DEPARTMENT OF CONSERVATION AND DEVELOPMENT

DIVISION OF WATER RESOURCES

Charles J. Bartholet, Supervisor

Your reference:

OLYMPIA

Ep905-Washington

May 11, 1938

Federal Power Commission
Washington, D. C.

Attention: Leon M. Fuquay, Secretary

Gentlemen:

Replying to your letter of the 4th:

Mrs. Anna E. Ovington has a final water right certificate from this office for appropriation of 0.33 c.f.s. of the waters of Ovington Creek in Clallam County for power purposes.

Yours very truly

CHAS. J. BARTHOLET
Supervisor of Hydraulics

By G. Hallahan
Secretary.

G.H.

C O P Y

THE FEDERAL POWER COMMISSION

License for

Minor Project not Exceeding 40 Horsepower Capacity

Project No. 905, Washington

Anna E. Ovington

WHEREAS, Anna E. Ovington, hereinafter called "the Licensee", whose business address is Ovington, Washington, has made application in due and proper form to the Federal Power Commission for a license under the Federal Water Power Act, approved June 10, 1920 (41 Stat., 1063) for a power project, not exceeding 40 horsepower capacity, designated as Project No. 905 on the records of the Commission, and for authority to maintain and operate in the vicinity of Ovington, in the County of Clallam, State of Washington, certain project works as hereinafter described, necessary or convenient for the development, transmission and utilization of power and to occupy and use therefor certain lands of the United States within the Olympic National Forest as hereinafter described; and

WHEREAS, the license will not interfere or be inconsistent with the purpose for which any reservation affected thereby was created or acquired; and

WHEREAS, the Licensee has submitted to the Commission satisfactory evidence of compliance with the laws of the State of Washington with respect to the matters covered by Section 9 (b) of said Act insofar as applicable; and

WHEREAS, the Licensee on the 27th day of June, 1928 accepted in writing all the terms and conditions of this license;

NOW, THEREFORE, the Commission hereby issues this license to the Licensee for a period of ten (10) years from the date hereof, for the purpose of constructing, operating and maintaining upon lands of the United States certain project works, necessary or convenient for the development, transmission and utilization of power, consisting of a 4-inch wood pipe conduit, 992 feet long, a power house, and 1,469 feet of transmission line, said conduit, power house and transmission line being located on Lot 2 and on unsurveyed land in Section 29, T. 30 N., R. 9 W., W.M., all as more particularly located and described on a map designated Exhibit "F" and entitled "Hydroelectric Power Project of Anna E. Ovington, Ovington, Washington", signed by the applicant on May 14, 1928, which said map is hereby made a part of this license; said license being subject to the following conditions, other conditions, provisions and requirements of the Act and of the rules and regulations of the Commission being waived as authorized by Section 10 (i) of said Act:

1. The Licensee shall comply with the regulations of the Department of Agriculture governing National Forests, and shall observe all sanitary laws and regulations applicable to the premises in connection with which the project is to be operated and the power used.

2. The work of construction under this license shall be completed on or before April 1, 1929, shall be subject to the inspection and approval of the issuing officer and no substantial change shall be

made in the scheme of development shown on said map designated Exhibit "F" without his prior approval thereof.

3. This license is subject to all prior valid claims.

4. The Licensee shall take all reasonable precaution to prevent and suppress forest fires.

5. The Licensee, if engaged in business, shall conduct same in an orderly manner and in accordance with all the requirements of the laws of the State of Washington, as well as the laws of the United States.

6. The Licensee shall pay the United States for any damage to its property resulting from operation under this license.

7. The Licensee shall fully repair all damage, other than ordinary wear and tear to roads and trails in National Forests which she may cause in the exercise of the privilege herein granted.

8. No National Forest timber may be cut or destroyed without first obtaining a permit from the Forest Service.

9. The Licensee shall provide, whenever requested by a Forest Officer, a way across the land covered by this license for the free ingress or egress of Forest Officers and for users of National Forest land and purchasers of National Forest products.

10. The Licensee shall install any screens required under the state law for protection of fish.

11. The Licensee shall, upon oath within three years after the construction of said project, or of any additon thereto or betterment

thereof, file with the Commission, in such detail as the Commission may require, a statement in duplicate showing the actual legitimate cost of construction of said project, addition or betterment.

12. This license may be transferred with the approval of the officer by whom it is issued or her successor and may at its expiration be renewed through the issuance of a new license under the then existing laws and regulations.

13. The right of the Licensee, and of its transferees, customers and successors to use or occupy the lands covered by this license for the purpose of maintaining the project works or otherwise, shall absolutely cease at the end of the period of this license, unless a new license shall be issued pursuant to the then existing laws and regulations.

IN WITNESS WHEREOF, I have subscribed these presents, in duplicate, this 29th day of June, 1928, pursuant to authority given by Order No. 17 of the Commission, dated October 22, 1923.

(Sgd) C. M. Granger
District Forester.

In testimony of acceptance of all the terms and conditions in the foregoing license, the Licensee, this 27th day of June, 1928, has subscribed her name hereto.

(Sgd) Anna E. Ovington

Witnesses:

(Sgd) T. S. Polten

(Sgd) Lulu E. Menke

APPLICATION FOR WATER POWER LICENSE

(Act of June 10, 1920, 41 Stat., 1063)

The undersigned, a citizen of the United States, hereby applies to the Federal Power Commission for a license for the following described project as shown on the accompanying map:

1. County in which project is located: Clallam
2. Nearby towns and cities: Port Angeles
3. Stream from which water is to be diverted: Ovington Creek
4. Amount of water to be used: 1/3 cubic foot per second
5. Have you obtained the necessary water rights from the Division of Water Resources, Department of Conservation and Development, Olympia, Washington? Yes
6. Head through which water is to be dropped: approx 300'
7. Kind of water wheel: Pelton; power capacity: 7 horsepower.
8. Power capacity of generator 7KW
9. Height of dam: none feet; length on top feet; length at bottom: feet; material:
10. Capacity of reservoir: none acre-feet.
11. Depth of ditch: none inches; width across top: inches; bottom width: inches; slope:
12. Width of flume: none inches; depth: inches; slope: material
13. Diameter of pipe line: 4" inches; material: wood
14. Dimensions of power house: 5 x 5 feet; material logs
15. Kind of transmission line wire: copper; size: #0 insulated
16. Height of transmission line poles: none
17. What is the power to be used for? domestic uses trees }
used }
18. Date by which construction will begin: April 1, 1928
19. Date by which construction will be completed: June 1, 1928

Anna E. Ovington
(Signature of Applicant)

March 12-1928
(Date of Application)

Ovington, Washington.
(Post-Office Address)

State of Washington
Department of Conservation and Development
Olympia

C O P Y

May 10th, 1929

Port Angeles Western Railroad Co.,
Port Angeles, Washington.

Attention: H. G. LeGear, Supt.

Gentlemen:

Re: Application No. 2321
Anna E. Ovington

On Tuesday of this week I went over the Ovington Creek situation with the Ovingtons and called later at your office, but unfortunately did not find you there.

In a letter sometime ago you suggested the possibility of a combined water system as a means of adjusting or equalizing the rights. With this suggestion in mind I talked with the Ovingtons about the combination between the railroad company and the diversion proposed under their latest application, which is for only 0.1 c.f.s., or about 65,000 gallons per day. The Ovingtons were willing to consider a joint arrangement of some kind and I believe if you would stop there at your convenience you could work out a deal with them.

It is unfortunate that the railroad company did not file an application as required by the statute. Mrs. Ovington is a riparian owner as to the tract covered by her recent application. We cannot on that account deny her a permit. Her application, however, is probably for more water than she will require. It would possibly suffice for her needs and the railroad company also. If the needs of the railroad company would not exceed 30,000 gallons daily, I would suggest that she assign to the railroad company a one-half interest in her permit and that in compensation the railroad company build a pipe line large enough to carry 0.1 c.f.s. down to a point below your tank and allow the Ovingtons to connect a pipe line at that point.

Yours very truly,

State Supervisor of Hydraulics.

R. K. Tiffany
G. H.

C
O
P
Y

PORT ANGELES WESTERN RAILROAD CO.
Port Angeles, Washington
March 9
19 29

State of Washington,
Department of Conservation and Development,
Box 57,
Olympia, Washington.

Attention Mr. R. K. Tiffany

Re: Application 2321
Anna E. Ovington

Gentlemen:

In answer to your letter of March 4, we wish to state that our records show that we were in error as to the year in which we started using water from Ovington Creek, as it was 1918.

We are enclosing copy of letter of December 6th, over the signature of our past General Manager, Mr. Scritsmier. Mr. Scritsmier really made a mild protest on this application, thinking perhaps that he could work out some joint, or community development. This plan seemed feasible to us, but we do not think it can be worked out at the present time.

We are very anxious to protect our present supply, if possible, as it is the logical place for water tank from the railroad standpoint. Owing to the fact that we have been using water from this creek for so many years, is it possible to make application at this time to cover the rights already established?

We shall appreciate very much if you will advise us if there is anything we can do at this late date to protect our interests.

Yours very truly,

PORT ANGELES WESTERN RAILROAD COMPANY .

/s/ H. G. LeGear
Superintendent

HGL:CE

State of Washington
Department of Conservation and Development
Olympia

C
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P
Y

March 4th, 1929.

Port Angeles Western Railroad Co.,
Port Angeles,
Washington.

Attention: H. F. LeGear, Supt.

Gentlemen:

Re: Application No. 2321
Anna E. Ovington.

Replying to yours of March 1st, Mrs. Ovington's application and permit, if and when issued, would necessarily be subject to existing rights.

If your appropriation of water from this stream was made before June 15th, 1917, it takes precedence, without any other action of the railroad company, over any application filed subsequent to that time to the extent of the appropriation then made. If your appropriation was made after June 15th, 1917, it should have been done under application and permit through this office.

I was under the impression that some representative of the railroad company had written this office suggesting that the railroad company with Dr. Butler and Mr. Brooks and Mrs. Ovington might agree upon a joint development for storage and conservation of the water of this stream, but if such letter was received, it has been misplaced.

We will not issue the permit to Mrs. Ovington until we hear from you further.

Yours very truly,

State Supervisor of Hydraulics.

R. K. Tiffany
G. H.

C
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PORT ANGELES WESTERN RAILROAD CO.

Port Angeles, Washington
March 1
1929

State of Washington,
Department of Conservation and Development,
Box 57,
Olympia, Washington.

Attention Mr. R. K. Tiffany

Re: Application 2321
Anna E. Ovington

Gentlemen:

We have before us a copy of Findings of Fact and Decision, which you mailed to Dr. H. H. Butler under date of February 25, granting Anna E. Ovington an additional 0.1 c.f.s. from Ovington's Creek.

Please advise if we are included in article one of your findings of fact, which reads--

"1. That there is unappropriated water in Ovington Creek which may be diverted below the present intakes of the protestants without detriment to their existing rights."

We have been using water from this creek for our locomotives since 1917, and if this decision allowed the applicant to divert 0.1 c.f.s. above our intake, or between our intake and that of Dr. Butler, it would mean that we would not get any water at all during the dry season. In fact, during the summer of 1927 it became necessary for us to install an additional twelve thousand gallon tank along our track for storage purposes. Also, it became necessary for us to build a flume directly under Dr. Butler's spillway and divert all the water directly into our intake.

Our contention is, that if an additional diversion is allowed between our present intake and that of Dr. Butler, it will deprive us of any water whatever during the summer season.

We shall thank you for an early reply.

Yours very truly,
PORT ANGELES WESTERN RAILROAD COMPANY,

/s/ H. G. LeGear
Superintendent

HGL:CE

C
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P
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APPLICATION NO. 2321

ANNA E. OVINGTON

To appropriate waters of Ovington Creek

FINDINGS OF FACT AND DECISION

On August 22nd, 1928, Anna E. Ovington made application for permit to appropriate public waters of Ovington Creek, tributary of Lake Crescent, located in the $W\frac{1}{2}$ of Lot 4, Section 29, Township 30 N., Range 9 W.W.M., the point of diversion to be located approximately 1000 feet north of the center of Section 29 on or near the line dividing the $NE\frac{1}{4}$ from the $NW\frac{1}{4}$ of said Section 29. The amount of water to be appropriated is 0.1 c.f.s. for domestic and irrigation purposes.

Protests were filed by George T. Brooks and Harold H. Butler, both prior appropriators from the stream, on the ground that this diversion if made above their present intake would reduce the flow of the stream below that necessary to satisfy their existing rights. To these protests the applicant makes reply that the diversion proposed by her will be below the present intakes of the protestants, Brooks and Butler. According to information furnished by the applicant, her land is riparian to the stream after it issues from the Forest Reserve.

After investigation and consideration of the protests the Supervisor of Hydraulics has arrived at the following findings of fact:

1. That there is unappropriated water in Ovington Creek which may be diverted below the present intakes of the protestants without detriment to their existing rights.
2. That the uses proposed by the applicant are beneficial uses.
3. That the lands of the applicant are riparian and the applicant is on that account entitled to a reasonable appropriation from the stream provided it shall not interfere with existing rights.

From these findings of fact the Supervisor has determined upon the following decision: That permit will issue for the appropriation of 0.1 c.f.s. below the present point of diversion of the protestants upon compliance with the requirements of the statute.

/s/ R. K. TIFFANY

C
O
P
Y

PORT ANGELES WESTERN RAILROAD COMPANY

December 6

1928

Mr. R. K. Tiffany
Supervisor of Hydraulics
Olympia, Washington

Re: Ovington Water Supply

Dear Sir:

Our attention has been called to the request of Ovington's resort for additional water. In accordance with the notice this would be granted by your Department on the fifteenth.

The U. S. Spruce Production Corporation, whose property we are now in possession of, filed with your Department some years ago, but, as I now understand, there were some irregularities about the filing or it was not completed. However, we have continued to use water at this point for our locomotives, and for some period of time have had a camp at this location. We do not wish to protest the granting of this water, providing it is taken out below the intakes that are already established.

There are three other users beside our selves, and we have suggested to a part of the users that we make some provision whereby we can all utilize the same main. In this way there would be plenty of water for everybody, and I personally am hopeful of getting something worked out along these lines.

Thanking you, I am

Yours very truly,
PORT ANGELES WESTERN RAILROAD COMPANY.

General Manager.

FSS:CE

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Star Route
Storm King Inn
Lake Crescent, Wn.
November 3, 1928

R. K. Tiffany
State Supervisor of Hydraulics
Olympia, Washington

Dear Sir:

As regards application No. 2321 of Anna E. Ovington asking for 0.1 cubic feet per second of water. I judge that this is additional water to what they are now taking. Myself, Dr. Butler, and the Railroad are taking what is left below them. I would object to their taking this additional water unless it is taken at a point below where my permit allows me to take the water.

Yours respectfully,

/s/ George T. Brooks

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November 1, 1928

R. K. Tiffany
State Supervisor of Hydraulics
Olympia, Washington

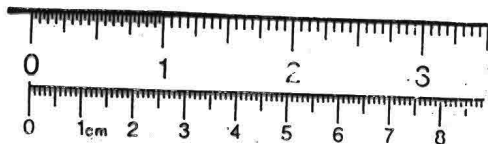
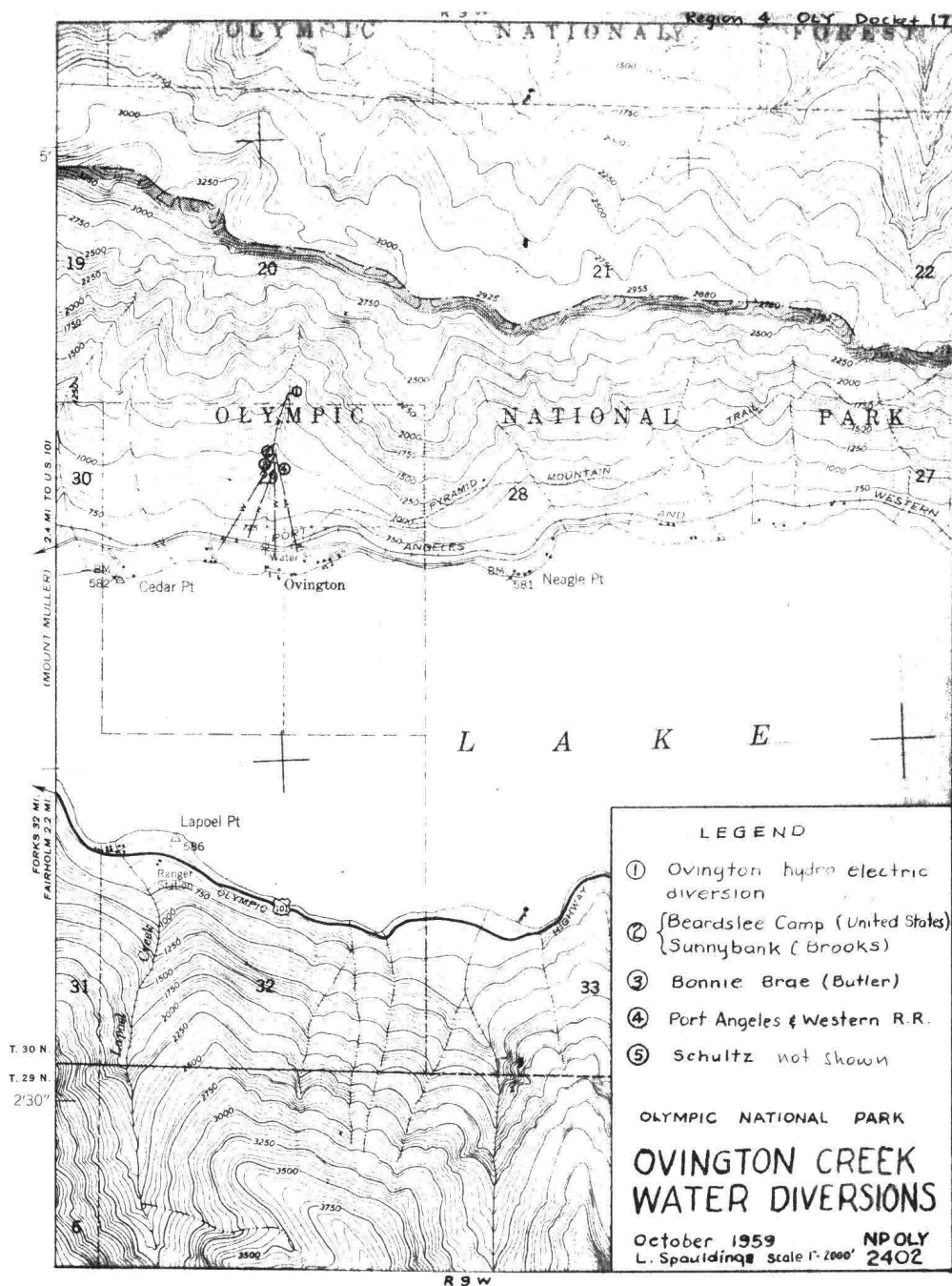
Dear Sir:

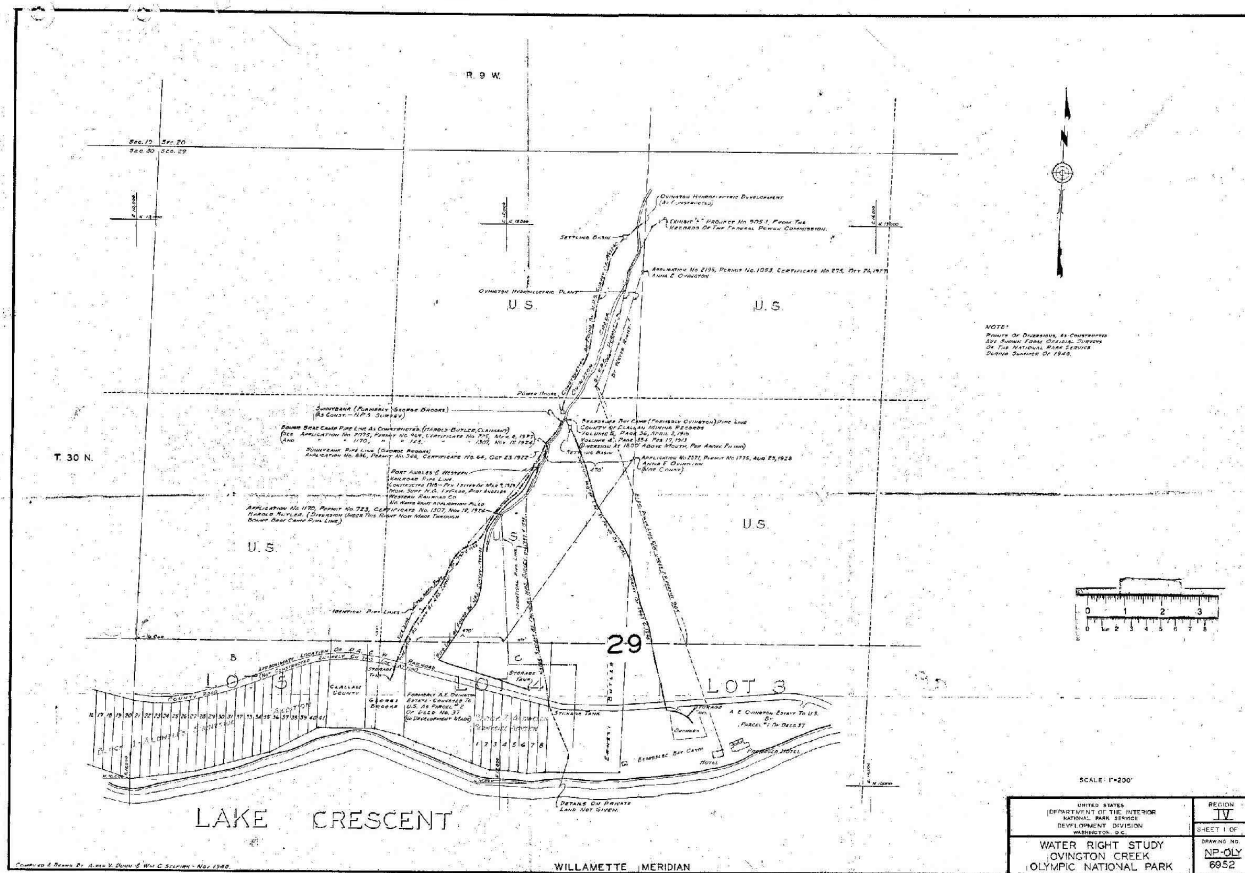
As regards application No. 2321 of Anna E. Ovington asking for 0.1 cu. ft. per second more water than they are now taking. I object to the taking of this additional water, unless it is taken below where I take water on my permit, No. 969. Because, at the time I filed my water rights, I was told that I was taking all that was left in dry season and it has proven so.

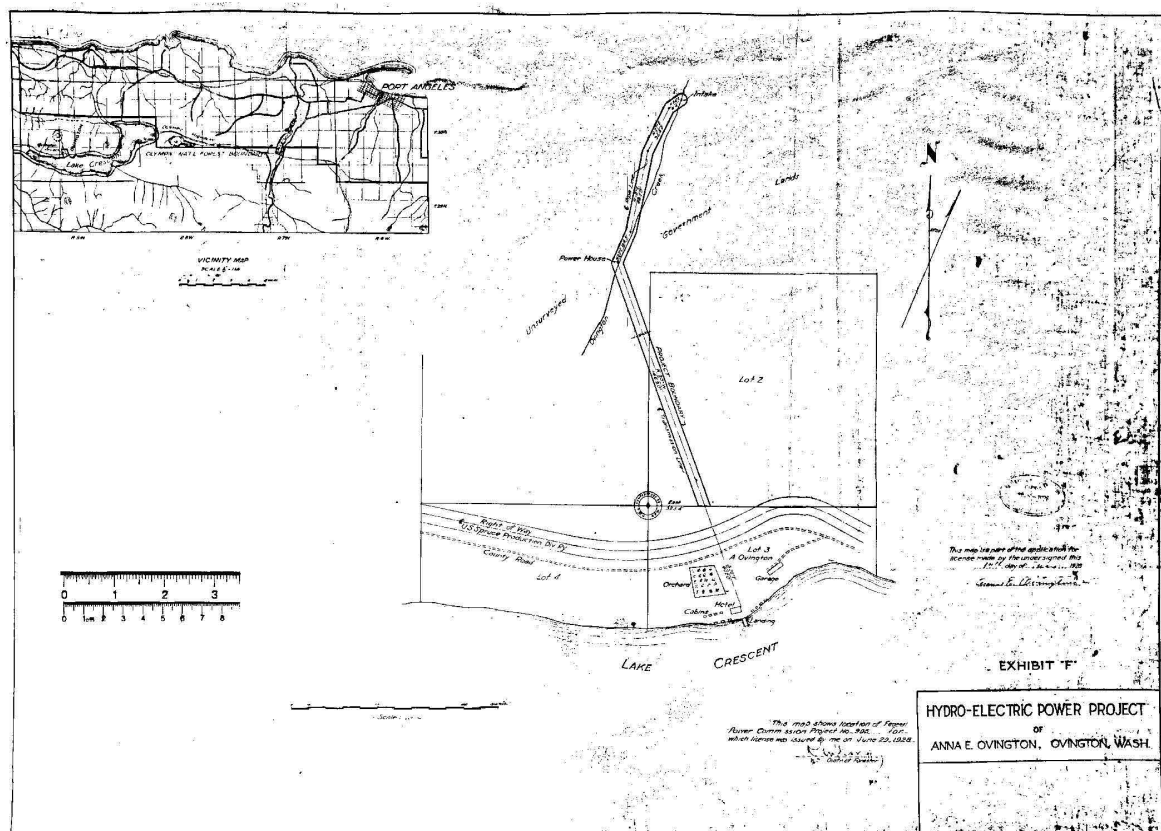
If they wish to take this additional water below the other water rights on the creek, well and good. But, to rebuild their present water line above us, taking the additional water, we would certainly object to, as in dry periods it would leave us without water and would be the ruin of my place.

Yours very truly,

/s/ Harold H. Butler.

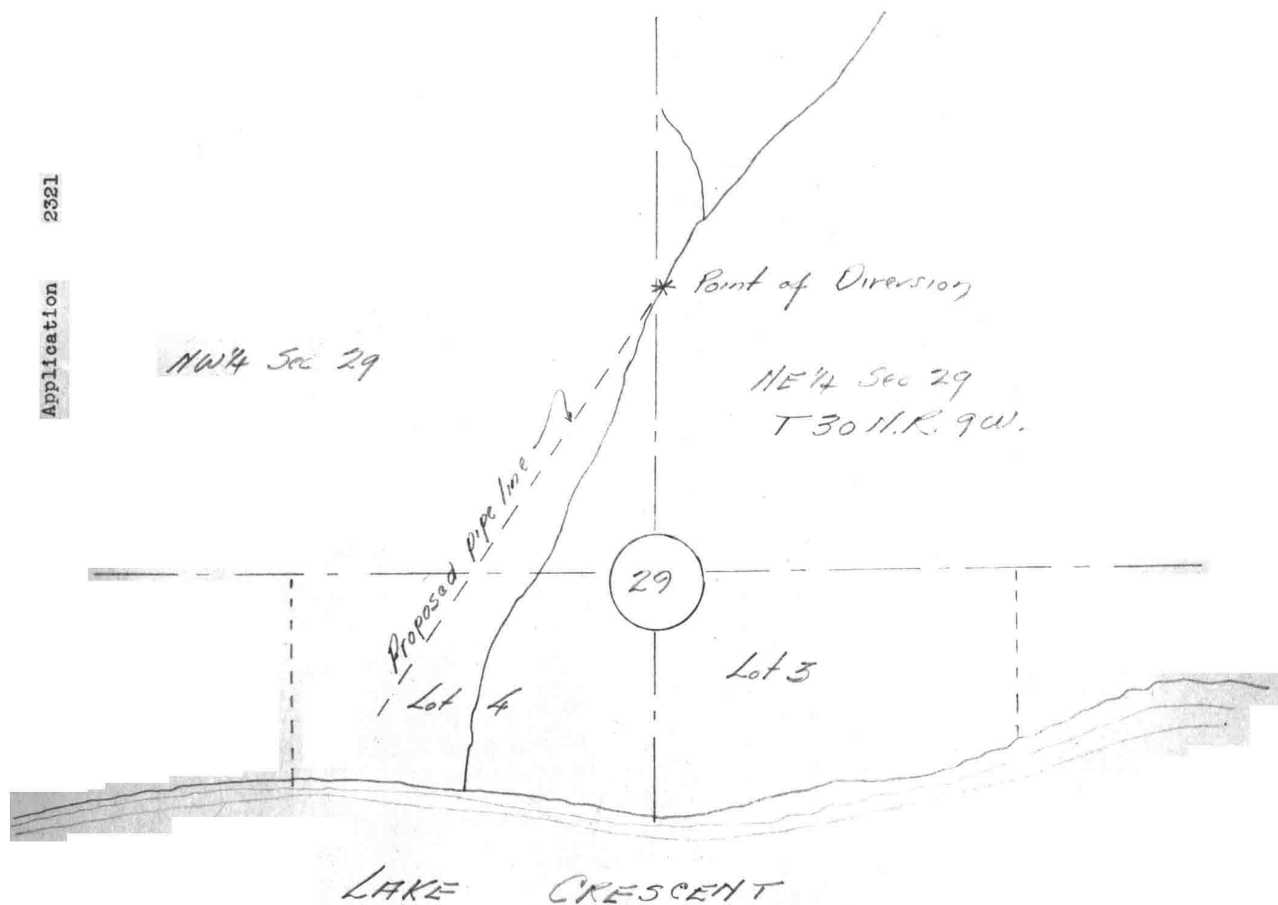


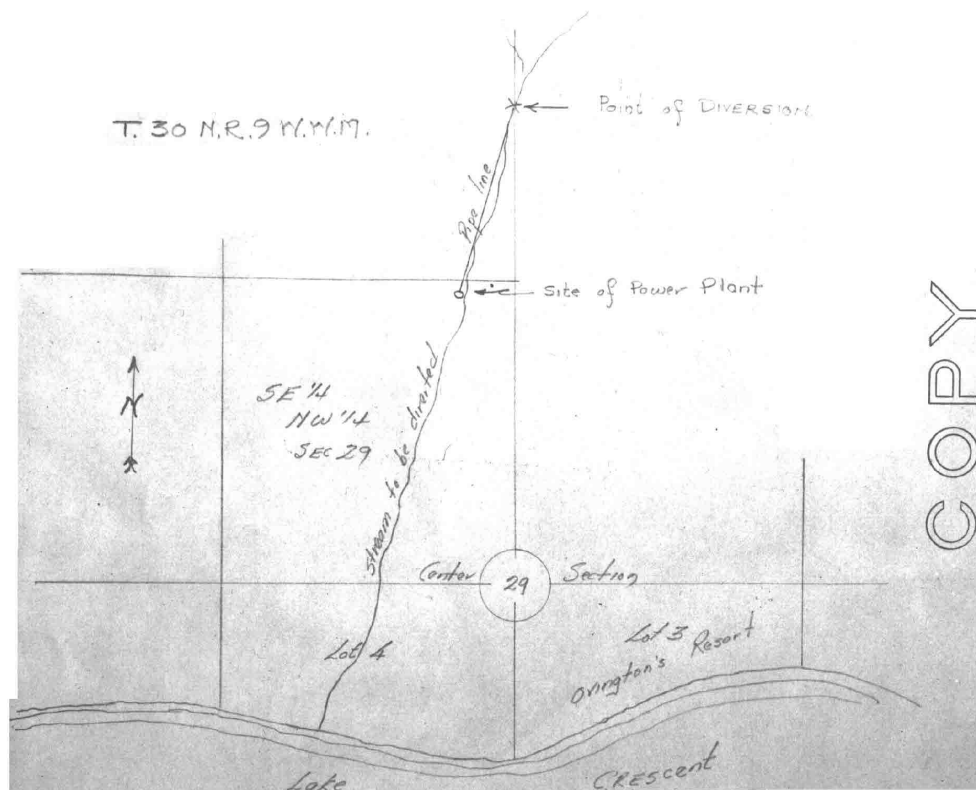




Application 2321

Application 2321





Docket Information

Number of Documents in Docket 51
Documents Dated from 2/6/1928 to 10/15/1959
Docket Compiled: 6/2/2011