



WATER-RIGHT DOCKET

North Cascades National Park

Docket No: 2

LAKE CHELAN AREA, ORVAL WILLIAMS

State Water Rights Documentation

11-08-2000: Assessment of Impact on National Park Water Rights of State-Determined Instream Flow Levels

North Cascades Complex: Assessment of Impact on National Park Water Rights of State-Determined Instream Flow Levels

November 8, 2000

The Washington Department of Ecology ("Department") has proposed a rule that would establish minimum instream flows in the Skagit River basin.¹ The purpose of the proposed rule is to "ensure adequate water remains in the river system to protect fish and other uses in a stream." The rule would require that diversion pursuant to water rights junior to the instream flow would be subject to reduction or elimination in the event the stream flow reaches the established minimum levels. Any proposed groundwater withdrawals would be likewise subject to a determination by the Department that any pumping of an aquifer that is hydraulically connected to streamflow in the basin would not interfere with maintaining the minimum stream flow. The instream flow would have no impact on water rights that were established prior to the instream flow.

This assessment was conducted to determine the impact that this rule would have on NPS rights held for the North Cascades National Park ("North Cascades"), the Ross Lake National Recreation Area ("Ross Lake"), and the Lake Chelan National Recreation Area ("Lake Chelan"), and to determine the impacts this rule might have on future attempts to obtain water rights within the affected basin.

State Appropriative Rights

In order to determine NPS holdings of state appropriative water rights in the Skagit basin, the Natural Resource Manager for the park units and the Department of Ecology were consulted. In addition, the dockets maintained by the Water Resources Division were reviewed.

NPS holds no state appropriative water rights for either North Cascades or Ross Lake. The dockets maintained by WRD document two water rights associated with Lake Chelan. However, Lake Chelan does not lie within the Skagit basin and would consequently not be affected by the proposed instream flow. A summary of these rights is footnoted for information purposes below.²

¹ More specifically, the Comment and Hearing Notice issued by the Department in November 2000 indicates that the rule would apply to the Lower and Upper Skagit River and Cultus Mountain tributaries, but that the Samish River sub-basin would not be affected.

² The dockets contain only two state appropriative rights associated with the North Cascades Complex. The information contained in the dockets--sketchy at best--is summarized below.

NOCA-0001: Certificate No. 1299--"Miller Property"
Source: Purple Creek
Amount: 0.05 cfs

In 1971, NPS purchased land, with an appurtenant water right (Certificate No. 1299), from George Miller. The purchased lands are in three parcels, each in Section 31, T33N, R18E, W.M. The point of diversion is located within the Lake Chelan National Recreation Area. The docket contains no copy of the certificate, although there is a copy of the letter sent by Mr. Miller in 1971 to the Department indicating that the land and appurtenant water right had been conveyed to NPS.

NOCA-0002: Lake Chelan Area--"Orval Williams"
Source: Unnamed spring
Amount: 5 gpm

The docket contains only water right Application No. 10501 by Orval Williams. The Department of Ecology was contacted as to the status of this right. Their records indicate that the right never moved beyond the application stage and was rejected by the Department. Documentation of this rejection is forthcoming from the Department.

Discussion with Bruce Reed, the Natural Resource Manager, indicated that North Cascades and Ross Lake utilize surface and groundwater within the boundaries of each unit, largely for campground, domestic, and administrative uses. These uses are not supported by state water rights. Should either North Cascades or Ross Lake seek a state appropriative right for future administrative or other domestic needs, such a right would be junior to the instream flow, and so be subject to call.³ Seeking to file an application before the instream flow rule is passed is not an option--the Comment Period and Hearing Notice states that water right applications in the Skagit Basin are on hold until the instream flows are addressed.

North Cascades has entered into an agreement with Seattle Lights utility for use of water at NPS facilities in and around the town of Newhalem. This water is presumably supported by state water rights senior to the instream flow, and so would not be impacted by the imposition of the instream flow. It would be helpful to understand the nature of this agreement and the specifics of the water right presumably held by Seattle Lights.

Federal Reserved Rights

The United States Supreme Court has held that where water is needed to fulfill the purposes of a reservation of federal land, Congress intended to reserve that amount of water needed to fulfill the purpose of the reservation.⁴ Such reservations of water have been recognized for national forests,⁵ national parks,⁶ and national recreation areas.⁷ A reservation of water is implied to meet only the "primary" purposes of the reservation; water needed for "secondary" purposes should be obtained through a state's appropriative system.⁸ The primary purposes of a national forest are to secure favorable conditions for water flows and to furnish a continuous supply of timber,⁹ and a federal reserved water right associated with a national forest would be limited to that amount of water needed to accomplish those purposes.¹⁰ The primary purposes of a national park are "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner...as will leave them unimpaired....";¹¹ a federal reserved right associated with these purposes would be limited to that amount needed to accomplish those purposes. Ross Lake and Lake Chelan were created in order to provide for the public outdoor use of scenic, scientific, historic and other values contributing to public of enjoyment of such lands *and waters*. Based on the express mention of enjoyment of waters as a primary purpose of a national recreation area, a federal reserved right exists in a national recreation area for recreational uses.¹² The effective date of a federal reserved water right is the date the reservation was made.¹³

The Washington Forest Reserve was established by Presidential Proclamation on February 22, 1898. It was then redesignated (in part) as the Chelan, Snoqualmie, and Wenatchee National Forests by Executive Order 822 on June 18, 1908. A portion was again redesignated as the Mount Baker National Forest by Executive Order 3943 on January 21, 1924. The Mount Baker and Snoqualmie National Forests were administratively consolidated on July 7, 1974.

The North Cascades Complex (North Cascades National Park, Ross Lake National Recreation Area, and Chelan Lake National Recreation Area) was established October 2, 1968, largely from lands within the

³ The Notice provided by the Department of Ecology indicates that water use by a junior appropriator could be interrupted on a frequent basis, particularly during August and September.

⁴ *United States v. New Mexico*, 438 U.S. 696, 701 (1978).

⁵ *Arizona v. California*, 373 U.S. 546, 601 (1963).

⁶ *United States v. New Mexico*, *supra*; *Cappaert v. United States*, 426 U.S. 128 (1976).

⁷ *Arizona v. California*, at 601.

⁸ *Id.*, at 716.

⁹ Organic Administration Act of June 4, 1897, 20 Stat. 34, 16 U.S.C. § 473 et seq.

¹⁰ *United States v. New Mexico*, at 718.

¹¹ Act of Aug. 25, 1916; 39 Stat. 535; 16 U.S.C. § 1.

¹² Moreover, in *Arizona v. California*, the U.S. Supreme Court recognized federal reserved rights for the Lake Mead National Recreation Area. *Id.*, at 601.

¹³ See *Cappaert v. United States*, 426 U.S. 128, 147 (1976).

Mount Baker-Snoqualmie, Wenatchee, and Chelan National Forests. North Cascades National Park was established

in order to preserve for the benefit, use, and inspiration of present and future generations certain majestic mountain scenery, snowfields, glaciers, alpine meadows, and other unique natural features.... The park shall consist of the *lands, waters, and interests* therein (emphasis added)....¹⁴

Ross Lake National Recreation Area was established

in order to provide for the public outdoor use and enjoyment of portions of the Skagit River and Ross, Diablo, and Gorge Lakes, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such *lands and waters* (emphasis added)....¹⁵

The Lake Chelan National Recreation Area was established

in order to provide for the public outdoor recreation use and enjoyment of portions of the Stehekin River and Lake Chelan, together with the surrounding lands, and for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of such *lands and waters* (emphasis added)....¹⁶

In determining the nature of a federal reserved water right, the North Cascades Complex presents a situation similar to that addressed in *United States v. City and County of Denver* ("*U.S. v Denver*").¹⁷ The situations are similar in that the lands in question were initially withdrawn from the public domain and reserved for national forest purposes, and then were subsequently reserved for national park and recreation area purposes. The Colorado Supreme Court held that the United States had, in essence, two federal reserved water rights--one to fulfill the purposes of the national forest reservation, and one to fulfill the purposes of the national park reservation:

The purposes for which the national forests are administered were not rescinded by the simple reclassification of the lands. The reclassification changes the status of the lands from national forests to national parks, but the original purposes of timber and watershed protection continue even though the land is placed under National Park Service administration. There is no reason to believe that the transferal of national forest lands extinguishes the purposes of timber and watershed protection established by the Organic Act of 1897. Therefore, to the extent that the purposes of the national forests and national parks overlap, the federal government has reserved water rights in the amount minimally necessary to effectuate the purposes of the national forest lands. [Citation omitted.] Reservation of water for other purposes, however, will have a priority date from the time the national park was established.¹⁸

Based on the foregoing, North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area would have federal reserved water rights dated February 22, 1898 for purposes of watershed protection and timber supply. North Cascades would have an additional federal reserved water right dated October 2, 1968 for purposes of conserving scenery, natural and historic objects, and wildlife. Ross Lake and Lake Chelan have an additional federal reserved water right dated October 2,

¹⁴ An Act to establish the North Cascades National Park and Ross Lake and Lake Chelan National Recreation Areas, to designate the Pasayten Wilderness and to modify the Glacier Peak Wilderness, in the State of Washington, and for other purposes, § 101, Oct. 2, 1968; 82 Stat. 926.

¹⁵ *Id.*, § 201.

¹⁶ *Id.*, § 202.

¹⁷ 656 P.2d 1 (Colo.1982).

¹⁸ *U.S. v. Denver*, at 30.

1968 for the conservation of the scenic, scientific, historic, and other values contributing to public enjoyment of the lands and water within the recreation area.

Clearly, Lake Chelan, being outside the boundaries of the Skagit River basin, would not be affected by this rule. However, North Cascades and Ross Lake are located within the Skagit River basin, and so would be subject to the rule. The federal reserved rights associated with both these units, having been established in 1898 and 1968, are senior to an instream flow imposed by the State of Washington. However, uncertainty arises because the federal reserved rights have never been quantified or officially recognized by the State. Case law indicates that a federal reserved water right need not have been either quantified or adjudicated in order to be protected. In *Arizona v. California*,¹⁹ the United States Supreme Court stated:

The court in *Winters* concluded that the Government, when it created that Indian Reservation, intended to deal fairly with the Indians by reserving for them the waters without which their lands would have been useless. *** We...agree that the United States did reserve the water rights for the Indians effective as of the time the Indian Reservations were created. This means...that these water rights, having vested before the [Boulder Canyon Project Act] became effective June 25, 1929, are "present perfected rights" and as such are entitled to priority under the [Boulder Canyon Project Act].²⁰

Similarly, in *Sierra Club v. Andrus*,²¹ a federal district court, in discussing a federal reserved water right that had not been quantified or adjudicated, stated:

The federal reserved right is "perfected" as of that date [when created by a reservation of public lands] and is superior to any and all rights of future appropriators. *Arizona v. California*. Indeed, even where there has been substantial appropriation by "junior" appropriators, the rights of the United States remain senior and unimpaired.²²

Based on the foregoing, it is reasonably concluded that the federal reserved rights held by Ross Lake and North Cascades would remain unimpaired by the proposed instream flow rule, despite not having been quantified or adjudicated.

There is some concern whether the park units will be able to meet their water needs for domestic/administrative uses. It is uncertain whether a federal reserved right exists for domestic/administrative uses. In *United States v. New Mexico*,²³ the court, in determining whether stockwatering was a primary purpose, phrased the test as follows:

If stockwatering could not take place on the Gila National Forest, Congress' purposes in reserving the land would not be defeated.²⁴

Applying such a strict standard, it would seem that a recreation area could be used for its intended purposes without domestic or administrative water available. However, in the past NPS has entered into agreements with other states for the purpose of settling federal reserved rights issues. Each has made provision for administrative/domestic use of a federal reserved water right. Examples of these agreements are set forth below.

¹⁹ 373 U.S. 546 (1963).

²⁰ *Id.*, at 600.

²¹ 487 F.Supp. 443 (D.D.C. 1980).

²² *Id.*, at 450.

²³ 438 U.S. 696 (1978).

²⁴ *Id.*, at 716.

Zion National Park

On December 4, 1996, NPS entered into an agreement with the State of Utah to settle the federal reserved rights claims of Zion National Park ("Zion"). Zion held federal reserved rights with priority dates ranging from 1909 to 1976, and state appropriative rights with priority dates ranging from 1877 to 1965. In the agreement, the NPS agreed to subordinate all federal reserved rights, with the exception of those amounts used for administrative purposes, to all valid existing state appropriative rights with priority dates prior to January 1, 1996. Zion would meet its administrative water needs through its state appropriative rights first; any remaining administrative water needs would then be met through Zion's federal reserved rights. In return, the State of Utah and other water development parties, agreed to abandon certain water projects upstream from Zion, and accepted volume limitations on future water development in the Virgin River basin.

Montana Water Rights Compact

In 1979, the State of Montana commenced a general adjudication of the waters within the state, including all federal reserved and appropriative water rights. In 1994, NPS entered into a compact with the State of Montana in settlement of all NPS claims to water associated with NPS lands within the state. The compact quantifies federal reserved water rights for instream flows and subordinates these rights to specified amounts of consumptive use state appropriative rights. The compact also recognizes federal reserved rights for administrative and other consumptive uses by park units. While future administrative needs are recognized, amounts are specified for current administrative uses. Unlike the federal reserved rights for instream flows, these rights are not subordinated to state appropriative rights, but retain the priority date that reflects the date the park unit was created. In return, the State of Montana agreed to limit or preclude future water development.

Such an approach might be used to obtain and protect administrative water needs in the context of the Department's determination of a minimum instream flow. Subordination of the remainder of a park unit's federal reserved right might be particularly attractive if the Department's proposed instream flow levels are consistent with the federal reserved rights levels needed to accomplish the primary purposes of North Cascades or Ross Lake.

Summary and Conclusions

Lake Chelan, lying beyond the boundaries of the Skagit basin, would not be affected by the proposed instream flow rule. However, both North Cascades and Ross Lake lie within the boundaries of the Skagit basin, and so would be affected by the proposed rule. It is reasonably concluded that the instream flow rule will not affect the federal reserved rights associated with each park unit, but the rule could impact each unit's ability to meet future water needs through the state appropriative system. However, the proposed rule presents an opportunity for the park units to consider. Using the Zion National Park agreement and the Montana Compact as models, the park units could meet their administrative needs with a fairly senior federal reserved right, and meet their instream flow needs if the state's instream flow levels are sufficient to fulfill each park unit's purposes. Moreover, if the state's instream flow levels are sufficient to fulfill each park unit's purposes, the proposed rule would provide a state-sanctioned enforcement mechanism for protecting each park unit's instream flow needs.

September 18, 1947

Mr. Harry Buckner
Stehakin, Washington

Dear Harry:

I am addressing this letter to you in that Jack Blankenship asked you to represent him at the meeting which was held at the Stehakin Forestry Office September 18th, at which meeting all those having water rights on Purple Creek were either present or represented by others. At this meeting, as you know, the problems and rights of the various users of water were discussed, and an honest effort was made to settle the water rights of Purple Creek amicably.

It was regrettable that Mr. Blankenship, who has filed numerous complaints with the Department of Conservation and Development at Olympia and who has also complained to the Forestry Service, did not attend in person. However, it seems to me that when Mr. Blankenship appointed you to represent him, he could not have made a better choice as you presented his side of the matter and fought much harder for him than if it had been your own water right that you were defending. I believe that you will agree with the writer that Mr. Loring, Mr. Hampton and Mr. Foote of the Forestry Service, who called the meeting, were very fair and gave all parties an opportunity to present their side of the matter.

You made the statement as Mr. Blankenship's representative that he agreed to abide by your judgement but that he would not be satisfied until such time that the water was measured and each user took his water out of this measuring device. It was your suggestion that a measuring device be placed at a suitable place below the dam which would be in the nature of a large pipe with openings at the side which would furnish each user taking water from below the dam his allotted amount. This was agreeable with all users involved in diverting water at this point. This, undoubtedly, would be the judge's ruling if the water rights of Purple Creek were taken to court for adjudication. No domestic water user on Purple Creek could expect any more water than his allotted right. I feel sure that all users that attended the meeting knew what their rights are as to domestic water, with the exception of the Lodge Right, or Ashmead's who own the dam, and they apparently had no complaint to make.

Mr. Harry Buckner

-2-

Sep. 16, 1947

It is now up to Mr. Blankenship to take the preliminary steps if he wants a measuring device installed such as you suggested. It will first be necessary for him to get the consent of the Ashmeads to put in a larger pipe through the dam in the event that the one-inch pipe which is now installed does not carry sufficient water to supply the domestic users below the dam with their allotted amount of water. The total domestic water now being used by those who would be diverting water below the dam is 0.10 of a cubic foot per second, the amount being divided as follows: 0.05 c.f.s. covering the Blankenship rights, which include Lots 1, 2 and 3, and 13 to 25, inclusive, of the Unrecorded Plat of Purple Point Addition, and the Peter Miller Right, which is 0.05 c.f.s. Second, I am sure that Mr. Appleby, Assistant Supervisor of Hydraulics, would want Mr. Blankenship to agree to the installation of said measuring device and be willing to connect and abide by same.

The Department of State Hydraulics would not care to spend a lot of time figuring the size of the outlets and working out this problem and then have Mr. Blankenship refuse the proposition that was submitted by his own representative. The matter of diverting the water to the various users who hold rights below the power dam on Purple Creek is now in the hands of you and Mr. Blankenship.

All those holding rights on Purple Creek as well as the writer have been very patient with Mr. Blankenship, considering the numerous complaints that he has made to the Department of Conservation and Development against other users on the stream.

I would like to take this opportunity to make my position clear in the event that Mr. Blankenship files any more complaints against me, either with the Department of Conservation and Development or the Forestry Service. If another complaint is filed, I am going to ask the court to adjudicate the water rights on Purple Creek and make all users a party to the action, with the exception of the Forestry Service, and ask the court that each holder of a water right be made to pay his proportionate share of the cost of adjudication, and that a measuring box be established at a suitable point to measure all water of the domestic users. Both the State and Forestry officials gave their time and counsel in an effort to get this matter settled, and, if Mr. Blankenship isn't willing to cooperate, there is nothing left but to take the matter to court.

Yours very truly,

cc:

Mr. Leonard Hampton
Mr. Malcolm Loring
Mr. E. C. Blankenship
Mr. Glen Ashmead
Mr. Peter E. Miller
Mr. Al Peterson
Mr. Fred Appleby ✓

George W. Miller

WATER RIGHTS ON PURPLE CREEK

1. Purple Right: Mr. Purple, the original patentee of the property, prior to receiving a patent on his land on December 17, 1908, appropriated and applied to a beneficial use the waters of Purple Creek. Just how much water this right is entitled to has, of course, never been judicially fixed, as it was acquired prior to the adoption of our statutory water code, which was passed in 1917. It is, however, beyond dispute that this water right is a first and prior water right over any other appropriation of waters on Purple Creek. Mr. Purple was appropriating water from Purple Creek prior to the ownership of either Mr. Blankenship or the Forest Service.

2. The first certificate issued on Purple Creek under the water code was to the Forest Service. The Forest Service permit originally called for domestic use and irrigation of about six acres, and later they were granted a change in purpose of use so that it included power. In making their final proof, they claimed irrigation of one-quarter acre only, so that for the two uses, irrigation and domestic, they could not claim a continual use for those purposes of more than 0.02 c.f.s., and then only during the summer months. It would be then assumed that the balance of 0.08 or 0.09 c.f.s. was for power, which is inferior to domestic, or stock right, as it is called under the Washington Water Rights.

3. Lodge and Blankenship Rights: Blankenship has a right of 0.05 c.f.s. for domestic use covering Lots 1, 2, and 3, and 13 to 25, inclusive, of the Unrecorded Plat of Purple Point Addition, these lots all having equal right to this water, which is secondary to the Purple Right, this right is established, and the Forest Service. The Lodge has a right issued to George F. Miller and Emil H. Miller for domestic supply and irrigation of 1-1/2 cu. ft. per second, of which the domestic portion has never been determined. It would be presumed that this domestic right would be determined on the basis of the requirements of the Lodge when said permit was issued, which was the 17th day of December, 1935. Mr. Blankenship has a power right of 0.10 c.f.s., which is a secondary power right to both the Forest Service and the Lodge.

4. Peter E. Miller Right: The Peter E. Miller Right calls for 0.05 c.f.s. for domestic use continuous the year around, 365 days of the year, 0.05 c.f.s. for irrigation, and 0.10 c.f.s. for power. The Peter E. Miller Right follows and is secondary to the above rights.

Rodney Riker, Supervisor of Hydraulics for the State of Washington Department of Conservation and Development, has ruled that domestic water ranks first in importance, then irrigation, and after that power. There is no question but what the courts of this state would include same in their rulings. As long as there is a sufficient supply of water in Purple Creek, the domestic users have first right to the water, then irrigation, and last power. If the power is utilized to pump water, it might be placed in the first rank. If there is sufficient water in the stream to supply domestic water to all the users, the one having the first right on the Creek would be entitled to his allotted amount of domestic water, and any surplus would go down the stream to the user who held the next right.

Attachment "A"

IN THE COUNTY OF CHELAN, STATE OF WASHINGTON

PARCEL "A"

A PARCEL OF LAND SITUATED IN GOVERNMENT LOT 5 OF SECTION 31, TOWNSHIP 33 NORTH, RANGE 18, E.W.M., DESCRIBED AS FOLLOWS:
 COMMENCING AT THE QUARTER CORNER OF SAID SECTION 31;
 THENCE WEST ALONG THE SOUTH BOUNDARY OF SAID SECTION 31, A DISTANCE OF 325 FEET TO A BRONZE MONUMENT;
 THENCE NORTH $13^{\circ}39'$ WEST, 200 FEET;
 THENCE NORTH $13^{\circ}46'$ EAST, 250 FEET;
 THENCE NORTH $15^{\circ}46'$ EAST, 190 FEET;
 THENCE SOUTH $85^{\circ}14'$ EAST, 101.9 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION;
 THENCE EAST TO THE EAST BOUNDARY OF GOVERNMENT LOT 5;
 THENCE NORTH $0^{\circ}52'$ EAST ALONG EAST BOUNDARY OF GOVERNMENT LOT 5 TO A POINT 486.6 FEET FROM THE NORTHEAST CORNER OF GOVERNMENT LOT 5;
 THENCE WEST 184.2 FEET;
 THENCE SOUTH $5^{\circ}18'$ EAST 217.6 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL "B"

THAT PORTION OF GOVERNMENT LOT 5, SECTION 31, TOWNSHIP 33 NORTH, RANGE 18, E.W.M., DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 31;
 THENCE DUE WEST ALONG THE SOUTH LINE OF SAID SECTION, 325 FEET, MORE OR LESS TO A WITNESS POINT FOR THE MEANDER CORNER ON THE EAST SIDE OF LAKE CHELAN;
 THENCE NORTH $13^{\circ}39'$ WEST, 200 FEET;
 THENCE NORTH $13^{\circ}46'$ EAST, 250 FEET;
 THENCE NORTH $13^{\circ}46'$ EAST, 190 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "A";
 THENCE NORTH $05^{\circ}11'$ WEST, 250 FEET;
 THENCE NORTH $17^{\circ}56'$ WEST, 90 FEET;
 THENCE SOUTH $72^{\circ}37'$ WEST TO THE WESTERLY RIGHT OF WAY LINE OF COUNTY ROAD NO. 119, AND THE TRUE POINT OF BEGINNING;
 THENCE SOUTH $72^{\circ}39'$ WEST TO A POINT FROM WHICH POINT "A" BEARS SOUTH $85^{\circ}14'$ EAST;
 THENCE SOUTH $85^{\circ}14'$ EAST TO THE 1079 CONTOUR, THE ORIGINAL ELEVATION OF LAKE CHELAN;
 THENCE NORTH $05^{\circ}11'$ WEST, 20 FEET;
 THENCE NORTH $85^{\circ}00'$ EAST TO THE WESTERLY RIGHT OF WAY LINE OF SAID COUNTY ROAD;
 THENCE NORTHERLY ALONG SAID ROAD RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING;
 EXCEPT THOSE PORTIONS THEREOF CONVEYED TO THE UNITED STATES OF AMERICA BY DEED RECORDED SEPTEMBER 28, 1970, UNDER AUDITOR'S FILE NO. 703838, IN VOLUME 700, PAGE 562,
 AND EXCEPT THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED TRACT:
 BEGINNING AT SAID POINT "A", AND
 THENCE NORTH $05^{\circ}11'$ WEST, 125 FEET TO THE TRUE POINT OF BEGINNING;
 THENCE CONTINUING NORTH $05^{\circ}11'$ WEST, 125 FEET;
 THENCE SOUTH $73^{\circ}19'$ WEST, 269.2 FEET;
 THENCE SOUTHERLY ALONG THE 1079 CONTOUR, THE ORIGINAL LEVEL OF LAKE CHELAN, TO A POINT SOUTH $84^{\circ}02'$ WEST OF THE TRUE POINT OF BEGINNING;
 THENCE NORTH $84^{\circ}02'$ WEST, TO THE TRUE POINT OF BEGINNING.

PAGE 2

PARCEL "C"
BEGINNING AT THE SOUTH QUARTER CORNER OF SECTION 31, TOWNSHIP 33
NORTH, RANGE 18, E.W.M.,
THENCE WEST ALONG SOUTH LINE, 317 FEET TO MONUMENT;
THENCE NORTH 14° WEST, 200 FEET;
THENCE NORTH 14° EAST, 250 FEET;
THENCE NORTH 16° EAST, 190 FEET;
THENCE NORTH 6° WEST, 50 FEET TO TRUE POINT OF BEGINNING;
THENCE NORTH 6° WEST, 50 FEET;
THENCE NORTH 84° EAST, 100 FEET;
THENCE SOUTH 6° EAST, 50 FEET;
THENCE SOUTH 84° WEST, 100 FEET TO TRUE POINT OF BEGINNING, BEING
KNOWN AS LOT 14 OF UNRECORDED PLAT OF PURPLE POINT ADDITION.

STATE OF WASHINGTON, COUNTY OF Chelan

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 E. O. Blankenship
 of Stehekin, 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 Purple Creek, a tributary of Lake Chelan,
 for the purposes of Domestic use and garden irrigation
 under Appropriation Permit No. 709 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 3, at Page 1299, on the 5th day of February, 1940; that
 the right hereby confirmed dates from December 12, 1925; 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 0.05 of a cubic foot
per second.

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

PLACE OF USE			LEGAL SUBDIVISION	FOR IRRIGATION	
Section	Township	Range		No. Acres Described in Permit	No. Acres Actually Irrigated

LOCATION OF POWER PLANT			LEGAL SUBDIVISION	FOR POWER	
Section	Township	Range		H. P. Described in Permit	H. P. Actually Developed

Section	Township	Range	LEGAL SUBDIVISION	FOR OTHER USES
31	33 N.	18 E.W.M.	Lots 1, 2, 3 and 13 to 25, inclusive of unrecorded plat of Purple Point Addition of Govt. Lot 8.	Domestic use and garden irrigation.

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 5th day
 of February, 1940.

Assistant

State Supervisor of Hydraulics.

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

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 Hydraulic Engineer and this permit is subject particularly to the prior right of the United States Forest Service for the diversion of 0.1 cubic feet per second from Purple Creek under permit No. 700 for use on the Purple Point Granger station.

The amount of water appropriated shall be limited to the amount which can be applied to beneficial use and not to exceed 4 cubic feet per second, or its equivalent in case of rotation. The priority date of this permit is December 12, 1925

Actual construction work shall begin on or before July 22, 1927 and shall thereafter be prosecuted with reasonable diligence and be completed on or before July 22, 1928

Complete application of the water to the proposed use shall be made on or before January 22, 1929 Extended to 4-6-36

WITNESS my hand this 22nd day of July, 1926

R. H. TITZMAN

State Hydraulic Engineer.

This form approved by the State Hydraulic Engineer, 1917.

Application No. 1575

Permit No. 709

PERMIT

To appropriate the Public Waters of the State of Washington

Filed by A. O. Blankenship County of Shelan

This instrument was first received in the office of the State Hydraulic Engineer, Olympia, Washington, on the 12th day of December, 1925, at 8:30 o'clock P. M.

Returned to applicant for correction

Corrected Application received Approved July 22, 1926

R. H. TITZMAN

State Hydraulic Engineer

Before your certificate of water right is issued it will be necessary for you to fill out and file with the State Hydraulic Engineer a copy of the following reports:

- 1st. Notice of water right application.
- 2nd. Notice to begin construction.
- 3rd. Notice of prosecution of work with diligence.
- 4th. Notice of completion of construction.
- 5th. Notice of application of water to a beneficial use.

Upon a satisfactory showing that the appropriation has been perfected as provided in the statute, the State Hydraulic Engineer will issue a water right certificate.

STATE OF WASHINGTON
DEPARTMENT OF WATER RESOURCES
Division of Water Management

accompany each application.

APPLICATION FOR A PERMIT

PRIORITY	
Date	11-12-69
Time	11:45
Accepted	[Signature]

To Appropriate Public Ground Waters
OF THE STATE OF WASHINGTON

Application No. G. W. 10501

I, Orval M. Williams
(Name of applicant)
of Rt 1 Box 204 Chelan Wash
(Complete post office address)

do hereby make application for a permit to appropriate the following described public ground waters of the State of Washington, subject to existing rights. This application is made under the provisions of Chap. 263 of the Session Laws of 1945, and amendments thereto of the State of Washington and subject to the rules and regulations of the Department of Water Resources.

1. The proposed appropriation will be from

(Well, tunnel, infiltration trench)
located 1 mile west of Stehobin Wa.
(Give approximate location and direction from nearest city or town)
Area _____ Sub-area _____
(Leave blank) (Leave blank)
Zone _____
(Leave blank)

Applicant's name or number of well or other works, if any infiltration gallery

2. The quantity of water which applicant intends to withdraw for beneficial use is 5
gallons per minute; 55 acre feet per year.

3. The use or uses to which water is to be applied

Domestic water
(Domestic supply, irrigation, municipal, manufacturing, industrial use, etc.)

4. The time during which water will be required each year 12 mo.

5. Location of well or other works for withdrawal of water. In county of Chelan

(a) 1200 ft west then 500 ft north of SE corner of Sec 25-33-117
(Give distance and bearing from nearest corner of section or legal subdivision)
being within the _____ of Sec. 25, Twp. 33 N, Rge. 1 E W. M.
(Give smallest legal subdivision) (E. or W.)

or (b) I^a within limits of recorded platted property, town or city; Lot _____, Block _____

of _____
(Give name of plat or addition) (If within town or city, give name)

(c) now this location on accompanying section plat. Other adequate maps or drawings will be acceptable.

6. Description of Works:

(a) Well will be ^(dug or drilled) and have a diameter of _____ inches and an estimated depth of _____ feet.

(b) Tunnels or trenches to be described: (Attach additional sheets if needed for full description.)

20' of trench under Rock ledge for gathering area

(c) Distribution system to be described:

1" plastic pipe - 600 to 750 ft to lot on Suburban

(d) If pumps are to be used give size and type:

(e) Give capacity and type of motor or engine to be used:

(f) If the location of the well, tunnel, or other works is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development:

(g) Ownership of each existing well or other works from which ground water is withdrawn within a radius of one-quarter mile and the distance and direction from well or other works being reported herein:

None

(Name)

(Direction)

(Distance)

(Name)

(Direction)

(Distance)

(Name)

(Direction)

(Distance)

SUPPLY THE FOLLOWING INFORMATION ACCORDING TO USE PROPOSED:

7. For Municipal Supply: To supply the city, town, or community of _____, in the county of _____, having a present population of _____, and an estimated population of _____ in 19 _____.

8. For Irrigation: Number of acres to be irrigated _____ acres.

9. Legal Description of Property on which water is to be used for all purposes other than municipal supply:

(Copy legal description from deed)
(If more space is required, attach separate sheet)

(On accompanying plat show location of the existing wells or works)

10. What interest do you have in the above described property? Life Tenancy
of land deeded to Paul & Libby, Son & Daughter, Roger M. Williams
(Owner, lessee, contractor, buyer, etc.) Sister Scott Williams

11. Do you have any other water rights appurtenant to the above described property? no

If so, from what source? N.D.

12. Construction work will begin on or before July 1970

13. Construction work will be completed on or before Sept 1970

14. Water will be put to complete beneficial use on or before Sept 1970

Bruce M. Williams
(Signature of applicant)

15. Name and address of owner of land on which well or works are located:

North Pasco Recreational Area, Chelan, Utah
(Name) (Address)

(Signature of legal landowner)

Signed in the presence of us as witnesses:

(Name)

(Address of witness)

(Name)

(Address of witness)

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

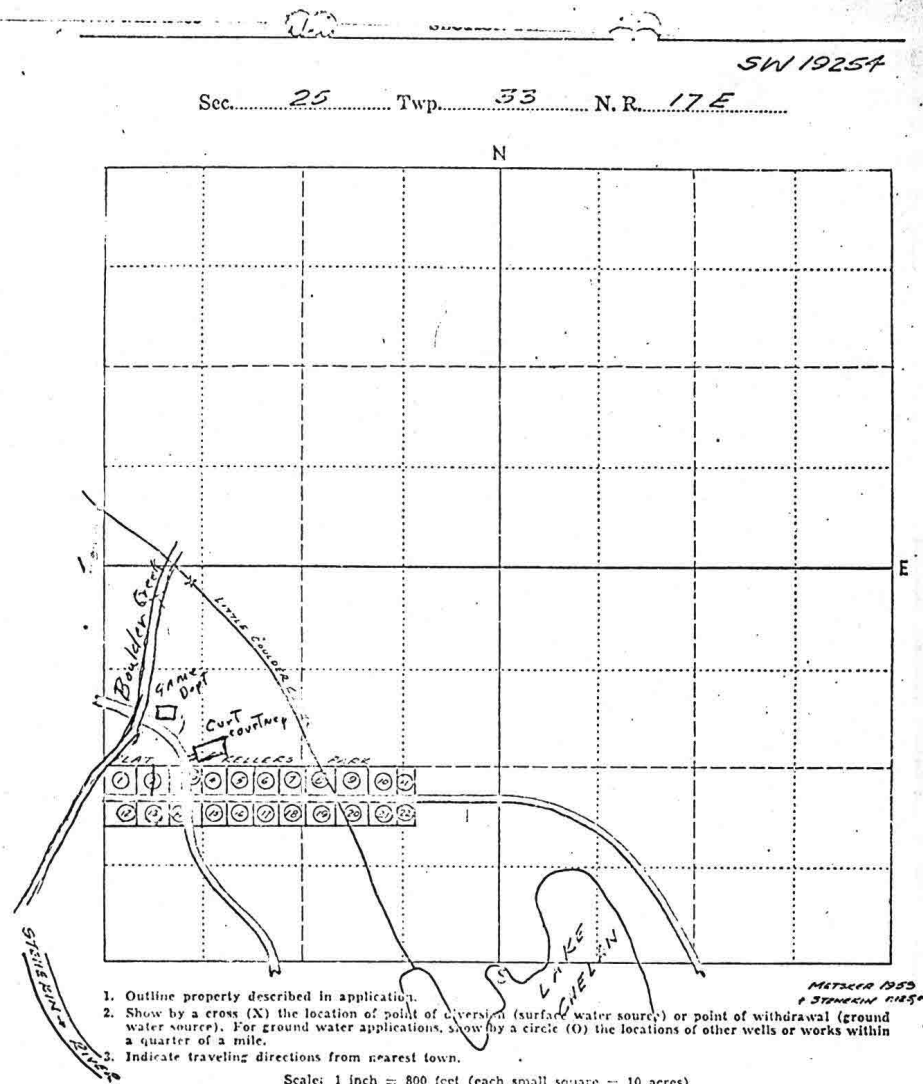
This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion as follows:

Clarify ownership - letter enclosed

In order to retain its priority, this application must be returned to the Department of Water Resources, with corrections, on or before January 7, 1970

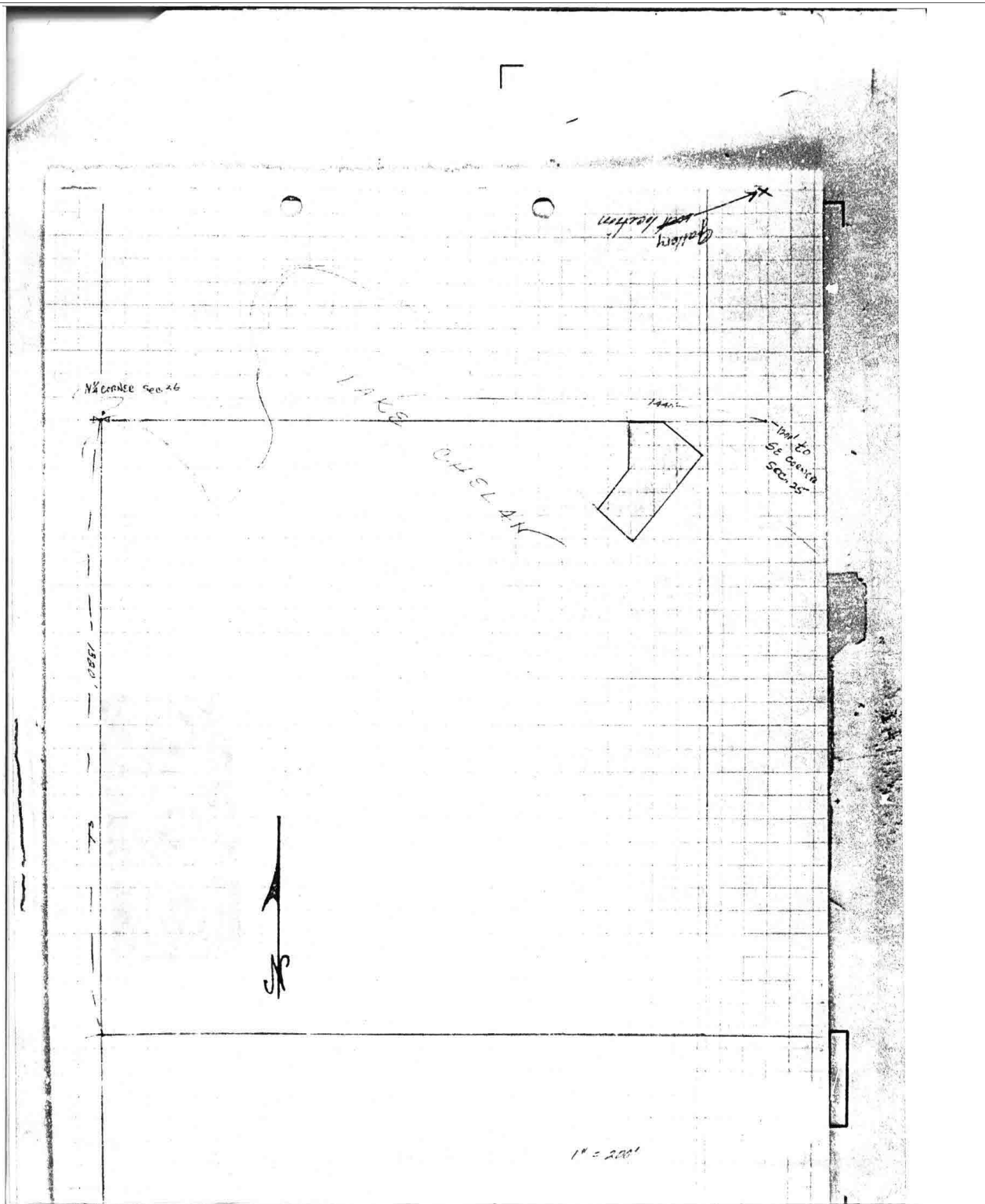
WITNESS my hand this 2 day of December, 19 69

John D. Smith
Division of Water Measurement,
Department of Water Resources



GW 10501

W. H. DE R. J. C. M. 11250



FILED FOR RECORD

SEP. 11 1969

BOOK 641 PAGE 1990
CHELAN COUNTY AUDITOR
WASH.

THE GRANTOR, PAUL KINZEL,

for and in consideration of Three thousand and no/100-----Dollars

(\$3,000.00), in hand paid, conveys and warrants to ORVAL M. WILLIAMS and
MARY LOU WILLIAMS, *Chelan, Wash.*

the following described real estate, situated in the County of Chelan, State of Washington:

Part of the North half of the Northeast quarter of Section 36, Township 33 North, Range 17, East of the Willamette Meridian, Chelan County, Washington, described as follows: Commencing at the North quarter corner of said Section 36, and run East along the North boundary thereof for a distance of 1148 feet to the true point of beginning of this description; thence continuing East for a distance of 73.22 feet; thence S 51° 44' E for a distance of 111.04 feet; thence S 39° 42' W for a distance of 237.57 feet; thence North 48° 15' W for a distance of 100.19 feet; thence N 39° 42' E for a distance of 110.00 feet; thence N 02° 27' W for a distance of 100.40 feet to the true point of beginning. Also including easement for boat ingress and egress to the south. Subject to 60 foot road right of way, and subject to easement of record to raise elevation of Lake Chelan.

This deed is given in completion of contract dated May 27, 1968, and the warranty is limited to that date and acts of the Grantor subsequent thereto.
Excise Tax paid: Chelan County Treasurer's receipt No. 1203.

Dated this _____ day of _____, A.D. 1969.

Paul Kinzel (SEAL)

(SEAL)

STATE OF WASHINGTON,
COUNTY OF CHELAN

On this day personally appeared before me Paul Kinzel,

to me known to be the individual described in and who executed the within and foregoing instrument, and



694176

December 2, 1969

Receipt # 12563

Orval M. Williams
Route 1 Box 204
Chelan, Washington 98816

Dear Sir:

RE: Ground Water Application No. 10501

The above-referenced application to appropriate water from an infiltration gallery within Section 25, T. 33 N., R. 17 E.W.M. has been received and given the above number. Please refer to that number in your reply.

We are returning your application to you for the signature of an authorized representative of the North Cascades Recreation Area - listed under item 15 as the legal owner of lands on which this infiltration gallery is located.

Also, the deed copy, submitted with your application, shows Orval M. Williams and Mary Lou Williams to be the owners, as of September 22, 1969, of the land upon which waters applied for are to be used.

In order to clarify the applicant's name(s) in which a certificate of water is to issue, we will require a facsimile copy of the deed by which Orval M. Williams and Mary Lou Williams deeded subject land to the children listed under item 10 of the enclosed application, ie: Janet Lee Liberty, Dixie Jo Williams, Roger M. Williams and Leslie Don Williams.

We suggest you give this matter your early attention, since in order for this application to retain its present priority, this information need be in this office before January 5, 1970.

Very truly yours,

DEPARTMENT OF WATER RESOURCES

BETTY J. MARTIN, Engineering Aide
Division of Water Management

BJM:sp
Enclosure

Chelan Co.

application no. 10501

Jan 10 1970

Slight Water Resources

Dear Sirs

I obtained the add. information that you asked but the U.S. Park Service would not sign the application, because all water rights in the Park are to be vested in the U.S. Gov. Therefore they advised me that they would apply for the right and if obtained would then give me a special use permit to use the water and cross their land with a pipe.

Very truly yours

Paul Williams

RECEIVED
DEPARTMENT OF WATER RESOURCES

JAN 10 1970
7 8 9 10 11 12 1 2 3 4 5 6 P.M.

January 14, 1970

Orval M. Williams
Route 1, Box 204
Chelan, Washington 98816

Dear Sir:

Re: Ground Water Application No. 10561

Thank you for your letter dated January 10, 1970,
relative to the above-numbered application. In
accordance with the information submitted in your
letter, your application will now be cancelled
in our records.

Very truly yours,

DEPARTMENT OF WATER RESOURCES

EUGENE F. WALLACE
Supervising Hydrologist
Division of Water Management

EFW:am

S. C. No. 370-B-OS-6-67.



\$10.00 examination fee should accompany each application.

STATE OF WASHINGTON
DEPARTMENT OF WATER RESOURCES
Division of Water Management

APPLICATION FOR A PERMIT

PRIORITY	
Date	11-12-69
Time	11:40
Accepted	[Signature]

To Appropriate Public Ground Waters
OF THE STATE OF WASHINGTON

Application No. G. W. 10501

I, Orval M Williams
(Name of applicant)
of Rt 1 Box 204 Chulan Wash
(Complete post office address)

do hereby make application for a permit to appropriate the following described public ground waters of the State of Washington, subject to existing rights. This application is made under the provisions of Chap. 263 of the Session Laws of 1945, and amendments thereto of the State of Washington and subject to the rules and regulations of the Department of Water Resources.

1. The proposed appropriation will be from _____
(Well, tunnel, infiltration trench)
located 1 mile west of Stehakin Wa.
(Give approximate distance and direction from nearest city or town)
Area _____ Sub-area _____
(Leave blank) (Leave blank)
Zone _____
(Leave blank)

Applicant's name or number of well or other works, if any Infiltration Gallery

2. The quantity of water which applicant intends to withdraw for beneficial use is 5
gallons per minute; 55 acre feet per year.

3. The use or uses to which water is to be applied
Domestic water
(Domestic supply, irrigation, municipal, manufacturing, industrial use, etc.)

4. The time during which water will be required each year 12 mo.

5. Location of well or other works for withdrawal of water: In county of Chulan
(a) 1200 ft west then 500 ft north of SE corner of Sec 25-33/11
(Give distance and bearing from nearest corner of section or legal subdivision)
being within the _____ of Sec. 25, Twp. 33 N, Rge. 1 E W M
(Give smallest legal subdivision) (E. or W.)

or (b) If within limits of recorded platted property, town or city: Lot _____, Block _____,

of _____
(Give name of plat or addition) (If within town or city, give name)

(c) Show this location on accompanying section plat. Other adequate maps or drawings will be acceptable.

6. DESCRIPTION OF WORKS:

(a) Well will be _____ and have a diameter of _____ inches and an estimated depth of _____ feet.
(Dug or drilled)

(b) Tunnels or trenches to be described: (Attach additional sheets if needed for full description.)

20' of trench under Rock ledge for gathering area

(c) Distribution system to be described:

1" plastic pipe - 600 to 750 ft to lot on Lake Chelan

(d) If pumps are to be used, give size and type:

(e) Give capacity and type of motor or engine to be used:

(f) If the location of the well, tunnel, or other works is less than one-fourth mile from a natural stream or stream channel, give the distance to the nearest point on each of such channels and the difference in elevation between the stream bed and the ground surface at the source of development:

(g) Ownership of each existing well or other works from which ground water is withdrawn within a radius of one-quarter mile and the distance and direction from well or other works being reported herein:

None

(Name)	(Direction)	(Distance)

SUPPLY THE FOLLOWING INFORMATION ACCORDING TO USE PROPOSED:

7. For Municipal Supply: To supply the city, town, or community of _____, in the county of _____, having a present population of _____, and an estimated population of _____, in 19 _____.

8. For Irrigation: Number of acres to be irrigated _____ acres.

9. Legal Description of Property on which water is to be used for all purposes other than municipal supply:

(Copy legal description from deed)
(If more space is required, attach separate sheet)

(On accompanying plat show location of the existing wells or works)

- ✓ 10. What interest do you have in the above described property? Life Tenancy
of land deeded to Janet K. Liberty, Marie J. Williams, Roger M. Williams
(Owner, lessee, contract buyer, etc.) Lessee Rod Williams
11. Do you have any other water rights appurtenant to the above described property? no
 If so, from what source? no
12. Construction work will begin on or before july 1970
13. Construction work will be completed on or before sept 1970
14. Water will be put to complete beneficial use on or before sept 1970
Rosal M Williams
(Signature of applicant)
15. Name and address of owner of land on which well or works are located:
North Pascoade Recreational Area Chelan Wash
(Name) (Address)
- ✓ X X
(Signature of legal landowner)

Signed in the presence of us as witnesses:

_____ (Name)	_____ (Address of witness)
_____ (Name)	_____ (Address of witness)

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:

Clarify ownerships - letter enclosed

In order to retain its priority, this application must be returned to the Department of Water Resources, with corrections, on or before January 5, 1970

WITNESS my hand this 2 day of December, 1969

Ledy J. Martin
 Division of Water Management,
 Department of Water Resources.

DIRECTIONS FOR PREPARING APPLICATIONS

1. Initial examination fee of \$10.00 should accompany each application. If additional fee is required, you will be notified.
2. Write plainly in ink or use typewriter.
3. Read carefully all questions. Answer only those that apply to your project.
4. Under Question 2 estimate in gallons per minute and acre-feet per year the quantity of water that will be required for your proposed use.
5. A map showing the location of well or other works and place of use, must be made on the enclosed section plat. If for irrigation, show the approximate area to be irrigated. Show also location of other existing wells or other works for withdrawing ground water within a radius of one-quarter mile.
6. In answering Question 5, give the distance and direction of location of well or other construction works for withdrawal of water from the nearest 40-acre corner or other legal subdivision, as
"320 feet north and 1100 feet east from the southwest corner of Sec. 1, Twp. 13 N., Rge. 2 E.W.M.," or
"North 36° 20' east 500 feet from the northeast corner of NW¼ of SW¼ of Sec. 33, Twp. 12 N., Rge. 3 E.W.M.," or
- If within the limits of incorporated town or city:**
"Lot 4, Block 6 of Churchill's Addition to the City of Spokane, Washington."
7. Be sure to give on the map brief directions for driving to the location of the well or other works from some town or easily located point on a state highway. This is for our convenience in making the examination.
8. If you have been using ground water since before June 7, 1945, it will not be necessary to secure a permit from the state for this purpose.
9. Sign application on the line indicated under Section 14.

SCHEDULE OF FEES DUE IN CONNECTION WITH OBTAINING GROUND WATER RIGHTS

Examination Fees: There is a minimum fee of \$10.00 for each application received. This fee covers all withdrawals up to and including 2250 gallons per minute. There is an additional examination fee of \$2.00 for each 450 gallons per minute, or fraction thereof, over 2250 gallons per minute.

Fees for Filing and Recording Permits: There is a minimum fee of \$5.00 for filing and recording a permit.

For irrigation, permit fees are as follows:

- 40¢ per acre, up to and including 100 acres;
- 20¢ per acre over 100 acres to 1,000 acres, inclusive;
- 10¢ per acre over 1,000 acres.

Permit fee for other uses: Twice the examination fee.

Fee for filing and recording certificate: There is a minimum fee of \$5.00.



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

LS4-MW

FEB 20 1970

Memorandum

To: Director, Western Service Center

From: ~~Assistant~~ Director

Subject: Water Right - Lake Chelan National Recreation Area -
Orval Williams

Please refer to Mr. Witucki's memorandum of December 30, 1968, and Superintendent Contor's memorandum of December 23, 1969, on the above subject. The matter has been discussed with your office by telephone to clear up some questions.

As we now understand the problem, Mr. Williams occupies a privately owned tract within Lake Chelan National Recreation Area. He wishes to tap a spring on federally owned land and pipe the water to the tract he occupies for domestic use. He has filed application GW 10501, in his own name, with the State to appropriate 5 gallons per minute, 55 acre-feet per year. The State returned the application stating that it must be signed by an authorized representative of the recreation area.

The "Administrative Policies for Recreation Areas of the National Park System," (page 31) states:

Owners of land or interests in land within or adjacent to recreation areas may be granted, by special-use permit, the privilege of using water owned by the Service when it is administratively determined that the use of such water facilitates the management program of the Service or when no other reasonable source of water is available. An appropriate charge shall be made for use of such water.

Development costs, including costs of access between the private lands to be served and the source of water, shall be borne by the permittee. In all of these cases, the Service shall retain the right to use water from such a development. If, and when, such retained rights are exercised by the Service, it shall share in the costs of the water rights development on an equitable basis.

We also understand that no other reasonable source of water is available, that the use of the spring water will not be detrimental to the wildlife or vegetation of the area, and that the Superintendent recommends issuing a special-use permit for the pipeline, provided the water rights are taken out in the name of the United States.

However, State law requires that the right be in the name of the owner of the land where the water is used. Inasmuch as the whole system will be within the boundaries of the recreation area, we do not see the need for filing and recommend that the permit be issued with the section on water rights deleted and with a proviso that no State filing be made. Provision should also be made for use by the Service and a reasonable charge for the water should be made in accordance with the above quoted administrative policies for recreation areas. In this connection, 100 to 150 gallons per day per person is quite ample for domestic use in this type of setting. Five gallons per minute (7200 gallons per day) is enough for 45 to 72 people. Also, 5 gallons per minute is equivalent to about 8 acre-feet per year, not 55, as applied for by Mr. Williams.

(SGD) EDWARD A. HUMMEL

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

	SUPT.
	CHIEF I & RM
	NATURALIST
	ADMIN. ASST.
	FILES

RECEIVED
NOCA
JAN 21 1970

DATE: 1/19/70

TO : Hammond

FROM : Wagner

SUBJECT: Application - Water Right - Orval Williams - U. S. Gov't

Jerry: For all practical purposes the source will be from a spring within Section 36, T. 33 N., R. 17 E. As indicated on the map, the drainage is intermittent and along with the spring has no name. We have worked this description up with Orval's help.

He has no particular reason to want 5 GPM and had put that on the application just to be sure that he had enough. The use will be for a single residence dwelling. He is interested in enough supply to water a lawn and obtain a reservoir supply by using a 2" line for half the distance down from the top. He then intends to reduce down the rest of the distance to 1" for pressure.

Hope this will do it! I am holding back for the time being on two other requests to see how this one comes out and also find out what the procedure will be. It would probably only add to the confusion right now to submit them?

George



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

WATER RESOURCES SECTION
DAILY REPORT

FILE CODE

DATE: January 15, 1970

L54 ~~LWWSX~~ WSC

TO: ~~CHIMIXXWSSX~~ FILE 

X INFORMATION

PHONE (X)

VISIT ()

CORRESPONDENCE ()

SUMMARY ()

FROM: David Chavez, LWV

TO: Ed Reed, MW - WASO

SUBJECT: Water right - Lake Chelan National Recreation Area, Orvil Williams' application.

I called Mr. Reed to pass on the following information concerning the above subject
(See G.S. Witucki's memorandum of December 30, 1969):

- 1) The Williams' land is a private inholding within the park boundary.
- 2) The unnamed spring is in the Little Boulder Creek drainage on Government property.
- 3) The "Life Tenancy" statement in the application is meant to indicate that Orvil Williams has owned the property all his life.
- 4) According to the District Ranger at Lake Chelan, the ecology of the area will be virtually undisturbed by the use of this water.
- 5) The water is being used for domestic purposes only.

The above information I obtained by telephone conversations with Mr. Hammond, NOCA.

Mr. Reed informed me that the Washington Office would get an opinion from the Solicitor's Office concerning this matter.


BY: David Chavez

cc:

CHAVEZ
WITUCKI

L54
(WSC)LWW
NOCA

December 30, 1969

Memorandum

To: Director
Attention: Chief, Division of Water Resources

From: Chief, Water Resources Section, Office of Land Acquisition
and Water Resources, WSC

Subject: Water Right - Lake Chelan National Recreation Area,
Orvil Williams' application

Enclosed for your information and consideration is a December 23, 1969, memorandum from the Superintendent at North Cascades concerning the subject water right.

This office is in general agreement with the recommendations of the Superintendent concerning Mr. Williams' water right application. However, it may be noted that the Park Service has previously encountered technical difficulties as to issuance of water rights certificates by the State of Washington for a water source within a park boundary, to be used on private property outside the park; i.e., the water right certificate shall be issued in the name of the party upon whose land the water is being used (see my memorandum dated November 20, subject: Federal water right docket No. 14, Un-Named Spring, Coulee Dam). This situation should be taken into consideration in processing this water right. It is recommended that particular emphasis be placed in the issuance of the Special Use Permit to clearly reflect exclusive

ownership of the water right by the Federal Government and that
Mr. Williams's use and maintenance of this water right is subject to
revocation at the discretion of the Park Service.

We would appreciate any comments you may have regarding this matter.

(SGD) GERARD S. WITUCKI

Gerard S. Witucki

Enclosure

cc:

Regional Director, Western
District Director, Northwest
Superintendent, North Cascades

DChavez:mdr



UNITED STATES
DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE
North Cascades National Park
Sedro Woolley, Washington 98284

IN REPLY REFER TO:

L-54

December 23, 1969

Memorandum

To: Office of Land Acquisition & Water Resources
From: Superintendent, North Cascades
Subject: Water Right - Lake Chelan National Recreation Area
Orvil William's application

This confirms Chief Ranger Hammond's conversation of 12/18 with your office. The attached water right permit application of Mr. Orvil Williams was hand carried to our Chelan, Washington office by Mr. Williams. Williams ask us to sign item number 15. His request for domestic water is associated with his private property, Tract No. 156, Section 25, T. 33N R 17E.

The source of the water supply is on government land and portions of the pipe line transporting water to Mr. William's tract will cross federal lands under our jurisdiction.

Recommendation: We recommend Mr. Williams be permitted to utilize this water source. The water right should be reserved and made the property of the Federal Government.

Later we will issue Mr. Williams a special use permit for the use and maintenance of this water right with a revocable clause subject to our administrative needs.

Our District Manager in Chelan will notify Mr. Williams that his application has been sent to your office for final processing.

Sincerely yours,

Roger J. Contor
Roger J. Contor
Superintendent

Attachment

SAN FRANCISCO
SERVICE CENTER
DEC 29 1969

DIRECTOR, SSC
CHIEF, ED&P
CHIEF, ADM. SVC.
CHIEF, CS&M
CHIEF, LAND & WATER RIGHTS
CHIEF, HIST. & HIST. ARCHED.
CHIEF, PRGMS. MANAGEMENT

RECEIVED			
WATER			
DEC 29 1969			
NO.	INFO.	INITIALS	DATE
	W TUCKER, G.		
	CHAVEZ, D.	AC	
	FILE		
REMARKS			



DANIEL J. EVANS, GOVERNOR

H. MAURICE AHLQUIST, DIRECTOR

DEPARTMENT OF WATER RESOURCES

335 GENERAL ADMINISTRATION BUILDING
OLYMPIA 98501

PHONE 753-6186
AREA CODE 206

December 2, 1969

Orval M. Williams
Route 1 Box 204
Chelan, Washington 98816

Dear Sir:

RE: Ground Water Application No. 10501

The above-referenced application to appropriate water from an infiltration gallery within Section 25, T. 33 N., R. 17 E.W.M. has been received and given the above number. Please refer to that number in your reply.

We are returning your application to you for the signature of an authorized representative of the North Cascades Recreation Area - listed under item 15 as the legal owner of lands on which this infiltration gallery is located.

Also, the deed copy, submitted with your application, shows Orval M. Williams and Mary Lou Williams to be the owners, as of September 22, 1969, of the land upon which waters applied for are to be used.

In order to clarify the applicant's name(s) in which a certificate of water is to issue, we will require a facsimile copy of the deed by which Orval M. Williams and Mary Lou Williams deeded subject land to the children listed under item 10 of the enclosed application, ie: Janet Lee Liberty, Dixie Jo Williams, Roger M. Williams and Leslie Don Williams.

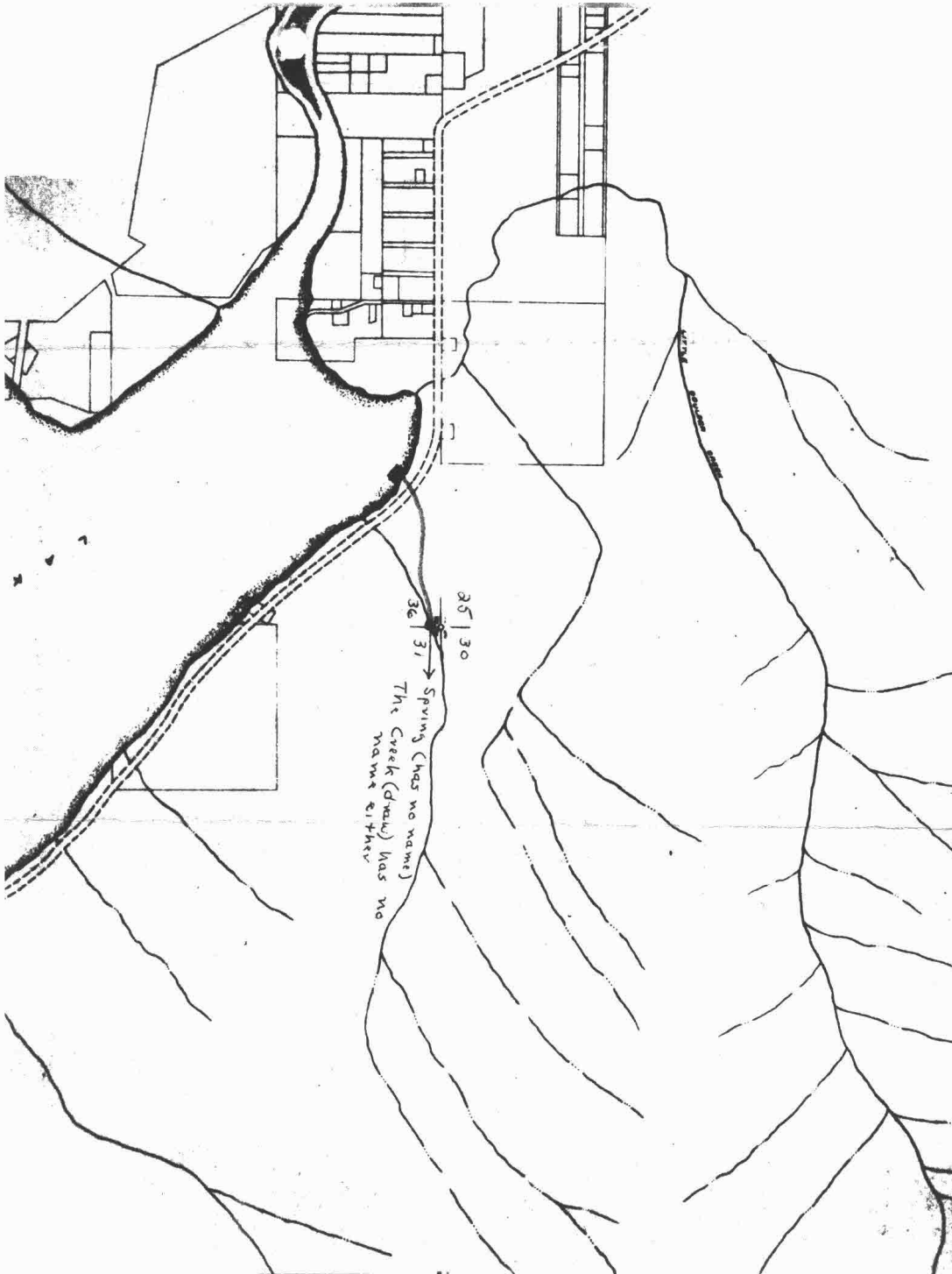
We suggest you give this matter your early attention, since in order for this application to retain its present priority, this information need be in this office before January 5, 1970.

Very truly yours,

DEPARTMENT OF WATER RESOURCES

BETTY J. MARTIN, Engineering Aide
Division of Water Management

BJM:sp
Enclosure



Docket Information

Number of Documents in Docket 35

Documents Dated from 11/12/1969 to 11/8/2000

Docket Compiled: 3/22/2012