

46607

STATE OF WASHINGTON, COUNTY OF

Nasania

# **CERTIFICATE OF SURFACE WATER RIGHT**

(In accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the State Supervisor of Water Resources thereunder.)

This is to certify that ELMER BIRMAN

of Washington, State of Washington, has made proof to the satisfaction of the State Supervisor of Water Resources of Washington, of a right to the use of the waters of an unnamed stream, a tributary of Wahougal River

with point or points of diversion within the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of

Sec. 30, Twp. 2 N., R. 5 E., W. M., under and subject to provisions contained in

Appropriation Permit No. 8412 issued by the State Supervisor of Water Resources, 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 Water Resources of Washington and entered of record in Volume 12, at Page 5628, on the 17th day of February, 1954

that the priority date of the right hereby confirmed is July 8, 1952; that the

amount of water under the right hereby confirmed, for the following purposes is limited to an amount actually beneficially used and shall not exceed

0.27 of 1 cubic foot per second for the

purpose of the irrigation of 27 acres.

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

W $\frac{1}{2}$  of SW $\frac{1}{4}$  of Sec. 30, Twp. 2 N., Rge. 5 E.W.M.

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 Sections 6 and 7, Chapter 122, Laws of 1929.

WITNESS the seal and signature of the State Supervisor of Water Resources affixed this

17th day of February, 1954.

W. G. Wain  
Asst State Supervisor of Water Resources.



ARTHUR B. LANGLEIE  
GOVERNOR

STATE OF WASHINGTON  
**DEPARTMENT OF CONSERVATION AND DEVELOPMENT**  
ED DAVIS, DIRECTOR  
TRANSPORTATION BUILDING  
OLYMPIA

1 4 6  
DIVISIONS:  
GEOLOGY  
FORESTRY  
RECLAMATION  
FLOOD CONTROL  
WATER RESOURCES  
MINES AND MINING  
COLUMBIA BASIN PROJECT

October 5, 1944.

Broughton Lumber Co.  
503 Railway Exchange Building  
Portland, 4, Oregon

Gentlemen:

Answering the verbal inquiry of Mr. Broughton concerning the status of your water right on the Little White Salmon River in Skamania County:

It appears that the water rights involved are for the purpose of operating a flume for the transportation of lumber and that the waters were first diverted and used in the year 1913 and have been used continuously for that purpose since that date.

In that event, waters having been diverted and used before the State Water Code became effective, June 15, 1917, they were legally appropriated and have become vested for an amount of water equal to the capacity of the flume, whether or not a notice of appropriation of water was posted at the point of diversion and a copy recorded in the office of the county auditor at the time the water was first diverted.

Authority on which the above opinion is based is cited in the case of State of Washington vs. David A. Allen et al, 134, Wash. 7.

Yours very truly

*Chas. J. Barthollett*  
CHAS. J. BARTHOULET  
Supervisor of Hydraulics.