

# STATE OF WASHINGTON DRAFT REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

PRIORITY DATE	WATER RIGHT APPLICATION NUMBER
October 22, 2019	S1-28913

NAME AND MAILING ADDRESS
San Juan County Land Bank
350 Court Street No. 6
Friday Harbor, WA 98250

site Address (if Different) 1071 Crow Valley Road Eastsound, WA 98245

Total Rate and Quantity Authorized for Diversion	
DIVERSION RATE (cfs)	AN

0.011

ANNUAL QUANTITY (ac-ft/yr) 2

cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year

Associated Water	Right(s)		
DOCUMENT NUMBER	INSTANTANEOUS RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	REMARKS
			Certificate issued for domestic supply and
S1-*20744CWRIS	0.02	2	stockwatering. Instantaneous and annual
			quantity divided equally between both uses.
S1-086815CL			Short-form claim for subject property for
			stockwatering. No quantities listed.
C1 096912CI			Short-form claim for stockwatering. No quantities
01-080813CL			listed.
G1-086814CI			Short-form claim for stockwatering. No quantities
G1 000014CL			listed.

Purpose(s)			
PURPOSE	DIVERSION RATE (cfs)	ANNUAL QUANTITY (ac-ft/yr)	PERIOD OF USE
Irrigation	0.011	2	04/01 - 10/31

IRRIGATED ACRES	PUBLIC WATER SYSTEM INFORMATION	
1	WATER SYSTEM NAME and ID C	
	NA	NA

Source Location	1		
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
San Juan	Unnamed Pond	Eastsound	2 – San Juan

SOURCE NAME	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QQ Q	LATITUDE	LONGITUDE
Unnamed Pond	272722001000	NA	37N	2W	27	NW NW	48.67235	-122.94150
00.0							Datum	

QQ Q = Quarter Quarter

Datum: NAD83/WGS84

#### Place of Use

PARCEL(S)

#### 272712001000, 272721001000, 272722001000

#### LEGAL DESCRIPTION OF THE AUTHORIZED PLACE OF USE

Parcel "A": (TPN: 272712001000)

The Northwest Quarter of the Northeast Quarter of Section 27, Township 37 North, Range 2 West, W.M. EXCEPT THEREFROM the Northeast Quarter of the Northwest Quarter of the Northeast Quarter, of said Section, Township and Range, EXCEPT any portion of the County Road Right of Way, on East side thereof.

Parcel "B": (TPN: 272721001000)

The Northeast Quarter of the Northwest Quarter of Section 27, Township 37 North, Range 2 West, W.M.

Parcel "C": (TPN: 272722001000)

The South half of the Northwest Quarter; AND the Northwest Quarter of the Northwest Quarter, EXCEPT that portion thereof lying North and West of the County Road between Eastsound and West Sound, all in Section 27, Township 37 North, Range 2 West. W.M.

#### **Proposed Works**

<sup>1</sup>/<sub>2</sub> horsepower (hp) pump sends water through a 1 ¼-inch pipe to a 3,000-gallon storage tank. Pipe from tank delivers water via gravity feed to approximately 1-acre.

Development Schedule		
BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	PUT WATER TO FULL USE BY THIS DATE
Begun	Completed	December 31, 2025

Attention: These dates represent deadlines that must be met or risk cancellation of this authorization. Submittal of formal documentation for each stage is required. Extensions may be requested.

Measurement of Water Use	
HOW OFTEN MUST WATER USE BE MEASURED AND RECORDED?	Monthly
HOW OFTEN MUST WATER USE DATA BE REPORTED TO ECOLOGY?	Upon request by Ecology
WHAT QUANTITY SHOULD BE REPORTED?	Total annual quantity in acre-feet
WHAT RATE SHOULD BE REPORTED?	Annual peak rate of diversion in cfs
Provisions	

#### Measurements, Monitoring, Metering, and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use," chapter 173-173 WAC, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology (Ecology) for modifications to some of the requirements.

Recorded water use data shall be submitted via the Internet. To set up an Internet reporting account, contact the Region Office. If you do not have Internet access, you can still submit hard copies by contacting the Region Office for forms to submit your water use data.

#### **Family Farm Irrigation**

This authorization to use public waters of the state is classified as Family Farm Permit in accordance with chapter 90.66 RCW. This means the land being irrigated under this authorization shall comply with the following definition: Family Farm - a geographic area including not more than 6,000 acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than 6,000 acres of irrigated agricultural lands in the state of Washington which are irrigated under water rights acquired after December 8, 1977. Furthermore, the land being irrigated under this authorization must continue to conform to the definition of a family farm.

#### **Proof of Appropriation**

Consistent with the development schedule given in this report (unless extended by Ecology), the water right holder must file a Notice of Proof of Appropriation (PA) of Water with Ecology. The PA documents the project is complete and all the water needed has been put to full beneficial use (perfected). In order to verify the extent of water use under this permit, an inspection of water use is typically required, known as a "proof exam". After filing the PA, the water right holder's next step is to hire a Certified Water Rights Examiner (CWRE) to conduct this proof exam. A list of CWREs is provided to the water right holder upon filing the PA with Ecology. The final water right document, a water right certificate, then may issue based upon the findings of the CWRE. Statutory county and state filing fees may apply prior to certificate issuance.

#### **Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

#### **Findings of Fact and Order**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated.

Therefore, I ORDER **APPROVAL** of Application No. S1-28913, subject to existing rights and the provisions specified above.

#### Your Right To Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by chapter 43.21B RCW and chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of the Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order to Ecology in paper form by mail or in person (see addresses below). E-mail is not accepted.

You must also comply with other applicable requirements in chapter 43.21B RCW and chapter 371-08 WAC.

Street Addresses	Mailing Addresses	
Department of Ecology	Department of Ecology	
Attn: Appeals Processing Desk	Attn: Appeals Processing Desk	
300 Desmond Drive SE	PO Box 47608	
Lacey, WA 98503	Olympia, WA 98504-7608	
Pollution Control Hearings Board	Pollution Control Hearings Board	
1111 Israel RD SW, Ste 301	PO Box 40903	
Tumwater, WA 98501	Olympia, WA 98504-0903	
For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/content/11. To		
find laws and agency rules, visit Ecology's Laws, Rules, and Rulemaking Website:		

https://www.ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking#ws.

#### **Authorizing Signature**

Signed at Shoreline, Washington, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Kasey Cykler, Section Manager Water Resources Program/Northwest Region Office Department of Ecology

# **INVESTIGATOR'S REPORT**

Water Right Application No.: S1-28913 (San Juan County Land Bank) Investigator: Michele Curtis

# BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number S1-28913. On October 22, 2019, San Juan County Land Bank (SJCLB) applied to harvest surface water from an unnamed pond to use for irrigation. From the pond they will irrigate, 1 acre at a time, an approximately 190-acre property. They will irrigate various vegetables and fruit crops during the irrigation season (April 1 – October 31).

Applicant Name	San Juan County Land Bank
Priority Date	October 22, 2019
County	San Juan
WRIA	2
Water Source	Unnamed Pond
Tributary to	Eastsound
Place of Use	Parcel "A": (TPN: 272712001000) The Northwest Quarter of the Northeast Quarter of Section 27, Township 37 North, Range 2 West, W.M. EXCEPT THEREFROM the Northeast Quarter of the Northwest Quarter of the Northeast Quarter, of said Section, Township and Range, EXCEPT any portion of the County Road Right of Way, on East side thereof. Parcel "B": (TPN: 272721001000) The Northeast Quarter of the Northwest Quarter of Section 27, Township 37 North, Range 2 West, W.M. Parcel "C": (TPN: 272722001000) The South half of the Northwest Quarter; AND the Northwest Quarter of the Northwest Quarter, EXCEPT that portion thereof lying North and West of the County Road between Eastsound and West Sound, all in Section 27, Township 37
	North, Range 2 West. W.M.

## **Table 1. Summary of Requested Water Right**

Purpose	Instantaneous Rate (cfs)	Annual Quantity (ac-ft/yr)	Begin Season	End Season
Irrigation	0.011	2	04/01	10/31

Source Name	Parcel	Well Tag	Township	Range	Section	QQ Q	Latitude	Longitude
Unnamed	272722001000	NIA	271	214/	27		40 67225	122 04150
Pond	272722001000	NA	37N	2 VV	27		48.07235	-122.94150

WRIA = Water Resource Inventory Area; cfs = Cubic Feet per Second; ac-ft/yr = Acre-feet per Year; QQ Q = Quarter Quarter

# **INVESTIGATION**

The following investigation is based on a November 10, 2021, site visit to SJCLB with Water Resources Hydrogeologist John Rose. During the site visit, we met with Charlie Behnke, manager of SJCLB who showed us the proposed point of diversion, and discussed their farm plan. This investigation draws on (1) follow-up conversations with SJCLB manager Charlie Behnke, (2) water rights office research, (3) geological and geographical overview of the site, and (4) materials listed in the reference section.

## Proposed Use and Basis of Water Demand

#### Site Description

SJCLB is located on Orcas Island, in San Juan County, Washington. SJCLB consists of San Juan County Parcel Numbers: 272712001000, 272721001000, 272722001000, which is approximately 190 acres. SJCLB is located at 1071 Crow Valley Road, Eastsound, WA 98245, and is currently developed with a house, barn and greenhouse. SJCLB currently has some farm animals.

#### History of Water Use

On February 14, 1968, Theodore V. Coffelt, former owner of the property, applied for surface water right (S1-\*20744C for the purpose of stockwatering, from an unnamed spring. The water right was approved on September 18, 1968. On March 9, 1974, Mr. Coffelt also submitted three short-form claims (G1-086813CL, G1-086814CL, and S1-086815CL) for the purpose of stockwatering from a well and unnamed pond.

## Proposed Use

Application No. S1-28913 for SJCLB (the subject application) requests a diversion rate of 0.011 cubic feet per second (or 5 gallons per minute) for the purpose of seasonal irrigation. An annual quantity of 2 acft/year was requested. There was only a single proposed point of diversion from the pond. The proposed place of use (SJCLB) totals approximately 190 acres.

#### Water Use Calculations

The Department of Ecology used the Washington Irrigation Guide (WIG) to determine crop water duties when the actual volume of water applied per acre is not known, or to assess whether actual use is reasonable for a given crop (see Table 2). Application efficiency (Ea) values are from GUID-1210, Determining Irrigation Efficiency and Consumptive Use. The applicant plans to irrigate various fruits and vegetables which have a relatively low water duty. However, small plants and orchard need additional water when they are being established. Thus, in order to provide some flexibility for the first couple of years, the Crop Irrigation Requirement (CIR) for pasture, a high-water-duty crop, was used for these calculations. The 1992 WIG lists the CIR for pasture turf at the Olga Washington station as 16.61 inches/acre (or 1.38 feet/acre). This is the quantity of water needed for applied irrigation that is in excess of natural precipitation.

Precipitation data from the Olga, Washington weather station on Orcas Island are used for the CIR calculations. Annual precipitation data at this station align closely with the observed precipitation data at the SJCLB site (USGS, 2002).

Crop and System Type	Total Irrigation Requirement (TIR)
Crop : Pasture	1.38 ac-ft/ac
Irrigation System: Micro Drip Area: 1 acres	÷ 70% = 1.97 ac-ft/ac * 1 acres
<b>CIR:</b> 1.38 ac-ft/ac	* * *
Irrigation Efficiency: 70%	TIR for all acres: 1.97 ac-ft/yr

The total annual quantity (Qa) needed for irrigation for this project (or Total Irrigation Requirement (TIR)) was calculated using the WIG to determine the CIR and applying an irrigation efficiency based on the irrigation method proposed. In order for 1.38 acre-feet of water to reach the roots of the plantings, 1.97 acre-feet must be pumped and applied via the irrigation system. The calculated 1.97 ac-ft/yr is a reasonable, conservative estimate which will allow SJCLB some flexibility to grow into their farm plan.

## Other Rights Associated with Project or Place of Use

Short-form water right claim S1-086815CL has a place of use described as the SW ¼ of the NW ¼ of section 27, which falls within the boundaries of the SJCLB property. The claim was submitted by Theodore V. Coffelt, who also submitted groundwater claims G1-086814CL, G1-08613CL and acquired surface water right S1-\*20744CWRIS, whose places of use most closely align with the SJCLB property. None of these claims or the appropriated water right may be used for irrigation of the property.

- G1-08613CL, short-form claim, was received on May 9, 1974 for stockwatering from a well. No quantities listed.
- G1-08614CL, short-form claim, was received on May 9, 1974 for stockwatering from a well. No quantities listed.
- S1-08615CL, short-form claim, was received on May 9, 1974 for stockwatering from an unnamed pond. No quantities listed.
- S1-\*20744CWRIS, priority date February 14, 1968, for domestic supply and stockwatering from an unnamed spring. The quantities allowed are 0.01 cfs and 1 ac-ft/yr for domestic supply and 0.01 cfs and 1 ac-ft/yr for stockwatering.

#### Hydrogeologic Evaluation

#### Geographic Setting of the Eastsound Area, San Juan County, Washington

The San Juan Islands are part of a large archipelago including the Canadian Gulf Islands lying within the Straits of Juan de Fuca. Orcas Island is the largest of the 175 islands within San Juan County, Washington. Surrounding marine waters moderate island temperatures and produce a typically mild maritime climate. Nearby mountain ranges create a rain shadow effect, causing the San Juan Islands to receive significantly less rainfall than is typical for western Washington (Orr, 2002). Average temperatures for the area range from 41° to 61° F (PRISM website).

SJCLB property is approximately 190 acres of pasture land located in the northeast portion of the west half of Orcas Island immediately west of Eastsound, southwest of Judd Bay, and on the southern edge of Lookout Hill. Orcas Road marks the eastern boundary and Crow Valley Road marks the western boundary of the property. Generally, the area consists of relatively flat, low-lying areas bounded by steep mountains and hills to the north, west, and east. The SJCLB property is located at the northern terminus of Crow Valley, a broad flat valley that slopes to the southwest. The existing pond, which is the subject of this water right application, lies in the northwestern portion of the property at the base of Turtleback Mountain [elevation of 1,519 ft. above mean sea level (MSL)] and an unnamed hill with an elevation of 240 ft. above MSL whose peak is approximately 1,500 ft. from the pond. These features act as a surface water divide and restrict the catchment area of the pond. An unnamed stream originates a short distance to the southwest of the SJCLB property and flows onto the property along its southern boundary until turning north and flowing into Fowler Pond and into Judd Bay. The subject pond is not connected to this stream.

#### Geology of the San Juan Islands (taken from Russell, 1975 and Brandon et al., 1988)

The geology of the San Juan Islands is very complex. It consists of a series of gently folded Paleozoic to middle Cretaceous units, which were accreted onto the North American continent. Later faulting resulted in pervasive high-pressure metamorphism and the creation of intermittent tectonic zones along fault contacts. These accreted units were then tilted to the southeast and compressed into a series of broad folds with northwest trending axes, probably during the Tertiary period. Subsequent advance and retreat of continental glaciers of the Vashon Stade during the Fraser Glaciation, ending approximately 10,000 years ago, deposited sequences of intermixed clay, silt, sand, and gravel in low lying areas on top of the older bedrock materials (Russell, 1975) (Brandon et al., 1988).

## Hydrogeology and Soil Types of the Eastsound Area, San Juan County, Washington

The geology within a mile radius of the SJCLB pond is varied, consisting of slabs of Turtleback gabbros and diorites, Orcas chert, and lenses of Deadman Bay meta-volcanics. The chert and meta-volcanics to the northeast are separated by a tectonic zone composed of sheared and fractured Orcas bedrock. Much of these units are overlain by the glacial drift in Crow Valley composed of mixed clay, silt, sand, and gravel, which thickens to the southwest. Washington Department of Natural Resources (DNR) GIS geology data indicate almost all of the SJCLB property is underlain by the glacial drift.

DNR GIS soils data indicate that the SJCLB pond lies on the interface of three soil types. The dominant soil type, which encompasses almost all the pond area, is Bellingham clayey or fine-textured old Alluvium, with a typical soil depth of > 60 inches, poorly drained, and has a slow percolation rate. This soil has 35-60% clay material and is typically found in depressions such as Crow Valley. Often, the soil becomes saturated at or near the surface from November to April.

The western boundary of the pond is underlain by Roche Gravelly Loam (loam is a soil with roughly equal parts sand, silt, and clay). Soil depth is typically 20-40 inches, moderately well drained, and located on hills and outwash plains. Roche soils typically have a perched water table from October to April.

About 100 ft. to the northeast of the pond is thick Bow Silty Loam which is characterized by having a thin volcanic ash mantle and the lower horizons having increasing clay content. Soil thickness is typically > 60 inches, somewhat poorly drained, and with a slow permeability rate (USDA Soil Series website).

Examination of the three well logs in closest proximity to the pond indicates that the soil extends to 1-2 ft. below ground surface (bgs) which in turn is underlain by a 3-7 ft. interval of "clay", which is most likely glacial drift, followed by bedrock. Static water levels range between 7-25 ft. bgs.

#### Pond Characteristics and Calculated Capacity:

The pond was constructed sometime between 1980 and 1998 (historicaerials.com) and is unlined, measuring approximately 0.46 acre in size based on GIS interpretation, and 6-8 ft. deep according to Mr. Behnke. The pond has no above-ground water impoundment structure, and will be filled with precipitation and surface water runoff. Water levels in the pond typically reach maximum levels in January with some overflow and reach lowest levels in September, with fluctuation of approximately 1.5 ft. throughout the year without pumping (email communication with Mr. Charlie Behnke 5/5/2022). See Table 2, below, for Ecology's calculations of pond capacity to meet anticipated annual volume.

Source	Surface area of pond (acres)	Surface area of pond (ft <sup>2</sup> )	Depth of pond (ft)*	Volume of pond (ft³)	Holding capacity of Pond (gallons)*	Holding capacity of Pond (acre-feet)
Pond	0.46	20,038	7	140,263.20	1,049,169	3.22

Table 2. SJC Land Bank Pond site and Capacity to meet requested Qa

\* Calculations are likely slightly high and were based on the assumption that the pond has vertical sides and a flat bottom. Depth of pond used equals average reported depth.

Average monthly precipitation data from 1991 to 2020 indicate the rainfall in the vicinity of the SJCLB property is 28.58 inches/year (PRISM database). Direct precipitation gains to the pond are estimated to be 1.1 ac-ft/yr. Table 3 below shows the annual gains from precipitation based on the pond's surface area.

Table 3. Annual SJC Land Bank Precipitation					
Precipitation (inches)	Precipitation (ft)	Surface area of pond (ft <sup>2</sup> )	Precipitation Gain to Pond (ft <sup>3</sup> )	Precipitation Gain to Pond (gallons)	Precipitation Gain to Pond (acre-feet/yr.)
28.58	2.38	20,038	47,723	356,967	1.10

A limited amount of surface water runoff is available to the pond due to the close proximity of ridges to the north, west, and southwest, which all act as surface water divides. To estimate the annual surface water runoff accumulation in the pond, the Environmental Protection Agency's National Stormwater Calculator was used. The calculator estimates the average runoff is 2.4 inches per year.

In order to estimate the surface water runoff catchment area, ArcGIS was used to overlay a highresolution LiDAR surface water model with GIS contour data and a watershed boundary polygon was created for an unnamed stream that flows to the east-southeast and downslope of the pond using US Geologic Survey's StreamStats website. This provided the location of the top of the ridges in the immediate vicinity of the pond, and the ArcGIS measure tool was used to outline the most likely catchment area. See Table 4, below, which provides the calculated volume of surface water runoff to the pond.

Table 4. SJC Land Bank Estimated Direct Surface Water Runoff Accumulation				
Average Annual	Average Annual	Catchment Area	Annual Direct Surface Water Runoff	
Runoff (inches)	Runoff (ft)	(Acres)*	Accumulation (acre-ft.)	
2.4	0.2	25	5.00	

Table 4. SJC Land Bank Estimated Direct Surface Water Runoff Accumulation

\*Primarily based on LiDAR and contour data.

Monthly average evaporation data from the period of 1985-2005 was obtained from Western Regional Climate Change Center. Evaporative losses from the pond were found to be about 0.64 ac-ft/yr. See Table 5, below provides the annual evaporative losses.

Table 5.	SJC Land	Bank Pond	Evaporative	Losses
10010 01	ose Lana	Dankirona	Liaporative	- E000C0

Average Pan Evaporation (inches)	Average Pan Evaporation (ft)	Correction Factor*	Surface Area of Pond (ft <sup>2</sup> )	Evap. Losses (ft <sup>3</sup> )	Evap. Losses (gallons)	Evap. Losses (acre-feet/yr.)
22.31	1.86	0.75	20,038	27,940	208,991	0.64

The total annual amount of water estimated to flow into the pond is: 5.00 ac-ft/yr (surface water runoff) + 1.10 ac-ft/yr (precipitation) – 0.64 ac-ft/yr (evaporative losses) = 5.46 ac-ft/yr.

# ANALYSIS

Under Washington State law (RCW 90.03.290), each of the following four criteria must be met for an application for a new water right permit to be approved:

- Water must be available for appropriation.
- Water diversion and use must not cause impairment of existing water rights.
- The proposed water use must be beneficial.
- Water use must not be detrimental to the public interest (public welfare).

#### Water Availability

For any new appropriation, water must be both physically and legally available.

#### **Physical Availability**

For water to be physically available for appropriation, water must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. An analysis of physical availability is required for both surface water and groundwater applications.

As described above, water is physically available in the recommended quantities of 0.0.11 cfs and 2 acft/yr.

#### Legal Availability

To meet the legal availability test, the proposed appropriation may not divert and use water that is already "spoken for", such as water from sources that are protected by administrative rule or court order.

There are no regulatory closures or restrictions affecting water availability in this Orcas Island watershed. Therefore, water is legally available for appropriation.

#### Impairment

In analyzing impairment, Ecology must make a determination as to whether existing water rights, including adopted instream flows, may be impaired by the diversion and proposed use.

A review of Ecology's Geographic Water Rights Information System (GWIS), an ArcGIS map application that displays all the water rights in the vicinity of SJCLB property, indicates that there is one surface water right and one surface water claim in close proximity to the pond. A conservatively chosen area of one-half mile is used to define "close proximity". This value is based on studies that show negligible drawdown, and therefore unlikely impairment, to wells or surface waters induced by low rate pumping from sources at a distance of greater than 1,000 ft. in most cases. The surface water right, S1-22154CWRIS, is on the opposite side of the unnamed hill immediately north of the SJCLB property and with no direct drainage between the two. The nearest water right not associated with this property, G1-113153CL, has its well over 900 ft. from the SJCLB pond. Since hydraulic conductivity is considered to be very low due to the high clay content of the surrounding soil, there is little likelihood that diversion of water from the pond would impact any nearby groundwater rights.

Ecology finds no impairment to water resources, water quality, or existing water right holders resulting from this project.

#### **Beneficial Use**

The proposed appropriation must be for a beneficial use of water.

Irrigation is considered a beneficial use of water under RCW 90.54.020(1).

## **Public Interest**

The diversion and associated use must not be detrimental to the public interest. At a minimum, the following are considered when making this assessment.

#### Notification to the Washington Department of Fish and Wildlife

Per RCW 90.03.280 and 77.57.020, Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw, use, or store water.

WDFW was provided notice of this water right application on February 9, 2021. No comments were received.

## State Environmental Policy Act (SEPA)

Under chapter 197-11 WAC, a water right application is subject to a SEPA threshold determination (i.e., an evaluation of whether there will be significant adverse environmental impacts) if any of the following conditions are met:

- It is a surface water right application for more than 1 cfs, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cfs, so long as that irrigation project will not receive public subsidies;
- It is a groundwater right application for more than 2,250 gpm;
- It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- It is a part of a larger proposal that is subject to SEPA for other reasons (e.g., the need to obtain other permits that are not exempt from SEPA);
- It is part of a series of exempt actions that, together, trigger the need to do a threshold determination, as defined under WAC 197-11-305.

Considering that none of the above conditions are met, the application under review is categorically exempt from a SEPA threshold determination.

#### **Public Notice**

RCW 90.03.280 requires that notice of a water right application be published once a week, for two consecutive weeks, in a newspaper of general circulation in the county or counties where the water is to be stored, diverted, and used. Notice of this application was published in the Islands' Sounder on April 21, 2021 and April 28, 2021.

#### **Other Public Interest Concerns**

No protests were filed against this application and no potential for determinant to the public interest was identified during the investigation of this application.

#### Conclusions

I find that:

- Water is physically and legally available.
- The appropriation will not impair existing rights.
- The proposed irrigation is a beneficial use.
- Approval of this application will not be detrimental to the public interest.

# RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend this request for a water right be **APPROVED** in the amounts and within the limitations listed below and subject to the provisions listed above.

# Recommended Quantities, Purpose of Use, and Project Location

The rate and quantity of water recommended are maximum limits. The permit holder may only divert water at a rate and quantity within the specified limits that are reasonable and beneficial:

Maximum Instantaneous Rate (cfs)	0.011
Maximum Annual Quantity (ac-ft/yr)	2
Purpose(s) of Use	Irrigation
Point of Diversion	NW ¼, NW ¼, Section 27, Township 37 North,
	Range 2W.W.M.
Place of Use	Parcel "A": (TPN: 272712001000)
	The Northwest Quarter of the Northeast Quarter of Section 27, Township 37 North, Range 2 West, W.M.
	EXCEPT THEREFROM the Northeast Quarter of the Northwest Quarter of the Northeast Quarter, of said Section, Township and Range,
	EXCEPT any portion of the County Road Right of Way, on East side thereof.
	Parcel "B": (TPN: 272721001000)
	The Northeast Quarter of the Northwest Quarter of Section 27, Township 37 North, Range 2 West, W.M.
	Parcel "C": (TPN: 272722001000)
	The South half of the Northwest Quarter; AND the Northwest Quarter of the Northwest Quarter, EXCEPT that portion thereof lying North and West of the County Road between Eastsound and West Sound, all in Section 27, Township 37 North, Range 2 West. W.M.

## Table 6. Recommended Limits and Location

Michele Curtis

Date

To request ADA accommodation including materials in a format for the visually impaired, call Ecology Water Resources Program at 360-407-6872. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

## References

Brandon, M. T., Cowan, D.S., and Vance, J.A. 1988, The Late Cretaceous San Juan Thrust System, San Juan Islands, Washington, The Geological Society of America Special Paper 221, 81 pages.

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ATTACHMENT 1

