



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

APPROVED
REPORT OF EXAMINATION
To Appropriate Public Waters of the State of Washington

PRIORITY DATE	APPLICATION NO.	PERMIT NO.
February 9, 2009	S1-28608A	

NAME		
Crowfoot Farm		
MAILING ADDRESS	CITY/STATE	ZIP CODE
3759 Port Stanley Road	Lopez Island, WA	98261

PUBLIC WATERS TO BE APPROPRIATED

SOURCE	
Unnamed Pond	
MAXIMUM CUBIC FEET PER SECOND (cfs)	MAXIMUM ACRE FEET PER YEAR (ac-ft/yr)
0.022	2.0
TYPE OF USE & PERIOD OF USE	
Irrigation supply for up to 20 acres (May 1 – September 30) and stockwater (as needed)	

LOCATION OF POINT OF DIVERSION

APPROXIMATE LOCATION OF POINT OF DIVERSION							
817 feet south and 2082 feet east of the northwest corner of Section 24							
SOURCE NAME	PARCEL #	LATITUDE	LONGITUDE	QTR/QTR	SECTION	TOWNSHIP	RANGE
Unnamed Pond	252421001	48.51914	-122.87949	NE1/4 NW1/4	24	35N	2W

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED
[Attachment 1 shows location of the authorized place of use and point of withdrawal]

NE¼ NW¼ of Section 24, Township 35 North, Range 2 West, W.M., all in San Juan County, Washington

DESCRIPTION OF WATER WORKS

Unnamed storage pond, ½ horsepower solar piston pump, 1¼” polyethylene mainlines, ½” drip irrigation lines

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE	COMPLETE PROJECT BY THIS DATE	WATER PUT TO FULL USE BY THIS DATE
Begun	Completed	December 31, 2012

PROVISIONS

- 1. Meter Installation**
An approved measuring device shall be installed and maintained for the source authorized by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173. See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- 2. Metering Rule Description And Petition Info**
WAC 173-173 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 for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document titled "Water Measurement Device Installation and Operation Requirements". See <http://www.ecy.wa.gov/programs/wr/measuring/measuringhome.html>
- 3. Record Water Use, Report Upon Request by Ecology**
Water use data shall be recorded monthly. Data shall be maintained by the water system operator and shall be promptly submitted to the Department of Ecology upon request.

4. Authority To Access Project

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, point of diversion, measuring devices, and associated distribution systems for compliance with water law.

5. No Impairment of Existing Rights

This authorization to make use of public waters of the state is subject to existing rights.

6. Proof of Appropriation

The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the permit. Elements of a proof inspection may include, as appropriate, the source, system instantaneous capacity, annual volume, beneficial use, place of use, and satisfaction of provisions.

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. Furthermore, I concur with the investigator that water is available from the source in question; there will be no impairment of existing rights, the purposes of use are beneficial, and there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. S1-28608A, subject to existing rights and the provisions listed above.

You have a right to appeal this ORDER. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals and Application for Relief
Coordinator
PO Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

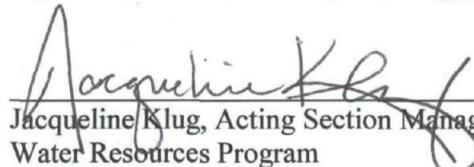
The Department of Ecology
Appeals and Application for Relief Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Jacqueline Klug
Department of Ecology
3190 160th Ave SE
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

Signed at Bellevue, Washington, this 17th day of February, 2010.



Jacqueline Klug, Acting Section Manager
Water Resources Program
Northwest Regional Office

INVESTIGATOR'S REPORT
by Buck Smith, LG, LHG - Senior Hydrogeologist
Water Right Application No. S1-28608A

BACKGROUND

The purpose of this report is to address an application for new surface water rights to serve Crowfoot Farm in San Juan County. Crowfoot Farm is owned by Eric Hall (husband) and Eleanor Fay (wife). The farm property is 39.66 acres in size. It is located in the north half of Lopez Island, approximately 4 miles south of the state ferry terminal. According to Mr. Hall the property has been farmed for more than 100 years.

Public notice (RCW 90.03.280)

Public notice of the application was published in *The Journal of the San Juan Islands* on March 18 and 25, 2009. No protests were received during the statutory 30 day protest period.

State Environmental Policy Act (RCW 43.21C & WAC 197-11)

In accordance with RCW 43.21C, WAC 197-11-305, and WAC 197-11-800(4), it was determined the subject application is exempt from the State Environmental Policy Act (SEPA) because the instantaneous withdrawal rate is less than 2250 gallons per minute.

Legal determinations

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining water rights. Laws governing the water right permitting process are contained in RCW 90.03.250 through 90.03.340. In accordance with RCW 90.03.290, an investigation must be conducted and determinations must be made on the following four criteria in order for an application for water rights to be approved:

- Water must be available
- There must be no impairment of existing rights
- The water use must be beneficial
- The water use must not be detrimental to the public interest

INVESTIGATION

In considering this application, my investigation included, but was not limited to, research and/or review of:

- Information supplied with the application
- Information from my site visit
- A database search of existing water rights in the area

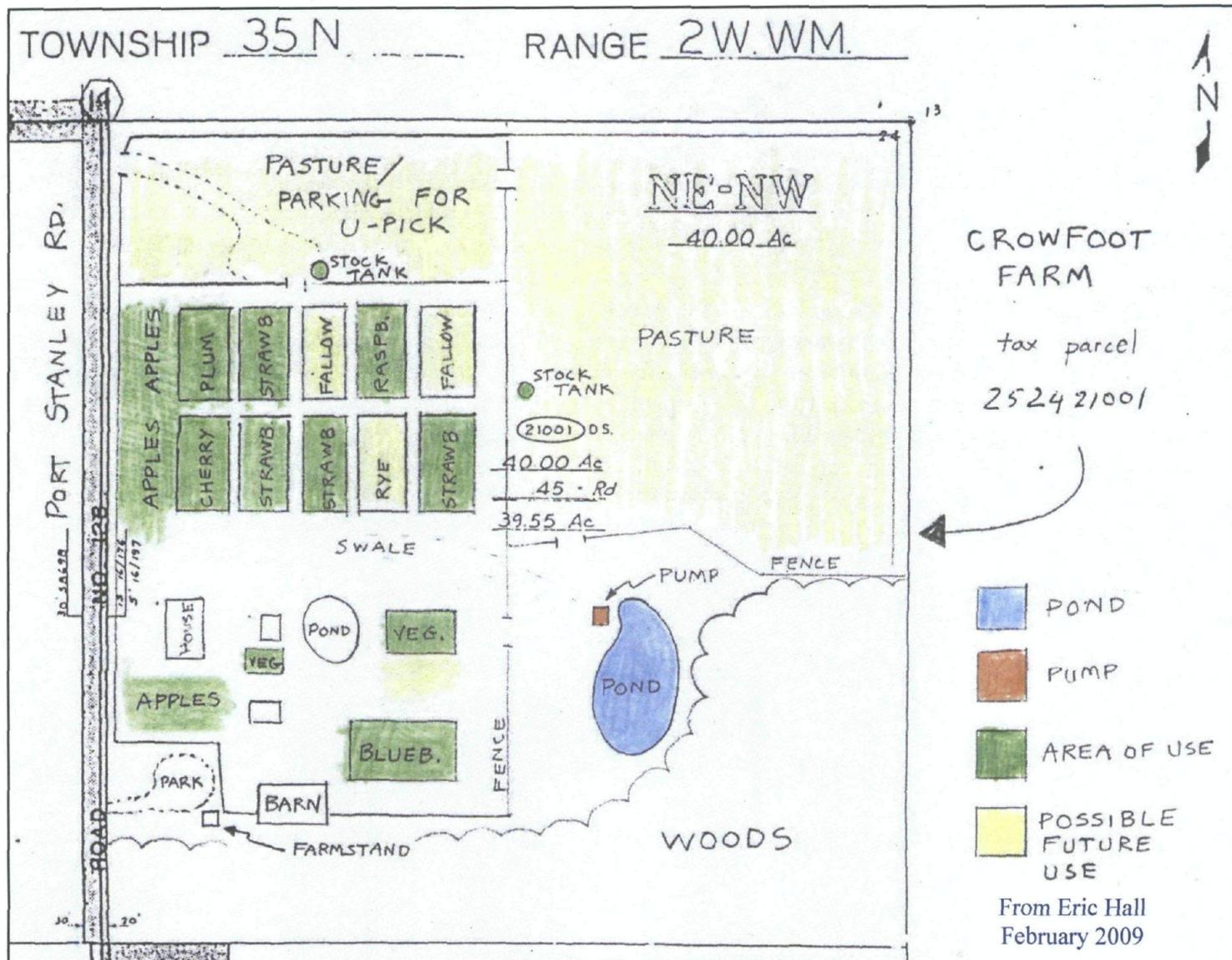
Application information

The request is for 10 gallons per minute (0.022 cubic feet per second) from an unnamed pond (the "new pond") for irrigation supply of up to 20 acres and stockwater for approximately 50 sheep for about 100 days per year. Although the request is for irrigation of up to 20 acres, typically about 5 acres is actively irrigated during any one growing season. Crops and irrigated areas are seasonally rotated as needed.

The unnamed storage pond is kidney-shaped (see map on page 5) and is approximately 250 feet (north to south) by 145 feet (east to west). It is approximately 10 feet deep at its deepest point. It catches water during the winter months from direct precipitation and sheet run-off that occurs when the surrounding soil has become saturated. The pond is lined with clay and is not fed by any stream or spring. Its maximum storage capacity is estimated to be 500,000 – 1,000,000 gallons. This pond has been in use for agricultural purposes for many decades.

Water is diverted from the pond by a ½ horsepower solar powered piston pump. The pump and accompanying sand filter are fixed to a small moveable skid placed (seasonally) beside the pond. The pump is attached to a 1¼ inch polyethylene pipe that follows (above ground) the fence lines. From there water can be directed to one or more ½ acre field crop plots and/or the orchard areas. Half inch pressure compensated drip irrigation lines deliver water to the plants and trees.

Domestic water supply for the property is from a 6 inch x 260 foot well drilled in 1978 by Martel Drilling for Peter Schugren (a previous property owner).



Site visit

On October 20, 2009, I met with Eric Hall at the Crowfoot Farm property. Mr. Hall gave me a tour of the water system and property. At the time of my visit the storage pond was empty and a contractor was in the process of re-contouring and resealing (with clay) the sides of the pond.

The solar powered piston pump was disconnected from the system and was being stored in the barn for the winter. When operating the pump is supplied electrical power from a 12 volt DC solar panel. Peak power supply occurs during the mid-day, during the mid-summer. The peak capacity of the pump is approximately 500 gals/hour.

Mr. Hall currently has an undersized ($\frac{3}{4}$ inch) meter he can attach to the system (near the source) for measuring flow. This undersized meter does somewhat restrict the rate of flow, so Mr. Hall said he may decide to purchase a larger ($1\frac{1}{4}$ inch meter).

Mr. Hall and his wife grow a variety of row crops and trees (see the map above). Water is distributed to the irrigation system via $1\frac{1}{4}$ inch pipe to 8 hydrants. From the hydrants water flows through $\frac{3}{4}$ inch pipe to the drip lines from which water is "dripped" through pressure compensating emitters onto the rows and to the root zones of the trees. The row crop plots are 160 feet long. Each plot has multiple 160 foot long drip lines with emitters spaced at one foot intervals. Each emitter puts out approximately $\frac{1}{2}$ gallon per hour.

In addition to the irrigated crops, a small amount of water is piped into a trough for stockwatering purposes.

Database search of existing water rights

A search of the Department of Ecology Water Rights Tracking System showed there are currently no state-issued water rights appurtenant to the Crowfoot Farm property. However, my search did uncover a surface water claim for the property (see page 6) filed in June of 1974 by Russell C. Knight. This claim is numbered 149465. It is for stock and irrigation supply from a pond. The pond described on the claim form is likely the one located approximately 500 feet west of the currently used pond. This pond (the "old pond") is no longer used for irrigation supply. The validity of this claim is questionable because water use from the pond would have had to begin prior to the enactment of the surface water code (now codified as RCW 90.03) in 1917. The date of first use listed on the claim just states "prior to 1956".



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
WATER RIGHT CLAIMS REGISTRATION

WATER RIGHT CLAIM

1. NAME RUSSELL C KNIGHT
ADDRESS ROUTE 1
LOPEZ, WASH ZIP CODE 98261 PHONE NO. 468-2559

2. SOURCE FROM WHICH THE RIGHT TO TAKE AND MAKE USE OF WATER IS CLAIMED: SURFACE
(SURFACE OR GROUND WATER)
W.R.I.A. 02 (LEAVE BLANK)

A. IF GROUND WATER, THE SOURCE IS _____
B. IF SURFACE WATER, THE SOURCE IS POND

3. THE QUANTITIES OF WATER AND TIMES OF USE CLAIMED:
A. QUANTITY OF WATER CLAIMED _____ PRESENTLY USED _____
(CUBIC FEET PER SECOND OR GALLONS PER MINUTE)
B. ANNUAL QUANTITY CLAIMED 3 PRESENTLY USED 1
(ACRE FEET PER YEAR)
C. IF FOR IRRIGATION, ACRES CLAIMED 1 PRESENTLY IRRIGATED 0
D. TIME(S) DURING EACH YEAR WHEN WATER IS USED: CONTINUOUS

4. DATE OF FIRST PUTTING WATER TO USE: MONTH _____ YEAR PRIOR TO 1956

5. LOCATION OF THE POINT(S) OF DIVERSION/WITHDRAWAL: 1000 FEET SOUTH AND 400
FEET EAST FROM THE N.E. 1/4 N.W. 1/4 N.W. CORNER OF SECTION 24
BEING WITHIN N.E. 1/4 N.W. 1/4 OF SECTION 24 T. 35 N., R. 2W (E. OR W.) W.M.
IF THIS IS WITHIN THE LIMITS OF A RECORDED PLATTED PROPERTY, LOT _____ BLOCK _____ OF _____

(GIVE NAME OF PLAT OR ADDITION)
6. LEGAL DESCRIPTION OF LANDS ON WHICH THE WATER IS USED: NE 1/4 N.W. 1/4 SEC 24
T 35 N R 2 W W M

COUNTY SAN JUAN

7. PURPOSE(S) FOR WHICH WATER IS USED: STOCK & IRRIGATION

8. THE LEGAL DOCTRINE(S) UPON WHICH THE RIGHT OF CLAIM IS BASED: _____

DO NOT USE THIS SPACE:
THE FILING OF A STATEMENT OF CLAIM DOES NOT CONSTITUTE AN ADJUDICATION OF ANY CLAIM TO THE RIGHT TO USE OF WATERS AS BETWEEN THE WATER USE CLAIMANT AND THE STATE OR AS BETWEEN ONE OR MORE WATER USE CLAIMANTS AND ANOTHER OR OTHERS. THIS ACKNOWLEDGEMENT CONSTITUTES RECEIPT FOR THE FILING FEE.
DATE RETURNED _____ THIS HAS BEEN ASSIGNED WATER RIGHT CLAIM REGISTRY NO. 113142405
DIRECTOR DEPARTMENT OF ECOLOGY

I HEREBY SWEAR THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
Russell C. Knight
DATE 6/28/74
IF CLAIM FILED BY DESIGNATED REPRESENTATIVE, PRINT OR TYPE FULL NAME AND MAILING ADDRESS OF AGENT BELOW.

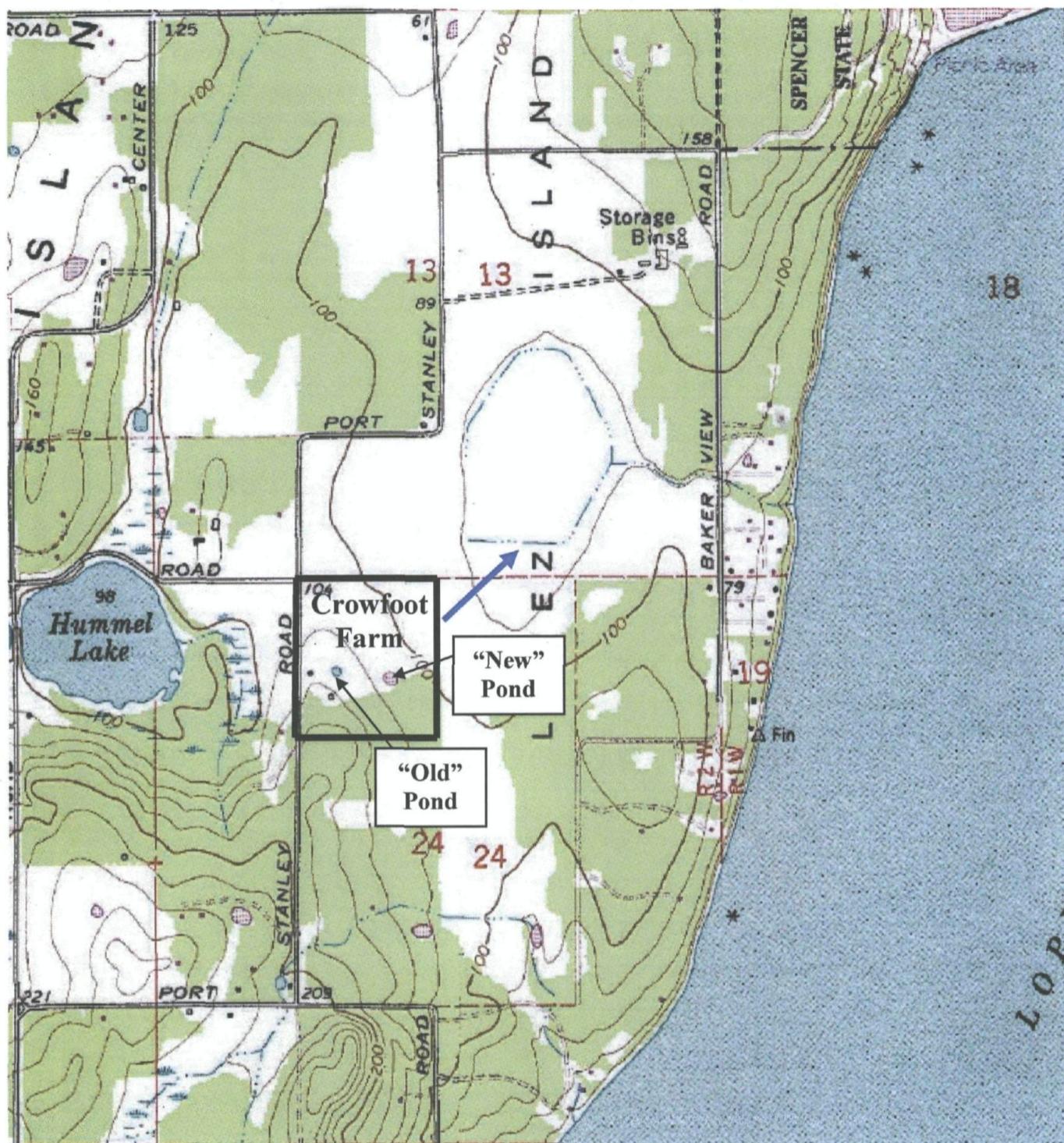
ADDITIONAL INFORMATION RELATING TO WATER QUALITY AND/OR WELL CONSTRUCTION IS AVAILABLE.

A FEE OF \$2.00 MUST ACCOMPANY THIS WATER RIGHT CLAIM. RETURN ALL THREE COPIES WITH CARBONS INTACT, ALONG WITH YOUR FEE TO: DEPARTMENT OF ECOLOGY WATER RIGHT CLAIMS REGISTRATION OLYMPIA, WASHINGTON 98504

ORIGINAL DWR

The actual validity of this claim can only be determined through a general water rights adjudication, which is conducted by the county superior court. In an adjudication, the court will either deny or confirm the existence of the vested (grandfathered) water right, and if confirmed, will direct Ecology to issue a Certificate of Adjudicated Water Rights.

My research determined there are no existing down-gradient surface water rights or claims within section 24 or adjoining down-gradient section 13 (also within Township 35 North, Range 2 West) or section 18 (within Township 35 North, Range 1 West).



The map above was created from the USGS 7.5 minute Blakely Island and Shaw Island topographic maps. The generalized surface water flow direction (heavy blue arrow) is toward the northeast from Crowfoot Farm into an intermittent drainage. As noted above, there are no existing surface water rights located down-gradient of Crowfoot Farm.

DETERMINATIONS

Water availability

Legal availability

There are currently no regulatory closures or legal restrictions affecting water availability on the north half of Lopez Island.

Physical availability

The subject unnamed pond fills during the wet season, therefore water will only be available until wet season storage is depleted. Physical availability will be limited to the maximum storage capacity of the pond and the pumping capability of the pump.

Impairment

The pond is not physically connected to a stream (no overflow occurs) and there are no down-gradient surface water rights, therefore there is no potential for impairment of other surface water rights. The pond is sealed to prevent hydraulic connection with local groundwater so impairment of neighboring groundwater rights is not anticipated. But, most importantly, this pond has been in use for many years without complaints of impairment of other rights.

Beneficial use

Water supply for irrigation and stockwatering is considered to be beneficial under RCW 90.54.020(1). The volume of water requested is reasonable for the proposed purposes of use.

Public interest

No potential for detriment to the public interest could be identified during the investigation of this application.

RECOMMENDATION

Based on the above investigation and determinations, I recommend the subject application be approved, within the limitations listed below, and subject to the provisions beginning on page 1.

Purpose of use and authorized quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial:

- For irrigation of up to 20 acres (May 1 – September 30) and stockwater (as needed)
- 0.022 cubic feet per second (10 gallons per minute), 2.0 acre-feet per year

Point of diversion

NE¼ NW¼, Section 24, Township 35 North, Range 2 West, W.M.

Place of use

NE¼ NW¼ of Section 24, Township 35 North, Range 2 West, W.M.

Report by: Buck Smith
Buck Smith, LG, LHG

February 11, 2010
Date



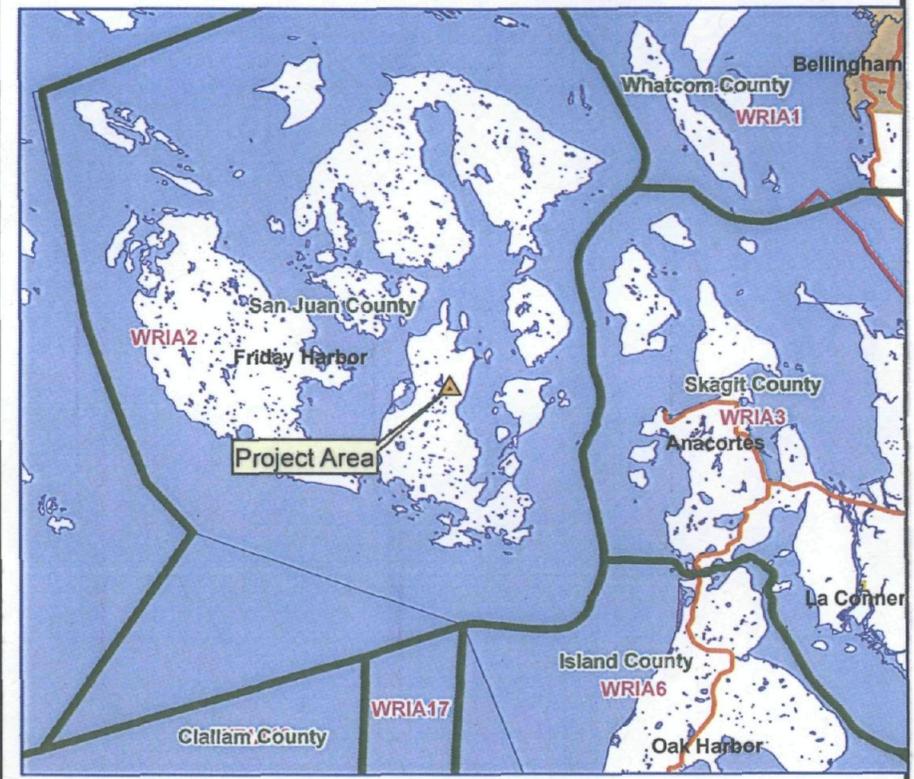
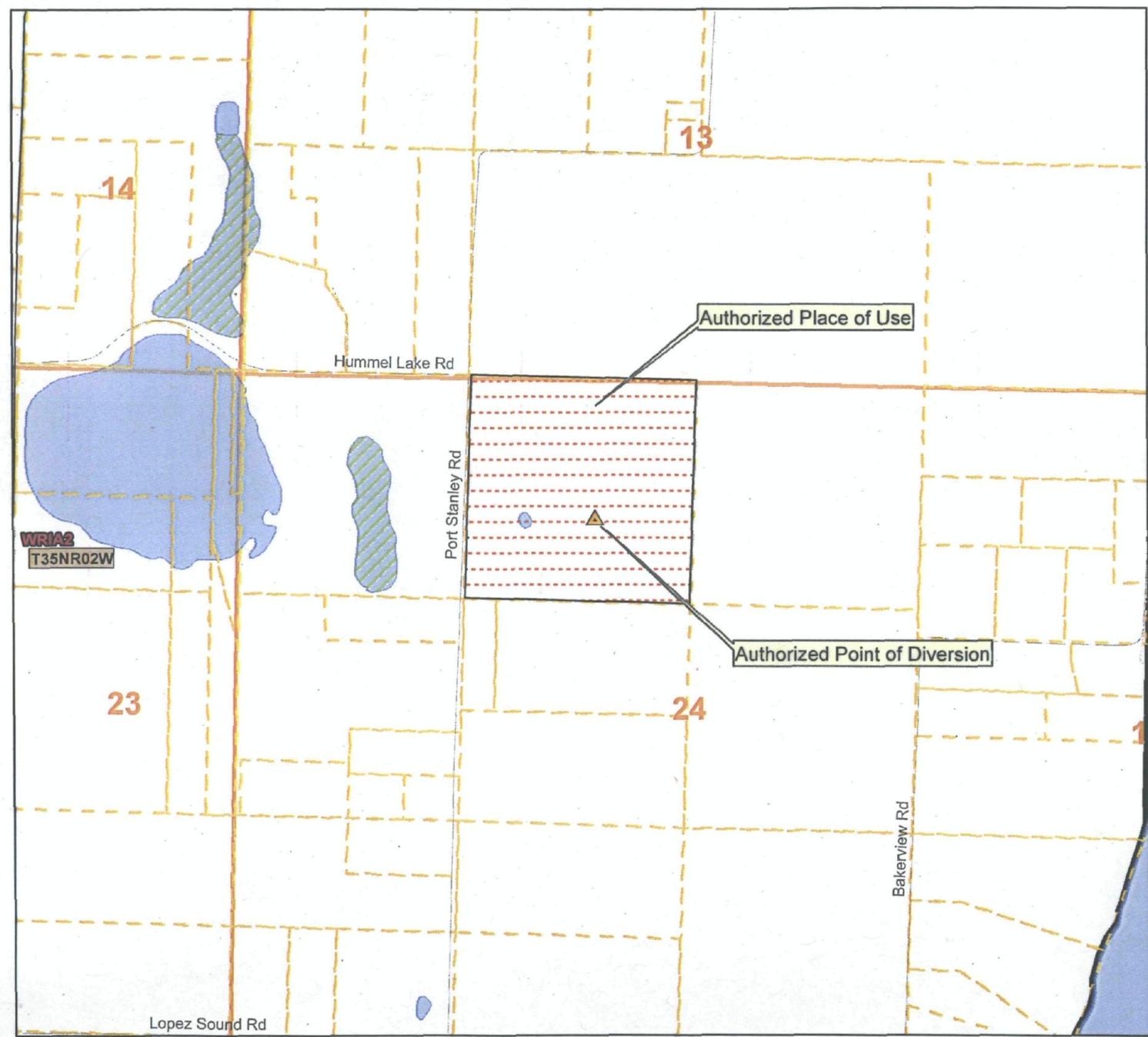
J. R. "BUCK" SMITH

Licensed Geologist/Hydrogeologist No. 1479

If you need this publication in an alternate format, please call the Water Resources Program at (425) 649-7000. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.



Crowfoot Farm
 Permit Number S1-28608
 Sec.24, T 35N, R 02W W.M.
 WRIA 2 - San Juan County



Legend

- County
- WRIA
- Highways
- Townships
- cities
- Sections
- Authorized Point of Diversion
- Authorized Place of Use

Place of use and point(s) of diversion/withdrawal are as defined on the cover sheet under the headings, 'LOCATION OF DIVERSION/WITHDRAWAL' and 'LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED.'

Attachment 1