

File NR G1-28794  
WR Doc ID 6367900

## State of Washington REPORT OF EXAMINATION FOR WATER RIGHT APPLICATION

**PRIORITY DATE**  
12/08/2014

**WATER RIGHT NUMBER**  
G1-28794

**MAILING ADDRESS**  
NAKATOMI LLC  
53 AVIAN RIDGE ROAD  
FRIDAY HARBOR WA 98250

### Quantity Authorized for Withdrawal

WITHDRAWAL RATE	UNITS	ANNUAL QUANTITY (AF/YR)
12	GPM	6

### Purpose

PURPOSE	WITHDRAWAL			ANNUAL QUANTITY (AC-FT/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
DOMESTIC MULTIPLE	12		GPM	6		01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
N/A	N/A	UNKNOWN	17

### Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
SAN JUAN	GROUNDWATER		2-SAN JUAN

SOURCE	PARCEL	WELL TAG	TOWNSHIP	RANGE	SECTION	QUARTER QUARTER	LATITUDE	LONGITUDE
Well	352032002000	BBM-027	35N	03W	20	NW¼ SW¼	48.5116	-123.1017

Datum: NAD83/WGS84

### Place of Use

**PARCELS**  
352032002000 and 352031001000

**LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE**

Real property in the County of San Juan, State of Washington, described as follows:

Parcel A 352032002000

Portions of the Southwest Quarter of the Northwest Quarter and the Northwest Quarter of the Southwest Quarter of Section 20, Township 35 North, Range 3 W.W.W., as described as follows:

Beginning at a concrete monument marking the west quarter corner of said Section 20, thence along the westerly boundary of said Section 20 North 330.0 feet, thence leaving said westerly boundary and running parallel to the northerly boundary of the said southwest quarter South 89° 44'17" East 1324.70 feet to a point on the easterly boundary of the said southwest quarter of the northwest quarter of said Section 20, thence along the easterly boundary of the southwest quarter of the northwest quarter South 0°00'19" East 330.0 feet to the northwest corner of the northeast quarter of the southwest quarter of said Section 20, thence along the westerly boundary of the said northeast quarter of the southwest quarter South 0°00'21" East 1319.04 feet to the southeast corner of the said northwest quarter of the southwest quarter, thence along the southerly boundary of the said northwest quarter of the southwest quarter North 89°42'30" West 713.92 feet to a point on the centerline of the Wold County Road as described by instrument recorded at Volume 21 Page 299, records of San Juan County, Washington, thence along said centerline North 24° 27'30" West 165.08 feet to the P.C. of a curve to the left having a central angle of 53° 15' and a radius of 430.39 feet, thence North 77° 42'30" West 248.11 feet to a point on the westerly boundary of the said southwest quarter, thence along said westerly boundary North 0°00'04" West 876.045 feet to the point of beginning.

EXCEPT that portion conveyed to the County of San Juan as a public road by Quit Claim Deed, recorded November 1, 1937, in Volume 21 of Deeds, at page 299, under Auditor's File No. 30954, records of San Juan County, Washington.

Situate in San Juan County, Washington.

Parcel B 352031001000

A Portion of the Northeast Quarter of the Southwest Quarter of Section 20, Township 35 North, Range 3 West, W.M., described as follows:

Commencing at a concrete monument marking the West Quarter Corner of said Section 20; thence along the Westerly boundary of said Section 20 North 330.0 feet; thence leaving said Westerly boundary and running parallel to the North boundary of the Southwest Quarter of said Section 20 South 89°44'17" East, 1324.70 feet to a point on the Easterly boundary of the Southwest Quarter of the Northwest Quarter of said Section 20; thence along the Easterly boundary South 0°00'19" East, 330.0 feet to the Northwest Corner of the said Northeast Quarter of the Southwest Quarter South 0°00'21" East, 22.49 feet to THE TRUE POINT OF BEGINNING of the parcel to be described; thence leaving said Westerly boundary and running parallel with the Northerly boundary of the said Northeast Quarter of the Southwest Quarter South 89°44'17" East, 1324.74 feet to a point on the Easterly boundary of the said Northeast Quarter of the Southwest Quarter; thence along said Easterly boundary south 0°00'38" East, 1297.24 feet to the Southeast Corner of the said Northeast Quarter of the Southwest Quarter; thence along the Southerly boundary of the said Northeast Quarter of the Southwest Quarter North 89°42'30" West, 1324.84 feet to the Southwest Corner of the said Northeast Quarter of the Southwest Quarter; thence along the Westerly boundary of the said Northeast Quarter of the Southwest Quarter North 0°00'21" West, 1296.55 feet to the True Point of Beginning.

Situate in San Juan County, Washington.

### Proposed Works

A well, 285 feet deep with a 6-inch casing and a pump to meet system capacity, serving a residential water system.

### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	December 31, 2025	December 31, 2030

### Measurement of Water Use

How often must water use be measured?	Monthly
How often must water use data be reported to Ecology?	Upon Request by Ecology

### Provisions

#### ***Measurements, Monitoring, and Metering***

An approved measuring device shall be installed and maintained for the source identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, 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 for modifications to some of the requirements.

#### ***Wells, Well Logs and Well Construction Standards***

All wells constructed in the state shall meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned.

All wells shall be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag shall remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

#### ***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(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

### ***Department of Health Requirements***

Prior to any new construction or alterations of a public water supply system, the State Board of Health requires public water supply owners to obtain written approval from the Washington State Department of Health, Office of Drinking Water. Please contact the Office of Drinking Water at Northwest Drinking Water Operations, 20435 72nd Ave S, Suite 200, K17-12, Kent, WA 98032-2358, (253) 396-6750.

### ***Water Use Efficiency***

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

### ***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 Facts***

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; that there will be no impairment of existing rights; that the purpose of use is beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. G1-28794, 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 on 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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel RD SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Bellevue, Washington, this 4<sup>th</sup> day of May, 2015.



Tom Buroker, Section Manager

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>.

INVESTIGATOR'S REPORT  
 Application for Water Right – Nakatomi LLC  
 Water Right Control Number G1-28794  
 Ria Berns, Department of Ecology

**BACKGROUND**

This report serves as the written findings of fact concerning Water Right Application Number G1-28794. The application seeks a continuous, year-round water supply for a proposed Group A water system on San Juan Island. 17 connections are proposed and the lots will be developed over a period of 15 years.

Table 1. Summary of Requested Water Right

<b>Applicant Name</b>	Nakatomi LLC
<b>Date of Application</b>	12/8/2014
<b>Place of Use: Parcels</b>	352031001000 and 352032002000

County	Waterbody	Tributary To	WRIA
San Juan	Groundwater	N/A	2-San Juan

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Multiple	12	GPM	6	01/01	12/31

Source	Parcel	Well Tag	Township	Range	Section	Quarter Quarter	Latitude	Longitude
Well	352032002000	BBM-027	35N	03W	20	NW SW	48.5116	-123.1017

NAD83/WGS84

**Legal Requirements for Approval of Appropriation of Water**

**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 withdrawn and used. Notice of this application was published in the *Journal of the San Juan Islands* on January 21 and January 28, 2015.

**Consultation with the Washington Department of Fish and Wildlife**

Ecology must give notice to the Washington Department of Fish and Wildlife (WDFW) of applications to divert, withdraw or store water. On February 3, 2015, Steve Boessow responded to Ecology's request for comment with the following:

"Based on impacts to fish and/or wildlife and the habitat they rely on, and pursuant to Chapter 77.57.020 RCW, WDFW does not oppose the issuance of this application. We leave the issue of hydraulic continuity with surface waters to Ecology. San Juan Valley Creek is less than 1 mile from the proposed well, and has anadromous and resident fish use. If Ecology were to determine or suspect hydraulic continuity with fish bearing fresh water, then we would revisit this application and recommendation."

### ***State Environmental Policy Act (SEPA)***

Groundwater withdrawals are subject to a SEPA threshold determination (i.e., an evaluation of whether there are likely to be significant adverse environmental impacts) if the water right application proposes withdrawals greater than 2,250 GPM. Because this application does not meet this condition and because the application is not part of a larger project that would trigger SEPA, the application is considered to be categorically exempt from SEPA and a threshold determination is not required.

## **INVESTIGATION**

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On January 20, 2015, I met with water right applicant, Scott Boden; project agent, Francine Shaw; and well driller and water system manager, Al Mauldin. I was accompanied by Water Resources Program hydrogeologist, Toni Smith. This investigation draws on this site visit, well test and water system data provided by the applicant, water rights research, and the resources listed in the References section.

### **Hydrologic/Hydrogeologic Evaluation**

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#### ***Geological Overview of the San Juan Islands***

Bounded by the Strait of Juan de Fuca to the south, Rosario Strait to the east, Haro Strait to the west, and Boundary Pass to the north, the San Juan Islands archipelago has a complex geologic history. Radiometric dating indicates that the San Juan Islands were accreted to North America sometime prior to the Late Jurassic Period. However, the Late Cretaceous period most dramatically shaped the Islands' bedrock geology. A major suture, known as the Haro Thrust zone, formed during the late Cretaceous Period and joined the Wrangellia terrane of Vancouver Island and the San Juan-Cascade nappes (Brandon, 1989). The San Juan Islands consist of a thick sequence of Late Cretaceous thrust faults, referred to as the San Juan thrust system, containing a diverse group of rocks (terranes) ranging from early Paleozoic to middle Cretaceous in age. A terrane is a fault-bounded package of rocks with a distinctive stratigraphy, structure and geologic history. Formed in compressed tectonic zones (e.g., subduction zones), a nappe is a large sheet of rock with a horizontal or sub-horizontal axial plane that has moved due to faulting or folding.

Wrangellia is a large allochthonous terrane that underlies most of Vancouver Island and parts of Alaska. On Vancouver Island it is characterized as a coherent Paleozoic-to-Lower Jurassic stratigraphic sequence that is dominantly volcanic. The thrust system straddles the southeastern edge of the Wrangellia terrane of Vancouver Island. The San Juan-Cascade nappes are northwest-trending belts that are bounded by the Skagit metamorphic core. In the San Juan Islands, five terranes (Haro, Turtleback, Deadman Bay, Garrison, and Decatur) were thrust and stacked upon each other and on top of the Wrangellia Terrane. The San Juan-Cascade nappes are thought to represent an old accretionary system formed by the successive arrival of these far-traveled terranes (Brandon, 1989).

The bedrock geology of the San Juan Islands has been greatly modified by the three major glacial advances, including the Double Bluff Glaciation (earliest), Possession Glaciation, and Fraser Glaciation (latest) (Russell et al, 1975). However, erosion beneath the glaciers was likely guided by the topography formed by the fracture and fault zones already in existence.

### ***San Juan Island Hydrogeology***

San Juan Island is the second largest of the San Juan Islands and has an aerial extent of about 55 square miles. About 40 percent of San Juan Island is overlain by Quaternary glacial deposits, but only as thin, discontinuous sheets, with thicknesses generally less than 30 feet. The glacial deposits, where saturated, generally yield large quantities of water to wells, but the bedrock is nonporous, and water occurs primarily in joints and fractures (Russell et al, 1975).

The underlying geology in the vicinity of the Nakatomi property is part of the Late Jurassic Constitution Formation (referred to as KJmm and Jc), which includes ophiolitic plutonic rocks, mid-oceanic-ridge basalt, ribbon chert, and arc-derived mudstone-sandstone (Brown et al, 2007). This is consistent with the 1:24,000-scale geological mapping published by the Department of Natural Resources, which identifies the Nakatomi site as Mesozoic metasedimentary rocks or "bedrock" (Dethier, et al, 1996). The Constitution Formation is the predominant geologic formation on San Juan Island. While most of the site is exposed bedrock, Pleistocene Era Qgd and Qgdm<sub>es</sub> formations overlay bedrock in the lower contours. At the well site, the driller's log indicates there is roughly ten feet of glacial material.

The mean annual precipitation for the Nakatomi site is 32-34 inches/year. Average annual recharge to the groundwater system for this area ranges from .5 - 1.5 inches (Orr, 2002).

### **Proposed Use and Basis of Water Demand**

The Nakatomi LLC development proposes 17 domestic connections for luxury view homes on 85 acres owned by the applicant. The applicant expects to fully construct the system and complete the Department of Health Group A approval process within the next 6 – 9 months. Once the system is in place, individual lots will be sold. The applicant expects full build out within the next 15 years. The applicant has designed each lot to accommodate an accessory dwelling unit. Some outdoor irrigation is likely; however, the development is seeking to preserve the native landscaping and character of the site. Much of the site is exposed bedrock and extensive landscaping is unlikely.

### ***Water System and Well Test Results***

The water system will withdraw from a single well, completed in bedrock, located at the lowest point on the property. Drilled in 2014, the proposed point of withdrawal (well ID BBM-027) is 6 inches in diameter and 285 feet deep. The casing is completed to 19 feet below surface. Static water level measurements were taken at the time the well was drilled in April 2014 (measured at 71 feet below surface) and during the well test in October 2014 (measured at 69 feet below surface). Well tests conducted on the day the well was drilled indicate that the well is capable of producing 60 gpm. However, the system plans to install a smaller capacity pump. During the nearly 14 day continuous rate pump test, the well was continuously pumped at 12 gpm for 144.48 hours (~6 days). During the last 37 hours of the pumping period, the well stabilized (i.e., the drawdown was less than 0.4 feet per 4 hour pumping period). At a 12 gpm pumping rate, the well reached 95.8 percent recovery in 7 days.

Two nearby wells were monitored during the Nakatomi pump test. The Sundstrom monitoring well (well ID ALS-075) is located 350 feet southeast of the Nakatomi production well and is 180 feet deep. During the pump test, the water level dropped 11.85 feet from its starting static water level of 74 feet below

surface. The 320 foot deep Sea Shepherd (Watson property) monitoring well is located 1100 feet northwest of the Nakatomi point of withdrawal. During the pump test, the water level rose 4.7 feet. The proposed water system will direct water pumped from the well to a 23,000 gallon storage tank on a hill 250 feet above the well through PVC mainlines. Water will be directed through a pressurized system to the upland lots, through a 1600 foot long 2-inch water main, and the lower land lots will be served by a gravity feed system, 1600 feet long and 3-inches wide. Meters will be installed at the well head, storage tank, and at each connection.

### Water Rights in the Vicinity

The Department of Ecology has record of three water right claims within a quarter mile radius of the Nakatomi LLC proposed point of withdrawal (see Table 2 and Attachment 2). Of the water rights considered for the impairment analysis, two are long-form claims and one is a short-form claim. No state-issued water rights are within the quarter-mile impairment radius used.

A water right claim is a *claim* to a water right for a beneficial use which predates the state water code (1917 for surface water and 1945 for groundwater) and is not authorized by a state-issued permit or certificate. Water right claims can only be confirmed through adjudication by the Washington State Superior Court. The Department of Ecology cannot verify a claim's validity. However, Ecology may tentatively determine the extent and validity of a claimed water right pursuant to RCW 90.14 (Ecology POL 1120). The below-listed claims likely represent uses allowable under the groundwater permit exemption (RCW 90.44.050).

**Table 2. Record of Water Rights within a Quarter Mile Radius from the Proposed Point of Withdrawal**

<i>Control Number</i>	<i>Name on Document</i>	<i>Document Type</i>	<i>Purpose</i>	<i>Q<sub>i</sub></i> <i>(gpm)</i>	<i>Q<sub>a</sub></i> <i>(ac-ft/yr)</i>
G1-081041CL	Michael C. Sundstrom	Claim (Long)	D	10	1
G1-056965CL	Eugene Wold	Claim (Short)			
G1-081319CL	Marion Percich	Claim (Long)	DS	5	1

Abbreviation Key: Q<sub>i</sub> – instantaneous quantity, Q<sub>a</sub> – annual quantity, GPM – gallons per minute, Ds – domestic single, and D – domestic

In addition to the above-listed water rights and water right claims, there are approximately 17 water wells located within a quarter mile radius of the Nakatomi LLC point of withdrawal. This information was obtained using the Department of Ecology's well log database. Several of these wells likely overlap with the above listed water right claims. The remaining wells are likely permit exempt wells (RCW 90.44.050).

### FINDINGS

Under Washington State law, the following criteria must be met for a new application to be approved:

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

## Impairment Considerations

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Impairment is an adverse impact on the physical availability of water for a beneficial use that is entitled to protection. A water right application may not be approved if it would:

- Interrupt or interfere with the availability of water to an adequately constructed groundwater withdrawal facility of an existing right. An adequately constructed groundwater withdrawal facility is one that (a) is constructed in compliance with well construction requirements and (b) fully penetrates the saturated zone of an aquifer or withdraws water from a reasonable and feasible pumping lift.
- Interrupt or interfere with the availability of water at the authorized point of diversion of a surface water right. A surface water right conditioned with instream flows may be impaired if a proposed use or change would cause the flow of the stream to fall to or below the instream flow more frequently or for a longer duration than was previously the case.
- Interrupt or interfere with the flow of water allocated by rule, water rights, or court decree to instream flows.
- Degrade the water quality of the source to the point that the water is unsuitable for beneficial use by existing users (e.g., via sea water intrusion).

As discussed above, the applicant conducted a ~14 day pump test and monitored two nearby wells. There was some drawdown interference at the closest monitoring well (Sundstrom). During the continuous pumping period, the Sundstrom well water levels dropped 11.85 feet. However, this well was in use during the pump test at an unknown pumping rate, so it's difficult to solely attribute the drawdown to the Nakatomi pumping. The drawdown represents 11 percent of the available water column. Furthermore, these continuous pumping conditions likely overestimate the impact the system will have on nearby wells. The water level rose at the second monitoring well (Sea Shepherd/Watson), suggesting no drawdown interference. The cause for the 4.6 foot rise in this well is unknown.

Another, unmonitored well is located approximately 520 feet from the Nakatomi well. This well is associated the Eugene Wold short-form claim and has well tag ID# BIT-676. The depth of this well is unknown, so we cannot know whether the two wells are tapping the same groundwater source. Even if they are, the well is located further from the Nakatomi well than the Sundstrom monitoring well and thus, it would likely experience little or no drawdown interference.

To evaluate impairment potential, we used a quarter mile radius. Given the area's bedrock geology and corresponding low transmissivity, this well interference is low and thus, a small radius for impairment is reasonable. Based on the robust pump test and the results of well monitoring, we find no cause of impairment.

### ***Seawater Intrusion Potential***

Seawater intrusion is the movement of seawater into fresh water due to natural processes or human activities. In order for seawater intrusion to occur, an aquifer must be in hydraulic connection with seawater and the hydraulic head of the fresh ground water must be reduced relative to that of the seawater. On an island, if a well withdraws water at a rate that sufficiently lowers the water table and

disturbs the fresh-sea water balance, seawater will rise as a cone and move toward the well (Dion and Sumioka, 1978).

The Nakatomi site has a low seawater intrusion potential. The site is 7,400 feet from the marine shoreline, and on the date of the well test, static water level was measured at 190.9 feet above sea level and the maximum pumping level was at 164.9 feet above sea level. The well's distance from the shore and the static water level indicates that there is a thick freshwater layer above saltwater and sufficient downward pressure posed by recharge to prevent mixing at the proposed pumping levels. Furthermore, there are no wells within 1,000 feet with high chloride levels (per San Juan County Seawater Intrusion Risk Map 1). The County drinking water program did not require a saltwater intrusion assessment for this well site given the site's low risk profile.

## **Water Availability**

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For water to be available for appropriation, it must be both physically and legally available.

### ***Physical availability***

For water to be physically available for appropriation there must be ground or surface water present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses. In addition, the following factors are considered:

- Volume of water represented by senior water rights, including federal or tribal reserved rights or claims;
- Water right claims registered under Chapter 90.14 RCW;
- Ground water uses established in accordance with Chapter 90.44 RCW, including those that are exempt from the requirement to obtain a permit; and
- Potential riparian water rights, including non-diversionary stock water.
- Lack of data indicating water usage can also be a consideration in determining water availability, if the department cannot ascertain the extent to which existing rights are consistently utilized and cannot affirmatively find that water is available for further appropriation.

The Nakatomi well test demonstrated the well's capacity to sustainably yield 12 gpm. Furthermore, the water system design includes a 23,000 gallon storage tank that will provide a capacity buffer for the system. From the well test and proposed system design, I find that water is physically available for appropriation.

The annual quantity is calculated based on the domestic needs for 17 residential connections. Using an average water use requirements of 0.35 ac-ft/yr, a total annual quantity of approximately 6 ac-ft/yr is available and sufficient to meet the larger homes and proposed outdoor irrigation. This is a generous allocation; however, it accounts for the proposed luxury homes and potential accessory dwelling units that are proposed.

### ***Legal availability***

To determine whether water to be legally available for appropriation, the following factors are considered:

- Regional water management plans – which may specifically close certain water bodies to further appropriation.
- Existing rights – which may already appropriate physically available water.
- Fisheries and other instream uses (e.g., recreation and navigation). Instream needs, including instream and base flows set by regulation. Water is not available for out of stream uses where further reducing the flow level of surface water would be detrimental to existing fishery resources.
- The Department may deny an application for a new appropriation in a drainage where adjudicated rights exceed the average low flow supply, even if the prior rights are not presently being exercised. Water would not become available for appropriation until existing rights are relinquished for non-use by state proceedings.

There are no regulatory closures or restrictions affecting water availability on San Juan Island. WDFW is rehabilitating San Juan Valley Creek, a fish bearing creek, and is concerned about any additional withdrawals that may affect flows in the creek. The distance from the creek, low transmissivity of this bedrock, and small instantaneous quantity make it highly unlikely that there is hydraulic continuity such that the Nakatomi well will have a measurable impact on the creek.

### **Beneficial Use**

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Domestic use is considered a beneficial use under RCW 90.54.020(1).

### **Public Interest Considerations**

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

### **Conclusions**

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In accordance with chapter RCW 90.03, I conclude there is water available from the source in question, the purpose of use is beneficial, there will be no impairment of existing rights, and there will be no detriment to the public interest.

### **RECOMMENDATIONS**

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

### **Purpose of Use and Authorized Quantities**

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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:

- 12 gallons per minute
- 6 acre-feet per year
- Multiple domestic

**Point of Withdrawal**

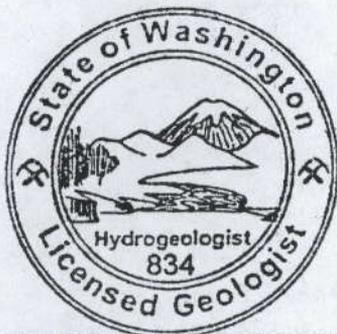
NW¼, SW¼, Section 20, Township 35 North, Range 3 West, W.M.

**Place of Use**

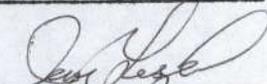
See place of use description on page 2.

  
Ria Berns, Report Writer

5/4/2015  
Date



JERRY LEE LISZAK

  
Jerry Liszak, LHg, Reviewer

5/4/2015  
Date

If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

## Selected References

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Brandon, M.T., 1989. *Geology of the San Juan-Cascade Nappes, Northwestern Cascade Range and San Juan Islands*. Geologic guidebook for Washington and adjacent areas: Washington Division of Geology and Earth Resources Information Circular 86, 26 pages.

[http://earth.geology.yale.edu/~markb/Eprints/Brandon1989DGER\\_FieldGuide.pdf](http://earth.geology.yale.edu/~markb/Eprints/Brandon1989DGER_FieldGuide.pdf)

Brandon, M.T., et al, 1988. *The Late Cretaceous San Juan thrust system, San Juan Islands, Washington*. Geological Society of America Special Paper 221, 81 p.

[http://earth.geology.yale.edu/~markb/Eprints/Brandon\\_etal1988.pdf](http://earth.geology.yale.edu/~markb/Eprints/Brandon_etal1988.pdf)

Brown E.H., et al, 2007. *Tectonic Evolution of the San Juan Islands Thrust System, Washington*. The Geological Society of America, Field Guide 9, 35 pages.

<http://myweb.facstaff.wvu.edu/bernieh/reprints/brown-gsa-cord-07-san-juans.pdf>

Dethier, D. et al, 1996. *Maps of the Surficial Geology and the Depth to Bedrock of False Bay, Friday Harbor, Richardson, and Shaw Island 7.5-minute Quadrangles, San Juan County, Washington*.

Washington State Department of Natural Resources, Open File Report 96-7, 11 pages

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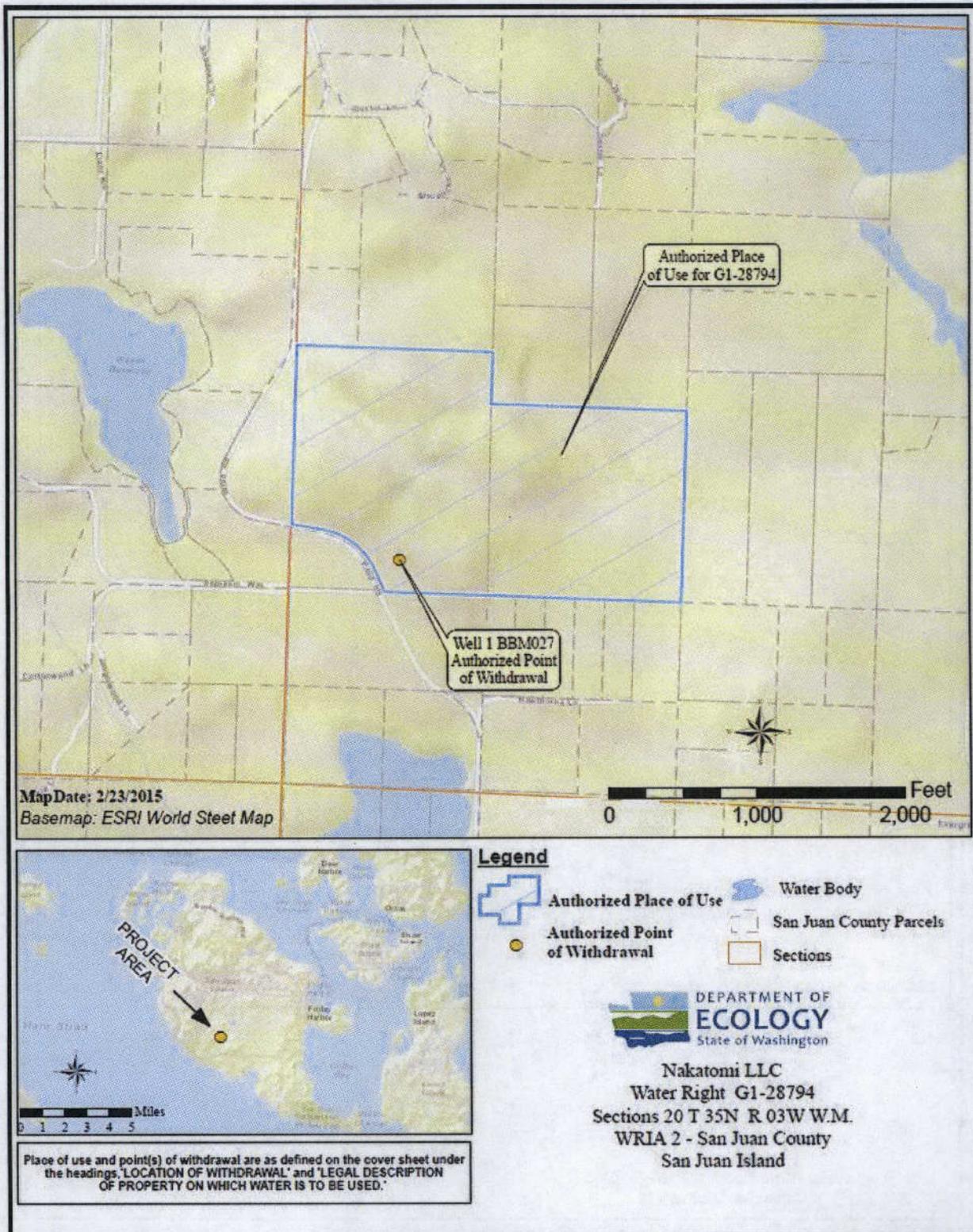
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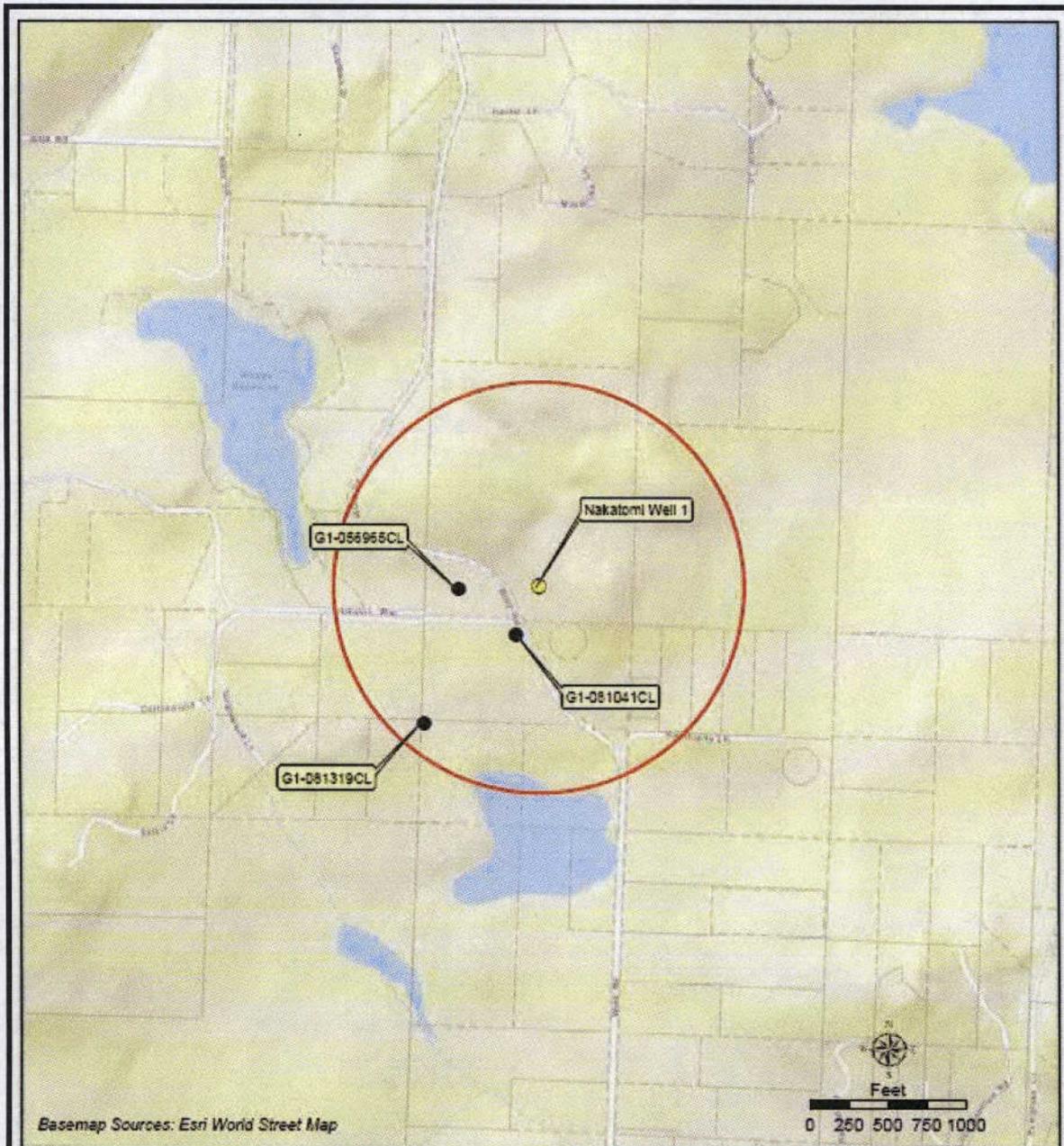
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**ATTACHMENT 1: PLACE OF USE MAP**



**ATTACHMENT 2: IMPAIRMENT MAP**



Water Right Documents in  
the Vicinity of Well 1  
Nakatomi LLC  
Water Right Document G1-28794  
San Juan County, WA

- Well 1
- One Quarter Mile Distance from Well 1
- Wells within One Quarter Mile of Well 1
- San Juan County Parcel Boundary