



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

DRAFT APPROVED
RESERVOIR
REPORT OF EXAMINATION

TO CONSTRUCT A RESERVOIR AND STORE FOR BENEFICIAL USE
WATERS OF THE STATE OF WASHINGTON

PRIORITY DATE November 1, 2010	APPLICATION NUMBER R1-28679A	PERMIT NUMBER	CERTIFICATE NUMBER
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NAME
Spring Point Homeowners Association

ADDRESS (STREET) P.O. Box 56	(CITY) Deer Harbor	(STATE) WA	(ZIP CODE) 98243
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SOURCE FOR RESERVOIR SUPPLY Unnamed stream	TRIBUTARY OF (IF SURFACE WATERS) North Pass
NUMBER OF ACRE FEET STORED WHEN RESERVOIR IS FULL 24	USE(S) TO BE MADE OF IMPOUNDED WATER Municipal supply, year-round

LOCATION OF IMPOUNDING STRUCTURES

APPROXIMATE LOCATION OF IMPOUNDMENT STRUCTURE

539 feet north and 1878 feet west of the southeast corner of Section 12

LATITUDE N 48.617906 LONGITUDE 123.017903 W

LOCATED WITHIN (SMALLEST LEGAL SUBDIVISIONS)

SW1/4 SE1/4

SECTION 12	TOWNSHIP N. 36	RANGE, (E. OR W.) W.M. 3W	W.R.I.A. 2	COUNTY San Juan
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LEGAL SUBDIVISION OF LAND IN WHICH THE SUBMERGED AREA IS TO BE LOCATED

County Tax Parcel 361243002000 of legal listed below.

LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED

All of Spring Point Division No. 1 and No. 2; plus Chartwell Short Plat; parcels numbers 361321002000 and 361321001000; plus Decourcey short plat lot 4A and 4B, All situated in San Juan County, Washington.

Attachment 1 shows the location of the authorized place of use and the impoundment structure.

CONSTRUCTION DETAILS OF IMPOUNDMENT STRUCTURE

Note: NOPL means Normal Operating Pool Level

HEIGHT OF DAM (FEET) 10	LENGTH ON TOP (FEET) 240	WIDTH ON TOP (FEET) 20
SLOPE OF FRONT OR WATER SIDE (Number of feet horizontal to one foot vertical): 1H:1V		SLOPE OF BACKSIDE (Number of feet horizontal to one foot vertical): 2H:1V
HEIGHT OF DAM ABOVE WATER LINE AT NOPL (FEET) 2		

TYPE OF CONSTRUCTION OF DAM AND CONSTRUCTION MATERIALS

Earth fill, composed of local fill material

LOCATION AND APPROXIMATE DIMENSIONS OF SPILLWAYS

Overflow (when it occurs) – 12-inch corrugated steel pipe through the dam

# OF ACRES SUBMERGED WHEN RESERVOIR IS FILLED TO NOPL 3.8	MAXIMUM DEPTH (FEET) AT NOPL 16	AVERAGE DEPTH (FT) 7
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DESCRIPTION OF PROPOSED WORKS

The Spring Point Homeowners Association Water System consists of two ponds, two storage tanks (80,000 and 20,000 gallon), and approximately 8,000 feet of 4-inch PVC mainline. It is authorized by existing water rights to serve 96 homes. This application is for a reservoir permit for one of the existing ponds, Jay’s Pond, for storage of water used by surface water certificate S1-00593C.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE Begun	COMPLETE PROJECT BY THIS DATE Completed	WATER PUT TO FULL USE BY THIS DATE In full use
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PROVISIONS

- PROOF OF APPROPRIATION:** The water right holder shall file the notice of Proof of Appropriation of water (under which the certificate of water right will be issued) after the thirty day appeal period for this report of examination has expired, assuming no appeals.
- DAM SAFETY:** Dam owners are required to evaluate the safety of their dam and all appurtenant works and to make modifications, as become necessary, to reasonably secure safety to life and property. For current requirements, please contact:

Doug Johnson
 Dam Safety Office Leader
 Department of Ecology Dam Safety Office
 PO Box 47600, Olympia, WA 98504-7600
 (360) 407-6623
djsd461@ecy.wa.gov

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

Therefore, I ORDER approval of Application No. R1-28679, subject to existing rights and the provisions listed above.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. 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 this document:

- File your appeal and a copy of this document 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 document on Ecology in paper form - by mail or in person. (See addresses below.) Email 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 Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Please also send a copy of your appeal to:

Jacqueline Klug
Department of Ecology
Northwest Regional Office
3190 160th Avenue 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://www.l.leg.wa.gov/CodeReviser> .

Signed at Bellevue, Washington, this _____ day of _____, 2011.

Jacqueline Klug
Section Manager
Water Resources Program
Northwest Regional Office

INVESTIGATOR'S REPORT

BACKGROUND

Spring Point Homeowners Association (SPHA) currently holds water right certificate S1-00593C which authorizes an instantaneous quantity of 0.134 cfs and 96 acre-feet per year (afy) from Pond #1 (Jay's Pond) for multiple domestic supply. This is a Class A water system approved by the Washington State Department of Health (DOH) for 94 connections, DOH System ID 833356. There are currently 69 connections with a build out projection of 89.

The subject application, R1-28679, was received November 1, 2010, for a reservoir permit for Jay's Pond which stores water for surface water certificate S1-00593C. Jay's Pond was constructed in 1973 and later enlarged without applying for a reservoir permit. This application will correct the oversight. The pond is approximately 700 feet long by 160 feet wide. It is fed by an unnamed stream and from seepage coming from the hills to the west and east. Overflow from the pond, when it exists, exits through a spillway pipe to an unnamed stream that flows to North Pass to the southeast.

The dam on Jay's Pond was last inspected July 1, 2008, by Douglas L. Johnson, P.E. and John Blacklaw, P.E. of the Washington State Department of Ecology Dam Safety Office. Their inspection of the dam revealed it to be in fairly good condition. At the time of inspection, the pond's water elevation was 317.9 feet, about 4 feet below the dam crest. The low level outlet is a 4-inch diameter PVC pipe that carries water from the pond to a water treatment plant.

SPHA also has another pond, Clyde's Pond, which is located approximately 1,000 feet to the southwest of Jay's Pond. The two ponds are located on different tributaries of the same stream which flows to North Pass. Clyde's Pond is smaller and below the threshold to require a reservoir permit. It stores water to service water right S1-28617P which is non-additive to S1-00593C.

Legal Requirements for Application Processing

Chapter 90.03 RCW authorizes the appropriation of public water for beneficial use and describes the process for obtaining reservoir water rights. Laws governing the permitting process are contained in RCW 90.03.250 through 90.03.370.

The following legal requirements must be met prior to processing a water right application:

- Public Notice
Public notice of the application was published in *The Islands' Sounder* on December 8 and 15, 2010. There were no protests during the statutory 30-day protest period.
- State Environmental Policy Act (SEPA)
The subject water right application is categorically exempt under SEPA WAC 197-11-305 and WAC 197-11-800(4).

INVESTIGATION

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

- Information supplied with the reservoir application
- Aerial photos from the San Juan County Tax Assessors Web site
- The USGS Friday Harbor 7.5 minute topographic map
- Orr, L.A., Bauer, H.H. and Wayenberg, J.A. 2002, Estimates of Ground-Water Recharge from Precipitation to Glacial-Deposit and Bedrock Aquifers on Lopez, San Juan, Orcas, and Shaw Islands, San Juan County, Washington, U.S. Geological Survey Water-Resources Investigations Report 02-4114, 114 pages.
- Russell, R.H. ed., 1975, Geology and Water Resources of the San Juan Islands, San Juan County, Washington, Washington Department of Ecology Water Supply Bulletin No 46, 171 pages.
- A database search for water rights on the same source of supply
- Notes and GPS data from my site visit on July 14, 2010

Geographic Setting of the Reservoir

The USGS Friday Harbor topographic map shows Jay's Pond to be at an elevation of approximately 320 feet above mean sea level (MSL). The pond is located between two hills to the east and west both topping approximately 410 feet MSL. An intermittent stream flows from the pond to the south then southeast to North Pass. Jay's Pond is located along the west side of Spring Point Road approximately 3,600 feet due west of the Deer Harbor marina as the crow flies, or about 1.7 miles by road from the marina. (see Attachment 1 for location)

Orcas Island Geohydrology

The geology in the vicinity of Spring Point consists of the Turtleback terrane, a Paleozoic arc-plutonic and volcanic unit. Water Supply Bulletin No. 46 mapped the Turtleback Complex consisting of gabbro, diorite, and quartz diorite with minor pyroxenite and serpentine.

Mean annual precipitation in the area is from 28 to less than 30 inches per year. Recharge to the ground water system on Orcas Island occurs from percolation of precipitation. Recharge in the watershed area around Spring Point is less than 0.5 inch per year (USGS, 2002). Once infiltrated, ground water on the island generally flows radially from the center of the island towards the coastline.

Database Search of Other Water Rights on the Same Source of Supply

A query of Ecology's Water Rights Tracking System showed the only previous water rights issued on Jay's Pond or the unnamed stream is surface water certificate S1-00593C which is owned by Spring Point Homeowners Association.

Ecology's well log database shows twenty-two water wells within one-half mile of the reservoir. All the wells in this area appear to be completed in bedrock. They appear to be single domestic wells that fall under the ground water exemption.

Site Visit

On July 14, 2010, John Rose and I, both of Washington State Department of Ecology, and Erika Lindsey of Washington State Department of Health, met with John Ryberg, who gave us a tour of the system. The purpose of this visit was a site exam for water right S1-28617 to divert water from Clyde's Pond, the other pond owned by SPHA. During the tour we observed Jay's Pond and realized that it was large enough to require a reservoir permit. As a follow-up, Mr. Ryberg submitted the subject reservoir application in order to be in compliance for Jay's Pond.

DETERMINATIONS

In accordance with RCW 90.03.290, 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

Water Availability

Legal Availability

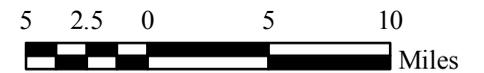
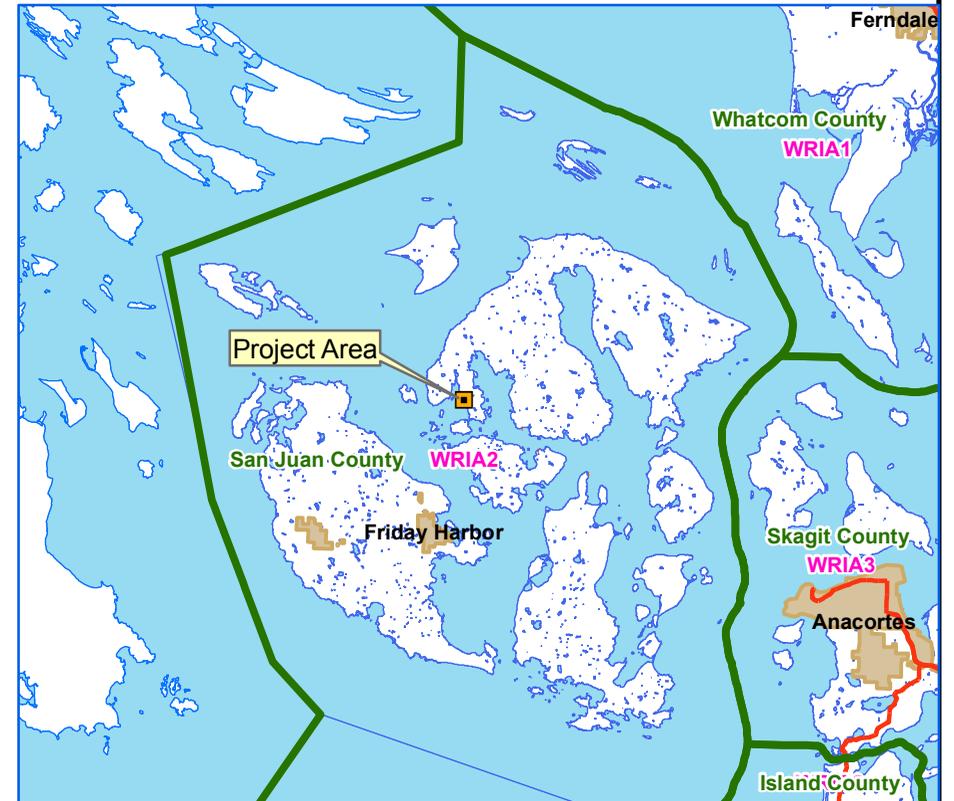
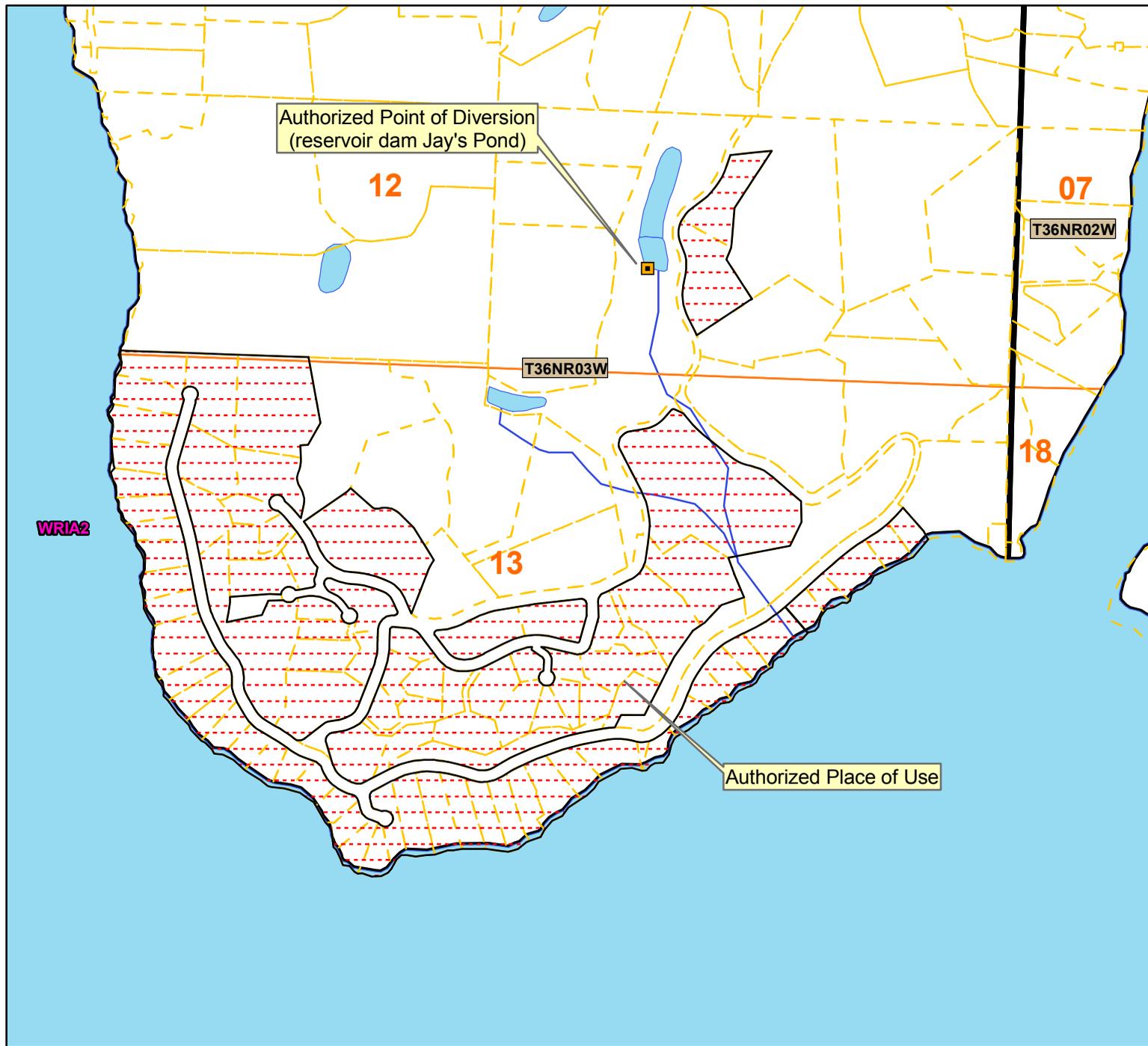
There are currently no regulatory closures or legal restrictions affecting water availability on the Spring Point Homeowners Association source of supply.

Physical Availability

Recharge of Jay's Pond will occur by flow from the unnamed stream, seepage flow and by direct precipitation. According to John Ryberg the pond generally fills each rainy season and then slowly diminishes during the dry season.

Impairment

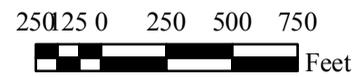
As stated above, the only other water right associated with the subject surface water source is owned by SPHA. However, there is a possibility this source could be hydraulically connected to neighboring wells and/or springs in the vicinity. Determining connectivity is extremely difficult in bedrock geology. Water movement occurs only through untraceable and often highly disconnected cracks and fractures. However, because the pond has already been in place for many years, no impairment of other rights is anticipated.



Legend

- County
- WRIA
- Highways
- Townships
- cities
- Sections
- Reservoir Dam
- 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