



State of Washington
DRAFT
 REPORT OF EXAMINATION
 FOR WATER RIGHT CHANGE

File NR CG1-23071C@1
 WR Doc ID 6262455

Added or Changed Point of Withdrawal/Diversion

PRIORITY DATE March 20, 1978	WATER RIGHT NUMBER G1-23071
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MAILING ADDRESS KITSAP COUNTY PUBLIC UTILITY DISTRICT NO. 1 PO BOX 1989 POULSBO WA 98370	SITE ADDRESS (IF DIFFERENT)
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Total Quantity Authorized for Withdrawal or Diversion		
WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
53	GPM	32.4

Purpose						
PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	(mm/dd)
Municipal	53		GPM	32.4		01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
		91923K+67715C	1309+31

Source Location			
COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
KITSAP	GROUNDWATER		15-KITSAP

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Pioneer Hill West Well	4345-000-018-0006	AES172	27N	01E	33	NE SE	47.7842 N	122.6736 W

Datum: NAD83/WGS84

Place of Use (See Attached Map)
PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE
Service area of Public Utility District No. 1 of Kitsap County per comprehensive plan and periodic updates.

Proposed Works

The proposal is to add the Pioneer Hill West Well, which serves an existing self contained water system serving 31 connections (DOH System ID 67715C) as an additional point of withdrawal to G1-23071C, which is one of several water rights used by the Vinland Water System (DOH System ID 91923K) which serves 1309 connections.

The Pioneer Hill West Well is a 10-inch diameter well drilled to a depth of 310 feet, fitted with a 5 H.P. pump capable of 60 gallons per minute (gpm) and distribution system used to supply water to 31 connections within the Pioneer Hill West Subdivision.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
NA	NA	In Full Use

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
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

Provisions

Wells, Well Logs and Well Construction Standards

All wells constructed in the state must 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 must be decommissioned.

All wells must 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 must 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.

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", 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.

Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water at Southwest Drinking Water Operations, 243 Israel Road S.E., PO Box 47823, Tumwater, WA 98504-7823, (360) 236-3030.

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.

Proof of Appropriation and Issuance of Superseding Certificate

When a change requires significant expense and time to complete, the applicant or Ecology may request a development schedule to ensure diligence in pursuance of the change. Development schedules can also provide a transition from one source to another, or place of use to another over time.

In the present case, the needed infrastructure is entirely in place to affect an immediate change. A transition is not needed and neither is a development schedule. Therefore, upon final approval of the Report of Examination and after the 30-day appeal period has expired, the Superseding Certificate shall be issued assuming no successful appeal has been filed.

Schedule and Inspections

Department of Ecology personnel, upon presentation of proper credentials, will 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.

Real Estate Excise Tax

This decision may indicate a Real Estate Excise Tax liability for the seller of water rights. The Department of Revenue has requested notification of potentially taxable water right related actions, and therefore will be given notice of this decision, including document copies. Please contact the state Department of Revenue to obtain specific requirements for your project. Phone: (360) 570-3265. The mailing address is: Department of Revenue, Real Estate Excise Tax, P.O. Box 47477, Olympia WA 98504-7477 Internet: <http://dor.wa.gov/>. E-mail: REETSP@DOR.WA.GOV.

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(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CG1-23071C@1, 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
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 RD SW Ste 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

Signed at Bellevue, Washington, this _____ day of _____, 2014.

Jerry Liszak, LHG, Acting 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

Douglas H. Wood, Department of Ecology
Water Right Control Number CG1-23071C@1
Kitsap County PUD No.1

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number CG1-23071C@1.

EXISTING Water Right Attributes

Water Right Owner:	Kitsap County PUD No.1
Priority Date:	3/20/1978
Place of Use	Plat of Vinland View NW¼ NE¼ of Sec. 4, T. 26 N., R. 1 E. W.M., Kitsap Co., WA

County	Waterbody	Tributary To	WRIA
Kitsap	Groundwater		15-Kitsap

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Community Supply	53	GPM	32.4	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Vinland Well No. 2	5013-000-031-0001	AAA104	26N	01E	04	NW NE	47.7801N	122.6764 W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

REQUESTED Water Right Attributes

Applicant Name:	Kitsap County PUD No.1
Date of Application:	6/4/2014
Place of Use	Area Served by Kitsap County Public Utility District No. 1

County	Waterbody	Tributary To	WRIA
Kitsap	Groundwater		15-Kitsap

Purpose	Rate	Unit	Acre-feet/yr	Begin Season	End Season
Municipal Supply	53	GPM	32.4	01/01	12/31

Source Name	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Pioneer Hill West Well	4345-000-018-0006	AES172	27N	01E	33	NE SE	47.7842 N	122.6736 W

CFS = Cubic Feet per Second; Ac-ft/yr = Acre-feet per year; Sec. = Section; QQ Q = Quarter-quarter of a section; WRIA = Water Resource Inventory Area; E.W.M. = East of the Willamette Meridian; Datum in NAD83/WGS84.

Legal Requirements for Requested Change

The following is a list of requirements that must be met prior to authorizing the proposed change in point of withdrawal.

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 Kitsap Sun on September 19 and September 26, 2014.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife of applications to divert, withdraw or store water. Mr. Steve Boessow of the Department of Fish and Wildlife (DFW) was contacted by email on August 6, 2014 informing him of the application particulars. Mr Boessow replied on September 24, 2014 that DFW had no objections to the project.

State Environmental Policy Act (SEPA)

A water right application is subject to a SEPA threshold determination (i.e., an evaluation whether there are likely to be significant adverse environmental impacts) if any one of the following conditions are met.

- (a) It is a surface water right application for more than 1 cubic foot per second, unless that project is for agricultural irrigation, in which case the threshold is increased to 50 cubic feet per second, so long as that irrigation project will not receive public subsidies;
- (b) It is a groundwater right application for more than 2,250 gallons per minute;
- (c) It is an application that, in combination with other water right applications for the same project, collectively exceed the amounts above;
- (d) 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);
- (e) 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.

This application does not meet any of these conditions. It is therefore categorically exempt from SEPA and a threshold determination is not required.

Water Resources Statutes and Case Law

RCW 90.44.100 allows Ecology to amend a ground water permit to (1) allow the user to construct a replacement or additional well at a new location outside of the location of the original well, or to (2) change the manner or place of use of the water, if:

- (a) The additional or replacement well taps the same body of public ground water as the original well. RCW 90.44.100(2)(a),
- (b) Where a replacement well is approved, the user must discontinue use of the original well and properly decommission the original well. RCW 90.44.100(2)(b),
- (c) Where an additional well is constructed, the user may continue to use the original well, but the combined total withdrawal from all wells shall not enlarge the right conveyed by the original permit or certificate. RCW 90.44.100(2)(c),

(d) Other existing rights shall not be impaired. RCW 90.44.100(2)(d).

When changing or adding points of withdrawal to groundwater rights (RCW 90.44.100), or when consolidating exempt wells with an existing permit or certificate (RCW 90.44.105), the wells must draw from the *same body of public groundwater*. Indicators that wells tap the *same body of public groundwater* include:

- (a) Hydraulic connectivity.
- (b) Common recharge (catchment) area.
- (c) Common flow regime.
- (d) Geologic materials that allow for storage and flow, with recognizable boundaries or effective barriers to flow.

References

Kahle, S.C. (1998), Hydrogeology of Naval Submarine Base Bangor and Vicinity, Kitsap County, Washington, US Geological Survey, Water Resources Investigations Report 97-4060.

INVESTIGATION

The Pioneer Hill West community was developed in the Poulsbo area in the late 1970's and early 1980's. The water system was approved by both county and state health officials and it was assumed by them at the time to have been issued a water right permit to serve the 34 homes planned for the subdivision.

No water right applications were found in Ecology's files associated with either the developer's name or the subdivision name. It is assumed that the continued lapse in attention to water right permitting was not intentional, but it did occur.

The Homeowners association has worked diligently with Ecology since the discovery of the lack of a water right to correct the situation.

History of Water Use

The Pioneer Hill West well was in place by April 1977. Water use within the Pioneer Hill West subdivision increased to serve the community as it developed into its platted lots. To date 31 of the 34 platted lots have been connected to the system. There does not appear to be any immediate intent to build on any of the three undeveloped lots.

The history of water use under G1-23071C has been continuous since first put use in the late 1970's and early 1980's to serve homes in the Vinland View Estates plat located in NW ¼ of the NE ¼ of Section 4 , Township 26N, Range 1 East, which is about two miles south of the Pioneer Hill West plat (NE ¼ of the SE ¼ of Section 33, Township 27 North, Range 1 East).

Since that time the Vinland area water systems have been tied into a regionally inter-tied satellite water system operated by the Kitsap County Public Utility District No. 1 (KPUD). KPUD has been able to introduce efficiencies in the Vinland satellite area through consolidation of water rights and systems

which allows them to “adopt” a troubled system such as what is represented by the Pioneer Hill West system.

Proposed Use

The proposed use is to continue to serve the existing 31 homes that have been served by the same well (AES172) since the subdivision was created in the late 1970’s and built up during the 1980’s to early 1990’s.

Other Rights Appurtenant to the Place of Use

No other water rights are known to be appurtenant to the Pioneer Hill West place of use, except the right developed through use of the existing well for up to 5,000 gallons per day of domestic use as a permit exempt groundwater source as defined under RCW 90.44.050.

Hydrologic/Hydrogeologic Evaluation

The Pioneer Hill West subdivision and well are located within a small sub-basin the drains westward toward Hood Canal.

Dogfish Creek, a closed water body under WAC 173-515, is located approximately ¼ mile southeast of the well location.

Based on cross-sections created by Sue Kahle as part of her report on the Bangor Base produced in 1997, it appears that the Pioneers Hills West well is completed in a lens of sand within otherwise silt and clay dominated sediment layer that underlies the peninsula in this area. These sand lenses are referred to as permeable interbeds and are mapped as QC1/pi (Upper Confining Unit permeable interbeds).

The nearby Vinland 2 Well is completed in what Kahle maps as the Sea-level Aquifer (QA1), which lies stratigraphically below the Upper Confining Unit (QC1). This implies that pumping from the Vinland 2 well will draw water down from the permeable interbeds within which the Pioneer Hill West well is completed. The reverse is unlikely, but pumping from the Pioneer Hill West Well will reduce water availability generally for the aquifers draining into Hood Canal.

Impairment Considerations

An examination was made of wells located within approximately ½ mile of the location of the Pioneer Hill West Well location that are on file in the well log database. Only one well within this radius was found to be completed at about the same depth based on well logs. According to the log the well was constructed in 1992 by Gresham Drilling for Joe Gates of Poulsbo and appears to be a private well used by a single home located on the east side of Rhododendron Lane approximately 800 feet south of NW Pioneer Hill Road.

Given the proximity and similar depth of completion of the two wells it is likely that both the Pioneer Hill West and Gates wells are completed in the same permeable interbeds unit (QC1/pi). It is also probable that when one well operates it affects water levels at the other’s well. Both however have operated together without problem since 1992 when the Gates well was completed.

Public Interest Considerations

The Public interest is well served in this case in-so-far as existing water rights issued to the Kitsap County Public Utility District No. 1 to serve domestic use in rural parts of the county was used to solve a problem where a community was found to have been using an un-authorized well for over 30 years.

As best as the records are able to reconstruct, the Pioneer Hill West subdivision applied for Kitsap County Health approval and State Health approval of their water system back in the mid 1970's during the planning stages. The developer apparently got approval from county and state health as well as county plat approval, but for some reason they forgot to apply for a \$10 water right permit.

Ecology became aware of the lack of water right for the Pioneer Hill West system in September 2013. Since that time Ecology personnel have met with the system managers and with representatives of Kitsap Health District, State Health Drinking Water Division, and KPUD seeking a solution to the problem of providing continued service to the homeowners of the Pioneer Hill West community.

Ecology investigated the possibility of issuing a new water right and of transferring an existing water right to serve the neighborhood. Both were found to be legally available in this area of the Kitsap Watershed.

An available water right found for transfer was one of the KPUD's water rights for Vinland system which could serve the Pioneer Hill West area and still allow the KPUD to meet its planning requirements in the remainder of the Vinland service area. This available right is G1-23071C, which was issued for 53 gpm and 32.4 ac-ft/yr.

Consideration of Protests and Comments

No protests were filed against this application.

Conclusions

Water is both physically and legally available for the beneficial use of municipal domestic supply. The investigation supports a conclusion that the public interest will not be negatively impacted and that water can be withdrawn without impairing senior water rights holders.

RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that this request for change to certificate G1-23071C be approved in the amounts and within the limitations listed below and subject to the provisions listed above.

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:

53 gpm
32.4 acre-feet per year
Municipal Supply Purposes

Point of Withdrawal

NE ¼, SE ¼, Section 33, Township 27 North, Range 1 E., W.M.

Place of Use

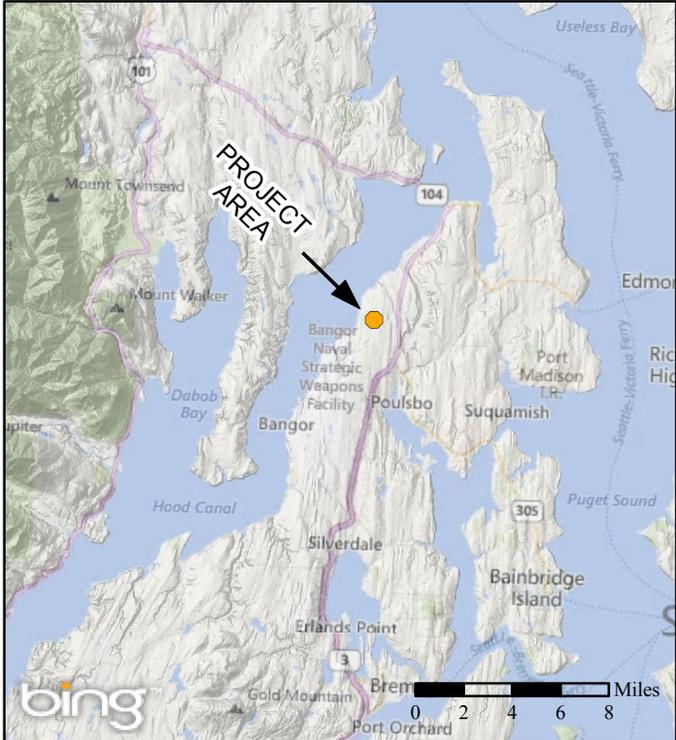
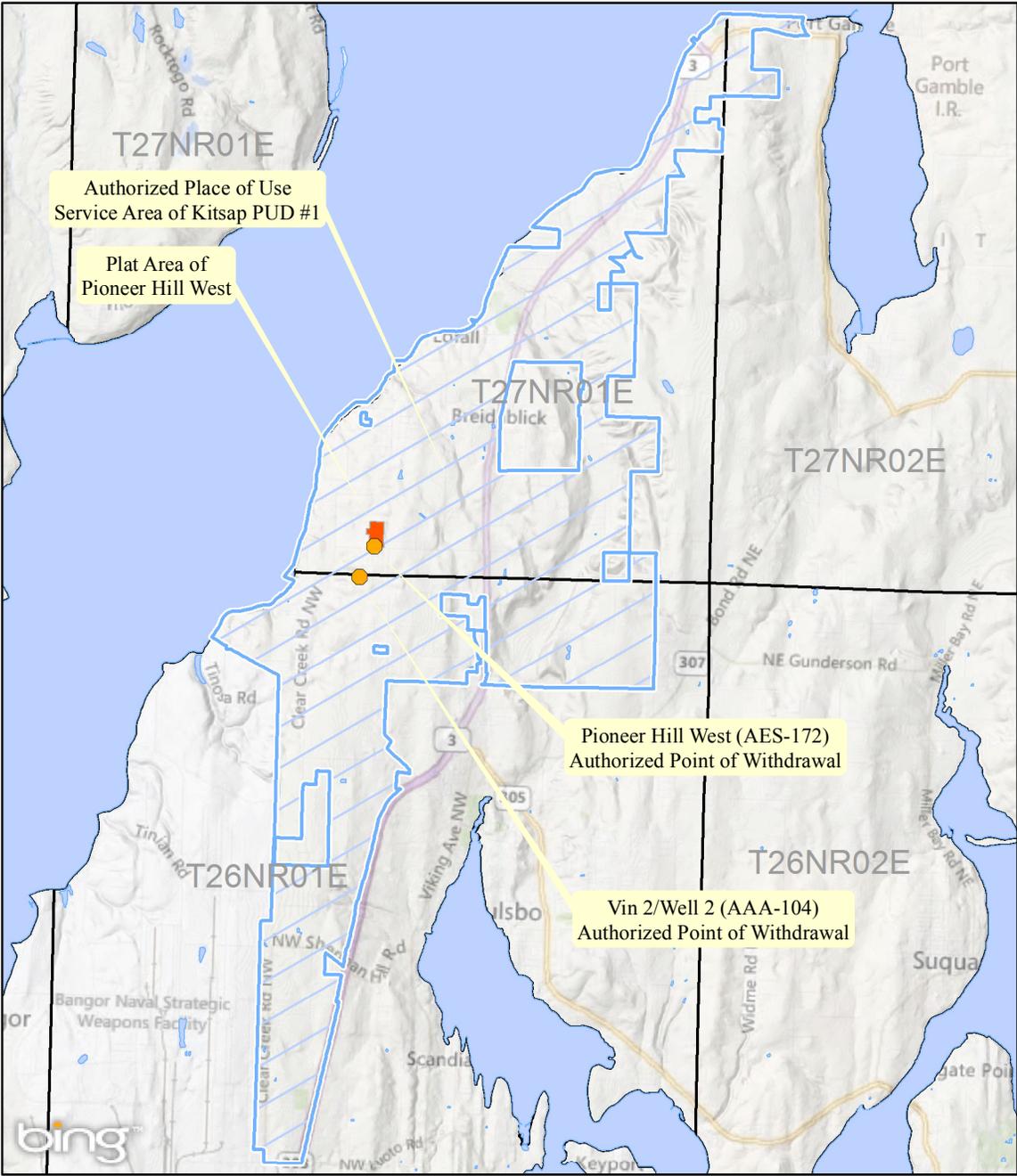
As described on Page 1 of this Report of Examination.

Douglas H. Wood, M.Sc., LHG

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.

Kitsap County PUD #1
 Water Right CG1-23071C@1
 Section 33 T 27N R 01E W.M.
 WRIA 15 - Kitsap County



Legend

-  Authorized Place of Use
-  Authorized Point of Withdrawal
-  Plat Area of Pioneer Hill West
-  Parcels
-  Water Body
-  Townships

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