



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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JUN 27 2013

Elaine Ott, General Manager
Vashon Park District
P.O. Box 1608
Vashon Island, WA 98070



Your address
is in the
Kitsap
watershed

Re: TEMPORARY PERMIT for application G1-28750

Dear Ms. Ott:

BACKGROUND INFORMATION

In late August 2012 Ecology was informed that an irrigation project had been on-going at the location of the Harbor School on Vashon Island. Ecology was asked whether that project's water use was authorized under the Water Code.

Subsequent research revealed that the site was being developed as playfields by Vashon Park District and that there was no record of a permit or application for a permit. Furthermore it was apparent from air photographs of the site that irrigation was in excess of the ½ acre of non-commercial lawn or garden that is permissible to irrigate under the RCW 90.44.050 groundwater exemption.

Table 1: Water Rights Records for Vashon Park District							
File #	Cert #	Name	Priority Date	Purpose*	Qi (gpm)	Qa (af/yr)	Acres
G1-012042CL		KING CO. DEPT. OF PARKS	1965	DG	7	13.1	
G1-*07843C	5457	King Cnty Parks Dept	10/29/1965	DM	9	2	
G1-23132P		King Cnty Parks Dept	6/15/1978	IR,DM	40	15	4
G1-28027A		Vashon Park Dist	3/2/1999	IR,DM	40		2.5

* DG=Domestic General; DM=Domestic Multiple; IR=Irrigation

Table 1 summarizes the attributes of the water rights records associated with Vashon Park District. The first two entries are for the Point Robinson Park. The claim (G1-012042CL) appears to be duplication of the 1965 water right certificate (5457), but for a much larger annual quantity. Field evidence suggests that the Point Robinson uses are adequately served by certificate 5457. The 1965 date of first use on the claim also indicates that this claim is not likely to be valid since claims can only be filed for pre-code beneficial use, which for groundwater means pre-1945 usage.



Other water right documents associated with Vashon Park District include permit G1-23132P, which was issued to King County Parks in 1979 to serve the irrigation and domestic needs of Agren Park. The Agren Park permit was cancelled in 1981 due complications in getting a contractor to drill the well. King County subsequently completed work on the park, including construction of a well and irrigation system.

Agren Park was transferred to Vashon Park District in the mid 1990's. Vashon Park District Executive Director Wendy Braicks filed an application for a new water right to serve Agren Park irrigation and domestic needs in March of 1999 (G1-28027A).

It is apparent that permit G1-23132P was prematurely cancelled. In order to rectify this, the permit was administratively re-instated by Ecology and now authorizes the irrigation and domestic uses for Agren Park. Application G1-28027A shall be cancelled.

The well constructed for the Harbor School site is a 6-inch diameter well drilled to a depth of 495 feet below ground surface (bgs). The well is screened using 0.012 inch slot stainless screen from 485 to 495 feet bgs. Static water level at the time on construction was 390 feet below top of well. A 2 hour bailer test at 20 gpm resulted in a 2 foot drawdown.

During 2012 Vashon Park District operated the well at 30 gpm on the assumption that park use was exempt from regulation. The district was subsequently informed that was in error and the present and the present application was filed to bring existing irrigation use into compliance with the water code on May 7, 2013.

PRELIMINARY EVALUATION OF APPLICATION

The Harbor School Playfields site was examined by Ecology personnel on October 10, 2012 at which time the irrigation system was not in operation, but it was apparent that fields were being actively irrigated. The well was located in the field and on a topographic map, whereupon it was determined that it is located within the coastal watershed of Vashon Island rather than one of the sub-basins regulated under Chapter 173-515 WAC, the Instream Flow Rule (IFR) for the Kitsap Watershed (WRIA 15). It is therefore evident that water is legally available.

Irrigation of the playfields had apparently been ongoing for four to six months in 2012 at the time of the October 2012 field visit. Ecology did not during that time receive any reports of well interference or other signs of potential impairment of existing rights, thus there is a reasonable probability that the well might continue to produce from the current well without impairing existing water rights. It is also apparent that water was physically available for irrigation purposes from the source.

The community of Vashon/Maury Island is actively engaged in managing water quantity and quality. Three groundwater evaluations during the 1980's (Carr Report, 1983), the 1990's (VMI GWAC Groundwater Management Plan, 1998), and most recently in the 2000's (Vashon Maury Island Groundwater Watershed Plan, 2004) have been completed, all with enthusiastic local participation.

These groundwater studies have recognized that sustainability of water resources is a challenge for an island community, but also recognize that if properly developed, there is enough water available to serve the needs of the Vashon/Maury Island community for the present and foreseeable future.

DEPARTMENT OF ECOLOGY DECISION

RCW 90.03.250 provides authority for Ecology to issue a TEMPORARY PERMIT for beneficial use before a report of examination is completed for a water right if it can be reasonably shown that the project will likely be approved. In the present case, water is available, there does not appear to be a likelihood of impairment, and the purpose of use (irrigation of recreation space) is deemed to be beneficial.

While a more thorough evaluation of the project may need to be completed before it can be determined whether the project will or will not prove detrimental to the public interest, the island newspaper, the Vashon Beachcomber, ran several articles in the fall of 2012 and spring of 2013 on the public issues of irrigation at the site. It is anticipated that the project will have been fully vetted by the community prior to issuance of a water right.

Public Notice of the application was published in the Vashon Beachcomber on May 15 and 22, 2013. No protests were filed within the thirty day protest period ending June 22, 2013.

Vashon Park District has informed Ecology that it shall enter into a Cost Reimbursement agreement for expedited processing of the application. This TEMPORARY PERMIT will allow the district to operate its irrigation system at the Harbor School play fields site while the application is processed.

The well shall operate at maximum pumping rate of 30 gallons per minute (43,200 gallons per day) and consumptive use during the irrigation season (May 1 to October 31) shall not exceed 9.2 acre-feet (~3 million gallons).

This TEMPORARY PERMIT shall remain in effect during the pendency of application G1-29750 or until Jun 30, 2014, unless cancelled at an earlier date by Ecology.

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.

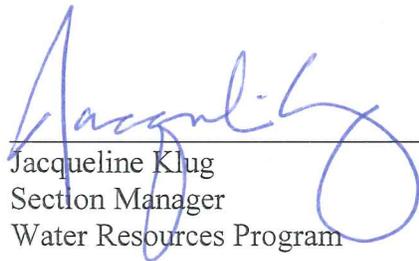
You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

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 P.O. Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board Environmental Hearings Office 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board P.O. Box 40903 Olympia, WA 98504-0903

*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 27 day of June, 2013.



Jacqueline Klug
Section Manager
Water Resources Program

jk/dw/mc

Enclosure: Your Right to be Heard

By certified mail: 7012 3460 0000 2586 5106