

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

PRIORITY DATE 7/5/1989	WATER RIGHT NUMBER G1-25480
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MAILING ADDRESS MR. AND MRS. RAYMOND KEENEY 9986 NE EWING STREET BAINBRIDGE ISLAND WA 98110	SITE ADDRESS (IF DIFFERENT)
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Quantity Authorized for Withdrawal or Diversion		
WITHDRAWAL OR DIVERSION RATE	UNITS	ANNUAL QUANTITY (AF/YR)
40	GPM	3.5

Purpose						
PURPOSE	WITHDRAWAL OR DIVERSION RATE			ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON-ADDITIVE	UNITS	ADDITIVE	NON-ADDITIVE	
Community Domestic Supply	40		GPM	3.5		01/01 - 12/31

IRRIGATED ACRES		PUBLIC WATER SYSTEM INFORMATION	
ADDITIVE	NON-ADDITIVE	WATER SYSTEM ID	CONNECTIONS
0	0	604331	9

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

SOURCE FACILITY/DEVICE	PARCEL	WELL TAG	TWP	RNG	SEC	QQ Q	LATITUDE	LONGITUDE
WELL	352502-2-021-2005	AAC 027	25N	02E	35	SW NW	47.615389	122.515304

Datum: NAD83/WGS84

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

The following parcels (2015) are currently served: 352502-2-078-2007, 352502-2-079-2006, 352502-2-021-2005, 352502-2-020-2006, 352502-2-019-2009, 352502-2-016-2002, 352502-2-075-2000, and 352502-2-076-2009. The applicant seeks to add one additional parcel, 352502-2-017-2001, to the place of use.

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

The place of use (POU) of this water right is the service area described in the most recent Small Water System Management Program approved by the Washington State Department of Health and consists of the lands as described below:

Those Portions of Government Lots 1 and 2, Section 35, Township 2 E, W.M., more particularly described as follows:

Beginning at the Southeast corner of Government Lot 1; thence North along East line of said Government Lot 1 429 ft to the TRUE POINT OF BEGINNING; thence continuing along said East line of Government Lot 1 374 ft; thence North 88°44'36" West 124 ft; thence South 1°34'20" West 374 ft; thence South 88°43'54" East 124 ft to the TRUE POINT OF BEGINNING;

AND Beginning at the Southwest corner of Government Lot 2; thence North along West line of said Government Lot 2 366 ft to the TRUE POINT OF BEGINNING; thence South 88°45'40" East 85 ft; thence North 1°35'18" East 30 ft; thence North 15°22'7" East 34 ft; thence North 65°17'56" East 84 ft; thence South 87°5'57" East 157 ft; thence North 23°16'6" East 181 ft; thence North 77°18'55" West 89 ft; thence North 1°41'6" East 95 ft; more or less, to the meander line; thence Northwesterly along said meander line to the Northwest corner of Government Lot 2; thence South along West line of said Government Lot 2 437 feet; more or less; to the TRUE POINT OF BEGINNING;

All lying within Kitsap County, Washington.

Proposed Works

A well, completed to a depth of 121 feet with a 6-inch casing and a 3 HP Gould's Model 33GS30 pump (installed in 2007), serving a nine connection residential water system.

Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Started	December 31, 2015	December 31, 2020

Measurement of Water Use

How often must water use be measured?	Bi-weekly*
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 or cfs)

*Bi-weekly means every two weeks

Provisions

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.

Measurements, Monitoring, Metering and Reporting

An approved measuring device shall 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.

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.

Chloride Monitoring

By January 31st of each year during the permit development period, the following information shall be submitted in writing to the Department of Ecology.

April and September measurements from the subject well(s) of:

- Chloride and conductivity (the chemical analysis shall be performed by a state-accredited laboratory)
- Depth to static water level (with pump off long enough to allow for stabilization)
- The chloride/conductivity sampling and the static water level measurement shall be conducted concurrently.

This data collection during the permit development period will assist the applicant and Ecology in determining if actions are necessary to prevent an increasing trend in chloride concentrations (an indicator of seawater intrusion).

Preventative actions may include:

- Reducing the instantaneous pumping rate,
- Reducing the annual volume pumped,
- Scheduling pumping to coincide with low tides,
- Raising the pump intake, and/or

- Limiting the number of service connections.

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

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.

Documentation of at least a full 12 months of beneficial use is required at a minimum. Documentation shall consist of the required metering records, preferably in the form of an electronic spreadsheet, plus a record of the maximum monthly pumping rate, also supplied as an electronic spreadsheet.

If an electronic spreadsheet cannot be obtained, then legible typed or written tables may be substituted, if approved by Ecology.

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

Therefore, I ORDER approval of Application No. G1-25480, 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).

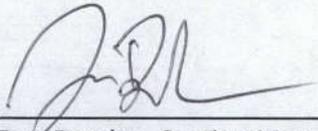
To appeal you must do the following within 30 days of the date of receipt of the Order.

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 1st day of October, 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 - Mr. & Mrs. Raymond Keeney
Water Right Control Number G1-25480
Doug Wood, Department of Ecology

BACKGROUND

This report serves as the written findings of fact concerning Water Right Application Number G1-25480.

Application G1-25480 was originally accepted by Ecology on July 5, 1989. Due to a misunderstanding about the need for a groundwater right permit for projects serving quantities on the threshold of 5,000 gallons per day (gpd) the application was cancelled in May 1990.

Recent conversations with the applicant revealed that the Keeney water system, by then served by a permit exempt well, should be served by a permitted groundwater withdrawal due the likely hood that nine connections at full system build out might cause daily pumping from the water system's well to exceed the 5,000 gpd maximum allowed for permit exempt wells.

Since the project is unchanged since the 1989 application was filed, it was deemed an administrative error to have cancelled the application in 1990 and the original application reinstated.

Table 1 Summary of Requested Water Right

Applicant Name:	Mr. & Mrs. Raymond Keeney
Date of Application:	7/5/1989
Place of Use	The place of use is the nine residential lots in the Eagledale community of Bainbridge Island, WA served by the Keeney Water System (see Attachment 1)

County	Waterbody	Tributary To	WRIA
Kitsap	Groundwater		15-Kitsap

Purpose	Rate	Unit	Ac-ft/yr	Begin Season	End Season
Domestic Supply	40	GPM	4.5	Jan 01	Dec 31

Source	Parcel	Well Tag	Twp	Rng	Sec	QQ Q	Latitude	Longitude
Well	352502-2-021-2005	AAC 027	25N	02E	35	SW NW	47.615389	122.515304

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: NAD83/WGS84.

Hydrogeology

The project is served by a six-inch diameter steel cased well completed at a depth of 121 feet. The well is screened from 111 feet to 121 feet using 6-inch, 12 slot Cook screens. Static water level was measured at 75 feet below the top of the well when the well was completed on April 15, 1988. Since completion

the well has operated at 35 gpm for general operations, with a peaking rate of 40 gpm. A new 3.0 horsepower Goulds Model 33G30 pump was installed in 2007.

Based on geological mapping and groundwater modeling by the USGS (Haugerud, 2005; Frans et al., 2011) it is apparent that the well is completed within the Sea Level Aquifer (QA1). The Sea Level Aquifer in the vicinity of Eagle Harbor occurs at a depth of between 50 feet above and 200 feet below sea level. Most of the domestic water needs of the Bainbridge community are served by wells completed in the Sea Level aquifer.

The Sea Level aquifer is confined and separated from the surface by one or more clay layers that prevent the infiltration of sea water into the aquifer. Monitoring of chlorides is still recommended however due to the potential for pumping to induce flow across confining layers.

Groundwater modeling by the USGS (Frans, et al, 2011) indicates that the Sea Level Aquifer has not been greatly affected by development in the area of the application (0 to -5 feet change between pre-development and 2008). The USGS model projects increased groundwater levels in the Sea Level aquifer in the project area due primarily to climate model projections indicating greater precipitation in the Central Puget Sound region.

Legal Requirements for Approval of Appropriation of Water

The four basic requirements for the issuance of a new water right permit are:

1. Is the propose use beneficial?
2. Will the proposed use prove detrimental to the public interest?
3. Is water available for the proposed allocation?
4. Will the proposed use result in impairment of an existing right or minimum instream flow established under RCW 90.22 or RCW 90.54?

In addition to four tests as summarized above, there are three other requirements for approval of an application, as follows.

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 *Bainbridge Island Review* on June 26, 2015 and July 3, 2015.

Consultation with the Department of Fish and Wildlife

The Department must give notice to the Department of Fish and Wildlife (DFW) of applications to divert, withdraw or store water. Mr. Steve Boessow of DFW was informed of this application on July 21, 2015. Mr. Boessow replied on August 5, 2015 that DFW had no issues with the proposed appropriation.

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.

Because this application does not meet any of these conditions, it is categorically exempt from SEPA and a threshold determination is not required.

INVESTIGATION

Proposed Use and Basis of Water Demand

The proposal is to use groundwater to serve the domestic needs of nine homes in the Eagledale community located on the south shore of Eagle Harbor on Bainbridge Island. This represents one home in addition to the eight homes currently served by the Keeney Water System. The water duty of 3.5 acre-feet per year is based on water use of 3,000 gallons per day for nine connections.

Other Rights Appurtenant to the Place of Use

The neighborhood, less one connection, is currently being served by an exempt groundwater withdrawal using the same well that is proposed for this application. This water use, established under the RCW 90.44.050 permit exemption, is considered to be equal to a water right established through a permit.

Impairment Considerations

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 impair an existing water right.

There are approximately 20 wells located within a half mile radius of the Keeney system well. Five of these wells are completed to less than 100 feet, two to more than 250 feet, and the remaining 13 are probably completed within the same aquifer (QA1 or sea level aquifer) as the Keeney system well.

The addition of one more connection to the Keeney system, with a maximum daily increase of less than 350 gallons, would not require a new well or cause the current well to be used in a manner that would cause impairment of these 13 local wells sharing the same aquifer.

There are no minimum instream flows established for water bodies on Bainbridge Island.

Water Availability

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

Physical availability

Ground or surface water must be present in quantities and quality and on a sufficiently frequent basis to provide a reasonably reliable source for the requested beneficial use or uses.

A USGS groundwater model (Frans, et al, 2011) suggests that under several scenarios of growth the area of the proposed project may encounter higher groundwater levels in 2035 than currently measured. This projection however is heavily dependent on scaled down global climate models and as such are generally considered to have a low level of certainty.

The well sought as the point of withdrawal for the present proposal has been serving eight homes since the early 1990's. Adding one more connection will not increase production to a degree that would be meaningful with respect to the aquifer's ability to provide water. It is therefore determined that water is physically available for the proposal.

Legal availability

Water sources that are closed by administrative order or administrative rule represent an affirmative finding that water is not available for further appropriation. Groundwater that is in hydraulic connection with a closed surface water body shares the availability restrictions of the surface water body.

There are two small watersheds on Bainbridge Island where Ecology has closed streams to further appropriation. One is the stream emptying into Murden Cove (approximate 1.5 miles north of the Keeney system), and the other is on the west side of Bainbridge island at Fletcher Bay (approximately 2.5 miles northwest of the Keeney system).

Water supplying the Keeney system well is not hydraulically connected to either of the closed streams. Water for the proposal is therefore legally available for appropriation.

Beneficial Use

The proposed use of water for community domestic supply is declared by statute to be beneficial (RCW 90.54.020(1)).

The proposed appropriation seeks to expand use by the Kenney Water System (Water System ID No. 604331) to include one additional home. The eight homes currently served by the Keeney Water System are supplied by a well that taps the Sea Level Aquifer, which supplies water for most water public systems throughout Bainbridge Island.

Over 50 years of aquifer development have caused a general lowering of the water levels in the Sea Level Aquifer in the project area, but to date the loss of storage in aquifer appears to be minimal in the area and is largely compensated by annual recharge. Projections of future impacts from growth and from climate change suggest that the aquifer in the project area may have marginally higher water levels.

Consideration of Protests and Comments

No protests were received regarding this application.

Conclusions

Water is available for the proposed appropriation, the purpose is beneficial, there does not appear to be a potential to impair existing rights, and the proposal will not prove to be detrimental to the public interest. In addition, proper public notice has been given for the project, DFW has been informed, and the project is categorically exempt from SEPA determination.

RECOMMENDATIONS

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 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:

40 gpm

3.5 acre-feet per year

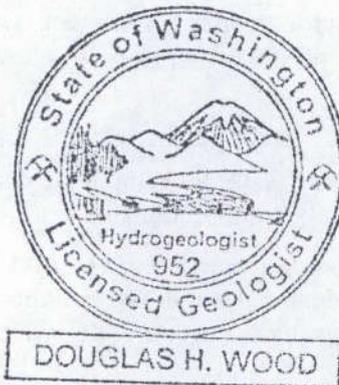
Community Domestic Supply Purposes to serve 9 homes

Point of Withdrawal

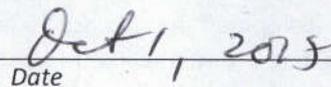
SW¼, NW¼, Section 35, Township 25 N, Range 2 E, W.M.

Place of Use

See page 1.




Report Writer: Douglas H. Wood, LHG


Date

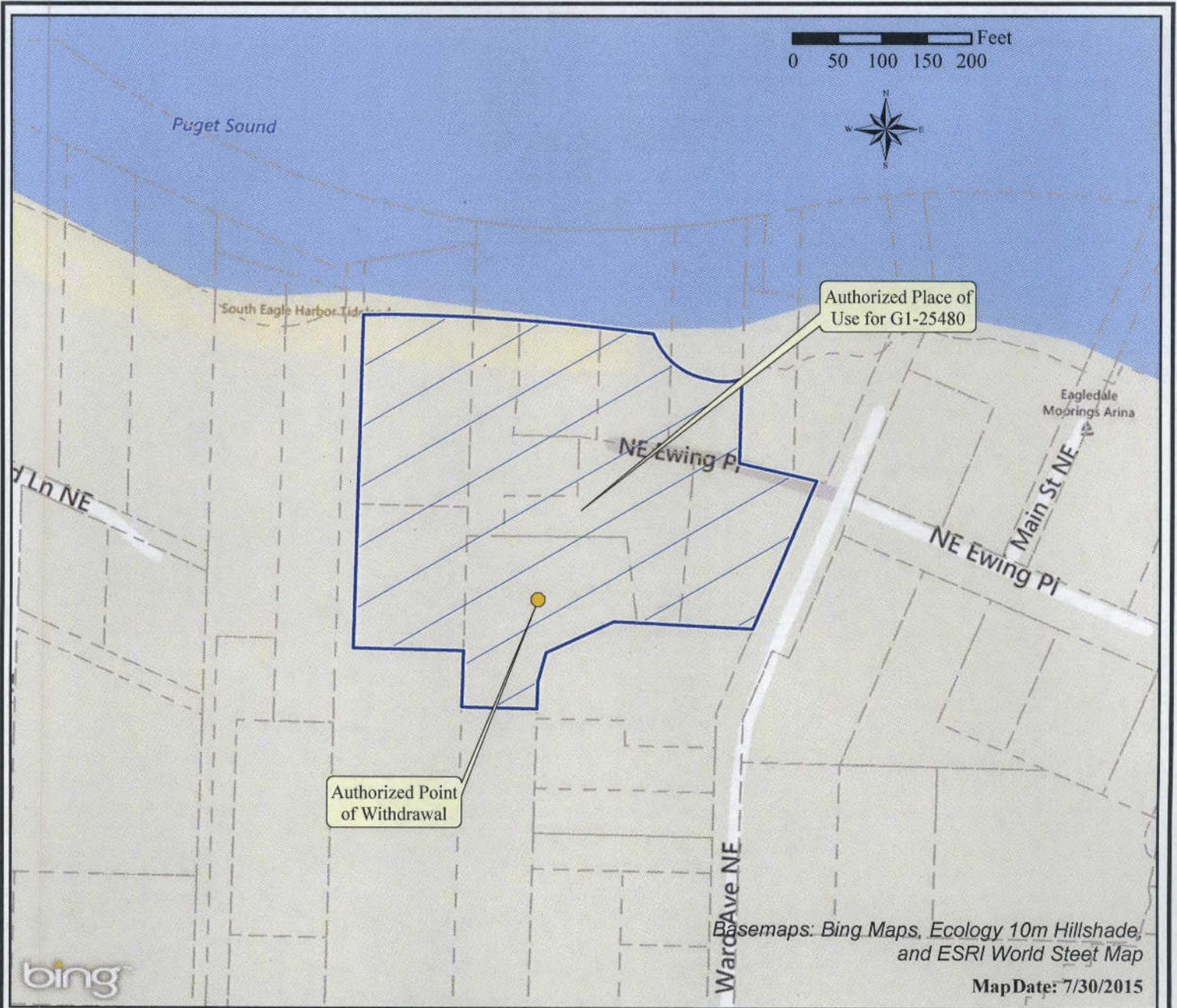
If you need this publication in an alternate format, please call Water Resources Program at (360) 407-6600. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

Selected References

Frans, L.M., et al., 2011, Conceptual Model and Numerical Simulation of the Groundwater-Flow System of Bainbridge Island, Washington, 95 pages plus Map; USGS Scientific Investigations Report 2011-5021.

Haugerud, R.A., 2005, Preliminary Geologic Map of Bainbridge Island, Washington, map with text; USGS Open-File Report 2005-1387.

ATTACHMENT 1



Legend

-  Authorized Place of Use
-  Water Body
-  Authorized Point of Withdrawal
-  Kitsap County Parcels



Mr. and Mrs. Keeney
 Water Right G1-25480
 Section 35 T 25N R 02E W.M.
 WRIA 15 - Kitsap County

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.'