



WATER-RIGHT DOCKET

Ebey's Landing National Historical Reserve

Docket No: 1

ENGLE FARM WELL

Preliminary Docket Information

03-00-2001: General Note to the File Re:Acquisition of Ground Water Rights from Engle Farms

RESERVE
EBEY'S LANDING NATIONAL HISTORIC SITE
Acquisition of Ground Water Rights from Engle Farms/Robert Engle

Prepared by Eric Lord
March 2001

In March 2001, the WRB received a copy of two applications for ground water rights along with cover letters from the Washington Department of Ecology ("DOE") indicating that the applications had been assigned from the applicant--Mr. Engle--to the National Park Service, and that the Department's records would reflect that assignment. I contacted the Rob Harbour of Ebey's Landing NHS (360 678-6084) to get a better understanding of the nature and history of these water rights. The following information was provided by Mr. Harbour.

Ebey's Landing NHS is on Whidbey Island in western Washington. The island receives only 18-20 inches of precipitation per year and consequently its only source of water is ground water. Development on the island derives water from an aquifer that has been designated by EPA as a "sole source aquifer." Because of development and continued water use, saltwater intrusion is a problem.

Engle Farms is a dairy operation on Whidbey Island. Several years ago, Mr. Engle drilled a deep well--approximately 200'--without DOE approval, and also increased his herd without DOE approval. He later sought a permit for the well from DOE for an unrealistic amount of water--around 600 gpm. The process was painfully slow as Mr. Engle was uncompromising in all regards and he ultimately went bankrupt.

In early 2001, Ebey's Landing NHS purchased land from Engle Farms, and quickly approached DOE with a request for 35 gpm under the Engle applications. This amount was very quickly approved, and has been permitted. The park intends to continue to use the water to maintain the dairy operation and for domestic use. In time, the park would like to use a portion of the water for irrigation. The park has no visitor center but rather uses the nearby town museum in such a capacity, and so has no short-term water needs beyond these two wells.

Mr. Harbour will send copies of the permits when they receive them.

At this point, no further action needs to be taken by WRB. Dockets will be created for these rights and they will be scanned and filed.

1/23/02: I contacted Wayne Hill at NPS Lands Office for copies of all assignments of water rights applications and whatever else he had. Rec'd his shipment 3/5/02, but we already had it all. ELord 3/5/02.



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

JUL 24 2002

United States of America
National Park Service, Land Resources PC
909 First Avenue, 5th Floor
Seattle, WA 98104-1060

Dear Sir or Madam:

Re: Water Permit No.G1-25246P

In consideration of your request of May 30, 2002, you are granted an extension of time in which to put your water to full beneficial use for the above-numbered permit to April 30, 2007.

Your existing water right permit contains a provision for metering of your water use. The existing provision is replaced with the following metering provision:

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", Chapter 173-173 WAC.

Water use data shall be recorded annually and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

Chapter 173-173 WAC describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

Enclosed for your information is a copy of Chapter 173-173 WAC.

By statute, projects under permit must be pursued with due diligence and be completed in a reasonable time frame. Extension of a permit can only be considered when we receive a written request and extension fee. Any future requests should address the following:

- Why you have not met the development schedule established as a condition of your permit,
- What actions you have taken to complete the project and put the water to use, and
- What is your anticipated time schedule for development and full use of the water.



This decision may be appealed pursuant to RCW Chapter 43.21B. The person to whom this decision is issued must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this decision**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington, 98504-0903. At the same time, a copy of the appeal **must** be sent to: Department of Ecology, Water Resource Appeals Coordinator, P.O. Box 47600, Olympia, Washington 98504-7600. All others receiving notice of the decision must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the decision was mailed** in the same manner described above.

If you have any questions or concerns on the above information or any other aspect of your water right permit, please call Melisa Snoeberger at (425) 649-7020. Thank you for your attention to this matter.

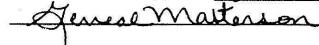
Sincerely,



Daniel L. Swenson
Section Supervisor
Water Resources Program

DLS:ms
Enclosures

I certify that I mailed this extension letter or an identical copy thereof, postage prepaid, to the above addressee(s) this 24th day of July 2002.

 (Signature)

United States Department of the Interior

NATIONAL PARK SERVICE

Columbia Cascades Support Office
Land Resources Program Center
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060

IN REPLY REFER TO:
L1425(CCLRPC)

May 30, 2002

To: Associate Regional Director, Park Operations & Education, Pacific West Region
Superintendent, Columbia Cascades Support Office
Liaison, Ebey's Landing National Historical Reserve
Reserve Manager, Ebey's Landing National Historical Reserve
Chief, Design & Engineering, Columbia Cascades Support Office
Supervisory Hydrologist Water Resources Division, NPS, Fort Collins

From: Chief, Columbia Cascades Land Resources Program Center

Subject: Water Permit Number GI-25246P

The purpose of this memorandum is to formally notify you that I am requesting an Extension to Water Permit Number GI-25246P for the fee-owned EBLA property commonly known as "Engle Farm 2".

Obviously, I hope the Department of Ecology will agree to extending to the NPS our proposal for a five (5) year extension in order to perfect the water right transfer and complete the necessary water system construction for this property. Nevertheless, I feel that it is important to stress to you the significance of this water right as a valuable asset when the NPS acquired this property from The Trust for Public Land on October 21, 2001, as part of the Engle Brothers' Bankruptcy proceeding. As some of you are aware, the appurtenant water rights associated with this property contributed to this particular parcel being a critical component of the whole Engle property acquisition strategy. Hence the fair market value of \$500,000 for this property was deemed to be a prudent fee acquisition.

Accordingly, it is clearly in the best interest of the NPS to provide the necessary staff and management activities with adequate project funds for the farm study and construction of the water system for this property.

If the NPS chooses to not pursue the perfection of the well water permit, the land use value(s) and potential suitability for developing and implementing the best options for this property, as may evolve from the General Management Planning process, may be severely limited and cause the property to become substantially less significant than was represented by the \$500,000 purchase "investment".

2

I, therefore, would strongly encourage your collective efforts for the timely completion of this Farm 2 well water development project, together with any water permitting requirements that be outstanding for this property and the other TPL/Engle Brothers' property, commonly known as "Farm 1." Both of the properties have time-critical performance and water right application requirements for the State to transfer the water rights to the NPS.


Rick Wagner

Enclosure:

cc:

CCSO-PP, Dunbar w/copy letter from DOE



United States Department of the Interior

NATIONAL PARK SERVICE

Columbia Cascades Support Office
Land Resources Program Center
909 First Avenue, Fifth Floor
Seattle, Washington 98104-1060

IN REPLY REFER TO:
L1425(CCLRPC)

May 30, 2002

Department of Ecology
Attention: Ms. Melisa Snoeberger,
Water Resources Program
Northwest Regional Office
3190 160th Avenue SE
Bellevue, Washington 98008-5452

APPLICATION FOR FILING AN EXTENSION, No. GI-25246P

This is in reference to your letter dated May 16, 2002, regarding Water Permit Number GI-25246P. Please consider this letter as a formal request by the National Park Service (NPS) for an Extension to permit additional time needed to complete the planning and proposed water system construction on the property.

The property continues to be used as an active farming/agricultural property similar to the uses prior to the property being acquired (October 21, 2001) by the United States of America on behalf of the Ebey's Landing National Historical Reserve (Reserve). This property is being leased by the NPS to the local family-owned farming and dairy business which has historically used this property in the Coupeville area.

Ebey's Landing National Historical Reserve is a unique unit within the NPS system. Currently, there is no on-site NPS representative at Ebey's Landing National Historical Reserve, but the Reserve is managed by Mr. Rob Harbour under the direction of a Trust Board composed of 9 volunteers representing the local community, state and local government functions.

We would appreciate your understanding that we are desirous to construct the water system in order to perfect the water permit for GI-25246P, but we are constrained by Congressional appropriations and the availability of the necessary construction project funds for the Reserve.

Furthermore, the NPS is in the process of developing a new General Management Plan for the Reserve in which NPS will be recommending appropriate long-term property projects and the priority for construction funds in order to adequately protect and manage this property. During this planning phase, we will continue to submit construction

schedules to your Department and actively seek discretionary construction funds in order to complete the proposed water system for this property.

In the meantime, we would appreciate the Department of Ecology accepting our proposed Extension to Water Permit Number GI-25246P. Enclosed is the appropriate Extension form and filing fee. We are requesting a five (5) year extension with our earnest intentions that this project will be completed in a timely manner. If you have additional question or need additional information, please contact either Ms. Barb Holyoke in this office at (206) 220-4092 or Ebey's Landing National Historical Reserve Manager, Mr. Rob Harbour at (360) 678-6084.

Sincerely,



Rick L. Wagner
Chief, Columbia Cascades Land Resources Program Center

Enclosure:
Extension Form and filing fee

cc:
Ebey's Landing National Historical Reserve
Attention: Mr. Rob Harbour, w/copy incoming
P.O. Box 56
Coupeville, WA 98239

bcc w/copy:

PWR-O, Leicester
CCSO-S, Westberg
CCSO-CR, Luxenberg
CCSO-DE, Swan
CCSO-Water Rights, Pette

bcc w/copy:

PWR-O, Leicester
CCSO-S, Westberg
CCSO-CR, Luxenberg
CCSO-DE, Swan
CCSO-Water Rights, Pette



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

May 16, 2002

United States of America
National Park Service, Land Resources PC
909 First Avenue, 5th Floor
Seattle, WA 98104-1060

Dear Sir or Madam:

Re: Water Permit Number G1-25246P

While reviewing the standing of your water right permit, I noticed that you have not sent in the completion of construction form we mailed to you. Construction should have been completed by April 30, 2002.

If the work has been completed on your water system, fill out the enclosed form and return it to this office. To keep your water right permit in good standing, the completion of construction form must be filed or an extension to the time period allowed for construction must be granted. If more time is required you must request an extension. Failure to do one of the above may result in cancellation of your permit.

By statute, projects under permit must be pursued with due diligence and be completed in a reasonable time frame. Extension of a permit can only be considered when we receive a written request and extension fee. Your request must address the following:

- Why you have not met the development schedule established as a condition of your permit,
- What actions have you taken to complete the project and put the water to use, and
- What is your anticipated time schedule for development and full use of water.

The extension fee is \$5.00 per year of extension. If you have any questions or concerns on the above information or any other aspect of your water right permit, please call me at (425) 649-7020. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads "Melisa Snoeberger".

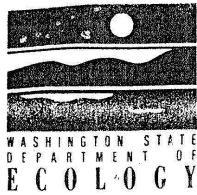
Melisa Snoeberger
Water Resources Program
Northwest Regional Office

WR:ms

Enclosure: Completion of Construction Form

50 10-2000 10





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

CONSTRUCTION NOTICE

☐ BEGINNING OF CONSTRUCTION

☐ COMPLETION OF CONSTRUCTION

NAME United States of America Department of the Interior, National Park Service	SURFACE WATER PERMIT NO. Service	GROUND WATER PERMIT NO. GI-25246P
DATE CONSTRUCTION BEGAN	DATE CONSTRUCTION COMPLETED	DATE COMPLETION EXPECTED 4/30/2007

IF CONSTRUCTION NOT COMPLETE, SHOW % COMPLETED AS OF THIS DATE

% EQUIPMENT IN PLACE	% MATERIAL IN PLACE	% EXCAVATED	% STRUCTURE
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IF CONSTRUCTION HAS BEEN ABANDONED

DATE ABANDONED	REASON ABANDONED
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REMARKS OR ANY ADDITIONAL INFORMATION WHICH MAY TEND TO SHOW GOOD FAITH IN THE PROSECUTION OF THE WORK

Please see attached letter

I certify I am the holder of the above permit issued by the Department of Ecology for the State of Washington, and in accordance with the terms of such permit and the limitations endorsed by the Department of Ecology have ☐ begun ☐ completed the actual construction of the work described in the permit.

Rick L. Wagner
Signature of Applicant

909 First Avenue - 5th floor
Present Address

Seattle, WA 98104-1060
City, State, Zip Code

ROUTING AND TRANSMITTAL SLIP

1/24/02

TO: (Name, office symbol, room number,
building, Agency/Post)

Initials

Date

1.

Water Rights Branch-

2.

Eric Lord

3.

4.

5.

Action	File	Note and Return
Approval	For Clearance	Per Conversation
☒ As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

REMARKS

Re: EBLA - Engle Farm Water
Eric -

The cover letter to-
gether with the
permit document
constitutes the assignment,
until DOE can
update the actual
document.

DO NOT use this form as a RECORD of approvals, concurrences, disposals,
clearances, and similar actions

FROM: (Name, org. symbol, Agency/Post)

Room No.—Bldg.

Wayne Hill, CCSO

Phone No.

206/220-4091

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
FPMR (41 CFR) 101-11.206

* U.S. GPO: 1988 — 201-759



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (425) 649-7000

October 29, 2001

United States of America
National Park Service, Land Resources PC
909 First Avenue, 5th floor
Seattle, WA 98104-1060

Dear Sir or Madam:

Re: Water Right No. G1-25246P

The request for assignment of the above referenced number has been processed. Our records have been changed to reflect the assignment and future correspondence will be sent to you, unless we are otherwise advised.

If you contact us in the future regarding this water right, it will help us serve you more quickly if you refer to the referenced number.

If you have any questions or concerns, please call me at 425 649-7020.

Sincerely,

A handwritten signature in cursive script that reads "Melisa Snoeberger".

Melisa Snoeberger
Water Resources Program
Northwest Regional Office

WR:ms



STATE OF WASHINGTON DEPARTMENT OF ECOLOGY			
PERMIT			
TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON			
☐ Surface Water (Issued in accordance with the provisions of Chapter 117, Laws of Washington for 1917, and amendments thereto, and the rules and regulations of the Department of Ecology.)			
☒ Ground Water (Issued in accordance with the provisions of Chapter 265, Laws of Washington for 1945, and amendments thereto, and the rules and regulations of the Department of Ecology.)			
PRIORITY DATE May 19, 1988	APPLICATION NUMBER G1-25246	PERMIT NUMBER G1-25246 P	CERTIFICATE NUMBER
NAME <i>Engle Farms Trust for Public Lands United States of America National Parks SVC</i>			
ADDRESS (STREET) 144 South Fort Casey Road	CITY Coupeville	STATE Washington	ZIP CODE 98239
The applicant is, pursuant to the Report of Examination which has been accepted by the applicant, hereby granted a permit to appropriate the following described public waters of the State of Washington, subject to existing rights and to the limitations and provisions set out herein.			
PUBLIC WATERS TO BE APPROPRIATED			
SOURCE Three wells			
TRIBUTARY OF (IF SURFACE WATERS)			
MAXIMUM CUBIC FEET PER SECOND	MAXIMUM GALLONS PER MINUTE 100 (33 1/3 each well)	MAXIMUM ACRE-FOOT PER YEAR 97.1*	
QUANTITY, TYPE OF USE, PERIOD OF USE *80.9 acre-feet per year (April through September) for single domestic supply, stock watering and manure spreading. *16.2 acre-feet per year (October through March) for single domestic supply, stock watering, manure spreading and irrigation.			
LOCATION OF DIVERSION/WITHDRAWAL			
APPROXIMATE LOCATION OF DIVERSION-WITHDRAWAL 700 feet east, 150 feet north of the center of Section 10.			
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) SW 1/4 NE 1/4	SECTION 10	TOWNSHIP N. 31	RANGE (E OR W) W.M. 1E
		W.R.L.A. 6	COUNTY Island
RECORDED PLATTED PROPERTY			
LOT	BLOCK	OF (GIVE NAME OF PLAT OR ADDITION)	
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED			
That portion of Section 10 north of Patmore Road and east of Fort Casey Road; less the N 1/2 NE 1/4 NE 1/4 and the north 140 feet of the NW 1/4 NE 1/4 east of Fort Casey Road. All located in Township 31 north, Range 1 east Willamette Meridian, Island County, Washington.			
PERMIT			
11-01-01 THU 16:32 [TX:RX NO 8163] 002			

11-01-01 15:36 FAX 425 649 7098

DEPT OF ECOLOGY

0003

DESCRIPTION OF PROPOSED WORKS

Three wells, all approximately 65 feet deep.
1,000,000 gallon manure lagoon.
Surface and buried mainlines to Big-Gun reels.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE:

Started

COMPLETE PROJECT BY THIS DATE:

Completed

WATER PUT TO FULL USE BY THIS DATE:

April 30, 1996 *2002*

PROVISIONS

Water user should understand that quantities recommended and the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the number of acres actually irrigated.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and place of use specified.

Installation and maintenance of an access port on all three wells as described in Ground Water Bulletin No. 1 is required. An air line and gauge may be installed in addition to the access port.

In order to monitor the resource, static water level (SWL) shall be measured at least twice each year, in April and August. Measurements shall be taken after the pump has been shut off a reasonable time to allow water level to return to normal. Ecology's Water Resources Section (Northwest Regional Office) shall be notified if a below normal seasonal drop is measured in SWL, otherwise this data shall be maintained and be made available to Ecology upon request. The Department has made available to the public a measuring device (E-Tape) through Island County Health Department.

The permittee or its' successor(s) shall provide data on chloride and nitrate concentrations for the wells authorized by this permit with analysis performed by a state certified laboratory. Sampling shall occur April and August of each year and permittee shall submit by October 15th of the same year, written results for both sampling events to the Department of Ecology, Northwest Regional Office, Water Resource Program. Depending on the results of this data collection, withdrawal of ground water under this permit may be limited or other action required.

In order to establish a trend, daily chloride samples must be taken over a one week period during the summer of 1993. Maximum pumping shall occur during this time frame. Samples shall be taken and analyzed by a state certified laboratory. Results should be submitted immediately to Ecology.

An approved measuring device shall be installed and maintained in accordance with RCW 90.03.360, WAC 508-64-020 through WAC 508-64-040. Meter readings shall be recorded monthly and this data shall be maintained and be made available to the Department of Ecology upon request. The meter shall be installed as soon as possible in order to collect information during the pendency of the permit.

This permit shall be subject to cancellation should the permittee fail to comply with the above development schedule and/or fail to give notice to the Department of Ecology on forms provided by that Department documenting such compliance.

Given under my hand and the seal of this office at Bellevue, Washington,

this 30th day of April, 1993.

Department of Ecology

ENGINEERING DATA

OK *[Signature]*by *[Signature]*

Stephen J. Hirshey, Section Supervisor, Water Resources

RECEIVED

2.

No. G1-25246 P

11-01-01 THU 16:32

[TX-RX NO 8153] 0003

Other Supporting Information



Eric Lord

05/15/2001 03:52 PM
MDT

To: EBLA Administration@NPS

cc:

Subject: Engle Water Right

Rob,

In an effort to reorganize my piles, I came across the new files regarding the Engle Farm well. Have you had any luck with getting the permit? If so, could you send a copy? Also, have you had any time to answer those questions I sent in March?

I know you're busy. Any help is appreciated.

Thanks,

Eric Lord
Water Resources Division

Rob Morbaur - eBay's
360 678-6084



Eric Lord

03/29/2001 11:38 AM
MST

To: EBLA Administration@NPS

cc:

Subject: Water Rights

Rob,

Thanks for your help with our documenting your water right. I thought of a couple more question, of course. There's no rush responding, so I thought I'd use email.

- 1) How much land did you buy? Did it constitute all or a portion of the Engle Farms?
- 2) Do you expect ONE permit for 35 gpm or two?
- 3) As you now use the wells, how deep are they?
- 4) Approximately how deep is the aquifer?

Thanks again,

Eric Lord
Water Resources Division

Docket Information

Number of Documents in Docket 16

Documents Dated from 10/29/2001 to 7/24/2002

Docket Compiled: 1/7/2016