

1 [X] Hearing is set:
2 Date: Friday, April 2, 2010
3 Time: 1:30 p.m.
4 Judge: to be determined

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8 **FRANKLIN COUNTY SUPERIOR COURT**
9 **IN AND FOR THE STATE OF WASHINGTON**

10 FIVE CORNERS FAMILY FARMERS,
11 SCOTT COLLIN, THE CENTER FOR
12 ENVIRONMENTAL LAW AND POLICY
13 AND SIERRA CLUB,

14 Plaintiffs,

15 v.

16 STATE OF WASHINGTON,
17 WASHINGTON DEPARTMENT OF
18 ECOLOGY, and EASTERDAY RANCHES,
19 INC.,

20 Defendants.

21 and

22 WASHINGTON CATTLEMEN'S
23 ASSOCIATION, COLUMBIA SNAKE
24 RIVER IRRIGATORS ASSOCIATION,
25 WASHINGTON STATE DAIRY
26 FEDERATION, NORTHWEST DAIRY
ASSOCIATION, WASHINGTON CATTLE
FEEDERS ASSOCIATION, CATTLE
PRODUCERS OF WASHINGTON,
WASHINGTON STATE SHEEP
PRODUCERS and WASHINGTON FARM
BUREAU,

Intervenor-Defendants.

No. 09-2-51185-6

DECLARATION OF JIM WERKHOVEN

1 COMES NOW, JIM WERKHOVEN, and states and declares:

2 1. My name is Jim Werkhoven. I am over the age of 18 and competent to testify
3 hereto. I make this declaration based upon my own personal knowledge.

4 2. I am 50 years old and reside in Monroe, Washington.

5 3. I own and operate Werkhoven Dairy, Inc., which is a family dairy farm. I am the
6 second generation to operate this farm and the Werkhoven Dairy has been in existence for 50
7 years. Our dairy started with 40 acres and 20 cows and we now operate on 800 acres with 1,000
8 cows and collectively produce two million pounds of milk per month. Depending on prices, the
9 annual value of milk our cows produce is approximately \$4,000,000. Our dairy currently
10 employs 12 individual employees.

11 4. We currently use water we withdraw from three exempt wells to provide water for
12 stock-watering purposes on our dairy. We have invested approximately \$100,000 in
13 infrastructure to withdraw and use stock-water at our dairy. Historically, we have used this
14 water for livestock consumption and clean-up around the dairy. I estimate we currently use
15 between 50,000 and 70,000 gallons of water per day for stock-watering purposes.

16 5. No one has ever indicated that I need a permit or certificate for my water rights.
17 No one has ever indicated to me that I cannot use to use this quantity of water for operating our
18 dairy. No one has ever indicated to me that my water rights are in any way limited to 5,000
19 gallons per day. Our family dairy does not have other water rights that we could rely on if we
20 could not use our exempt well water rights or if our exempt well water rights are limited to 5,000
21 gallons per day. The effect on our family dairy of not being able to use water from our exempt
22 wells for stock-watering purposes or having our water rights limited to 5000 gallons of water per
23 day would be to force our family dairy out of business. In our situation, given where we are
24 located, if we go out of business our family dairy and farm would be sold. Undoubtedly our
25 family farm, if we sold it, would be turned into a housing development. The 12 employees that
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1 we have would be out of jobs and all of the money we spend in the local economy would be
2 taken out of the local economy.

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7 I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE
8 OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

9 Signed at Ellensburg, Washington on this 12 day of February, 2010.

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11 
12 JIM WERKHOVEN

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