

1  EXPEDITE (if filing within 5 court days of hearing)  
2  Hearing is set:  
3 Date: Friday, April 2, 2010  
4 Time: 1:30 p.m.  
5 Judge: to be determined

6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 IN AND FOR THE COUNTY OF FRANKLIN

8 FIVE CORNERS FAMILY FARMERS, SCOTT )  
9 COLLIN, THE CENTER FOR ENVIRONMENTAL )  
10 LAW AND POLICY, and SIERRA CLUB, )

11 Plaintiffs, )

12 vs. )

13 STATE OF WASHINGTON, WASHINGTON )  
14 DEPARTMENT OF ECOLOGY, and EASTERDAY )  
15 RANCHES, INC., )

16 Defendants, )

17 and )

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

26 Intervenor-Defendants. )

NO. 09-2-51185-6

DECLARATION OF  
RACHAEL P. OSBORN

I, Rachael P. Osborn, declare as follows:

1. I am over the age of eighteen and I make this declaration based on my own personal knowledge.

DECLARATION OF  
RACHAEL P. OSBORN (No. 09-2-51185-6) - 1 -

*Earthjustice*  
705 Second Ave., Suite 203  
Seattle, WA 98104  
(206) 343-7340

1           2.       I am the Executive Director of the Center for Environmental Law & Policy,  
2 (“CELP”) a 501(c)(3) non-profit corporation, incorporated in Washington, whose mission is to  
3 protect and restore Washington’s freshwater resources, including rivers, streams and aquifers.

4           3.       Attached as Exhibit A, is a true and correct copy of a page from the Spokane  
5 Spokesman-Review archives, dated June 5, 1945. This document is part of the documents  
6 prepared and supplied by Karen Epps, Senate Committee Services, to the Stockwater Working  
7 Group of which CELP was a member. CELP received a copy of the article by email from Karen  
8 Epps dated February 8, 2010. A copy of the email is also attached.

9           I certify under penalty of perjury in accordance with the laws of the State of Washington,  
10 that the foregoing is true and correct.

11 EXECUTED at Spokane, Washington this 12th day of March, 2010.

12  
13   
14 RACHAEL P. OSBORN

# **EXHIBIT A**



**From:** "Epps, Karen" <Epps.Karen@leg.wa.gov>

**Date:** February 8, 2010 2:33:54 PM PST

**To:** 'Jeff Slothower' <jslothower@lwhsd.com>, 'John Stuhlmiller' <JStuhlmiller@wsfb.com>, Jack Field <jfcattle@kvalley.com>, "MaiaB@ATG.WA.GOV" <MaiaB@ATG.WA.GOV>, "Chandler, Rep. Bruce" <Chandler.Bruce@leg.wa.gov>, "Blake, Rep. Brian" <Blake.Brian@leg.wa.gov>, "chrischeney@earthlink.net" <chrischeney@earthlink.net>, "LFaulconer@agr.wa.gov" <LFaulconer@agr.wa.gov>, "Hatfield, Sen. Brian" <Hatfield.Brian@leg.wa.gov>, "Honeyford, Sen. Jim" <Honeyford.Jim@leg.wa.gov>, "McCoy, Rep. John" <McCoy.John@leg.wa.gov>, "Morton, Sen. Bob" <Morton.Bob@leg.wa.gov>, "rdpaschal@earthlink.net" <rdpaschal@earthlink.net>, 'Seth Ballhorn' <sballhorn@gmail.com>, "Warnick, Rep. Judith" <Warnick.Judith@leg.wa.gov>, "mo@wecprotects.org" <mo@wecprotects.org>, "PDykstra@mac.com" <PDykstra@mac.com>, "eshe461@ECY.WA.GOV" <eshe461@ECY.WA.GOV>, "ed@wafeeders.org" <ed@wafeeders.org>, "Rockefeller, Sen. Phil" <Rockefeller.Phil@leg.wa.gov>

**Subject:** RE: Stock Water Working Group - information request

Everyone,

Attached are some of the documents that I cited to in the History of the Groundwater Code white paper. The only document that I cited to that is not attached here is available on the Stock Water Working Group

webpage, [http://www.ecy.wa.gov/programs/wr/hq/pdf/swtr/1942\\_ruraldomesticwatersupply.pdf](http://www.ecy.wa.gov/programs/wr/hq/pdf/swtr/1942_ruraldomesticwatersupply.pdf) Specifically attached are a few pages of "Ground Water Conditions in the State Washington", A Report by N.C. Jannsen of the N.C. Jannsen Drilling Company. I copied only those pages that I cited from, but the entire document is available from the Washington State Library. Some pages from "Factual Data Pertaining to Wells and Springs in the Columbia Basin Project Area" are attached. Again, this document is available from the Washington State Library. Two newspaper articles from the Spokesman-Review that I pulled from Google News are attached as a word document. The only way to save these is to capture the image with the print screen function and copy it into word. There are a couple of pages from the First Biennial Report of the Division of Progress and Industry Development, which came from State Archives. Finally, some pages from the Thirteenth Biennial Report of the Department of Conservation and Development are attached. Please let me know if you have any questions.

Regards,  
Karen

Karen Epps, Staff Counsel  
Senate Environment, Water & Energy Committee  
360-786-7424 | [epps.karen@leg.wa.gov](mailto:epps.karen@leg.wa.gov) | JAC416