STATE OF WASHINGTON
FRANKLIN COUNTY SUPERIOR COURT

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

Plaintiffs,

v.

STATE OF WASHINGTON, WASHINGTON STATE DEPARTMENT OF ECOLOGY, and EASTERDAY RANCHES, INC.,

Defendants,

and

WASHINGTON CATTLEMEN’S ASSOCIATION, COLUMBIA SNAKE RIVER IRRIGATORS ASSOCIATION, WASHINGTON STATE DAIRY FEDERATION, NORTHWEST DAIRY ASSOCIATION, WASHINGTON CATTLE FEEDERS ASSOCIATION, CATTLE PRODUCERS OF WASHINGTON, WASHINGTON STATE SHEEP PRODUCERS and WASHINGTON FARM BUREAU,

Intervenors/Defendants.

I, MAIA BELLON, declare under penalty of perjury under the laws of the state of Washington that the following is true and correct:
1. I am now and at all times mentioned a citizen of the United States and a resident of the state of Washington, over the age of eighteen years, competent to make this declaration, and make this declaration from my own personal knowledge and judgment.


3. Attached as Exhibit 1 is a true and correct copy of a memorandum from John Covert, Water Resources Hydrogeologist, Department of Ecology, to Keith Stoffel, Water Resources Section Manager, Department of Ecology, regarding “Easterday CAFO: Impact to nearby groundwater wells,” dated September 15, 2008.

4. Attached as Exhibit 2 is a true and correct copy of an excerpt of the Session Laws of the State of Washington, Twenty-Ninth Session, 1945, Chapter 263, Section 5.

5. Attached as Exhibit 3 is a true and correct copy of an excerpt of the Session Laws of the State of Washington, Thirtieth Session, 1947, Chapter 122, Section 1.

6. Attached as Exhibit 4 is a true and correct copy of an excerpt of the Session Laws of the State of Washington, Fiftieth Session, 1987, Chapter 109, Section 108.

7. Attached as Exhibit 5 is a true and correct copy of an excerpt of the Session Laws of the State of Washington, Fifty-Eighth Session, 2003, Chapter 307, Section 1.

8. Attached as Exhibit 6 is a true and correct copy of a data spreadsheet describing the number of milk cows in Washington from the years 1867 to 2010 from the National Agricultural Statistics Service, United States Department of Agriculture.


10. Attached as Exhibit 8 is a true and correct copy of an excerpt from the Fourteenth Biennial Report of the Department of Conservation and Development, October 1, 1946—September 30, 1948.


DATED this 18 day of February, 2010, in Olympia, Washington.

[Signature]

MAIA D. BELLON
Memorandum

Date: 9/15/08

TO: Keith Stoffel

FROM: John Covert

SUBJECT: Easterday CAFO: Impact to nearby groundwater wells.

On behalf of the project proponent, Tom Buchholtz of Water Man Consulting performed a series of calculations to determine potential impacts to existing wells from pumping a new well at the feedlot location in the SW 1/4 SW 1/4 Section 13, T 12N R31E. We received these calculations attached to SEPA documents following the decision by Franklin County Planning.

The consultant used the Modified Theis Equation to calculate drawdown after one year of continuous pumping. The numbers he used for the variables needed to perform the calculation were reasonable for Wanapum basalt wells. The variables used in his calculations are conservative (given the specific capacity numbers listed on nearby well logs), thus this approach probably over-estimated potential drawdown effects. I verified his calculations.

I do believe he should have added additional calculations for 2 other potential well locations at what appears to be two separate home sites that straddle the proposed feedlot’s location. From the 2006 NAIP aerial photo, it looks like there could be an exempt well located within about 4,000 feet of the proposed well, and another additional well about 6000 feet from the proposed feedlot well. The Consultant’s closest calculation assumed a distance of 8,500 feet to the nearest well. Utilizing appropriate numbers, the Modified Theis Equation indicates that a well at 4,000 feet from the feedlot well will experience approximately 4.5 feet of drawdown at the end of one year's continuous pumping (300gpm) assuming both wells are completed in the same aquifer.

The Consultant is proposing that the feedlot well be cased and sealed to a depth of 1200 feet with the remainder of the well being completed open hole to a total depth sufficient to produce the required volumes. The Department’s well log website has almost no well logs for domestic exempt wells in the vicinity of the proposed feedlot. It is unclear how deep these existing exempt wells have been constructed. The irrigation wells drilled in the vicinity are typically completed to depths in the 1150 to 1300 foot range with limited surface seals and open hole construction. It would seem reasonable to assume that most of the domestic wells in the area have shallower completion depths. If the feedlot well(s) are completed with 1200 foot surface seals, this will provide vertical separation between the aquifers being pumped by the feedlot well and the surrounding domestic exempt wells. This separation would further reduce the drawdown impacts that have been calculated by the project’s Consultant. It is likely that the drawdown impact to existing wells caused by the pumping of the new feedlot well(s) will be minimal and will not cause impairment to existing wells.
A WRTS pull of pending groundwater applications for new water rights in Franklin County lists 90 applications requesting more than 150,000 gpm of new withdrawals. The oldest of these pending applications dates back to 1983. The majority of these pending applications have been waiting for more than a decade. Three pending applications for more than 11,000 gpm are located within six miles of this proposed feedlot.
SESSION LAWS
OF THE
STATE OF WASHINGTON
TWENTY-NINTH SESSION
Convened January 8, Adjourned March 8
1945

Compiled in Chapters by BELLE REEVES,
Secretary of State

MARGINAL NOTES AND INDEX
By
SMITH TROY
Attorney General

PUBLISHED BY AUTHORITY

OLYMPIA
STATE PRINTING PLANT
OLYMPIA, WASHINGTON
1945
CHAPTER 263.
[H. B. 536.]

REGULATION OF GROUND WATERS.

An Act providing for the regulation and control of certain ground waters within the State of Washington and rights to the use thereof; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. This act regulating and controlling ground waters of the State of Washington shall be supplemental to chapter 117, Laws of 1917, as amended, (sections 7351 to 7400, inclusive, Remington's Revised Statutes, also Pierce's Perpetual Code 993), which regulates the surface waters of the state, and is enacted for the purpose of extending the application of such surface water statutes to the appropriation and beneficial use of ground waters within the state.

SEC. 2. The rights to appropriate the surface waters of the state and the rights acquired by the appropriation and use of surface waters shall not be affected or impaired by any of the provisions of this supplementary act and, to the extent that any underground water is part of or tributary to the source of any surface stream or lake, or that the withdrawal of ground water may affect the flow of any spring, water course, lake, or other body of surface water, the right of an appropriator and owner of surface water shall be superior to any subsequent right hereby authorized to be acquired in or to ground water.

SEC. 3. All bodies of water that exist beneath the land surface and that therefore saturate the interstices of rocks or other materials—that is, the waters of underground streams or channels, artesian basins, underground reservoirs, lakes or basins, whose existence or whose boundaries may be reasonably established or ascertained—are defined for the purposes of this act as "ground waters." There is recognized a distinction between: (1) Water that exists in underground storage owing wholly to natural processes; for the purposes of this act such water is designated as "natural ground water." (2) Water that is made available in underground storage artificially, either intentionally or incidentally, to irrigation and that otherwise would have been dissipated by natural waste; for the purposes of this act such water is designated as "artificially stored ground water."

SEC. 4. Subject to existing rights, all natural ground waters of the state as defined in section 3 of this act, also all artificial ground waters that have been abandoned or forfeited, are hereby declared to be public ground waters and to belong to the public and to be subject to appropriation for beneficial use under the terms of this act and not otherwise.

SEC. 5. After the effective date of this act no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the Supervisor of Hydraulics and a permit has been granted by him as herein provided: Except, however, That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a non-commercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand (5,000) gallons a day, or for an industrial purpose in an amount not exceeding five thousand (5,000) gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued.
under the provisions of this act: Provided, however, That the Supervisor of Hydraulics from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal.

Sec. 6. Applications for permits for appropriation of underground water shall be made in the same form and manner provided in sections 27 to 35, inclusive, chapter 117, Laws of 1917, as amended, the provisions of which sections are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by said sections 27 to 35, inclusive: Provided, That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post-office address of the applicant; (2) the name and post-office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the Supervisor of Hydraulics has designated such area, sub-area, or zone in accord with section 12 of this act; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre-feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works: And provided further, That any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

Sec. 7. No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. The Supervisor of Hydraulics shall have the power to determine whether the granting of any such permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of his office, require further evidence, proof, and testimony before granting or denying any such permits.

Sec. 8. Upon a showing to the Supervisor of Hydraulics that construction has been completed in compliance with the terms of any permit issued under the provisions of this act, it shall be the duty of such Supervisor of Hydraulics to issue to the permittee a certificate of ground water right stating that the appropriation has been perfected under such permit: Provided, however, That such showing shall include the following information: (1) the location of each well or other means of withdrawal constructed under the permit, both with respect to official land surveys and in terms of distance and direction to any pre-existing well or wells or works constructed under an earlier permit or approved declaration of a vested right, provided the distance to such pre-existing well or works is not more than a quarter of a mile; (2) the depth and diameter of each well or the depth and general specifications of any other works constructed under the terms of the permit; (3) the thickness in feet and the physical character of each bed, stratum, or formation penetrated by each well; (4) the length and position, in feet below the land surface, and the commercial specifications of all casing, also of each screen or
SEsson laws, 1947.

SEC. 3. Whenever any money has been received and is to be spent for a specific purpose, the Director of Fisheries shall submit to the Governor duplicate copies of a statement setting forth the facts regarding such funds and the need for such expenditure and the estimated amount to be expended.

SEC. 4. If the Governor shall approve such estimate in whole or in part, he shall endorse on each copy of such statement his approval, with the amount approved, and transmit one copy of the same to the Director of Fisheries authorizing him to make the expenditure. No expenditure shall be authorized in excess of the actual amount received, nor shall funds be expended for any purpose except the specific purpose for which they were received, unless the same were received in settlement of a claim for damages to the food fish or shellfish resources of the state, and in that event such funds so received may be expended for the protection, rehabilitation, preservation or conservation of such resources.

SEC. 5. This act is necessary for the support of the state government and its existing institutions and shall take effect April 1, 1947.

Passed the Senate March 2, 1947.
Passed the House March 6, 1947.
Approved by the Governor March 17, 1947.

CHAPTER 122.
[ S. B. 167. ]

GROUND WATERS—REGULATION AND CONTROL.
An Act relating to the regulation and control of ground waters within the State of Washington, amending sections 5, 9 and 12, chapter 263 of the Laws of 1945, and adding a new section.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 5 of chapter 263 of the Laws of 1945 (sec. 7400-5, Rem. Rev. Stat.; sec. 993-58 (59) PPC) be amended to read as follows:

Section 5. After the effective date of this act no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the Supervisor of Hydraulics and a permit has been granted by him as herein provided: Excep-
tion

APPLICATION FOR PERMIT.

Exemption for domestic and industrial uses.

Information may be required.

Withdrawal less than 5,000 gallons.
tion or declarations under section 9 of this act may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this act provided in the case of withdrawals in excess of five thousand gallons a day.

Sec. 2. That section 9 of chapter 263, Laws of 1945 (sec. 7400-9, Rem. Rev. Stat.; sec. 993-58 (67) PPC) be amended to read as follows:

Section 9. Any person, firm or corporation claiming a vested right to withdraw public ground waters of the state by virtue of prior beneficial use of such water shall, within three (3) years after the effective date of this act, be entitled to receive from the Supervisor of Hydraulics a certificate of ground water right to that effect: Provided, That the issuance by the Supervisor of Hydraulics of any such certificate of vested right shall be contingent on a declaration by the claimant in a form prescribed by said Supervisor, which declaration shall set forth: (1) the beneficial use for which such withdrawal has been made; (2) the date or approximate date of the earliest beneficial use of the water so withdrawn, and the continuity of such beneficial use; (3) the amount of water claimed; (4) if the beneficial use has been for irrigation, the description of the land to which such water has been applied and the name of the owner thereof; and (5) so far as it may be available, descriptive information concerning each well or other works for the withdrawal of public ground water, as required of original permittees under the provisions of section 8 of this act: Provided, however, That in case of failure to comply with the provisions of this section within the three (3) years allotted, the claimant may apply to the Supervisor of Hydraulics for a reasonable extension of time, which shall not exceed two (2) additional years and which shall be granted only upon a showing of good cause for such failure.

Each such declaration shall be certified, either on the basis of the personal knowledge of the declarant or on the basis of information and belief. With respect to each such declaration there shall be publication, and findings in the same manner as provided in section 6 of this act in the case of an original application to appropriate water. If his findings sustain the declaration, the Supervisor of Hydraulics shall approve said declaration, which then shall be recorded at length in his office and may also be recorded in the office of the County Auditor of the county within which the claimed withdrawal and beneficial use of public ground water have been made. When duly approved and recorded as herein provided, each such declaration or copies thereof shall have the same force and effect as an original permit granted under the provisions of section 6 of this act, with a priority as of the date of the earliest beneficial use of the water.

Declarations heretofore filed with the Supervisor of Hydraulics in substantial compliance with the provisions of this section shall have the same force and effect as if filed after the effective date of this act.

The same fees shall be collected by the Supervisor of Hydraulics in the case of applications for the issuance of certificates of vested rights, as are required to be collected in the case of application for permits for withdrawal of ground waters and for the issuance of certificates of ground water withdrawal rights under this act.

Sec. 3. That there shall be added to chapter 263, of the Laws of 1945, a new section designated as section 11-A to read as follows:

Section 11-A. The unauthorized use of ground water to which another person is entitled, or the wilful or negligent waste of ground water, or the failure, when required by the Supervisor of Hy-
draulics, to cap flowing wells or equip the same with valves, fittings, or casings to prevent waste of ground waters, shall be a misdemeanor.

Sec. 4. That section 12 of chapter 263 of the Laws of 1945 (sec. 7400-12, Rem. Rev. Stat.; sec. 993-58 (73) PFC) be amended to read as follows:

Section 12. As between appropriators of public ground water, the prior appropriator shall as against subsequent appropriators from the same ground water body be entitled to the preferred use of such ground water to the extent of his appropriation and beneficial use, and shall enjoy the right to have any withdrawals by a subsequent appropriator of ground water limited to an amount that will maintain and provide a safe sustaining yield in the amount of the prior appropriation. The Supervisor of Hydraulics shall have jurisdiction over the withdrawals of ground water and shall administer the ground water rights under the principle just set forth, and he shall have the jurisdiction to limit withdrawals by appropriators of ground water so as to enforce the maintenance of a safe sustaining yield from the ground water body. For this purpose, the Supervisor of Hydraulics shall have authority and it shall be his duty from time to time, as adequate factual data become available, to designate ground water areas or sub-areas, to designate separate depth zones within any such area or sub-area, or to modify the boundaries of existing such area, or sub-area, or zones to the end that the withdrawals therefrom may be administratively controlled as prescribed in section 13 of this act in order that overdraft of public ground waters may be prevented so far as is feasible. Each such area or zone shall, as nearly as known facts permit, be so designated as to enclose a single and distinct body of public ground water. Each such sub-area may be so designated as to enclose all or any part of a distinct body of public ground water, as the Supervisor of Hydraulics deems will most effectively accomplish the purposes of this act.

Designation of, or modification of the boundaries of such a ground water area, sub-area, or zone may be proposed by the Supervisor of Hydraulics on his own motion or by petition to the Supervisor of Hydraulics signed by at least fifty (50) or one-fourth (1/4), whichever is the lesser number, of the users of ground water in a proposed ground water area, sub-area, or zone. Before any proposed ground water area, sub-area, or zone shall be designated, or before the boundaries or any existing ground water area, sub-area, or zone shall be modified the Supervisor of Hydraulics shall publish a notice setting forth: (1) in terms of the appropriate legal subdivisions a description of all lands enclosed within the proposed area, sub-area, or zone, or within the area, sub-area, or zone whose boundaries are proposed to be modified; (2) the object of the proposed designation or modification of boundaries; and (3) the day and hour, and the place where written objections may be submitted and heard. Such notice shall be published in three (3) consecutive weekly issues of a newspaper of general circulation in the county or counties containing all or the greater portion of the lands involved, and the newspaper of publication shall be selected by the Supervisor of Hydraulics. Publication as just prescribed shall be construed as sufficient notice to the land owners and water users concerned.

Objections having been heard as herein provided, the Supervisor of Hydraulics shall make and file in his office written findings of fact with respect to the proposed designation or modification and, if the findings are in the affirmative, shall also enter a written order designating the ground water area, or sub-area, or zone or modifying the boundaries of the existing area, sub-area, or zone. Such findings and
 parcel, or tract: AND PROVIDED FURTHER, That sale or transfer of such a lot, parcel, or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of chapter 58.17 RCW and shall be restrained by injunctive action and be illegal as provided in chapter 58.17 RCW;

(5) A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when (the governing body of) the city, town, or county has approved a binding site plan for the use of the land in accordance with local regulations;

(6) A division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site, or division nor create any lot, tract, parcel, site, or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site;

(7) A division which is made by subjecting a portion of a parcel or tract of land to chapter 64.32 RCW if a city, town, or county has approved a binding site plan for all of such land.

Passed the House April 9, 1987.
Approved by the Governor April 20, 1987.
Filed in Office of Secretary of State April 20, 1987.
Sec. 106. Section 7, chapter 107, Laws of 1939 and RCW 90.24.060 are each reenacted and amended to read as follows:

Such improvement or device in said lake for the protection of the fish and game fish therein shall be installed by and under the direction of the board of county commissioners of said county with the approval of the respective directors of the department of fisheries, the department of game and the (supervisor of water resources) department of ecology of the state of Washington and paid for out of the special fund provided for in RCW 90.24.050.

Sec. 107. Section 3, chapter 263, Laws of 1945 as amended by section 2, chapter 94, Laws of 1973 and RCW 90.44.035 are each amended to read as follows:

For purposes of this chapter:
(1) "Department" means the department of ecology;
(2) "Director" means the director of ecology;
(3) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (as defined for the purposes of this chapter as "ground waters")); There is a recognized (a) distinction between (a) natural ground water and artificially stored ground water;
(4) "Natural ground water" means water that exists in underground storage owing wholly to natural processes; (for the purposes of this chapter such water is designated as "natural ground water." (2)) and
(5) "Artificially stored ground water" means water that is made available in underground storage artificially, either intentionally, or incidentally to irrigation and that otherwise would have been dissipated by natural waste (for the purposes of this chapter such water is designated as "artificially stored ground water."))

Sec. 108. Section 5, chapter 263, Laws of 1945 as amended by section 1, chapter 122, Laws of 1947 and RCW 90.44.050 are each amended to read as follows:

After ((the effective date of this act)) June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the (supervisor of water resources) department and a permit has been granted by (him) it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter:
PROVIDED, HOWEVER, That the (supervisor of water resources) department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

Sec. 109. Section 6, chapter 263, Laws of 1945 and RCW 90.44.060 are each amended to read as follows:

Applications for permits for appropriation of underground water shall be made in the same form and manner provided in RCW 90.03.250 through 90.03.340, as amended, the provisions of which sections are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by RCW 90.03.250 through 90.03.340, inclusive: PROVIDED, That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post office address of the applicant; (2) the name and post office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the (supervisor of water resources) department has designated such area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works: AND PROVIDED FURTHER, That any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

Sec. 110. Section 7, chapter 263, Laws of 1945 and RCW 90.44.070 are each amended to read as follows:

No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. The (supervisor of water resources) department shall have the power to determine whether the granting of any such permit will injure or
(d) The board of joint control shall notify the department of ecology, and any Indian tribe requesting notice, of transfers of water between the individual entities of the board of joint control. This subsection (2)(d) applies only to a board of joint control created after January 1, 2003.

(3) A board of joint control is authorized to design, construct, and operate either drainage projects, or water quality enhancement projects, or both.

(4) Where the board of joint control area of jurisdiction is totally within a federal reclamation project, the board is authorized to accept operational responsibility for federal reserved works.

(5) Nothing contained in this chapter gives a board of joint control the authority to abridge the existing rights, responsibilities, and authorities of an individual irrigation entity or others within the area of jurisdiction; nor in a case where the board of joint control consists of representatives of two or more divisions of a federal reclamation project shall the board of joint control abridge any powers of an existing board of control created through federal contract; nor shall a board of joint control have any authority to abridge or modify a water right benefiting lands within its area of jurisdiction without consent of the party holding the ownership interest in the water right.

(6) A board of joint control created under this chapter may not use any authority granted to it by this chapter or by RCW 90.03.380 to authorize a transfer of or change in a water right or to authorize a redistribution of saved water before July 1, 1997.

NEW SECTION. Sec. 4. A new section is added to chapter 87.80 RCW to read as follows:

The provisions of chapter ... Laws of 2003 (this act) shall not be construed or interpreted to authorize the impairment of any existing water rights.

Passed by the House April 22, 2003.
Passed by the Senate April 14, 2003.
Approved by the Governor May 14, 2003.
Filed in Office of Secretary of State May 14, 2003.

CHAPTER 307
[Engrossed House Bill 2067]
WATER—RESIDENTIAL DEVELOPMENTS

AN ACT Relating to withdrawals of public ground waters for domestic use of clustered residential developments; amending RCW 90.44.050; and adding a new section to chapter 90.44 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. RCW 90.44.050 and 1987 c 109 s 108 are each amended to read as follows:

After June 6, 1945, no withdrawal of public ground waters of the state shall be begun, nor shall any well or other works for such withdrawal be constructed, unless an application to appropriate such waters has been made to the department and a permit has been granted by it as herein provided: EXCEPT, HOWEVER, That any withdrawal of public ground waters for stock-watering purposes, or for the watering of a lawn or of a noncommercial garden not exceeding one-half acre in area, or for single or group domestic uses in an amount not exceeding five thousand gallons a day, or as provided in section 2 of this act, or for an industrial purpose in an amount not exceeding five thousand gallons a day, is and shall be exempt from the provisions of this section, but, to the extent that it is regularly used beneficially, shall be entitled to a right equal to that established by a permit issued under the provisions of this chapter: PROVIDED, HOWEVER, That the department from time to time may require the person or agency making any such small withdrawal to furnish information as to the means for and the quantity of that withdrawal: PROVIDED, FURTHER, That at the option of the party making withdrawals of ground waters of the state not exceeding five thousand gallons per day, applications under this section or declarations under RCW 90.44.090 may be filed and permits and certificates obtained in the same manner and under the same requirements as is in this chapter provided in the case of withdrawals in excess of five thousand gallons a day.

NEW SECTION. Sec. 2. A new section is added to chapter 90.44 RCW to read as follows:

(1) On a pilot project basis, the use of water for domestic use in clustered residential developments is exempt as described in subsection (2) of this section from the permit requirements of RCW 90.44.050 in Whitman county. The department must review the use of water under this section and its impact on water resources in the county and report to the legislature by December 31st of each even-numbered year through 2016 regarding its review.

(2) For the pilot project, the domestic use of water for a clustered residential development is exempt from the permit requirements of RCW 90.44.050 for an amount of water that is not more than one thousand two hundred gallons a day for use on a property within an area that has an average density equal to or more than one residence per ten acres and a minimum of six homes.

(3) No new right to use water may be established for a clustered development under this section where the first residential use of water for the development begins after December 31, 2015.

Passed by the House April 22, 2003.
Passed by the Senate April 10, 2003.
Approved by the Governor May 14, 2003.
Filed in Office of Secretary of State May 14, 2003.

CHAPTER 308
[House Bill 1126]
SEED TESTING—FEES

AN ACT Relating to seed testing and certification fees; adding a new section to chapter 15.49 RCW; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 15.49 RCW to read as follows:

[1653]
<table>
<thead>
<tr>
<th>Year</th>
<th>State</th>
<th>StFips</th>
<th>Commodity</th>
<th>Commodity Code</th>
<th>Period</th>
<th>Inventory</th>
<th>Inventory(UNIT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1867</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>5</td>
<td>thousand head</td>
</tr>
<tr>
<td>1868</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>6</td>
<td>thousand head</td>
</tr>
<tr>
<td>1869</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>7</td>
<td>thousand head</td>
</tr>
<tr>
<td>1870</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>8</td>
<td>thousand head</td>
</tr>
<tr>
<td>1871</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>8</td>
<td>thousand head</td>
</tr>
<tr>
<td>1872</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>9</td>
<td>thousand head</td>
</tr>
<tr>
<td>1873</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>10</td>
<td>thousand head</td>
</tr>
<tr>
<td>1874</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>11</td>
<td>thousand head</td>
</tr>
<tr>
<td>1875</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>12</td>
<td>thousand head</td>
</tr>
<tr>
<td>1876</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>14</td>
<td>thousand head</td>
</tr>
<tr>
<td>1877</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>15</td>
<td>thousand head</td>
</tr>
<tr>
<td>1878</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>16</td>
<td>thousand head</td>
</tr>
<tr>
<td>1879</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>18</td>
<td>thousand head</td>
</tr>
<tr>
<td>1880</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>20</td>
<td>thousand head</td>
</tr>
<tr>
<td>1881</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>23</td>
<td>thousand head</td>
</tr>
<tr>
<td>1882</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>27</td>
<td>thousand head</td>
</tr>
<tr>
<td>1883</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>31</td>
<td>thousand head</td>
</tr>
<tr>
<td>1884</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>32</td>
<td>thousand head</td>
</tr>
<tr>
<td>1885</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>35</td>
<td>thousand head</td>
</tr>
<tr>
<td>1886</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>41</td>
<td>thousand head</td>
</tr>
<tr>
<td>1887</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>50</td>
<td>thousand head</td>
</tr>
<tr>
<td>1888</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>55</td>
<td>thousand head</td>
</tr>
<tr>
<td>1889</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>60</td>
<td>thousand head</td>
</tr>
<tr>
<td>1890</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>55</td>
<td>thousand head</td>
</tr>
<tr>
<td>1891</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>60</td>
<td>thousand head</td>
</tr>
<tr>
<td>1892</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>70</td>
<td>thousand head</td>
</tr>
<tr>
<td>1893</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>80</td>
<td>thousand head</td>
</tr>
<tr>
<td>1894</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>85</td>
<td>thousand head</td>
</tr>
<tr>
<td>1895</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>90</td>
<td>thousand head</td>
</tr>
<tr>
<td>1896</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>95</td>
<td>thousand head</td>
</tr>
<tr>
<td>1897</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>100</td>
<td>thousand head</td>
</tr>
<tr>
<td>1898</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>100</td>
<td>thousand head</td>
</tr>
<tr>
<td>1899</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>95</td>
<td>thousand head</td>
</tr>
<tr>
<td>1900</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>103</td>
<td>thousand head</td>
</tr>
<tr>
<td>1901</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>105</td>
<td>thousand head</td>
</tr>
<tr>
<td>1902</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>110</td>
<td>thousand head</td>
</tr>
<tr>
<td>1903</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>116</td>
<td>thousand head</td>
</tr>
<tr>
<td>1904</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>123</td>
<td>thousand head</td>
</tr>
<tr>
<td>1905</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>131</td>
<td>thousand head</td>
</tr>
<tr>
<td>1906</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>140</td>
<td>thousand head</td>
</tr>
<tr>
<td>1907</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>150</td>
<td>thousand head</td>
</tr>
<tr>
<td>1908</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>158</td>
<td>thousand head</td>
</tr>
<tr>
<td>1909</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>162</td>
<td>thousand head</td>
</tr>
<tr>
<td>1910</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>170</td>
<td>thousand head</td>
</tr>
<tr>
<td>1911</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>175</td>
<td>thousand head</td>
</tr>
<tr>
<td>Year</td>
<td>State</td>
<td>StFips</td>
<td>Commodity</td>
<td>Commodity Code</td>
<td>Period</td>
<td>Inventory</td>
<td>Inventory(UNIT)</td>
</tr>
<tr>
<td>------</td>
<td>-----------</td>
<td>--------</td>
<td>------------------------------------</td>
<td>----------------</td>
<td>---------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>1912</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>180</td>
<td>thousand head</td>
</tr>
<tr>
<td>1913</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>190</td>
<td>thousand head</td>
</tr>
<tr>
<td>1914</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>205</td>
<td>thousand head</td>
</tr>
<tr>
<td>1915</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>222</td>
<td>thousand head</td>
</tr>
<tr>
<td>1916</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>240</td>
<td>thousand head</td>
</tr>
<tr>
<td>1917</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>251</td>
<td>thousand head</td>
</tr>
<tr>
<td>1918</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>251</td>
<td>thousand head</td>
</tr>
<tr>
<td>1919</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>248</td>
<td>thousand head</td>
</tr>
<tr>
<td>1920</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>245</td>
<td>thousand head</td>
</tr>
<tr>
<td>1921</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>250</td>
<td>thousand head</td>
</tr>
<tr>
<td>1922</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>255</td>
<td>thousand head</td>
</tr>
<tr>
<td>1923</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>270</td>
<td>thousand head</td>
</tr>
<tr>
<td>1924</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>275</td>
<td>thousand head</td>
</tr>
<tr>
<td>1925</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>275</td>
<td>thousand head</td>
</tr>
<tr>
<td>1926</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>270</td>
<td>thousand head</td>
</tr>
<tr>
<td>1927</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>265</td>
<td>thousand head</td>
</tr>
<tr>
<td>1928</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>270</td>
<td>thousand head</td>
</tr>
<tr>
<td>1929</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>270</td>
<td>thousand head</td>
</tr>
<tr>
<td>1930</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>280</td>
<td>thousand head</td>
</tr>
<tr>
<td>1931</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>297</td>
<td>thousand head</td>
</tr>
<tr>
<td>1932</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>310</td>
<td>thousand head</td>
</tr>
<tr>
<td>1933</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>324</td>
<td>thousand head</td>
</tr>
<tr>
<td>1934</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>332</td>
<td>thousand head</td>
</tr>
<tr>
<td>1935</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>345</td>
<td>thousand head</td>
</tr>
<tr>
<td>1936</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>335</td>
<td>thousand head</td>
</tr>
<tr>
<td>1937</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>328</td>
<td>thousand head</td>
</tr>
<tr>
<td>1938</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>335</td>
<td>thousand head</td>
</tr>
<tr>
<td>1939</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>342</td>
<td>thousand head</td>
</tr>
<tr>
<td>1940</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>345</td>
<td>thousand head</td>
</tr>
<tr>
<td>1941</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>362</td>
<td>thousand head</td>
</tr>
<tr>
<td>1942</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>369</td>
<td>thousand head</td>
</tr>
<tr>
<td>1943</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>380</td>
<td>thousand head</td>
</tr>
<tr>
<td>1944</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>380</td>
<td>thousand head</td>
</tr>
<tr>
<td>1945</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>380</td>
<td>thousand head</td>
</tr>
<tr>
<td>1946</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>346</td>
<td>thousand head</td>
</tr>
<tr>
<td>1947</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>320</td>
<td>thousand head</td>
</tr>
<tr>
<td>1948</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>306</td>
<td>thousand head</td>
</tr>
<tr>
<td>1949</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>300</td>
<td>thousand head</td>
</tr>
<tr>
<td>1950</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>296</td>
<td>thousand head</td>
</tr>
<tr>
<td>1951</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>284</td>
<td>thousand head</td>
</tr>
<tr>
<td>1952</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>267</td>
<td>thousand head</td>
</tr>
<tr>
<td>1953</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>275</td>
<td>thousand head</td>
</tr>
<tr>
<td>1954</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>283</td>
<td>thousand head</td>
</tr>
<tr>
<td>1955</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>289</td>
<td>thousand head</td>
</tr>
<tr>
<td>1956</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>289</td>
<td>thousand head</td>
</tr>
<tr>
<td>Year</td>
<td>State</td>
<td>StFips</td>
<td>Commodity</td>
<td>Commodity Code</td>
<td>Period</td>
<td>Inventory</td>
<td>Inventory(UNIT)</td>
</tr>
<tr>
<td>------</td>
<td>---------</td>
<td>--------</td>
<td>--------------------</td>
<td>----------------</td>
<td>--------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>1957</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>280</td>
<td>thousand head</td>
</tr>
<tr>
<td>1958</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>272</td>
<td>thousand head</td>
</tr>
<tr>
<td>1959</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>264</td>
<td>thousand head</td>
</tr>
<tr>
<td>1960</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>261</td>
<td>thousand head</td>
</tr>
<tr>
<td>1961</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>256</td>
<td>thousand head</td>
</tr>
<tr>
<td>1962</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>248</td>
<td>thousand head</td>
</tr>
<tr>
<td>1963</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>238</td>
<td>thousand head</td>
</tr>
<tr>
<td>1964</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>228</td>
<td>thousand head</td>
</tr>
<tr>
<td>1965</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>223</td>
<td>thousand head</td>
</tr>
<tr>
<td>1966</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>219</td>
<td>thousand head</td>
</tr>
<tr>
<td>1967</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>212</td>
<td>thousand head</td>
</tr>
<tr>
<td>1968</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>202</td>
<td>thousand head</td>
</tr>
<tr>
<td>1969</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>192</td>
<td>thousand head</td>
</tr>
<tr>
<td>1970</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>175</td>
<td>thousand head</td>
</tr>
<tr>
<td>1971</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>177</td>
<td>thousand head</td>
</tr>
<tr>
<td>1972</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>182</td>
<td>thousand head</td>
</tr>
<tr>
<td>1973</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>185</td>
<td>thousand head</td>
</tr>
<tr>
<td>1974</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>184</td>
<td>thousand head</td>
</tr>
<tr>
<td>1975</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>181</td>
<td>thousand head</td>
</tr>
<tr>
<td>1976</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>179</td>
<td>thousand head</td>
</tr>
<tr>
<td>1977</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>181</td>
<td>thousand head</td>
</tr>
<tr>
<td>1978</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>185</td>
<td>thousand head</td>
</tr>
<tr>
<td>1979</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>198</td>
<td>thousand head</td>
</tr>
<tr>
<td>1980</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>199</td>
<td>thousand head</td>
</tr>
<tr>
<td>1981</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>200</td>
<td>thousand head</td>
</tr>
<tr>
<td>1982</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>207</td>
<td>thousand head</td>
</tr>
<tr>
<td>1983</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>213</td>
<td>thousand head</td>
</tr>
<tr>
<td>1984</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>214</td>
<td>thousand head</td>
</tr>
<tr>
<td>1985</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>215</td>
<td>thousand head</td>
</tr>
<tr>
<td>1986</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>226</td>
<td>thousand head</td>
</tr>
<tr>
<td>1987</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>208</td>
<td>thousand head</td>
</tr>
<tr>
<td>1988</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>216</td>
<td>thousand head</td>
</tr>
<tr>
<td>1989</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>216</td>
<td>thousand head</td>
</tr>
<tr>
<td>1990</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>225</td>
<td>thousand head</td>
</tr>
<tr>
<td>1991</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>241</td>
<td>thousand head</td>
</tr>
<tr>
<td>1992</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>238</td>
<td>thousand head</td>
</tr>
<tr>
<td>1993</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>251</td>
<td>thousand head</td>
</tr>
<tr>
<td>1994</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>257</td>
<td>thousand head</td>
</tr>
<tr>
<td>1995</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>263</td>
<td>thousand head</td>
</tr>
<tr>
<td>1996</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>260</td>
<td>thousand head</td>
</tr>
<tr>
<td>1997</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>255</td>
<td>thousand head</td>
</tr>
<tr>
<td>1998</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>250</td>
<td>thousand head</td>
</tr>
<tr>
<td>1999</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>248</td>
<td>thousand head</td>
</tr>
<tr>
<td>2000</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>246</td>
<td>thousand head</td>
</tr>
<tr>
<td>2001</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>246</td>
<td>thousand head</td>
</tr>
<tr>
<td>Year</td>
<td>State</td>
<td>StFips</td>
<td>Commodity</td>
<td>Commodity Code</td>
<td>Period</td>
<td>Inventory</td>
<td>Inventory(UNIT)</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>--------</td>
<td>----------------------------</td>
<td>----------------</td>
<td>--------</td>
<td>-----------</td>
<td>----------------</td>
</tr>
<tr>
<td>2002</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>247</td>
<td>thousand head</td>
</tr>
<tr>
<td>2003</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>247</td>
<td>thousand head</td>
</tr>
<tr>
<td>2004</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>240</td>
<td>thousand head</td>
</tr>
<tr>
<td>2005</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>235</td>
<td>thousand head</td>
</tr>
<tr>
<td>2006</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>237</td>
<td>thousand head</td>
</tr>
<tr>
<td>2007</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>235</td>
<td>thousand head</td>
</tr>
<tr>
<td>2008</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>243</td>
<td>thousand head</td>
</tr>
<tr>
<td>2009</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>244</td>
<td>thousand head</td>
</tr>
<tr>
<td>2010</td>
<td>Washington</td>
<td>53</td>
<td>Cows That Calved - Milk</td>
<td>40112999</td>
<td>1-Jan</td>
<td>243</td>
<td>thousand head</td>
</tr>
</tbody>
</table>
THE BROWN FARM 1904-1974

Prepared for the
U.S. Fish and Wildlife Service
Nisqually National Wildlife Refuge
by
Curt Guth
This look at the history of the A.L. Brown farm was researched and prepared when I was an intern at the Nisqually National Wildlife Refuge while attending The Evergreen State College in Washington during the winter quarter of 1998. I would like to thank Dr. Brian Price of Evergreen for his encouragement and his criticism, without which, this work would have looked entirely different. I would also like to thank Sheila McCartan of the Nisqually National Wildlife Refuge, who without her time and effort, this project would have never happened.

Curt Guth
Table of Contents

Foreword .................................................................................................................. i

Table of Contents .................................................................................................... ii

Part I: The Early Years ......................................................................................... Page 1

Part II: A.L. Brown’s Time .................................................................................. Page 3
  1904 to 1918 ......................................................................................................... Page 3
  Transportation .................................................................................................... Page 8
  At Work and Play ............................................................................................... Page 9

Part III: After A.L. Brown .................................................................................. Page 10
  Former Farm Worker Rey Wicklund; A Personal Account ................................ Page 12

Part IV: The 1960's and Beyond .......................................................................... Page 13

Appendix: A Chronology of Ownership .............................................................. Page 15

Bibliography ........................................................................................................ Page 20
Part I:
The Early Years

The Nisqually River Delta, located 8 miles east of Olympia, on the southeast end of Puget Sound, has had a rich and varied cultural and natural history. Native Americans, farmers and present day wildlife enthusiasts have all played important roles in the diverse history of the Nisqually Delta. Although this is a history of the A.L. Brown Farm, the picture would be incomplete without at least mentioning some of the background of this area previous to the time that the Browns purchased the land and mentioning what happened to the delta once it ceased to be a working farm.

The original owners of this land were of course the Native Americans, who up until June of 1792, when Peter Puget passed the Nisqually River while mapping the sound for the British Vancouver Expedition, had lived for centuries in numerous small villages on and around the Nisqually Delta. The name Nisqually is believed to have come from the native word “squally” which was used to describe the waving motion of the flowers that grew in the meadows along the river. An 1818 treaty between the U.S. and Canada opened the way for eventual settlement of the area by U.S. citizens. It wasn’t until 1833 when the Nisqually House was established as an outpost of the Hudson Bay Company that the first European’s arrived to establish a permanent settlement in the area. The first Nisqually House was built on the beach near the mouth of Sequalitchew Creek just to the north of where the river empties into Puget Sound.

Hudson Bay Company employees formed the Puget Sound Agriculture Company with the express purpose of meeting the demand of other trading posts for agricultural products that Hudson Bay was unable to meet. Nisqually was the major trading center between Astoria to the south and Vancouver to the north. On November 5, 1848 a meeting was held by American settlers to protest the pasturing of Puget Sound Agricultural Company cattle south of the Nisqually River. ¹ By this time there are some accounts that estimate the number of cattle in the area to be up to 5,000, but these are unsubstantiated reports. Since the cattle weren’t fenced in and were allowed to run wild, estimates were based upon how well the individual doing the reporting thought they could reproduce.

In 1851 a sawmill was established on McAllister Creek, ² which sawed some of the first lumber to be exported from Puget Sound (to San Francisco). ² According to Cordelia Hawk Putvin who was a descendant of both the McAllister family and Isaac P. Hawk for whom Hawks Prairie is named, McAllister Creek was named after Charlotte and James McAllister. They came from Kentucky in 1845 with Michael Simmons’ wagon train. Simmons is recognized as the founder of Olympia. McAllister was killed in 1855 during the 1855-56 Indian uprising that was caused by the friction that came from Europeans forcing the Native Americans onto smaller and

---

¹ She-nah-nam was the Indian name for the creek, and meant Medicine Creek.
smaller reservations. The Medicine Creek Treaty of 1854, which became the start of that uprising, was signed under three trees that were on the southwest corner of what was to become the Brown Farm.  

In 1918 Hazard Stevens, the son of Governor Isaac I. Stevens, who was one of the principals in the signing of the treaty wrote a letter to W.P. Bonnie, then the secretary of the Washington State Historical Society. Describing his attempt to obtain the ground around the treaty site from A.L. Brown. Hazard writes that: "...[Brown] was unwilling to pass title to the land, that he considered that the historical interest pertaining to the ground added much to the value of his farm...at this time the property is all tied up in litigation." Stevens goes on to say about Brown that: "He would have no objection to the Historical Society erecting a monument there now and said that he would preserve it and in case of a transfer of the farm would provide for the preservation of the monument." In that same letter Stevens mentions the fact that the farm was at the time facing foreclosure:

It appears from what he [Brown] told me that the farm is subject to a mortgage which is now being foreclosed and that Brown's debts and those of the Brown estate aggregate from three-quarters to one million dollars. To acquire title at this time would require deeds from Brown, the Mortgagees and the receivers of Brown's estate which manifestly would be hard to obtain.

The letter goes on to talk about how the Washington State Historical society might persuade the legislature to pass an act empowering them to condemn parcels of land that they found to be of historical significance.  

In 1922 the Sacajawea Chapter of the Daughters of the American Revolution placed a bronze tablet commemorating the signing of the treaty on a tall fir tree which stood in Hans Stoker's pasture. By 1962 newsmen were unable to locate this plaque. According to the Tacoma Daily Ledger the next year, in 1923, a more permanent granite boulder was placed on the Pacific Highway next to the road that led to the Brown Farm.

In 1873, as the Washington territory expanded, the Northern Pacific Railway Co. chose Tacoma as its western terminus. The expansion of the rail line south to Portland was inevitable

---

a One lone snag still stands, the other two trees are believed to have been removed at the time Interstate 5 was constructed in 1966.

b This debt would amount to somewhere between 9 and 12 million dollars, in 1998 money, if inflation were taken into consideration.

c This article is significant in the fact that it mentions that the exact location of the treaty signing could be found on a map "...drawn by William (unrecognizable initial) Carlton, C.E., signed and approved by Gov. Isaac I. Stevens and George W. Gibbs."
and in 1875 George Shannon \(^a\) of that company acquired the George W. Shazer Donation Land Claim on the delta which consisted of about 1,100 acres. Shannon was to be the first to begin the diking \(^b\) of the property that is now a portion of the refuge. \(^8\)

In 1890 the Northern Pacific completed their main line connection between Portland and Tacoma with tracks laid across the Nisqually delta (the tracks running across the delta today, on the south side of the freeway, are in the same place the original tracks were laid). \(^9,10\)

A newspaper clipping from the private collection of Del McBride (who was born in 1922 on the farm and at one time was the curator of the Olympia Museum) reads:

Puget Sound: The well known LP Beach farm [the Beach farm comprised of the South half of the NW one-fourth of Sect. 32, T19N, R1E only contained 80 acres, [I assume that the referral to the Beach farm is incorrect and that they are actually referring to the Beach farm and the Shazer Donation Land Claim] on the Nisqually bottom was sold on the 11th inst. by the executors of the estate of Mr. George D. Shannon late of the NPRR [Northern Pacific Railroad] service. The farm contains 1,100 acres, was much improved, about a hundred head of stock cattle, and whole sold for eight thousand dollars. \(^c\)

By contrast; in 1974, when the U.S. Fish and Wildlife service purchased 1,290 acres of the Brown Farm, they paid $1,750,000.

**Part II:**

**A.L. Brown’s Time**

1904 to 1918

Author C.A. Snowden wrote the following: “In 1904 the Shazer land along with some additional land was purchased by Alson L. and Emma Brown. Alson L. Brown was the son of Amos Brown a prominent Seattle pioneer who made his fortune in real estate.” \(^11\) According to Charles Rough (rhymes with cow) “Mr. Brown made his money indirectly through the Alaska gold rush of 1899. He invested in houses in Seattle, and because the city was booming from the

---

\(^a\) In a December 17, 1974 article, written by Murray Morgan for the Tacoma News Tribune and Sunday Ledger, talks about a tongue in cheek letter that Shannon had written to the legislature in 1887 suggesting that they move the capital of Washington State to a site on his farm. At that time there was still much controversy about where the capitol should be located.

\(^b\) According to the Brodie Chronology the diking began in 1875.

\(^c\) Shannon died in 1895 and the date and origin of this clipping from Del McBride’s collection is unknown.
gold rush he made sizable profits.” Rough managed the farm during the time that A.L. Brown was the owner and would again at a later time come to play a significant part in the farm’s history. In an article in the Olympian, Rough, said: “There was a boom in the area in the 1890’s. A Mr. Donally * who owned the place where the farm was, invested in some street cars. But the street cars didn’t pan out. So Mr. Brown picked up the farm.” Brown would eventually turn what was at the time considered wasted land, into what was to become one of Washington’s, if not one of the nation’s, showcase farming operations during the early years of the Twentieth Century.

Quoting from an essay by Ellen Farris: “On this land Brown started a “gentleman’s farm” called the A.L. Brown Farm.” According to the booklet entitled “About the A.L. Brown Farm”, published as an advertisement for prospective customers, the farm was described as:

Growers, manufacturers and dealers in the highest grade farm specialty products. Among the items advertised were Brown’s Farm pure pork sausage, ham, lard, pork spareribs, creamy butter, mincemeat, comb honey, and eggs. Dressed to order were chickens, capons, goslings (sic), guinea fowls, turkeys, geese, and ducks. Also available were pigs feet, lanjuger, cervelat, blood pudding, souse, head cheese and many more delicacies.

According to Farris, the first dike was built around the land in 1904 to protect the crops from salt-water inundation. This dike was lower than the present dike around the property. According to some accounts Brown kept 30 men working constantly on it but a picture from that era shows eight men using wheelbarrows and shovels. According to another author this dike was built using a horse-drawn scoop which would be the more likely scenario, given the amount of diking that was done in those earliest years.

In a letter to Frank C. Ross (a well known Tacoma area developer during this era) dated May 10, 1911, from the Ross Collection at the Washington State Historical Society, Brown talks about the dredging and diking that he was doing on the farm. Apparently Ross owned property that was adjacent to Brown’s making him a prime candidate to share with some of the expense of dredging. Brown wrote:

---

* I believe that this is the Frank V. Donnelly who is introduced in number three of the chronology on page 14. I could find no other mention of either a Donally or Donnelly ever having sold any property to Brown. At the same time after seeing the legal documents that Brown and Donnelly had drawn I wonder what the true relationship was between them.

* It should be noted that even though Farris refers to this booklet it is not listed in her references, and she states that Bruce Pickering owns the only remaining copy, also in a personal interview with Del McBride, he mentioned the fact that the only known remaining copy was owned by Bruce Pickering whom I was unable to locate.
Dear Sir:

I want to call your attention to the fact that I am going to have a large suction dredge down at the mouth of the Nisqually River, to do some work for me within the next two or three weeks. The nature of the work is filling up sluys and reinforcing dykes. I had a dredger down last summer for about six weeks doing the same kind of work, which proved so satisfactory that I concluded to have them down again.

In his return letter, Ross declined, citing financial complications. A new dike which took two years to complete was built in 1924-25 using a crane to dredge the inner ditch. 14

The main crops that were planted on the farm were oats, barley, and root crops such as potatoes or rutabagas. There is one photo from the Asahel Curtis collection 9 of a dog lying next to a pile of farm produce. Mangels (sugar beets) look to be 8 to 10 inches in diameter and over a foot long; carrots are 4 to 6 inches in diameter; a head of cabbage looks like it is well over a foot in diameter and other items are similarly large in size. Another photograph shows one of the farm workers cutting dahlias in the dahlia garden. While the man’s height is unknown the dahlias plants stand as tall as the man’s shoulder. Given that the soil here on the farm was all sandy loam that had never been depleted by farming, and was fed by fresh deposits of new minerals every year for thousands of years before the Browns claimed the land from the influence of the saltwater, it is no wonder that they were able to grow some really wonderful crops without having to rely on the use of modern day chemicals. b

There are a number of photographs of the Brown farm available for viewing at the Washington State Historical Society in Tacoma. They are all from the Asahel Curtis collection and it doesn’t appear as though he started to take large quantities of pictures of the farm before 1910. A limited number of the pictures were in a October 4, 1980 photo essay, published in the Pacific Northwest Quarterly, by Mark Nielsen. It is from these photos and from the personal remembrances of Charles Rough and others that I was able to gather information about the operation and the daily lives of those involved with the farm.

In a panoramic view from a series of photographs taken in 1909 you can see the effects that tidal action had upon the property before diking of the farm was completed. The majority of the ground looks to be underwater, but there is some evidence of human intervention with roads and some dikes having already been built. 15

From the photos you can see that there were no trees or brush on the flats with the exception of the area near the river and around the buildings. According to Rough it was Brown

---

a This photographic collection is available at The Washington State Historical Society in Tacoma.

b For an excellent discussion of the natural history of the delta, which also contains a small portion on the history of the Brown Farm see Habitat Change in the Nisqually River Delta and Estuary since the Mid-1800's by Mary Ellen Burg, a thesis done for an MA degree in 1984 at the University of Washington. (Copy available at the refuge’s library upon request.)
who cleared the underbrush. On the west side of McAllister Creek up on the hilltop the property for the most part was coniferous forest and by 1913 the majority of this area had been logged off with the exception of the snags and the small timber.

In a letter to Jean Engerman of the Washington State Historical Society, Charles Rough describes Curtis’s relationship with AL Brown:

I met Asahel Curtis at Brown’s cottage one evening. They were close friends. He was entertaining. He recited The Shooting of Dan McGrew for us. He also gave Mr. Brown a new deck of cards for Mr. Brown to play solitaire with on his vacation. But Mr. Curtis had pulled out one card and Mr. Brown never was successful with a single game.

In all probability this friendship would account for the number of pictures of the Brown farm during Brown’s ownership taken by Curtis. It is mostly from the Curtis photographs and from the personal remembrances of Charles Rough and others that we are able to gather information about the operation and the daily lives of those involved with the farm.

To quote the 1976 Olympian article, after the reclaiming of the land, “Then he [Brown] planted the food crops - rutabagas, hay, barley, oats, and corn. About 1,500 acres were in field. We use[d] one of the earliest caterpillar tractors with a gang plow in the back.”

The Brown farm was an ultra-modern operation for that time period. Brown must have poured a tremendous amount of money into the farm and used only the latest farming techniques and the newest equipment. The farm was geared towards achieving the highest levels of production possible. Each building on the farm had its own hot and cold running water and electricity supplied by a gasoline powered generator prior to the time that electricity from the power company was available to the local area. Using modern methods on prime land, in 1913 the farm was able to produce 1,000 pounds of butter per week, 85 bushels of oats per acre, 100 ton of root crops per acre and 400 bushels of potatoes per acre. Because of the high output, the Olympia Chamber of Commerce observed, “The Brown ranch is not only a demonstration, but a revelation. It will not suffer by comparison with any in the entire country.”

The Brown farm was also planned to be a self-sufficient operation, starting with the development of raw land and other resources to the direct sale of finished farm products. As the farm’s operation grew they also began to buy and sell livestock in the surrounding area. Custom farming services were also something that were supplied to other local farms with men and equipment traveling from the Brown farm as far as Chambers Prairie and the area where Panorama City now stands.

---

a The Brown family is shown posed in a Reo car on the top of the hill on the west side of McAllister Creek; from a Curtis photo.

b An October 28, 1976 Daily Olympian article puts Charlie’s age at 84 which means he would have been born in 1892 and 22 years old when he went to work on the Brown farm in 1914.
At least a portion of that custom farming was done with the aid of the "Caterpillar" seen in several photographs. With the help of the folks at NC Machinery in Chehalis, (Caterpillar sales and service) we were able to date the machine between 1911 and 1913 with a sale price of around $4,000 when it was new. This machine wasn’t actually manufactured by the present day Caterpillar but by the Holt Tractor Company which later on was to merge with the Best Tractor Company and form Caterpillar. At the time, Holt had manufacturing plants in Stockton and San Francisco, where it is likely that this machine came from, as well as other plants in the mid-west. A dozen years later that same “Caterpillar” would be one of the items listed in a closing out sale of the farm. 20

Rough, talking of his first years on the farm said “I lived in a tent there for four years...” a I believe that he is referring to the period of time previous to when he was in the “horse calvary” from approximately 1914-1917, and before he was married. After Rough came to work on the farm he was soon promoted to the position of record keeper for the farm and he describes some of the farm as it was while he was here. There was “...a 200 ton silo, a 600-foot [long] laying house, bee-hives, 300 dairy cows, 12-14,000 chickens, apple orchards, 500 pigs, 64 work horses, [and] about 80 workers.” Among the Curtis photos are some that show milk being weighed and tested for butterfat. From the numerous bottles in evidence you get the sense records were being kept on individual animal, just the way that they are in modern dairy farming operations.

In 1978 Rough was to give a further description of the farm and he recalled that there were:

...seven private homes, a hotel [the bunk house for the hired hands] sleeping 50 and feeding up to 80, and (sic) office, store supply room, horse implement shed, heavy equipment building, repair shop, well and water tower, refrigerating plant, steam plant, root storage, grainery (sic) and grinder place, Bee building, carriage-horse barn, work-horse barn with hay mow, silo, milk barn with big hay barn, hog feed cooker along with feeding platforms, incubator house, brooder house, growing house, laying houses, fattening houses and dressing quarters, creamery, packing house, shipping room, a box mill [the box mill was a small scale sawmill used to manufacture packing boxes to ship the farm’s produce in], and all of the equipment that goes with the above.

Rough lamented at that time that: “what appears to be left of all of this is the wreck of the managers house, the office-storage supply space, the work-horse barn, and part of a laying house.” b 21

Describing the hog farming operation Rough says “we used to give the surplus milk

---

a A photo from the private collection of local historian and writer, Shanna Stevenson, shows tents on the farm near McAllister Creek.

b Those original buildings that remained were taken down by the USFWS due to concern for the public’s safety
such as buttermilk and skim milk, to the pigs. The pigs were fed very well. We boiled about a ton of potatoes a day, and mashed that with the skim and buttermilks (sic).” 22

The sausage making and packing plant was constructed during 1914 by a crew using a stationary, and self powered, cement mixer to pour the foundation and basement. The two upper stories of the building were built of clay block. With the numerous buildings, water tower, the hustle and bustle of people, and the roads around the farm you would have had the feeling that you were in a small rural town rather than on a farm.

Charlie said that “When Camp Lewis (now Fort Lewis) got started about 1916 we supplied much of their produce, all the way from horse feed to dressed chickens.” 23 While Camp Lewis was under construction the Brown farm supplied them with two wagon loads of dressed fowl a week. 24

Transportation

Of course rapid transportation of farm goods is always a critical consideration and the Brown farm was no different than others in their need of readily accessible markets for their highly perishable farm goods. In those days, while meat and other produce could either be cooled or frozen and packed with ice, there were no refrigerated trucks. Also, the trip to Tacoma that now takes us under a half hour on I-5 would probably at the best, be the better part of a full day’s trip during those early days of the farm’s operation.

Rough, talking of transportation during those early days says:

Those were still railroad days. The double tracked railway that tunnels under Point Defiance, follows the Puget Sound shoreline to Nisqually, crosses the river on a high bridge, and heads across the prairie to Tenino, was under construction, North and South railway traffic was over the line that climbs out of Tacoma, crossing the present Fort Lewis, going on through Yelm and Rainier to Teninio. This line is still in use. Lakeview was an important junction for the Grays Harbor branch which served the Grays Harbor region, the Capitol, and Nisqually Valley. Previous to this much of the area was served by water bourne (sic) general stores which both bought and sold and were known as the Grocery Boats.

Rough says that the “Nisqually Valley is shared between Pierce and Thurston County, but in 1914 it was more a part of Olympia than of Tacoma. There were 14 year old youngsters who had never been to Tacoma.” He goes on to say “There was only one dirt road from Tacoma to Olympia through this lower Nisqually Valley.”

There is a story that the farmers in the Nisqually were unhappy about the placement of the new road and bridge (the Pacific Highway) across the river, claiming that it added too many miles to their delivery route to Tacoma. You would have to believe that Brown was an
instrumental leader in the move to place a private bridge across the river. A 1936 Pierce County Metsker Map shows the A.L. Brown Road and the Bridge crossing the Nisqually River at roughly the same place on the river that I-5 now crosses. A photo from the Curtis Collection shows a bridge across McAllister Creek, located at what appears to be about the same place the fishing access is now.

At Work and Play

Sometime around the end of 1916 or the early part of 1917 the farm did away with the gasoline driven generator and became wired into the lines supplied by Tacoma Railway & Power Co. In one of their advertisements, in which they are touting the advantages of electricity, they say: "As a particular and important instance we wish to mention the electrification of the A.L. Brown Farm." A picture in the advertisement shows a view of the inside of the packing plant "in which are made the famous A.L. Brown Farm Sausages." The advertisement goes on to say "This farm is widely known for its products, their distribution extending over the entire Northwest and into California." 23

---

a Shanna Stevenson has in her private collection an 1899 photo of a temporary bridge across the river but I am unsure of the placement of that bridge or if it is what would become the Brown Farm Road bridge.

b The closest Post Office to the farm at the time was in the town of Sherlock which some say changed its name to Nisqually but a 1930 state map shows the two towns to be separate places.

c Thurston County's population in 1916 was 22,393. Quoting from the Washington Geological Survey published in 1919:

The transportation needs of the county are met by the several transcontinental lines of railway which run between Portland and Seattle and their branch lines and also by steamboats and highways. The Pacific Highway crosses the county in a north-south direction ...the Pacific Highway east of Olympia is paved.

In a supplement to the Tacoma News Tribune of July 17, 1972 which was prepared and published by the Planning and Community Affairs Agency, Office of the Governor a section about transportation says that "The railroad through the delta was built in 1890" and "the Pacific Highway was completed in 1936 and I-5 in 1966. This reference to the completion of the Pacific Highway in 1936 is conflicting and I believe it may only refer to the completion of the paving of the Pacific Highway between Olympia and Tacoma, as there are numerous references to the Pacific Highway in other earlier publications.

d A later 1943 Bonneville Power Administration map and booklet; found at the Washington State Archives; about the area shows that the farm was wired with 2,300 volt lines at that time.
While Rough was on the farm he says of the people who worked there:

...just about represented the caucasian world. I recall them from England, Ireland, Scotland, Whales, Holland, Saxony, Prussia, Poland, Denmark, Norway, Iceland, Finland, Russia, Austria, Hungary, Switzerland, Italy, Greece, Canada, and such lands as New England, Pennsylvania, West Virginia, Arkansas, Minnesota, Dakota, and Alaska. I forgot the Hawaiians.

The turnover of help or trouble from them was very little. Their guns and knives and valuables were locked in the safe. And there was the Law of the Medes, that anyone starting trouble had to up and leave. Operations began at 2:00 a.m. with the swiss(sic) (which is what they called all of the milkers regardless of their nationality) yodeling to the cows out in the pasture, and ended with lights out at 10:00 p.m.”

In his letter to Jeanne Engerman, Rough also says of life on the Brown farm: “...there was no pay day. The procedure was ‘draw’ pocket money now and then, and more when you went to town - and all if you were really leaving.”

While life on the farm must have been hard in those early days it wasn’t all work all of the time. In an column written by Howard Ferguson called, Just About People, an early resident, Lloyd (Pop) Burdue of the Nisqually Delta reminisces about his memories of his father:

...Bryant Burdue - a delta farmer - accepted the challenge of A.L. Brown for a horse race.

Brown - he bought and developed that great Brown ranch down there - spent millions of dollars on cattle and horses. He had the best in thoroughbreds. Dad and I were riding by one day and he got talking and they decided to race.

Well it wasn’t a quarter of a mile until Brown’s horse was through.

Brown didn’t know that our ‘Old Dick’ was the fastest horse in the state at one time. 26

Part III

After A.L Brown

Recalling the beginning of the end for Brown’s ownership of the farm Rough says that “Mr. Brown had invested heavily in Austrian mining. But when the First World War came along and wiped it out, the banks began coming in on him.” Rough went on to manage the farm after returning from the War, until he left in 1921.

From the moment that A.L. Brown first began to have financial difficulties until the property was acquired by the U.S. Fish and Wildlife Service in 1974 the ownership and responsibility of the various portions of the farm began to become difficult to ascertain. People
and names began to appear and disappear from legal records, and corporations were formed and dissolved with some of the same names appearing on more than one occasion under differing roles.  

By 1924 an advertisement in the Morning Olympian stated that "Having leased the farm" the owners would sell everything and that the cattle were daughters of the A.L. Brown Farm herd. The principal owners at the time were Alderwood Farms and the Shannon Gun Club. C.D. Clinton, Charles A. Rough, and J.L. Booth were listed as the officers of Alderwood Farms and in a later transaction Clinton would be listed as the corporate officer closing out the Shannon Gun Club, which would lead me to believe that Clinton was the principal stockholder of both.

An article from the Tacoma Daily Ledger dated August 26, 1929 talks about a fire that destroyed some of the buildings on the farm. The following are the headlines and the article:

Huge Blaze Hits Brown Dairy Farm

Fire attributed to spontaneous combustion in a huge barn full of hay at the famous Brown ranch at Nisqually, early Sunday morning, caused damage estimated by Joseph Buerkil, operating the dairy farm at $80,000. Fire engine company No. 8 of Tacoma, Capt. William Braeten in charge, respond to a call for help and after making the run of 18½ miles in 21 minutes, was able to save about $35,000 of buildings and equipment.

Buerkil had put in his winter's supply of hay for the big herd of 365 cows. There was 1,500 tons of the hay in the hay barn. By the time the fire engine arrived it was a blazing mass from bottom to top and heat was terrific.

The fire had spread to the cow barn, from which the cows fortunately had just been turned out when the fire was discovered shortly after 7 o'clock; also spread to the farm machinery shed and creamery, which were destroyed. The fire also got into a woodpile with some damage.

Three streams of water were played on other structures, the firemen damming up a creek for a water supply until they could hook up to an artesian well. The slaughter house, truck shed, blacksmith shop, office, horse stable, water supply tank and two large sheds were saved.

The twin barns that stand on the refuge today were probably built as a result of that fire, although they weren't erected until 1932. A 1974 photograph from the Ellen Farris essay also shows the milk house between the twin barns that was built in the same Jamesway design as the twin barns were.  

You would also have to take into consideration that during the time from late 1929 through the 1930's the entire country was going through a depression that must have had a severe impact on the operation of an enterprise as large as one the size of the Brown farm.

---

I have listed the relevant documents that I could uncover, along with a commentary, in chronological order in the appendix.
Former Farm Worker Rey Wicklund; A Personal Account

In June of 1948, Rey Wicklund went to work on the Brown Farm as a maintenance and outside man and worked there until April of 1951. He says that by the time he started working at the Brown Farm there were only 3 or 4 on the outside crew, and that during the peak harvest times maybe up to 10, so mechanization must have begun to play an important role in the farm’s operation by that time. Breakfast was at 6:00 and the field work started at 7:00 like it had been previous to his coming to work on the farm. Rey said that one year they put up over 17,000 bales of straw (that figures out to be about 425 tons).

Rey said that sometime in the period after 1919 but long before he arrived a portion of the farm was being used for grazing and a portion of it was used to grow flowers on.

He also recalls that the milking was all done with about a dozen Surge milking machines. Each of the twin barns could accommodate 80 cows at a time for milking. The milkers had two days off per month. When he first got to the farm all of the milk was shipped in cans to the Sanitary Infant Dairy in Puyallup but towards the end of the time he was there, the Carnation Company began to haul the milk from the farm by tank truck.

Describing the 1949 earthquake that hit the Puget Sound area, Rey tells of watching the roadbed rolling like the waves on the bay. "They [the waves] came from the west and went right under us as we stood there watching them." Even some of the fence lines snapped. Some of the wooden waterlines were broken and then hastily repaired for that day’s milking using inner tubes, and those breaks were later on encased in cement. Although there is no way of knowing for sure, these wooden pipes were in all likelihood manufactured at the mill and pipe manufacturing plant in Tumwater that sat on the Deschutes, which was what they specialized in, and they shipped their pipe all over the area.

Further describing the scene during the quake Rey says in his letter:

Chimneys were falling all around us and vehicles and tractors just bounced up and down. When the dust settled we went in to eat.

After eating two of the fellows were going to continue plowing on the 90 acre field where the north loafing shed was located, but when they got out there 2/3 of the field was under water. To the surprise of all of us there were water spouts out of the ground in many areas, each one carrying up a certain amount of sand and depositing it at the base to form a catch basin. Some spouts were only about 2 feet high, while the highest was perhaps 5 to 6 feet high. Some continued flowing for several days.

Another natural disaster that struck here happened during the winter of 1950 when there was a huge snowstorm and lots of cold weather. The snow drifts reached four to six feet. During the cold spell they had to use blowtorches to thaw the water in the cows’ water buckets inside the twin barns. Since traffic on Highway 99 was brought to a standstill, several days worth of milk was simply dumped.

While working on the farm Rey said that most of the original buildings were gone
although he doesn't say why. He tells of finishing the destruction of the packing house. Although Rey made no mention of it, this was one of the buildings that was affected by the 1929 fire.

This building was demolished in order to provide storage for pear waste which was to be used as silage for the cows, from the cannery in Olympia. After demolition they used the 70 foot by 70 foot basement as a silage pit. To haul all of the pear scraps he says: "We had a Dodge truck with a tank on it and we made 22 to 24 trips a day to Olympia for a period of 6 weeks." 28,29

Part IV:
The 1960's and Beyond

At the same time that the elements and lack of a direct link between the ownership and the management of the farm took its toll on its profitability, environmental concerns began to creep to the forefront of the collective consciousness of the public. Those concerns would eventually become the deciding factor in the direction that the farm would take. A struggle began to shape up, starting in the 60's, between those whose only concern was with the development of the Delta and the surrounding area and those who wanted to preserve its natural beauty for future generations to enjoy and as an important part of the habitat for wildlife. A resolution was reached in 1974 when the U.S. Fish and Wildlife Service finally purchased the property.

A fine article presenting both sides of the controversy appeared in the July, 1967 issue of Seattle Magazine, written by Patrick Douglas. Even at that early date he laments that "...the Nisqually Flats...are one of the few areas of open space left in Pugetopolis." 30

The Washington State Game Department was the first party to become interested in the Delta when in 1947 they began to explore the possibility of acquiring some land on the Delta for the purpose of game management, which was also to include some public hunting. In 1949 the Port of Olympia included in its development plan the Thurston county side of the Delta and in 1952 filed for water rights from the Nisqually River for the industrial development of that land. In 1964 the city of Seattle explored the possibility of using the Delta as a place to bury its garbage. 31

In 1965 the Port of Tacoma held a public hearing, discussing whether to amend its comprehensive plan to include 2,500 acres of land on the Delta which did not include 1,000 acres of upland on the east side of the river, owned at the time by E.I. duPont neMours. In 1966 the State Game Dept purchased a 283 acre ribbon of land that ran from the mouth of McAllister Creek to the mouth of the Nisqually River, thereby creating a major obstacle for the developers. In 1967 they purchased an additional 170 acres of land adjacent to McAllister Creek. 32

In 1970 after passing resolution 70-41, a study was completed by Dr. Dixie Lee Ray and Dr. Gordon Alcorn and they concluded that the development of a port was incompatible with the survival if the natural resource value of the Nisqually Delta. In 1971 U.S. Secretary of the Interior Morton proclaimed a portion of the Delta as a Natural Landmark, further protecting it
from development. And finally in 1974 after approval by the Congress, funds were made available, and the Brown Farm was purchased by the U.S. Fish and Wildlife Service and the Nisqually National Wildlife Refuge was established. 

"The ducks had it once, the ducks have it again." (Charles A. Rough, January 16, 1978)
Appendix

A Chronology of Ownership

From the time that Alson Brown first began to acquire property, on and around the Nisqually Delta, and until the U.S. Fish and Wildlife Service purchased the property, there seemed to be a continual clouding of the issue of the roles that all of the individuals involved with the property played. Now that those individuals who were directly involved are all gone, one can only speculate as to the parts that they played and the reasons why.

The following paper trail of ownership comes mostly from the Washington State Regional Archives System but I have included other sources and my commentary as well in an attempt for clarity or in some cases to show the controversy surrounding who did what and when. I am assuming that because Alson Brown was an attorney and later owners were involved in the banking industry that a majority of the maneuvering was done as a means of tax reduction.

1. Grantor book Volume 58 pg.236 on April 13, 1904; Grantor*: Mary A Shannon et. al. To grantee: A.L. Brown for $10 and other considerations, sections 3 to 9 inc. 34
Brown $539
Grantor book Volume 64 pg. 138 on October 6, 1906 Grantor: Annie F. McLean et. al. Grantee:
A. L. Brown section 6 township 18N R1W $325

2. July 1, 1914; Mortgage Book; Volume 11 pg. 505-521. On July 1, 1914 A.L. and Emma Brown sign a mortgage in the amount of $125,000 in the form of bonds with an interest rate of 5½%. The first payment of $10,000 was due on January 1, 1916. The amount of payment varied each year but the last payment was due on January 1, 1925. Union Savings and Trust of Seattle is listed as the trustee. 1914 is the year that saw a lot of construction on the farm, one of the major projects being the packing plant.

3. January 9, 1915; A.L. Brown signs a lease and demise to Frank V. Donnelly of Olympia on a total of 100 acres to hunt wild fowl during the hunting season for $10 and other considerations. This document is significant in the fact that H.J. Singleton is the Notary from Seattle who witnessed this lease and the Singleton name will appear again. Filed on December 29, 1917; see deeds book 95-323

4. June 26, 1917; from 95-361 deeds and 15-216 mortgages W.R. Goodburn and Hattie Goodburn Mortgage their portion of the property to Holland-Washington Mortgage Co. for

*The Grantor is the seller or giver and the Grantee the one purchasing or receiving goods or services.
$8,000.
From the tax rolls, Goodburn is listed as paying the taxes, not Brown, but Brown is listed as the title holder.


6. January 21, 1918 a notice of Lis Pendens (start of procedure to foreclose) is filed against the Goodburns by the Holland-Washington Mortgage Company, 95-361 deeds and 16-203, 15-216 mortgages.

7. March 18, 1918; A.L. Brown as the Grantor and the Puget Sound Dredging Company is listed as grantee in a judgement. From the Judgement Book 5 pg. 117 cause no. 127601 shows Puget Sound Dredging Co. as winning a $9,581.37 judgement plus $20.60 in attorney fees against Brown.

8. March 20, 1918; A.L. Brown as Grantor and Orrin M. Corwin the Grantee in a Lis Pendens. From deeds 95-482 Corwin is listed as the plaintiff against: A.L. and Emma Brown, Henry McLure and Fredrick Bausman as assignees and trustees, Frank V. and Jane Doe Donnelly, Capital National Bank of Olympia, Puget Sound Bridge and Dredging Company, Dexter Horton National Bank (The Dexter Horton name will show up again) Seattle, all listed as defendants in an action involving 2,100 acres more or less.

9. July 22, 1918; from deeds 98-77 a Homestead Deceleration is filed by Brown, putting a value of $500,000 on the property. (I assume that this was done in a last-ditch effort to save the farm from foreclosure during bankruptcy.)

10. October 17,1918; A.L. Brown as Grantor and Orrin M. Corwin as Grantee an order of sale is filed.

11. November 16, 1918; A.L. Brown as Grantor and Orrin M. Corwin as Grantee a judgement of $24,736.16

12. 1919 (unknown month and day) the Brown farm sells to P.B. Truax, C.D. Clinton, and Robert Olde (sic). (from an unidentified newspaper article in Del McBride’s collection). In a letter to Jeanne Engerman, Charles Rough states that after returning “...from a few months in the “horse” calvary [1st World War]. Then the First National Bank of Seattle who had taken things over while I was gone decided they wanted that Record Keeper for manager”, referring to himself.

14. September 23, 1920; H.J. Singleton (remember, Singleton was the Notary in number 3), Emma and A.L. Brown file articles of incorporation as The Brown Farms Company with $5,000 worth of capital stock and 50 shares.

15. October 25, 1920; Brown Farms Company as the Grantor and The Public listed as Grantee file a list of officers.


17. January 31, 1923; W.R. Goodburn, Hattie Goodburn, Alson And Emma Brown, SC Harrison and Jane Doe Harrison and Dexter Horton National Bank listed as defendants in a foreclosure action by Holland Washington Mortgage Co. 111-63 deeds. On February 2, 1923 notice is given by Holland Washington, that the property has been purchased by paying the back tax of $182.55 at a Sheriff’s sale.

18. May 22, 1923, a portion of the property is sold to Shannon Gun Club and Alderwood Farms.

19. January 28, 1924; A.L. Brown is listed as The Grantor and Frank V. Donnelly as Grantee. Deeds 113-59. Brown quit-claims Lots 2, 3, and 4 Section 29, T19, R1E.

From the 1924 Pierce County Metsker maps the owners listed are:
Alderwood Farms, Shannon Gun Club, and on the tip of the delta between McAllister Creek and the Nisqually River, the Bolcom Lumber Company Et. Al., on the East side of the tip Frank Donnelly, DH Bales and Wheeler Bennet Et. Al.

20. November 29, 1933 The Alderwood Farms changes their name to The Brown Farm; C.D. Clinton, J.L. Booth and R.P. Oldham are now listed as the trustees.

21. September 9, 1937 the property is foreclosed by Seattle First National Bank; Mabel P. Truax and R.P. Oldham listed as Plaintiff against the Brown Farm a Washington Corp. and F.K. Struve. Action was started on May 19, 1936 and property is acquired by Truax and Oldham for $40,156

From the 1941 Pierce County Metsker maps the owners listed are:
Alderwood Farms, Shannon Gun Club, and on the tip of the delta between McAllister Creek and the Nisqually River, the Bolcom Lumber Company Et. Al., on the East side of the tip Frank Donnelly, DH Bales and Wheeler Bennet Et. Al., and American Savings and Loan Association.

22. August 29, 1944; The Brown Farm (CD Clinton, Mabel P. Truax, and Alice L. Oldham listed as shareholders) files for a voluntary dissolution and on September 14, 1944 a Trustees Certificate of Final Dissolution was filed.

23. August 29, 1944; From deeds 187-185 The Shannon Gun Club, with C.D. Clinton listed as
the trustee, liquidates and gives approximately 1,220 acres to The Brown Farm.

24. October 21, 1944 Seattle First National Bank is listed as the Grantor and The Brown Farm as the Grantee in a satisfied mortgage. 74-175

25. Property leased by CD and Minnie Clinton, notice is given to Seattle First National Bank and Bernice Wake
leased to:
March 30, 1949 Harold and Martin Juergens
October 6, 1950 John and Marion DeBoer
October 6, 1950 Albert and Helen Rhymer

From the 1951 Pierce County Metsker maps the owners listed are:
The Brown Farm 38.31, 36.90, 35.18 and McAllister Gun Club 33.40 on the west side of McAllister Creek, CD Clinton Et. Al. owning all of the bottom land that makes up most of the present day refuge.

26. November 13, 1952 Grantor (seller) Seattle First National Bank, and Bernice Wake listed as co-trustees and both Truax's with Brown Farms Inc. as grantee. This come from Thurston County records 270/196

27. Rey Wicklund who worked on the farm from June 1948 to April 1951 states that Al Vissar and wife Anna were running the farm during this period. Apparently they were just the managers and not the owners.

During the 50's and 60's when B.W. Pickering was involved with the farm, Brown Farms Inc. is listed as the owners. Their address is in the Dexter Horton Building, in Seattle (remember the Dexter Horton name from number 8).

28. From a 1974 essay in the Nisqually Group Contract, Ellen Farris takes from an interview and a letter that Bruce Pickering had sent to the Nisqually River Task Force, explaining the role he played in the farm's ownership. Bruce was the stepson of Robert Olden (sic)(I am making the assumption that Robert Olde, R. P. Oldham and Robert Olden are all one in the same and that Alice L. is possibly his mother or his wife, and I make the further assumption that Oldham is the correct spelling since that name appears several times on various court documents from 1933 on.) "In 1952 Bruce Pickering... consolidated the farm under one ownership. It continued to be rented out as a dairy farm. The farm had a capacity for accommodating up to 1,000 head, including about 700 milking cows."34

29. A July 1967 Seattle Magazine article by Patrick Douglas mentions B. W. Pickering as the owner of the Brown Farm. "Across the river, a low dike encircles the 1,440 acres of the Brown Farm, a dairying enterprise owned by B. W. Pickering. Pickering is bound to his land by none of the sentimental attachments that inhibit the Bragets, who still own and operate a farm on the
other side of the river, in fact he [Pickering] is quite willing to sell out the minute someone meets his price." There is however, a May 5, 1971 article from The Daily Olympian, by Clayton Fox that counters that point of view, who quotes Hal Wolf, then a Representative, talking about B.W. Pickering, "The Brown Farm has been in that family ownership since 1919" implying that Pickering was very much tied to the land.
Bibliography

1. Flo Brodie, Chronology from her collection at The Evergreen State College Library

2. Brodie


5. Morning Olympian; June 16, 1922

6. Olympian; January 14, 1962

7. Tacoma Daily Ledger; September 8, 1923

8. Brodie

9. “History - Nisqually River Park,” A paper available upon request at the refuge

10. Brodie


14. Farris, 9

15. Asahel Curtis Photographs, Washington State Historical Society, Tacoma, Washington, numbers 14900-02

16. Tokarczyk, “Sweet”

17. Curtis

18. The Farm In Its Relationship to Olympia & Thurston County Wash., The Olympia Chamber of Commerce, 20-21

19. Personal correspondence, Charles Rough to Jeanne Engerman, March 16, 1982


22. Tokarczyk, "Sweet"

23. Tokarczyk, "Sweet"

24. Rough correspondence to Engerman


26. Howard Ferguson, "Just About People, Lloyd (Pop) recalls the old delta" *Tacoma News Tribune*, April 18, 1974

27. Farris 17

28. Rey Wicklund video (available at the refuge)

29. Rey Wicklund letter (available at the refuge)


31. Brodie

32. Brodie

33. Brodie

34. Farris, 9
State of Washington
MON C. WALLGREN, Governor

Fourteenth Biennial Report
of the
Department of
Conservation and Development
(Including also the reports of the Columbia Basin Commission, the Institute of Forest Products, and the Mine-to-Market Road Commission)

October 1, 1946 — September 30, 1948

FRANK A. STEWART*
DIRECTOR

*Successor to Art Garson, resigned, August 4, 1948

OLYMPIA
STATE PRINTING PLANT
1948
GROUND WATER CODE

The 1945 Session of the Legislature provided for the administration and control of certain ground waters by the State under Chapter 263, Laws of 1945. This statute became effective June 7, 1945, and is supplemental to the Surface Water Code, Chapter 117, Laws of 1917.

The Northwest Section of the American Water Works Association prepared a bill, covering the appropriation and withdrawal of such waters, at the request of the Association of Washington Cities, which have large investments in facilities for obtaining ground water supplies. The bill was introduced and sponsored in the Legislature by the Association of Washington Cities. After it became a law, statewide interest was manifested in the success of the act.

The act has now been in effect three years, and it has apparently met with general approval of both present and prospective water users, although a real test of the effectiveness of the act will be made in the future when the need for ground water is greater than it has been during the past two years, which have been good water years from the standpoint of rainfall and cool summers. However, in some localities in the State the ground water demand has probably reached the extent of the supply. This subject will be discussed further under another heading in this report.

Since the Ground Water Code became effective, much time and effort have been used to acquaint the public and particularly prospective and present water users, with provisions of the act. This was done by appearing before organizations, preparing news items for the press, sending out circular letters and sending notices to well drillers and county agents advising them of the law. We found that the full cooperation of the last two mentioned groups was the best means of informing prospective and present water users of the code and the necessity of complying with its provisions before ground water can be legally appropriated and used.

ADMINISTRATION

The staff assigned to administering the provisions of the Ground Water Code has been confronted with many problems on account of the short period in which the act has been effective. These have been met and, we believe, properly disposed of. Considerable effort has been made to assist water users in their ground water problems, through the exchange of correspondence and by helping many who have called at this office for assistance, particularly in preparing applications for permits to appropriate water and in the preparation of declarations of ground water claims.

This Division could be of greater service to water users if an engineer could be assigned to the work of calling on these people, upon request, to assist them in their ground water problems. In addition to this service such an officer could carry on the duties of investigating complaints or conflicts between water users and include the investigation of excessive use of water in order to conserve the resource. Such an employee could be in training for assisting in carrying on future administrative work in connection with the Ground Water Code.

It is recommended that funds for the purpose of employing an engineer or a ground water geologist be appropriated for the above purpose.
INDIVIDUAL DOMESTIC WATER

The original Ground Water ground waters where the amount less, This exemption was provided the formalities and costs of obtaining needs.

However, the last session of that, where desired, such water was appropriate water, or obtain a well of claim, as provided by the code, selves of this opportunity to have. Probably in the future, with co-creasing, water users will take the security of their water rights.

DECLARATION OF GROUND WATER

The Ground Water Code provisions of ground water claim to be effective, June 7, 1945, and an ex claims upon a showing of good year period. After the legal procedure ground, etc., has been compiled claims, the claimants are entitled right, with priority as of the date having the same force and effect provisions of Section 6 of the Act.

Above is shown the new 114-foot well of the City of Tacoma being tested in September of 1948. It will produce eleven million gallons a day, or 100 gallons a day to each person in a city of 110,000. The water comes through a 20-foot screen 26 inches wide near the bottom of the well.
INDIVIDUAL DOMESTIC WATER SUPPLY EXEMPT

The original Ground Water Code provided for the exemption of public ground waters where the amounts withdrawn were 5,000 gallons per day or less. This exemption was provided to relieve users of small amounts of water of the formalities and costs of obtaining water for their household and domestic needs.

However, the last session of the Legislature amended the act to provide that, where desired, such water users could make application for permit to appropriate water, or obtain a water right certificate by filing a declaration of claim, as provided by the code, but very few water users have availed themselves of this opportunity to have their domestic water rights made of record. Probably in the future, with competition for the use of ground water increasing, water users will take advantage of this amendment to improve the security of their water rights.

DECLARATION OF GROUND WATER RIGHTS

The Ground Water Code provided a three-year period for filing a declaration of ground water claim to rights existing at the time the act became effective, June 7, 1945, and an extension of time of two years for filing such claims upon a showing of good reason for failure to file within the three-year period. After the legal procedure as to publication, examination on the ground, etc., has been complied with, if the claims are found to be valid claims, the claimants are entitled to receive a certificate of ground water right, with priority as of the date of the earliest beneficial use of the water, having the same force and effect as an original permit granted under the provisions of Section 6 of the Act, relating to water rights secured by permit.
from this office for new rights initiated after June 7, 1945. Of the 1,024 claims filed to date, 227 claims were filed within the thirty days previous to the expiration date. This flood of claims threw an extra burden on the office staff which will require at least six months to clear up. From our observations, there are but few wells producing in excess of 5,000 gallons a day that are not covered by claims. Whenever it came to our notice that wells were not covered by claims, this office called the owner's attention to the provision of the Ground Water Code which permitted the filing of declarations of ground water claims in order to record these claims and to obtain a ground water right certificate.

Each declaration of ground water claim, after publication of notice, is examined on the ground for the purpose of determining whether it is in proper form, findings are written concerning the water right, and the water requirements are fixed as to the volume of water needed in acre-feet per year. The rate of withdrawal in gallons per minute is usually fixed in the claim but the volume required per season is omitted in 90% of the claims.

The following table shows the number of declarations of ground water claims filed from October 1, 1946, to October 1, 1948, according to the purpose for which the water is used. The number of certificates of water right issued under such claims is also shown.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number of Declarations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation (25,429 acres)</td>
<td>412</td>
</tr>
<tr>
<td>Municipal supply</td>
<td>138</td>
</tr>
<tr>
<td>Industrial use</td>
<td>124</td>
</tr>
<tr>
<td>Miscellaneous uses</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>714</strong></td>
</tr>
</tbody>
</table>

Total number of water right certificates issued. 846

Total number of declarations cancelled. 8

NEW WATER RIGHTS

With the construction of a network of electric power transmission lines over the State, low power rates, high efficiency of new pumping equipment and new economical methods of applying irrigation water by sprinkling, the demand for ground water for all purposes is continually increasing. Such new rights in excess of 5,000 gallons per day can only be obtained by permit from the Supervisor of Hydraulics. This is done by filing an application with the Supervisor on a form provided by him.

After an application has been filed in proper form, a notice is prepared by this office for publication in accordance with the requirements of the Water Code, giving the location of the well or other structure for withdrawal of ground water, the name and address of the applicant, the amount applied for, the date the application was received, which establishes the priority date of the water right, and the purpose for which the water will be used. A period of thirty days after last date of publication is allowed for filing any protests or objections by any person claiming that such withdrawal will injuriously affect his existing rights.

The applications are examined on the ground to determine the feasibility of the project in which the water will be used. If found to be in good order a permit is issued for a definite amount of water, taking into consideration water from other sources which the applicant is entitled to use. In many cases it has been found that ground water is used to supplement surface water supply. This is particularly true where water is used for irrigation. In the

Walla Walla and Yakima valleys, exhausted in the middle of the growing season, ground water for irrigation is very limited. We also find that sufficient to meet the full irrigation requirements in many cases ground water is not available. All permits are issued subject to the condition that

The following table shows appropriate ground water filed according to the purpose for which permits and final water right certificates are issued.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number of Declarations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation (25,429 acres)</td>
<td>714</td>
</tr>
<tr>
<td>Municipal supply</td>
<td>138</td>
</tr>
<tr>
<td>Industrial use</td>
<td>124</td>
</tr>
<tr>
<td>Miscellaneous uses</td>
<td>45</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>846</strong></td>
</tr>
</tbody>
</table>

Total number of permits issued. 846

Total number of certificate applications cancelled. 8

WASTE OF WATER FROM AGRICULTURE

The Ground Water Code is strict in their provisions for the return of water flowing from agricultural persons who permitted their water supplies to be wasted.

INVESTIGATION OF GROUND WATER RIGHTS

Ground water is one of the water supplies to be investigated by the Water Code. It is the duty of the Water Code to conduct an inventory of ground water resources in each county in the State. The cost of these surveys will amount to about $800,000.

The surveys and studies in some cases ground water will undoubtedly be made by the U. S. Geological Survey, under the direction of the Water Code.

We are also requesting that the Ground Water Branch of the Water Resources Bureau conduct further investigations into the feasibility of using ground water for irrigation.
June 7, 1945. Of the 1,024 in the thirty days previous to an extra burden on the office ear up. From our observations, f 5,000 gallons a day that are农户 notice that wells were not s attention to the provision of declaration of ground water after publication of notice, is determining whether it is in he water right, and the water water needed in acre-feet per minute is usually fixed in the ited 90% of the claims. declarations of ground water 1, 1948, according to the pur: of certificates of water right

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Number of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation (25,000 acres)</td>
<td>470</td>
</tr>
<tr>
<td>Municipal supply</td>
<td>21</td>
</tr>
<tr>
<td>Industrial use</td>
<td>31</td>
</tr>
<tr>
<td>Miscellaneous use</td>
<td>31</td>
</tr>
<tr>
<td>Total</td>
<td>623</td>
</tr>
<tr>
<td>Total number of permits issued</td>
<td>554</td>
</tr>
<tr>
<td>Total number of certificates issued</td>
<td>108</td>
</tr>
<tr>
<td>Applications cancelled</td>
<td>13</td>
</tr>
<tr>
<td>Permits cancelled</td>
<td>25</td>
</tr>
</tbody>
</table>

WASTE OF WATER FROM ARTESIAN WELLS

The Ground Water Code and the 1947 amendment, relative to the control of water flowing from artesian wells, have had a good effect on some persons who permitted their wells to flow uncontrolled, as we find but few who have not complied with the law in that respect. We have contacted some offenders, calling their attention to the law. The water from these wells was thereafter controlled.

INVESTIGATION OF GROUND WATER RESOURCES

Ground water is one of the State's greatest natural resources and should be appraised as to its extent and location. Without such information our Ground Water Code cannot be completely administered. The State has been very lax in making an inventory of this valuable asset. This neglect has been due to lack of funds for ground water studies. Surface waters, on the other hand, have been well surveyed and studied to the extent commensurate with their value.

There are some Supreme Court decisions in this State where the doctrine laid down conflicts with that set out in the Ground Water Code. However, the Court has indicated that where it can be proven that ground waters constitute a stream with well defined course and boundaries, they would be treated in the same manner as waters in surface streams.

The cost of these surveys and studies carried on over a number of years will amount to about $800,000. Therefore, every effort should be made to start the surveys and studies in a substantial manner. We recommend that at least $35,000 be appropriated for that purpose for the coming biennium. This amount will undoubtedly be matched by the Ground Water Division of the U. S. Geological Survey, under whose direction the work is carried on.

We are also requesting that Washington State be made a district of the Ground Water Branch of the U. S. Geological Survey and that the district
INVESTIGATIONS OF GROUND WATER SOURCES

During the biennium, the inventory of ground water resources in Washington has been carried forward by the Geological Survey, United States Department of the Interior, in cooperation with the State Department of Conservation and Development. During the first part of that period there was a severe shortage of trained personnel and progress was delayed at times on some investigations; these conditions have improved somewhat. Progress in the pursuit of adequate public knowledge on the ground water resources of the State is summarized below:

STATE-WIDE NET OF OBSERVATION WELLS

Periodic water-level measurements were made in a state-wide net of about 150 observation wells and springs. The net was extended and perfected as additional areas came under more detailed ground water study. The measurements for 1944 and 1945 were published and those for 1946 and 1947 readied for publication.


3 Taylor, George C. Ground water supply area of the Columbia Basin Project.
4 Newcomb, R. C. Ground Water in Washington, with respect to seepage loss from August 1944.
5 Schlax, William N., Jr., Preliminary report on ground water resources of Snohomish County.

1Taylor, George C. Ground water supply area of the Columbia Basin Project.
4 Newcomb, R. C. Ground Water in Washington, with respect to seepage loss from August 1944.
5 Schlax, William N., Jr., Preliminary report on ground water resources of Snohomish County.

48 Division of Hydraulics and Water Resources

The ground water inventory and release in duplicated form development. A consultation is Reclamation during the recent supplied water to meet the immediate

WALLA WALLA RIVER BASIN

The investigation in the interest of the accumulation of much of it which is now being integrated into a partment of Conservation and I missioners of Walla Walla County have cooperated in this investigation.

SPOKANE VALLEY AREA

The continuing investigation of a small report which originally U. S. Engineer Department, during the Falls dam in Idaho on the C.

WENAS VALLEY AREA

A study has been pushed up of the Wenas Valley in hopes of relieving the water shortage in the

CENTRAL CHEHALIS VALLEY DISTRICT

A study was made and reported upland areas of the central Chehalis describes a large body of ground and occurring beneath the prairie use.

SNOHOMISH COUNTY

The result of a rather cor County ground water resources County Public Utility District possible by the continuing cooperation and Development, was rather complex ground water coo
COLUMBIA BASIN PROJECT AREA
The ground water inventory of this area was advanced by the completion and release in duplicated form of a report on the portion facing earliest development. A consultation service was maintained with the Bureau of Reclamation during the recent successful water well drilling program which supplied water to meet the immediate needs of the project.

Results of an investigation about Kennewick were released to afford public knowledge on the ground water occurrences in that district.

WALLA WALLA RIVER BASIN
The investigation in the interstate Walla Walla area was advanced by the accumulation of much of the basic geologic and hydrologic information which is now being integrated into a preliminary report. Both the State Department of Conservation and Development and the Board of County Commissioners of Walla Walla County, as well as the State Engineer of Oregon, have cooperated in this investigation.

SPokane VALLEY AREA
The continuing investigation within this valley has progressed by release of a small report which originally was prepared for the Division Engineer, U. S. Engineer Department, during the planning stages of the proposed Al-bani Falls dam in Idaho on the Clark Fork of the Columbia River.

Wenas VALLEY AREA
A study has been pushed intermittently on the ground water resources of the Wenals Valley in hopes of obtaining public information that might help relieve the water shortage in that area. Preliminary report is in preparation.

CENTRAL CHEHALIS VALLEY DISTRICT
A study was made and report released over the prairie areas and some upland areas of the central Chehalis River valley and adjoining prairies. It describes a large body of ground water tributary to the Chehalis River system and occurring beneath the prairies where it may be readily put to beneficial use.

Snohomish COUNTY
The result of a rather comprehensive investigation of the Snohomish County ground water resources, made in cooperation with the Snohomish County Public Utility District No. 1 and finished through facilities made possible by the continuing cooperation with the State Department of Conservation and Development, was released for public information on this area of rather complex ground water occurrence.

---

3Taylor, George C., Ground water in the Quincy Basin, Wahluke Slope and Pasco Slope sub-areas of the Columbia Basin Project area, July 1948.
Division of Hydraulics and Water Resources

Grays Harbor Area

A small report was released covering the results of an investigation over water resources of the south-bar area of the Grays Harbor district. It describes the fresh ground water body now widely used in that area and names precautions necessary to its further development and use.

Whatcom County

A study has been pushed toward a report (in progress at the close of the biennium) over the western lowland area of the county. It is hoped to make available description of the complex ground water occurrences (some of which extend across the national boundary) on that area to point out areas of excess and deficient ground water supply in order that development and alleviation of shortages may enter properly in plans for maximum use of this resource.

Additional Work

In addition to the investigations under study, some progress was made in finishing reports laid back incomplete during the war period. Also, a public information was carried on by correspondence to many individuals, who requested by mail information to aid them in obtaining ground water supplies in areas where no public source of information on these resources is yet available.

As the effect of increased population and industries has made itself felt, a nearly universal need for more water has apparently struck the public water supply agencies of the State. Fortunately, in many cases there was enough public knowledge of the ground water that economical supplies and developments could be properly planned; in other instances such information is not yet assembled and is badly needed for the full beneficial use of this valuable resource.

The foregoing report on ground water cooperative investigations was prepared by Mr. R. C. Newcomb, Geologist in Charge of the district office located at Portland. We wish to take this opportunity to express our appreciation of the manner in which Mr. Newcomb has cooperated with this office, particularly in regard to special investigations requested.

State of Washington
ARTHUR B. LANGLIE, Governor

Fifteenth Biennial Report
of the
Department of
Conservation and Development
(Including also the reports of the Columbia Basin Commission, the Institute of Forest Products, the Mine-to-Market Road Commission, and the State Soil Conservation Coordinator)

October 1, 1948---September 30, 1950

J. V. ROGERS
DIRECTOR

STATE PRINTING PLANT
OLYMPIA, WASH.
1950
The receipts are placed in the Reclamation Revolving Fund and can only be used for surveys and studies of natural resources in the State carried on by the Department of Conservation and Development in cooperation with the U. S. Geological Survey.

Fees are payable on or before the first day of January of each year in advance of making use of the water for power purposes and are based on the water power claimed in terms of theoretical horsepower.

During the biennium 70 claims were filed on the same number of hydro-electric power projects and fees in the amount of $62,487.42 were collected; while the number of claims remained fairly constant the fees were increased in the amount of $2,401.15. It is expected that such increases will occur from year to year by completing new units of existing power plants and by the development of new projects.

NEW LEGISLATION

The receipts of the Division of Hydraulics are about one-half of the cost of its operation. Therefore, the Supervisor of Hydraulics proposes to prepare a bill for introduction at the next session of the legislature to increase the various fees of the office to make it more sustaining.

The name "Division of Hydraulics" is a misnomer and not a name that fits the office and its function. It is suggested that the legal name be changed to Division of Water Resources.

GROUND WATER CODE

By H. W. Pollock, Deputy Supervisor

The 1945 Session of the Legislature provided for the administration and control of certain ground waters by the State under Chapter 263, Laws of 1945. This statute became effective June 7, 1945, and is supplemental to the Surface Water Code, Chapter 117, Laws of 1917.

At the request of the Association of Washington Cities, which association has large investments in facilities for obtaining ground water supplies, the Northwest Section of the American Water Works Association prepared a bill covering the appropriation and withdrawal of public ground waters. The bill was introduced and sponsored in the Legislature by the Association of Washington Cities. After it became law, statewide interest was manifested in the success of the act.

The act has now been effective five years, and it has met with general approval of both present and prospective water users. A real test of the effectiveness of the act will, however, be made in the future when the need for additional ground water becomes more acute and more land is placed under irrigation. Indeed, it is probable that the ground water demand in some localities in the State has already reached the extent of the supply.

Since the Ground Water Code became effective, much time and effort have been spent in acquainting the public, and more particularly, prospective and present users of ground water, with the provisions of the act. This was accomplished by appearing before many organizations, preparing items for the press throughout the State, sending out circular letters and sending notices to well drillers and county agents advising them of the law. We found that the full cooperation of the last two groups and members of our staff appearing before organizations, were the most successful means of informing prospective and present water users of the code and the necessity of complying with its provisions before ground water can be legally appropriated and used.
The staff assigned to administer a new law of ground-water conservation and of the Division of Hydrology, which is responsible for the enforcement of the law and the oversight of ground-water claims, is faced with many problems. Considerable effort has been invested in the study of ground-water problems through the establishment of permits to appropriate ground-water resources. In addition, steps have been taken to ensure that claims for allowable use of ground water are accurately assessed.
ADMINISTRATION

The staff assigned to administration of the Ground Water Code has been confronted with many problems normally attendant on the administration of a new law. Such problems have been met, and we believe, properly disposed of. Considerable effort has been made to assist water users in their ground water problems through the exchange of correspondence and assisting many who call at this office for information, particularly in preparing applications for permits to appropriate ground water and in the preparation of declarations of ground water claims.

In addition, complaints and conflicts between water users are regularly investigated and disposed of, and excessive use or waste of ground water is controlled in order to conserve this resource. The waste of water resulting from uncapped or leaking artesian wells has been of particular concern to this office and definite steps have been taken to eliminate such dissipation of our ground water resources.

DECLARATION OF GROUND WATER RIGHT

The Ground Water Code provided a three-year period for filing declaration of ground water claims, which use of water existed at the time the Code became effective, June 7, 1945, and an extension of time of two additional years for filing such claims upon a showing of good reason for failure to file within the original three-year period. Thus the total time limit for filing declaration of ground water claims expired June 7, 1950, and henceforth, all persons desiring to legally appropriate ground waters of the State must file a new application to appropriate such waters.

The following tabulation shows the number of declarations of ground water claims filed from June 7, 1945, to October 1, 1950, according to the purpose for which the water was used:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>No. of Declarations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation (42,383 acres)</td>
<td>599</td>
</tr>
<tr>
<td>Municipal supply</td>
<td>179</td>
</tr>
<tr>
<td>Industrial use</td>
<td>113</td>
</tr>
<tr>
<td>Miscellaneous uses</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>1,079</td>
</tr>
<tr>
<td>Total number of water right certificates issued</td>
<td>986</td>
</tr>
<tr>
<td>Total number of declarations cancelled</td>
<td>29</td>
</tr>
</tbody>
</table>

NEW WATER RIGHTS

With the construction of a network of electric power transmission lines over the State, low power rates, high efficiency of new pumping equipment and new economical methods of applying irrigation water by sprinkling, the demand for ground water for all purposes is continually increasing. Such new rights in excess of 5,000 gallons per day can only be obtained by permit from the Supervisor of Hydraulics. A permit is acquired by filing an application with the Supervisor on a form provided by him.

The Ground Water Code provides that a water user withdrawing public waters for stock-watering purposes, or for the irrigation of a lawn or garden not exceeding one-half acre in area, or for domestic or industrial uses not
exceeding five thousand (5,000) gallons per day, is not required to file an application for such withdrawal, although he may do so at his option.

After an application has been filed in proper form, a notice is prepared by this office for publication in accordance with the requirements of the Water Code, giving the location of the well or other structure for withdrawal of ground water, the name and address of the applicant, the amount applied for, the date the application was received, which establishes the priority date of the water right, and the purpose for which the water will be used. A period of thirty days after last date of publication is allowed for filing protests or objections by any person claiming that such withdrawal will injuriously affect his existing rights.

The applications are examined on the ground to determine the feasibility of the project in which the water will be used. If found to be in good order a permit is issued for a definite amount of water, taking into consideration water

from other sources which the applicant is entitled to use. In many cases it has been found that ground water is used to supplement surface water supply. This is particularly true where water is used for irrigation. In the Walla Walla and Yakima valleys part of the surface water supply becomes exhausted in the middle of the irrigation season, thus adding great value to ground water for the irrigation of late crops, which otherwise would not mature. We also find that supplies from irrigation districts are often not sufficient to meet the full irrigation needs of lands within the districts and in many cases ground water is supplemented, resulting in more and better crops. All permits are issued subject to existing rights in order to protect vested rights.
Water Resources

ay, is not required to file an
ay do so at his option.
er form, a notice is prepared
the requirements of the Water
structure for withdrawal of
icant, the amount applied for,
establishes the priority date of
water will be used. A period
allowed for filing protests or
withdrawal will injuriously affect
d to determine the feasibility
found to be in good order a
king into consideration water

ulture, Soil Conservation Service
mile west of Chehalis.
to use. In many cases it has
ment surface water supply,
igation. In the Walla Walla
upply becomes exhausted in
great value to ground water
would not mature. We also
not sufficient to meet the
and in many cases ground
ter crops. All permits are
vested rights.
The following table shows the number of new applications for permits to appropriate ground water filed from October 1, 1948, to October 1, 1950, according to the purpose for which the water is to be used; also the number of permits and final water right certificates issued during that period.

<table>
<thead>
<tr>
<th>Purpose</th>
<th>No. of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation (26,794 acres)</td>
<td>301</td>
</tr>
<tr>
<td>Municipal supply</td>
<td>23</td>
</tr>
<tr>
<td>Industrial use</td>
<td>23</td>
</tr>
<tr>
<td>Miscellaneous uses</td>
<td>35</td>
</tr>
<tr>
<td>Total</td>
<td>697</td>
</tr>
<tr>
<td>Total number of permits issued</td>
<td>342</td>
</tr>
<tr>
<td>Applications cancelled</td>
<td>69</td>
</tr>
<tr>
<td>Permits cancelled</td>
<td>1</td>
</tr>
</tbody>
</table>

**INVENTORY OF GROUND WATER RESOURCES**

Ground water is one of the States greatest natural resources upon which our vast agricultural activities, our increasing municipal requirements and our fast growing industrial development, are depending more and more each year. To properly administer the Ground Water Code, it is essential that the location and quantities of available ground water be known.

It is true that acquiring this information through geological surveys and ground water studies will take a number of years and is estimated to cost approximately $800,000, but if each year a portion of this information can be developed we will steadily approach our goal of a complete inventory of this great resource.

Further, if existing policies are continued, we can expect the United States Geological Survey, under whose direction this work is carried on, to match all funds provided for this purpose by the State of Washington.

In this connection, it should be reported that our considerable efforts to have the State of Washington made a separate district of the Ground Water Branch, United States Geological Survey, were entirely successful and last year a district office was established at Tacoma, Washington.

**COOPERATIVE GROUND WATER INVESTIGATIONS**

Throughout the biennium, investigation of ground water resources in the State of Washington has been continued by the Ground Water Branch, Geological Survey, United States Department of the Interior, in cooperation with the State Department of Conservation and Development. This important program has been stepped up considerably by the recent establishment of the new District Office in Tacoma.

Tri-monthly meetings are regularly held with this agency to review accomplishments of the preceding three months and to program in advance the course of future ground water investigations.

**State-Wide Observation Well Program**

Periodic water level measurements were made on a network of about 180 observation wells. Wells were added to the net in Whatcom, Kitsap, Yakima, Grant, and Adams Counties. A few wells, chiefly in Pierce County, were discontinued.

Water levels in reservoirs which contain large show the extent to which by withdrawal, and the ex Columbia Basin Project A

This project was reac to provide more detailed
new applications for permits to 1948, to October 1, 1950, ac-
co be used; also the number of during that period.

<table>
<thead>
<tr>
<th>No. of Applications</th>
</tr>
</thead>
<tbody>
<tr>
<td>501</td>
</tr>
<tr>
<td>28</td>
</tr>
<tr>
<td>23</td>
</tr>
<tr>
<td>25</td>
</tr>
<tr>
<td>59</td>
</tr>
<tr>
<td>697</td>
</tr>
<tr>
<td>342</td>
</tr>
<tr>
<td>69</td>
</tr>
<tr>
<td>19</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

Water Resources

natural resources upon which municipal requirements and our finding more and more each Code, it is essential that the be known.
rough geological surveys and s and is estimated to cost ap-
if this information can be de-
a complete inventory of this can expect the United States work is carried on, to match of Washington.
it our considerable efforts to district of the Ground Water entirely successful and last Washington.

Investigations

ound water resources in the 3ground Water Branch, Geo-
terior, in cooperation with opment. This important pro-
ent establishment of the new
h this agency to review ac-
to program in advance the
w on a network of about 180 l Whatcom, Kitsap, Yakima, in Pierce County, were dis-

---

8690 - APR 19, 50

---

9200 Gallons per minute of ground water discharging into stilling basin during well test.

Water levels in observation wells register the stages of the natural reservoirs which contain large and important underground water supplies. They show the extent to which ground-water supplies are depleted by drought or by withdrawal, and the extent to which they are replenished by rain and snow.

Columbia Basin Project Area

This project was reactivated at the request of the Bureau of Reclamation, to provide more detailed and accurate information necessary in planning de-
Division of Hydraulics and Water Resources

Development and settlement of the Columbia Basin irrigation project. A complete inventory of wells was made in the Quincy Basin-Moses Lake area and a great deal of other information was obtained, including data on amount of ground water used in the area. A report is being prepared which will include water table and bedrock contour maps, a table of well data, well logs, tables of water levels and changes in water levels, and water level hydrographs.

At present time investigations are being continued in the area to the southeast, in Adams and Franklin Counties.

![Graph showing acreage irrigated by ground water from 1946 to 1970.](graph)

Clark County

An investigation of the ground water resources of the Fourth Plains area in Clark County was begun in March 1949 at the request of the Bureau of Reclamation who have transferred funds to the Ground Water Branch to pay for the survey. The primary purpose of the investigation is to determine availability of ground water for irrigation. Because of the interest of the State in this project, the investigation has been expanded somewhat to include most of the agricultural area of the County.

Records of over 1100 wells have been obtained, as well as a large number of well logs and a great deal of other data. A comprehensive report, including maps, cross sections, tables of data and estimates of quantities of ground water available in the different formations, is being prepared.

Kitsap County

In 1940 an investigation of the ground-water resources was begun in the Bremerton area as a cooperative project between the City of Bremerton and the Ground Water Branch. A considerable number of well records and other data were obtained, but because of demand for information regarding, because of the rapid increase in population, led to resumption in 1948 of the program, with enlarged scope.

The investigation will be an extensive one and a report will be prepared for publication.

Southwestern Skagit County

A preliminary investigation of delta and contiguous areas was made, and information was obtained on water for municipal and industrial use. The report containing maps, well data, and being reviewed for public release.

Walla Walla Area

The investigation of the Walla Walla area was begun in July 1946, has been completed, and the final report is being prepared. The study is being made on the State Department of Water Resources. The study is being made to determine the availability of ground water for irrigation. The report is being prepared to include most of the agricultural area of the County.

Records of over 1100 wells have been obtained, as well as a large number of well logs and a great deal of other data. A comprehensive report, including maps, cross sections, tables of data and estimates of quantities of ground water available in the different formations, is being prepared.

Additional Work

Considerable data in arid regions have been obtained and placed on file by the state's geological survey. Public interest, even though limited, has been high. Requests for information have been made for additional studies in the area from State and local officials.
irrigation project. A complete study of the Moses Lake area and a great
ness area of ground water which will include water data, well logs, tables of water vel hydrographs.
continued in the area to the

data were obtained, but because of the war the project was discontinued. The demand for information regarding availability of ground-water for irrigation and, because of the rapid increase in population, for public and domestic supply, led to resumption in 1949 of the investigation as part of the State cooperative program, with enlargement of the project to include the entire County.

The investigation will be completed by the end of 1950 and a comprehensive report will be prepared.

Southwestern Skagit County
A preliminary investigation of the ground water resources of the Skagit delta and contiguous areas was made during the Autumn of 1949. Considerable data and information was obtained regarding the availability of ground water for municipal and industrial supply and for irrigation. A preliminary report containing maps, well data, and well logs, has been prepared, and is now being reviewed for public release.

Walla Walla Area
The investigation of the ground water resources of the Walla Walla area, begun in July 1946, has been completed. This investigation was a cooperative project of the State Department of Conservation and Development, Board of County Commissioners of Walla Walla County, Oregon State Engineer, and the Ground Water Branch of the U. S. Geological Survey. A very detailed and complete report is being prepared, showing areas and aquifers from which additional supplies might be obtained and areas which are overdrawn. Several possible ways in which the available ground water supply at Walla Walla might be increased, or put to better use, are discussed. An interim report covering the central part of the Walla Walla Basin, suggesting the possibility of artificial recharge of the older Pleistocene gravels in Mill Creek valley east of Walla Walla was submitted to District Engineer, U. S. Corps of Engineers, Walla Walla District.

Yelm Area
An investigation was begun in the Yelm area in June 1950 to determine the availability of ground water for irrigation in the Yelm Irrigation District. In the event this district discontinues operation, abandons the canal supplying water from the Nisqually River, the development of ground water supply is essential to protect the agriculture of the district. A considerable area outside the district is also adaptable to irrigation and the ground water investigation is covering this area also.

Data and information obtained to date indicate that the total ground water supply is sufficient for all irrigable land in the Yelm area, but that at some places it may be difficult to obtain wells with satisfactory yields for irrigation.

Additional Work
Considerable data in areas outside those covered by investigations has been obtained and placed on file. Data on file, including well records, well logs, water levels, chemical analysis and similar records are available to the public, even though a formal report has not been made; and many inquiries regarding ground water have been answered by telephone and correspondence. Requests for this information come not only from private individuals, but also from State and local officials and from industry.
REPORTS RELEASED
October 1, 1948—September 30, 1950

The following reports were released for public inspection and distribution during the biennium:

The foregoing report on cooperative ground water investigations was prepared by Mr. M. J. Mundorff, District Geologist in charge of the District Office, Ground Water Branch, U. S. Geological Survey, at Tacoma. We wish to express our appreciation of the manner in which Mr. Mundorff has cooperated with this office and his quick recognition of ground water problems in the State of Washington.

DIVISION OF HYDRAULICS

RECEIPTS AND EXPENDITURES

RECEIPTS

Following are the receipts collected by the Division of Hydraulics for the biennium from October 1, 1948 to September 30, 1950:
Receipts from fees collected under Sec. 44 of the State Water Code, Chapter 117, Laws of 1917, and deposited in General Fund, and receipts from fees collected under the State Ground Water Code, Chapter 233, Laws of 1943, supplemental to Chapter 117, Laws of 1917, and deposited in General Fund

$30,537.60

Receipts from power license fees collected under Chapter 105, Laws of 1929, and deposited in the Reclamation Revolving Fund

62,497.42

Stream Gaging Fund (Trust Fund collected under Chapter 30, Laws of 1943)

13,344.76

$106,389.78

EXPENDITURES

The following table shows expenditures under the supervision of the State Supervisor of Hydraulics for the biennium from October 1, 1948 to September 30, 1950:

FROM THE GENERAL FUND
Administration of the Water Code and Ground Water Code

$75,044.88

Stream Gaging and Ground Water Surveys (50-50 basis)

53,062.34

$128,107.22

FROM THE RECLAMATION REVOLVING FUND (Power License Fee Deposits)
(Matched on a 50-50 basis with monies expended by the U. S. Geological Survey):
Hydrographic Surveys

$22,345.71

River Utilization Surveys

7,165.07

$30,510.78

FROM STREAM GAGING FUND:
(Matched on a 50-50 basis with monies expended by U. S. Geological Survey)

16,983.20

$173,166.81

*Matched on a 50-50 basis with monies expended by the U. S. Department of Agriculture.
December 4, 2008

TO: Senators Lisa Brown, Jerome Delvin, Mike Hewitt, Jenea Holmquist, Jim Honeyford, Chris Marr, Bob Morton, Ed Murray, Craig Pridemore, Phil Rockefeller, and Mark Schoesler

Speaker Frank Chopp, Representatives Brian Blake, Bill Grant, Steve Hailey, Lynn Kessler, Joel Kretz, Kelli Linville, Dan Newhouse, Judy Warnick

Bill & Cody Easterday, Easterday Farms
Sean Clausen, Washington State Hay Growers Association
Scott Collin, Five Corners Family Farmers
Ed Field, Washington Cattle Feeders Association
Jack Field, Washington Cattlemen’s Association
Jay Gordon, Washington State Dairy Federation
Wade King, Cattle Producers of Washington
Dale Lathim, Potato Growers of Washington, Inc.
Rachael Paschal Osborn, Center for Environmental Law & Justice
Ron Reimann/Darryll Olsen, Ph.D., Columbia-Snake River Irrigators Association
Jack Williams, WA-OR Biofuel Crops Federation

FROM: Jay J. Manning, Director

RE: Reliance on the groundwater exemption for large stock operations

I am writing in reference to letters and memoranda sent to many of you recently regarding a 30,000 head cattle feedlot proposed by Mr. Bill Easterday for Franklin County. Three of the letters were sent by the Columbia-Snake Rivers Irrigators Association (CSRIA), the Washington State Dairy Federation and the Washington Cattlemen’s Association. Those letters expressed disagreement with a November 12, 2008 letter sent by Ecology to Mr. Easterday regarding his proposal to rely upon a permit-exempt groundwater well for all water uses associated with the proposed feedlot. A fourth letter was submitted on behalf of the Center for Environmental Law & Policy and Five Corners Family Farmers (an Eltopia-area group of dry land wheat farmers) expressing support for Ecology’s November 12 letter.

The November 20, 2008 Joint Policy Memorandum provided by the Columbia Snake River Irrigators Association (CSRIA) attempts to personalize the matter to Mr. Kenneth Slattery, our Water Resources Program Manager, who signed the letter for the agency. Let me assure you that the letter was the product of the combined effort and involvement of numerous Ecology staff and managers and I approved the

Exhibit 10
content of the letter because I believe it represents the best reading of an undefined term ("stockwatering purposes") in state water law.

First Things First

Before getting into the details, I want to be very clear about four preliminary points. First, we strongly encourage legislation to bring clarity to this issue. The appropriate scope of the groundwater permit exemption as applied to stockwater is an important policy issue best addressed by the Legislature. We understand that legislation will be introduced on this topic and we encourage all parties to engage in the legislative forum on this important topic.

Second, we understand and appreciate the value, in terms of jobs and rural economic stability, the livestock and dairy industries provide for our great state. We commit to working with the legislature and the industry to find solutions that are consistent with effective water management and which, to the extent possible, meet industry’s concerns and interests.

Third, Ecology does not oppose the Easterday project, provided it obtains and complies with the necessary permits. We have every expectation that the Easterdays will do just that, based on our recent conversations with them. We have informed Mr. Easterday that we are prepared to assist if he should decide to pursue a water right for those portions of his proposed operations not exempt from permitting under the groundwater permit exemption.

Fourth, it is not Ecology's intent to create problems for existing livestock and dairy operations. Many of these facilities have obtained valid water rights authorizing their use of water and are unaffected by this controversy. Some existing dairies and feedlots have done what the Easterdays are proposing — relied on the groundwater permit exemption in the groundwater code and thereby avoided the need to obtain a water right from Ecology. Absent any impact to a senior right or stream flow or aquifer concerns, we have no intention of taking action to limit or prevent their use of water. Our concern is primarily a prospective one, and the Easterday proposal is an excellent example of the problem — a proposal to use an unlimited quantity of water, for a wide array of uses, without any examination of the possibility that the proposed water use will harm senior water rights or cause adverse impacts to stream flows or aquifer levels. This exceeds what we believe is authorized by the stockwater exemption and we would simply not be doing our job if we ignored this proposal.

Ecology’s Letter to Mr. Easterday

The purpose of Ecology’s November 12 letter was to express concerns about Mr. Easterday’s intention to rely on the exemption from permitting provided in the ground water code (RCW 90.44.050) for all water use associated with a very large feedlot. In addition to the use of water most typically associated with the stockwater exemption — stock drinking — the Easterdays propose several other water uses from their permit-exempt well, including all other feedlot operations (such as misting the cattle to cool them in the
Legislators, Bill & Cody Easterday, Columbia-Snake River Irrigators Association, Washington State Dairy Federation, Washington Cattlemen’s Association, Center for Environmental Law & Policy and Five Corners Family Farmers
December 4, 2008
Page 3

summer and washing out barns), dust control and even irrigation. Drinking water for the 30,000 head will alone require approximately 600,000 gallons per day.

For dust control, daily summer water use at a 30,000 head feedlot of this size is estimated to require well over 1 million gallons per day, and perhaps as much as 2 million gallons per day based on federal agency guidance. We do not know with certainty the full quantity of water that will be used for other feedlot operations or for irrigation, but it is fair to assume that the Easterday feedlot will use between 3 and 5 million gallons/day during the dry season.

We do not agree with the interpretation of the law proposed by project proponents – that all uses described above come within “stockwatering purposes” as used in the statute. While the phrase is not defined in statute, we believe that the interpretation advocated by the proponents and the industry is not consistent with legislative intent or precepts of sound water resource management and therefore does not represent the best reading of the statute.

The DeVries Case

The industry letters attempt to justify their position using the 2003 Pollution Control Hearings Board decision in DeVries v. Ecology. In DeVries, the PCHB did rule that various water needs relating to the raising of stock are included under the stockwatering purposes prong of the exemption. However, the Board also concluded that all of those uses, including stock drinking, were collectively limited to 5,000 gallons per day. In fact, it was the restrictive nature of the DeVries decision that prompted the project proponent to work with the agency, and to find and transfer an existing water right to the dairy rather than continue the appeal. The DeVries case was settled while on appeal to the Superior Court, and no appellate level court has ruled on the question of what is included under the stockwatering purposes prong.

Attorney General Opinion No. 17

Up until 2005, 60 years after the groundwater exemption was enacted, the stockwatering purposes prong of the exemption, like the other “exempt” uses listed in the statute, was interpreted and applied as authorizing only up to 5,000 gallons of water usage per day. This interpretation was utilized by courts in general stream adjudications and by Ecology and its predecessor agency in various regulations.

Then, in 2005, Attorney General Opinion No. 17 interpreted the language of the groundwater exemption as imposing no quantity limit for stockwatering purposes. The Opinion is based on a careful parsing of statutory language, and Ecology agrees that it is a correct reading of the statutory terms. While we believe that it is unlikely that the 1945 Legislature had in mind the usage of unlimited quantities of water for industrial-size stock operations like the one proposed by the Easterdays, absent a modification by the legislature or a different interpretation by a court, Ecology has and will continue to adhere to the conclusions in Attorney General Opinion No. 17.
Importantly, the Attorney General was not asked to define “stockwatering purposes,” and Opinion No. 17 did not address the question of what uses are included within that term. Ecology believes that the phrase should not be interpreted so as to include uses like dust control and irrigation. In our view, such an interpretation stretches far beyond what the Legislature intended and makes wise water management extraordinarily difficult.

**Sound Water Resource Management**

Competition for water in Washington is intense and growing more intense every day. Conflict between water users is increasing. In many basins, stream flows and aquifer levels are dropping. In this context, a permit exemption that is unlimited in quantity makes little sense.

Any other use of the state’s water in a quantity even approaching that proposed by the Easterday project would require a water right. That permit process would require a careful examination of whether: 1) water is available; 2) the proposed use is beneficial; 3) existing rights will be impaired; and 4) the proposed water use is in the public interest. This scrutiny provides protection to existing water users, stream flows and aquifer levels. It is critical to long-term sustainability and certainty for water right holders. It makes little sense for industrial-sized livestock operations, alone among large water users, to be exempt from such permit scrutiny.

In our view, the Easterday feedlot should obtain a water right for the water it proposes to use for dust control and irrigation. As stated above, we stand ready to assist the Easterdays in this process. We believe the Easterdays’ reliance on the stockwater exemption exceeds what is authorized by the law. We do not think such an approach represents the best reading of the current law, especially because it poses an unexamined risk of impairment to existing rights, groundwater resources and/or instream flows.

In closing, effective water management requires clarity, and we sincerely hope the legislature will provide such clarity on this issue in the coming session, so we can effectively manage Washington’s water for a strong economy and a healthy environment.

In the meantime, we will continue to work with the proponents of large stock operations to find them safe and reliable water. Once again, we strongly encourage legislation to provide the clarity needed in this important issue. We stand ready to assist. Please let me know how we can help.

cc: The Honorable Christine O. Gregoire, Governor
The Honorable Rob McKenna, Attorney General
Robert Gore, Acting Director, Department of Agriculture
Governor’s Executive Policy Office
Senate Water, Energy and Telecommunications Committee
House Agriculture and Natural Resources Committee