

1 [X] Hearing is set:
Date: Friday, April 2, 2010
2 Time: 1:30 p.m.
3 Judge: to be determined
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8 **FRANKLIN COUNTY SUPERIOR COURT**
9 **IN AND FOR THE STATE OF WASHINGTON**

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

12 Plaintiffs,

13 v.

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

17 Defendants.

18 and

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

25 Intervenor-Defendants.
26

No. 09-2-51185-6

DECLARATION OF DON FLOREN

1 COMES NOW, DON FLOREN, and states and declares:

2 1. My name is Don Floren. I am over the age of 18 and competent to testify hereto.

3 I make this declaration based upon my own personal knowledge.

4 2. I am 48 years old and reside in Royal City, Washington.

5 3. I have owned an operated cattle feedlots since 1985.

6 4. In 1996 I bought an existing feedlot that had been started in 1962 by another
7 family. When I initially bought this feedlot in 1996 I fed beef cattle. I now feed dairy
8 replacement heifers.

9 5. I am a member of the Washington Farm Bureau, the Washington Cattlemen's
10 Association and the Washington Cattle Feeders Association.

11 6. Currently my feedlot averages approximately 7,000 head of cattle. The average
12 yearly dollar value of my production is \$8,500,000.

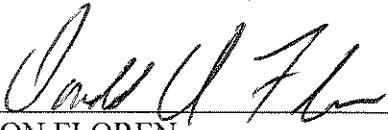
13 7. In order to operate my feedlot, I currently rely on water rights from three permit
14 exempt wells, which we use to provide drinking water to the animals, for dust control and to
15 clean equipment in the feedlot facilities. I have invested between \$75,000 and \$100,000 for the
16 development of the water system I currently use to withdraw water from the wells water for
17 stock-watering purposes.

18 8. When I bought this property, I knew that I would be relying water rights created
19 through the stock-water exemption for providing water to the animals and operating the feedlot.
20 About the time I purchased this feed lot, I recall speaking with a Department of Ecology
21 representative regarding the use of stock-water. In that conversation, the Department of Ecology
22 employee, whose name I do not remember, told me that I did not need a permit for my stock-
23 water use and that the quantity of water I could use pursuant to the exemption was not limited. I
24 inquired about the possibility of obtaining a permit for the stock-water uses. The Department of
25 Ecology representative told me I did not need a permit. He also said that at that time the
26 Department of Ecology was not issuing new water permits.

1 9. If I cannot use my water rights created through the exempt well statue or if those
2 rights are limited to 5,000 gallons per day I have no source of drinking water for stock. If I did
3 not have the exempt well to provide drinking water for my stock I would have to close the
4 operation. Not only would I lose my 20-year investment in this feedlot, but the \$4,500,000 that I
5 spend annually in feed, equipment, supplies and labor would no longer be part of the local
6 economy.

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

9 Signed at Prosser City, Wa. Washington on this 15th day of February, 2010.

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12 _____
13 DON FLOREN