

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
21 RIVER IRRIGATORS ASSOCIATION,
22 WASHINGTON STATE DAIRY
23 FEDERATION, NORTHWEST DAIRY
24 ASSOCIATION, WASHINGTON CATTLE
25 FEEDERS ASSOCIATION, CATTLE
26 PRODUCERS OF WASHINGTON,
WASHINGTON STATE SHEEP
PRODUCERS and WASHINGTON FARM
BUREAU,

Intervenor-Defendants.

No. 09-2-51185-6

DECLARATION OF GENE JENKINS

1 COMES NOW, GENE JENKINS, and states and declares:

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

4 2. I am 57 years old and reside in Selah, Washington.

5 3. I operate a hay and purebred Red Angus cow-calf farm. I have had this farm for
6 approximately 15 years and operate it on my own with no employees.

7 4. I am a member of the Washington Farm Bureau.

8 5. Currently I have 75 mother cows with calves and 4 bulls. The herd is about half
9 of the size that it used to be. At one point we had 150 mother cows with calves.

10 6. We have surface water rights and a groundwater right to irrigate with. We rely on
11 water rights from an exempt well for the watering of stock. We just spent approximately
12 \$39,000 to deepen our stock-water well and improve our stock-water system. We currently use
13 approximately 6,800 gallons per day for stock-watering purposes.

14 7. Without the ability to rely on the water rights created through the exempt
15 withdrawal of water for stock, I would be forced to reduce the size of my herd and likely go out
16 of business, as a reduced herd size precludes profitability in today's economy.

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

19 Signed at Selah, Washington on this 15th day of February, 2010.

20
21 
22 GENE JENKINS