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PUBLIC HEARING
BEFORE THE WASHINGTON STATE DEPARTMENT OF ECOLOGY

In re:)
)
Water Resources Management Programs)
for Grays-Elochoman & Cowlitz)
Watersheds, Water Resources Inventory)
Areas 25 & 26.)
-----)

PUBLIC HEARING
Morton, Washington
Thursday, May 27, 2010

Reported by:
Tami Lynn Vondran
CCR No. 2157

WATER QUALITY HEARING-MAY 27, 2010

1 (Whereupon the hearing went on the
2 record at 7:42 p.m.)

3 MR. HERD KEALING: Stream flow. Here in the
4 Cowlitz 30 or 40 years ago they put in dams here, right?
5 Stream flow. They're worried about stream flow in the fall
6 for the salmon. Where do the salmon go? They don't go into
7 streams, they go into hatcheries. When they should have put
8 in ladders, they didn't put in ladders. Now, they're having
9 a problem with salmon. They don't have problems with stream
10 flow at all. It's the department of cash and buzzards
11 that's got the problems. That's all I have to say.

12 (Audience applauds.)

13 MS. JUDY BEITEL: Okay. I have Dennis Schafer?

14 MR. DENNIS SCHAFER: I'll pass.

15 MS. JUDY BEITEL: I'll go to the next. Larry
16 Smith? I will call on everyone else who wants to testify
17 after I go through these cards, everyone will get an
18 opportunity.

19 MR. LARRY SMITH: Okay. I was with the
20 understanding that they were going to put water meters on
21 our wells. And I talked to Travis Burns. And Travis more
22 or less answered that that's not the case. But for some
23 reason I don't trust our Government. And basically (crowd
24 erupts in applause) I would like to see my children and
25 grandchildren's rights be preserved. And also our

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1 constitutional rights of our property be preserved, and I
2 think it's being jeopardized. And that's basically what I
3 have to say. Thank you.

4 MS. JUDY BEITEL: Thank you. Okay, Ryan Wright?

5 MR. RYAN WRIGHT: Listen, I want some due
6 diligence here. I have got a couple questions before I can
7 form any comments.

8 MS. JUDY BEITEL: Okay, we'll come back to you.

9 Carl Holley?

10 MR. CARL HOLLEY: I just want to find out from
11 somebody, I got a telephone call today that said, hey,
12 they're having a meeting down at Morton High School. Now,
13 this thing says there's 37 people on this planning
14 commission, and in this paragraph it lists "representing a
15 wide variety of interests including counties, cities and
16 citizens." I'm listed No. 3 and I had to get a phone call
17 to notify me about the meeting. Not cool, not cool.

18 (Audience applauds.)

19 MS. JUDY BEITEL: Okay. Next one is Jeff Lee.
20 Here he comes.

21 MR. JEFF LEE: I haven't had a chance to research
22 the water flows and everything like everyone else. But
23 we're losing our rights by the minute, our property rights,
24 now our water rights, our rights to do anything, drive down
25 the road. It has to stop somewhere. That's all I have to

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1 say. We have to stand up.

2 (Audience applauds.)

3 MS. JUDY BEITEL: Okay. Barbara Burton-Burres.

4 MS. BARBARA BURTON-BURRES: Burres.

5 I got a big long list here, but it's mostly
6 questions. I'm a Christmas tree farmer. Farming about 350
7 acres of Christmas trees in both the Tilton River and
8 Cowlitz River Valley, Bear Canyon Tree Farm. We're
9 actually -- when I took over the tree farm from my dad 20
10 years ago I wanted to get water rights, because, believe it
11 or not, we have trouble getting water. You can put a well
12 down 200 feet and you won't hit anything. So, we wanted to
13 capture one of those streams that flows forever like Baird
14 Creek. And they told me that I could not -- that it
15 wouldn't do a bit of good to apply for a water right because
16 they weren't processing them, they wouldn't allow it. They
17 wouldn't -- it wouldn't get anywhere.

18 So, I let them--at wherever I called to get the
19 paperwork for the permit--I let them talk me out of getting
20 a water right. But we use water without -- our well
21 wouldn't -- our well runs our house and that's it. So, I
22 want to know how can I operate my farm? And what are the --
23 where am I going to get water if I don't already have a
24 homestead? How are we going to operate our farm and how are
25 my children going to -- my children are now in the business

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1 and they want to branch out. And we're farmers, we want to
2 farm the land. We want to change our crops, we want to use
3 the land. The county has just done this huge plan that
4 limits what we can use our property for. Does this tie in
5 with that? Does this limiting the water use -- how can you
6 farm it if you can't get any new water? That's my concern.

7 MS. JUDY BEITEL: Thank you. (Audience applauds.)
8 Okay. The next one is Bill Meade?

9 MR. BILL MEADE: I'll pass.

10 MS. JUDY BEITEL: How about Richard Kain?

11 MR. RICHARD KAIN: My name is Richard Kain. I
12 live in Glenoma. I really would have liked to have heard
13 these other people tonight to hear what they had to say;
14 however, we're not going to get that chance. So, I'm going
15 to express how I really feel about this. I think one of the
16 issues you brought up is we need to know is this a state or
17 Federal law that we're jumping to? State or Federal, what's
18 the reason we're all dancing to this?

19 AUDIENCE MEMBER: Yeah, what's the answer?

20 MS. JUDY BEITEL: If you could give your
21 testimony, and then we'll answer.

22 (Audience starts yelling and
23 hollering.)

24 MR. RICHARD KAIN: I think they'll answer it
25 pretty soon. We need to know that. And then from there if

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1 it is a state law we know who to contact to change the damn
2 law; right? Then they don't have to dance to it anymore.

3 The next thing that bothers me a lot is I look at
4 these packages and no matter what they're talking about for
5 another meeting or what the issues are, but it says right
6 here they're talking about the adoption date is the summer
7 or fall of 2010. That's three weeks away, summer of 2010.

8 The other thing I want to bring up, maybe you guys
9 ought to take a look in to, is I was aware quite some time
10 ago that the State has systematically been washing out the
11 water and mineral rights to our property when it changes
12 hands over the last 15 years, or even longer than that.
13 When you sell your property you don't go through the same
14 title search you used to before, the State is washing that
15 out. For the very same reason, very same reason, that when
16 you have your car and you think you own it with your title,
17 you don't have a title, none of you here do. You have a
18 certificate of title. The State keeps the title. Okay.
19 Think about that.

20 We need to know if this is a State law and contact
21 our representatives to change the damn law then they can
22 move to a different action. If there's a lawsuit by the
23 Sierra Club or whatever is generating them to move, let's
24 change the damn law and nobody has to dance to that same
25 little tune.

1 who --

2 AUDIENCE MEMBER: We did not see those cards to
3 fill out.

4 MS. JUDY BEITEL: I have some for you, so when you
5 come to testify I'll put your name on there.

6 Go ahead, ma'am, and state your name for the
7 record.

8 MS. LAVERNE TROXEL: Laverne Troxel, T-r-o-x-e-l.
9 I'm a resident of Randall. I lived in this community for 18
10 years. I'm basically going to state what practically
11 everybody else has stated. But this is the thing I don't
12 like that I see all over and over again not just with this
13 instance but with Government. We are being told tonight
14 they are not going to monitor our wells, they are not going
15 to do this to us, they are not going to do that to us. Oh,
16 yes, it's in the plan because someone else sued us, and we
17 have it in writing that we can do this to you, but we're not
18 going to. Do you trust that?

19 (The audience yells no.)

20 MS. LAVERNE TROXEL: I don't trust that at all
21 because over and over again dealing with Government,
22 Government lies. I'm sorry, I'm a good American citizen,
23 but we are witnessing here tonight -- we are witnessing
24 grass-roots freedom at its best with everybody standing up
25 for what they believe is right. And we don't have to put up

1 (Audience keeps talking.)

2 COMMISSIONER LEE GROSE: Ladies and gentlemen, I
3 taught school for 11 years, and I have a lot of patience,
4 and if you don't want to sit and listen I can sit here all
5 night and not say a word.

6 These people did come up here to try to explain
7 this whole process and what's going on. And I'm not going
8 to sympathize with this particular group, and I don't
9 particularly support the rule as it has been written at this
10 particular time. We have certain reservations, we have very
11 definite reservations about some of the things that are in
12 there. But you deserve to listen to what they have to say
13 so that they will be able to make the presentation and you
14 will be able to make some decisions, and some well informed
15 decisions.

16 I've heard a lot of people say they didn't know
17 about this and didn't know about it except from two days
18 ago, and that may very well be true. It was advertised, it
19 was put in the Journal, it was put in the Chronicle, as all
20 legal documents were. (Audience starts yelling and
21 hollering.) The same as any legal notice that goes in
22 there, same thing.

23 Anyway, regardless these things are available to
24 you, but by the testimony of the people that are here
25 tonight the word got around. I know how the grape vine

1 works.

2 AUDIENCE MEMBER: It didn't work for you guys this
3 time.

4 COMMISSIONER LEE GROSE: That's not true, we
5 wanted people to be here. I called people to get here. Ask
6 Larry. But we can't get anything done with everybody
7 talking at once. And this forum, quite frankly, doesn't
8 work because these people down here can't hear what people
9 are saying. And these people down here can't hear what's
10 being said down here. It's all mumble jumble. My hearing
11 is not all that great, and it's not working well.

12 A lot of people have had an opportunity to testify
13 and give your statements. I've been urged to say they're
14 going to postpone the hearing period for at least two weeks,
15 was going to be the 4th of June--the end of the hearing
16 period--now it's going to be two weeks past that which makes
17 it the 18th.

18 And they want to hear because we want to get this
19 stuff on the record. And this whole thing was suppose to be
20 where you have an opportunity to ask questions and then the
21 court reporter would come in and they would take testimony
22 for the record so that it's a physical record that has to be
23 part of the rule making process. We haven't really had the
24 opportunity to do that very well. And what's been suggested
25 to me is that we schedule another meeting, or two, so that

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1 people will have the opportunity, and we will have the
2 opportunity, to get the testimony in.

3 Now, I testified that we --

4 (Audience all starts talking at once.)

5 I can't do this. I didn't speak when you were
6 speaking.

7 AUDIENCE MEMBER: I just would like a notice of
8 the meeting.

9 COMMISSIONER LEE GROSE: Yeah, you'll get a notice
10 of the meeting.

11 AUDIENCE MEMBER: You'll mail one to us if our
12 address is on that paper?

13 COMMISSIONER LEE GROSE: If you filled out a paper
14 with your address I will see that you get a notice of this
15 meeting. I will take care of that.

16 AUDIENCE MEMBER: Isn't that part of your job to
17 let us know?

18 MS. JUDY BEITEL: Can you let him finish his
19 comment, please?

20 COMMISSIONER LEE GROSE: It's not necessarily part
21 of my job, but I will do it.

22 So, the idea is, and I don't know when these
23 meetings are going to be scheduled, you'll let me know as
24 soon as you find out. So, as soon as we find out when the
25 next meeting will be I will get letters to everyone in this

1 room who has signed up, and that should be enough. But
2 we'll also put legal notices in the newspaper as we are
3 required to do, as they're required to do.

4 I testified last night in Longview on this issue,
5 and I did not testify in favor of the rule. I have copies
6 of what I read last night. We also have our attorneys
7 working on this whole thing to see what the legal
8 ramifications are for the county. But just to holler out
9 stuff doesn't work. We need to be more orderly. We need to
10 be able to come down so she can get testimony recorded. We
11 need a forum where everybody can hear. And I don't know if
12 the Morton High School gym is the best forum for us. We
13 need to look at where we can go and what we can do to make
14 this more meaningful for everybody involved, including
15 myself, because it's not been meaningful for me tonight.

16 I will say that there was some issues raised last
17 night with regard to this plan. And this is the plan to
18 which everyone is referring, it's this document here. And
19 where can we make copies, Travis? Do you know? Where
20 can -- because somebody asked me.

21 MR. TRAVIS BURNS: They're available on the web.
22 You can find it. We'll make it even more easier to connect
23 to. It's on the website that's available on the board over
24 there. If you get an opportunity jot down that information,
25 that will give you more information on the Internet and

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1 phone numbers that you can use to get more information.

2 AUDIENCE MEMBER: What was the meeting last night
3 you guys are referring to?

4 COMMISSIONER LEE GROSE: Exactly the same thing,
5 same meeting, same forum. It was just a smaller group so we
6 could present it in a little bit better fashion, people
7 could hear and it was a smaller meeting.

8 AUDIENCE MEMBER: So, next time you have a meeting
9 you'll come prepared?

10 MS. JUDY BEITEL: Okay.

11 COMMISSIONER LEE GROSE: Just a minute, I'm not
12 quite done.

13 I inherited this job to work on this--not this
14 plan, but these rules that we're looking at tonight--when I
15 took office. And I'm going to confess that it wasn't taken
16 very serious at the time when I first took office because I
17 didn't really have a clue what it was about. As time went
18 on I recognized that it was very serious and I started
19 making sure it was on my schedule every time they met.
20 Sometimes I couldn't make the meetings because I had other
21 obligations, most of the time I had been there.

22 I want to say that we all have a certain amount of
23 distrust for Government, myself included. But I do want to
24 say that Travis and Scott have been very good about
25 listening to what I have to say and what our staff had to

1 say and their input into this document.

2 Now having said that, last night we discovered
3 some flaws that were in here. And those are things we need
4 to have addressed, we haven't had them addressed yet. So,
5 we're going to take a look at that. They're going to take a
6 look at that and try to make some changes in the document to
7 make sense. Whether that has anything to do with metering
8 wells or not I won't say because I don't know. But we're
9 going to try to make the document so it works.

10 This rule when it takes affect is going to be part
11 of the Washington Administrative Code, so it's part of the
12 law that has to be followed. And it's part of the law that
13 I swore when I took office that I will uphold. I don't take
14 that responsibility lightly. When I put my hand on that
15 Bible and said I withhold the laws of the State of
16 Washington and the Federal Constitution I mean it. And, so,
17 this law has to be dependable by me as your representative.
18 And if it's not I don't feel very comfortable with it.

19 Having said all that I want to say that they're
20 going to set up another meeting, or two, and get it in a
21 forum where we can actually hear each other speak and then
22 do this thing right so we have your testimony and everything
23 on record adequately. Okay.

24 You want to dismiss or what do you want to do?

25 MS. JUDY BEITEL: Okay. First of all, I would

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1 like to let you know that public notice of this hearing was
2 published in seven newspapers, the Longview Daily News, The
3 News Tribune, the Wahkiakum County Eagle, the Skamania.

4 (Audience starts yelling and
5 hollering.)

6 AUDIENCE MEMBER: That's not our county. We don't
7 get any of those.

8 MS. JUDY BEITEL: Let me finish. Skamania. Did I
9 say Longview Daily News? That one. The Chronicle and the
10 Willapa Harbor Herold, Lewis County Chronicle. So, notice
11 was published on May 12th and May 19th. So, you can go
12 back, get those. You have a copy right here of what?

13 AUDIENCE MEMBER: How come it wasn't published in
14 the Morton Journal?

15 MS. JUDY BEITEL: It was published in the Lewis
16 County paper.

17 AUDIENCE MEMBER: But if you are having a hearing
18 in Morton --

19 MS. JUDY BEITEL: I'll remember that the next
20 time. On the 12th and the 19th. And also notice of this
21 hearing went out to over 600 interested parties listed, so
22 that happened, as well.

23 (Interruption as notice is given that
24 someone left their lights on.)

25 MS. JUDY BEITEL: Okay. I'm going to let him come

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1 up and make a comment. And then staff are going to stay,
2 I'm going to close out this and then we are going to stay
3 here for as long as it takes and we're going to answer these
4 questions and -- do you have a comment?

5 AUDIENCE MEMBER: Yes.

6 MS. JUDY BEITEL: Okay, come on down. And then
7 we're going to close this out and we're going to stay here
8 as long as it takes to answer these questions.

9 (Some of the audience starts talking
10 and gets up to leave.)

11 MS. JUDY BEITEL: Listen. Nobody can hear. Let
12 him make his comment, please. State your name for the
13 record.

14 MR. JOHN URBAS: My name is John Urbas. I'm from
15 Randall, Washington. My comment, if these people really
16 want to let you people know when meetings are going to
17 happen let's do it like when one of us dies. There's a big
18 paper sitting on the front door of the grocery stores,
19 pharmacies, the post office and, by golly, that spreads like
20 wildfire through the community. If you want to really have
21 us at your meetings advertise there. You may legally have
22 to have it there, but if you want results that's where you
23 should advertise.

24 MS. JUDY BEITEL: Thank you. All right.

25 AUDIENCE MEMBER: If you send me a flier I'll

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1 volunteer to post it everywhere where everybody will see it
2 in the community.

3 (Everyone starts talking and Judy tries
4 to get everyone under control.)

5 MS. JUDY BEITEL: Go ahead. State your name for
6 the record.

7 MS. ANDREA MAY: My name is Andrea May from
8 Packwood.

9 There are a couple of things I wanted to say, but
10 I think I have to narrow it down a little bit further. Any
11 time that there's a forum here in which our voices can be
12 heard it's a good thing, opposite of what Lee Grose just
13 said, although I understand what Lee Grose meant. So, this
14 is a good forum to be heard.

15 This, to me, this water appreciation party here,
16 for those behind us, is like a gigantic -- and I didn't
17 think about this until I was sitting down, a gigantic,
18 gigantic cow pie that's been flatulated over the heads of
19 all of us. I'm a property owner with my husband, I have
20 been a property owner here for very many years. I'm not so
21 much concerned about my water, but that doesn't matter. I
22 need to be concerned as an independent Christian
23 conservative for my neighbors who move in, and they may not
24 have a lot of money, they may only be able to buy half an
25 acre, maybe they can buy 15 acres, I don't know. But they

1 come after me, they come after me and they are the ones that
2 have the property. So, we're suppose to be satisfied with
3 that? I'm not. I'm an independent thinker and therefore
4 I'm concerned about the neighbors who can't afford this,
5 shouldn't afford it and we shouldn't be here talking about
6 it.

7 So, the other issue I have is that let's go back
8 clear up to Canada and let's start down the Colorado, let's
9 start down the Columbia and take all of these big
10 businesses, put them together, shake them all up in a can
11 and come out the same way every time. They have their
12 attorneys, attorneys, attorneys that vouch for their
13 dumpage, their sewer, their chemicals into our rivers and
14 our subsidiaries.

15 And then we're turning around and we're being
16 taxed and we're duped and we're being fooled into thinking
17 it's only just for putting a meter on our wells. I don't
18 want a meter on anybody's well, and I certainly don't want a
19 meter on someone that comes after me, because I have a
20 heartfelt appreciation of what it's like to see a friend or
21 to see a family member or see all the animals that get
22 diseased from the chemicals, that get cancer and die. Those
23 are just the animals. Let's take the people all along these
24 rivers and their subsidiaries.

25 So, this isn't just an issue of a well here that

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1 we're looking at. We don't have umpteen attorneys standing
2 right here unless they're secretly hidden around or behind
3 the door here. So, we're not getting any answers. The
4 other gentleman that says we need to pay attention, we
5 absolutely do because I don't trust the Government either.
6 But I have more faith in people like you that are
7 hardworking and know what it's like to have to spend a
8 nickel and a dime or a dollar or even rub two nickels
9 together and get no place and then have to turn around and
10 spend it on a meter. So, I say we need to get with it here
11 because something has gone awry and they are not helping.

12 MS. JUDY BEITEL: Thank you.

13 (Audience applauds.)

14 MS. JUDY BEITEL: Go ahead. State your name for
15 the record.

16 MR. DENNIS HADALLER: I'm Dennis Hadaller. I was
17 third district commissioner from 1999 through 2006. I was
18 involved in the Cowlitz Basin Watershed Plan 25
19 & 26. I see Ecology has a different plan than what we
20 developed, it took us approximately two or three years, Jeff
21 here from the Salmon Recovery Board was at those meetings.
22 There is a surplus of water somehow below the dam, above the
23 dams there is a shortage they say. Are they taking into
24 consideration all the forest service land? Are they taking
25 in all the roofs on the houses where the water is put back

1 into the ground? It's not used. Normal house should get
2 400 and some gallons a day for usage. The average usage is
3 about 240 gallons. So, we're getting shortchanged here,
4 folks.

5 And I heard it said that it happened while I was
6 on watch. And I disagree with whoever said it happened on
7 my watch. You ask Jeff how hard I fought down at Longview,
8 and I got in there that you could move water rights above
9 the dam, up the river. Before you could only move them
10 down. That was in the Cowlitz Basin Plan.

11 So, folks, I guess I've got to tell you, I have a
12 lawsuit right now over land use against Lewis County.
13 That's the reason I didn't run for a third term.

14 (Audience applauds.)

15 MR. DENNIS HADALLER: I don't think you folks, or
16 myself included, should have to go out and hire these high
17 priced law firms to defend an action where the growth board,
18 the Lewis County Planning Commission, can take your land
19 from you and tell you what you can do. I was born and
20 raised here and come luckily in October I've been here 83
21 years.

22 (Audience applauds.)

23 MR. DENNIS HADALLER: And, so, my family was a
24 pioneer family here, come here in early 1900's. Just before
25 Highway 12 was just a mud road my dad drove a team up and

1 down that. So, I just want to say, folks, we've got to take
2 back our county. And, so, please, please write a letter,
3 even if it's in handwriting, to these people. And I'm
4 sorry, about the interruption.

5 MS. JUDY BEITEL: That's okay, you can just fill
6 that out for me.

7 (Audience applauds.)

8 MS. JUDY BEITEL: Go ahead. And like I said, I
9 think these people are in line to comment, and then we're
10 going to stop and start all over with questions again
11 because I know you guys still have questions you want to
12 ask. And we're going to stay here and get to the
13 nitty-gritty and get these questions answered. So, go
14 ahead, sir, state your name for the record.

15 MR. CURTIS HEDLUND: Curtis Hedlund. Does anybody
16 know what a corporation is? Does everybody know what a
17 corporation is? The State is a corporation. How much
18 jurisdiction does a corporation have? None. That's one
19 question.

20 No. 2 question. Mr. Lee Grose knew about this,
21 and he's waiting until election time to say, I'm sorry, but
22 I had other stuff to do. And he's a good man, but I feel he
23 let us down. Maybe not, but I think he did. I think that
24 he should have been honest to let everybody know until last
25 minute. I mean we're down to the wire and trying to get

1 everybody together. Cookie and me and other people worked
2 on Watch Mountain, Cookie went back. This is off the
3 record. Cookie went back and we won that. So, if everybody
4 could pull together we could win this.

5 MS. JUDY BEITEL: Thank you. Could you fill this
6 out with your name? Go ahead. State your name for the
7 record, please.

8 MR. JAC WOXSON: My name is Jac Woxson. I'd like
9 to comment on what this person said. If you're going to
10 battle these people what you have to do, you have to know
11 the nature of the beast that you're fighting. And since
12 1933 we have been under what you call public policy and not
13 public law. The constitution basically is suspended. What
14 you're dealing with is corporations. And for them to have
15 any power over you they must have a contract with you. And
16 I put a legal notice in the Morton Journal today. If you
17 want to read it it will give you some kind of an idea of how
18 we can fight it.

19 And the pure matter of fact is they claim to have
20 authority over you, and they don't, you just let them by
21 default. So, you have to fight back, but you have to know
22 what you're fighting. The county is a municipal
23 corporation, it's a commercial corporation. They're in
24 there to make money basically. The State is the corporation
25 and the Federal Government is the corporation. You go to

1 Delaware where all the corporations are filed and you'll
2 find that out.

3 The other thing they're not telling you is they're
4 always whining about having a budget shortfall. Well, guess
5 what? You're going to have a budget shortfall and have
6 billions of dollars stashed away in another place. You get
7 on the Internet and type in CAFR, that's Comprehensive
8 Annual Financial Report. And I'm not good enough to dig it
9 out, but I do know that in 2003 if you got any idea how much
10 money the State of Washington had? And that's not counting
11 the counties. You have any idea how much money they had?
12 Try 20.8 billion stashed away in different places invested.
13 If they had given that back to the people it would have been
14 3,300 and some dollars to every man, woman and child, that's
15 our money. And they have that money and they're whining
16 that they want more all the time and more control. Okay.
17 So, we have to learn how to fight them. And there's a
18 wealth of information out there on the Internet if you want
19 to look for it.

20 But I have a legal notice in the Morton Journal
21 today, and I had it notarized, and I made it a matter of
22 public record down at the courthouse. And I sent some men
23 to the building people down there, you know, that tell you
24 you have to have a permit for this and permit for that, and
25 I sent one to them. And if they try to force me to get a

1 building permit, it's under Title 18 of the Criminal Code,
2 they're trying to force them to contract with them.
3 Everything you do is with contracts with Government now.
4 It's contract. And if you don't want to do what they want
5 don't contract with them. See? Just like I explained to
6 the idiot that come up there wanting me to get a permit for
7 the building I was building. I said, I don't have a
8 license, contractor's license, I'm not getting a permit.

9 Okay. But it's all contract and you have to learn
10 what's going on and understand the nature of the beast that
11 you're fighting. And there's a wealth of information out
12 there on the Internet. Type in CAFR, it will give you a big
13 surprise, that's Comprehensive Annual Financial Report, and
14 they never tell you about this. You can have a budget
15 shortfall and still have billions of dollars in their own
16 little coffers they're not telling you about. If they had
17 given that back to people, whose money it really is, it
18 would have created some like 75,000 new jobs. And the money
19 and taxes they would have accrued from it would have been
20 more than that money all combined. They would have made
21 money on that, but they didn't.

22 One thing is stuck in my mind is it'll give you
23 the different money accounts that are put into, you know,
24 they're building a new school up there that we don't need,
25 but in their school building fund for the State in that year

1 was 985 million. Try that. Get in there and see what kind
2 of a deal you're -- beast that you're fighting.

3 MS. JUDY BEITEL: Okay. Go ahead and state your
4 name for the record so she can get it.

5 (Audience applauds.)

6 MR. VIC KNVOROFF: My name is Vic Knvoroff. I'm
7 from Randall, Washington. And I've ranched there for 20
8 some years. If this proposal by the Department of Ecology,
9 Washington Administrative Code 173-526-010, is allowed to be
10 adopted as written, of which this hearing is all about it,
11 will effectively link watershed planning, which is found in
12 RCW 90.82, with monitoring and the metering of water use,
13 which is Washington Administrative Code 173-173.

14 Traditionally the monitoring and metering of water use in
15 Washington Administrative Code 173-173 was designed for
16 commercial water rights, of which the Title Chapter 90 is
17 labeled water rights. Hence the chapter title itself does
18 not indicate that the metering of domestic use is included.

19 The metering of water use was originally intended
20 for water right users on a commercial scale, and primarily
21 for those using it for agricultural purposes where water was
22 scarce and in limited supply. Furthermore, it was
23 originally intended to regulate just surface waters. It was
24 designed to assure each user received their share. Water
25 metering was not originally developed for water users for

1 domestic purposes.

2 This WAC, Washington Administrative Code
3 173-526-010, does not meet the original intent of WAC
4 173-173 when it was adopted and written. However, at some
5 time in the past, in response to irrigating agricultural
6 land with ground water, primarily on the east side,
7 Washington Administrative Code 173-173-040 was amended to
8 address the use of ground water for agricultural purposes.
9 And, so, water rights to ground water was initiated.

10 Now the Department of Ecology wants to extend or
11 be able to extend the requirements of commercial users to
12 domestic users. Washington Administrative Code
13 173-173-040(2C) states, "the Department must enforce the
14 requirement to measure water use for the following types of
15 water use: New and existing ground water rights where the
16 Department concludes that the withdrawal of any volume,"
17 that is any volume, "of water may affect surface waters
18 containing depressed or critical salmonoid stock."
19 Apparently the Department of Ecology wishes to treat
20 domestic use as commercial use.

21 And that WAC 173-526-010 will do just that,
22 treating domestic water use as a water right is what we're
23 going towards. And metering will allow them to do it as a
24 possible revenue source for the State but at additional cost
25 to the domestic user no matter how you look at it.

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1 (Audience applauds.)

2 MS. JUDY BEITEL: State your name for the record.

3 MR. DENNIS SCHAFER: My name is Dennis Schafer.

4 In what he was just reading it says if you go -- if you read
5 further on, if you don't cooperate you're a criminal. They
6 will pass criminal charges against you. That's in black and
7 white. And I, for one, I don't know who else around here
8 is, but I'm tired of this garbage. I'm for taking up arms
9 if they keep going any further. You know, Government is
10 pushing too much. They push a little bit, little bit,
11 little bit. They stuff it down your throat a little bit at
12 a time and get you to take it.

13 But what happened back in the old days? We had
14 civil wars. We had the Boston Tea Party. And I'm just
15 tired of it, and I'll be the first one to stand in line with
16 a gun.

17 (Audience applauds and hollers.)

18 MS. JUDY BEITEL: Okay. Now, I'm going to say
19 this hearing is adjourned at 8:32 p.m. And thank you for
20 coming tonight. There is staff that are going to stay here
21 to talk with you one-on-one. We are coming back, and we're
22 setting up more hearings and more question and answer
23 sessions. So, tonight is not the last time you're going to
24 be able to get your questions answered, but feel free to
25 stay around if you want to talk to staff one-on-one. Thank

1 you. Thank you for coming.

2 (Meeting adjourned at 8:32 p.m.)

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C E R T I F I C A T E

I, TAMI LYNN VONDRAN, a Certified Court Reporter, do hereby certify that I reported in machine shorthand the foregoing proceedings in the above-entitled cause; that the foregoing transcript was prepared under my personal supervision and constitutes a true record of the testimony of the said witness.

I further certify that I am not an attorney or counsel of any parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

DATED at Edgewood, Washington this 9th day of June, 2010.

Tami Lynn Vondran, CCR
Official Court Reporter
License No. 2157