

February 5, 1996

Note to File G2-28788
Jill Van Hulle

Met with Ken Hooper from Wilcox Farms and his attorney Gregory McElroy regarding this application. They wanted to discuss when Ecology would be making decisions on application in WRIA 11 - Nisqually, and specifically when we would be working on the Wilcox application.

I told them that Ecology's management had not decided what its next actions were going to be and I could not predict when the Nisqually would be done. We discussed all the potential scenarios.

I reminded them that Wilcox Farms could file a Change Application to add Well 10 to another water right - I told them that I thought the Farm had rights well in excess of what they currently were using and that they did not need to apply for new rights. They are under the impression that they do need new primary rights.

I told them that the first thing they needed to do was calculate what they were currently using, what they thought they needed in the future and finally what they thought they had rights for, and we would go from there.

GREGORY S. MCELROY, P.L.L.C.

A PROFESSIONAL LIMITED LIABILITY COMPANY

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SEATTLE, WASHINGTON 98101-4001

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KEN HOOPER
*Director of
Facilities & Equipment*

**WILCOX
FARMS
INC.**

(360) 458-6906
Fax (360) 458-6950

40400 Harts Lake Valley Rd. S., Roy, WA 98580





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (206) 407-6300

December 30, 1994

Ken Hooper
Wilcox Farms Inc.
40400 Harts Lake Valley Road
Roy, WA 98580-9111

Dear Mr. Hooper:

Re: Ground Water Application G2-28788

I am writing in response to your recent request for a status report on the above referenced water right application.

Several factors are currently affecting a decision on your application. As you may be aware, in 1994 the Water Resources Program went through budget cuts that have left the program with very limited staff to process applications for permit decisions.

As a result of our limited resources, Ecology has determined that applications involving public health or safety emergencies, such as contaminated public water supply wells, will receive top priority.

Also receiving high priority are those applications for changes to existing water rights. The vast majority of pending and new applications are not being worked on.

Another factor affected your permit is Ecology's emphasis on a Watershed Assessment Program designed to evaluate how much water is available in different basins in the state. This information will support regional planning, enforcement and future permitting. It may, in many basins, drastically restrict the number of new permits issued.

Based on Wilcox Farms situation, I recommend that you explore the possibility of adding Well #10 to one of the farms existing water rights. I believe it may be easier to add Well #10 to an old right than to await a decision on a new water right.

Enclosed you will find an *Application for Change of Water Right*, please select one of the farms other water rights and use the form to request that Well #10 be added to the certificate as an additional point of withdrawal. Perhaps the easiest way to get a water right to drill Well #10 is to use it to replace a well that is covered by an existing certificate that is no longer usable.



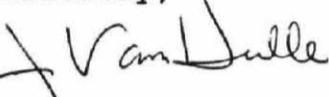
Ken Hooper
December 30, 1994
Page 2

At the time the application is filed, you should provide us with basic data about the farms water use, so we can assess the farms present water demand. We will also need to determine if the right is eligible for the change process. Keep in mind that portions of water rights that have not been kept in use, may be subject to relinquishment for non-use.

We recommend that any *Application for Change* be accompanied by a cover letter explaining in more detail how the wells will be used.

We apologize for the confusion concerning the processing of your application, feel free to contact either Sheri Fox or myself at (206) 407-0274, if you have further questions.

Sincerely,


Jill Van Hulle
Water Resources

JVH:th
Enclosure

cc: Sheri Fox
File G2-28788

S

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

May 10, 1993

Wilcox Farms Inc
40400 Harts Lake Valley Road
Roy, Washington 98580-9111

Dear Sir or Madame:

Re: Ground Water Application No. G 2-28788

We acknowledge receipt of your affidavit of publication of notice in connection with the above-numbered application.

The water codes require that no action be taken toward issuance of a permit earlier than thirty (30) days after the last date of publication. This period of time is allowed for filing any protests or objections.

A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,

Sheri Fox
Water Resources

SF:th(12A)

STATE OF WASHINGTON
DEPT. OF ECOLOGY
NOTICE OF APPLICATION
TO APPROPRIATE
PUBLIC WATERS
TAKE NOTICE:
That Wilcox Farms, Inc. of
Roy, Washington, on March
19, 1993 under Application
No. G2-28788 filed for permit
to appropriate public waters,
subject to existing rights,
from a well in the amount of
200 gallons per minute as
needed year round each
year, for multiple domestic,
commercial and stockwater
supply. The source of the
proposed appropriation is lo-
cated within NW¼ SW¼ SE¼
of Section 6, Township 16N.,
Range 3E, W.M., in Pierce
County.
Protests or objections to
approval of this application
must include a detailed
statement of the basis for ob-
jections; protests must be ac-
companied by a two dollar
(\$2.00) recording fee and
filed with the Department of
Ecology, at the address
shown below, within thirty
(30) days from April 17, 1993.
Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON }
County of Pierce } ss.

Tamara Duncan, being first duly sworn, on oath, says: that she is the legal clerk of THE MORNING NEWS TRIBUNE, a daily newspaper published in Tacoma, Pierce County, Washington, and of general circulation in said state, and having a daily circulation of over 148,700 copies. That said newspaper is now and at all of the times hereinafter mentioned was a legal newspaper as defined by the laws of this State, duly approved by the Superior Court of Pierce County, Washington.

That the Advertisement, of which the attached is a printed copy as it was published in the regular issues of said newspaper, was published once each

week for two consecutive weeks commencing on the 10th day of April, 1993, and ending on the 17th day of April, 1993.

That the full amount of the fee charged for said publication was the sum of \$99.90*****

Tamara Duncan

Subscribed to and sworn before me on this 26th day of april, 1993

Wayne E. Galsky
Notary Public in and for the State of Washington,
Residing at Tacoma, Pierce County, Washington

affidavit
OK
5/7/93
OF

CHRISTINE O. GREGOIRE
Director



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

April 2, 1993

Wilcox Farms Inc
40400 Harts Lake Valley Road
Roy, Washington 98580-9111

Dear Sir or Madame:

Re: Ground Water Application No. G 2-28788

Your application for the appropriation of water has been assigned the above referenced number. Please refer to this number in future correspondence.

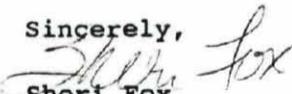
Enclosed is a notice of your application which must be published once a week for two consecutive weeks in a qualified legal newspaper of general circulation in the County or Counties in which the storage, diversion, and use is to be made and in other newspapers as directed. A list of these newspapers in your county is enclosed. The applicant is responsible for the payment of the publication. Please read the notice carefully to make sure it is correct. Should you find an error, please return the notice to our office for correction.

You should mail or deliver the enclosed notice to a newspaper regarding publication as soon as possible. When you receive the affidavit of publication with the news clipping from the newspaper, please forward the original to this office promptly. Further processing of the application will not be made until the affidavit is returned.

Since your application is for service of more than one residence, it is considered a public water supply. Public water supply systems are required to be approved by either the Local Health Department or the State Department of Health, depending upon system size. If you have not already done so, I suggest that you contact your Local Health Department or DOH, Drinking Water Section, Olympia, Washington, for further information.

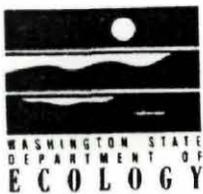
A site investigation will be made by this office before we issue a permit decision. In light of our water right backlog, we estimate it will be about 18 months after receipt of your application before we are able to conduct the site investigation.

Sincerely,


Sheri Fox

Water Resources
SF:th Enclosures





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Wilcox Farms Inc
of Roy, Washington on March 19, 1993 under
Application No. G228788 filed for permit to appropriate public waters, subject to existing rights,
from a well
in the amount of 200 gallons per minute as needed year round
each year, for multiple domestic, commercial and stockwater supply

The source of the proposed appropriation is located within NW 1/4 SW 1/4 SE 1/4
of Section 6, Township 16 N., Range 3E W.M., in Pierce County.

Protests or objections to approval of this application must include a detailed statement of the basis for objections; protests must be accompanied by a two dollar (\$2.00) recording fee and filed with the Department of Ecology, at the address shown below, within thirty (30) days from

(Last date of publication to be entered above by publisher)

Dept of Ecology
P.O. Box 47775
Olympia wa 98504-7775



NOTICE

