



SUNSHINE ENTERPRISES
19740 COAL ROAD S.E.
TENINO, WA 98589
BUSINESS - 360.264.4340
FAX - 360.264.4363
SANDY & JACK LIVINGSTONE

October 10, 1996

Don Davidson
Shorelands & Water Resources
Washington State Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

RECEIVED
'96 OCT 16 AM 11:42
S.W. REGIONAL OFFICE

RE: Ground Water Right Application No. G2-29209

Dear Mr. Davidson,

In response to our previous discussion, I am providing additional information to support my Ground Water Right application. After surveying the relative elevation of the hayfield, I am able to show where the proposed pond will lie. I have enclosed an aerial photo showing several survey points indicating the gentle slope of the bottom land. Please note the 2.5 foot drop in the bottom of the stream bed from the eastern property line to the western edge of the field. The intermittent stream has a bank height of 1.7 feet running behind the house.

A dike constructed three to four feet high along the southwestern most pond edge would result in a pond covering an area approximately four acres, containing approximately eight acre feet of water. In addition, I plan to construct a weir on the western most edge to release water to the stream each spring.

While a bulldozer is on site for clearing operations required for construction of our new greenhouses, I have the opportunity to excavate several soil test pits. If gravel or sand is found, which is likely, I will seal the pond floor with native clay or commercial bentonite.

We expect to have our new greenhouses operational by the first part of 1997, providing less than 20,000 square feet of total greenhouse space. Based on experience with our previous expansion, we expect to be fully utilizing our new facility in less than two years.

In addition to the greenhouse space I intend to have small outdoor gardens for our perennial herb mother plants, which provides the source for many of our cuttings.

In the coming decade, we plan to expand our facility reaching 50,000 square feet of covered greenhouse space. By 1998 our water consumption is expected to be approximately one acre feet per year, and by 2007 I expect a water consumption of three acre feet per year. This will most likely require a new well, dedicated to the greenhouses. Currently our four household community shares a domestic well along with our greenhouse business.

I hope this proposal gives you a full understanding of my request for a Ground Water Right. If you have any questions please call me at 264-4540.

Thank you for your assistance.

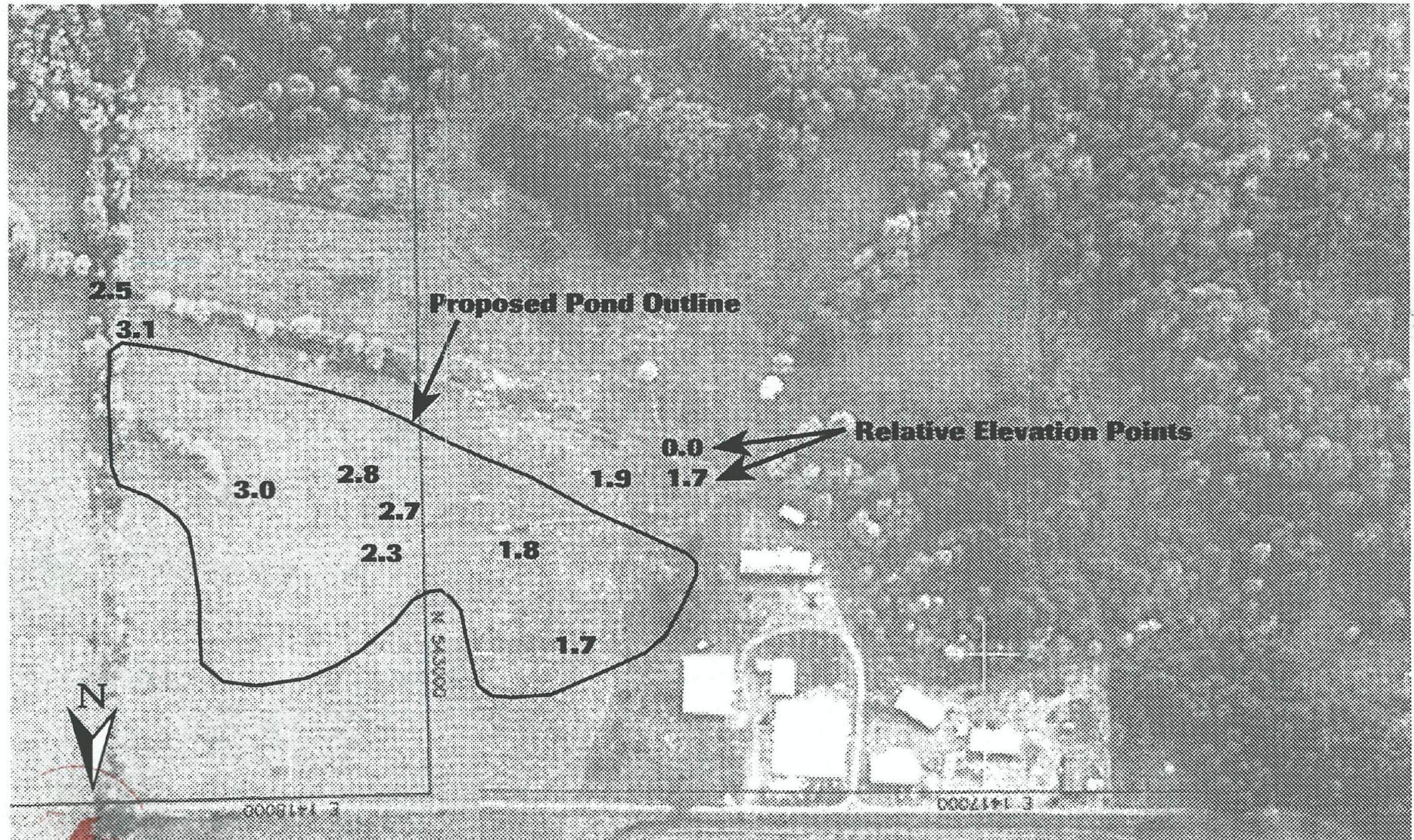
Jack Livingstone
Jack Livingstone



Sunshine Herb Farm

Ground Water Right Application No. G2-29209

Approximate Scale 1" = 200'





Sunshine Enterprises
19740 Coal Road S.E.
Tenino, WA 98589
Business - 360-264-4540
Fax - 360-264-4365
Sandy & Jack Livingstone

December 4, 1995

Don Davidson
Shorelands & Water Resources
Washington State Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

RE: Ground Water Right Application No. G2-29209

Dear Mr. Davidson:

In response to our conversation last week, I am submitting this letter to amend our application for a water right; as well as describing our current operation and future plans, and to propose a mitigating measure.

At the present time we have some 10,080 square feet of covered greenhouse space allowing us to grow potted herbs, bedding plants, and plugs for the wholesale market. We sell to nurseries and garden centers in the Puget Sound region, and are a family operation, presently with two family members working full time, and plan to expand to three people working full time by next spring. We expect to expand further in the years to come, as our grandchildren grow into the business.

Our current water consumption is estimated at 1,000 gallons per day maximum at the peak of our busiest season, accommodating a full greenhouse inventory.

We irrigate daily during this period, but during the dormant low inventory season (fall/winter), we irrigate once every week to ten days at a much reduced daily rate.

For the next few years, we will remain within the exempted amount as described in RCW 90.44.50, as an industrial application.

However, we expect to grow to a point where this exempted amount is no longer sufficient. In order to provide for that, we would like to obtain a water right by performing a mitigating measure. We have about 12+ acres of hay and pasture land that was created many years ago by draining a swamp. We understand that by digging ponds and re-creating the swamp, we can, in effect, swap this stored surface water for ground water.

In consideration of these things, we would like to modify our original application such that:

1. We obtain a water right in the exempted amount of 5,000 gallons a day for the continued operation of our business.
2. Upon completion of the mitigating measures proposed, we obtain a water right based on those measures.

Thank you for your assistance.

Yours truly,

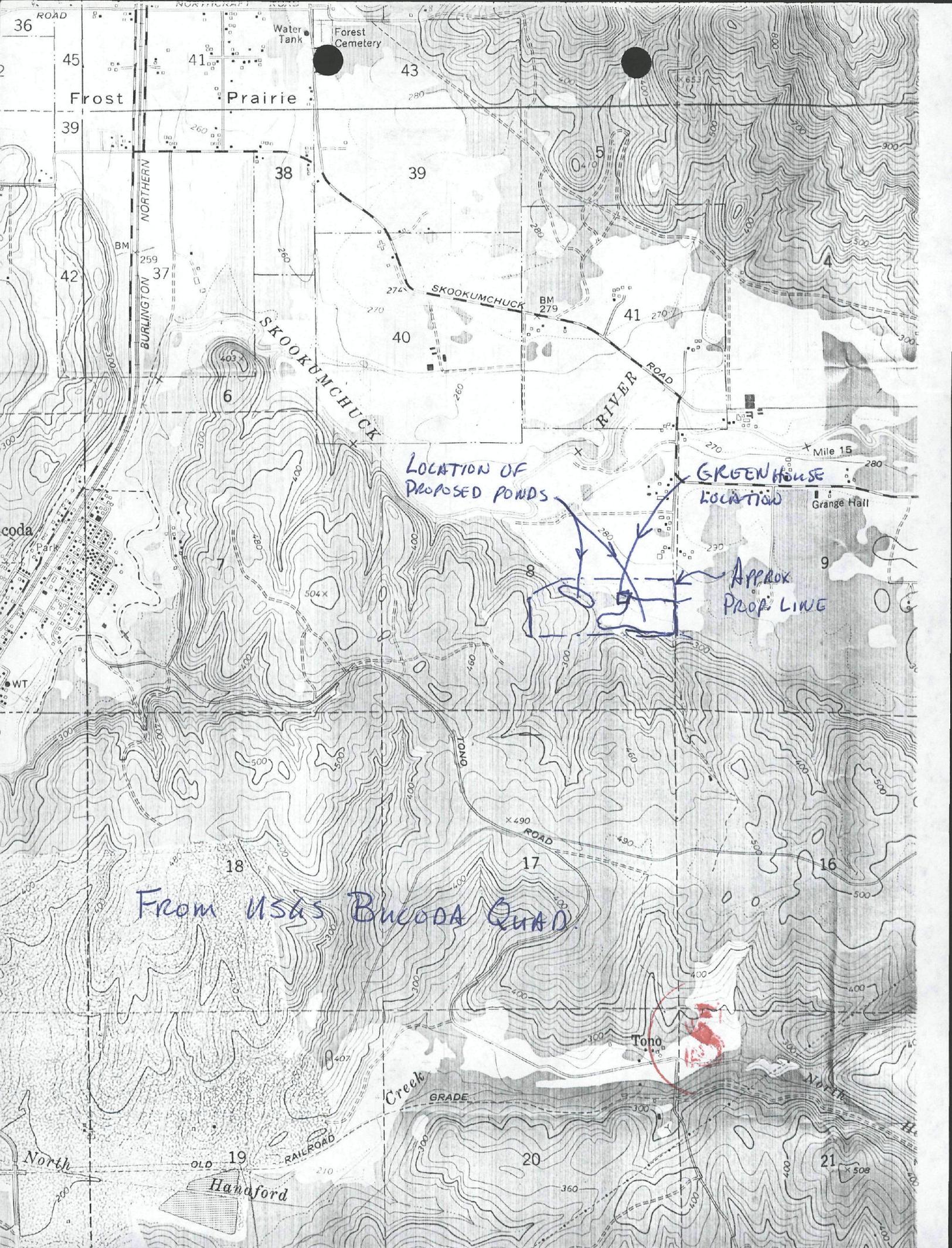

Jack Livingstone

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DEPARTMENT OF ECOLOGY
S.W. REGIONAL OFFICE





36

45

41

43

Frost

Prairie

38

39

42

NORTHERN BURLINGTON

SKOOKUMCHUCK

40

BM 279

41

RIVER ROAD

LOCATION OF PROPOSED PONDS

GREENHOUSE LOCATION

Mile 15

Grange Hall

APPROX PROP LINE

BUCCODA

WT

18

17

16

From USGS BUCCODA QUAD

TONO CREEK

ROAD

Tono

Creek

GRADE

North

OLD 19

RAILROAD

20

21

Handford

x 508

Affidavit of Publication

The undersigned, being first duly sworn on oath desposes, and says that he/she is an authorized representative of the TENINO INDEPENDENT, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published, and it is now and has been for more than six months prior to the date of the publications here in referred to, published in the English language continually as a weekly newspaper in Tenino, Thurston County, Washington, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a true copy of a

Notice of Application
No. _____ as it was published in regular issues
(and not in supplement form) of said newspaper each week for
a period of 2 consecutive weeks, commencing on
the 22 day of November, 1995, and
ending on the 29 day of November, 1995,
and that such newspaper was regularly distributed to its
subscribers during all of said period. That the full amount of
\$ 25.00, which amount has been paid in full, at
the rate of \$ 5.00 per column inch for each insertion.

Carol Baker
Newspaper Representative

Subscribed and sworn to before me this

24th day of November, 1995

[Signature]
Notary Public in and for the State of Washington

SEAL

The Tenino Independent
P.O. Box 4004
297 W. Sussex Ave
Tenino, Washington 98589

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
NOTICE OF APPLICATION TO
APPROPRIATE PUBLIC WATERS
TAKE NOTICE: That Jack Livingstone of
Tenino, Washington, on March 15, 1995, under
Application No. S 2-292109 filed for permit to
appropriate public waters, subject to existing
rights, from a well, in the amount of 50 gallons
per minute as needed year round each year, for
multiple domestic supply and irrigation during the
irrigation season. The source of the proposed
appropriation is located within N 1/2 SE 1/4 of
Section 8, Township 15 N., Range 1W W.M., in
Thurston 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
November 22, 1995.
Department of Ecology
Southwest Regional Office
Post Office Box 47775
Olympia, WA 98504-7775
Published November 22 & 29, 1995.
The Tenino Independent.





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

November 9, 1995

Jack Livingstone
19740 Coal Rd. SE
Tenino, WA 98589

Dear Water Right Applicant:

Re: Ground Water Right Application No. G2-29209

We are preparing to make decisions on pending water right applications in your watershed. We have determined that water is not available for consumptive uses other than those exempt uses of domestic or industrial use under 5,000 gallons per day, stockwatering, or irrigation of less than 1/2 acre. Our final decision on your application will be a denial of water for irrigation use. Your use of water for domestic supply is exempt. You may choose to either withdraw your application at this time, or receive a formal written determination (a Report of Examination) which may be appealed. If you wish to preserve your right to appeal our decision, you must publish the enclosed public notice as directed.

Your application is located in the Upper Chehalis Watershed (Water Resource Inventory Area 23). Instream flows were established for surface water bodies in the basin under the provisions of Washington Administrative Code 173-522-020, Instream Resources Protection Program in the Chehalis River Basin, Water Resources Inventory Area 22 and 23. Data taken from river gages (1953 to 1991) in the watershed indicates a trend of declining annual low flows in the basin. A review of flow records shows that instream flows were not met at the Porter gage (station # 12.0310.00) an average of 73 days per year between 1953 and 1991. For all gages the number of days that instream flows are not met is increasing. This decline can be attributed to an increased demand for surface and ground water

Base flows in the streams and rivers of the Upper Chehalis Watershed depend solely on ground water discharge. Because the watershed is largely underlain and bordered by low permeability bedrock, wells in the watershed draw from the same aquifers which naturally discharge to streams. Consumptive use of ground water will eventually diminish streamflow, either by capturing ground water which would have discharged to streams or by inducing water to flow directly from streams to wells.



Jack Livingstone
Page 2
November 9, 1995

Applications for consumptive use of either surface water or ground water connected to streams with low flow limitations will be denied unless the use can be mitigated to show no net loss to the river system.

If you choose to proceed, mail or deliver the enclosed notice to a newspaper for publication. The public notice must be published once a week for two consecutive weeks in a newspaper of general circulation in the County where your project is located. A list of these newspapers is enclosed. You are responsible for the payment of the publication. Please read the notice to make sure it is correct. Should you find an error, please return the notice to our office for correction.

When you receive the affidavit of publication 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.

Please contact me at (360) 407-0275 if you wish to withdraw your application. If we do not receive the affidavit within 60 days from the date on this letter, we will assume that you are no longer interested in proceeding, and we will reject your application.

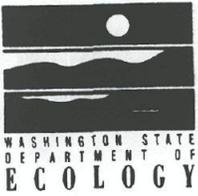
Sincerely,



Don Davidson
Shorelands & Water Resources

DD:th
Enclosure





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

NOTICE OF APPLICATION TO APPROPRIATE PUBLIC WATERS

TAKE NOTICE:

That Jack Livingstone
of Tenino, Washington on March 15, 1995 under
Application No. G 2-29209 filed for permit to appropriate public waters, subject to existing rights,
from a well
in the amount of 50 gallons per minute as needed year round
each year, for multiple domestic supply and irrigation during the irrigation season

The source of the proposed appropriation is located within N¹/₂ SE¹/₄
of Section 8, Township 15 N., Range 1W W.M., in Thurston 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)

DEPARTMENT OF ECOLOGY
SOUTHWEST REGIONAL OFFICE
POST OFFICE BOX 47775
OLYMPIA, WA 98504-7775



NOTICE



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 31, 1995

Dear Water Right Applicant:

We have received your application for water rights. Your application has been assigned the following number G 2-29209. Please refer to this number in future correspondence.

As you may recall, the 1993 Washington State Legislature passed legislation intended to enhance the Department of Ecology's program for water right decisions. The bill created a Water Rights Fees Task Force to examine the process for making water right decisions, recommend efficiency measures, and develop new water right decisions. Half of the programs funding for water right decisions during the second portion of the biennium was expected to be generated from new fees. Unfortunately, the task force recommendations on increased fees did not pass the 1994 legislature and Ecology was forced to cut 35 staff.

With help from staff and representatives of the many water interests, we have examined priorities for our program. Rendering water right decisions is listed among our new priorities. However, due to specific language in the budget, staffing devoted to this activity has been cut significantly. Effective May 1, 1994, our top priority is to water right applications needed for emergencies concerning public health or safety, as designated by Department of Health. Priority also will be given to requests for water right changes, transfers, and short-term authorizations for public projects, such as road-building. Decisions on other water right applications will be delayed, probably for several years.

This means that the majority of new water right applications and many applications for change will continue to await decisions. You will be notified when we are ready to work on your application. Your priority date will be maintained during this waiting period.

Please review the attached Focus Sheet for other priorities and more details. If you still have questions, please call the person listed on the attached sheet. To better manage the use of staff time, we have set the following office hours:

Telephone Calls

Mondays and Wednesday
8:00 am to 4:00 pm

Walk-Ins

Tuesdays and Thursdays
8:00 am to 12:00 (noon)

Our limited staff will respond to your questions and concerns as soon as possible. Special appointments can be arranged as necessary.

Sincerely,

Gale Blomstrom
Water Resources Supervisor

GB:th
Enclosure

