

**YAKIMA RIVER BASIN
WATER RIGHTS ADJUDICATION**

The State of Washington, Department of Ecology v.
James J. Acquavella, et al.
Yakima County Superior Court Cause No. 77-2-01484-5

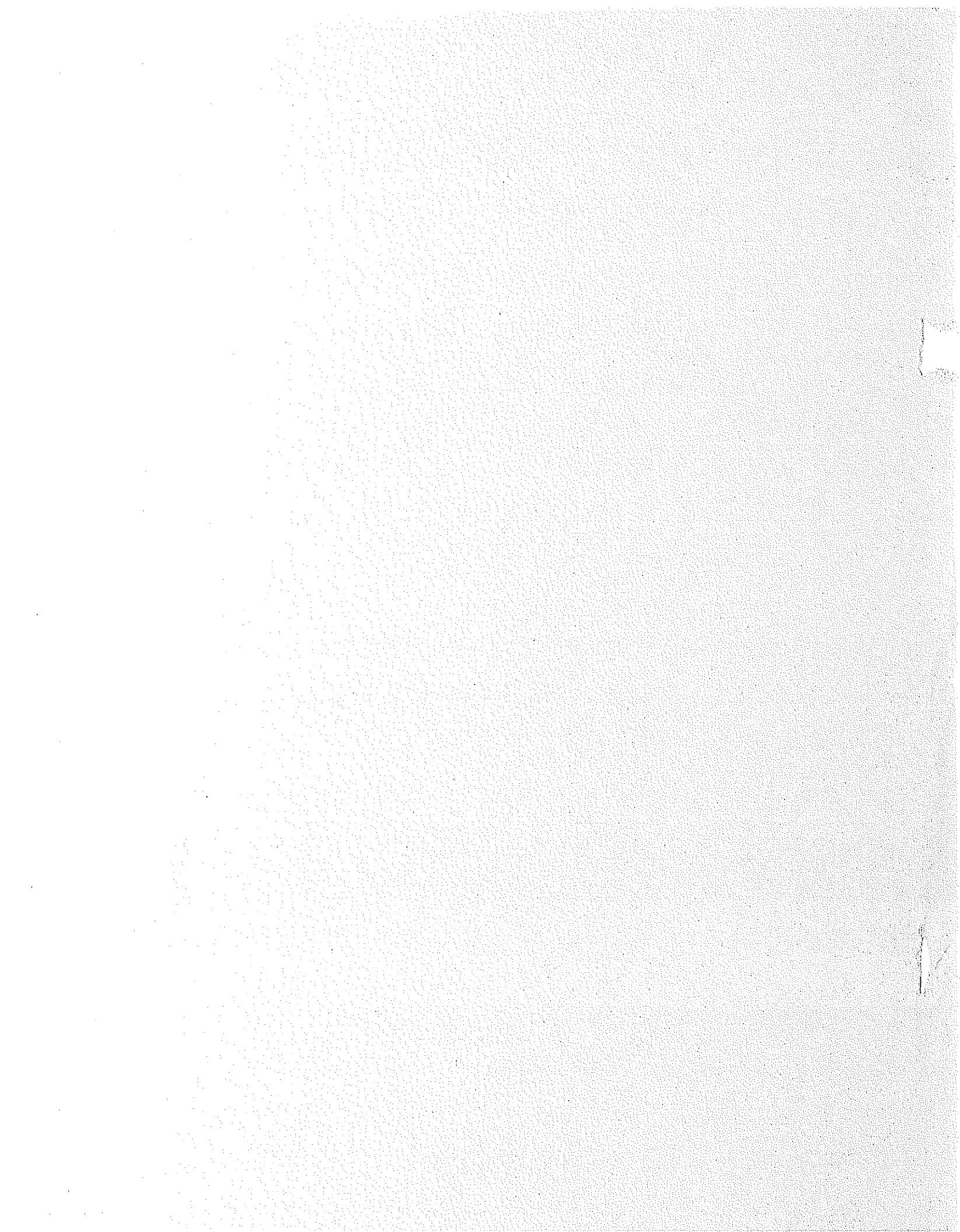
**SECOND SUPPLEMENTAL
REPORT OF REFEREE**

**Re: SUBBASIN NO. 7
(REECER CREEK)**

Submitted to:
The Honorable Walter A. Stauffacher
Yakima County Superior Court

SECOND SUPPLEMENTAL REPORT OF REFEREE - VOLUME 23B

14838



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

IN THE MATTER OF THE DETERMINATION)
OF THE RIGHTS TO THE USE OF THE)
SURFACE WATERS OF THE YAKIMA RIVER)
DRAINAGE BASIN, IN ACCORDANCE WITH)
THE PROVISIONS OF CHAPTER 90.03,)

No. 77-2-01484-5

THE STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)

SECOND SUPPLEMENTAL
REPORT OF REFEREE FOR
SUBBASIN NO. 7 (REECER CREEK)
PURSUANT TO ORDER ON
EXCEPTIONS OF JANUARY 13, 2000

Plaintiff,)

v.)

James J. Acquavella, et al.,)

Defendants.)

To the Honorable Judge of the above-entitled Court, the following report is respectfully submitted:

The Order issued by the court on January 13, 2000, ruled upon several exceptions to the Supplemental Report of Referee and remanded certain exceptions to the Referee, with instructions, for further evaluation and subsequent recommendations to the Court.

The following are the claims for which exceptions were filed:

1. Scott L. Aaron, Claim No. 01483
2. Ronald T. Anderson and Robin L. Anderson, Claim No. 05259
3. John F. and Priscilla J. Brown, Claim No. 01834
4. Pat and Mary Burke, Claim No. 01469
5. First Creek Water Users Assoc (FCWUA), Claim No. 00648
6. Mark Greene and Susie Greene, Claim No. 02261
7. Bill Haberman, Jr., Claim No. 02268
8. Neil Hoff, Claim No. 12341
9. Laroy D. and Lorie Holmes, Claim No. 00487
10. Ivan Hutchinson and Mildred Hutchinson, Claim No. 00876
11. Roberta D. Lamb and Estate of Harold F. Lamb and Randy H. Lamb, et al.
and Frank C. Lamb and Claudia J. Lamb Lofstrom, Claim No. 00908
12. Mary McManamy and Mary Patricia Seubert, Claim No. 00521

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13. Mill Ditch Company, Inc., Ronald and Robin L. Anderson, Claim No. 00626
14. Olson Ditch, Claim No. 00169
15. Pautzke Bait Company, Inc., Par Five Corporation and Trendwest Resorts, Inc., Claim No. 01724
16. J. P. Roan and Jan Roan, Claim No. 01419
17. Schaaake Packing Company, Claim No. 01444
18. John Hardy Shore and Donna Shore and Dana R. and Elizabeth Lind, Claim No. 06041

The Department of Ecology sought clarification of the Supplemental Report of Referee for the following claims:

- a. Olson Ditch, Claim No. 00169
- b. William J. & Patricia Grueter, Jeffrey A. & Cindy Strole, Mike & Debra Stanovich, Claim No. 01663
- c. Ronald T. & Robin L. Anderson, Claim No. 00296, 00637 & 00626
- d. Pautzke Bait Co., Claim No. 01724

On August 23, 1999, and September 10, 1999, respectively, Arnulfo and Gloria Rodriguez, Claim No. 0515, and Susan Bangs, Claim No. 0622, filed requests to allow late exceptions concerning their claims. The requests were granted.

I. Oral Rulings

The Court ruled on several exceptions at the exception hearing on November 12, 1998, and the rulings are summarized below. See the Court's Order on Exceptions Subbasin No. 7 (Reecer Creek), signed January 13, 2000, for more detail on disposition of the following claims:

1. Neil Hoff, Claim No. 12341 - exception denied
2. First Creek Water Users Association, Claim 00648 - cannot award a right for use of intercepted water, but ditch can continue to intercept runoff water.
3. Bill Haberman, Claim No. 02268 - cannot consider that the existing RCW 90.14 claim covers the land in Section 21.
4. Laroy and Lorie Holmes, Claim No. 00487 - exception granted, will increase the instantaneous quantity to 4.62 cubic feet per second.

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1 5. Par Five Corporation, Claim No. 01724 - exception granted, a specific
2 right will be awarded to Par Five Corporation.

3 6. Ecology's Requests for Clarification on the following claims is
4 granted:

5 a. Olson Ditch, Claim No. 00169

6 b. Grueter, Strole, and Stanovich, Claim No. 01668

7 c. Ronald T. and Robin L. Anderson, Claim No. 00296, 00637, 00626,
8 00636.

9 d. Pautzke Bait Company, Claim No. 01724

10 In the Order on Exceptions signed on January 13, 2000, the Court also
11 denied several exceptions that were based on a challenge to the
12 constitutionality of RCW 90.14.068. The Court had earlier ruled in its
13 Memorandum Opinion and Ruling RE: R.C.W. 90.14.068(5) Constitutional Issue dated
14 November 8, 1999, that RCW 90.14.068(5) does not violate the claimants
15 constitutional rights. The following exceptions on that issue were, therefore,
16 denied:

17 1. Scott L. Aaron, Claim No. 01483

18 2. John F. and Priscilla J. Brown, Claim No. 01835

19 3. Marke Greene, Claim No. 02261 (other exceptions are addressed on page 11)

20 4. Bill Haberman, Jr., Claim No. 02268

21 The following claims were remanded to the Referee to take additional
22 evidence and testimony in regard to the claimants' exceptions:

23 1. Ronald T. and Robin L. Anderson, Claim No. 05259

24 2. Susan Bangs, Claim No. 00622

25 3. Pat and Mary Burke, Claim No. 01469

26 4. Ivan Hutchinson and Mildred Hutchinson, Claim No. 00876

27 5. Roberta D. Lamb and Estate of Harold F. Lamb and Randy H. Lamb, et al.
28 and Frank C. Lamb and Claudia J. Lamb Lofstrom, Claim No. 00908

1 6. Mary McManamy and Mary Patricia Seubert, Claim No. 00521

2 7. Mill Ditch Company, Inc. and Ronald T. and Robin L. Anderson, Claim
3 No. 00626

4 8. Olson Ditch, Claim No. 00169

5 9. Pautzke Bait Company, Inc., Par Five Corporation and Trendwest
6 Resorts, Inc., Claim No. 01724

7 10. David Pethia and Mark Greene and Susie Greene, Claim No. 02261

8 11. J. P. Roan and Jan Roan, Claim No. 01419

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12. Arnulfo and Gloria Rodriquez, Claim No. 00515
13. Schaaque Packing Company, Claim No. 01444
14. John Hardy Shore and Donna Shore and Dana R. and Elizabeth Lind,
Claim No. 06041

On July 24, 2000, Ecology filed a Motion to Allow Filing of Late Exception Concerning City of Ellensburg, Claim No. 02085. Since that motion was filed Ecology has asked that the hearing on the motion be continued to allow for negotiations with the City of Ellensburg to resolve the exception. If Ecology decides to pursue this exception, it must do so during the time frame set for the exception phase for this second supplemental report.

The following claims and claimants are addressed in this report, either during consideration of evidence presented at the supplemental hearing or by rights described in the Findings of Fact that begins on page 45 of this report:

<u>CLAIM NO.</u>	<u>CLAIMANT NAME</u>	<u>PAGE NO.</u>
05259 00296 00636	Ronald T. Anderson and Robin L. Anderson	7, 76, 80, 81
01207	Richard C. Bain and Jeri L. Bain and Bruce and Vicki Wilson (formerly Carl Donovan)	63, 96
00622	Susan Bangs (formerly Days)	34, 66
00910	Jerry D. and Diane M. Barton	82
01469	Pat Burke and Mary Burke	9, 104
01720	Calaway Pacific	99
01565	Donald E. and Lois Clapper	94
01767	Terance Clarke	66
00166	Lorne T. Dunning and Jeanne M. Dunning	67, 106

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<u>CLAIM NO.</u>	<u>CLAIMANT NAME</u>	<u>PAGE NO.</u>
01963	Jim Eattock and Claudia Eattock	86
02085	Ellensburg, City of	103
01527	Milton M. Femrite and Tracy S. Femrite	57, 58, 97
05175	Jon Fitterer	64, 67
02261	Mark and Susie Greene (formerly David Pethia)	11, 59, 60
01663	William J. and Patricia M. Grueter; Jeffrey A. and Cindy Strole and Mike and Debra Stanavich	58, 68, 91
01983	Don and Lu Guy	99
02268	Bill Haberman and Bill Haberman, Jr.	87
00692	James E. Hand; Patrick J. Hand, et al., Cathy J. Heathman	69
00487	Laroy D. Holmes and Lorie Holmes	69
01008	Michael Hosker, et al. and Dick Van de Graaf, Jr. and Maxine Van de Graaf	70, 97
05284	Peggy Hunt and Wallace Stampfly, et al.	53
00876	Ivan Hutchinson and Mildred Hutchinson	14, 105
00140	John G. Jewett and Nancy A. Jewett	100
01696	Hentry John Klocke, Jr. and Beverly Lee Klocke	65
00908	Roberta D. Lamb and Estate of Harold F. Lamb; Randy H. Lamb, et al.; Frank C. Lamb and Claudia J. Lamb Lofstrom,	18 82
00637	Albert J. and Glena M. Lentz and Ronald T. Anderson and Robin L. Anderson	80, 101
00334	Russ Longacre and Shawn Fagalde	104
01558	Bruce Magnotti and Aloa G. Mitchell, Paul & Brenda Wyatt	77
00521	Mary McManamy and Mary Patricia Seubert	19, 85, 87
00750	Steve Merten	85

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<u>CLAIM NO.</u>	<u>CLAIMANT NAME</u>	<u>PAGE NO.</u>
00626	Mill Ditch Company, Inc. and Ronald T. Anderson and Robin L. Anderson	24, 81, 83, 101
00576	Frank Oechsner; Mary McManamy and Mary Patricia Seubert	84
00169	Olson Ditch	26, 47, 50, 86, 88, 94
00402	P. L. P.	47
01724	Pautzke Bait Company, Inc., Par Five Corp., and Trendwest, Inc.	28, 70, 78, 79, 92, 102
00515	Arnulfo and Gloria Rodriguez	34, 71
0141	J. P. Roan and Jan Roan	32, 52, 54
01444	Schaaake Packing Company	38, 79
01447	Nicholas Schmitt, Jr. and Janet C. Schmitt and Nelson - Gelbvieh Ranch	46, 51, 52, 56
02140	Arloha M. Scott	75
06041	John Hardy Shore and Donna Shore, James A. and Kimberly A. Stinnette and Dana R. and Elizabeth Lind	42, 54, 55
00170 00171, 01745	Patrick J. Taylor and Susan A. Taylor	51, 71, 72, 93
01144 01959	Carla L. Thomas and Peoples National Bank of Washington	98, 103
01503	Van de Graaf Ranches, Inc.	62
01520	Dick Van de Graaf, Jr. and Maxine Van de Graaf	73, 74, 75, 89, 90
00520	Willowbrook Farms Ltd. Partnership	61

Hearings, for the purpose of opening the record for testimony and evidence relating to the exceptions, were conducted by the Referee on April 12 and 18, 2000. The Department of Ecology was represented by Sam Bailey.

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1
2 COURT CLAIM NO. 05259 -- Ronald T. Anderson
3 & Robin L. Anderson

4 The Andersons filed an exception to the Referee not recommending that a water
5 right be confirmed under Court Claim No. 05259. The Andersons are represented by
6 Attorney John P. Gilreath and Ron Anderson testified at the second supplemental
7 hearing.

8 The Andersons own what is approximately the south 500 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
9 Section 2 west of Anderson Road and that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11 west
10 of a slough that runs next to Anderson Road, all in T. 17 N., R. 18 E.W.M. They
11 are asserting a right to irrigate 30 acres with water diverted from the Yakima
12 River and carried in the Kline, Coble and Castle Ditch. The Referee has not
13 recommended confirmation of a water right due to lack of evidence to show that the
14 land enjoyed a water right to waters carried in the ditch. That lack of evidence
15 has been remedied.

16 Exhibit DE-417 consists of a series of documents that clearly show that
17 appurtenant to the portion of the Anderson property in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11
18 was a 25 inch water right conveyed through the Kline, Coble, and Castle Ditch.
19 The documents include a deed dated March 20, 1908, from Casper Hofmeier to C. N.
20 Clinesmith and the Summons, Findings of Fact and Conclusions of Law and Decree in
21 Caspar Hofmeier v. H. G. Grindrod, Ione Grindrod, Henry Mack and W. F. Doughty,
22 which were all dated during the year 1906. Based on those documents and the past
23 testimony of water use in more recent years, the Referee concludes that a water
24 right exists for the use of 25 inches of water (or 0.50 cubic foot per second) on
25

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1 that portion of the NW¼NW¼ of Section 11 lying west of Anderson Road and the
2 slough to the west of the road. The Referee estimates that 20 acres are irrigated
3 in this area. None of the evidence that was presented relates to the Anderson
4 land in the S¼SW¼SW¼ of Section 2, therefore, the Referee cannot recommend
5 confirmation of a water right for those lands. At the instantaneous rate of 0.50
6 cubic foot per second, the maximum that can be used on the land during irrigation
7 season is 195 acre-feet per year, which is a reasonable quantity for this area.

8 The Referee recommends that a right be confirmed under Court Claim No. 05259
9 with an October 30, 1884, date of priority for the diversion from the Yakima River
10 of 0.50 cubic foot per second, 195 acre-feet per year for the irrigation of 20
11 acres in that portion of the NW¼NW¼ of Section 11, T. 17 N., R. 18 E.W.M. lying
12 west of a slough.

13 The claimant may also be asserting a right to use an artesian water source
14 that has alternately been called both a spring and a well. At the second
15 supplemental hearing it was in one occasion called a spring and in another a
16 well. It may seem to be semantics, however, in this case it is an important
17 distinction. If the water source is in fact an artesian well, it is not within
18 the jurisdiction of this Court to determine the valid water rights to its use.
19 This adjudication is not addressing ground water rights. If on the other hand it
20 is a flowing spring, then it is appropriate for the Referee to determine whether
21 there is a valid right to its use. Sufficient information has not been presented
22 to allow the Referee to make that judgement. It is noted that the evidence of
23 historical use of this water only mentions it being used at a brewery and that use
24 ended around 1906. The brewery buildings continued to be used in a dairy
25

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1 operation and it might be reasonable to conclude that the water source continued
2 to be used in conjunction with the dairy. However, there is no evidence that the
3 spring/well had historically been used for irrigation purposes. Additionally, Mr.
4 Anderson's testimony did not indicate that the spring/well was currently being
5 used. He mentioned it being fenced so that livestock cannot drink from it and
6 there was no testimony to indicate the existence of a delivery system. Lastly,
7 there is no RCW 90.14 claim in the record for use of the spring/well.

8 Due to these factors, the Referee cannot recommend that a right be confirmed
9 for use of the artesian water source.

10
11 COURT CLAIM NO. 01469 -- Pat Burke
12 & Mary Burke

13 The Burkes filed an exception to the Supplemental Report of Referee
14 concerning use of water for fire control and stock water and seeking a right to
15 use a spring. The Court ruled on all three issues at the exception hearing.

16 The Court ruled that the fire control use sought by the claimants is covered
17 by the previously entered stipulation that allows for use of water when there is a
18 danger of fire. See Stipulation RE: Water Use For Fire Suppression dated
19 December 12, 1996. The Court also ruled that the non-diversionary stock water
20 stipulation covers the claimants' exception regarding stock watering, see Amended
21 Order RE: Non-diversionary Stockwater Rights, dated October 9, 1997. The
22 exception regarding a right to use of the spring was granted and the Court ordered
23 that a right be confirmed for domestic supply and irrigation of 10 acres. The
24 claim was remanded to the Referee, if necessary, to take testimony concerning the
25 quantity of water used. Attorney Lawrence E. Martin appeared on behalf of the

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1 Burkes and stated they intend to rely on the evidence already in the recording
2 concerning the quantity of water used.

3 Pat Burke had previously testified that he estimated that the spring produces
4 about 0.50 cubic foot per second. He did not testify to the annual quantity of
5 water being used. Ten acres are irrigated during irrigation season and water from
6 the spring is used all year for single domestic supply and stock watering for 50
7 head of cattle. The domestic supply would require 1 acre-foot per year and the
8 stock watering an additional 2 acre-feet per year. Mr. Burke's affidavit, which
9 is attached to the exception, claims a right to use 362 acre-feet per year,
10 apparently based on using 0.50 cubic foot per second continuously for the entire
11 year. However, the evidence does not support a conclusion that that quantity has
12 been put to beneficial use. During the irrigation season, a continual diversion
13 of 0.50 cfs for irrigation purposes would result in 178 acre-feet per year being
14 diverted. Mr. Burke did not testify to needing 17.8 acre-feet per acre irrigated,
15 nor did he testify to his irrigation practices, which might allow for a
16 determination on whether that quantity of water is being put to beneficial use.
17 Additionally, Water Right Claim No. 097559 which was filed by Pat Burke for use of
18 this spring states that 50 acre-feet per year is being used. While the Court has
19 given the Referee the latitude to recommend that rights be confirmed for
20 quantities somewhat in excess of that claimed in the RCW 90.14 claims, that does
21 not seem justified for this claim. There was no testimony about actually using
22 the higher quantity, nor was there any explanation of the difference between the
23 claim and the affidavit. Additionally, the Burkes have not attempted to amend the
24

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1 claim to correct the quantity of water claimed. Such an amendment is allowed by
2 RCW 90.14.065.

3 The Referee recommends that a right be confirmed with a December 10, 1907,
4 date of priority, which is the date the Receivers Receipt was signed for the
5 Homestead Certificate, for the diversion of 0.50 cubic foot per second, 50
6 acre-feet per year from a spring for the irrigation of 10 acres in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
7 Section 30, T. 19 N., R. 18 E.W.M. from March 15 through October 31; 2 acre-feet
8 per for continuous stock watering and 1 acre-foot per year for continuous single
9 domestic supply.

10
11
12 COURT CLAIM NO. 02261 -- Mark Greene
13 (A) 03072 & Susie Greene
(A) 05691 (formerly David Pethia)

14 Mark Greene filed an exception to the Supplemental Report of Referee for
15 Subbasin No. 7 that raised two issues. The first issue dealing with the
16 constitutionality of RCW 90.14.068(5) was addressed by the Court in its
17 November 8, 1999, Memorandum Opinion and Ruling Re: RCW 90.14.068(5)
18 Constitutional Issue. The Court ruled that RCW 90.14.068(5) is constitutional,
19 resulting in the first exception raised by Mr. Greene being denied. The second
20 issue was the quantity of water authorized to be diverted from Reecer Creek. This
21 exception was remanded to the Referee to take additional evidence. Mark Greene,
22 represented by Attorney Jeff Slothower, testified at the second supplemental
23 hearing, along with Richard C. Bain, Jr., a consultant hired by the claimant.

24 As discussed in the Supplemental Report of Referee for Subbasin No. 7,
25 sufficient evidence was presented for the Referee to conclude that a water right
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1 existed for the irrigation of 56 acres. Mr. Greene excepted to the instantaneous
2 quantity awarded and to the provision that the awarded quantity was the maximum
3 that could be used on the land from both Reecer Creek and the Olson Ditch. The
4 Referee had suggested that, were the takeouts from Reecer Creek measured and that
5 information provided to the Referee, the recommendation would be reconsidered.

6 Mr. Bain measured the diversions on Reecer Creek on July 16, 1998. Takeout
7 5, which is in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 18 N., R. 18 E.W.M., near Dry Creek
8 Road was measured at 4.65 cubic feet per second. This takeout is used to irrigate
9 field 7, which is 31 acres in size. Timothy hay is the normal crop, with a grain
10 rotation every 4 or 5 years. Mr. Greene testified that quantity reflects what is
11 normally diverted from the creek through this takeout. This field is only
12 irrigated with Reecer Creek water. It takes 7 days to cover the field, which is
13 irrigated about 9 times each year. Based on that irrigation pattern and 4.65 cfs
14 being available the entire year, 580 acre-feet per year would be used to irrigate
15 field 7. Takeout 6, which is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, was measured at
16 1.05 cubic feet per second on July 16, 1998. Both Mr. Greene and Mr. Bain
17 measured this diversion later that season and early in 1999 and those measurements
18 were very close to 1.05 cfs. Takeout 6 is used to irrigate field 6, which is 25
19 acres in size. Timothy hay with a grain rotation is also planted on this field.
20 It takes 9 days to cover field 6, which is irrigated 9 times each irrigation
21 season. If 1.05 cfs was used the entire season, 168.4 acre-feet per year would be
22 used to irrigate the field. In addition to Reecer Creek, water from the Olson
23 Ditch is also used to irrigate field 6, which is why there is a significant
24 difference between the per acre water use between field 6 and field 7. Mr. Green
25

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1 testified that since he is at the end of Olson Ditch, it is not always a reliable
2 source of water. Mr. Greene noted that at the time of the July 16, 1998,
3 measurement, most of the neighboring landowners upstream were haying, so their
4 land was not being irrigated. He believed that as a result of the haying, the
5 return flow contribution to the creek would have been low. Both Mr. Green and
6 Mr. Bain acknowledged that as the irrigation season progressed, return flow
7 becomes a greater portion of the creek flow. Mr. Bain was not able to estimate
8 what percentage of the creek flow might be return flow.

9 Based on the testimony provided, a total of 784.4 acre-feet per year is being
10 used from Reecer Creek to irrigate 56 acres, which is approximately 13 acre-feet
11 per acre irrigated. Sufficient evidence was presented at earlier hearings to
12 establish this quantity is not unreasonable for rill irrigation of fields on the
13 porous soils in this area. Most certainly the water applied in excess of that
14 needed for crop growth returns to the nearby Yakima River in short order. It
15 should be recognized that the flows in Reecer Creek are affected by return flows
16 resulting from irrigation of land with a variety of sources, both from within the
17 basin and outside the basin. Rights cannot be awarded for the use of foreign
18 return flows or return flows generated by districts that are part of the Yakima
19 Project. See the Court's Additional Order RE: Limiting Agreements (CID, EWC,
20 WSIC).

21 During Mr. Bain's testimony he corrected the location of takeout 6 on the map
22 in the engineering report prepared prior to the initial Subbasin No. 7 hearing.
23 The location marked on the map was about 1,000 feet downstream from the actual
24 diversion from the creek. The Referee used both the State's investigation report
25

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1 for Claim No. 02261 and map exhibit SE-2 for describing the location of the
2 diversion on the right that was recommended for confirmation and that location
3 appears to be consistent with Mr. Bain's testimony.

4 Based on the evidence presented at the second supplemental hearing, the
5 Referee recommends that the right awarded under Court Claim No. 02261 on page 160
6 of the Supplemental Report of Referee be amended to authorize the diversion of 5.7
7 cubic feet per second, 784.4 acre-feet per year. The limitation of use provision
8 shall be removed. All other elements of the recommendation shall remain
9 unchanged.

10
11 COURT CLAIM NO. 00876 -- Ivan Hutchinson
12 (A) 02389 & Mildred Hutchinson

13 The Referee did not recommend that water rights be confirmed under Court
14 Claim No. 00876 for use of the Yakima River and Dry Creek for irrigation purposes
15 due to lack of evidence to show that water rights were established. The claimants
16 filed an exception, in which they disagreed with the Referee's conclusion that the
17 evidence did not show that water rights had been legally established. The
18 claimants are represented by Attorney John P. Gilreath who appeared on their
19 behalf at the second supplemental hearing. There were no witnesses called to
20 testify at the second supplemental hearing and the only additional evidence
21 offered was a copy of Water Right Claim No. 103952 filed by the Hutchinsons
22 pursuant to RCW 90.14. Counsel for the claimants reiterated his belief that
23 sufficient evidence had been presented to show the existence of a water for
24 irrigation.

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1 The Referee has reviewed that evidence once more. The Hutchinsons acquired
2 the land in question around 1947. At that time the land was being irrigated from
3 facilities located near the northwest corner of the property. The facilities are
4 on an oxbow channel of the Yakima River near where Dry Creek intercepts the
5 channel. Water diverted at this point would be a mix of river and creek water.
6 At the supplemental hearing in 1997, Dorain Dexter testified that as a result of
7 conversations with Mr. Hutchinson and Mr. Lamb, from whom the Hutchinsons
8 purchased the land, he concluded the land had been under continuous cultivation
9 and irrigation since it was first settled in the late 1800's and early 1900's.
10 However, Mr. Dexter did not elaborate on those conversations, so the Referee does
11 not have sufficient information to reach the same conclusion. The Referee
12 acknowledges that the land in question was conveyed by the United States to
13 Northern Pacific Railroad and that under the Riparian Doctrine, if water rights
14 were established, the date of priority would be May 24, 1884, the date the map of
15 definite location for the railroad was filed in Kittitas County. However, in
16 order for there to be a valid water right under the Riparian Doctrine, there needs
17 to be evidence that the land was being irrigated by December 31, 1932. The
18 evidence continues to be lacking.

19 Since 1947 Ellensburg Cement Products has been steadily developing its
20 gravel pit operation and replacing irrigated fields with the gravel pit. The land
21 being irrigated has steadily been reduced as the pit has been enlarged. There was
22 considerable enlargement of the pit in the 1960's and 1970's as Interstate-90 was
23 constructed. Mr. Dexter testified that as late as 1990, a few acres were still
24 being irrigated, however, he did not specify how many and the Referee's impression
25

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1 is that it was very small. Initially, the Referee was concerned about potential
2 relinquishment of the water right as a result of over five years of nonuse since
3 1967 when the relinquishment statute was adopted by the legislature, see RCW
4 90.14.160 - .180. However, at the supplemental hearing counsel argued that the
5 landowner had a determined future use for the irrigation water right that was not
6 being exercised (see RCW 90.14.140(2)(c)), in that the intention was to resume
7 irrigation after the gravel mining was complete. RCW 90.14.140(2)(c) provides
8 that a water right does not relinquish if the right is claimed for a determined
9 future use to take place either within 15 years of July 1, 1967, or 15 years of
10 when water was last used. At the time the Supplemental Report issued, the Court
11 in this proceeding had held that the adjudication is a legal proceeding that
12 prevents relinquishment of a water right for nonuse occurring during the pendency
13 of the adjudication. The Referee reasoned that the 15 year period for putting the
14 water back to use was also suspended during the pendency of the adjudication.
15 Since issuance of the supplemental report, the law of the case has changed. In
16 1999 the Washington State Supreme Court issued its opinion in R.D. Merrill v.
17 State, Pollution Control Hearings Board, 137 Wn.2d 118, 969 P.2d 459 (1999). In
18 that case the Supreme Court ruled that in order for a legal proceeding to be a
19 sufficient cause to prevent relinquishment when the water right has not been
20 exercised, the legal proceeding had to prevent the use of water (RCW
21 90.14.140(1)(d)). This adjudication does not prevent the use of water, therefore,
22 it does not automatically provide a sufficient cause to protect a right from
23 relinquishment. The Referee concludes that since the adjudication did not prevent
24 the use of water, the 15 year period for putting an unexercised right to use under
25

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1 the determined future use exception to relinquishment was also not tolled. The
2 Supreme Court in Merrill also addressed the determined future use exception from
3 relinquishment. The Court stated that conclusively or authoritatively fixed
4 development plans must be made during the first five years of nonuse in order to
5 prevent relinquishment of the right. The Court ruled that some affirmative steps
6 toward realization of the fixed development plans must occur within the 15 year
7 period. At the first supplemental hearing, the testimony was clear that there was
8 no fixed development plans for the property and there would not be until the
9 gravel mining operation was winding down. Potential options for use of the land
10 were mentioned, such as crop irrigation, a housing development or an industrial
11 development. This indicates to the Referee that a fixed development plan was not
12 developed within five years of when water was last used. Pat Taylor, a
13 neighboring landowner, had testified to pumping some water onto his land for
14 irrigation with the implication that he was potentially using the water right that
15 was appurtenant to the Hutchinson land. However, there was no evidence presented
16 to show that RCW 90.03.380 was complied with to change the place of use for that
17 water. Additionally, Mr. Taylor as a claimant in this proceeding, is asserting a
18 water right for these same lands.

19 The Referee continues to conclude that there has not been sufficient evidence
20 to show that water rights were established for irrigating the claimants land
21 through beneficial use of water from the Yakima River and/or Dry Creek prior to
22 1932. Additionally, if a water right was established, it has relinquished as a
23 result of nonuse beginning many years prior to 1967 and continuing to the present
24 day.

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2 COURT CLAIM NO. 00908 -- Roberta D. Lamb
3 & Estate of Harold F. Lamb
4 Randy H. Lamb, et al
5 Frank C. Lamb
6 Claudia J. Lamb Lofstrom

7 The Lambs filed an exception to the Referee's recommendation that a water
8 right not be confirmed for irrigation of 35 acres lying in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$
9 of Section 33, T. 18 N., R. 18 E.W.M. The Lamb family is represented by Attorney
10 John P. Gilreath and Frank Lamb testified at the second supplemental hearing.

11 At issue in the exception is 35 acres that lie north and above the Mill Ditch
12 (previously known as the Reed-Ramm Ditch). The Referee had concluded that the
13 Lamb property enjoyed a right for the irrigation of 50 acres lying below the ditch
14 based on the Reed Claim to Interest in Water Ditch. It was clear from the prior
15 testimony that the 35 acres above the ditch were being irrigated when the Lambs
16 acquired the land in 1950, but there was no evidence to show when it was first
17 irrigated. That has been remedied.

18 Placed in the record as Exhibit DE-418 is a copy of a deed executed on
19 November 25, 1907, conveying the NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 18 N.,
20 R. 18 E.W.M. from S. S. Kleinberg et al. to J. H. Ringer along with one-half of
21 all water rights and ditches appurtenant to the E $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33,
22 known as the Reed Ranch. Kleinberg reserved the right to conduct water across the
23 land for irrigation purposes through a ditch that was at that time partially
24 constructed. Kleinberg also reserved all baled hay now on the land along with the
25 right to enter the property and remove the hay. The existence of baled hay in
26 November suggests to the Referee that the hay field had been irrigated in order to

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1 produce a crop near the end of the irrigation season. It is not uncommon to
2 produce one cutting of hay without irrigation, but generally that occurs early in
3 the irrigation season when precipitation is highest.

4 Frank Lamb also had conversations with the Ringer family and confirmed that
5 the land had been farmed and irrigated by their family since around 1910.

6 The Referee concludes that sufficient evidence has been presented to show
7 that the 35 acres above the Mill Ditch were irrigated with a portion of the Reed
8 water right since the early 1900's. Therefore, the Referee amends that initial
9 recommendation for Court Claim No. 00908 and recommends that a right be confirmed
10 with a May 20, 1885, date of priority for the diversion of 4 cubic feet per
11 second, 1054 acre-feet per year for the irrigation of 85 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$ and
12 E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 33, T. 18 N., R. 18 E.W.M.

13 The annual quantity recommended is based on the historical records for
14 diversions into the Mill Ditch, see page 24 for a discussion of that issue.

15
16 COURT CLAIM NO. 00521 -- Mary McManamy
17 & Mary Patricia Seubert

18 The claimant filed an exception to the Referee's recommendation in the
19 Supplemental Report of Referee. The claimants are represented by Attorney John P.
20 Gilreath. Larry Browne, superintendent with the Ellensburg Water Company
21 testified at the second supplemental hearing.

22 The claimants are asserting that the Kull water right for 66 inches of water
23 (1.32 cubic foot per second) previously recognized by the Referee in the
24 Supplemental Report of Referee on page 66 is still being exercised on the
25 claimants property and is being delivered by the Ellensburg Water Company (EWC).

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1 The prior testimony was that the claimants own shares in EWC and all of the land
2 that was originally owned by Kull was being irrigated with EWC water. That caused
3 the Referee to conclude that only EWC water was being used and not any water based
4 on the Kull appropriation. Mr. Browne testified at the hearing that EWC delivers
5 to the claimants takeout water in addition to that for which shares are held. Mr.
6 Browne testified that the McManamy/Seubert property has 11 shares of EWC water for
7 the irrigation of 14.67 acres. Based on the Report of the Court Concerning the
8 Water Rights for the Ellensburg Water Company, Volume 37, each share of water
9 would allow for the use of 0.016 cubic foot per second. Therefore, under their
10 EWC shares, the claimants would have a right to use 0.18 cfs. Mr. Browne
11 testified that their turnout has a capacity of 4.6 cfs. According to the Bain
12 report, part of Exhibit DE-31, the turnouts used to deliver EWC water are
13 different than the turnouts used to deliver water from the Olson Ditch and the
14 Wold Ditch. This leads the Referee to conclude that the claimants are using 4.42
15 cfs from the Town Ditch outside of their EWC shares on lands not served by either
16 the Olson or Wold Ditches, which is a 14.67 acre field lying above Olson Ditch and
17 below Town Ditch. Although the claimant has asserted that the Kull water right is
18 being used on lands other than those which Kull originally owned, the evidence
19 does not support that conclusion. The Referee concludes, based on Mr. Browne's
20 testimony, that a portion of the Kull water right is still being exercised on that
21 portion of the NE¼ of Section 18 lying north of the Olson Ditch and south of Town
22 Ditch. A neighboring landowner, Claudia Eattock, also owns a portion of the Kull
23 land and a water right was awarded to the Olson Ditch for her land based on the
24 Kull appropriation. Therefore, the quantity of water awarded to Olson Ditch for

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1 delivery to Ms. Eattock, will be deducted from that which can be awarded to the
2 claimants. Olson Ditch was awarded a right to deliver 0.285 cfs to the Eattock
3 property, leaving 1.04 cfs of the Kull right for the McManamy/Seubert land.

4 Based on the foregoing, the Referee recommends that an additional right be
5 confirmed to the claimants under Court Claim No. 00521 with a July 1, 1889, date
6 of priority for the diversion of 1.04 cubic feet per second, 176 acre-feet per
7 year for the irrigation of 14.67 acres in that portion of the NE¼ of Section 18
8 lying south of Town Ditch and north of Olson Ditch, in T. 18 N., R. 18 E.W.M.

9 The claimants have argued that a landowner has the right to use the amount of
10 water to which that person is entitled anywhere within the boundaries of his
11 property, as long as he stays within the amount originally appropriated. The
12 Court's decision in Memorandum Opinion Re Subbasin No. 6: Level Best Inc. Motion
13 for Reconsideration & Exception of Level Best Inc. and Taneum Canal Company to
14 Supplemental Report of Referee, filed on July 28, 1998, and the Washington State
15 Supreme Court in Osborn v. Chase, 119 Wash, 476, 205 Pac. 844 (1922) are relied on
16 to support that conclusion. The Referee does not reach the same conclusion.

17 First considering the Court's ruling in Subbasin No. 6, counsel asserts that
18 the Court allowed a water right established in 1873 to be moved to lands that were
19 first irrigated in 1952. That is not the case. In Subbasin No. 6, Level Best
20 argued that the Referee had recommended a water right with an 1873 priority date
21 for lands that were not irrigated prior to 1952. The Court earlier ruled that
22 evidence presented at the exception hearing about the land in question would not
23 be allowed and should be disregarded. The Court then in its memorandum was
24 dealing strictly with interpretation of two court decrees and the lands covered by

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1 the water rights addressed in the decrees. Quoting from page 16, beginning on line
2 5, "Remember that the water code, and therefore the appurtenance requirement of
3 RCW 90.03.380, was not enacted until 1917. While common law prior appropriation
4 (and many decrees of that era) recognized the appurtenance of water right to land,
5 Judge Turner, at least expressly, did not. The Decree itself makes absolutely no
6 mention of land at all." As counsel will recall, the Taneum I and Taneum II
7 decrees did not address which lands were owned or irrigated by the parties to
8 those cases and awarded water on the basis of a percentage of the creek flow. In
9 the Acquavella Court's memorandum opinion, the Court was only considering a
10 specific exception concerning which lands the water rights addressed in two prior
11 decrees might be appurtenant. The ruling is limited to that issue.

12 On the other hand, Osborn v. Chase, supra, did make a specific ruling that
13 "Appellants are entitled to use upon their lower lands the percentage of water
14 awarded because of the ownership of the higher lands now owned by them." This
15 ruling does support a conclusion that a landowner can move water rights from one
16 piece of property owned to another. However, the Referee does not believe this
17 ruling is controlling. First, the 1922 ruling does not establish when the
18 transfer of the water right occurred. The Referee acknowledges that prior to
19 adoption of the Surface Water Code in 1917 water rights could be changed without
20 formal approval, the only consideration being whether the move would injure
21 another water right holder. However, since 1917 a water right cannot be changed
22 without compliance with RCW 90.03.380. Further, contemporary decisions from the
23 Supreme Court have made clear what Osborne v. Chase did not, regarding the role of
24 a State water agency in connection with water right transfers. In 1991 the

1 Washington Supreme Court stated, "Once appropriated, the right to use a given
2 quantity of water becomes appurtenant to the land." Neubert v. YTID, 117 Wn.2d
3 232, 237, 814 P.2d 199, citing to Lawrence v. Southard, 192 Wash. 287, 300, 73
4 P.2d 722, 115 A.L.R. 1308 (1937). In DOE v. Abbott, 103 Wn.2d 686, 696, 694 P.2d
5 1071 (1985) the Supreme Court held similarly, "Since 1917 . . . by statute
6 changes in use must first be approved by the supervisor of water resources.",
7 Department of Ecology v. Acquavella, 131 Wn.2d 746, 761, 935 P.2d 595 (1997) ("An
8 individual's water right is appurtenant to the land on which the water is
9 beneficially used; and that individual cannot transfer the use of that water to
10 different land without first requesting DOE approval. (citing to RCW
11 90.03.380.")) Clearly since adoption of the Surface Water Code in 1917, changes
12 in the water right, including transferring it to different lands, need the
13 approval of Ecology or one of its predecessor agencies.

14 The claimant did not provide any evidence to show that if a transfer did
15 occur that it happened prior to 1917 or that approval of the state was obtained if
16 it happened after 1917. Based on the chain of title documents in the record, the
17 evidence would indicate that it was after 1917 that the lands once owned by Kull
18 were joined with the claimant's other lands into one ownership. The Referee
19 concludes that the Kull water right, to the extent beneficial use has continued,
20 is appurtenant to the original Kull land. The right recommended for confirmation
21 on page 183 of the Supplemental Report of Referee should not be modified.

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1 COURT CLAIM NO. 00626 -- Mill Ditch Company, Inc.
2 Ronald T. Anderson
3 & Robin L. Anderson

4 Mill Ditch Company, Inc., represented by Attorney John P. Gilreath, filed an
5 exception to the Supplemental Report of Referee for Subbasin No. 7 concerning the
6 Referee's recommendation of the annual quantity of water awarded to claimants who
7 receive water delivered through the Mill Ditch. Richard C. Bain, Jr., a
8 consultant hired by the ditch company testified at the second supplemental
9 hearing.

10 A significant portion of Mr. Bain's testimony and Exhibit DE-419 address the
11 likely operational affect on the ditch of water transfers that may be pursued by
12 Trendwest, who purchased the water rights associated with Pautzke Bait Company.
13 Transfer of those rights will significantly reduce the water rights with
14 diversions into the Mill Ditch. Additionally, Mr. Bain's testimony indicates that
15 the Lamb property, which is also irrigated with water conveyed by Mill Ditch, is
16 being subdivided for commercial/residential development. If irrigation activities
17 associated with these two properties is reduced or eliminated, the shallow ground
18 water table will be affected through a general lowering of the water table near
19 the canal. This lowering of the water table will reduce or eliminate the
20 accretions to the canal and could even result in the canal loosing water rather
21 than gaining water. The conclusion reached by Mr. Bain is that Mill Ditch should
22 be allowed a conveyance loss of at least 40 percent unless conservation measures
23 are implemented. The Referee believes that the claimant is seeking to have
24 confirmed a right for what is needed to irrigate the land plus sufficient carriage

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1 water to make up for the potential future losses in the canal if in fact there is
2 a change in the characteristics of the ground water table causing the ditch to
3 either no longer gaining water or actually losing water. That cannot be done.
4 Water rights confirmed in this proceeding can only be based on historical
5 development and continued beneficial use, not potential future need. The Referee
6 suggests that the conservation measures mentioned by Mr. Bain may need to be
7 considered further.

8 The Referee is still faced with the fact that diversion records show that
9 during the past 40 years between 4,000 and 6,000 acre-feet per year have been
10 diverted from the Yakima River into the Mill Ditch. It is clear that the
11 diversions in the 1990's increased due to the point of diversion for the Kline,
12 Coble and Castle Ditch being moved to the same diversion as that for Mill Ditch.
13 However, separate water rights are being recommended for the portion of the Kline,
14 Coble and Castle water appropriation that had historically been diverted from its
15 original point of diversion. At earlier hearings, the claimant put in testimony
16 of a need for over 14,000 acre-feet per year, however, that need is not reflected
17 in the diversion records. The Washington State Supreme Court made it clear in
18 Department of Ecology v. Acquavella, 131 Wn.2d 746, 756, 935 P.2nd 595 (1997)
19 (Acquavella III) that "the trial court must calculate beneficial use based upon
20 diversion and actual use, as required by the law of this state." There has been
21 nothing entered into the record that would convince the Referee that the
22 recommendation to confirm a right for 5,820 acre-feet per year should be altered.

23 The potential transfer of the former Pautzke Bait right and potential change
24 in land use on the Lamb property cannot be used to enlarge a right beyond
25

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1 historical, beneficial use. The potential negative affects of those actions on
2 the other water rights being delivered through Mill Ditch perhaps should be a
3 factor in Kittitas County land use decisions or requests under RCW 90.03.380 to
4 change the point of diversion, but cannot be considered in quantifying the
5 existing water right. The Referee continues to recommend that 5,820 acre-feet per
6 year be the total quantity of water that is authorized to be diverted into Mill
7 Ditch by the various landowners who were confirmed water rights.

8
9
10 COURT CLAIM NO. 00169 -- Olson Ditch

11 Olson Ditch Company filed exceptions to the Referee's recommendations in the
12 Supplemental Report of Referee for Subbasin No. 7. The exception dealt with
13 clarifying the place of use on three of the water rights awarded to Olson Ditch.
14 Ecology sought clarification on several points associated with the rights
15 recommended for confirmation to Olson Ditch. The Court ruled at the exception
16 hearing that the modifications sought by Ecology should be made, as they were
17 mostly typographical in nature. The rights reflected on pages 148, 150, and 192
18 of the Supplemental Report of Referee were modified consistent with the Court's
19 rulings and as summarized in the Order on Exceptions filed on January 13, 2000.
20 The exception by Olson Ditch Company was remanded to the Referee to take
21 additional evidence. Olson Ditch Company is represented by Attorney Jeff
22 Slothower and Patrick J. Taylor testified at the second supplemental hearing.

23 The first exception dealt with the place of use for the right described on
24 page 192 of the Supplemental Report of Referee. Olson Ditch suggested that the
25 place of use for the Rominger property was the E½SW¼ of Section 20, T. 18 N.,

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1 R. 18 E.W.M. lying south of the Town Ditch, when it should be that portion of the
2 E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 20 lying south and west of Olson Ditch. The Referee has reviewed
3 the right awarded to Olson Ditch that includes the Rominger property and that land
4 is described as that portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 20 lying south of the Olson
5 Ditch. The Town Ditch is not included in the description. The Referee will add
6 the words "and west" after south to insure that the place of use is very clear.

7 The next exception deals with lands owned by Patrick Taylor. Mr. Taylor
8 testified that his lands lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T. 18 N., R. 18 E.W.M.
9 southwest of the road are irrigated with water delivered by Olson Ditch and that
10 land has always been irrigated with Olson Ditch water. Review of the record
11 confirms that the Referee had concluded that a right to Olson Ditch was
12 appurtenant to the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20. Therefore, the place of use on page 192
13 and 193 of the Supplemental Report of Referee will be amended to add that portion
14 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 lying southwest of the road. Additionally, Mr. Taylor
15 testified that there is a one acre parcel in that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
16 Section 29, T. 18 N., R. 18 E.W.M. that is irrigated from Olson Ditch. Because
17 the acreage was so small, it was overlooked when the place of use was being
18 defined by the Referee. The Olson Ditch right described on pages 148 and 149 will
19 be amended to add to the place of use that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
20 lying southwest of an open drain on the property.

21 The last exception dealt with property owned by the Hand family in the NW $\frac{1}{4}$ of
22 Section 20. The State's Exhibit Map, SE-2 showed that all of the irrigated land
23 in the NW $\frac{1}{4}$ of Section 20 was southwest of the Burlington Northern Railroad
24 right-of-way. Mr. Taylor clarified through his testimony that there is about 10
25

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1 | acres northeast of the right-of-way bordered by the ditch that are irrigated with
2 | ditch water. The water right described on page 148 and 149 will be amended to
3 | include all of the SE¼NW¼ of Section 20 lying below the Olson Ditch, except the
4 | Burlington Northern right-of-way.

5 | The claimant in its exceptions did not ask that the number of acres
6 | authorized for irrigation be increased for the rights that included the Hand and
7 | Taylor property, nor did the testimony specifically address the issue. The
8 | Referee has reviewed both the initial Report of Referee and the Supplemental
9 | Report of Referee and finds that the total number of acres authorized for
10 | irrigation in the Supplemental Report of Referee is 586.9 acres, while the ditch
11 | company's testimony has indicated that approximately 610 acres are irrigated. The
12 | Referee believes that the acres authorized should be modified slightly. The Hands
13 | irrigate a total of 67 acres according to the engineering report prepared by
14 | Richard Bain and the right described on pages 192 and 193 only identified 60 acres
15 | as being irrigated. That will be increased to 67. That right also did not
16 | reflect any land owned by the Taylors so the 15 acres they irrigate shall also be
17 | added to that right. As a result of these modifications, the right described on
18 | pages 192 and 193 of the Supplemental Report of Referee will authorize the
19 | irrigation of 306.4 acres.

20 |
21 |
22 | COURT CLAIM NO. 01724 -- Pautzke Bait Company, Inc.
23 | Par Five Corporation
24 | Trendwest Resorts, Inc.

25 | Pautzke Bait Company, Inc., filed two exceptions to the Referee's
26 | recommendations in the Supplemental Report of Referee concerning its claim.

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1 Pautzke Bait Company is represented by Attorney John P. Gilreath, who appeared on
2 its behalf at the second supplemental hearing and presented Exhibit DE-421 in
3 support of the exception. There was no additional testimony offered.

4 The first exception to be addressed was concerning the instantaneous and
5 annual quantity limitations in the water right awarded for use on Riverside Ranch.
6 According to Mr. Gilreath, the water rights associated with Riverside Ranch were
7 transferred to Trendwest, Inc. (who has been joined to the claim) and Pautzke Bait
8 did not pursue that exception. There was no appearance at the supplemental
9 hearing by Trendwest so that exception will not be considered further.

10 The second exception was to the Referee not recommending that a water right
11 be confirmed for the "Wade Ranch" in the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
12 Section 28, T. 18 N., R. 18 E.W.M. Sufficient evidence had not been entered into
13 the record to allow the Referee to conclude that the land had been irrigated prior
14 to 1932. Three documents were placed in the record by the claimant as Exhibit
15 DE-421 to assist in reaching that conclusion. One is a deed from David Fisher to
16 H. and W. Rehmiike dated July 9, 1894, which conveys the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
17 Section 27, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28 and the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 33, T. 18 N.,
18 R. 18 E.W.M., together with all irrigating ditches and water rights appurtenant
19 thereto. The second document is also a deed, dated December 16, 1899, conveying
20 the same land from Henry Rehmiike to Sophia Detmering. The deed also conveys the
21 land with all irrigating ditches and water rights. The third document is a deed
22 dated January 23, 1904, conveying the land along with the irrigating ditches and
23 water rights from Sophia Detmering to Albert Detmering. These three deeds are
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1 sufficient to show the existence of irrigating ditches and water rights for the
2 land in question.

3 The next issue is adequacy of the water right claims filed pursuant to RCW
4 90.14. Water Right Claim (WRC) No. 008349 was filed by Gene Wade asserting a
5 right to use 2 cfs 480 acre-feet per year from Reeser (sic) Creek for the
6 irrigation of 38 acres in the NE¼ of Section 33. The point of diversion described
7 is actually on Currier Creek near the northeast corner of Section 33. Because the
8 point of diversion description on the claim accurately describes the diversion
9 from Currier Creek that is used by the claimant and the obvious confusion
10 concerning creek names in this area, the Referee concludes that having the wrong
11 creek name is not significant. Therefore, WRC No. 008349 protects any water right
12 that may exist for use of Currier Creek in the NE¼ of Section 33. Richard Bain's
13 report for this ranch states that 6.32 cubic feet per second is diverted from
14 Currier Creek for irrigating field 2, which is 49 acres in size, and includes land
15 in the SE¼SE¼ of Section 28. The SE¼SE¼ of Section 28 is not included in the
16 place of use description on WRC No. 008349. The Referee estimates that
17 approximately 38 acres are in that portion of field 2 lying in the NE¼ of
18 Section 33. The described point of diversion is physically below the SE¼SE¼ of
19 Section 28 and could not have been used to irrigate the portion of the field in
20 the SE¼SE¼ of Section 28 by gravity flow. The Referee concludes that the intent
21 of WRC No. 008349 was to describe a right to divert 2 cfs out of Currier Creek to
22 irrigate that portion of field 2 in the NE¼ of Section 33. Although the Court has
23 ruled that in some circumstances the Referee can recommend confirmation of a
24 quantity in excess of that claimed on the RCW 90.14 claim, the Referee is
25

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1 reluctant to do so in this instance. The quantity of water for which a right is
2 being asserted is three times the quantity identified on the 90.14 claim and there
3 was no attempt made to explain the difference. The Referee will recommend a
4 quantity that is consistent with the RCW 90.14 claim unless the claimant has
5 amended the claim pursuant to RCW 90.14.065(1), which clearly allows a claimant to
6 amend the quantity of water claimed if it can be shown that an error was made in
7 calculating the quantity of water diverted.

8 A second water right claim was filed by Gene Wade. WRC No. 008348 asserts a
9 right to use 4 cfs, 960 acre-feet per year from Spring Creek for the irrigation of
10 85 acres in the NE¼ of Section 33 and part of the SE¼ of Section 28. As mentioned
11 in the earlier reports, there is no creek identified as Spring Creek in the
12 vicinity of the claimant's land. The point of diversion described on the claim is
13 1700 feet south and 1100 feet west from the northeast corner of Section 29, being
14 in the NE¼ of Section 29, T. 18 N., R. 18 E.W.M. Willow Ditch, which carries
15 water diverted from Dry Creek, runs through the NE¼ of Section 29 and the
16 described diversion would be on Willow Ditch, approximately 1.5 miles from the
17 claimants property. The Referee concluded that it was not apparent that WRC No.
18 008348 had been filed for use of Reecer Creek. The claimants only response to
19 that was to state in the exception that it is apparent that the property in
20 question is riparian to Reecer Creek and Currier Creek. The Referee agrees that
21 this is apparent. However, it is not apparent that WRC No. 008348 protects any
22 right that may have existed for use of Reecer Creek. Based on the information
23 contained on the claim form itself, a reasonable person would conclude that a
24 right is being asserted to use a water source called Spring Creek that flows
25

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1 through the NE¼ of Section 29. The Referee cannot conclude that Gene Wade
2 substantially complied with the requirements of RCW 90.14 by filing this claim,
3 unless he in fact was intending to assert a right to use a water source with a
4 diversion in the NE¼ of Section 29. Since there is no evidence of beneficial use
5 of that water source, the Referee cannot recommend that a water right be confirmed
6 for use of the water source described on the claim form. Since there is no RCW
7 90.14 claim filed for Reecer Creek, the Referee cannot recommend that a water
8 right be confirmed for use of Reecer Creek (see RCW 90.14.071).

9 The Referee does recommend that a water right be confirmed with a May 24,
10 1884, date of priority for the use of 2 cubic feet per second, 486.4 acre-feet per
11 year from Currier Creek for the irrigation of 38 acres in that portion of the
12 E¼NE¼ of Section 28, T. 18 N., R. 18 E.W.M. lying east of Reecer Creek. The
13 annual quantity of water authorized is based on prior testimony by Mr. Bain.

14
15 COURT CLAIM NO. 01419 -- J. P. Roan
16 & Jan Roan

17 The Roans took exception to the annual quantity of water authorized for use
18 in the two water rights recommended for confirmation. They also took exception to
19 the Referee finding that Water Right Claim (WRC) No. 144596 did not substantially
20 comply with the requirements of RCW 90.14 for coverage of a 30 acre field in the
21 SE¼SE¼ of Section 21, T. 19 N., R. 18 E.W.M. The Court ruled at the exception
22 hearing that WRC No. 144596 cannot be considered to cover the 30 acre field and
23 that portion of the exception was denied. The claim was remanded to the Referee
24 to take additional testimony concerning the annual quantity of water used on the
25

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1 property. The Roans are represented by Attorney Richard T. Cole. Richard C.
2 Bain, Jr., and J. P. Roan testified at the hearing.

3 Mr. Bain testified that on June 18, 1999, he measured the flow in Reecer
4 Creek on the Roan property in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T. 19 N., R. 18 E.W.M. at
5 6.1 cfs and in the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31 he measured 4.8 cfs. Between the two
6 measuring points water was diverted by Mr. Roan into a lateral and Mr. Bain
7 measured the flow in the lateral at 3.3 cfs. These measurements would indicate
8 that Reecer Creek gains water as it flows through Section 21. Mr. Roan was not
9 irrigating the day the measurements were made. Mr. Bain referred the Referee to a
10 letter he prepared for the First Creek Water Users in support of the water users
11 claim in Subbasin No. 4. That letter addressed water duty, among other things,
12 for lands irrigated with water delivered from First Creek. The area served by
13 First Creek Water Users is in the area around the Roan property and includes other
14 land owned by the Roans. The letter concluded that 7 acre-feet per acre was
15 needed to irrigate lands in this area. Mr. Bain further testified that this
16 figure was based on the assumption that sufficient instantaneous quantity would be
17 available the entire irrigation season for an optimum crop of Timothy hay. It was
18 also based on review of irrigation practices on neighboring farms. There was no
19 testimony that would indicate that Mr. Bain had evaluated the irrigation practice
20 on the Roan farm or had determined that 7 acre-feet per year was being, or had
21 been, used from Reecer Creek. Nor did Mr. Roan testify to his irrigation practice
22 in order to allow the Referee to make a conclusion that 7 acre-feet per acre
23 irrigated was actually being used. Mr. Roan did not except to the instantaneous
24 quantity of water that was awarded by the Referee. The right that was awarded to
25

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1 the Roans for use of Reecer Creek was based on Hanson v. McIntire, et al. in which
2 the Roans predecessor was awarded a right to use 0.75 cubic foot per second.
3 Therefore, the Referee recommended that a right be awarded to the Roans for the
4 use of 0.75 cubic foot per second. The annual quantity awarded (267.3 acre-feet
5 per year) assumed that 0.75 cfs would be available for the entire irrigation
6 season, even though the Referee recognized that would not be the case during many
7 years. There is no way that the Roans can divert 7 acre-feet per acre when their
8 instantaneous diversion is limited to 0.75 cfs. The Roans have also not presented
9 any evidence to show that they historically used more water from Reecer Creek than
10 was originally recommended by the Referee. Therefore, the Referee recommends to
11 the Court that the original recommendation stand.

12 The right that was recommended for confirmation for use of Jones Creek was 2
13 cubic feet per second, 372 acre-feet per year for the irrigation of 124 acres. At
14 both the supplemental hearing and the second supplemental hearing Mr. Roan
15 testified that the flow in Jones Creek declines early in the irrigation season and
16 that creek is often dry by the end of June. There was no evidence presented to
17 show that more than the originally recommended 372 acre-feet per year is used from
18 Jones Creek. Due to this lack of evidence, the Referee must recommend to the Court
19 that the right as recommended not be modified.

20 COURT CLAIM NO. 00515 -- Arnulfo Rodriguez
21 & Gloria Rodriguez

22 COURT CLAIM NO. 00622 -- Susan Bangs (formerly Susan Days)

23 The initial Report of Referee did not recommend that water rights be
24 confirmed under either of the two claims cited above. No exceptions were filed to
25

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1 by the claimants associated with the claims, so they were not addressed further in
2 the Supplemental Report of Referee. On August 23, 1999 Arnulfo Rodriguez
3 requested that the Court allow him to file a late exception and on September 10,
4 1999, Susan Bangs (formerly Susan B. Days) also requested permission to file a
5 late exception. Both requests were granted and Ms. Bangs and the Rodriguez were
6 scheduled to appear at the second supplemental hearing in April of 2000. Susan
7 Bangs and Javier Rodriguez testified at the hearing.

8 Both the Bangs and Rodriguez property lies within the SE~~1~~/~~4~~NE~~1~~/~~4~~ of Section 19,
9 T. 18 N., R. 18 E.W.M. At the time of the initial evidentiary hearing in 1990,
10 both parcels were owned by members of the Days family and were farmed together.
11 Water was diverted from the Wold Ditch and used to irrigate approximately 12.5
12 acres of pasture. Livestock were raised on the property and drank from the Wold
13 Ditch during irrigation season. That practice continued until 1994 or 1995 when
14 the Rodriguez family bought a portion of the land. According to Mr. Rodriguez
15 testimony, after his parents acquired the land they continued irrigating, but with
16 water withdrawn from a well on the property rather than with ditch water. Ms.
17 Bangs testified that after the initial Report of Referee for Subbasin No. 7 was
18 issued and her property was not awarded a water right the upditch water users
19 often would not allow water past their turnouts for her property. When water was
20 in the ditch at her property, she would use it. Although the water use on both
21 the Bangs property and the Rodriguez property has not continued in the same manner
22 has historically, the Referee concludes that the water rights have not
23 relinquished. Both landowners have continued to irrigate the land to some extent;
24 the Rodriguez family with a well and Ms. Bangs with ditch water as it was
25

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1 available. The testimony would indicate that as a result of the initial
2 determination in the Report of Referee water was not available from the ditch for
3 their use.

4 Neither the Rodriguez family nor Ms. Bangs was able to provide much
5 additional information about historical water use on the land. Ms. Bangs did
6 submit copies of two deeds, one conveying the N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19 from
7 the Northern Pacific Railroad to William McCutcheon and the second conveying the
8 NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$, the S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19 from William McCutcheon to Henry
9 Noel. The second deed includes a statement that the land was sold together with
10 all water rights and facilities appurtenant to said land. Ms. Bangs also referred
11 the Referee to any exhibits that Laroy and Lorie Holmes might have put in the
12 record. The Holmes own the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 19 and the history for their property
13 would be the same as that for the Rodriguez and Bangs property.

14 The Holmes entered into evidence at the supplemental hearing aerial
15 photographs taken in 1942 and 1962 that show that the Yakima River has changed its
16 course over the years. In 1942 the NE $\frac{1}{4}$ of Section 19 was clearly riparian to the
17 Yakima River. Over the years the river changed its course such that what once was
18 an oxbow in the river is now a slough, with the river channel being southwest of
19 its original channel. Additionally, in the mid-1960's Interstate 90 was
20 constructed which further separated the land from the river. The two aerial
21 photographs clearly show that land east of the oxbow and slough were being
22 irrigated. In order to legally establish a water right under the Riparian
23 Doctrine, steps must have been taken to sever the land from Federal ownership
24 prior to June 6, 1917, and beneficial use of the water had to occur prior to
25

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1 December 31, 1932. All of the NE¼ of Section 29, except the NE¼NE¼ was conveyed
2 to the Northern Pacific Railroad, with the patent issuing on January 16, 1896.
3 The filing of the map of definite location for the railroad, which occurred on May
4 24, 1884, is generally considered to be the definitive step taken by the railroad
5 to sever the land from Federal ownership, thereby setting the priority date of
6 rights established under the Riparian Doctrine.

7 Along with the deed conveying the NW¼NE¼NE¼, the S¼NE¼NE¼ and the SE¼NE¼ of
8 Section 19 from William McCutcheon to Henry Noel the Holmes put in the record a
9 contract between Frank Fitterer, et ux, and H. J. Welsch dated August 20, 1919,
10 conveyed the E¼NE¼ of Section 19, together with appurtenances, water rights and
11 irrigating ditches. The contract also places a prior lien on the crops grown upon
12 the premises during each year of the contract. The Referee concludes that the
13 documents referencing irrigation ditches and the lien for crops provide sufficient
14 evidence along with the aerial photos and testimony about water in the late 1930's
15 and early 1940's to show that a water right was established under the Riparian
16 Doctrine through beneficial use prior to December 31, 1932.

17 As mentioned in the initial Report of Referee, Water Right Claim No. 143458
18 was filed by Lloyd Days pursuant to the requirements of RCW 90.14. It asserted a
19 right to use 2 cfs, 200 acre-feet per year for the irrigation of 16.18 acres in
20 the SE¼NE¼ of Section 19, T. 18 N., R. 18 E.W.M. The point of diversion described
21 is where the Wold Ditch separates from the Olson Ditch in the SW¼SW¼ of Section 7,
22 T. 18 N., R. 18 E.W.M. The actual diversion from the Yakima River is in the
23 NW¼SE¼ of Section 12, T. 18 N., R. 17 E.W.M.

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1 Neither of witnesses testified to how much water has historically been used
2 to irrigate their land. The Referee has reviewed the testimony provided by other
3 water users on the Wold Ditch and the rights confirmed to those water users. The
4 confirmed rights have allowed for the use of at least 0.03 cfs and 7 acre-feet per
5 acre irrigated. Lacking any better information concerning the quantity of water
6 used on the land, the Referee proposes to use these quantities. WRC No. 143458
7 asserted a right for sufficient water to cover this recommendation.

8 Based on the foregoing, the Referee recommends that a rights be confirmed for
9 use of the Yakima River with May 24, 1884, dates of priority to Susan Bangs and
10 Arnulfo and Gloria Rodriguez as follows:

11 To Susan Bangs a right to divert 0.075 cubic foot per second, 17.5 acre-feet
12 per year for the irrigation of 2.54 acres in Lot 2 of Short Plat No. 79-05
13 recorded under Auditor's File No. 437257, being a portion of the SE¼NE¼ of
14 Section 19, T. 18 N., R. 18 E.W.M., as recorded in Book A of Short Plats, pages 64
15 and 65.

16 To Arnulfo and Gloria Rodriguez a right to divert 0.165 cubic foot per
17 second, 38.5 acre-feet per year for the irrigation of 5.5 acres in Lot 1 of Short
18 Plat No. 79-05 recorded under Auditor's File No. 437257, being a portion of the
19 SE¼NE¼ of Section 19, T. 18 N., R. 18 E.W.M., as recorded in Book A of Short
20 Plats, pages 64 and 65.

21
22 COURT CLAIM NO. 01444 -- Schaaake Packing Company

23 Schaaake Packing Company is asserting a right to irrigate lands in portions of
24 the NE¼SW¼ and the SE¼ of Section 11 and the N¼NE¼ of Section 14, T. 17 N.,
25

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1 R. 18 E.W.M. from the Kline, Castle and Coble Ditch, based on the Kline, Castle,
2 Coble Notice of Water Right filed on July 3, 1885. The Referee did not recommend
3 confirmation of a water right based on the lack of evidence to show that Schaaake
4 Packing Company was a successor to Kline, Castle or Coble for the irrigated
5 lands. The claimant excepted to that lack of recommendation. Attorney John P.
6 Gilreath appeared on behalf of Schaaake Packing Company, along with Paul Weaver a
7 Schaaake employee, at the second supplemental hearing. Although Mr. Weaver
8 appeared at the hearing his testimony was very limited and most of the appearance
9 on this claim was addressing legal arguments.

10 The Referee was directed to exhibits entered on behalf of neighboring
11 claimant Ron Anderson, who is also asserting a right to a portion of the Kline,
12 Castle and Coble appropriation. Exhibit DE-417 includes copies of the Complaint,
13 Answer, Stipulation and Judgment and Decree in W. F. and Leota Doughty, et al. v.
14 John H. Gibson, et ux. in Kittitas County Superior Court. The Judgment and Decree
15 are clear that W. F. Doughty enjoyed a one-fourth interest in the Klein, Coble,
16 Castle Ditch at the time the judgment was entered in 1907. At that time Doughty
17 clearly owned the SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11 and it is reasonable to
18 conclude he had possession of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11. A deed conveying the
19 SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11 from NPRR to Doughty in 1910 is also in the record. There is
20 abundant evidence in the record from other hearings throughout Kittitas County
21 that prior to NPRR conveying land to an individual, that individual would have
22 been occupying and in possession of the land for several years. It is not
23 unreasonable to conclude that when the 1907 judgment was entered Doughty was also
24 farming the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11. As noted in earlier Reports of Referee for
25

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1 Subbasin No. 7, Klein, Coble and Castle filed a Notice of Water Right asserting a
2 right to 5,000 inches of water, which equals 100 cfs. Were you to assume that the
3 entire 5,000 inches or 100 cfs was perfected, Doughty would have had a right to 25
4 cfs. The claimant is asserting a right to use 4 cfs, 600 acre-feet per year for
5 the irrigation of 55 acres. Schaaake owns much if not all of the land that was
6 owned by Ione Grinrod, who was one of the plaintiffs in W. F. and Leota Doughty,
7 et al. v. John Gibson, et ux. Ms. Grinrod, who owned the W $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
8 Section 11 (former Castle property) was also awarded one-fourth of the Kline,
9 Coble, Castle water right. The chain of title sheets in the record indicate this
10 land stayed in the Grinrod family until 1933 and came under Schaaake ownership in
11 1945. None of the former Grinrod land is being irrigated by Schaaake, nor is it
12 included in the area for which Schaaake is seeking to have a water right
13 confirmed. A portion of the irrigated land is within areas not owned by the
14 parties to the Doughty v. Gibson decree, specifically in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11
15 and the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14. It is not clear whether the portion in Section 14 is
16 irrigated with Yakima River water carried in the Klein, Coble and Castle Ditch, as
17 the claimant is also asserting a right to irrigate this land with water diverted
18 from Wilson Creek. Wilson Creek lies in Subbasin No. 9 and that portion of
19 Schaaake's claim has been addressed in the Report of Referee for Subbasin No. 9,
20 which was filed on June 30, 2000. The Referee has reviewed the numerous deeds and
21 chains of title entered in the record and has ascertained that there is no
22 evidence in the record that would lead to a conclusion that either the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
23 Section 11 or the N $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 14 were owned by any of the parties to the
24 Doughty v. Gibson action or that any portion of those water rights were

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1 transferred to the lands in question prior to adoption of the Surface Water Code
2 in 1917.

3 Counsel for Schaaake seems to be arguing that water rights appurtenant to one
4 portion of the Schaaake property and established prior to Schaaake owning the land,
5 can be moved to other portions of the Schaaake property at the landowners will
6 without state oversight. The Court's decision in Memorandum Opinion Re Subbasin
7 No. 6: Level Best Inc. Motion for Reconsideration & Exception of Level Best Inc.
8 and Taneum Canal Company to Supplemental Report of Referee, filed on July 28,
9 1998, and the Washington State Supreme Court in Osborn v. Chase, 119 Wash, 476,
10 205 Pac. 844 (1922) are relied on to support that conclusion. The Referee does
11 not reach the same conclusion. This argument was also put forth in relation to
12 the McManamy/Seubert claim discussed on page 19 of this report, with the specific
13 discussion of this argument beginning on page 21. The claimant is directed to
14 review that discussion rather than repeating it here.

15 The Referee concludes there has been sufficient evidence presented to
16 recommend that a water right be confirmed for the irrigation of the lands in the
17 E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11. The Referee estimates that 26 acres are being
18 irrigated in that area. At the initial evidentiary hearing Mr. Weaver testified
19 to irrigating 55 acres, but the Referee believes that must include land irrigated
20 from other sources, such as Wilson Creek. Mr. Weaver had testified to using 4
21 cubic feet per second and 10.9 acre-feet per acre to irrigate the pasture that has
22 been grown since Schaaake acquired the land. An additional 2.5 acre-feet per year
23 is needed for stock watering during the irrigation season. He also testified that
24 if the land was converted to Timothy hay production, that 18.8 acre-feet per acre
25

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1 would be needed. However, there was no evidence presented to show that higher
2 quantity had been used in the past and it is speculation to say that it might be
3 used in the future. The Court in this case has been very clear that water rights
4 being determined in this case are based on historical use, not potential future
5 use.

6 The Referee recommends that a right be confirmed to Schaaque Packing Company
7 with an October 30, 1884, date of priority for the diversion of 4 cubic feet per
8 second, 283.4 acre-feet per year from the Yakima River for the irrigation of 26
9 acres and 2.5 acre-feet per year for stock watering in that portion of the NE¼SW¼
10 lying south of Interstate-90, the NE¼SE¼SW¼ northeast of the feedlot and the
11 NW¼SW¼SE¼ west of Wilson Creek, all in Section 11, T. 18 N., R. 18 E.W.M. As with
12 other rights based on the Klein, Coble, Castle appropriation, the historic
13 diversion location shall be authorized. The claimant should pursue changin the
14 point of diversion pursuant to RCW 90.03.380.

15 COURT CLAIM NO. 06041 -- John Hardy Shore
16 & Donna Shore
17 Dana R. Lind
& Elizabeth Lind

18 Exceptions to the Supplemental Report of Referee for Subbasin No. 7 were
19 filed by both the Shores and the Linds. The Linds are represented by Attorney
20 Richard T. Cole and Dana Lind testified at the hearing held on April 12, 2000.
21 There was no appearance by the Shores. Therefore, the Referee's recommendation
22 for the Shore property should not be altered.

23 The Linds exception seeks to have the right that was recommended for
24 confirmation increased to cover an additional 40 acres. Mr. Lind testified to his
25

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1 belief that the 40 acres have always been irrigated with water from Reecer Creek.
2 The initial testimony in regard to this claim lead the Referee to conclude that
3 only 20 acres of the Lind property were being irrigated with water diverted from
4 Reecer Creek. Mr. Lind testified at the recent hearing that an additional 40
5 acres, a portion of which lies on each side of the creek, is irrigated with Reecer
6 Creek water. In the Supplemental Report of Referee, on page 119, the Referee
7 discusses a discrepancy between the place of use on Water Right Claim (WRC)
8 No. 143421 and the land being irrigated by the Linds. The place of use described
9 is the E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 4, T. 18 N., R. 18 E.W.M. The 20 acre field for which a
10 water right was recommended begins in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4 and extends into the
11 NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4. The Referee concluded that due to the field configuration it
12 was understandable how it may not have been clear that a portion of the field
13 extended into the SE $\frac{1}{4}$ of Section 4. The Referee concluded that as to this field,
14 WRC No. 143421 substantially complied with the requirements of RCW 90.14.

15 The Referee cannot make that same conclusion for the 40 acre field for which
16 the claimant is now seeking to have a water right confirmed. This field is
17 clearly only in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 4 and is separate and distinct from the field
18 that begins in the NE $\frac{1}{4}$ of Section 4. It is actually separated from the 20 acre
19 field by the farmhouse. Attached to the Linds' exception is a statement from John
20 Hardy Shore, who completed WRC No. 143421 in 1974. Mr. Shore states that he
21 intended to cover all portions of Section 4 that he irrigated and that it should
22 have included a hay field in the SE $\frac{1}{4}$ of Section 4, south and west of the house.
23 He goes on to state that it was an oversight to have ommited that portion of the
24 land.

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1 WRC No. 143421 asserts a right to irrigate 80 acres from Reecer Creek. The
2 Shores were recommended a water right to irrigate 50 acres of the land they
3 retained. Even though they apparently chose not to pursue it, their exception
4 seeks a right to irrigate 60 acres, which when added to the 20 acres for which the
5 Linds were recommended, would match the number of acres shown to be irrigated on
6 WRC No. 143421. Between the two rights that have been recommended for
7 confirmation under Court Claim No. 06041, a total of 70 acres are authorized for
8 irrigation. The Linds in their exception are asserting a right for an additional
9 40 acres, for a total of 110 acres when WRC No. 143421 only asserted a right to
10 irrigate 80 acres.

11 The Referee must conclude that the evidence does not support a conclusion
12 that RCW 90.14 was substantially complied with for the 40 acre field in the SE¼ of
13 Section 4. WRC No. 143421 asserted a right to irrigate 80 acres within an 80 acre
14 place of use. In order for the claim to substantially comply with the provisions
15 of RCW 90.14.051 it must contain the information required by the claim form and
16 provide adequate records for administration of the state's waters and notification
17 that the water was being put to beneficial use. See Memorandum Opinion and Order
18 RE: Packwood Canal's Exceptions to Supplemental Report of Referee Subbasin 8
19 (Thorp) filed on January 28, 2000, at page 7. There is nothing on WRC No. 143421
20 that would allow a reasonable person to conclude that water was being put to
21 beneficial use to irrigate a field in the E¼SE¼ of Section 4. The claimant has
22 not meet the standard to show substantial compliance. Therefore, the Referee
23 continues to recommend that a right be confirmed to the Linds as defined in the
24 Supplemental Report of Referee.

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FINDINGS OF FACT

I, DOUGLAS CLAUSING, as Referee in this proceeding, having carefully examined the testimony and evidence, do hereby make the following Findings of Fact pursuant to the Order on Exceptions entered by this court on January 13, 2000:

Based upon the additional testimony and evidence obtained at either the exception hearing or the supplemental hearing, the Report of Referee - Subbasin No. 7, dated April 21, 1995, and the Supplemental Report of Referee dated July 6, 1998, should be modified as follows:

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1 CLAIMANT NAME: Nicholas Schmitt, Jr. COURT CLAIM NO. 01447
2 & Janet C. Schmitt
3 Nelson - Gelbvieh Ranch
4 Source: Reecer Creek
5 Use: Irrigation of 60 acres
6 Period of Use: March 25 to October 15
7 Quantity: 0.875 cubic foot per second, 169.8 acre-feet per year
8 for irrigation
9 Priority Date: June 30, 1873
10 Point of Diversion: 15 feet south and 75 feet east of the north quarter
11 corner of Section 28; being within the NW~~1~~NE~~1~~ of
12 Section 28, T. 19 N., R. 18 E.W.M.
13 Place of Use: The N~~1~~NE~~1~~ of Section 28, T. 19 N., R. 18 E.W.M. .
14 Limitations of Use: The total instantaneous diversion shall not exceed
15 2.0 cubic feet per second under this right and all
16 other rights confirmed under Court Claim No. 01447.
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CLAIMANT NAME: P. L. P. COURT CLAIM NO. 00402

Source: Currier Creek

Use: Irrigation of 72 acres

Period of Use: April 1 to October 15

Quantity: 3.0 cubic feet per second, 864 acre-feet per year

Priority Date: April 30, 1875

Point of Diversion: 100 feet south and 50 feet east of the northwest corner of Section 34, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M. lying southwesterly of the Burlington Northern R.R. right-of-way. Except the county road (Cascade Way) right-of-way; ALSO EXCEPT that portion described as follows: Commencing at the west quarter corner of said section; thence east 795 feet, more or less, to the point of beginning; thence east 570 feet, more or less; thence north 107.08 feet; thence northwesterly 40 feet, more or less; thence west 30 feet, more or less; thence N 60° 30' W 127.05 feet; thence N 34° W 90.35 feet; thence west 130.63 feet; thence southwesterly 9.75 feet; thence south 85 feet, more or less; thence west 195.35 feet; thence south 161 feet to the point of beginning.

CLAIMANT NAME: Olson Ditch COURT CLAIM NO. 00169

Source: Yakima River

Use: Irrigation of 120 acres and stock water

Period of Use: April 1 to October 31 for irrigation; continuous for stock water

Quantity: 6.15 cubic feet per second for irrigation/stock water and 0.85 cubic foot per second for conveyance from April 1 to August 31; 4.08 cubic feet per second for irrigation and stock water, 0.56 cubic foot per second for conveyance in September and 2.04 cubic feet per second for irrigation and 0.28 cubic foot per second for conveyance in October, 2444.20

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acre-feet per year for the irrigation of 120 acres and stock water; 2.73 cubic feet per second, 168 acre-feet per year in November and 0.70 cubic feet per second, 72.3 acre-feet per year from December 1 to March 31 for stock water;

Priority Date: February 21, 1876

Point of Diversion: 500 feet south and 850 feet east from the center of Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 18 N., R. 17 E.W.M.

Place of Use: Taylor (75 ac.) - That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 lying north of Willow/Scott Ditch, that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29 lying southwest of an open drain (1 acre field) and that portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28 south of BNRR right-of-way, T. 18 N., R. 18 E.W.M.

Thomas (15 ac.) - That portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28 and that portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T. 18 N., R. 18 E.W.M. described as follows: A tract of land bounded by a line beginning at the southwest corner of Section 21; thence S 88°55'51" E along the southerly boundary line of the SW $\frac{1}{4}$ of said section 312.13 feet to the northeasterly right-of-way of SR 10; thence S 44°48'07" E along the northeasterly right-of-way of said highway 507.83 feet to the easterly boundary line of the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28 and the true point of beginning; thence N 03°00'18" 1,240.63 feet to the southwesterly right-of-way of SR 97; thence S 40°42'44" E along the southwesterly right-of-way of SR 97 718.41 feet to the northwesterly boundary line of Tax Parcel #18; thence S 49°17'16" W along the northwesterly boundary line of said tax parcel 329.97 feet; thence S 40°42'44" E along the southwesterly boundary line of said tax parcel 175.41 feet to the southwesterly corner of said tax parcel and the southerly boundary line of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21; thence N 88°55'51" W along the southerly boundary line of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 4.70 feet to the northwest corner of Tax Parcel #6; thence S 40°42'44" E along the southwesterly boundary line of said tax parcel 418.44 feet to the easterly boundary line of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28; thence S 00°27'24" E along the easterly boundary line of the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28 704.36 feet to the northeasterly right-of-way of SR-10;

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1 thence N 44°48'07" W along the northeasterly
2 right-of-way of SR-10 951.99 feet to the westerly
3 boundary line of the E~~1~~/~~4~~NW~~1~~/~~4~~NW~~1~~/~~4~~ of Section 28 and to
4 the point of beginning.

5 Saltar (20 ac.) - that portion of the W~~1~~/~~4~~SW~~1~~/~~4~~SW~~1~~/~~4~~ of
6 Section 21 lying southwest of Dry Creek Road and that
7 portion of the W~~1~~/~~4~~NW~~1~~/~~4~~NW~~1~~/~~4~~ of Section 28 lying northeast
8 of the NPRR right-of-way, T. 18 N., R. 18 E.W.M.

9 M. Johnson (10 ac.) - that portion of the SW~~1~~/~~4~~SW~~1~~/~~4~~ of
10 Section 21, T. 18 N., R. 18 E.W.M. lying northeast of
11 Dry Creek Road.

12 Limitations of Use:

13 This right is subject to the Olson, et al. limiting
14 agreement and the total diversion under this right
15 and the 1891 right that is subject to the limiting
16 agreement will not exceed 24 cfs April 1 through
17 August 31; 16 cfs in September; and 8 cfs in October
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CLAIMANT NAME:

Olson Ditch

COURT CLAIM NO. 00169

Source:

The Yakima River

Use:

Irrigation of 174 acres and stock water

Period of Use:

April 1 to October 31 for irrigation; continuous for stock water

Quantity:

3.12 cubic feet per second, 1567.56 acre-feet per year for irrigation of 104 acres in Section 28 and 0.88 cfs for conveyance loss; 2 cfs and 633.5 acre-feet per year for the irrigation of 70 acres in Sections 17 and 18; 3.9 cubic feet per second, 232 acre-feet in November and 0.70 cubic foot per second, 72.3 acre-feet per year from December 1 to March 31 for stock water;

Priority Date:

February 21, 1876

Point of Diversion:

500 feet south and 850 feet east from the center of Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 18 N., R. 17 E.W.M.

Place of Use:

McManamy (69 ac.) and Kelley (1 ac.) - That portion of the E $\frac{1}{2}$ of Section 18, T. 18 N., R. 18 E.W.M. lying northeast of the BNRR right-of-way and that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T. 18 N., R. 18 E.W.M. lying southwest of the Dry Creek Road

Taylor and small holdings (104 ac.) - The S $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 28, T. 18 N., R. 18 E.W.M.

Limitations of Use:

This right is not subject to the Olson et al. limiting agreement. A total of 70 acres is irrigated in the E $\frac{1}{2}$ of Section 18 north of BNRR right-of-way and south of the county road under this right and the right confirmed to Olson Ditch with a July 30, 1885, date of priority.

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CLAIMANT NAME: Patrick J. Taylor COURT CLAIM NO. 00170
& Susan A. Taylor

Source: Dry Creek

Use: Irrigation of 17 acres and stock water

Period of Use: April 1 to October 15

Quantity: 0.92 cubic foot per second, 294.4 acre-feet per year

Priority Date: May 15, 1876

Point of Diversion: 5 feet south and 5 feet east from the center of
Section 20, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20,
T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20 lying south
of the Northern Pacific Railroad right-of-way,
T. 18 N., R. 18 E.W.M.

CLAIMANT NAME: Nicholas Schmitt, Jr. COURT CLAIM NO. 01447
& Janet C. Schmitt
Nelson - Gelbvieh Ranch

Source: Reecer Creek

Use: Irrigation of 60 acres

Period of Use: March 25 to October 15

Quantity: 0.75 cubic foot per second, 169.8 acre-feet per year
for irrigation

Priority Date: June 14, 1877

Point of Diversion: 15 feet south and 75 feet east of the north quarter
corner of Section 28; being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 28, T. 19 N., R. 18 E.W.M.

Place of Use: The S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28, T. 19 N., R. 18 E.W.M.

Limitations of Use: The total instantaneous diversion shall not exceed 2
cubic feet per second under this right and all other
rights confirmed under Court Claim No. 01447.

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CLAIMANT NAME: J. P. Roan COURT CLAIM NO. 01419
& Jan Roan

Source: Jones Creek

Use: Irrigation of 124 acres

Period of Use: April 1 through October 15

Quantity: 2 cubic feet per second, 372 acre-feet per year

Priority Date: May 1, 1878

Point of Diversion: 50 feet north and 50 feet east of the southwest corner of Section 19, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T. 19 N., R. 18 E.W.M.

Place of Use: The W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T. 19 N., R. 18 E.W.M.

CLAIMANT NAME: Nicholas Schmitt, Jr. COURT CLAIM NO. 01447
& Janet C. Schmitt
Nelson - Gelbvieh Ranch

Source: Reecer Creek

Use: Irrigation of 70 acres

Period of Use: March 25 to October 15

Quantity: 1 cubic foot per second, 198.1 acre-feet per year for irrigation

Priority Date: May 1, 1878

Point of Diversion: 15 feet south and 75 feet east of the north quarter corner of Section 28, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 19 N., R. 18 E.W.M.

Place of Use: 60 acres in that portion of the SE $\frac{1}{4}$ of Section 28 lying north of the Kittitas Reclamation District canal and east of Reecer Creek and 10 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 19 N., R. 18 E.W.M.

Limitations of Use: The total instantaneous diversion shall not exceed 2 cubic feet per second under this right and all other rights confirmed under Court Claim No. 01447.

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1 CLAIMANT NAME:

Peggy E. Hunt

COURT CLAIM NO. 05284

Wallace M. Stampfly

Phyllis J. Stampfly

Randall J. Stampfly

3 Source:

Reecer Creek

4 Use:

Irrigation of 75 acres

5 Period of Use:

April 1 to October 15

6 Quantity:

0.75 cubic foot per second, 172 acre-feet per year

7 Priority Date:

June 30, 1878

8 Point of Diversion:

9 1. 850 feet south and 975 feet east of the north
quarter corner of Section 33, being within the
SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T. 19 N., R. 18 E.W.M.

10 2. 10 feet south and 975 feet east of the north
quarter corner of Section 33, being within the
11 NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 33, T. 19 N., R. 18 E.W.M.

12 Place of Use:

That portion of the NE $\frac{1}{4}$ of Section 33, T. 19 N.,
13 R. 18 E.W.M. lying east of Reecer Creek

14 Limitations of Use:

Of the annual quantity authorized for use, 126
15 acre-feet per year is authorized for the irrigation
of 31.5 acres lying west of an irrigation ditch that
16 flows through the property from the first described
diversion. The remaining 46 acre-feet per year is to
be used on the 43.5 acre field lying east of the
17 irrigation ditch.

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27 Referee Re: Subbasin No. 7

CLAIMANT NAME: Dana R. Lind COURT CLAIM NO. 06041
& Elizabeth Lind

Source: Reecer Creek

Use: Irrigation of 20 acres and stock water

Period of Use: March 15 through October 31

Quantity: 2 cubic feet per second, 200 acre-feet per year

Priority Date: June 30, 1879

Point of Diversion: 1900 feet south and 1100 feet west of the northeast corner of Section 4, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T. 18 N., R. 18 E.W.M.

Place of Use: The S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 4, T. 18 N., R. 18 E.W.M. lying west of Reecer Creek.

CLAIMANT NAME: J. P. Roan COURT CLAIM NO. 01419
& Jan Roan

Source: Reecer Creek

Use: Irrigation of 60 acres

Period of Use: April 1 to October 15

Quantity: 0.75 cubic foot per second, 267.3 acre-feet per year

Priority Date: June 30, 1879

Point of Diversion: 100 feet north and 500 feet west of the east quarter corner of Section 17, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 17, T. 19 N., R. 18 E.W.M.

Place of Use: That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 20, T. 19 N., R. 18 E.W.M. lying west of the ditch that exits the pond located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20.

Limitations of Use: This land may also receive water from First Creek.

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CLAIMANT NAME:

John Hardy Shore
& Donna Shore
James A. & Kimberly A. Stinette

COURT CLAIM NO. 06041

Source:

Reecer Creek

Use:

Irrigation of 50 acres and stock water

Period of Use:

March 15 to October 31

Quantity:

2 cubic feet per second, 500 acre-feet per year

Priority Date:

June 30, 1879

Point of Diversion:

1900 feet south and 1100 feet west of the northeast
corner of Section 4 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4,
T. 18 N., R. 18 E.W.M.

Place of Use:

That portion of Government Lot 1 lying east of Reecer
Creek and the N $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 4, T. 18 N.,
R. 18 E.W.M.

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1 CLAIMANT NAME: Nelson - Gelbvieh Ranch COURT CLAIM NO. 01447
2 Source: Reecer Creek
3 Use: Irrigation of 65 acres
4 Period of Use: March 25 to October 15
5 Quantity: 0.825 cubic foot per second, 183.95 acre-feet per
6 year for irrigation
7 Priority Date: June 30, 1881
8 Point of Diversion: 540 feet south and 650 feet west of the center of
9 Section 21, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21,
10 T. 19 N., R. 18 E.W.M.
11 Place of Use: The W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 27, T. 19 N., R. 18 E.W.M. lying
12 north of the Kittitas Reclamation District canal
13 Limitations of Use: The water authorized to be diverted herein is
14 diverted from Reecer Creek, dumped into Jones Creek
15 and then rediverted from Jones Creek. The diversion
16 from Jones Creek shall not exceed the quantity that
17 is dumped into Jones Creek from Reecer Creek. The
18 total instantaneous diversion under this right and
19 all other rights confirmed under Court Claim No.
20 01447 shall not exceed 2 cubic feet per second.
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27 Referee Re: Subbasin No. 7
28

CLAIMANT NAME: Milton M. Femrite COURT CLAIM NO. 01525
& Tracy S. Femrite
Source: Currier Creek
Use: Irrigation of 10 acres
Period of Use: April 1 to October 31
Quantity: 1.0 cubic foot per second, 70 acre-feet per year
Priority Date: April 30, 1882
Point of Diversion: 75 feet north and 125 feet east from the center of
Section 26, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26,
T. 19 N., R. 18 E.W.M.
Place of Use: Those portions of Section 26, T. 19 N., R. 18 E.W.M.
described as follows: the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ lying east of
Currier Creek; and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of the
Kittitas Reclamation District Canal.
Limitations of Use: A maximum of 1 cubic foot per second can be diverted
from Currier Creek at any time under this right and
the right confirmed under Court Claim No. 01527 for
the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26.

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CLAIMANT NAME: Milton M. Femrite COURT CLAIM NO. 01527
& Tracy S. Femrite

Source: Currier Creek

Use: Irrigation of 10 acres

Period of Use: April 1 to October 31

Quantity: 1.0 cubic foot per second, 70 acre-feet per year

Priority Date: April 30, 1882

Point of Diversion: 1150 feet north and 650 feet east from the west
quarter corner of Section 23, being within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T. 19 N. R. 18 E.W.M.

Place of Use: NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T. 19 N., R. 18 E.W.M.

Limitations of Use: A maximum of 1 cubic foot per second can be diverted
from Currier Creek under this right and the right
confirmed under Court Claim No. 01525 for use on the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 26.

CLAIMANT NAME: William J. Grueter COURT CLAIM NO. 01663
& Patricia M. Grueter (A) 04913
Jeffrey A. & Cindy Strole (A) 04914
Mike & Debra Stanavich

Source: Currier Creek

Use: Irrigation of 38 acres and stock water

Period of Use: April 1 to October 15

Quantity: 1 cubic foot per second, 392 acre-feet per year for
irrigation; 10 acre-feet per year for stock water

Priority Date: May 1, 1882

Point of Diversion: 800 feet south and 175 feet east from the north
quarter corner of Section 35, being within the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 19 N., R. 18 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ of Section 35, T. 19 N.,
R. 18 E.W.M. lying east of an unnamed stream flowing
through the section.

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CLAIMANT NAME:

Mark Greene
& Susie Greene

COURT CLAIM NO. 02261
(A) 03072
(A) 05691

Source:

Reecer Creek

Use:

Irrigation of 56 acres

Period of Use:

April 1 to October 31

Quantity:

5.70 cubic feet per second, 784.4 acre-feet per year

Priority Date:

May 16, 1882

Point of Diversion:

(1) 150 feet south and 700 feet west from the
northeast corner of Section 28, being within the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 18 N., R. 18 E.W.M.

(2) 800 feet north and 1100 feet west from the east
quarter corner of Section 28, being within the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 18 N., R. 18 E.W.M.

Place of Use:

That portion of the E $\frac{1}{2}$ of Section 28, T. 18 N.,
R. 18 E.W.M. lying north of State Highway 10, south
of the Dry Creek Road and west of Reecer Creek.

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1 CLAIMANT NAME: Marke Greene COURT CLAIM NO. 02261
2 & Susie Greene (A) 03072
3 Source: An unnamed spring (A) 05691
4 Use: Irrigation of one-half acre and stock water
5 Period of Use: April 1 to October 31 for irrigation; continuous for
6 stock watering
7 Quantity: 0.02 cubic foot per second, 2 acre-feet per year
8 Priority Date: May 16, 1882
9 Point of Diversion: 800 feet north and 1000 feet east from the center of
10 Section 28, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28,
11 T. 18 N., R. 18 E.W.M.
12 Place of Use: That portion of NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 18 N.,
13 R. 18 E.W.M. described as follows: Commencing at the
14 north quarter corner of said section, thence south to
15 the south right-of-way of Dry Creek Road; thence
16 southeast along said right-of-way 800 feet, more or
17 less, to the point of beginning; thence continuing
18 along said right of way 375 feet, more or less;
19 thence S 30°W 300 feet more or less; thence west 300
20 feet more or less; thence N 7°E 400 feet, more or
21 less to the point of beginning.
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28

CLAIMANT NAME: Willowbrook Farms Ltd. Partnership COURT CLAIM NO. 00520
(A) 05669

Source: An unnamed stream

Use: Irrigation of 65 acres

Period of Use: March 15 through October 15

Quantity: 2 cubic feet per second, 260 acre-feet per year

Priority Date: June 30, 1882

Point of Diversion: 1) 5 feet south and 5 feet west from the east
quarter corner of Section 8, being within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T. 18 N., R. 18 E.W.M.

2) 1000 feet south and 875 feet west from the east
quarter corner of Section 8, being within the
SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 8, T. 18 N.,
R. 18 E.W.M. lying south and east of an unnamed
stream.

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1 CLAIMANT NAME: Van de Graaf Ranches, Inc. COURT CLAIM NO. 01503
2 Source: Currier Creek
3 Use: Irrigation of 105 acres and stock watering
4 Period of Use: April 1 through October 31
5 Quantity: 6.3 cubic feet per second, 630 acre-feet per year for
6 irrigation; 29 acre-feet per year for stock watering
7 Priority Date: August 15, 1882
8 Point of Diversion: 25 feet south and 25 feet west of the northeast
9 corner of Section 10, being within the NE~~1~~/~~4~~NE~~1~~/~~4~~ of
10 Section 10, T. 18 N., R. 18 E.W.M.
11 Place of Use: That portion of the SE~~1~~/~~4~~ of Section 10, T. 18 N.,
12 R. 18 E.W.M. lying southeast of the irrigation ditch
13 Limitations of Use: This land may also receive water from the Kittitas
14 Reclamation District.
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The annual quantity awarded for stock watering may also include quantities consumed by the animals directly from the creek.

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1 CLAIMANT NAME: Richard C. Bain COURT CLAIM NO. 01207
2 & Jeri L. Bain
3 Bruce and Vicki Wilson
4
5 Source: Yakima River
6
7 Use: Irrigation of 39.7 acres and stock water
8
9 Period of Use: April 1 to October 15 for irrigation; continuous for
10 stock watering
11
12 Quantity: 4.0 cubic feet per second, 867.58 acre-feet per year
13 for irrigation and stock watering from April 1 to
14 October 15; 1.5 cubic foot per second, 5 acre-feet
15 per year for stock watering from October 16 to March
16 31
17
18 Priority Date: December 21, 1882
19
20 Point of Diversion: 500 feet south and 850 feet east from the center of
21 Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
22 T. 18 N., R. 17 E.W.M.
23
24 Place of Use: Those portions of Section 18, T. 18 N., R. 18 E.W.M.
25 described as follows: the E $\frac{3}{4}$ of Government Lot 1
26 lying southwest of the Burlington Northern Railroad
27 right-of-way; the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying southwest of the
28 Burlington Northern Railroad right-of-way and the
N3 $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Limitations of Use: A maximum of 1.5 cfs, 5 acre-feet per year can be
diverted for stock watering from April 16 to March 31
under this right and the right under Court Claim No.
1207 with a 1891 date of priority.

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CLAIMANT NAME: Jon Fitterer COURT CLAIM NO. 05175

Source: Yakima River

Use: Irrigation of 23 acres and stock water

Period of Use: April 1 to October 15

Quantity: 2.32 cubic feet per second, 342.7 acre-feet per year
for irrigation; 0.05 cubic foot per second, 5
acre-feet per year for stock water

Priority Date: December 21, 1882

Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.

Place of Use: That portion of Parcel A lying in Section 18 and
Parcel B of that survey recorded January 20, 1988, in
Book 15 of Surveys, at page 126, under Auditor's File
No. 510259, records of Kittitas County, being a
portion of Government Lot 1 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 18, T. 18 N., R. 18 E.W.M. lying northeast of
Highway 10.

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CLAIMANT NAME: Henry John Klocke, Jr. COURT CLAIM NO. 01696
& Beverly Lee Klocke

Source: Yakima River

Use: Irrigation of 1.5 acres and stock water

Period of Use: April 1 to October 31

Quantity: 0.06 cubic foot per second, 7.5 acre-feet per year
for irrigation; 0.01 cubic foot per second, 1
acre-foot per year for stock water

Priority Date: December 21, 1882

Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.

Place of Use: That portion of Government Lot 1 of Section 18,
T. 18 N., R. 18 E.W.M. described as follows:
Commencing at the northwest corner of said Lot;
thence east 100 feet, more or less, to a point on the
north right-of-way of S.R. 10; the point of
beginning; thence east 300 feet, more or less to
Klocke Ditch; thence southeast along said ditch to
the north right-of-way of S.R. 10; thence northwest
along said right-of-way to the point of beginning.

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1 CLAIMANT NAME: Susan Bangs COURT CLAIM NO. 00622
2 Source: Yakima River
3 Use: Irrigation of 2.5 acres
4 Period of Use: April 1 through October 31
5 Quantity: 0.075 cubic foot per second, 17.5 acre-feet per year
6 Priority Date: May 24, 1884
7 Point of Diversion: 500 feet south and 850 feet east from the center of
8 Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12,
T. 18 N., R. 17 E.W.M.
9 Place of Use: Lot 2 of Short Plat No. 79-05 recorded under
10 Auditor's File No. 437257 being a portion of the
11 SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 19, T. 18 N., R. 18 E.W.M., recorded
in Book A of Short Plats, pages 64 and 65.

12 CLAIMANT NAME: Terance Clarke COURT CLAIM NO. 01767
13 Source: Dry Creek
14 Use: Irrigation of 40 acres and stock water
15 Period of Use: April 15 to October 31
16 Quantity: 1.90 cubic feet per second, 235 acre-feet per year
17 for irrigation; 5 acre-feet per year for stock
watering
18 Priority Date: May 24, 1884
19 Point of Diversion: 25 feet south and 10 feet east from the north quarter
20 corner of Section 17, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 17, T. 18 N., R. 18 E.W.M.
21 Place of Use: Those portions of Section 17, T. 18 N., R. 18 E.W.M.
22 described as follows: the W $\frac{1}{2}$ NE $\frac{1}{4}$ of said section lying
23 northeasterly of S.R. 131 and southwesterly of
No. 335 Road, and the E $\frac{1}{2}$ NW $\frac{1}{4}$ lying northeasterly of
S.R. 131.

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27 Referee Re: Subbasin No. 7

CLAIMANT NAME: Lorne T. Dunning COURT CLAIM NO. 00166
& Jeanne M. Dunning (A)12208 (A)

Source: An unnamed spring

Use: stock watering

Period of Use: Continuously

Quantity: 0.01 cubic foot per second, 0.50 acre-foot per year

Priority Date: May 24, 1884

Point of Diversion: 240 feet south and 1200 feet east of the west quarter corner of Section 1, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T. 19 N., R. 18 E.W.M.

Place of Use: The SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T. 19 N., R. 18 E.W.M.

CLAIMANT NAME: Jon Fitterer COURT CLAIM NO. 05175

Source: Yakima River

Use: Irrigation of 2 acres and stock water

Period of Use: April 1 through October 15 for irrigation; continuous for stock water

Quantity: 0.04 cfs, 4 acre-feet per year for irrigation; 0.02 cfs, 1 acre-foot per year for stock water

Priority Date: May 24, 1884

Point of Diversion: 500 feet south and 850 feet east from the center of Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 18 N., R. 17 E.W.M.

Place of Use: That portion of Parcel A of that survey recorded January 20, 1988, in Book 15 of Surveys at page 126, under Auditor's file No. 510259, lying in Government Lot 4 of Section 7, T. 18 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: William J. Grueter COURT CLAIM NO. 01663
2 & Patricia M. Grueter (A) 04913
(A) 04914
3 Source: Currier Creek
4 Use: Irrigation of 22 acres and stock water
5 Period of Use: April 1 through October 15
6 Quantity: 2 cubic feet per second, 330 acre-feet per year
7 Priority Date: May 24, 1884
8 Point of Diversion: 1. 800 feet south and 175 feet east from the north
9 quarter corner of Section 35, being with the
10 SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 19 N., R. 18 E.W.M.
11 2. 550 feet north and 400 feet west from the center
12 of Section 35, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35,
13 T. 19 N., R. 18 E.W.M.
14 3. 700 feet south and 900 feet west of the center
15 of Section 35, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35,
16 T. 19 N., R. 18 E.W.M.
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18 Place of Use: That portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 35 T. 19 N.,
19 R. 18 E.W.M. lying east of Currier Creek.
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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
28

CLAIMANT NAME: James E. Hand COURT CLAIM NO. 00692
Patrick J. Hand, et al.
Cathy J. Heathman

Source: Dry Creek

Use: Irrigation of 40 acres and stock water

Period of Use: April 1 to October 31

Quantity: 2 cubic feet per second, 200 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 1250 feet south and 450 feet east from the center of
Section 17, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17,
T. 18 N., R. 18 E.W.M.

Place of Use: The W $\frac{1}{2}$ SE $\frac{1}{4}$ lying east of Dry Creek and west of Highway
97 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying west of Dry Creek, in
Section 17, T. 18 N., R. 18 E.W.M.

Limitations of Use: This land also is irrigated with water delivered from
the Cascade Irrigation District.

CLAIMANT NAME: Laroy D. Holmes COURT CLAIM NO. 00487
& Lorie Holmes

Source: Yakima River

Use: Irrigation of 26.8 acres and stock water

Period of Use: April 1 through October 15

Quantity: 4.62 cubic feet per second, 675 acre-feet per year for
irrigation; 2 acre-feet per year for stock watering

Priority Date: May 24, 1884

Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.

Place of Use: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, lying north
and east of an unnamed slough and that portion of the
NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, lying north of I-90, all in
T. 18 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Michael Hosker, et al. COURT CLAIM NO. 01008
Dick Van de Graaf, Jr.
Maxine Van de Graaf

Source: Jones Creek

Use: Irrigation of 70 acres and stock water

Period of Use: April 1 to October 15

Quantity: 3.50 cubic feet per second, 280 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 20 feet south and 1290 feet west from the northeast corner of Section 3, being within the Government Lot 2 of Section 3, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of Government Lot 1, the S½NE¼ and NE½SE¼ of Section 3, T. 18 N., R. 18 E.W.M. west of Jones Creek and east of delivery ditch.

CLAIMANT NAME: Pautzke Bait Company, Inc. COURT CLAIM NO. 01724

Source: Currier Creek

Use: Irrigation of 38 acres and stock water

Period of Use: April 1 through October 31

Quantity: 2.0 cubic feet per second, 486.4 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 30 feet south and 20 feet west of the northeast corner of Section 33, being within the NE¼NE¼NE¼ of Section 33 T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the E½NE¼ Section 33, T. 18 N., R. 18 E.W.M. lying easterly of Reecer Creek.

Limitations of Use: Water delivered by the Ellensburg Water Company may also be used on this land.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Arnulfo Rodriguez COURT CLAIM NO. 00515
& Gloria Rodriguez

Source: Yakima River

Use: Irrigation of 5.5 acres

Period of Use: April 1 through October 31

Quantity: 0.165 cubic foot per second, 38.5 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12,
T. 18 N., R. 17 E.W.M.

Place of Use: Lot 1 of Short Plat 79-05 recorded under Auditor's
File No. 437257, being a portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 19, T. 18 N., R. 18 E.W.M., as recorded in
Book A of Short Plats, pages 64 and 65.

CLAIMANT NAME: Patrick J. Taylor COURT CLAIM NO. 00170
& Susan A. Taylor

Source: Dry Creek

Use: Irrigation of 9 acres and stock water

Period of Use: April 1 through October 15

Quantity: 1.287 cfs, 208.8 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 5 feet south and 5 feet east of the center of
Section 20, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20,
T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T. 18 N.,
R. 18 E.W.M. lying west of Willow/Scott Ditch and
east of Dry Creek.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Patrick J. Taylor COURT CLAIM NO. 01745A
& Susan A. Taylor

Source: Cabin Creek

Use: Irrigation of 7 acres

Period of Use: April 1 through October 15

Quantity: 1.68 cfs, 81.2 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 1300 feet north and 1125 feet west from the south
quarter corner of Section 20, being within the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T. 18 N.,
R. 18 E.W.M. lying west of Dry Creek and north of a
slough or water course.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME:

Dick Van de Graaf, Jr.
& Maxine Van de Graaf

COURT CLAIM NO. 01520

Source:

Currier Creek

Use:

Irrigation of 174.5 acres and stock water

Period of Use:

April 1 through October 15

Quantity:

10.5 cubic feet per second, 1047 acre-feet per year for
irrigation; 48.4 acre-feet per year for stock watering

Priority Date:

May 24, 1884

Point of Diversion:

(1) 1050 feet north and 650 feet east from the
southwest corner of Section 2, being within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 18 N., R. 18 E.W.M.

(2) 25 feet south and 25 feet west from the northeast
corner of Section 10, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 10, T. 18 N., R. 18 E.W.M.

(3) 1200 feet south and 400 feet west from the
northeast corner of Section 10, being within the
SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T. 18 N., R. 18 E.W.M.

Place of Use:

The W $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 11; the NE $\frac{1}{4}$ and N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ of
Section 15 lying west of Currier Creek, all in T. 18 N.,
R. 18 E.W.M.

Limitations of Use:

Kittitas Reclamation District and Cascade Irrigation
Company water may also be used on some of this land.

The annual quantity of water for stock watering may also
include water that is consumed by the animals drinking
directly from the creek.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Dick Van de Graaf, Jr. COURT CLAIM NO. 01520
2 & Maxine Van de Graaf
3 Source: Jones Creek
4 Use: Irrigation of 6 acres and stock watering
5 Period of Use: April 1 through October 15
6 Quantity: 0.80 cubic foot per second, 24 acre-feet per year for
7 irrigation; 1.66 acre-feet per year for stock watering
8 Priority Date: May 24, 1884
9 Point of Diversion: 1260 feet south and 500 feet west from the east
10 quarter corner of Section 2, being within the
11 SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 18 N., R. 18 E.W.M.
12 Place of Use: That portion of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 lying east
13 of the irrigation ditch, in T. 18 N., R. 18 E.W.M.
14 Limitations of Use: Kittitas Reclamation District water may also be used
15 on this land.
16 The instantaneous quantity of 0.80 cfs is not in
17 addition to that quantity awarded in the right with a
18 April 1, 1890, date of priority for the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
19 Section 10 and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2. A maximum of
20 0.80 cfs may be diverted at any one time between the
21 two rights.
22 The annual quantity of water awarded for stock
23 watering may reflect the water that is consumed by
24 the livestock drinking directly from the creek.
25

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27 Referee Re: Subbasin No. 7
28

CLAIMANT NAME: Dick Van de Graaf, Jr. COURT CLAIM NO. 01520
& Maxine Van de Graaf

Source: Currier Creek

Use: Stock watering

Period of Use: April 1 through October 15

Quantity: 0.10 cubic foot per second, 9 acre-feet per year

Priority Date: May 24, 1884

Point of Diversion: 1050 feet north and 650 feet east of the southwest corner of Section 2, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 18 N., R. 18 E.W.M.

Place of Use: The W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 11, T. 18 N., R. 18 E.W.M.

CLAIMANT NAME: Arloha M. Scott COURT CLAIM NO. 02140
(A) 05733

Source: Dry Creek

Use: Irrigation of 40 acres and stock water

Period of Use: April 1 to October 31

Quantity: 1.58 cubic feet per second, 619 acre-feet per year for the irrigation of 40 acres and stock water; 1.42 cubic feet per second for conveyance loss

Priority Date: September 15, 1884

Point of Diversion: 320 feet north and 350 feet east from the south quarter corner of Section 20, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28, which lies east of a line beginning at the southeast corner of the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 28 and ending at a point lying 310 feet east along the north boundary line from the northwest corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said section. Also that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 28 lying west of State Route 97. All of the above in T. 18 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Ronald T. Anderson COURT CLAIM NO. 05259
2 & Robin L. Anderson
3 Source: Yakima River
4 Use: Irrigation of 20 acres and stock water
5 Period of Use: April 1 through October 31
6 Quantity: 0.50 cubic foot per second, 195 acre-feet per year
7 Priority Date: October 30, 1884
8 Point of Diversion: 1500 feet south and 700 feet east from the northwest
9 corner Section 3, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$
10 Section 3, T. 17 N., R. 18 E.W.M.
11 Place of Use: That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11 lying
12 northeasterly of Klein-Cobel Ditch right-of-way and
13 westerly of a slough that borders the property, in
14 T. 17 N., R. 18 E.W.M.
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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
28

CLAIMANT NAME:

Bruce Magnotti
& Aloa G. Mitchell
Paul Wyatt
& Brenda Wyatt

COURT CLAIM NO. 01558

Source:

Yakima River

Use:

Irrigation of one-half acre

Period of Use:

April 1 to October 31

Quantity:

0.02 cubic foot per second, 2.76 acre-feet per year

Priority Date:

October 30, 1884

Point of Diversion:

1500 feet south and 700 feet east from the northwest corner of Section 3, being with the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M.

Place of Use:

That portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, T. 17 N., R. 18 E.W.M. described as follows: A tract of land bounded by a line beginning at the northeast corner of said quarter/quarter section, and running thence west, along the north boundary line thereof, 720 feet; thence south 260 feet to a point in the middle of the Doughty Ditch; thence southeasterly, along the center line of said ditch to its intersection with the east boundary line of said quarter/quarter section; thence north, along said east boundary line, 455 feet to the point of beginning.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Par Five Corporation COURT CLAIM NO. 01724

Source: Yakima River

Use: Irrigation of 50 acres and stock water

Period of Use: April 1 through October 15

Quantity: 4.91 cubic feet per second, 1199 acre-feet per year for irrigation; 0.21 cubic foot per second, 5.12 acre-feet per year for stock water

Priority Date: October 30, 1884

Point of Diversion: 1500 feet south and 700 feet east from the northwest corner of Section 3, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M.

Place of Use: That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M. lying southwest of the southwesterly boundary of PSH 3 (I-90) and east of Dike Road and that portion of the NE $\frac{1}{4}$ of Section 10, T. 17 N., R. 18 E.W.M. lying east of Dike Road and north of Damman Road, except the I-90 right-of-way.

CLAIMANT NAME: Pautzke Bait Company, Inc. COURT CLAIM NO. 01724
Trendwest Resorts, Inc.

Source: Yakima River

Use: Irrigation of 67 acres and stock water

Period of Use: April 1 to October 15 for irrigation; continuous for stock watering

Quantity: 6.59 cubic feet per second, 1609 acre-feet per year for irrigation; 0.29 cubic foot per second, 6.88 acre-feet per year for stock water

Priority Date: October 30, 1884

Point of Diversion: 1500 feet south and 700 feet east from the northwest corner of Section 3, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M.

Place of Use: That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M. lying northeast of the Interstate 90 right-of-way.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Pautzke Bait Company, Inc. COURT CLAIM NO. 01724
Trendwest Resorts, Inc.

Source: Yakima River

Use: Irrigation of 78 acres

Period of Use: April 1 to October 15

Quantity: 3.9 cubic feet per second, 967.2 acre-feet per year

Priority Date: October 30, 1884

Point of Diversion: 1500 feet south and 700 feet east from the northwest corner of Section 3, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M.

Place of Use: The N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M.

CLAIMANT NAME: Schaaake Packing Company COURT CLAIM NO. 01444

Source: Yakima River

Use: Irrigation of 26 acres and stock water

Period of Use: April 1 to October 15

Quantity: 4.0 cubic feet per second, 283.4 acre-feet per year for irrigation; 2.5 acre-feet per year for stock water

Priority Date: October 30, 1884

Point of Diversion: 1500 feet south and 600 feet east from the northwest corner of Section 3, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 3, T. 17 N., R. 18 E.W.M.

Place of Use: Those portions of the S $\frac{1}{2}$ Section 11, T. 17 N., R. 18 E.W.M. described as follows: the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying south of Interstate 90; the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ lying northeast of the feedlots and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying south of Interstate 90, north of the feedlots and west of Wilson Creek.

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Referee Re: Subbasin No. 7

CLAIMANT NAME: Ronald T. Anderson COURT CLAIM NO. 00296
& Robin L. Anderson

Source: Yakima River

Use: Irrigation of 60 acres

Period of Use: April 1 through October 15

Quantity: 1.5 cfs, 589 acre-feet per year

Priority Date: May 20, 1885

Point of Diversion: 300 feet north and 1200 feet east from the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.

Place of Use: The NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ and that portion of the
NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying southwest of the Northern Pacific
Railroad, all in Section 34, T. 18 N., R. 18 E.W.M.

CLAIMANT NAME: Ronald T. Anderson COURT CLAIM NO. 00637
& Robin L. Anderson

Source: Yakima River

Use: Irrigation of 9 acres

Period of Use: April 1 through October 15

Quantity: 0.225 cfs, 88.36 acre-feet per year

Priority Date: May 20, 1885

Point of Diversion: 300 feet north and 1200 feet east of the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.

Place of Use: The SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Ronald T. Anderson COURT CLAIM NO. 00626
2 & Robin L. Anderson
3 Source: Yakima River
4 Use: Irrigation of 40 acres
5 Period of Use: April 1 to October 15
6 Quantity: 1.0 cubic foot per second, 392 acre-feet per year
7 Priority Date: May 20, 1885
8 Point of Diversion: 300 feet north and 1200 feet east from the center of
9 Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
10 T. 18 N., R. 18 E.W.M.
11 Place of Use: The NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.

11 CLAIMANT NAME: Ronald T. Anderson COURT CLAIM NO. 00636
12 & Robin L. Anderson
13 Mark T. Anderson
14 Source: Yakima River
15 Use: Irrigation of 12.5 acres
16 Period of Use: April 1 through October 15
17 Quantity: 0.324 cfs, 127 acre-feet per year
18 Priority Date: May 20, 1885
19 Point of Diversion: 300 feet north and 1200 feet east from the center of
20 Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
21 T. 18 N., R. 18 E.W.M.
22 Place of Use: That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 18 N.,
23 R. 18 E.W.M. lying north of Dolarway Road.
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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7

CLAIMANT NAME: Jerry D. Barton COURT CLAIM NO. 00910
& Diane M. Barton COURT CLAIM NO. 01719

Source: Yakima River

Use: Irrigation of 25.5 acres

Period of Use: April 1 through October 31

Quantity: 0.662 cubic foot per second, 316.2 acre-feet per year

Priority Date: May 20, 1885

Point of Diversion: 300 feet north and 1200 feet east of the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.

Place of Use: The W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T. 18 N.,
R. 18 E.W.M.

CLAIMANT NAME: Roberta D. Lamb COURT CLAIM NO. 00908
& Estate of Harold F. Lamb
Randy H. Lamb, ET AL
Frank C. Lamb
Claudia J. Lamb Lofstrom

Source: Yakima River

Use: Irrigation of 85 acres

Period of Use: April 1 through October 15

Quantity: 4 cfs, 1054 acre-feet per year

Priority Date: May 20, 1885

Point of Diversion: 300 feet north and 1200 feet east of the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.

Place of Use: The E $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ east of Desmond Road and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of
Section 33, T. 18 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Mill Ditch Company, Inc. COURT CLAIM NO. 00626
Source: Yakima River
Use: Irrigation of 8.5 acres
Period of Use: April 1 through October 15
Quantity: 0.2125 cfs, 105.4 acre-feet per year
Priority Date: May 20, 1885
Point of Diversion: 300 feet north and 1200 feet east from the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.
Place of Use: The W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.
(Dave Caraway)

CLAIMANT NAME: Mill Ditch Company, Inc. COURT CLAIM NO. 00626
Source: Yakima River
Use: Stock watering
Period of Use: Continuous
Quantity: 1.14 cfs, 375 acre-feet per year
Priority Date: May 20, 1885
Point of Diversion: 300 feet north and 1200 feet east from the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.
Place of Use: The SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$, southwest of Northern Pacific
Railroad, in Section 34, T. 18 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME:

Frank Oechsner

COURT CLAIM NO. 00576

Mary McManamy

Mary Patricia Seubert

Source:

Reecer Creek

Use:

Irrigation of 56 acres and stock water

Period of Use:

April 1 to October 15 for irrigation; February 1 to November 31 for stock water

Quantity:

4.33 cubic feet per second, 1075.2 acre-feet per year for irrigation; 0.03 cubic foot per second, 3 acre-feet per year for stock water

Priority Date:

June 30, 1885

Point of Diversion:

900 feet north and 1100 feet west from the east quarter corner Section 28, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28, T. 18 N., R. 18 E.W.M.

Place of Use:

That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 28, T. 18 N., R. 18 E.W.M. lying southwesterly of the Burlington Northern Railroad right-of-way, and that portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of said section described as follows: Commencing at the southwest corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$; thence east 300 feet, more or less, to the point of beginning; thence east 850 feet, more or less, to the Burlington Northern Railroad right-of-way; thence northwesterly 1030 feet, more or less, along said right-of-way; thence southwesterly 720 feet, more or less, to the point of beginning; and that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said section lying east of Desmond Road.

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Referee Re: Subbasin No. 7

CLAIMANT NAME: Mary McManamy COURT CLAIM NO. 00521
& Mary Patricia Seubert

Source: Yakima River
Use: Irrigation of 38.2 acres
Period of Use: April 1 to October 31
Quantity: 4.29 cubic feet per second, 485.4 acre-feet per year
Priority Date: July 30, 1885
Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.
Place of Use: That portion of the E $\frac{1}{2}$ of Section 18, T. 18 N.,
R. 18 E.W.M. lying southwest of the Burlington
Northern Railroad right of way and northeast of the
Chicago, Milwaukee, St. Paul and Pacific Railroad
right-of-way.

CLAIMANT NAME: Steven C. Merten COURT CLAIM NO. 00750

Source: Yakima River
Use: Irrigation of 10.5 acres
Period of Use: April 1 to October 15
Quantity: 0.30 cubic foot per second, 124.7 acre-feet per year
Priority Date: July 30, 1885
Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.
Place of Use: The west 1680 feet of that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and
SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T. 18 N., R. 18 E.W.M. lying north
of the C.M. St. P and P Railroad right-of-way and that
portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 18 N.,
R. 18 E.W.M. lying south of the C.M. St. P and P
Railroad right-of-way and west of an unnamed slough
running through that subdivision.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Olson Ditch COURT CLAIM NO. 00169
2 Source: Yakima River
3 Use: Irrigation of 70 acres and stock water
4 Period of Use: April 1 through October 31
5 Quantity: 2.3 cubic feet per second, 633.5 acre-feet per year
6 Priority Date: July 30, 1885
7 Point of Diversion: 500 feet south and 850 feet east from the center of
8 Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.
9 Place of Use: That portion of the E $\frac{1}{2}$ of Section 18 lying south of
10 the county road and north of the BNRR right-of-way
11 and that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17 lying
south of the county road; all in T. 18 N.,
R. 18 E.W.M.
12 Limitations of Use: A total of 70 acres is irrigated within the described
13 place of use under this right and the Olson Ditch
14 right with an 1876 date of priority. This right is
not subject to the Olson et al. limiting agreement.

15 CLAIMANT NAME: Jim Eattock COURT CLAIM NO. 01963
& Claudia Eattock (A) 02441
16 Source: An unnamed spring
17 Use: Stock watering
18 Period of Use: Continuously
19 Quantity: 0.01 cubic foot per second, 1 acre-foot per year
20 Priority Date: May 21, 1887
21 Point of Diversion: 425 feet north and 700 feet west from the east quarter
22 corner of Section 18, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
23 Section 18, T. 18 N., R. 17 E.W.M.
24 Place of Use: The SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T. 18 N., R. 18 E.W.M.
25 lying southwest of McManamy Road.

26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
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CLAIMANT NAME: Bill Haberman COURT CLAIM NO. 02268
& Bill Haberman, Jr.

Source: Currier Creek

Use: Irrigation of 33 acres

Period of Use: April 1 to October 15

Quantity: 1.65 cubic feet per second, 402.5 acre-feet per year

Priority Date: August 18, 1888

Point of Diversion: 700 feet south and 140 feet west from the north
quarter corner of Section 22, being within the
SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the NW $\frac{1}{4}$ lying east of an unnamed
stream or drain that runs north to south through the
NW $\frac{1}{4}$, in Section 22, T. 18 N., R. 18 E.W.M.

CLAIMANT NAME: Mary McManamy COURT CLAIM NO. 00521
& Mary Patricia Seubert

Source: Yakima River

Use: Irrigation of 14.67 acres

Period of Use: April 1 through October 31

Quantity: 1.03 cubic foot per second, 176 acre-feet per year

Priority Date: July 1, 1889

Point of Diversion: 500 feet south and 850 feet east from the center of
Section 12, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12,
T. 18 N., R. 17 E.W.M.

Place of Use: That portion of the NE $\frac{1}{4}$ of Section 18, T. 18 N.,
R. 18 E.W.M. lying north of the Olson Ditch and south
of the Town Ditch.

Limitations of Use: This land also receives water delivered by the
Ellensburg Water Company.

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Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Olson Ditch COURT CLAIM NO. 00169
2 Source: The Yakima River
3 Use: Irrigation of 8 acres and stock water
4 Period of Use: April 1 to October 31 for irrigation; continuous for
5 stock water
6 Quantity: 0.285 cubic foot per second, 86.34 acre-feet per year
7 from April 1 to October 31 for irrigation and stock
8 water; 0.169 cubic foot per second, 10.4 acre-feet
9 per year in November for stock water, 0.031 cubic
10 foot per second, 3.25 acre-feet per year from
11 December 1 to March 31 for stock water
12 Priority Date: July 1, 1889
13 Point of Diversion: 500 feet south and 850 feet east from the center of
14 Section 12, being within the NE¼NW¼SE¼ of Section 12,
15 T. 18 N., R. 17 E.W.M.
16 Place of Use: Eattock - that portion of the SE¼NE¼ of Section 18,
17 T. 18 N., R. 18 E.W.M. lying southwest of the Dry
18 Creek Road
19 Limitations of Use: This right is not subject to the Olson et al.
20 limiting agreement.
21
22
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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
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CLAIMANT NAME:

Dick Van de Graaf, Jr.
& Maxine Van de Graaf

COURT CLAIM NO. 01520

Source:

Jones Creek

Use:

Irrigation of 17.5 acres and stock watering

Period of Use:

April 1 to October 15

Quantity:

0.80 cubic foot per second, 70 acre-feet per year for
irrigation and 4.85 acre-feet per year for stock
watering

Priority Date:

April 1, 1890

Point of Diversion:

1260 feet south and 500 feet east from the west
quarter corner of Section 2, being within the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 18 N., R. 18 E.W.M.

Place of Use:

That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10 and the
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 18 N., R. 18 E.W.M., lying
west of Currier Creek.

Limitations of Use:

This land may also receive water from the Kittitas
Reclamation District.

A maximum of 0.80 cubic foot per second can be
diverted from Jones Creek under this right and the
right with a May 24, 1884, priority for the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 3.

The annual quantity confirmed for stock watering may
include water consumed by the livestock drinking
directly from the creek.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Dick Van de Graaf, Jr. COURT CLAIM NO. 01520
2 & Maxine Van de Graaf
3 Source: Currier Creek
4 Use: Irrigation of 26 acres and stock water
5 Period of Use: April 1 through October 15
6 Quantity: 1.56 cubic feet per second, 156 acre-feet per year
7 for irrigation; 7.2 acre-feet per year for stock water
8 Priority Date: April 1, 1890
9 Point of Diversion: 1) 1050 feet north and 650 feet east of the southwest
10 corner of Section 2, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
11 Section 2, T. 18 N., R. 18 E.W.M.
12 2) 25 feet south and 25 feet west of the northeast
13 corner of Section 10, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
14 Section 10, T. 18 N., R. 18 E.W.M.
15 Place of Use: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2 and the
16 E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10 lying east of Currier Creek,
17 T. 18 N., R. 18 E.W.M.
18 Limitations of Use: Kittitas Reclamation District water may be available
19 for use on this land.
20
21 The annual quantity of water awarded for stock
22 watering may be consumed by animals drinking directly
23 from the creek.
24
25

26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
28

CLAIMANT NAME: William J. Grueter COURT CLAIM NO. 01663
& Patricia M. Grueter (A) 04913
(A) 04914
Source: An unnamed stream, tributary of Jones Creek
Use: Irrigation of 19 acres and stock water
Period of Use: April 1 through October 15
Quantity: 1 cfs, 285 acre-feet per year
Priority Date: May 31, 1890
Point of Diversion: 650 feet south and 25 feet east from the north
quarter corner of Section 34, being within the
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T. 19 N., R. 18 E.W.M.
Place of Use: The W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 34, T. 19 N., R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME:

Pautzke Bait Company, Inc.
Trendwest Resorts, Inc.

COURT CLAIM NO. 01724

Source:

Reecer Creek

Use:

Irrigation of 146 acres and stock water

Period of Use:

April 1 through October 31

Quantity:

4.0 cubic feet per second, 1270 acre-feet per year

Priority Date:

June 30, 1890

Point of Diversion:

(1) 200 feet north and 1000 feet west from the south quarter corner of Section 34, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 18 N., R. 18 E.W.M.

(2) 200 feet south and 200 feet west from the north quarter corner of Section 3, being within Government Lot 3 of Section 3, T. 17 N., R. 18 E.W.M.

Place of Use:

That portion of the N $\frac{1}{2}$ of Section 3, T. 17 N., R. 18 E.W.M. lying east of the west channel of Reecer Creek and northeasterly of Interstate 90 right-of-way, EXCEPT that portion described as follows: Beginning at the northeast corner of said section; thence west 1000 feet, more or less; thence south 380 feet; thence east 200 feet, more or less; thence south 480 feet, more or less; thence east 470 feet, more or less; thence south 1564 feet, more or less; thence S 28° E, 427.68 feet, more or less; thence east 137.45 feet; thence north 2760 feet, more or less, to the point of beginning; ALSO except the north 300 feet of the south 534 feet of the west 550 feet of Government Lot 1 of said section; ALSO except the west 120 feet of the north 900 feet of said Government Lot 1.

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CLAIMANT NAME: Patrick J. Taylor COURT CLAIM NO. 00170
& Susan A. Taylor
Source: Dry Creek
Use: Irrigation of 26 acres and stock water
Period of Use: April 1 through October 31
Quantity: 3.7 cfs, 603.2 acre-feet per year
Priority Date: December 5, 1890
Point of Diversion: 5 feet south and 5 feet east from the center of
Section 20, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20,
T. 18 N., R. 18 E.W.M.
Place of Use: The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T. 18 N., R. 18 E.W.M.

CLAIMANT NAME: Patrick J. Taylor COURT CLAIM NO. 01745A
& Susan A. Taylor
Source: Cabin Creek
Use: Irrigation of 30 acres and stock water
Period of Use: April 1 to October 15
Quantity: 7.2 cubic feet per second, 348 acre-feet per year
Priority Date: December 5, 1890
Point of Diversion: 1300 feet north and 1125 west from the south quarter
corner of Section 20, being NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20,
T. 18 N., R. 18 E.W.M.
Place of Use: The SE $\frac{1}{4}$ SW $\frac{1}{4}$ and that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 20 lying west of Dry Creek, T. 18 N.,
R. 18 E.W.M.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Donald E. Clapper COURT CLAIM NO. 01565
2 & Lois Clapper
3 Source: Yakima River
4 Use: Irrigation of 20 acres
5 Period of Use: April 1 to October 15
6 Quantity: 1 cubic foot per second, 100 acre-feet per year
7 Priority Date: April 7, 1891
8 Point of Diversion: 500 feet south and 850 feet east from the center of
9 Section 12, being within the NE¼NW¼SE¼ of Section 12,
10 T. 18 N., R. 17 E.W.M.
11 Place of Use: That portion of the SW¼NW¼ of Section 20, T. 18 N.,
12 R. 18 E.W.M. lying west of Cabin Creek.

11 CLAIMANT NAME: Olson Ditch COURT CLAIM NO. 00169
12 Source: The Yakima River
13 Use: Irrigation of 306.4 acres and stock water
14 Period of Use: April 1 to October 31 for irrigation; continuous for
15 stock water
16 Quantity: 15.0 cubic feet per second from April 1 to August 31
17 for irrigation and stock water and 2.0 cfs for
18 conveyance; 10 cubic feet per second in September for
19 irrigation and 1.36 cubic feet per second for
20 conveyance; 5.0 cubic feet per second in October for
21 irrigation and 0.68 cfs for conveyance, 5724.68
22 acre-feet per year; 6.37 cubic feet per second, 392
23 acre-feet per year in November and 1.15 cubic feet
24 per second, 118 acre-feet per year from December 1 to
25 March 31 for stock water
26 Priority Date: April 7, 1891
27 Point of Diversion: 500 feet south and 850 feet east from the center of
28 Section 12, being within the NE¼NW¼SE¼ of Section 12,
T. 18 N., R. 17 E.W.M.

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27 Referee Re: Subbasin No. 7

Place of Use:

Hand (67 ac.) - That portion of the S½NE¼ and SE¼NW¼ lying southwest of Olson Ditch; except the Burlington Northern Railroad right-of-way; and the NE¼SW¼, all in Section 20, T. 18 N., R. 18 E.W.M.

Rominger (38.6 ac.) - That portion of the E½SW¼ of Section 21 lying southwest of the Olson Ditch and that portion of the NE¼NW¼ of Section 28 lying northeast of the Dry Creek Road, all in T. 18 N., R. 18 E.W.M.

Willett (8½ ac.) - That portion of the W½NW¼SE¼ of Section 28, T. 18 N., R. 18 E.W.M. lying southwest of Burlington Northern Railroad Tracks.

Mackner (32 ac.) - That portion of the E½E½ of Section 20, T. 18 N., R. 18 E.W.M. lying southwest of the Olson Ditch and northeast of the NPRR right-of-way and that portion of the NW¼SW¼ of Section 21 lying southwest of Dry Creek Road, except that portion described for Betassa below.

Betassa (1 ac.) - That portion of the NW¼SW¼ of Section 21, T. 18 N., R. 18 E.W.M. described as follows: Beginning at a point on the south boundary line of the NW¼SW¼, which is 70.5 feet east of the southwest corner of said subdivision, running thence N 10°23' W 290.9 feet to the intersection of the west boundary line of said section, with the south right-of-way line of the county road; thence S 40°20' E, along said south right-of-way line, 502 feet, to a point on the south boundary line of said subdivision; and thence S 89°35' west to the point of beginning.

Greene/Pethia (115.5 ac.) - That portion of the E½ of Section 28, T. 18 N., R. 18 E.W.M. lying northeast of the Burlington Northern Railroad right-of-way and southwest of Reecer Creek.

Taylor (15 ac.) - That portion of the SE¼SE¼ of Section 20, T. 18 N., R. 18 E.W.M. lying southwest of the Burlington Northern Railroad right-of-way.

Small holdings (28.8 ac.) - That portion of the NE¼NW¼ of Section 28, T. 18 N., R. 18 E.W.M. lying south of the Dry Creek Road and north of Highway 10.

1 Limitations of Use: This right is subject to the Olson et al. limiting
2 agreement. A total of 24 cfs April through August;
3 16 cfs in September and 8 cfs in October can be
4 diverted under this right and the 1876 right that is
5 also subject to the limiting agreement.

6 CLAIMANT NAME: Richard C. Bain COURT CLAIM NO. 01207
7 & Jeri L. Bain
8 Bruce & Vicki Wilson

9 Source: Yakima River

10 Use: Irrigation of 20.4 acres

11 Period of Use: April 1 to October 15

12 Quantity: 2.5 cubic feet per second, 445.26 acre-feet per year
13 for irrigation and stock watering from April 1 to
14 October 15; 1.5 cfs, 5 acre-feet for stock watering
15 from October 16 through March 31

16 Priority Date: April 25, 1891

17 Point of Diversion: 500 feet south and 850 feet east from the center of
18 Section 12, being within the NE¼NW¼SE¼ Section 12,
19 T. 18 N., R. 17 E.W.M.

20 Place of Use: Government Lot 2 of Section 18, T. 18 N.,
21 R. 18 E.W.M. lying north of the Yakima River

22 Limitations of Use: The quantity of water authorized to be diverted for
23 wintertime stock watering is not in addition to that
24 quantity authorized under the other right confirmed
25 under Court Claim No. 1207 with an 1882 date of
26 priority.

27 Second Supplemental Report of
28 Referee Re: Subbasin No. 7

CLAIMANT NAME: Richard Van de Graaf, Jr. COURT CLAIM NO. 01008
& Maxine Van de Graaf
Michael Hosker, et al.

Source: Jones Creek

Use: Irrigation of 17 acres and continuous stock water

Period of Use: April 1 to October 15

Quantity: 0.85 cubic foot per second, 68 acre-feet per year

Priority Date: May 13, 1891

Point of Diversion: 20 feet south and 1290 feet west from the northeast corner of Section 3, being within Government Lot 2 of Section 3, T. 18 N., R. 18 E.W.M.

Place of Use: That portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 18 N., R. 18 E.W.M., lying west of Jones Creek.

CLAIMANT NAME: Milton M. Femrite COURT CLAIM NO. 01528
& Tracy S. Femrite

Source: An unnamed spring

Use: Single domestic supply, including irrigation of 0.5 acre

Period of Use: Continuous for in-house domestic supply; April 1 through October 31 for domestic irrigation.

Quantity: 0.02 cubic foot per second, 2 acre-feet per year

Priority Date: August 20, 1892

Point of Diversion: 150 feet north and 50 feet west from the center of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26, T. 19 N., R. 18 E.W.M.

Place of Use: The NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, T. 19 N., R. 18 E.W.M.

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1 CLAIMANT NAME: Carla L. Thomas COURT CLAIM NO. 01959
2 Source: Jones Creek
3 Use: Irrigation of 24 acres and stock watering
4 Period of Use: April 1 to October 31
5 Quantity: 2 cubic feet per second, 604 acre-feet per year
6 Priority Date: October 15, 1892
7 Point of Diversion: #1 - 1275 feet north and 50 feet east from the south
8 quarter corner of Section 34, being within the
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T. 19 N., R. 18 E.W.M.
9 #2 - 1300 Feet north and 50 feet west from the south
10 quarter corner of Section 34, being within the
NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, T. 19 N., R. 18 E.W.M.
11 Place of Use: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T. 19 N.,
12 R. 18 E.W.M. lying west of Thomas Creek
13 Limitations of Use: This land may also receive water from the Kittitas
Reclamation District.

14 CLAIMANT NAME: Carla L. Thomas COURT CLAIM NO. 01959
15 Source: Thomas Creek
16 Use: Irrigation of 17 acres and stock watering
17 Period of Use: April 1 to October 31
18 Quantity: 1.5 cubic feet per second, 208 acre-feet per year
19 Priority Date: October 15, 1892
20 Point of Diversion: 10 feet south and 600 feet east from the center of
21 Section 34, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34,
T. 19 N., R. 18 E.W.M.
22 Place of Use: That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 34, T. 19 N.,
23 R. 18 E.W.M. lying east of Thomas Creek.
24
25

26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
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CLAIMANT NAME: Calaway Pacific COURT CLAIM NO. 01720
Source: Yakima River
Use: Irrigation of 16 acres
Period of Use: April 1 to October 31
Quantity: 1.8 cubic feet per second, 96 acre-feet per year
Priority Date: May 6, 1893
Point of Diversion: 300 feet north and 1200 feet east of the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.
Place of Use: That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, T. 17 N.,
R. 18 E.W.M. lying northeast of Interstate 90 and
southwest of the West Channel of Reecer Creek.

CLAIMANT NAME: Don Guy COURT CLAIM NO. 01983
& Lu Guy
Source: Yakima River
Use: Irrigation of 1.5 acres
Period of Use: April 1 to October 15
Quantity: 0.067 cubic foot per second, 3 acre-feet per year
Priority Date: May 6, 1893
Point of Diversion: 300 feet north and 1200 feet east from the center of
Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.
Place of Use: That portion of Government Lot 1, Section 3,
T. 17 N., R. 18 E.W.M. described as follows:
Beginning 1645 feet north and 1076 feet west of the
east quarter corner of Section 3; thence west 300
feet; thence south 300 feet; thence east 300 feet;
thence north 300 feet to the point of beginning.

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CLAIMANT NAME: John G. Jewett
& Nancy A. Jewett

COURT CLAIM NO. 00140
(A) 02098
(A) 02105

Source: Yakima River

Use: Irrigation of 2 acres

Period of Use: April 1 to October 15

Quantity: 0.50 cubic foot per second, 20 acre-feet per year

Priority Date: May 6, 1893

Point of Diversion: 300 feet north and 1200 feet east from the center of
Section 29, being within SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
T. 18 N., R. 18 E.W.M.

Place of Use: That portion of Government Lot 1 of Section 3,
T. 17 N., R. 18 E.W.M. described as follows:
Beginning at a point 1645 feet north and 776 feet
west of the east quarter corner of said section;
thence west 300 feet; thence north 300 feet; thence
east 300 feet; thence south 300 feet to the point of
beginning.

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Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Albert J. Lentz COURT CLAIM NO. 00637
2 & Glenna M. Lentz
3 Source: Yakima River
4 Use: Irrigation of 40 acres
5 Period of Use: April 1 through October 31
6 Quantity: 1.0 cfs, 483.6 acre-feet per year
7 Priority Date: May 6, 1893
8 Point of Diversion: 300 feet north and 1200 feet east of the center of
9 Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
10 T. 18 N., R. 18 E.W.M.
11 Place of Use: That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 33, T. 18 N.,
12 R. 18 E.W.M. lying south of Dolarway Road and that
13 portion of Government Lots 3 and 4 of Section 3,
14 T. 17 N., R. 18 E.W.M. lying west of Reecer Creek and
15 east of I-90.

16 CLAIMANT NAME: Mill Ditch Company, Inc. COURT CLAIM NO. 00626
17 Source: Yakima River
18 Use: Stock watering
19 Period of Use: Continuous
20 Quantity: 1.14 cfs, 375 acre-feet per year
21 Priority Date: May 6, 1893
22 Point of Diversion: 300 feet north and 1200 feet east from the center of
23 Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29,
24 T. 18 N., R. 18 E.W.M.
25 Place of Use: Section 3, T. 17 N., R. 18 E.W.M.

26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7

CLAIMANT NAME: Pautzke Bait Company, Inc. COURT CLAIM NO. 01724
Trendwest Resorts, Inc.

Source: Yakima River

Use: Irrigation of 146 acres and stock watering

Period of Use: April 1 to October 15 for irrigation; continuous for stock watering

Quantity: 12.9 cubic feet per second, 1825 acre-feet per year from April 1 to October 15 for irrigation and stock watering; 1.14 cubic feet per second, 375 acre-feet per year from October 16 to March 31 for stock watering

Priority Date: May 6, 1893

Point of Diversion: 300 feet north and 1200 feet east from the center of Section 29, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T. 18 N., R. 18 E.W.M.

Place of Use: The N $\frac{1}{2}$ of Section 3, T. 17 N., R. 18 E.W.M. lying east of the West Channel of Reecer Creek, EXCEPT that portion described as follows: Beginning at the northeast corner of said section; thence west 1000 feet, more or less; thence south 380 feet; thence east 200 feet; thence south 480 feet; thence east 470 feet; thence south 1564 feet; thence S 28° E, 427.68 feet; thence east 137.45 feet; thence north 2760 feet to the point of beginning; ALSO EXCEPT the following two parcels: 1) Beginning at a point 1645 feet north and 776 feet west of the east quarter corner of said section; thence west 300 feet; thence north 300 feet; thence east 300 feet; thence south 300 feet to the point of beginning; 2) Beginning 1645 feet north and 1076 feet west of the east quarter corner of Section 3; thence west 300 feet; thence south 300 feet; thence east 300 feet; thence north 300 feet to the point of beginning.

Second Supplemental Report of
Referee Re: Subbasin No. 7

CLAIMANT NAME: Carla L. Thomas COURT CLAIM NO. 01144
Peoples National Bank of Washington

Source: Dry Creek

Use: Stock water

Period of Use: Continuous

Quantity: 0.03 cubic foot per second, 21.68 acre-feet per year

Priority Date: April 28, 1897

Point of Diversion: 650 feet south and 400 feet west from the east
quarter corner of Section 15, being within the
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T. 19 N., R. 17 E.W.M.

Place of Use: The N $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T. 19 N., R. 17 E.W.M.

CLAIMANT NAME: Ellensburg; City of COURT CLAIM NO. 02085

Source: Yakima River

Use: Municipal supply

Period of Use: April 20 through October 15

Quantity: 23.33 cubic feet per second, 6,000 acre-feet per year

Priority Date: May 10, 1905

Point of Diversion: The SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 3 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 10,
T. 17 N., R. 18 E.W.M.

Place of Use: Land served by the Ellensburg Municipal Water System in
the Ellensburg urban area.

Limitations of Use: Water use under this right shall be consistent with the
contract signed between the City of Ellensburg, Kittitas
Reclamation District and United States, Department of
Interior, Bureau of Reclamation, on December 21, 1971,
and specifically the schedule of water delivery on page
11 of that contract and the right shall issue to the
United State Bureau of Reclamation as trustee for the
City of Ellensburg and its water users.

Second Supplemental Report of
Referee Re: Subbasin No. 7

1 .bkCLAIMANT NAME: Pat Burke COURT CLAIM NO. 01469
& Mary Burke

2 Source: Unnamed Spring

3 Use: Irrigation of 10 acres, single domestic supply and
4 stock watering

5 Period of Use: March 1 through October 31 for irrigation; continuous
6 for domestic supply and stock watering

7 Quantity: 0.50 cubic foot per second, 50 acre-feet per year for
8 irrigation; 2 acre-feet per year for stock watering;
1 acre-foot per year for single domestic supply

9 Priority Date: December 10, 1907

10 Point of Diversion: 140 feet north and 1080 feet east of the southwest
11 corner of Section 30, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of
Section 30, T. 19 N., R. 18 E.W.M.

12 Place of Use: The SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, T. 19 N., R. 18 E.W.M.

13 CLAIMANT NAME: Russ Longacre COURT CLAIM NO. 00334
14 Shawn Fagalde

15 Source: Reecer Creek

16 Use: Irrigation of 19 acres and stock water

17 Period of Use: April 1 to October 31

18 Quantity: 0.40 cubic foot per second, 60 acre-feet per year for
19 irrigation; 0.02 cubic foot per second, 2 acre-feet per
year for stock watering

20 Priority Date: April 30, 1909

21 Point of Diversion: 1315 feet north and 1315 feet west from the east quarter
22 corner of Section 3, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ of
Section 3, T. 17 N., R. 18 E.W.M.

23 Place of Use: The W $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 2, T. 17 N., R. 18 E.W.M.

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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7

CLAIMANT NAME: Ivan Hutchinson COURT CLAIM NO. 00876
& Mildred Hutchinson (A) 02389

Source: An unnamed pond

Use: Nonconsumptive washing and production of gravel and sand

Period of Use: April 15 to October 1

Quantity: 3 cubic feet per second (nonconsumptive)

Priority Date: April 16, 1971

Point of Diversion: 150 feet south and 1050 feet west from the west quarter corner of Section 29, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 18 N., R. 18 E.W.M.

Place of Use: Those portions of S $\frac{1}{2}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 18 N., R. 18 E.W.M. lying northeast of Interstate 90.

CLAIMANT NAME: Ivan Hutchinson COURT CLAIM NO. 00876
& Mildred Hutchinson (A) 02389

Source: An unnamed pond

Use: Nonconsumptive washing and production of gravel and sand

Period of Use: October 1 to April 15

Quantity: 3 cubic feet per second (nonconsumptive)

Priority Date: May 12, 1975

Point of Diversion: 150 feet south and 1050 feet west from the east quarter corner of Section 29, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 18 N., R. 18 E.W.M.

Place of Use: Those portions of the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 18 N., R. 18 E.W.M. lying northeast of Interstate 90.

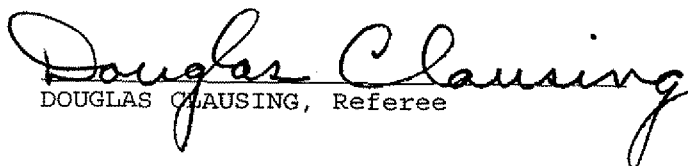
Second Supplemental Report of
Referee Re: Subbasin No. 7

1 CLAIMANT NAME: Lorne T. Dunning COURT CLAIM NO. 00166
2 & Jeanne M. Dunning (A) 12208 (A)
3 Source: An unnamed spring
4 Use: single domestic supply
5 Period of Use: Continuously
6 Quantity: 0.01 cubic foot per second, 1 acre-foot per year
7 Priority Date: February 1, 1979
8 Point of Diversion: 200 feet south and 1200 feet east of the west quarter
9 corner of Section 1 being within the NW¼SW¼ of
10 Section 1, T. 19 N., R. 18 E.W.M.
11 Place of Use: The SE¼NW¼SW¼ of Section 1, T. 19 N., R. 18 E.W.M.
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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
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1 The aforementioned changes shall be incorporated into the Report of Referee
2 dated April 21, 1995 and the Supplemental Report of Referee dated July 6, 1998.

3 SIGNED and DATED at Yakima, Washington this 17th day of January,
4 2001.

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7 DOUGLAS CLAUSING, Referee
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26 Second Supplemental Report of
27 Referee Re: Subbasin No. 7
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