

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, )  
REVISED CODE OF WASHINGTON, )

THE STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,

Defendants.

No. 77-2-01484-5

ADDENDUM TO REPORT  
OF REFEREE

Re: Subbasin No. 13  
(Umtanum Creek)

This Addendum to Report of Referee has been prepared by the Referee at the direction of Judge Walter A. Stauffacher.

At the Hearing on Exceptions before Judge Stauffacher on October 2, 1990, two exceptions to the Report of Referee, Subbasin No. 13 (Umtanum Creek) were heard. One concerned the claim of Jack Parker, Court Claim No. 2290.

Patrick Andreotti represented the exception of Jacqueline M. Parker, Delores E. Macke, Michelle L. Parker, and Frances E. Storlie, successors in interest to Jack Parker, who died in the spring of 1990. Timothy J. Macke, Mr. Parker's son-in-law, testified in support of Mr. Parker's claim to the right to use water from three springs that were not recommended in the

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Plaintiff's Report to Referee, and were denied in the Referee's Report because of Mr. Parker's failure to appear during the evidentiary hearing.

After hearing the testimony and reviewing the supporting affidavit of Michelle L. Parker, the Court has confirmed rights to three springs in addition to those identified in the Report of Referee.

The second exception to the Report of Referee came in the form of a claim by Wayne C. Hunt filed after the Report of Referee had been completed. The Court had determined on June 8, 1990, that Claim No. 5285 filed by Wayne C. Hunt for the Estate of Gerald Hunt was appropriate for further processing. In keeping with the provisions of Pretrial Order No. 9, this claim was heard during the exceptions hearing.

Wayne C. Hunt appeared pro se to explain that, while he believed his father had filed a claim, they never received any notification of activities associated with the adjudication. The claim subsequently filed was for nondiversiory watering of 50 to 60 head of cattle. The Court determined that Mr. Hunt's stockwater needs could be accommodated by the portion of the stockwater stipulation contained in the Referee's Report for Subbasin 13, page 17, item A. This is a nondiversiory use from Umtanum Creek which traverses from west to east across the Hunt property.

Pursuant to the instructions of the Court, the following named Claimant(s), Court Claim Number(s), sources of water, uses for which rights have been established, time periods when water may be used, amounts of water designated in the right, priority of water right, location of points of diversion, and description of lands to which water rights are appurtenant, are added to the Report of Referee for confirmation:

CLAIMANT NAME:           Jacqueline M. Parker           COURT CLAIM NO. 2290  
                          Delores E. Macke  
                          Michelle L. Parker  
                          Frances E. Storlie

Source:                   Three unnamed springs

Use:                      Stock water

Period of Use:           Continuous

Quantity:                Springs A, B, and C: 0.01 cfs each;  
                          1.0 acre-foot each for stock water

Priority Date:           April 30, 1880

Point of Diversion: Spring A: 250 feet South and 450 feet East  
  from the North quarter corner of  
  Section 34, located within the  
  NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 34, T. 17 N.,  
  R. 17 E.W.M.

Spring B: 350 feet North and 100 feet West  
  from the South quarter corner of  
  Section 27, located within the  
  SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 27, T. 17 N.,  
  R. 17 E.W.M.

Spring C: 1200 feet South and 800 feet West  
  from the North quarter corner of  
  Section 3, located within the  
  SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 3, T. 16 N.,  
  R. 17 E.W.M.

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Place of Use: Spring A: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 34, T. 17 N.,  
R. 17 E.W.M.  
Spring B: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  Section 27, T. 17 N.  
R. 17 E.W.M.  
Spring C: S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 34, T. 17 N.,  
R. 17 E.W.M.

The Court further instructed that the following de minimus water use be added to Section 4.A. of the Report of Referee as a confirmed senior priority right for instream stock watering relating to Subbasin No. 13:

Claimant

Court Claim Number

ESTATE OF GERALD HUNT

5285

The exceptions of the Washington State Department of Natural Resources and the Department of Wildlife through their attorney, William C. Frymire, were heard by the Court on October 1, 1990. The Court directed that the language used in relation to nondiversionary stock and wildlife watering be that language which was stipulated to and adopted in the Report of Referee and the Conditional Final Order for Subbasin 17 (Tieton).

SIGNED and DATED at Olympia,  
this 14<sup>th</sup> day of December, 1990.

  
WILLIAM R. SMITH, Referee

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