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**YAKIMA RIVER BASIN**

**WATER RIGHTS ADJUDICATION**

KIM EATON  
EX OFFICIO CLERK OF  
SUPERIOR COURT  
YAKIMA COUNTY

**FILED**

FEB 14 1997

KIM M. EATON, YAKIMA COUNTY CLERK

The State of Washington, Department of Ecology v.  
James J. Acquavella, et al.

Yakima County Superior Court Cause No. 77-2-01484-5

**SUPPLEMENTAL REPORT OF REFEREE**

**Re: SUBBASIN NO. 15  
(WENAS)**

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

**SUPPLEMENTAL REPORT OF REFEREE - VOLUME 20A**

12,212

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

3       IN THE MATTER OF THE DETERMINATION )  
4       OF THE RIGHTS TO THE USE OF THE    )  
5       SURFACE WATERS OF THE YAKIMA RIVER )  
6       DRAINAGE BASIN, IN ACCORDANCE WITH )                  No. 77-2-01484-5  
7       THE PROVISIONS OF CHAPTER 90.03,    )  
8    )                  REPORT OF REFEREE  
9       )    PURSUANT TO ORDER ON  
10      )    EXCEPTIONS OF  
11     )    APRIL 11, 1996  
12     )    SUBBASIN NO. 15  
13     Plaintiff,                            )                  (WENAS CREEK)  
14     )  
15     v.                                    )  
16     )  
17     James J. Acquavella, et al.,        )  
18     )  
19     Defendants.                           )  
20     )

---

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

23           The Order issued by the Court on April 11, 1996, ruled upon several  
24 exceptions to the Report of Referee and remanded certain exceptions to the Referee,  
25 with instructions, for further evaluation and subsequent recommendations to the  
26 Court.

27           The exceptions granted by the Court are identified as follows:

28     1. The Department of Ecology's exception concerning changes in points of  
19 diversion that were not authorized through the procedures in RCW 90.03.380.  
20 Points of diversion can only be confirmed at the location authorized on the  
21 existing certificates, unless authorization has been obtained from Ecology to  
change the point of diversion.

22     2. The Department of Ecology exception to language referencing the  
23 existence of ground water rights in the findings of fact portion of the  
Report of Referee and including limitation of use language based on those  
ground water rights.

24           The matters remanded to the Referee are identified as follows:

25     John Ashbaugh and Lynn Ashbaugh and Bruce Buchanan and Karron M. Buchanan  
26 (priority date only for Buchanan), Claim No. 02212

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1 Mary Helen Brimbel, Claim No. 01638 (priority date)  
2 Hazel Cameron, Claim No. 00438  
3 Christensen Family Trust, Claim No. 01222  
4 Jeff Decoto and Amanda Decoto, Claim No. 07159  
5 Rudolph Frausto, Claim No. 02131  
6 Mary E. Hagedorn and Harvey Hagedorn and Lorraine P. Rennie and Robert Rennie  
7 (Deceased) and Robert M. Messer and Mary L. Rennie, Claim No. 01612  
8 Mr. & Mrs. Morris Freeman and Alfred and Patricia Pope and  
9 Hallie Person, Claim No. 00435  
10 Fred L. Hoff, Claim No. 01913  
11 Iowa Flats Ditch Company, Claim No. 00874  
12 Loren G. Kjeldgaard and Patricia C. Kjeldgaard, Claim No. 01200  
13 William B. and Patricia S. Lawrence, Claim No. 01604  
14 Lazy Heart B, Inc., Claim No. 00432  
15 Jerry Longmire and Dorothy Longmire and Laura Longmire, Claim No. 01742  
16 Charles Douglas Mayo and John Strand Mayo, Claims No. 00804, 00805, 00806,  
17 and 00807  
18 Austin J. Murray and Ramona A. Murray, Claim No. 01501  
19 Donald A. Nichols and Lois R. Nichols, Claim No. 00761  
20 Bud Owens and Jean Owens, Claim No. 01013  
21 James E. Poisel and Lucinda Poisel, Claim No. 00684  
22 Lyle R. Schneider, Claim No. 00697  
23 Wenas Irrigation District, Claim No. 00472  
24 Zale Kay Wood and Diane L. Wood, Claim No. 02218  
25 Miles R. Yates, Claim No. 00160  
26  
27

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1        Additionally, on July 11, 1996, the Court issued an order accepting a late  
2 claim filed by Darrell and Louise Hensley. The Hensley's claim was scheduled to be  
3 heard at the remand hearing, however, on September 18, 1996, they filed a letter  
4 with the Court stating they were not going to pursue the claim.

5        Hearings, for the purpose of opening the record for testimony and evidence  
6 relating to the exceptions, were conducted by the Referee on September 23 - 26.  
7 The Department of Ecology was represented by Mary E. McCrea, Assistant Attorney  
8 General.

9

10 Purdin Ditch Water Users

11        Exceptions to the Report of Referee for Subbasin No. 15, Wenatchee Creek, were  
12 collectively filed by the water users of Purdin Ditch. Purdin Ditch did not submit  
13 a claim in the adjudication, but the individual water users served by the ditch  
14 filed their own claims. The water users identified in the exception as being  
15 served by the ditch are: Allen and Elaine Miller, Claim No. 01072; William and  
16 Patricia Lawrence, Claim No. 01604; Nathan and Cecelia Jenkins and Eugene and  
17 Barbara Jenkins, Claim No. 00390; Violet Richards, Claim No. 00448 & (A)01374; Don  
18 and Alvera Cox and Paulette Buckley, Claim No. 00423 & (A)01377; Jerry, Dorothy and  
19 Laura Longmire, Claim No. 01270 & 01742; Austin and Ramona Murray, Claim No. 01501;  
20 Bruce and Karron Buchanan, Claim No. 02212 & 07476; Norman and Marilyn Johnson,  
21 Claim No. 02034; Leo and Carolyn Hursh, Claim No. 01270; George and Linda Marcott,  
22 Claim No. 02318. There may be other water users not specifically listed. The  
23 Purdin Ditch water users are represented as a group by Attorney J. Jay Carroll.

24        The first exception filed by the Purdin Ditch water users was concerning  
25 diversionary stock watering, specifically outside the irrigation season. This  
26

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exception was considered and granted by the Court. The Court in it's November 21, 1995, Revised Pendente Lite Order Implementing Memorandum Opinion RE: Petition for Tenth Order Pendente Lite; Clarification of Ninth Order Pendente Lite; Amendment Sixth Order Pendente Lite; Exceptions to Report of Referee Subbasin No. 15 ruled that a right shall be confirmed for the diversion of 0.25 cubic foot per second into Purdin Ditch during the non-irrigation season for stock watering.

The Purdin Ditch water users also excepted to the portion of the "stock water stipulation" that requires that a minimum flow of at least 0.25 cubic foot per second be maintained in Wenas Creek (both forks) for non-diversionary stock watering. The water users assert that requiring the minimum flow is inconsistent with the 1919 Referee's Report and the priority dates established in the subsequent decree. In the Court's November 21, 1995, Revised Order supra, this exception was denied.

The only exception of the Purdin Ditch water users not resolved by the Court's previous opinions and orders was concerning the imposition of a period of use (season) during which water could be used for irrigation. The initial Report of Referee designated a period of use for each right recommended for confirmation. The period of use was based on testimony about when water had historically been used for irrigation, or defaulted to a standard irrigation season of April 1 to October 15 if there was no testimony. The position asserted by Purdin Ditch is the certificates that issued as a result of the 1921 adjudication set no limit on when water could be used and this Referee should be bound by those certificates.

The claimants are correct that the certificates themselves did not set a limit on when water could be used, merely stating that a specified quantity of water could be used to irrigate a certain number of acres. However, the Report of

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1 Referee prepared in 1919 contained extensive findings that described the physical  
2 and hydrologic setting, including soil types, climate, precipitation, duty of water  
3 and irrigation season. The findings clearly stated that under ordinary  
4 circumstances the irrigation season extended from April 1 to October 15, however,  
5 it was materially affected by the available water supply in Wenatchee Creek. It also  
6 stated that it was common practice to use the early spring flood water in the  
7 latter part of March as soon as frost is out of the ground. The Decree entered by  
8 the Court adopted the findings of the Referee, as amended by the report of June 9,  
9 1920. The June 9, 1920, report dealt with dates of entry upon riparian lands and  
10 date of first water appropriation, but did not change the Referee's findings  
11 concerning irrigation season.

12 A similar issue was raised in Weldon Wilson, et al., v. Dominic Angelo, 28  
13 P.2d 276, 176 Wash. 157 (1934). The Supreme Court in that case found that "Of  
14 course, the court may adopt portions of a referee's report by reference, and  
15 thereby make them findings of the court," supra at 162. The Court also found that  
16 the certificates that issue following entry of a decree cannot enlarge or constrict  
17 the scope of the decree.

18 The Court in 1921 adopted the findings portion of the Report of Referee and  
19 thereby adopted the irrigation season specified in that findings. Because the  
20 findings clearly stated that water is sometimes used in March, the Referee  
21 recommended an irrigation season that included some or all of March, if the  
22 testimony of the claimants indicated such a use. Thus, there is a season inherent  
23 in each certificate by virtue of the decree. The Purdin Ditch position that no  
24 season should attach to the certificates would, in fact, enlarge upon the scope of  
25 the decree, if water was diverted outside the stated season. The Referee stands by  
26

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1 the initial recommendations concerning irrigation season, unless that season was  
2 clarified through testimony during the supplemental hearing.

3 Department of Ecology Exceptions

4 The Department of Ecology took exception to the Referee confirming to  
5 claimants in Subbasin No. 15 point(s) of diversion that were different than the  
6 point(s) of diversion authorized on the adjudicated certificate, unless the change  
7 was made in compliance with the requirements of RCW 90.03.380. The Court granted  
8 this exception and on July 13, 1995, signed an order directing the claimants whose  
9 points of diversion had previously been changed without compliance with RCW  
10 90.03.380 to make application to the Department of Ecology. The order was amended  
11 on June 19, 1996. Ecology committed to expediting the processing of those  
12 applications and would issue decisions after issuance of a Conditional Final Order  
13 in Subbasin No. 15. The claimants that this ruling applied are as follows:

14 Ashbaugh, Claim No. 00204, (A)04297  
15 Ashbaugh/Buchanan, Claim No. 02212  
16 Bass, Claim No. 01460 & 07607  
17 Christian Family Trust, Claim No. 00122 & 01647  
18 Cox/Buckley, Claim No. 00423 & 01377  
19 Green, Claim No. 01111  
20 Green/Raine, Claim No. 01906  
21 Hargraves, Claim No. 01250  
22 Hazen/Pope/Person, Claim No. 00435 & 01376  
23 Johnson/Egge/Madison/Homier, Claim No. 01644  
24 Mayo, Claim No. 00804/00805/00806/00807  
25 Rennie/Messer/Hagedorn, Claim No. 01611/01612  
26 Rider/Dixon, Claim No. 04613 & 06278  
27 Schneider, Claim No. 00697/01383  
28 Sterling/Person & Person, Claim No. 01508  
Stohsner/Ashbaugh, Claim No. 00945  
Wood, Claim No. 02218  
Zeigler, Claim No. 00562

The findings of fact for each of these claims shall be modified to show the  
point of diversion described in the adjudicated certificate or any certificates of

1 change that have issued pursuant to RCW 90.03.380, rather than the currently used  
2 point of diversion.

3 The Court also granted Ecology's exception concerning the placing of  
4 limitation of use language that referenced existing ground water rights. The  
5 ruling applies to the following claimants:

6 Buchanan, Claim No. 02212  
7 Dixon, Claim No. 06278  
Rider, Claim No. 04613  
Turner, Claim No. 04514  
8 Zeigler, Claim No. 00562  
Ashbaugh, Claim No. 00204/02212/00472/(A)01263  
9 Alfred Calvert, Claim No. 01652  
Florence Calvert, Claim No. 01492/(A)02414  
10 Mayo, Claim No. 05525/05226/05227  
Stohsner & Ashbaugh, Claim No. 00945/(A)04298  
11 Murray, Claim No. 01501  
Hoover, Claim No. 06782  
12 Green/Raine, Claim No. 01906  
Hursh, Claim No. 01270  
13 Longmire, Claim No. 01270

14 The Limitation of Use language that references existence of a ground water  
right for these claimants will be deleted from the rights confirmed for each of  
15 these claimants. Ecology also took exception to the period of use recommended for  
16 several claimants and based on that exception several claims were remanded to the  
17 Referee. On July 18, 1996, Ecology withdrew that exception. Ecology also withdrew  
18 the exception it had filed to the recommendation to confirm a water right to Chuck  
19 Kisner, Claim No. 00493 for use of a pond.  
20

21 Claimant List

22 Following is a list of the claimants addressed in this report and the page(s)  
on which their right(s) are considered. Besides the claimants for whom exceptions  
23 were filed, also listed are all claimants confirmed rights in the June 6, 1994,  
24  
25  
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1 Report of Referee for Subbasin No. 15. The rights recommended for confirmation  
2 are in the Findings of Fact begining on page 76 of this supplemental report:

Court		
Claim No.	Name	Page
02212, 00204 (A)04297 & 00945	John and Lynn Ashbaugh E. E. and Helen R. Stohsner	11, 92, 93, 99, 119, 122
00702 & (A)01381	Scott and Jerri Baird, David and Patricia Jones Marian Easton	108
01460 & (A)07607	Thomas A., Jr., and Carol Ann Bass	117, 123, 147
01783	Victor L. and Tennis Berg Michael and Debra E. Wright	127
00434 & (A)01379	Arthur E. Bertelsen	100
02206 & (A)03119	Boise Cascade	149, 150
01638	Mary Helen Brimbel	13, 83, 119
00455	Arthur W. and Violet Ora Briscoe	151
02212 & 07476	Bruce and Karron Buchanan	11, 76, 120, 138
01652	Alfred M. Calvert	93
01492 & (A)02414	Florence W. Calvert	94
00438 & (A)01378	Hazel Cameron	13, 84, 132
01222 & 01647	Christensen Family Trust	16, 77, 91, 101
00223 & (A)01384	Stan Coffin, et al.	145
00448 & (A)01374	Mr. and Mrs. Thomas F. Colligan, Jr. Violet Virginia Richards	109
00423 & (A)01377	Donald F. and Alvera A. Cox Paulette L. Buckley	104
01191	Ray E. and Tola R. Day	110, 146
07159	Jeff and Amanda Decoto	21

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1	06278	Ronald L. and Marcia L. Dixon	85
2	01644	Cliff and Liz Egge	95, 101
3	02131	Rudolph and Konnie Frausto	78
4	01111	Grant S. and Eveleth S. Green	78
5	01612	Mary E. Hagedorn & Harvey Hagedorn Lorraine P. Rennis & Robert Rennie (Deceased) Robert M. and Mary L. Rennie	21, 129
6	01250	Colleen A. Hargraves	134
7	00498 & (A)02108	E. Lee and Linda L. Hargroves	130
8	00435 & (A)01376	Don Hazen Mr. and Mrs. Morris Freeman Alfred and Patricia Pope Hallie Person Laurence Baskett	24, 106, 139, 144
9	00436 & (A)1375	Thomas S. and Charlain E. Hazen	102, 140
10	01576	John and Sandra E. Hermanson	78
11	01913	Fred L. Hoff	30, 131, 137
12	01644	Bob and Bev Homier	95, 102
13	06782	Galen H. and Patricia L. Hoover	120, 141, 149
14	00874	Iowa Flat Ditch Company	35
15	00390	Nathan E. and Ceclia K. Jenkins Eugene and Barbara Jenkins	111
16	02034	Norman K. and Marilyn R. Johnson	124
17	01200	Loren G. and Patricia C. Kjeldgaard	39, 79
18	00494	Chuck Kisner	19, 77, 125, 153
19	01604	William B. and Patricia S. Lawrence Homer W. and Anna M. Marney	42, 112 114
20	00432 & (A)01362	Lazy Heart B Ranch, Inc.	43, 86, 142, 143
21	07728	David M. and Linda D. Longmire	126
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1	01742	Jerry, Dorothy & Laura Longmire George W. Marcott Robert D. and Verna Mae Elliott	47, 86, 127 133, 135
2	01270	Jerry, Dorothy & Laura Longmire Leo and Carolyn Hursh	49, 124, 127
3	01644	Paul and Helen Madison	96, 103
4	01218	George Marcott	113
5	00804, 00805 00806, 00807	Charles Douglas and John Strand Mayo	49, 180, 137, 144, 147
6	05225	John Strand and Nancy Clair Mayo	96, 97, 136
7	01071	Allen F. and Elaine E. Miller	115
8	01501	Austin J.(deceased) and Ramona A. Murray	57, 97, 104, 121
9	00761	Donald A. and Lois R. Nichols	58, 121
10	01013	Bud and Jean Owens	60, 98, 146, 151
11	01508	Person & Person, Inc.	118
12	00684	James E. and Lucinda Poisel	61, 81, 87
13	01050	Gordon S. and Pearl Reid	116
14	01906	Merton G. Raine (Tom Green)	123
15	04613	Lee Rider	88
16	01021 00862	Delores A. and Tom Rupel	81, 82
17	00697 & (A)01383	Lyle R. Schneider	65, 82, 88, 89, 91, 92, 105, 148
18	06496	Merle and Beverlie Shuyler	131
19	04514	John E. and Ricki K. Turner	89
20	00472 & (A)01364	Wenas Irrigation District John Ashbaugh	66, 152, 154
21	00390	Karen Wickstrom	117
22	02218	Zale Kay and Diane L. Wood	72, 107

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1 00160 Miles R. Yates 73, 90  
2 00562 Hershel Zeigler 90, 122

3 Claimant Testimony

4 COURT CLAIM NO. 02212 -- John Ashbaugh  
5 & Lynn Ashbaugh  
6 Bruce Buchanan  
7 & Karron M. Buchanan

8 John and Lynn Ashbaugh filed an exception to the Referee not recommending that  
9 a right be confirmed for use of an unnamed spring on their property. Mr. Ashbaugh  
10 testified at the supplemental hearing. An exception was also filed by John and  
11 Doug Mayo and James Poisel to the priority date recommended for the right confirmed  
12 to Bruce and Karron M. Buchanan under Court Claim No. 02212.

13 There was no appearance on behalf of the Buchanans at the supplemental  
14 hearing. The right confirmed to the Buchanans being contested is for lands that  
15 have the same historical background as lands now owned by Christensen Family Trust  
16 and Chuck Kisner. A right that was originally identified as a Class 3 right in the  
17 1919 Report of Referee and 1921 Decree was determined to have an 1865 date of  
18 priority based on the Riparian Doctrine. The priority date exception by the Mayos  
19 and Mr. Poisel was also made to the recommendation for Christensen Family Trust and  
20 Chuck Kisner. The exception is discussed in detail as part of the Christensen  
21 Family Trust Claim, see page 19 of this report. The Referee affirms his original  
22 findings as to the appropriate priority date to award and no change is recommended.

23 The Ashbaughs are asserting a right to use an unnamed spring for irrigation  
24 and stock watering in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M. At the  
25 initial evidentiary hearing in 1992, the spring was identified as being in the  
26 NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, however, the correct location is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32.  
Mr. Ashbaugh referred the Referee to Water Right Claim (WRC) No. 117654 filed by

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1 Florence E. Longmire in response to the requirements of RCW 90.14. The water right  
2 claim asserts a right to divert 0.3 cubic foot per second, 40 acre-feet per year  
3 for the irrigation of 10 acres and stock watering. Mrs. Longmire stated on the  
4 claim form that water was first used prior to 1900. This document appears to be  
5 the basis for Mr. Ashbaugh's assertion that the spring has been used since prior to  
6 1900. The Longmires operated a dairy during their ownership of the property.

7 The Referee is not convinced that WRC No. 117654 was intended for the property  
8 now owned by the Ashbaughs. Although the claim states that the spring is located  
9 in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, it also states that the point of diversion is 1040  
10 feet north and 1250 feet west from the center of Section 32. These dimensions  
11 would place the spring in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32. The legal description of the  
12 lands on which the water is used is also the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32. The Longmires  
13 owned the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, so the Referee cannot assume that  
14 an error was made in describing the place of use of the water or that the claim was  
15 intended for what is now the Ashbaugh property.

16 Additionally, at the 1992 hearing Mr. Ashbaugh's testimony was very specific  
17 about the spring being developed and used as a result of draining of wet spots by  
18 their predecessor, Penney Farms, in the 1970's. Mr. Ashbaugh at that time also  
19 testified that the spring was only used for stock watering and not for irrigation.  
20 Mr. Ashbaugh did not present any evidence beyond Water Right Claim No. 117654 to  
21 indicate that the spring was developed and used prior to 1900. Therefore, the  
22 Referee cannot recommend that a water right be confirmed for use of the spring  
23 under Court Claim No. 02212.

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COURT CLAIM NO. 01638 -- Mary Helen Brimbel

Exception was taken by Ecology to the priority date of one of the rights recommended for confirmation for the Brimbel property. The right that was confirmed was based on Certificate No. 16 which is a Class 2 right from the former decree. It is clear from reviewing the 1919 Report of Referee and 1921 Decree that this Class 2 right should enjoy an 1870 date of priority. However, the Referee in the 1994 Report of Referee recommended a priority date of 1868. That is in error. The Referee recommends that on Page 224 of the Report of Referee at line 19½ the priority date be changed to June 30, 1870.

COURT CLAIM NO. 00438 -- Hazel Cameron  
(A)01378

Mrs. Cameron filed exceptions to the Report of Referee on four issues: number of acres to be irrigated, stock water not being listed as a use on page 285 of the report, period of use of water, and points of diversion for one of the rights confirmed. Mrs. Cameron is represented by Attorney Lawrence E. Martin and she testified at the supplemental hearing. At the supplemental hearing the exception regarding the point of diversion was withdrawn.

The Referee recommended that a right be confirmed to Mrs. Cameron with an 1882 date of priority for the irrigation of 30 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, T. 15 N., R. 17 E.W.M. Mrs. Cameron contends that a right should have been confirmed for the irrigation of 40 acres. According to Mrs. Cameron's testimony, initially 33 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13 lying below the Rennie Ditch were irrigated from that ditch. The Referee had estimated that only 30 acres were below the ditch. When Mrs. Cameron moved on the property in 1934, efforts had

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1      begun to clear the land and in 1938 they first irrigated land above the ditch using  
2      sprinklers and a gas engine pump that was pulled along the ditch on a sled. A  
3      total of 7 acres lying above the ditch were irrigated using this system and  
4      continue to be irrigated at present. Prior to 1938 the land was not irrigated  
5      because there was no way to get water up to the land. It was higher in elevation  
6      than the ditch and the rest of the irrigated land.

7      It is clear that certificates issued as a result of the 1919 adjudication  
8      authorized irrigation of lands that were not being irrigated at the time of the  
9      decree. It was not uncommon for inchoate rights to be confirmed through  
10     adjudications in the early 1920's, because riparian water rights could continue to  
11     be perfected as long as the landowner was diligently pursuing putting the water to  
12     use. The State Supreme Court has since held in Department of Ecology v. Abbott,  
13     103 Wn.2d 686, 694 P.2d 1071 (1985) that riparian water right holders had 15 years  
14     after the adoption of the State Water Code in 1917 to put those waters to  
15     beneficial use or they would be forfeited. Beneficial use under a riparian water  
16     right had to be made prior to December 31, 1932, or the right was forfeited. Since  
17     the 7 acres lying above the Rennie Ditch were not irrigated until 1938, the Referee  
18     must find that the inchoate right for those lands was forfeited in 1932 due to  
19     failure to beneficially use water on those lands. The Referee does amend his  
20     recommendation such that a right is recommended for the irrigation of 33 acres,  
21     rather than 30 acres.

22      Mrs. Cameron had also testified that livestock are raised on her property and  
23      have access to and drink from the irrigation ditches. The recommendation that a  
24      right be confirmed for diversionary stock watering was not carried forward to the  
25      findings of fact for the right with an 1882 priority date, so that recommendation  
26

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1 is amended to correct that deficiency. Page 285 of the Report of Referee at line  
2 3½ is amended to read "Irrigation of 33 acres and stock water" and line 5½ is  
3 amended to read: "0.66 cubic foot per second, 98.01 acre-feet per year for  
4 irrigation; 2 acre-feet per year for stock watering"; and line 14 is amended to  
5 change 150 acre-feet to 165 acre-feet.

6 Mrs. Cameron excepted to the period of use limitation placed on the rights  
7 which were recommended for confirmation. Mrs. Cameron testified that while  
8 normally their irrigation season starts in April, it was fairly common for her  
9 husband to irrigate during the month of March if the spring weather was unusually  
10 dry, and they have irrigated as early as March 1. This is a practice that dates  
11 back to when her father-in-law farmed the property. In fact, the 1919 Report of  
12 Referee indicated that it was found practical to make use of early spring flood  
13 water in March and by irrigating during that period water is held in storage in the  
14 soil for the growing season. Therefore, the Referee recommends that the period of  
15 use be amended on pages 225 and 285 of the Report of Referee, line 5 to read:  
16 March 1 to October 15.

17 The last exception raised to the Referee's recommendation was by Ecology and  
18 James Poisel to the priority recommended for what had been identified as a Class 2  
19 right in the 1921 Decree. The Referee had recommended a priority date of June 30,  
20 1870. All of the other Class 2 rights in the 1921 Decree were for lands that were  
21 settled in 1870 and/or had their water right initiated in 1870, therefore, the  
22 appropriate priority date for those rights would be 1870. However, the 1919 Report  
23 of Referee states that the land to which the R. E. Cameron right is appurtenant was  
24 settled in 1872 and the water use initiated in 1873, which would lead you to  
25 conclude that under the Riparian Doctrine the appropriate priority date should be  
26

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1       1872. The Report of Referee identified the Cameron right as a Class 9 right.  
2       Evidence presented at the supplemental hearing showed that Mr. Cameron took  
3       exception to the 1919 Report of Referee and presented additional evidence to show  
4       that his land was settled in 1870. This would explain why his right moved from a  
5       Class 9 right in the Report of Referee to a Class 2 right in the Decree. Based on  
6       the evidence presented at the supplemental hearing, the Referee concludes that the  
7       appropriate priority date is 1870 and affirms the initial recommendation. Lazy  
8       Heart B Ranch owns a portion of the land to which this right is appurtenant and  
9       exception was also taken to the priority date recommended for their share of the  
10      right. The priority date for Lazy Heart B Ranch is also affirmed.

11

12      COURT CLAIM NO. 01222     -- Christensen Family Trust  
13                                  01647

14      Christensen Family Trust filed exceptions to the Referee's recommendations  
15      related to Court Claims No. 01222 and 01647. Christensen Family Trust is  
16      represented by Attorney J. Jay Carroll and Eugene Jenkins, their agent and farm  
17      manager, testified at the supplemental hearing.

18      The first exception raised by the claimant was to a right not being confirmed  
19      for irrigation of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M. The testimony  
20      at the original evidentiary hearing was that this land was subirrigated by nearby  
21      Wenas Creek and there was no diversion associated with irrigating the field.  
22      However, at the supplemental hearing Mr. Jenkins testified that the entire 20 acres  
23      has historically been irrigated from the Longmire Brothers Ditch, which diverted  
24      from the South Fork of Wenas Creek in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30.  
25      Certificate No. 46, which is a Class 4 right, is appurtenant to the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
26      Section 30. The priority date for this certificate is 1871. It authorized the

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1 diversion of 4.0 cfs for the irrigation of 160 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$  and  
2 SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30. The authorized points of diversion are within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
3 NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30. The authorized diversion that would have been  
4 into the Longmire Brothers Ditch is in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30. Mr. Jenkins did  
5 not testify to the point of diversion currently used to serve this land. He  
6 testified that a pump is used to withdraw the water from the creek into a six inch,  
7 above ground mainline. Although it is likely that a diversion is being used that  
8 is different than the diversion into the Longmire Brothers Ditch in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
9 Section 30, that is the only authorized diversion for this land. If the water is  
10 currently being diverted from the creek at another location, the claimant should  
11 contact Ecology's Central Regional Office concerning compliance with the change  
12 procedures in RCW 90.03.380.

13 Evidence was submitted that this land was settled in 1870; it is not clear  
14 whether that was done in an effort to obtain an earlier priority date than was  
15 identified in the 1919 Report of Referee. However, this land is not riparian to  
16 Wenas Creek, therefore, settlement date does not determine the appropriate priority  
17 date of the right. The priority date for rights developed under the Prior  
18 Appropriation Doctrine is based on the date steps were taken to divert water. The  
19 1919 Report of Referee indicates that 1871 was when the appropriative right was  
20 initiated. The Referee recommends that a right be confirmed with a June 30, 1871,  
21 date of priority for the diversion of 0.50 cubic foot per second, 80 acre-feet per  
22 year for the irrigation of 20 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30.

23 The second exception raised by the claimant was to the number of acres for  
24 which a water right was confirmed for the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30. That is a 20  
25 acre parcel and based on the testimony at the initial evidentiary hearing, a right  
26

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1 was recommended for the irrigation of 18 acres. Mr. Jenkins testified that the  
2 entire 20 acres have been historically irrigated; however, he did acknowledge that  
3 the South Fork of Wenas Creek flows through the parcel, which would result in a  
4 small portion of the parcel not being irrigated, perhaps half an acre. Therefore,  
5 the Referee modifies the original recommendation related to this parcel and  
6 recommends that a right be confirmed for the diversion of 0.49 cfs, 78 acre-feet  
7 per year for the irrigation of 19.5 acres. Page 219 of the Report of Referee, line  
8 15 shall be amended to change 18 acres to 19.5 and line 17½ is changed to 0.49 cfs,  
9 78 acre-feet per year.

10 The last exception raised by Christensen Family Trust was to rights not being  
11 confirmed for lands lying east of the North Wenas Road in the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
12 Section 29 and the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 32, all in T. 15 N., R. 18 E.W.M.  
13 This land was historically irrigated from the Longmire Ditch, which diverted water  
14 from Wenas Creek in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19, T. 15 N., R. 18 E.W.M., over a mile  
15 upstream from the property. The Referee did not recommend confirmation of a right  
16 for this land due to the testimony at the initial evidentiary hearing that this  
17 ditch has not been used to convey water beyond Section 19 since around 1965. In  
18 1967 the State Legislature adopted RCW 90.14, which among other things, provided  
19 that if a water right goes unused for five consecutive years after 1967, or the  
20 last year of beneficial use, without sufficient cause, then the water right is  
21 forfeited. The testimony caused the Referee to conclude that the water right for  
22 the Christensen Family Trust land east of the North Wenas Road had relinquished due  
23 to more than five years of nonuse.

24 Mr. Jenkins testified that he had talked to prior owners of the land, Pete  
25 James, Bruce West and Lori Longmire who told him that 1974 was the last year the  
26

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1 land was irrigated from the Longmire Ditch. Mr. Jenkins testified that the land  
2 also could be irrigated by pumping from Wenas Creek, but did not testify that had  
3 ever happened. It was clear from Mr. Jenkins testimony that the only water applied  
4 to this land for both irrigation and stock water was conveyed through the Longmire  
5 Ditch. Mr. Jenkin's testimony of his conversations with past owners of the land  
6 directly conflicts with the testimony about the Longmire Ditch that was presented  
7 at the initial evidentiary hearing concerning the claims of Nedrow, Northwestern  
8 Fruit and, more importantly, Christensen Family Trust. Mr. Lyle Schneider, who  
9 owns a ranch in Section 19, which is where the diversion into Longmire Ditch is  
10 located and where it initially flows, testified that beginning around 1965 he was  
11 asked by the downstream landowners not to let water down the ditch, because the  
12 ditch was so hard to maintain and they couldn't get water any more. About that  
13 time Mr. Schneider put in a separate diversion into a pipeline for his land that  
14 had been irrigated from the Longmire Ditch. In the mid-1970's he covered over the  
15 Longmire Ditch where it traversed his property. None of the downstream landowners  
16 complained about this action. All of the downstream landowners who were attempting  
17 to assert rights conveyed through the Longmire Ditch conceded that the Longmire  
18 Ditch did not carry water between 1965 and the mid-1980's. Any rights that may  
19 have existed through that ditch had relinquished prior to the mid-1980's.

20 Heresay evidence such as that offered by Mr. Jenkins is generally not  
21 admissible, particularly if the declarant is available to testify. In particular,  
22 the Referee cannot accept this testimony when there is contradictory testimony that  
23 was offered under oath with the opportunity to cross examine. Therefore, the  
24 Referee stands by the original recommendation that water rights not be confirmed  
25 for the Christensen Family Trust land lying east of the North Wenas Road.

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1       Exception was also taken by John and Doug Mayo and James Poisel to the  
2 priority date for rights recommended to Christensen Family Trust, Chuck Kisner and  
3 Bruce Buchanan based on a Class 3 right. The right is appurtenant to land which  
4 the 1919 Report of Referee shows was settled in 1865. Since the land is riparian  
5 to Wenas Creek, under the Riparian Doctrine, any water right would relate back to  
6 the date steps were first taken to sever the land from Federal ownership. In most  
7 cases, settling the land is considered that first step, and the date of settlement,  
8 when that date is available, is used as the priority date. The case of Longmire v.  
9 Smith, et al., 67 Pac, 246, 26 Wash. 439 (1901), which chronicled the history of  
10 the various parcels then owned by David Longmire supports the 1865 settlement date  
11 in the Report of Referee. The Court found that the  $W\frac{1}{2}NW\frac{1}{4}$  of Section 32, the  $NE\frac{1}{4}NE\frac{1}{4}$   
12 of Section 31 and the  $SE\frac{1}{4}SE\frac{1}{4}$  of Section 30, all in T. 15 N., R. 18 E.W.M. were  
13 settled by Augustin Cleman in 1865 and then conveyed to David Longmire in 1871.  
14 Longmire ultimately acquired the patent for the land. Attached to the Mayos'  
15 exception is an excerpt from the book "The Selah Story" by local historian Robert  
16 Lince, which confirms that Cleman settled in the Wenas Valley in 1865. Although  
17 the 1919 Report of Referee stated that all of the lands involved in the proceeding  
18 were settled after 1866, that clearly is not the case. Nothing has been offered to  
19 show that 1865 is not the appropriate priority date for the former Class 3 right.  
20 The Referee does not modify that original recommendation. This recommendation also  
21 addresses the priority date exception raised to the claim of Chuck Kisner, Claim  
22 No. 00493 and 00494 and Bruce Buchanan, Claim No. 02212.

23  
24  
25  
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1  
2 COURT CLAIM NO. 07159 -- Jeff Decoto  
3 & Amanda Decoto

4 An exception to the Referee's recommendation for Court Claim No. 07159 was  
5 filed by Quirt L. Pierce, who at that time owned the property described in that  
6 claim. On December 14, 1995, Jeff and Amanda Decoto were substituted for Quirt  
7 Pierce. There was no appearance by the Decotos at the supplemental hearing,  
8 therefore, the Referee must conclude that they do not intend to pursue the  
exception filed by Mr. Pierce.  
9

10 COURT CLAIM NO. 01612 -- Mary E. Hagedorn  
11 & Harvey Hagedorn  
12 Lorraine P. Rennie  
13 & Robert Rennie (Deceased)  
Robert M. Messer  
& Mary L. Rennie

14 Exceptions were filed by Robert M. Messer to the number of acres for which a  
15 right was confirmed, the lack of a right for diversionary stock watering and the  
16 provision that limited the annual quantity of water that could be used on the  
17 property. The claimants are represented by Attorney J. Jay Carroll and Robert M.  
18 Messer testified at the supplemental hearing.

19 The Referee recommended that an irrigation right be confirmed under Court  
20 Claim No. 01612 for the irrigation of 22 acres. Mr. Messer asserts that the right  
21 should be for the irrigation of 24 acres. According to the maps put in the record  
22 as part of the initial evidentiary hearing and a survey of the property in April  
23 1995, a large field, 23.65 acres in size, encompasses most of the area owned by the  
24 claimants in Government Lots 3 and 4 of Section 18, T. 15 N., R. 18 E.W.M. There  
25 are two homes within this 23.65 acre parcel, which lead the Referee to determine  
26

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1 there was 22 irrigated acres. To the northeast of, and adjoining, this parcel is a  
2 3.61 acre parcel within which Mr. Messer is asserting a right for an additional 2  
3 acres should be confirmed. The maps submitted by the claimants prior to the  
4 initial hearing lead the Referee to conclude they were not asserting a right for  
5 this land, as one map has the area cross hatched as being excluded and a second map  
6 identifies the area as wasteland, with the attached narrative stating the wasteland  
7 is above irrigation water.

8 Mr. Messer testified that the old "Rennie" Ditch ran along the easterly border  
9 of the 23.65 acre parcel, with the 3.61 acre parcel being above the ditch. In the  
10 1980's the irrigation system was changed. Historically the land was irrigated by  
11 gravity flow. In the early 1980's a pressurized system was installed and since  
12 then a sprinkler system has been used to irrigate the land. It is not clear to the  
13 Referee how any portion of the 3.61 acre parcel could have been irrigated prior to  
14 the pressurized system being installed in the early 1980's. The land above the  
15 ditch could not have been irrigated by gravity flow. If the land was not irrigated  
16 until the 1980's a water right resulting from the 1921 adjudication could not be  
17 the basis for a right to irrigate those lands. Inchoate rights were confirmed in  
18 the Wenas Decree, however, those rights had to be exercised prior to December 31,  
19 1932, or they were waived, Department of Ecology v. Abbott, 103 Wn.2d 686, 694 P.2d  
20 1071 (1985). In order for the Referee to consider confirming a right in excess of  
21 the 22 acres already confirmed, there would need to be evidence presented that the  
22 land was irrigated by 1932 and evidence of how the additional acreage was irrigated  
23 before the pressurized system was installed.

24 Mr. Messer testified to using his irrigation system to fill stock tanks and  
25 tubs during the irrigation season. He also testified that he could use the system  
26

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1 in the winter, but he did not testify to actually having done that. The testimony  
2 has consistently been that during the winter months the livestock drink directly  
3 from the creek or are watered from the domestic well. In order for there to be a  
4 right for wintertime stock watering there needs to be evidence that has been the  
5 historic practice. While the testimony was that livestock have historically been  
6 raised on the property, there was no testimony of a diversionary stock water use  
7 outside of the irrigation season, unlike the testimony that the irrigation system  
8 has been used, and continues to be used, to fill stock tanks.

9 The Referee recommends that a water right be confirmed for diversionary stock  
10 watering during the irrigation season. Page 282 of the Report of Referee, line 6  
11 is amended to add "and stock watering" after acres and line 8 is amended to read  
12 "0.44 cubic foot per second, 66 acre-feet per year for irrigation; 2 acre-feet per  
13 year for stock water.

14 Mr. Messer also excepted to the Limitation on Use language placed on the right  
15 which the Referee recommended for confirmation. The language was based on Mr.  
16 Messer's testimony that he uses 3 acre-feet per year per acre from Wenatchee Creek plus  
17 24 shares of Wenatchee Irrigation District water. Each share of Wenatchee Irrigation  
18 District equals 1.3 acre-feet of water. Mr. Messer's position is that there should  
19 be no limitation on the quantity of water that can be used on his property, since  
20 he could purchase additional water shares from the Wenatchee Irrigation District, and  
21 in fact testified that he was in the process of doing just that. His exception  
22 also states that the 4.4 acre-feet per acre confirmed for his property under the  
23 creek right plus the Wenatchee Irrigation District shares is totally inadequate. The  
24 Referee finds this argument to be incongruous. The 1919 Report of Referee found  
25 that a diversion of 0.02 cubic foot per second for each acre irrigated would be

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1 sufficient for the Wenas Valley and found that the irrigation season extended from  
2 April 1 to October 31 in the lower valley. A continuous diversion of 0.02 cubic  
3 foot per second would result in 4 acre-feet per acre being diverted during the  
4 irrigation season. Generally there is a break in the irrigation rotation, such  
5 that water is not diverted continuously, such as haying, so less water actually  
6 would be diverted. Mr. Messer has upgraded the irrigation system to what should be  
7 a much more efficient system. It appears most likely that due to the priority date  
8 of the Wenas Creek water right, less than 3 acre-feet per year is available from  
9 the creek, resulting in less than 4.4 acre-feet per year being available with their  
10 current shares of Wenas Irrigation District water. If the property truely does  
11 need more than 4.4 acre-feet per acre to adequately irrigate the crops, Mr. Messer  
12 did not present evidence of what that quantity would be. The Referee recommends  
13 that this exception be denied.

14

15 COURT CLAIM NO. 00435 -- Don Hazen  
16 (A)01376 Mr. & Mrs. Morris Freeman  
17 Alfred Pope  
18 & Patricia Pope  
19 Hallie Person  
20 Mr. Laurence Baskett

21 Exceptions to the Referee's recommendation regarding this claim were taken by  
22 Mr. and Mrs. Freeman and Alfred Pope, et al. The Popes and their family are  
23 represented by Attorney J. Jay Carroll. Bill Barry, Mr. and Mrs. Pope's son-in-law  
24 who has acquired Ms. Person's interest in the claim, testified at the supplemental  
25 hearing concerning their exception. Phyllis Freeman appeared and testified in  
26 support of the exception taken by her and her husband.

27 The Freemans and the Pope/Barrys are successors to Don Hazen, who no longer  
28 has an interest in the lands described in Court Claim No. 00435. The Popes and

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1 Hallie Person were joined to the claim prior to the initial evidentiary hearing and  
2 were present and testified at that hearing. Mr. and Mrs. Freeman were joined to  
3 the claim subsequent to the hearing and, therefore, did not receive notice and were  
4 not present at the evidentiary hearing. Also joined to the claim after the  
5 evidentiary hearing and issuance of the Report of Referee was Mr. and Mrs. Lawrence  
6 Baskett, who purchased from Mr. Hazen a portion of Tracts 4, 5, 6 and 7 of Plat  
7 "A", Unit 1 Wenash Highlands Orchards Tracts, which is in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
8 Section 11 and a portion of the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 12. The Basketts did not take  
9 exception to the Referee's recommendation.

10 The Freemans own 39 acres in Tracts 1, 2, 3 and a portion of Tract 4 of Plat  
11 A, Unit 1 Wenash Highland Orchard Tracts, being a portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2  
12 and a portion of the NE $\frac{1}{4}$  of Section 11, T. 15 N., R. 17 E.W.M. The initial Report  
13 of Referee recommended that a right with an 1879 date of priority be confirmed for  
14 the irrigation of 59.5 acres of the land now owned by the Freemans and the Basketts  
15 for portions of the NE $\frac{1}{4}$  of Section 11 and the NW $\frac{1}{4}$  of Section 12 north and east of  
16 Wenash Creek. It appears to the Referee that the Freeman's are irrigating 24 acres  
17 within the area covered by the 1879 priority right. Twenty of those acres lie in  
18 the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 11, north of Wenash Creek and 4 of those acres lie in the  
19 NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, within Tract 1 of Plat A, Unit 1 Wenash Highland Orchard  
20 Tracts. There are an additional 9 acres irrigated within the Freeman ownership in  
21 the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11 and in the portion of Tract 2 of Plat A, Unit 1 Wenash  
22 Highland Orchard Tracts that extends into the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2. There is  
23 approximately 1 acre irrigated in that portion of Tract 2 extending into Section 2.  
24 The Referee did not recommend confirmation of a water right for this land. The  
25 Freemans are asserting that Certificates No. 104 and/or 75, which are both Class 17  
26

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1 rights with an 1884 date of priority are appurtenant to this land. Certificate No.  
2 104 authorized the diversion of 0.18 cubic foot per second for the irrigation of 9  
3 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, T. 15 N., R. 17 E.W.M. Tract 1, Plat A Wenas  
4 Highlands Orchards Tracts. It is not clear to the Referee whether the intent was  
5 for the place of use to be strictly within Tract 1, most of which lies in the  
6 NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, or whether the right was also being exercised in that part of  
7 the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11 outside of Tract 1. Certificate No. 75 authorized the  
8 diversion of 0.40 cubic foot per second for the irrigation of 20 acres in the W $\frac{1}{2}$ NE $\frac{1}{4}$   
9 of Section 11. The Freemans are contending that most of these Class 17 rights are  
10 appurtenant to their land. The Referee had already recommended that 4 acres of  
11 Certificate No. 75 be confirmed to the Popes. Mrs. Freeman contends that a portion  
12 of Certificate No. 75 is appurtenant to the irrigated lands in Tract 2 that lie in  
13 the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11. She believes that the remainder of the irrigated land in  
14 Tract 2 lying in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2 should be covered by Certificate No. 105,  
15 issued to Elizabeth Woodin, which is a Class 26 right with a 1910 date of priority.  
16 It authorized the diversion of 0.24 cubic foot per second for the irrigation of 12  
17 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 2. Mrs. Freeman contends there was a typographical  
18 error on the certificate, and points to Page 24 of the 1919 Report of Referee to  
19 support that conclusion. On that page of the 1919 report, she has identified a  
20 Class 11 right for H. G. Schumacher for the irrigation of 4 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$  of  
21 Section 2. H. G. Schumacher was a predecessor to Elizabeth Woodin. Between the  
22 Report of Referee and Decree the place of use for this right was changed to Tract  
23 1, Plat A Wenas Highland Orchard Tracts and the Referee determined this right was  
24 appurtenant to the Freeman's lands in that tract. The Referee does not believe  
25 this is particularly useful in supporting a conclusion that an error occurred in  
26

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1 Certificate No. 105. Mrs. Freeman also directed the Referee to the 1919 maps used  
2 in the first adjudication, which show a field in the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2, but  
3 nothing in the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 2. The Referee is not convinced there is enough  
4 evidence to support a conclusion that an error was made in describing the place of  
5 use on Certificate No. 105. What seems more likely to the Referee is that an error  
6 was made in describing the place of use on Certificate No. 75. Plat A, Unit 1  
7 Wenas Highland Orchard Tracts was platted prior to the Report of Referee issuing in  
8 1919. The historical maps from the first adjudication show most of the land within  
9 the lots in the plat being irrigated at the time of the adjudication. Rights were  
10 confirmed in the decree and certificates issued for all of the lots, except for the  
11 small part of Tract 2 that extends into Section 2. It seems reasonable to the  
12 Referee that a water right was established for all of the irrigated land in Tract 2  
13 and that when the place of use was defined for the right it was not recognized that  
14 Tract 2 extended into Section 2. The Court has given the Referee the latitude to  
15 apply judgement when interpreting place of use descriptions on RCW 90.14 claims,  
16 particularly when fields extend slightly into an area not described on the claim.  
17 The Referee believes it is reasonable to conclude that the intent in 1921 was to  
18 confirm a right for all of the irrigated lands in Plat A, Unit 1 of Wenas Highland  
19 Orchard Tracts, including the acreage that extends into Section 2. Therefore, the  
20 Referee recommends that a right be confirmed to Mr. and Mrs. Morris Freeman under  
21 Court Claim No. 00435 for the diversion of 0.18 cubic foot per second for the  
22 irrigation of 9 acres with an 1884 date of priority.

23 The exception by the Popes/Barrys was to the Referee only recommending that a  
24 water right be confirmed for the irrigation of 4 acres, rather than the 24 acres  
25 they are presently irrigating. They own the NE $\frac{1}{4}$  of Section 11 lying south and west

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1 of Wenas Creek and a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12 also lying south and west  
2 of Wenas Creek. Mr. Barry testified that they irrigate a 14 acre field adjacent to  
3 Wenas Creek and a 10 acre field that is adjacent to the 14 acre field, but removed  
4 from the creek. Twenty acres of the irrigated land is in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 11  
5 southwest of the creek. Mr. Hazen submitted a sworn statement that the 14 acre  
6 field has always been irrigated with natural flow from Wenas Creek during his  
7 ownership of the land beginning in 1948 and when R. C. Babbit owned the land prior  
8 to him for 25 years. The statement did not address the 10 acre field and, in fact,  
9 Mr. Barry testified that this field was first irrigated after his in-laws acquired  
10 the land in 1991. This is confirmed by reviewing several aerial photos and maps  
11 put in the record. The only land irrigated south of Wenas Creek in Section 11  
12 before 1991 is the field adjacent to Wenas Creek. In order for there to be a right  
13 based on the 1919 adjudication of Wenas Creek, there must have been a right  
14 confirmed in that decree and beneficial use or steps being made to put water to  
15 beneficial use at the time of the decree. That obviously was not the case for the  
16 10 acre field, therefore, the Referee cannot recommend that a water right be  
17 confirmed for the 10 acre field.

18       The dilemma facing the Referee regarding the 14 acre field is more  
19 complicated. It appears that most of the 14 acre field lies in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of  
20 Section 11, south of Wenas Creek. The map prepared for the 1919 adjudication of  
21 Wenas Creek does not show any fields lying south of the creek in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of  
22 Section 11. A four acre field is shown in the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 11 south of Wenas  
23 Creek and that is the basis by which the Referee recommended that a 4 acre right be  
24 confirmed. The Popes/Barrys are asserting that either an error was made in  
25 describing the place of use on a Class 17 right for the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 11 or that

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1 a change in place of use occurred. Either way, they argue that a right should be  
2 confirmed for their land based on either Certificate No. 104 or Certificate No. 75.  
3 They contend that no one else is asserting a claim to that right. However, they  
4 are mistaken in that regard. The exception filed by Mr. and Mrs. Freeman sought  
5 confirmation of a portion of the Class 17 rights for the property they purchased  
6 from Mr. Hazen and the Referee has recommended that a right be confirmed to them  
7 for the irrigation of 9 acres under the Class 17 right (Certificate No. 104).

8 There still remains approximately 20 acres of Class 17 rights with a place of  
9 use within the  $W\frac{1}{2}NE\frac{1}{4}$  of Section 11 that have not been recommended for confirmation  
10 to any claimant. The Popes/Barrys seek to have a portion of that right confirmed  
11 for their property. Mr. Hazen's affidavit stated that the 14 acre field adjacent  
12 to the creek has been irrigated as long as he owned the land and had also been  
13 irrigated by his predecessor. The documents submitted by Mr. Hazen for the initial  
14 evidentiary hearing stated that he sold 107 acres of rangeland and 10+ acres of  
15 alfalfa to Mr. and Mrs. Al Pope and Hallie Person. The field notes from 1917 and  
16 the 1919 map used in the earlier adjudication do not show any irrigated lands,  
17 field contours or ditches in that part of the  $E\frac{1}{2}NE\frac{1}{4}$  of Section 11 south of the  
18 creek. The Popes/Barrys contend either an error was made on the certificate or a  
19 change in place of use occurred. There is nothing in the record to convince the  
20 Referee that an error occurred. If the 1917 and 1919 maps had shown this land  
21 irrigated, that argument would have been more convincing. If a change in place of  
22 use occurred, the change procedures of RCW 90.03.380 were not followed. There is  
23 no evidence of when this change occurred, where the originally irrigated acres were  
24 located or any other circumstances that would support reaching that conclusion.  
25 There has not been sufficient evidence presented to convince the Referee that a  
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1 right exists for that portion of the 14 acre field the Popes/Barrys are irrigating  
2 in the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 11 lying south of the creek. Therefore, the Referee does  
3 not recommend confirmation of additional rights to these claimants.

4

5 COURT CLAIM NO. 01913 -- Fred L. Hoff

6 The claimant filed exception to the Referee not recommending confirmation of  
7 water rights for his land. Mr. Hoff, who is represented by Attorney J. Jay  
8 Carroll, testified at the supplemental hearing.

9 The Referee shall first address the exception related to a 12 acre field in  
10 the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 16 N., R. 17 E.W.M. According to the testimony, a 12  
11 acre field north of Wenash Creek and South of the North Wenash Road has historically  
12 been irrigated with water diverted from Wenash Creek. The Referee was unable to  
13 recommend that water rights be confirmed, however, because this land was not  
14 awarded any apparent rights in the 1921 decree and none of the certificates that  
15 issued subsequent to the decree issuing describe this land. Mr. Hoff made the  
16 assertion at the supplemental hearing that an error was made on some certificate  
17 and he should be allowed the opportunity to pursue a change authorization through  
18 the procedures in RCW 90.03.380. He did not identify a specific certificate or  
19 right confirmed in the 1921 decree that was in error.

20 Mr. Hoff put into evidence at the initial hearing DE-176, which is a mortgage  
21 between Hugh N. and Clara Steele and Carrie J. Sindall, selling the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
22 Section 29, T. 16 N., R. 17 E.W.M., along with water rights and interest in and to  
23 a certain ditch out of Wenash Creek used to irrigate the land. Hugh Steele was a  
24 party to the 1919 Wenash Creek adjudication and a water right was confirmed to him.  
25 The Report of Referee and Decree awarded a right with an 1883 date of priority for  
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1 the diversion of 0.75 cubic foot per second for the irrigation of 37.3 acres in the  
2 NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29. The Report of Referee identifies this land as being riparian  
3 to Wenas Creek. The NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29 is a half mile north of Wenas Creek. The  
4 certificate that ultimately issued, Certificate No. 84, authorized a diversion from  
5 Wenas Creek in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29. A diversion on Wenas Creek in  
6 either of those quarter/quarter sections could not have delivered water to the  
7 NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 29 by gravity flow. The 1919 map showing the irrigated fields  
8 and ditches shows a diversion to a ditch in the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29 and irrigated  
9 fields in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29. There are no fields in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
10 Section 29, nor are there any ditches entering that part of the section. The map  
11 has the name Steele for the lands in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, but not for the land  
12 in the NW $\frac{1}{4}$  of Section 29. The Referee believes that a typographical error must  
13 have occurred in the Report of Referee and was carried forward to the decree and  
14 the certificate and that the right that was confirmed was intended to be for the  
15 NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29. Mr. Hoff testified that a gravity flow ditch historically  
16 used to irrigate the property was replaced with a pump around 1974. However, the  
17 testimony was not specific enough for the Referee to know where the original  
18 gravity flow diversion was located. The certificate authorized diversions in both  
19 the NW $\frac{1}{4}$ SW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29 and currently the land is irrigated from a  
20 diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29. Due to the uncertainty of whether there has  
21 been a physical change sufficient to require compliance with the change procedures  
22 of RCW 90.03.380, the Referee will recommend confirmation of the right with a  
23 diversion in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29. The Referee recommends that a right be  
24 confirmed with a June 30, 1883, date of priority for the diversion of 0.24 cubic

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1 foot per second, 36 acre-feet per year for the irrigation of 12 acres in that  
2 portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29 lying south of the North Wenas Road.

3 Mr. Hoff testified to having livestock on his land that drink from the creek  
4 and from irrigation ditches. The testimony would indicate that the land in the  
5 NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29 is not irrigated with irrigation ditches any longer, leading  
6 the Referee to conclude that livestock on that parcel only drink directly from the  
7 creek, which is covered by the stock water stipulation discussed beginning on page  
8 4 of the Report of Referee for Subbasin No. 15. Additionally, at the initial  
9 hearing in 1992, Mr. Hoff put into evidence an affidavit from Burton Newland that  
10 stated that he operated the ranch from 1937 until 1971 and during that time his  
11 stock drank from Newland Creek and Wenas Creek. The affidavit of Thomas Hazen who  
12 leased the land from 1974 until 1992 indicates that diversionary stock water use  
13 began during his lease of the property. It would appear to the Referee that any  
14 diversionary stock water use was initiated after 1971 and water rights for a use  
15 initiated after 1971 could only have been established under the permitting  
16 procedures of RCW 90.03. Due to the low class of the water right, water often is  
17 not available after the spring of the year and on an average year is only available  
18 into July. However, the Referee has elected in the Wenas basin to confirm  
19 irrigation rights for the entire irrigation season because the time period when  
20 water is available for this priority right will vary each year according to the  
21 weather patterns.

22 Mr. Hoff is also asserting a right for the irrigation of 30 acres that lie in  
23 the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 32, T. 16 N., R. 17 E.W.M. Water is diverted from  
24 what is commonly referred to as Newland Creek near the east/west center line of  
25 Section 31 and carried by ditch into the N $\frac{1}{2}$  of Section 32. The map prepared for  
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1 the 1919 adjudication shows a 15 acre field, but does not show a ditch to the land.  
2 The testimony about historic water use on the property offered at the initial  
3 hearing indicates this 15 acre field was enlarged to the 30 acre field in the early  
4 1920's. Certificate No. 85, with a 1881 date of priority issued, to Carl Strom  
5 authorizing the diversion of 1.17 cubic feet per second for the irrigation of 58.3  
6 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 32. The authorized diversion point is in  
7 the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29. The creek from which Mr. Hoff diverts water does not  
8 pass through the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, however, Wenash Creek does flow through that  
9 area. Mr. Hoff through his attorney, takes the position that Newland Creek is  
10 covered by Certificate No. 85 because the certificate authorizes use of Wenash Creek  
11 and its tributaries. There is merit to this argument, however, the diversion that  
12 is authorized by the certificate is not on Newland Creek, but is on Wenash Creek.  
13 The Court has consistently held that diversion points other than those authorized  
14 in certificates cannot be confirmed in this proceeding, unless it is obvious that  
15 an error was made rather than an actual change in point of diversion. It is not  
16 obvious to the Referee that an error was made in describing the point of diversion.  
17 Therefore, the Referee will recommend that a right be confirmed with an 1881 date  
18 of priority for the diversion of 0.60 cubic foot per second, 90 acre-feet per year  
19 for the irrigation of 30 acres; however, the authorized point of diversion shall be  
20 in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29 as authorized by the certificate. Mr. Hoff is directed  
21 to contact Ecology's Central Regional Office concerning the procedures for seeking  
22 authorization to change the point of diversion as provided in RCW 90.03.380.  
23 Mr. Hoff is asserting a right for diversionary stock watering under this right  
24 also. Again, the Referee believes that the affidavits of Burton Newland and Thomas  
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1 Hazen leads to a conclusion that any diversionary stock water use was initiated  
2 after 1971 and would require a permit and certificate specifically for that use.

3 Mr. Hoff also took exception to a right not being confirmed for use of an  
4 unnamed spring. The spring is used for domestic supply, stock watering and  
5 irrigation around a barn. It was Mr. Hoff's belief that this spring has been used  
6 since the property was homesteaded. However, we do not have any information of  
7 when the land was homesteaded. The only Homestead Certificate offered into  
8 evidence is for the W $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 32, T. 16 N., R. 17 E.W.M., which is  
9 not where this spring and the area served by it are located. Mr. Hoff attempted to  
10 make an assertion that the spring should be covered by the Court's previous  
11 Dormaier ruling, which would alleviate the need to prove compliance with state law  
12 as far as filing an RCW 90.14 claim and would result in a claim not being pursued  
13 for the spring in this adjudication. As clarified in the Court's July 16, 1996,  
14 Memorandum Opinion Re: Return Flow Exceptions of Harry Masterson and Mary Lou  
15 Masterson, (Subbasin No. 3), in order to support a Dormaier claim the landowner  
16 must demonstrate to the satisfaction of the Referee that the spring water in  
17 question would not flow to a natural watercourse, surface or underground, thereby  
18 not be available to a downstream user. Flowing water is presumed to find its way  
19 to a stream and the burden of proving otherwise rests upon the party claiming that  
20 such water is not tributary. Ranson v. City of Boulder, 161 Colo. 478, 424 P.2d  
21 122 (1967). The Court recognized it was placing a significant burden on the water  
22 user to make this proof, but felt compelled to do so because water belongs to the  
23 public and it is the goal of state water policy to obtain the "maximum net  
24 benefits" from uses of water, RCW 90.03.005 - .010. Masterson, supra. Mr. Hoff  
25 testified that the flow from the spring does not leave his property and, in fact,  
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1 during the drier season ceases to flow. However, Mr. Hoff's holdings are rather  
2 extensive, with Wenas Creek and Newland Creek both flowing through the property.  
3 The spring is located very close to Newland Creek, which is a tributary to Wenas  
4 Creek. The Referee needs additional facts about the nature of the spring in order  
5 to conclude it does not contribute to the flow in Newland Creek and ultimately  
6 Wenas Creek during at least part of the year. Again, there has been no proof  
7 offered of when use of this spring began. Therefore, the Referee cannot recommend  
8 that a right be confirmed, nor can he recommend that the the Dormaier ruling be  
9 applied in this case.

10 The last exception taken by Mr. Hoff was to the imposition of a period of use  
11 for the water rights. This exception was taken by several other claimants and is  
12 discussed in detail on page 3 of this report as part of the discussion of the  
13 Purdin Ditch Water Users exceptions. The Referee denies this exception.

14

15 COURT CLAIM NO. 00874 -- Iowa Flats Ditch Company

16 Iowa Flats Ditch Company took exception to the Referee's interpretation of the  
17 Court's prior rulings on the issue of res judicata, and the Referee's  
18 recommendation that a water right not be confirmed to the ditch company due to its  
19 failure to present evidence at the original evidentiary hearing. The ditch company  
20 is represented by Attorney John Rayback. Paul Rickman, President of Iowa Flats  
21 Ditch Company, testified at the evidentiary hearing. While the claimant maintained  
22 its position that it does not need to prove continued beneficial use and the State  
23 has the burden of proving abandonment of the right, testimony and evidence was  
24 presented in support of the claim.

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1       Mr. Rickman has been president of the ditch company for 16 years and a water  
2 user from the ditch for 32 years. He testified that whenever water was available,  
3 Iowa Flats Ditch Company delivered water to its shareholders. Due to the priority  
4 of the water right, they only get water until June in most years. Three years ago  
5 was the last time water was delivered to a shareholder through the Iowa Flats  
6 Ditch, and that was to the Beatty property located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32  
7 and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33, all in T. 15 N., R. 18 E.W.M. Mr. Rickman and  
8 Hillcrest Angus Ranch, which he owns, have used water from the ditch, but not in  
9 the past 10 years or so. The ditch has not been heavily used in recent years due  
10 to the need for major work to reduce leakage from the ditch. It was estimated that  
11 the needed repairs would cost approximately \$15,000 and the shareholders did not  
12 want to spend that kind of money without assurance that a right would be confirmed  
13 through this adjudication. When the ditch was originally constructed, it  
14 terminated near the center of Section 35, at Cottonwood Canyon. The ditch  
15 presently can only carry water to the southwest corner of Section 33 where it is  
16 blocked, which is approximately two miles upstream from its original terminus.

17       There is some uncertainty in the record about the correct location of the  
18 point of diversion into the Iowa Flat Ditch. Mr. Rickman testified that the  
19 diversion is in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M. Certificate No.  
20 34 that issued to the Iowa Flat Ditch Company after the 1919 adjudication describes  
21 a diversion in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32. The Report of Referee in 1919 stated that  
22 the diversion in the Iowa Flat Ditch was in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32. Exhibit No.  
23 DE354, which is a map submitted by the ditch company to show the lands owned by the  
24 shareholders, shows the diversion in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32. The State's Exhibit  
25 Map, SE-2, does not show the diversion into the Iowa Flats Ditch, but does show the  
26

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1 alignment of the ditch beginning in the  $N\frac{1}{2}SE\frac{1}{4}$  of Section 32. It is clear from that  
2 alignment that the diversion is in the  $E\frac{1}{2}NW\frac{1}{4}$  of Section 32, not in the  $SW\frac{1}{4}NW\frac{1}{4}$  as  
3 identified in the certificate. A diversion in the  $SW\frac{1}{4}NW\frac{1}{4}$  of Section 32 would have  
4 been from the South Fork of Wenas Creek and the ditch would have crossed the North  
5 Fork of Wenas Creek, which is not likely. Based on the preponderance of evidence,  
6 the Referee believes that the correct location of the point of diversion is in the  
7  $SE\frac{1}{4}NW\frac{1}{4}$  of Section 32.

8 Certificate No. 34 is a Class 14 right with an 1881 date of priority. It  
9 issued to the Iowa Flats Ditch Company and authorized the diversion of 22.19 cubic  
10 feet per second for the irrigation of 1109.5 acres on the following lands: The  
11  $NE\frac{1}{4}$ , except the  $NE\frac{1}{4}NE\frac{1}{4}$ , and the  $N\frac{1}{2}SE\frac{1}{4}$  of Section 4; the  $NE\frac{1}{4}$ ,  $S\frac{1}{2}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$  and  
12  $W\frac{1}{2}SE\frac{1}{4}$  of Section 3; the  $NE\frac{1}{4}$  and the  $NW\frac{1}{4}$ , except the  $NE\frac{1}{4}NW\frac{1}{4}$ , of Section 2; the  $W\frac{1}{2}$ ,  
13 except the  $NE\frac{1}{4}NW\frac{1}{4}$ , of Section 1 and the  $S\frac{1}{2}NE\frac{1}{4}$  and  $SE\frac{1}{4}$  of Section 12, all in  
14 T. 14 N., R. 18 E.W.M. Several Certificates of Change issued between 1935 and 1974  
15 adding points of diversion for portions of Certificate No. 34 appurtenant to lands  
16 in Section 12, T. 14 N., R. 18 E.W.M. The landowner(s) received authorization to  
17 establish points of diversion on or near the property irrigated in Section 12,  
18 rather than conveying the water down the ditch. Iowa Flats Ditch Company is not  
19 asserting a right in this proceeding for any lands in Section 12. Several  
20 landowners in Section 12 are claimants in this proceeding and are asserting rights  
21 on there own behalf.

22 Additionally, in the mid-1980's numerous voluntary partial relinquishments of  
23 portions of Certificate No. 34 were filed with the Department of Ecology. These  
24 were filed by individuals who owned lands that were described within the place of  
25 use on Certificate No. 34, but were not receiving water through Iowa Flats Ditch.  
26

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1 It is uncertain whether the lands described in the relinquishments ever were served  
2 by the Iowa Flats Ditch. The ditch company is not asserting a right in this  
3 proceeding for any of the lands for which relinquishments have been filed with  
4 Ecology.

5 Iowa Flats Ditch Company is asserting a right for lands in the NE $\frac{1}{4}$ , lying  
6 south of the ditch, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4; the S $\frac{3}{4}$ NW $\frac{1}{4}$ ; the NE $\frac{1}{4}$  south of the  
7 ditch, the SE $\frac{1}{4}$  and the N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 3; the SE $\frac{1}{4}$  and NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, all in  
8 T. 14 N., R. 18 E.W.M.; the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 33 southwest of the North Wenas Road,  
9 a portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  and a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  south of the North  
10 Wenas Road, in Section 32, in T. 15 N., R. 18 E.W.M. This is gathered from review  
11 of Exhibit DE 354, which is a series of Yakima County Assessor's Plat maps for  
12 Sections 3 and 4, T. 14 N., R. 18 E.W.M. and Sections 32 and 33, T. 15 N.,  
13 R. 18 E.W.M. The claimant has marked on these maps in black the lands for which  
14 the ditch company is asserting a right. Also written on the maps is the name of  
15 the landowner according to the ditch company records. The claimant acknowledges  
16 that some of the land has been subdivided and the new owners names not provided.  
17 Attached to the map are two lists. One is an eligibility list, which the Referee  
18 presumes must be landowners that the claimant believes are eligible to receive  
19 water through the Iowa Flat Ditch, if they pay their assessment. The second is a  
20 list of current stockholders. Next to each name is a number, which the Referee  
21 believes is intended to represent the number of stock held by each landowner. Many  
22 of the names on both the current stockholders list and and eligibility list do not  
23 appear on the map provided by the claimant. The map shows gross acres, not the  
24 number of acres irrigated within the service area. Additionally, the place of use  
25 on Certificate No. 34 does not include lands in Sections 32 and 33, T. 15 N.,

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1 R. 18 E.W.M., yet the claimant testified that land in these sections is irrigated  
2 from the ditch. In fact, this land is owned by Tom Beatty, and Mr. Rickman  
3 testified that the Beatty property was the last land under the ditch to receive  
4 water, yet irrigation of this land is not authorized by the certificate. The other  
5 landowner in Section 32 is John Ashbaugh, who is a claimant in this proceeding.  
6 During his testimony about use of water on the land he owns in Section 32, there  
7 was no assertion of a right through the ditch company. Additionally, the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
8 Section 4 was excluded from the place of use on the certificate, but according to  
9 the map is now within the service area for the ditch company.

10 In spite of the information presented by the claimant, the Referee is left  
11 with many unanswered questions. There was no evidence presented to allow the  
12 Referee to make a determination of how many acres were irrigated from the Iowa Flat  
13 Ditch prior to it being blocked in the 1980's. Nothing was provided to show where  
14 the lands owned by most of those on either the eligibility list or the stockholder  
15 list is located. The Referee has only gross service area boundaries with no  
16 specifics of where the irrigated lands are located. This information is necessary  
17 in order to recommend confirmation of a water right. Therefore, at this time, the  
18 Referee cannot recommend confirmation of a water right to Iowa Flats Ditch Company.  
19 The claimant can petition the Court to allow presentation of the missing  
20 information during the exception phase for the supplemental report.

21  
22 COURT CLAIM NO. 01200 -- Loren G. Kjeldgaard  
23 & Patricia C. Kjeldgaard

24 Loren G. and Patricia C. Kjeldgaard filed an exception to the Report of  
25 Referee for Subbasin No. 15. The owners of the property at the time of the  
26 original evidentiary hearing did not make an appearance, therefore, the Referee was

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1 forced to recommend that a water right not be confirmed due to failure of the  
2 claimants to appear. The claim was remanded to the Referee to take testimony  
3 during the supplemental hearing. Patricia C. Kjeldgaard appeared and testified at  
4 the supplemental hearing.

5 The Kjeldgaard property lies in the  $W\frac{1}{2}SE\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$  of Section 12, T. 14 N.,  
6 R. 18 E.W.M. and is 2.5 acres in size. Approximately 1.75 acres are irrigated with  
7 water pumped from Wenas Creek. A 1 HP pump is on the creek supplying water to  
8 seven risers that are used to irrigate lawn and landscaping area and a small  
9 pasture. The current owners do not have any livestock at this time, however,  
10 livestock have been on the property and Wenas Creek flows through the pasture area.  
11 Water also can be pumped from the creek to stock tanks. However, it is not clear  
12 to the Referee that stock tanks were used prior to the pump having been installed  
13 in the creek. Historically, water to irrigate this property was carried in a ditch  
14 that diverted from the creek in the  $SW\frac{1}{4}NE\frac{1}{4}$  of Section 10, upstream of the  
15 claimants' property. Livestock drinking directly from the creek is covered by the  
16 stock water stipulation discussed beginning on Page 4 of the original Report of  
17 Referee for Subbasin No. 15. Mrs. Kjeldgaard referred the Referee to the testimony  
18 of her neighbors, Delores and Tom Rupel, whose property has the same historical  
19 background.

20 This land is part of the Cleman Dairy Company property, which was confirmed a  
21 right in the 1921 adjudication. Certificate No. 13, with an 1867 date of priority  
22 issued to Cleman Dairy Company authorizing the diversion of 2.52 cubic feet per  
23 second for the irrigation of 126.26 acres in the  $SE\frac{1}{4}SE\frac{1}{4}$  and  $W\frac{1}{2}SE\frac{1}{4}$  of Section 11 and  
24 the  $SW\frac{1}{4}SW\frac{1}{4}$  of Section 12, T. 14 N., R. 18 E.W.M. The authorized point of diversion  
25 is located in the  $SW\frac{1}{4}NE\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M. The proportionate

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1 share of the certificate that would be appurtenant to the 1.75 acres irrigated by  
2 the Kjeldgaards is 0.035 cubic foot per second.

3 The pump used by the Kjeldgaards is located on their property, approximately  
4 18 feet inside their west property line. Obviously a prior owner of their land  
5 changed the point of diversion, probably when the Cleman Ditch ceased being used  
6 and established a diversion on the property. However, there is no evidence that  
7 the prior owner complied with RCW 90.03.380, which requires that an application for  
8 change of point of diversion be filed with Ecology in order for Ecology to assess  
9 potential impact on existing rights.

10 Besides the Kjeldgaards, five other claimants in this proceeding are asserting  
11 water rights based on Certificate No. 13. They are: Rudolph and Konnie Frausto,  
12 Claim No. 02131, for which a right was confirmed for 15 acres; John and Sandra E.  
13 Hermanson, Claim No. 01576, for which a right was confirmed for 15 acres; Thomas  
14 and Delores Rupel, Claims No. 01021 and 00862, for which rights were confirmed  
15 totaling 15.70 acres; and Lyle R. Schneider, Claim No. 00697, for which rights were  
16 confirmed for 32 acres. Rights have been confirmed for a total of 77.7 acres under  
17 the cited claims.

18 It is recommended that a right be confirmed under Court Claim No. 01200 to  
19 Loren G. and Patricia C. Kjeldgaard with a June 30, 1867, date of priority for the  
20 diversion of 0.035 cubic foot per second, 5.25 acre-feet per year for the  
21 irrigation of 1.75 acres in that part of the W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, T. 14 N.,  
22 R. 18 E.W.M. lying south of Wenatchee Creek. The point of diversion authorized shall  
23 continue to be in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10.

24 The claimants are directed to contact the Central Regional Office of the  
25 Department of Ecology about the procedures for complying with RCW 90.03.380 for  
26

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1 filing an application to change the authorized point of diversion to the point  
2 currently being used.

3

4 COURT CLAIM NO. 01604 -- Homer W. Marney  
5 & Anna M. Marney  
6 William B. Lawrence  
7 & Patricia S. Lawrence

8 At the exception hearing held on March 14, 1995, William B. and Patricia S.  
9 Lawrence orally brought an exception to the point of diversion location recommended  
10 by the Referee. The Court allowed the exception and the claim was remanded to the  
11 Referee. The Lawrences appeared at the supplemental hearing represented by  
12 Attorney J. Jay Carroll.

13 The point of diversion described in the original Report of Referee is the  
14 point where the Lawrences withdraw water from the Purdin Ditch, rather than the  
15 point the Purdin Ditch diverts from Wenas Creek. The point of diversion should be  
16 corrected to reflect a location 550 feet south and 980 feet east from the north  
17 quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N.,  
18 R. 17 E.W.M. That correction shall be made on Page 260, line 9 of the Report of  
19 Referee. The Referee notes that this same error was made in describing the point  
20 of diversion for Homer W. and Anna M. Marney, on Page 262 of the Report of Referee  
21 for Subbasin No. 15 at line 8 $\frac{1}{2}$ . The Marneys and Lawrences are co-claimants under  
22 Court Claim No. 01604. The Referee recommends that the point of diversion location  
23 also be corrected for the Marneys.

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1  
2 COURT CLAIM NO. 00432 -- Lazy Heart B, Inc.  
3 (A)01362

4 Lazy Heart B Ranch, Inc. took exception to the Report of Referee for Subbasin  
5 No. 15 not recommending water rights be confirmed for use of four springs within  
6 the ranch and to the period of use attached to the rights recommended for  
7 irrigation with waters from Wenas Creek. Additionally, Ecology and James Poisel  
8 took exception to the priority date recommended for the former Class 2 right that  
9 is appurtenant to the Lazy Heart B land. Lazy Heart B, Inc., is represented by  
10 Attorney Lawrence E. Martin and Rosella Calvert testified at the evidentiary  
11 hearing.

12 Lazy Heart B, Inc., is relying on the testimony and evidence of Hazel Cameron  
13 in support of the priority date that was recommended by the Referee. The ranch  
14 property was once part of the Cameron holdings and the history of the property is  
15 identical. See Page 15 of this report for a discussion of the priority date issue.  
16 As the Referee concluded for the Cameron property, the appropriate priority date is  
17 1870 and the initial recommendation is affirmed.

18 Mrs. Calvert testified that historically, Wenas Creek water has been used to  
19 irrigate the ranch as early as March 1. Use of water this early in the season is  
20 dependent on the weather patterns. They do not always begin irrigating in March,  
21 but have periodically done so. The Report of Referee in 1919 recognized that  
22 practice, see page 16 of that report. The Referee recommends that the irrigation  
23 season for the rights recommended for confirmation under Court Claim No. 00432 be  
24 modified to begin on March 1. Pages 227 and 293 of the Report of Referee, line 5  
25 are amended to read Period Of Use: March 1 to October 15.  
26

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1       Mrs. Calvert also testified about use of four springs that arise within the  
2 Ranch. One spring is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, T. 15 N., R. 17 E.W.M. and  
3 Water Right Claim (WRC) No. 004169 was filed pursuant to RCW 90.14 for use of this  
4 spring. The second spring is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 15 N.,  
5 R. 17 E.W.M. and WRC No. 004170 was filed pursuant to RCW 90.14 for use of this  
6 spring. The third spring is located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11. WRC No.  
7 004171 was filed for this spring. There are no diversion facilities associated  
8 with any of these springs. Livestock drink directly from the springs. This type  
9 of non-diversionary stock water use is covered by the stock water stipulation  
10 described beginning on page 4 of the Report of Referee for Subbasin No. 15. The  
11 stipulation itself was challenged as part of the exceptions to the Subbasin No. 15  
12 Report of Referee and the Court upheld the stipulation. No other right, beyond  
13 that conveyed by the stipulation is recommended for these springs.

14       The fourth spring is located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13 and is used for  
15 diversionary stock watering and irrigation. The outflow from the spring is piped  
16 to the irrigation ditch that also carries water from Wenas Creek. The pipe leading  
17 from the spring to the ditch is 10 inches in diameter. Mrs. Calvert contacted  
18 Ackland Pump and they estimated that the pipe could carry 475 gallons per minute  
19 when it was full. Mrs. Calvert testified that the pipe sometimes is full in the  
20 spring and the flow diminishes over the irrigation season. The claimant is  
21 requesting that a right be confirmed for 350 gallons per minute from the spring, or  
22 0.78 cubic foot per second. Since the water diverted from the spring is comingled  
23 with Wenas Creek water, it is spread over all of the claimants property. They are  
24 asking that a right be confirmed that allows use of the spring on all of their  
25 land. However, it appears to the Referee that flow from the spring enters the  
26

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1 irrigation ditch near the southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13 and that  
2 water could not be used to irrigate most of the fields in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13.  
3 The claimant raises 100 cow/calf pairs that have access to the ditch that carries  
4 the spring water and drink from the ditch.

5 WRC No. 004167 was filed for this spring pursuant to RCW 90.14, asserting a  
6 right to divert 0.22 cubic foot per second, 80 acre-feet per year for the  
7 irrigation of 100 acres in the W $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 13. The claimant is  
8 asserting a right to use substantially more water than was shown on WRC No. 004167.  
9 The quantity they are asserting a right to is not based on any actual measurements  
10 of the spring flow, but on the carrying capacity of the pipeline. The claimant's  
11 exception asked that a right be confirmed on use of 0.22 cubic foot per second, not  
12 the larger quantity asserted at the supplemental hearing.

13 Mrs. Calvert testified that she remembers this spring being piped and used in  
14 1926 when she was a child. It is her belief that the spring was used by prior  
15 owners, who had a sod house near the spring and irrigated tobacco in the vicinity.  
16 The claimants also introduced as an exhibit DE-325 which was a newspaper article  
17 about Mrs. Emily Chambers wagon trip from California to the Yakima Valley,  
18 ultimately settling in the Wenatchee. In two places on the article the name Chambers  
19 is crossed off and Cameron written in its place. The article discusses uses of  
20 springs for irrigating gardens and grain, but the Referee is not clear as to the  
21 relation to the claimants property or the spring for which a right is being  
22 asserted. There is nothing specific that would tie the information in the article  
23 to the claimant's property, or Chambers to Cameron.

24 On November 22, 1996, Ecology filed a Post-hearing Brief for Remand Hearing  
25 Re: Subbasin No. 15. This brief addressed the Lazy Heart B claim to the four  
26

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1 springs. In the brief Ecology presumes that Lazy Heart B is making an assertion  
2 that use of the four springs should be considered under the Court's Dormaier  
3 ruling, entered on September 16, 1993. The Referee does not find anything in  
4 either the testimony or the claimant's exceptions that would lead to that  
5 conclusion. Although Mrs. Calvert did testify to the nature of the springs, she  
6 did not go to the level of detail needed to meet the burden of proof necessary to  
7 conclude Dormaier should be applied, nor is it obvious that attempt was being made.  
8 Lazy Heart B, Inc., replied to the Ecology brief confirming that they are not  
9 making a Dormaier assertion, but were merely describing the nature of the springs.  
10 The Referee does not believe any additional analysis of Dormaier is warranted.

11 The Referee believes there has been adequate proof that a water right was  
12 established under the Riparian Doctrine for use of the unnamed spring in the NW $\frac{1}{4}$ NW $\frac{1}{4}$   
13 of Section 13. The riparian right would be appurtenant to only those lands that  
14 were homestead as one parcel, which would be the W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
15 Section 13. In order for there to be a right to use this spring for the other  
16 lands now owned by Lazy Heart B Ranch, there would have to be proof of water use  
17 prior to June 6, 1917, when the State Water Code was adopted. For the riparian  
18 lands, proof of water use prior to December 31, 1932, was sufficient to show  
19 establishment of a water right under the Riparian Doctrine. Due to the location of  
20 the spring, the Referee does not believe it is appropriate to confirm a right for  
21 all of the irrigated lands in the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 13. Some of the irrigated land  
22 could not have been served by gravity flow from this spring. The Referee estimates  
23 that 40 of the 48 acres irrigated within the W $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13  
24 could be served by gravity flow from the spring. Mrs. Calvert testified at the  
25 initial Subbasin No. 15 evidentiary hearings concerning the quantity of water used  
26

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1 to irrigate their lands. Since the spring flows into the irrigation ditch and is  
2 applied to the land along with Wenas Creek water, the Referee concludes that  
3 testimony included the spring water. Therefore, the annual quantity recommended  
4 for use from the spring shall not be in addition to the annual quantity of water  
5 confirmed from Wenas Creek. The priority date for the Wenas Creek water for these  
6 lands is 1884, which is the date of settlement of the land, and will be the  
7 priority date for the spring also.

8 The Referee recommends that a right be confirmed with a June 30, 1884, date of  
9 priority for the diversion of 0.22 cubic foot per second, 80 acre-feet per year for  
10 the irrigation of 40 acres and 5 acre-feet per year for stock watering in the  
11 SE $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13 lying east of the remnants of  
12 the Weinman, Cameron and Pollard Ditch and west of Wenas Creek.  
13

14 COURT CLAIM NO. 01742 -- Jerry Longmire  
15 & Dorothy Longmire  
16 Laura Longmire  
17 George W. Marcott  
18 Robert D. Elliott  
19 & Verna Mae Elliott  
20  
21

22 Jerry, Dorothy and Laura Longmire took several exceptions to the Referee's  
23 recommendations for Claim No. 01742. The Longmires are represented by Attorney J.  
24 Jay Carroll who made an appearance on their behalf at the supplemental hearing. No  
25 additional evidence was presented, as the exceptions were either to correct errors  
26 in the report, were strictly legal in nature, or had already been ruled on by the  
Court.  
27

28 The first exception was to a right not being confirmed for diversionary stock  
watering through the Purdin Ditch. This exception was addressed by the Court  
previously as part of the Purdin Ditch exception regarding stock watering, see page

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1 3 of this report. The Longmires took exception to having a period of use assigned  
2 to the water rights confirmed to them, as did several other claimants, many of whom  
3 are served by the Purdin Ditch. All of the exceptions regarding imposition of a  
4 period of water use are addressed together as part of the Purdin Ditch exception.

5 The Report of Referee did not recognize that the 80 acre parcel that was  
6 confirmed a water right also receives water from the Wenatchee Irrigation District.  
7 Page 130, line 9 is modified to add: "The 80 irrigated acres retained by the  
8 Longmires are within the Wenatchee Irrigation District and water delivered by the  
9 district is also used to irrigate this land." The claimant also noted an error in  
10 assigning the priority date for this right. The Referee assigned a priority date  
11 of 1884, which is an error. The 1919 Report of Referee does show that the water  
12 right for initiated in 1882, rather than 1884. Page 294, line 8 is modified to  
13 show the priority date of June 30, 1882. A right was recommended to Robert and  
14 Verna Elliot, who purchased land from the Longmires, also with the 1884 priority  
15 date. The recommendation for them is also modified on Page 289, line 7½ to show  
16 the priority date of June 30, 1882.

17 The Longmires took exception to the Referee assigning different priority dates  
18 to Class 1 through 3 rights from the 1921 decree, when that decree found that those  
19 three classes would share alike. They also took exception to the stock water  
20 stipulation, believing it was inconsistent with the prior decree. The last two  
21 exceptions were ruled on by the Court in its Order dated November 21, 1995 and  
22 August 1, 1996.

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COURT CLAIM NO. 01270 -- Laura Longmire  
Jerry Longmire  
& Dorothy Longmire

The Longmires took exception to one specific part of the recommendation for Claim No. 01270, but also joined in the general exceptions raised under Court Claim No. 01742 as to the stock water stipulation, the Referee's use of priority dates for former Class 1 through 3 rights, to the period of use designation and lack of a winter time stock watering right for the lands on the Purdin Ditch. The Referee will not repeat the findings on those issues. Refer to pages 3 and 47, Purdin Ditch Water Users and Claim No. 01742, for consideration of these exceptions.

The exception that was specific to Court Claim No. 01270 was to the limitation of use language that identified a maximum quantity of water that could be used under the surface water right confirmed and a ground water right appurtenant to the property. The Court ruled at the exception hearing that the excepted to language would be removed. This ruling applies to all claimants that had a reference to a ground water right being appurtenant to the land.

COURT CLAIM NO. 00804 -- Charles Douglas Mayo  
00805 & John Strand Mayo  
00806  
00807

The Mayos filed exceptions to the Referee's recommendations concerning Court Claims No. 00804, 00805 and 00806. The Mayos are represented by Attorney Vernon Fowler and Charles Douglas Mayo testified at the supplemental hearing.

The Referee did not initially recommend confirmation of a water right under Court Claim No. 00804 due to uncertainty about the place of use for which a right was confirmed in the 1921 Wenatchee Creek Adjudication. In the exception filed by the

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1 Mayos, point of diversion and the priority date recognized by the Referee for the  
2 certificate appurtenant to the land were questioned.

Certificate No. 107 from the 1921 decree is appurtenant to the lands described in Court Claim No. 00804. That certificate authorized the diversion of 2.39 cubic feet per second for the irrigation of 119.7 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 9, the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 9, T. 14 N., R. 18 E.W.M. The initial uncertainty about place of use evolves around the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 9. Page 9 of the copy of the decree entered into the record and marked as Exhibit No. DE-17 addresses the right in question, which issued to George Chambers. In the decree, the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 9 has been changed to the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4 by striking the 9 and handwriting 4 in its place. There is no explanation for this change and it did not carry forward to the certificate that issued to George Chambers.

The Mayos assert that an error was made in the decree, which carried forward to the certificates, with Section 9 being typed instead of Section 4. The record supports this conclusion. William Flynn settled on this land and on March 13, 1882, received Homestead Certificate No. 2 for the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 4, the  $N\frac{1}{2}NE\frac{1}{4}$  and the  $NE\frac{1}{4}NW\frac{1}{4}$  of Section 9. The map that was prepared for the 1921 adjudication of Wenas Creek does not show any irrigated land in the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 9, nor does it show any ditch that could have served this land. According to the testimony, the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 9 is considerably higher in elevation than the  $N\frac{1}{2}N\frac{1}{2}$  of Section 9 and could not have been served by any of the ditches constructed in the area. It is reasonable to believe that a handwritten "4" could have been mistaken for a "9" when the decree was typed, particularly since the rest of the land lies within Section 9. The Referee concludes that the right confirmed in 1921 was intended to be for the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 4, the  $N\frac{1}{2}NE\frac{1}{4}$  and  $NE\frac{1}{4}NW\frac{1}{4}$  of Section 9.

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1        Certificate No. 107 authorized a diversion in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 15  
2 N., R. 18 E.W.M. The Mayos contend this is also in error. They point to the 1919  
3 Report of Referee, which on Pages 9 - 12 list the ditches in use and their points  
4 of diversion. The George Chambers ditch is identified as diverting from the NW $\frac{1}{4}$ NE $\frac{1}{4}$   
5 of Section 5, T. 14 N., R. 18 E.W.M. The Mayos believe this to be the correct  
6 location of the original point of diversion for the right described in Certificate  
7 No. 107. However, the map prepared for the 1919 adjudication shows the diversion  
8 for the Chambers Ditch being approximately 725 feet north and 400 feet east of the  
9 south quarter corner of Section 32, which would be within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32.  
10 That is the location identified on Certificate No. 107. Exhibit No. 302 is a copy  
11 of the field notes from 1917 with a highlighted line which is suppose to be the  
12 Chambers Ditch diverting from a point in Section 5. However, the copy is very poor  
13 and the Referee cannot reach a conclusion on whether the line marked actually is  
14 the Chambers ditch or whether a diversion in Section 5 is indicated.

15        The Mayos and a prior owner of the land made application to the Department of  
16 Ecology to change the point of diversion for a portion of the right evidenced by  
17 Certificate No. 107. Certificate of Change recorded in Volume 1-3, Page 38 changed  
18 the point of diversion of 1 cubic foot per second to a point 600 feet south and  
19 1000 feet east (sic) of the northeast corner of Section 9, being in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
20 Section 9. Certificate of Change recorded in Volume 1-4, Page 205 changed the  
21 point of diversion for 0.40 cubic foot per second to a point 170 feet north and 250  
22 feet east of the south quarter corner of Section 4, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4.  
23 The Referee concludes that the remainder of the right, 0.99 cubic foot per second,  
24 is authorized to be diverted from a point in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32. The Mayos

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1 have stated that an application for change has been filed to change the point of  
2 diversion for the remainder of the right.

3 The Mayos also presented evidence in an effort to support an earlier priority  
4 date than was established in the first Wenas Creek Adjudication. The Report of  
5 Referee in 1919 stated that the George Chambers land was first settled and the  
6 water right initiated on July 10, 1872. The Referee in this adjudication has  
7 consistently used the best evidence available in determining the appropriate  
8 priority date to assign a right being recommended for confirmation. It is not  
9 uncommon for the evidence to provide a year when the water right was established,  
10 but not the month or day of the month. When that is the case, the Referee has  
11 elected to use the mid-point of the year, June 30, in order to have a precise  
12 priority date. The Mayos point out that all other water rights bearing an 1872  
13 date of priority have a June 30, 1872, date. This is because the 1919 Report of  
14 Referee did not specify a month and/or day for the other rights, whereas for the  
15 Chambers right the date and month, July 10, 1872, were specified. That information  
16 was carried forward to the present. The Mayos contend that this puts them at a  
17 disadvantage to other rights which in the past have been on equal footing.

18 The Mayos are also asserting that a priority date earlier than 1872 is  
19 appropriate for their land described in Court Claim No. 00804. In support of this  
20 contention the Mayos introduced excerpts from the book KA-MI-AKIN by A. J. Splawn.  
21 Chapter XXXII of that book describes the year 1869, during which time a group,  
22 including Mr. Splawn, were traveling to British Columbia and were approached by a  
23 mountaineer called "Doc" Flynn. Mr. Flynn was intending to settle somewhere and  
24 "prepare for old age." Mr. Splawn advised him to go to the Yakima country and on  
25 his return heard that Doc Flynn had settled in the Wenas. Later in the chapter  
26

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1 "Doc" Flynn is identified as William Flynn. William Flynn received a Homestead  
2 Certificate in 1882 for the lands now owned by the Mayos and described in Court  
3 Claim No. 00804. The Report of Referee identified that the lands were settled on  
4 July 10, 1872. The Referee must presume this date is based on evidence presented  
5 in 1919 as part of the evidentiary hearing for that adjudication. The information  
6 presented by the Mayos, an excerpt from a book, does not persuade the Referee to  
7 abandon the date used in the initial adjudication. This is not the best evidence  
8 that is available to prove the date the land was first settled. Issuance of a  
9 Homestead Certificate is preceded by several documents that would contain  
10 information on when the land was first settled. Those documents are not in the  
11 record, but would be much more persuasive in convincing the Referee to abandon the  
12 date that has been recognized as the priority for this land for over 80 years.

13 The Referee recommends that a right be confirmed under Court Claim No. 00804  
14 with a July 10, 1872, date of priority for the diversion of 2.39 cubic feet per  
15 second, 480 acre-feet per year for the irrigation of 119.7 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
16 Section 4 and that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 9 lying north of the  
17 South Wenas Road, all in T. 14 N., R. 18 E.W.M. The points of diversion shall be  
18 600 feet south and 1000 feet west of the northeast corner of Section 9, being  
19 within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 14 N., R. 18 E.W.M. for 1.0 cfs; 170 feet north  
20 and 350 feet east of the south quarter corner of Section 4, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$   
21 of Section 4, T. 14 N., R. 18 E.W.M. for 0.40 cfs; and 725 feet north and 400 feet  
22 east of the south quarter corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section  
23 32, T. 15 N., R. 18 E.W.M. for 0.99 cfs.

24 The second exception raised by the Mayos was to the Referee not recommending  
25 that a right be confirmed under Court Claim No. 00805. The Referee declined to  
26

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1 recommend confirmation of a right because the certificate on which the claim was  
2 based authorized the irrigation of 59.4 acres within an 80 acre place of use. The  
3 evidence indicated that the entire 80 acres are now being irrigated and the Referee  
4 did not feel it was in anyone's best interest to confirm a right until the place of  
5 use was refined to identify the 59.4 acres to which a right would be appurtenant.  
6 During the supplemental hearing the Mayos presented descriptions of two parcels  
7 that their research indicates would likely have not been irrigated at the time the  
8 certificate issued. These two parcels total 20.3 acres, which when subtracted from  
9 the total of 80 acres within the place of use leaves 59.7 acres. The Referee  
10 recommends that a water right be confirmed under Court Claim No. 00805 with a  
11 June 30, 1867, date of priority for the diversion of 1.19 cubic feet per second,  
12 207.9 acre-feet per year for the irrigation of 59.4 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$  of  
13 Section 4, T. 14 N., R. 18 E.W.M., less the two parcels (specifically described on  
14 Page 80 of this report). The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9.  
15 T. 14 N., R. 18 E.W.M.

16 The third exception taken by the Mayos was to the Referee not recommending  
17 that a water right be confirmed under Court Claim No. 00806. Under that claim, a  
18 right is being asserted for the diversion of 0.07 cubic foot per second for the  
19 irrigation of 3.5 acres in the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 4. The claim is based on  
20 Certificate No. 10, which is a Class 20 right with an 1888 date of priority. The  
21 certificate mirrors the right being asserted by the Mayos. The Referee declined to  
22 recommend that a right be confirmed due to the immense acreage difference between  
23 the number of acres authorized for irrigation and the size of the place of use (3.5  
24 acres within an 80 acre place of use). At the supplemental hearing the Mayos  
25 submitted a Yakima County Assessor's Plat for Section 4, T. 14 N., R. 18 E.W.M. and

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1 outlined a parcel along the east line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, which they  
2 contend is where the 3.5 acres is located. This 3.5 acre parcel is approximately  
3 146 feet wide and 1041 feet long and is adjacent to the land the Mayos own in the  
4 SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4. They have concluded that this is the land to which the water  
5 right must be appurtenant because their research into the chain of title for the  
6 parcel shows that it was not homesteaded by the same person who homesteaded the  
7 SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4 (William Flynn), yet by the time of the adjudication, it was  
8 owned by the same person as owned the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4 (George Chambers).

9 Certificate No. 10 issued to George Chambers. Exhibit No. DE307 is a copy of the  
10 Section 4 handwritten field notes made around 1917 or 1918 and used to prepare the  
11 map exhibit for the 1919 adjudication. Those notes show the same 146 by 1041 foot  
12 parcel owned by George Chambers and part of an irrigated alfalfa field in the  
13 SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4. No other claimant is asserting a claim to this right, nor was  
14 there any challenge to the Mayos assertion. Therefore, the Referee recommends that  
15 a right be confirmed under Court Claim No. 00806 with a June 30, 1888, date of  
16 priority for the diversion of 0.07 cubic foot per second, 12.25 acre-feet per year  
17 for the irrigation of 3.5 acres in that part of the east 146 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
18 Section 4, T. 14 N., R. 18 E.W.M. lying north of the South Wenas Road.

19 Although the claimants initially concurred with the recommendations of the  
20 Referee concerning Court Claim No. 00807 (see page 5 of Mayos exceptions to Report  
21 of Referee, Court Claims No. 00804, 00805, 00806, 00807), testimony was presented  
22 at the supplemental hearing attempting to establish an earlier priority date than  
23 was recommended by the Referee. The Referee recommended that a priority date of  
24 June 30, 1884, be confirmed under Court Claim No. 00807, for the irrigation of 15.4  
25 acres in that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 15 N., R. 18 E.W.M. lying

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1 northeast of the South Wenas Road. The date recommended by the Referee is based on  
2 the 1919 Report of Referee, 1921 Decree and subsequent certificate that issued.  
3 According to Mr. Mayo, all of Section 9 not homesteaded by William Flynn, including  
4 the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, was patented to the Northern Pacific Railroad. The SE $\frac{1}{4}$ NE $\frac{1}{4}$   
5 of Section 9 was sold to William Flynn on March 6, 1891. The 1919 Report of  
6 Referee had a section that dealt specifically with railroad land. It stated that  
7 "In the case of railroad lands it was stipulated that the map of definite location  
8 was filed on May 24, 1884, and that riparian rights to such lands attach as of that  
9 date." However, according to the 1917 field notes, the map from the 1919  
10 adjudication map, and the Report of Referee, the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9 was not  
11 riparian to Wenas Creek (the Referee does note that the current map of the Wenas  
12 Valley shows Wenas Creek crossing the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9,  
13 however, if the land was not riparian at the time it separated from Federal  
14 ownership, riparian rights could not have attached.). Therefore any water rights  
15 are based on the date of appropriation, rather than the date of separation from  
16 Federal ownership. The 1919 Report of Referee states that water was first  
17 appropriated for the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9 in 1884.

18 The 1917 field notes show the land in question being irrigated and show a  
19 common pipe serving the field along with fields to the west. A 1939 aerial  
20 photograph also shows the field being irrigated. The Mayos ask the Referee to  
21 conclude that William Flynn would have farmed this field in conjunction with his  
22 field to the north and west and, therefore, there should be a common priority date.  
23 However, there is no evidence to support this contention. Even though Mr. Flynn  
24 did not own the land until 1891, the Report of Referee showed that water was  
25 appropriated in 1884. If evidence had been presented of an earlier appropriation,  
26

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1 this Referee must presume that the Report of Referee would have reflected that  
2 earlier date. The Report of Referee recognized that some railroad land was being  
3 irrigated prior to the map of definite location being filed. "Many cases were  
4 found, however, where prior to the filing of the map of definite location the land  
5 had been settled upon and water appropriated for use on railroad lands by persons  
6 having bona fide intent to acquire title thereto. Priority from the date of such  
7 appropriation has accordingly been given to such lands." (emphasis added) The  
8 Referee will not deviate from the priority dates established in the 1919 Report of  
9 Referee without strong evidence, which is lacking in this case. The recommendation  
10 made to the Court for Court Claim No. 00807 stands.

11  
12 COURT CLAIM NO. 01501 -- Austin J. Murray  
13 & Ramona A. Murray

14 The Murrays filed two exceptions to the Report of Referee. The first  
15 exceptions was related to diversionary stock water rights through the Purdin Ditch  
16 and the "stock water stipulation." These exceptions were dealt with by the Court  
17 in its Revised Pendente Lite Order Implementing March 22, 1995, Memorandum Opinion:  
18 Re: Wenatchee Creek dated November 21, 1995, wherein the stock water stipulation was  
19 affirmed and the Court recognized a diversionary stock water right through Purdin  
20 Ditch during the non-irrigation season of 0.25 cubic foot per second. The second  
21 exception filed by the Murrays related to a four acre tract that was not confirmed  
22 a water right in the Report of Referee. The Murrays are represented by Attorney J.  
23 Jay Carroll and Jerry Longmire, a neighboring landowner who has lived his entire  
24 life in the Wenatchee Valley, testified at the supplemental hearing.

25 The Murrays own a 4.5 acre parcel that is the north 150 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
26 Section 31, T. 15 N., R. 18 E.W.M. According to Mr. Longmire's testimony, four

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1      acres in this small parcel has been irrigated along with the 40 acre parcel in the  
2      NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31 for as long as he can remember. Water is diverted from Wenas  
3      Creek into the Purdin Ditch, which is the point of diversion described on the  
4      certificate. This is confirmed by looking at the map prepared for the 1919  
5      adjudication. Certificate No. 50, which is a Class 12 right with an 1879 date of  
6      priority issued to George Longmire and authorized the diversion of 2.23 cubic feet  
7      per second from Wenas Creek for the irrigation of 111.6 acres in the S $\frac{1}{2}$ NE $\frac{1}{4}$  and  
8      NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 31, T. 15 N., R. 18 E.W.M. Bruce Buchanan, who owns the rest of  
9      the land described in the certificate was confirmed a right for diverting 1.98  
10     cubic feet per second for the irrigation of 99 acres.

11 It is recommended that a right be confirmed under Court Claim No. 01501 with a  
12 June 30, 1879, date of priority for the diversion of 0.08 cubic foot per second, 12  
13 acre-feet per year for the irrigation of 4 acres in the north 150 feet of the  
14 SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31.

Court Claim No. 00761 was remanded to the Referee in order for the claimants  
18 to submit evidence in support of their claim. Lois Nichols testified at the  
19 supplemental hearing.

The Nichols own approximately 4.5 acres in the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12,  
T. 14 N., R. 18 E.W.M. and are asserting a right to irrigate 1.5 acres of  
landscape. Water is withdrawn from the creek using a 1 HP pump and 1 $\frac{1}{2}$  inch plastic  
pipe. An underground sprinkler system is used with 15 impulse type sprinklers. Up  
to 12 sprinklers can be operated at once. Prior to the Nichols ownership there  
used to be a dam in the creek to divert the water for flood irrigation.

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1 Mrs. Nichols testified that their land was once under the same ownership as the  
2 neighboring Lee Hargroves land and referred the Referee to the testimony and  
3 evidence presented by the Hargroves.

4 Review of the Hargroves evidence was of little assistance to the Referee,  
5 however. Although there may have at one time been common ownership, that was not  
6 the case when the water rights were established. The Nichols property is within  
7 the place of use described on Certificate No. 11 from the 1921 adjudication of  
8 Wenas Creek, which issued to Cleman Dairy. That certificate, with a 1879 date of  
9 priority, authorized the diversion of 2.12 cubic feet per second from Wenas Creek  
10 for the irrigation of 106 acres in the N $\frac{1}{2}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, T. 14 N.,  
11 R. 18 E.W.M. The proportionate share of that certificate which would be  
12 appurtenant to 1.5 acres would be 0.03 cubic foot per second. The point of  
13 diversion authorized in the certificate was in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, T. 14 N.,  
14 R. 18 E.W.M., which is the approximate location where Clemans Ditch diverted from  
15 Wenas Creek. That ditch is no longer used and a prior owner of the property  
16 changed the point of diversion to their property, apparently without complying with  
17 the requirements of RCW 90.03.380. The right recommended for confirmation for the  
18 Hargroves derived from the Iowa Flats Ditch Company certificate and Certificate of  
19 Change recorded in Volume 1-3, Page 57, which issued to Gordon Vose in 1973.

20 The Referee recommends that a right be confirmed to the Nichols with a  
21 June 30, 1879, date of priority for the diversion of 0.03 cubic foot per second,  
22 4.5 acre-feet per year for the irrigation of 1.5 acres. The point of diversion  
23 shall be at the point described in Certificate No. 11. The Nichols should contact  
24 the Central Regional Office of the Department of Ecology concerning the procedures  
25 for seek a change in point of diversion to the location currently being used.

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1  
2 COURT CLAIM NO. 01013 -- Bud Owens  
3 & Jean Owens

4 The Owens took exception to the Referee not recommending that a water right be  
5 confirmed for a 7 acre parcel of land they irrigate in the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10,  
6 T. 14 N., R. 18 E.W.M. The Owens are represented by Attorney Richard Smith. Bud  
7 Owens and Glenn Collins, the Owens son-in-law, testified at the supplemental  
8 hearing.

9 The parcel in question is identified as Parcel C on the deeds that have been  
10 entered into the record and is approximately seven acres in size in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$   
11 of Section 10. The claimants have entered into evidence a chain of title for all  
12 their property, including Parcel C, along with the supporting documents. The  
13 documents show that this parcel was owned by R. F. Taylor, who was awarded a Class  
14 24 right for the irrigation of 6.8 acres in the SW $\frac{1}{4}$  of Section 10. The 1919 map  
15 prepared for the adjudication shows a 6 acre field in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10,  
16 where the claimants parcel C is located. According to Mr. Owens testimony, this  
17 land was being irrigated and operated as part of a dairy when he acquired it in  
18 1958. It is his understanding that a dairy had been operated for the 20 years  
19 preceding his purchase. According to the 1919 Report of Referee, the right was  
20 initiated in 1901. Certificate No. 92 ultimately issued authorizing the diversion  
21 of 0.18 cubic foot per second for the irrigation of 6.8 acres in the SW $\frac{1}{4}$  of  
22 Section 10. The point of diversion authorized is in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9,  
23 T. 14 N., R. 18 E.W.M. Historically, the Taylor Ditch diverted from this point and  
24 carried water into the W $\frac{1}{2}$  of Section 10. That ditch is no longer operational.  
25 Sometime in the past it was abandoned in favor of pumping directly from the creek  
26 into a pipeline on the property. An application for change has been filed with

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1 Ecology seeking approval for the change in point of diversion. As previously ruled  
2 by this Court, the Referee will recommend the historical diversion point and the  
3 claimant is directed to continue with the process for obtaining authorization for  
4 the change in point of diversion.

5 There was quite a bit of testimony about livestock being kept on Parcel C,  
6 however, it is the Referee's impression that until recently the livestock had  
7 access to the creek and drank directly from the creek. After Mr. Owens acquired  
8 the property stock tanks were put on the parcel. The tanks could be filled either  
9 from the irrigation system or from a domestic well. Mr. Collins indicated that the  
10 tanks generally are filled from the well. Presently the parcel is fenced from the  
11 creek, so the livestock cannot drink from the creek. The Referee does not believe  
12 there has been evidence presented that would allow for confirmation of a  
13 diversionary stock water right associated with this parcel.

14 The Referee believes that adequate proof has been presented to show that the  
15 Owens own the 6.8 acre parcel for which Certificate No. 92 issued. Therefore, it  
16 is recommended that a right be confirmed to the claimants with a June 30, 1901,  
17 date of priority for the diversion of 0.18 cubic foot per second, 27.2 acre-feet  
18 per year for the irrigation of 6.8 acres in a portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
19 Section 10.

20  
21 COURT CLAIM NO. 00684 -- James E. Poisel  
22 & Lucinda Poisel

23 Mr. Poisel took exception to the priority date recommended for the right that  
24 was confirmed for the irrigation of 19.46 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3,  
25 T. 14 N., R. 18 E.W.M. While the Referee recognized that the right confirmed in  
26 the 1921 decree for this property carried an 1867 date of priority, a priority date

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1 of 1865 was recommended. This was an error in the original report and the  
2 appropriate priority date should be June 30, 1867. Although this was the only  
3 exception raised by Mr. Poisel, at the supplemental hearing he presented evidence  
4 in an effort to obtain rights to irrigate more acres than were originally  
5 recommended and to show that the 1921 Decree was not correct in assigning classes  
6 or priority dates for portions of the land he now owns.

7 The documents submitted by Mr. Poisel show that Alfred M. Miller obtained two  
8 Homestead Certificates in the late 1800's. Homestead Certificate No. 182 was  
9 signed on August 15, 1876, for the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, the E $\frac{1}{2}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
10 Section 10, T. 14 N., R. 18 E.W.M. (Mr. Poisel owns the W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ , except the north  
11 289 feet, a 228 by 55.79 foot strip in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  and a 160 foot by 240 foot  
12 strip in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10) and Homestead Certificate No. 1556 was signed  
13 on January 10, 1873 for the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3 and the  
14 S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M. (Mr. Poisel owns the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
15 Section 3). Mr. Poisel contends that the water right for the lands in the NW $\frac{1}{4}$ NW $\frac{1}{4}$   
16 of Section 10 should have the same priority date as the lands in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
17 Section 3, because they were homesteaded at the same time and that priority date  
18 should be 1867. It is clear that the water rights confirmed in the 1921 Decree do  
19 not match the homestead certificates and it would be most logical that the  
20 different priority dates would correspond with the homestead certificates.  
21 However, that is not the case. There is nothing in the record to explain why they  
22 were different. Mr. Poisel suggests that as property was sold there was some  
23 dishonesty concerning appurtenant water rights and their priorities. The Referee  
24 cannot come to the same conclusion. Prior to 1917 water rights could be  
25 transferred with no administrative oversight. The landowner at the time,  
26

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1 apparently still the same family as received the homestead certificates, could have  
2 legally moved the water rights around for any number of reasons without having an  
3 effect on the validity of the water right. There is no evidence in the record that  
4 would lead the Referee to alter the recommendation except to correct the error made  
5 on the priority date. The Referee recommends that Page 220 of the Report of  
6 Referee at line 19 be amended to read: "Priority Date: June 30, 1867."

7 In the initial Report of Referee, the Referee identified two certificates that  
8 were appurtenant to land owned by the Poisels and recommended that rights be  
9 confirmed within the limits of those certificates. At the supplemental hearing,  
10 Mr. Poisel presented copies of county assessor maps that show that some of his land  
11 extends into the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 10. The place of use description for the water  
12 right confirmed to the Poisels for the NW $\frac{1}{4}$  of Section 10 includes lands in the  
13 S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 10. The Referee previously found that there were existing rights  
14 for the irrigation of 55 acres in the lands owned by the Poisels in the N $\frac{1}{2}$ NW $\frac{1}{4}$  of  
15 Section 10, including the portion of the land in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10. There  
16 is an additional 0.30 acre lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10 for which a water  
17 right was not originally identified. Certificate No. 60 with a priority date of  
18 1870 is appurtenant to the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10 and authorizes the diversion of  
19 0.58 cubic foot per second for the irrigation of 29.2 acres. A water right was  
20 confirmed to Miles Yates for the irrigation of 28 acres based on this certificate.  
21 The evidence has convinced the Referee that the 0.30 acres owned by the Poisels in  
22 the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10 has historically been irrigated and the recommendation  
23 on Page 229 is amended as follows: line 4, change number of acres to 55.3; line 6  
24 change quantity to 1.106 cubic feet per second, 221.2 acre-feet per year.

25  
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1       Mr. Poisel also seems to be taking exception to the number of acres that were  
2 confirmed a right in the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3. The Referee had recommended that a  
3 right be confirmed for the irrigation of 19.46 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
4 Mr. Poisel has marked on the county assessors map the area he owns in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
5 Section 3, indicating he owns approximately 2.4 acres in the northwest corner of  
6 the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3. He appears to be asserting a right to irrigate  
7 approximately 1.5 acres of that parcel. The evidence presented at the initial  
8 evidentiary hearing was that at that time the Poisels only owned the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
9 Section 3 and the owner of the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, Robert Neslund, had  
10 relinquished the portion of the certificate that was appurtenant to the land not  
11 owned by Mr. Poisel. Mr. Neslund could only relinquish the water right for the  
12 lands he owned when the relinquishment was executed. In order for the Referee to  
13 recommend that a right be confirmed for lands in the E $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3,  
14 evidence that it was owned by Mr. Poisel prior to the time the relinquishment was  
15 executed would be necessary. Therefore, the Referee does not alter the  
16 recommendation for the lands in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3.

17       Mr. Poisel also took exception to the priority dates recommended for Bruce  
18 Buchanan, Claim No. 02212; Christensen Family Trust, Claim No. 01222; Charles  
19 Kisner, Claim No. 00494; Miles Yates, Claim No. 00170; Hazel Cameron, Claim No.  
20 00438; and Lazy Heart B Ranch, Claim No. 00432. His exception to those claims are  
21 discussed on pages 19, 15 and 73, respectively along with other exceptions taken to  
22 those claims.

27       SUPPLEMENTAL REPORT OF REFEREE  
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1  
2 COURT CLAIM NO. 00697 -- Lyle R. Schneider  
3 (A)01383

4 Mr. Schneider took exception to the Referee not recommending that a right be  
5 confirmed for stock watering for his lands in Sections 19 and 30, T. 15 N.,  
6 R. 18 E.W.M. Ecology also took exception to the annual quantity of 5 acre-feet per  
7 acre irrigated recommended for the Schneider water rights and the place of use  
8 description for the right described on page 254 of the Report of Referee. At the  
9 supplemental hearing Ecology withdrew its exception to the annual quantity of  
10 water. Mr. Schneider is represented by Attorney Lawrence E. Martin and John  
11 Feusner, Mr. Schneider's son-in-law, testified at the supplemental hearing.

12 Mr. Feusner testified that up to 300 head of cattle are raised on the  
13 Schneider lands in Sections 19 and 30, T. 15 N., R. 18 E.W.M., requiring 12  
14 acre-feet of water. During the irrigation season they drink water carried in the  
15 irrigation ditches. Affidavits submitted during the initial evidentiary hearing  
16 for Subbasin No. 15 confirm that livestock have historically been raised on the  
17 property and have drank from both Wenas Creek and the Longmire Ditch when it was  
18 operational. The Referee recommends that the rights confirmed to Mr. Schneider for  
19 the irrigation of lands in Sections 19 and 30 be amended to add the use of 12  
20 acre-feet per year for stock watering. Since three separate rights were confirmed  
21 for this property, each right will carry a provision that a total of 12 acre-feet  
22 is used for stock watering between the three water rights. Pages 231, 234 and 254  
23 shall be revised as indicated.

24 According to Mr. Feusner's testimony the land irrigated in the  $W\frac{1}{2}SE\frac{1}{4}$  and  
25  $SE\frac{1}{4}SE\frac{1}{4}$  of Section 19 and the  $NE\frac{1}{4}NE\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M., for  
26 which the Referee recommended confirmation of a right to irrigate 75 acres, all

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1 lies southwest of the North Wenås Road. The legal description for the place of use  
2 on page 254 of the Report of Referee will be amended at line 10½ to add "lying  
3 southwest of the North Wenås Road."

4

5 COURT CLAIM NO. 00472 -- Wenås Irrigation District

6 The Wenås Irrigation District, the Department of Ecology, John and Doug Mayo  
7 and John and Lynn Ashbaugh filed exceptions to the Report of Referee as it  
8 pertained to the rights recommended for Wenås Irrigation District. The district is  
9 represented by Attorney Lawrence E. Martin. John Feusner, President of the Board  
10 of Directors, testified at the supplemental hearing.

11 Some of the exceptions taken by the Wenås Irrigation District and the  
12 Ashbaughs and Mayos have been ruled on previously by the Court. Both the Wenås  
13 Irrigation District and Ecology took exception to the number of acres recommended  
14 by the Referee. During the intitial evidentiary hearing evidence was presented  
15 that led the Referee to conclude that a right was established in 1925 by the  
16 district under the procedures in RCW 90.03 for the irrigation of 2013.5 acres.  
17 When the dam was enlarged in 1980 and the district received a permit and ultimatley  
18 a certificate for the increased storage quantity, the permit and certificate  
19 allowed for the irrigation of 2500 acres. However, the testimony was consistent  
20 that at no time has any more than 2013.5 acres been irrigated by water stored in  
21 Wenås Lake by the Wenås Irrigation District. The Referee recommended that rights  
22 be confirmed to the district for the irrigation of 1808 acres. The Referee reached  
23 this number by subtracting from 2013.5 the acres owned by Craig and Edith Nedrow,  
24 Northwestern Fruit and Produce and Christensen Family Trust that had once been  
25 irrigated with district water. The evidence had lead the Referee to conclude that

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1 Wenas Creek water, either natural flow or storage water, had not been delivered to  
2 these lands since the mid-1960's, and any right to that water had relinquished due  
3 to more than five consecutive years of nonuse, RCW 90.14.160 -.180. At the  
4 supplemental hearing the district presented evidence to show that the shares of  
5 water owned by Nedrow, Northwestern Fruit and Produce and Christensen Family Trust  
6 had been temporarily transferred to other district patrons during the years it was  
7 not used by the owners of the shares. The Referee now believes that there was no  
8 period of five consecutive years of nonuse between 1967 and 1977, since those  
9 shares of water were used on other lands within the district. It is still clear  
10 the Wenas Creek water was not used on the lands to which the shares were originally  
11 attached. Ecology believes that the Referee's original recommendation of 1808 was  
12 not supported by the evidence. The testimony was that the district allows the  
13 transfer of shares and some of the district patrons have more than one share for  
14 each acre they irrigate. As a result, the number of acres irrigated is less than  
15 2013.5 acres. At the time that Ecology issued the permit for the additional  
16 storage, it found that 2013.5 acres were being irrigated. Any reduction in acreage  
17 since that time is not subject to relinquishment due to the ongoing adjudication.  
18 The Referee, therefore, amends the recommendation for Wenas Irrigation District in  
19 the Report of Referee for Subbasin No. 15 at Pages 305 and 307, line 4, to read,  
20 "Use: Irrigation of 2013.5 acres."

21 Ecology also took exception to the Referee's use of the term "water unit,"  
22 however, the Referee did not use that term and does not understand the point of the  
23 exception. It was not addressed by Ecology at the supplemental hearing. The  
24 Referee does not alter any of the recommendations related to Wenas Irrigation  
25 District based on this exception. Ecology excepted to the Referee finding that  
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1 each share of water was entitled to 1.3 acre-feet of storage water, contending that  
2 there was no factual basis to support that figure. The district did submit  
3 evidence that is the quantity of water they attempt to deliver for each share owned  
4 by its patrons. That basically is informational in nature and was used to identify  
5 the maximum quantity of water a claimant in this proceeding would receive from the  
6 district, but was not used to limit the district water right. Again the Referee  
7 does not alter the recommendation for Wenas Irrigation District based on this  
8 exception.

9       The Wenas Irrigation District also took exception to the Sixth Order Pendente  
10 Lite and the date the Referee chose for the end of the storage season. The Court  
11 ruled on these exceptions in its November 21, 1995, Revised Pendente Lite Order  
12 Implementing Memorandum Opinion RE: Petition for Tenth Order Pendente Lite;  
13 Clarification of Ninth Order Pendente Lite; Amendment Sixth Order Pendente Lite;  
14 Exceptions to Report of Referee Subbasin No. 15. Among other things, the Court  
15 upheld the Referee's determination that the storage season for the Wenas Irrigation  
16 District ends on April 1.

17       Ecology raised an exception regarding the period of use language on the two  
18 rights recommended for the district. The period of use identified was for storage  
19 of water, yet the recommendation was for the storage and use of the authorized  
20 quantity of water. Obviously the stored water is not used during the storage  
21 season. The Referee proposes that the language in the Report of Referee for  
22 Subbasin No. 15 be changed on Page 305, line 5, to read, "Period of Use: January 1  
23 to March 31 for storage; April 1 to October 16 for release of water for  
24 irrigation," and on Page 307, line 5, October 17 through March 31 for storage;  
25 April 1 through October 16 for release of water for irrigation." Ecology also took  
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1 exception to the Referee confirming a single right under each priority date for the  
2 storage of water and subsequent use of the water for irrigation. They suggested  
3 that it would be less confusing and reduce opportunity for conflict if two rights  
4 were confirmed under each priority; one for the storage of the water and one for  
5 the use of the water for irrigation. Under the 1979 right, Ecology believes that  
6 the storage right should be 300 acre-feet larger than the irrigation right in  
7 recognition of an agreement with the Department of Wildlife concerning maintaining  
8 a 300 acre-foot base level in the lake. They also asked that the 1979 right  
9 contain the full language of the agreement.

10 The Referee does not believe that it would be appropriate to limit the  
11 irrigation right to 300 less acre-feet than the storage right. According to the  
12 agreement, the amount of water to be retained in storage could vary according to  
13 the prevailing conditions. There was nothing provided by Ecology to support their  
14 belief that the entire language of the Department of Wildlife agreement should be  
15 part of the right confirmed to the district. The permit that Ecology issued did  
16 not contain all of the language, so Ecology's regional office did not deem it  
17 necessary to recite the entire agreement as part of the water right. The agreement  
18 is part of the record, the district, Ecology and Wildlife (now Department of Fish  
19 and Wildlife) all have copies that are readily accessible when needed. The  
20 language used by the the Referee mirrors the language in the permit issued by  
21 Ecology. When Ecology issued Reservoir Certificate No. R4-26435C, it was issued  
22 for storage of 1733 acre-feet per year and use of that water for irrigation of 2500  
23 acres. In 1980 Ecology issued only one right to the district, a consolidated right  
24 to store the water and then use it for irrigation during irrigation season. There  
25 has been no evidence presented to show this has been confusing for the parties

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1 involved. Additionally, Ecology did not propose language for issuing two  
2 certificates rather than one. Therefore, the Referee declines to alter the initial  
3 recommendation, except to identify the irrigation season during which the stored  
4 water may be used, as discussed above.

5 The last exception to be addressed was raised by both Ecology and Wenas  
6 Irrigation District and that was to the appropriate place of use description. The  
7 certificates that issued to Wenas Irrigation District describe a very specific  
8 place of water use, as opposed to the water rights of many irrigation districts  
9 which often describe the place of water use as "Lands within the boundaries of the  
10 XXX Irrigation District." In the mid-1980's, the Wenas Irrigation District amended  
11 its boundaries to add lands by complying with the provisions of RCW 87.555 et seq.  
12 The Referee found that in order to serve lands not specifically described on the  
13 certificates, the district needed to comply with the change procedures identified  
14 in RCW 90.03.380 and change its place of use to add the new lands. Ecology agreed  
15 with this conclusion, but felt that the number of acres for which a right could be  
16 confirmed should exclude those lands irrigated outside the place of use on the  
17 certificates. The Referee disagrees with this position. The district should be  
18 provided the opportunity to change the place of use on its certificates so that the  
19 water right includes those lands. Presumably there are lands within the district  
20 boundary that are no longer irrigated from which the shares were transferred to  
21 cover the new lands (such as Nedrow, Northwestern Fruit, etc.). The district  
22 believes that compliance with RCW 90.03.380 is not necessary due to an amendment to  
23 to RCW 90.03.380 made by the legislature in 1991. That amendment reads: "A change  
24 in place of use by an individual water user or users of water provided by an  
25 irrigation district need only receive approval for the change from the board of  
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1 directors of the district if the use of water continues within the irrigation  
2 district." The Referee disagrees with this interpretation in two ways. First, the  
3 the action by the district to add new lands occurred several years prior to the  
4 amendment of RCW 90.03.380. Prior to 1991, when the amending language was adopted  
5 by the legislature, that section clearly required compliance to serve new lands  
6 added by the district. Second, the Referee believes that the language in the  
7 amendment to RCW 90.03.380 assumed that place of use on the water right broadly  
8 described the irrigation district, rather than the situation that exists for the  
9 Wenas Irrigation District, where specific lands were described. The water rights  
10 for the district do not authorize the use of water on any lands other than those  
11 described on their face. The Court has previously ruled that it does not have the  
12 authority to supersede the statutory authority in RCW 90.03.380. The Referee  
13 maintains the original position that compliance with RCW 90.03.380 is required in  
14 order to have the water right authorize use of water on those lands added to the  
15 district in the mid-1980's.

16 John and Lynn Ashbaugh and John and Doug Mayo also took exception to the  
17 Report of Referee and its findings concerning the Wenas Irrigation District. The  
18 first exception was to the Referee's finding that the district's operation during  
19 storage season was adequate for maintaining a flowing stream for stock watering.  
20 At the time of the evidentiary hearing, the testimony lead the Referee to conclude  
21 that was the case. However, subsequent to that hearing, controversy and problems  
22 associated with wintertime stock watering again arose and have been dealt with by  
23 the Court. The Referee will not address those issues any further. They also took  
24 exception to the Referee not factoring in conveyance loss from the district's dam

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1 to the various diversions from the creek by its patrons. This exception was not  
2 pursued by either the Mayos or the Ashbaughs at the supplemental hearing.  
3

4 COURT CLAIM NO. 02218 -- Zale Kay Wood  
5 & Diane L. Wood

6 The Woods took exception to a right not being confirmed for diversionary stock  
7 watering and to the season of use restriction being placed on confirmed rights.  
8 The Woods did not testify at the supplemental hearing, however, their attorney, J.  
9 Jay Carroll made an appearance on their behalf.

10 Mr. Carroll argued that the certificates from the 1921 adjudication authorize  
11 beneficial use of water and regardless of whether there is a historical basis for  
12 diversionary stock watering on the property any beneficial use of the water can be  
13 made as long as their diversion does not exceed the quantity authorized on the  
14 certificate. The certificate that is appurtenant to the Wood land states:

15 "adjudicated the rights of H. G. Schumacher, Selah, Washington, RFD 1 in  
16 and to the waters of Wenatchee Creek and its tributaries in said county and  
17 state, for beneficial use, as follows: 1.23 second feet (61.5 miners  
18 inches under 4 inch pressure) of Class 9 water, upon 61.5 acres of the  
19 lands hereinafter described," (emphasis added).

20 Under the law of Washington, beneficial use is the basis, the measure and  
21 the limit of the right, Ickes v. Fox, 300 U.S. 82, 81 L. Ed. 525, 57 S. Ct. 412  
22 (1937). The Referee believes that the only beneficial use that can be made of  
23 this water is that which was being made at the time the certificate issued or a  
24 reasonable time thereafter. "Generally, an appropriator is not limited to the  
25 use for which the appropriation was initially made (see In re Alpowa Creek, 129  
26 Wash. 9, 224 P. 29 (1924)). Since 1917, however, by statute changes in use  
must first be approved by the supervisor of water resources, Department of  
Ecology v. Abbott, 103 Wn.2d 686, 694 p.2d 1071 (1985). New uses of the water

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1 cannot be added without complying with the requirements of RCW 90.03.250  
2 through .380.

3 In order for the Referee to recommend confirmation of a diversionary stock  
4 water right to these claimants there needs to be testimony or some other  
5 evidence to show that water has been put to this beneficial use. To the  
6 contrary, all of the testimony has been that the livestock drink directly from  
7 Wenas Creek. The irrigation water is pumped through a piped irrigation system  
8 so there is not even ditches through the property that the livestock could  
9 drink from. Although the quantity of water involved is probably de minimus,  
10 the Referee must stand by the original recommendation that the only stock water  
11 right that should be confirmed is non-diversionary.

12 The claimants also took exception to an irrigation season restriction on  
13 their irrigation right which was recommended for confirmation. Several  
14 claimants took this same exception and it has been addressed as part of the  
15 Purdin Ditch Water Users exception on page 3 of this report.

16 The Referee has noted that although the right that was recommended for  
17 confirmation to the Woods was based on Certificate 76, which is a Class 9 right  
18 with an 1876 date of priority, an 1884 priority date was assigned to the right.  
19 The Referee proposes to correct that error by changing the date of 1884 on page  
20 208, line 16, page 109, line 9 and page 297, line 7 to the date of 1876.

22 COURT CLAIM NO. 00160 -- Miles R. Yates

23 Miles R. Yates filed an exception to the Referee's Report not allowing for  
24 the use of a small pond as a regulating reservoir for his irrigation system.  
25 The Department of Ecology and James Poisel also took exception to the priority

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1 date of June 30, 1867, that was recommended to Mr. Yates. Mr. Yates testified  
2 at the supplemental hearing.

3 According to Mr. Yates' testimony, a small pond was constructed on his  
4 property, about 50 feet from Wenas Creek, at least by the 1930's if not before.  
5 The pond is 30 feet wide, 75 feet long and five feet deep. Water is diverted  
6 from Wenas Creek, piped to the pond, which is used as a regulating reservoir,  
7 and then used to irrigate the fields. Livestock also have access to the pond  
8 and drink from it. The pond is dry when Wenas Creek water is not being  
9 diverted into it. Use of this pond does not involve use of any water other  
10 than what has already been recommended for confirmation under Court Claim No.  
11 00160. However, the testimony has clarified that there is a diversionary stock  
12 water use associated with the irrigation right. The language on page 211,  
13 lines 2 through 7 of the Referee's Report, is modified to acknowledge use of  
14 this pond as part of the irrigation system and recognize the incidental use of  
15 Wenas Creek water for stock watering in conjunction with irrigation. Page 224,  
16 line 3½ is modified to add "and stock water" after the word acres and line 5½  
17 is modified to read "0.56 cubic foot per second, 112 acre-feet per year for  
18 irrigation; 2 acre-feet per year for stock water.

19 The Referee has reviewed the Report of Referee for Subbasin No. 15, the  
20 1919 Report of Referee and the 1921 Wenas Decree, and believes an error was  
21 made in assigning a priority date to this former Class 2 right. A date of 1867  
22 was assigned, however, according to the 1919 Report of Referee, the land was  
23 first settled and the water right initiated in 1870. Mr. Yates submitted a  
24 patent dated January 10, 1873, which issued to Alfred M. Miller, and argued  
25 that in order for a patent to have issued in 1873, the land had to have been

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1 settled by 1868, therefore, that would be the appropriate priority date. The  
2 patent offered by Mr. Yates, however, is for the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, the  
3 SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3 and the S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M. Mr.  
4 Yates land lies in the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10, which is not described  
5 in the patent he offered. Doug Mayo offered a second patent which issued to  
6 Alfred Miller on August 15, 1876, for the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, and the E $\frac{1}{2}$ NW $\frac{1}{4}$   
7 and SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M., which does include the Yates  
8 property.

9 Many claimants have argued the relation back theory offered by Mr. Yates,  
10 i.e., when a patent issues it can be assumed that the land was settled at least  
11 5 years prior to that date. On January 19, 1995, the Court issued a Memorandum  
12 Opinion directing the Referee to not make an automatic relation back  
13 calculation based on the date of the patent. The claimants may, however,  
14 submit proof to support a priority date earlier than the patent. The Referee  
15 believes in this case the proof is the 1919 Report of Referee which indicates  
16 that the land was settled and the water right initiated in 1870. Therefore,  
17 the priority date on page 224 of the Report of Referee, line 6 $\frac{1}{2}$  is changed to  
18 June 30, 1870.

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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 April 11, 1996:

The various exceptions that were filed resulted in many of the rights confirmed being modified. In order to assist in future administration of the water rights in Subbasin No. 15, the Referee has chosen to list all of the rights recommended for confirmation, including those not modified. Based upon the additional testimony and evidence obtained at either the exception hearing or the supplemental hearing, the Report of Referee - Subbasin No. 15, dated June 6, 1994, should be modified and pages 219 through 307 are replaced with the following:

CLAIMANT NAME: **Bruce Buchanan  
& Karron M. Buchanan** COURT CLAIM NO. 02212

Source: South Fork of Wenatchee Creek

Use: Irrigation of 40 acres

Period of Use: April 1 to October 15

Quantity: 1.0 cubic foot per second, 120 acre-feet per year

Priority Date: **June 30, 1865**

Point of Diversion: Within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32 T. 15 N., R. 18 E.M.

Place of Use: The SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M.

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1 CLAIMANT NAME: **Christensen Family Trust** COURT CLAIM NO. 01222  
2 Source: Wenas Creek  
3 Use: Irrigation of 19.5 acres  
4 Period of Use: March 15 to October 15  
5 Quantity: 0.49 cubic foot per second, 78 acre-feet per year  
6  
7 Priority Date: **June 30, 1865**  
8 Point of Diversion: Within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE, SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.  
9 Place of Use: The S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.  
10 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 78 acre-feet per year can be used under this right and any right the land may enjoy through the Wenas Irrigation District.  
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12  
13 CLAIMANT NAME: **Chuck Kisner** COURT CLAIM NO. 00494  
14 Source: Wenas Creek  
15 Use: Irrigation of 80 acres  
16 Period of Use: April 1 to October 15  
17 Quantity: 2.0 cubic feet per second, 320 acre-feet per year  
18 Priority Date: **June 30, 1865**  
19 Point of Diversion: 340 feet north and 600 feet east from the southwest corner of Section 29, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 15 N., R. 18 E.W.M.  
20  
21 Place of Use: The NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M.  
22  
23 Limitations of Use: This land enjoys a supplemental water right for use of an unnamed pond. The maximum quantity of water that can be applied to this land shall not exceed 320 acre-feet under this right and the supplemental right.  
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1 CLAIMANT NAME: **Rudolph Frausto**  
2 & **Konnie Frausto** COURT CLAIM NO. 02131  
3 Source: Wenas Creek  
4 Use: Irrigation of 15 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.04 cubic foot per second, 12 acre-feet per year  
7 Priority Date: **June 30, 1867**  
8 Point of Diversion: 1,200 feet north and 1,058 feet west from the southeast  
9 corner of Section 11, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
10 Section 11, T. 14 N., R. 18 E.W.M.  
11 Place of Use: The W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, T. 14 N., R. 18 E.W.M.

12 CLAIMANT NAME: **John Hermanson**  
13 & **Sandra E. Hermanson** COURT CLAIM NO. 01576  
14 Source: Wenas Creek  
15 Use: Irrigation of 15 acres  
16 Period of Use: April 1 to October 15  
17 Quantity: 0.315 cubic foot per second, 37.5 acre-feet per year  
18 Priority Date: **June 30, 1867**  
19 Point of Diversion: 400 feet north and 275 feet west from the southeast corner  
20 of Section 11, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11,  
T. 14 N., R. 18 E.W.M.  
21 Place of Use: The E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, T. 14 N., R. 18 E.W.M., lying  
22 north and east of Wenas Creek.

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1 CLAIMANT NAME: **Loren G. Kjeldgaard**  
2 & **Patricia C. Kjeldgaard** COURT CLAIM NO. 01200  
3  
4 Source: Wenas Creek  
5 Use: Irrigation of 1.75 acres  
6 Period of Use: April 1 to October 15  
7 Quantity: 0.035 cubic foot per second, 5.25 acre-feet per year  
8 Priority Date: **June 30, 1867**  
9 Point of Diversion: **SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M.**  
10 Place of Use: The east 220 feet of the west 880 feet of the south 495  
11 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, T. 14 N., R. 18 E.W.M.,  
12 lying south of Wenas Creek.  
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1 CLAIMANT NAME: **Charles Douglas Mayo** & **John Strand Mayo** COURT CLAIM NO. 00805  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 59.4 acres  
5 Period of Use: April 1 to October 31  
6 Quantity: 1.19 cubic feet per second, 207.9 acre-feet per year  
7 Priority Date: **June 30, 1867**  
8 Point of Diversion: 600 feet south and 1000 feet east of the northeast corner  
9 of Section 9, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9,  
T. 14 N., R. 18 E.W.M.  
10 Place of Use: The S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M., except the  
11 following described two parcels: 1) Beginning at the  
12 northwest corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, thence S  
13 89°56'04" 1097.46 feet; thence S 17°13'28" W 388.88 feet;  
14 thence S 31°32'13" E 388.44 feet; thence S 61°20'23" E  
15 208.39 feet; thence S 04°58'16" 246.26 feet; thence S  
16 34°03'11" E 330.87 feet; thence N 89°55' 38" W 401.38  
17 feet; thence N 05°49'14" W 97.13 feet; thence N 15°52'39"  
18 E 79.63 feet; thence N 47°32'25" W 138.30 feet; thence N  
19 73°45'07" W 87.98 feet; thence N 38°46'04" W 365.36; S  
20 68°57'40" W 178.06 feet; thence S 84°46'16" W 83.87 feet;  
21 thence N 01°21'41" W 156.01 feet; thence N 55°19'33" E  
22 55.64 feet; thence N 20°14'22" W 71.22 feet; thence N  
23 60°31'39" W 64.07 feet; thence N 55°55'33" W 84.75 feet;  
24 thence N 11°08'35" W 113.04 feet; N 07°30'06" W 134.79;  
25 thence S 72°29'14" W 140.25 feet; thence S 75°04'47" W  
109.27 feet; thence N 85°22'05" W 137.57 feet; thence N  
00°45'26" E 299.42 feet to the point of beginning. 2)  
Beginning at a point approximately 647 feet north of the  
south quarter corner of Section Section 4; thence S  
00°45'26" W 74.65 feet; thence S 54°49'48" E 56.02 feet;  
thence S 23°22'13" E 102.13 feet; thence S 46°33'05" E  
43.08 feet; thence S 01°32'58" W 106.20 feet; thence S  
42°09'58" E 172.65 feet; S 54°47'46" E 146.34 feet; thence  
S 17°30'01" E 138.39 feet; thence S 89°55'38" E 114.46  
feet; thence N 41°06'33" W 100.89 feet; thence N 12°00'40"  
W 79.38 feet; thence N 53°29'33" W 96.46 feet; thence N  
56°07'29" W 110.68 feet; thence N 35°17'38" W 137.92 feet;  
thence N 00°00'00" E 116.06 feet; thence N 44°54'30" W  
72.20 feet; thence N 25°24'19" W 93.71 feet; thence N  
61°56'29" W 93.08 feet to the point of beginning.

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **James E. Poisel** & **Lucinda Poisel** COURT CLAIM NO. 00684  
2 Source: Wenas Creek  
3 Use: Irrigation of 19.46 acres  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.39 cubic foot per second, 77.84 acre-feet per year  
6 Priority Date: **June 30, 1867**  
7 Point of Diversion: 300 feet south and 1,200 feet west from the center of  
8 Section 4, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T. 14 N.,  
R. 18 E.W.M.  
9 Place of Use: The W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 3, T. 14 N., R. 18 E.W.M.  
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11 CLAIMANT NAME: **Delores A. Rupe1** COURT CLAIM NO. 01021  
12 Source: Wenas Creek  
13 Use: Irrigation of 4.50 acres  
14 Period of Use: April 1 to October 15  
15 Quantity: 0.09 cubic foot per second, 13.5 acre-feet per year  
16 Priority Date: **June 30, 1867**  
17 Point of Diversion: 300 feet north and 990 feet east from the southwest corner  
18 of Section 12, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12,  
T. 14 N., R. 18 E.W.M.  
19 Place of Use: The south 495 feet of the east 440 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$   
20 of Section 12, T. 14 N., R. 18 E.W.M.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15  
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Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Thomas Robert Rupel** COURT CLAIM NO. 00862  
2 & **Delores A. Rupel**

3 Source: Wenas Creek

4 Use: Irrigation of 11.2 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.224 cubic foot per second, 33.6 acre-feet per year

7 Priority Date: **June 30, 1867**

8 Point of Diversion: 300 feet north and 990 feet east of the southwest corner  
9 of Section 12, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12,  
T. 14 N., R. 18 E.W.M.

10 Place of Use: The east 220 feet of the west 660 feet of the south 495  
feet and the north 405 feet of the south 900 feet of the  
west 935 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, T. 14 N.,  
R. 18 E.W.M.

13 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
14 (A)01383

15 Source: Wenas Creek

16 Use: Irrigation of 32 acres

17 Period of Use: March 1 to October 15

18 Quantity: 0.64 cubic foot per second, 154.6 acre-feet per year

19 Priority Date: **June 30, 1867**

20 Point of Diversion: 1,200 feet south and 500 feet east from the center of  
Section 11, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11,  
T. 14 N., R. 18 E.W.M.

22 Place of Use: That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11, T. 14 N.,  
R. 18 E.W.M. lying north of Wenas Creek.z

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Mary Helen Brimbel** COURT CLAIM NO. 01638  
2 Source: Wenas Creek  
3 Use: Irrigation of 3 acres  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.06 cubic foot per second, 12 acre-feet per year  
6 Priority Date: **June 30, 1870**  
7 Point of Diversion: 1,060 feet south and 920 feet west from the center of  
8 Section 11, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11,  
T. 14 N., R. 18 E.W.M.  
9 Place of Use: That portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 14 N.,  
10 R. 18 E.W.M. lying south of Wenas Creek.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Hazel Cameron** COURT CLAIM NO. 00438  
2 (A) 01378

3 Source: Wenas Creek

4 Use: Irrigation of 100 acres and stock water

5 Period of Use: March 1 to October 15

6 Quantity: 2.0 cubic feet per second, 435.6 acre-feet per year for  
irrigation; 3 acre-feet per year for stock water

7 Priority Date: **June 30, 1870**

8 Point of Diversion: 1. 500 feet north and 1,100 feet west from the south  
quarter corner of Section 12, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   
of Section 12, T. 15 N., R. 17 E.W.M.  
2. 900 feet south and 800 feet west from the north  
quarter corner of Section 13, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$   
of Section 13, T. 15 N., R. 17 E.W.M.  
3. 550 feet north and 650 feet east of the west quarter  
corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
Section 12, T. 15 N., R. 17 E.W.M.

13 Place of Use: That portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$  lying east of Wenas Creek, the  
SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, T. 15 N.,  
R. 17 E.W.M.

15 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 500 acre-feet per year  
can be used under this right and any right the land may  
enjoy through the Wenas Irrigation District.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Ronald L. Dixon** COURT CLAIM NO. 06278  
2 & **Marcia L. Dixon**

3 Source: Wenas Creek

4 Use: Irrigation of 14.5 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.29 cubic foot per second, 58 acre-feet per year

7 Priority Date: **June 30, 1870**

8 Point of Diversion: Within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 14 N., R. 18 E.W.M.

9 Place of Use: That portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, T. 14 N.,  
R. 18 E.W.M., described as follows: Beginning at a point  
N 88°58'06" E 225.97 feet from the northwest corner of  
said quarter quarter; thence N 88°58'06" E 657.34 feet;  
thence S 0°11'34" S 800.52 feet; thence S 88°58'05" W  
200.05 feet; thence S 0°11'34" W 393.35 feet; thence  
N 66°57'26" W 201.33 feet; thence N 67°35'56" W 293.38  
feet; thence N 0°11'34" W 995.01 feet to the point of  
beginning; EXCEPT buildings, roads and Wenas Creek.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Lazy Heart B, Inc.** COURT CLAIM NO. 00432  
2 Source: Wenas Creek (A)01362  
3 Use: Irrigation of 60 acres  
4 Period of Use: March 1 to October 15  
5 Quantity: 1.2 cubic feet per second, 217.8 acre-feet per year  
6 Priority Date: **June 30, 1870**  
7 Point of Diversion: 1. 900 feet south and 800 feet west from the north  
8 quarter corner of Section 13, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$   
9 of Section 13, T. 15 N., R. 17 E.W.M.  
10 2. 550 feet north and 650 feet east of the west quarter  
11 corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
12 Section 12, T. 15 N., R. 17 E.W.M.  
13 Place of Use: That portion of the E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 13, T. 15 N.,  
14 R. 17 E.W.M., lying west of Wenas Creek.  
15 Limitations of Use: This land receives supplemental water from the Wenas  
16 Irrigation District. A maximum of 295.8 acre-feet per  
17 year can be used under this right and any right the land  
18 may enjoy through the district.  
19  
20 CLAIMANT NAME: **Jerry Longmire** COURT CLAIM NO. 01742  
21 & Dorothy Longmire  
22 Laura Longmire  
23 Source: South Fork of Wenas Creek  
24 Use: Irrigation of 80 acres and stock water  
25 Period of Use: March 15 to October 15  
26 Quantity: 1.60 cubic feet per second, 320 acre-feet per year  
27 Priority Date: **June 30, 1870**  
28 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.  
Place of Use: The E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **James E. Poisel** & **Lucinda Poisel** COURT CLAIM NO. 00684  
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3 Source: Wenas Creek  
4 Use: Irrigation of 55.3 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 1.106 cubic feet per second, 221.2 acre-feet per year  
7 Priority Date: **June 30, 1870**  
8 Point of Diversion: 300 feet south and 1,200 feet west from the center of  
9 Section 4, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T. 14 N.,  
R. 18 E.W.M.  
10 Place of Use: That portion of the NW $\frac{1}{4}$  of Section 10, T. 14 N.,  
11 R. 18 E.W.M. described as follows: Beginning at the  
12 northwest corner of Section 10; thence south 1,305.4 feet  
13 to the southwest corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence east along  
14 the south line thereof 1,283.4 feet; thence south parallel  
15 with the east line of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  228 feet; thence  
16 southeasterly in a straight line to a point on the east  
17 line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  425 feet south of the northeast corner  
18 of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence N 2°00' W along the east line of the  
19 NW $\frac{1}{4}$  to a point 289.6 feet S 2°00' E of the north line of  
20 said NW $\frac{1}{4}$ ; thence N 90°00' W parallel with the north line  
21 1,960 feet, more or less; thence north 289.6 feet; thence  
22 west 671.8 feet to the northwest corner of the NW $\frac{1}{4}$  and the  
23 point of beginning of this description.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Lee Rider** COURT CLAIM NO. 04613  
2 Source: Wenas Creek  
3 Use: Irrigation of 4 acres  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.08 cubic foot per second, 16 acre-feet per year  
6 Priority Date: **June 30, 1870**  
7 Point of Diversion: Within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 14 N., R. 18 E.W.M.  
8 Place of Use: The east 455.88 feet of the north 861.58 feet of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M.; EXCEPT the east 55.79 feet thereof.  
  
10 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
11 (A)01383  
12 Source: Wenas Creek  
13 Use: Irrigation of 80 acres and stock water  
14 Period of Use: March 1 to October 15  
15 Quantity: 1.6 cubic feet per second, 386.5 acre-feet per year for irrigation, 12 acre-feet per year for stock water  
16 Priority Date: **June 30, 1870**  
17 Point of Diversion: 1. 1,050 feet south and 950 feet east from the northwest corner of Section 19, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 19, T. 15 N., R. 18 E.W.M.  
2. 600 feet south and 600 feet west from the center of Section 19, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19, T. 15 N., R. 18 E.W.M.  
18 Place of Use: The NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19, both in T. 15 N., R. 18 E.W.M.  
19 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 400 acre-feet per year can be used under this right and any right the land may enjoy through the district. A maximum of 12 acre-feet per year is used for stock watering on lands in Section 19 and 30 under this right and rights under confirmed with a June 30, 1871, and June 30, 1875, date of priority.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
2 (A)01383

3 Source: An unnamed spring

4 Use: Stock water

5 Period of Use: Continuous

6 Quantity: 0.04 cubic foot per second, 8 acre-feet per year

7 Priority Date: **June 30, 1870**

8 Point of Diversion: 1,000 feet south and 700 feet west from the north quarter  
9 corner of Section 7, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
Section 7, T. 15 N., R. 18 E.W.M.

10 Place of Use: The S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 7, T. 15 N.,  
R. 18 E.W.M.

11

12 CLAIMANT NAME: **John E. Turner** COURT CLAIM NO. 04514  
13 & **Ricki K. Turner**

14 Source: Wenas Creek

15 Use: Irrigation of 7 acres

16 Period of Use: April 1 to October 15

17 Quantity: 0.14 cubic foot per second, 28 acre-feet per year

18 Priority Date: **June 30, 1870**

19 Point of Diversion: 1,142 feet north and 160 feet east from the west quarter  
20 corner of Section 10, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
Section 10, T. 14 N., R. 18 E.W.M.

21 Place of Use: Those portions of the E $\frac{1}{2}$ E $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 9, AND the  
22 W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M.,  
described as follows: Beginning at the northeast corner  
23 of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9; thence east 225.97 feet;  
thence south 599.01 feet to the north right-of-way of the  
24 South Wenas Road; thence northwest along said right-of-way  
25 230 feet, more or less; thence north 449.4 feet; thence  
N 87° W 243 feet; thence north 687.08 feet; thence  
S 85°42' E 213.56 feet; thence south 230 feet, more or  
less, to the point of beginning: EXCEPT buildings, roads,  
and Wenas Creek.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Miles R. Yates** COURT CLAIM NO. 00160  
2 Source: Wenas Creek  
3 Use: Irrigation of 28 acres and stock water  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.56 cubic foot per second, 112 acre-feet per year for  
irrigation and 2 acre-feet per year for stock water  
6 Priority Date: **June 30, 1870**  
7 Point of Diversion: 250 feet north and 500 feet west from the center of  
Section 10, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10,  
T. 14 N., R. 18 E.W.M.  
8 Place of Use: That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10,  
T. 14 N., R. 18 E.W.M., lying south of the following  
described line: Beginning at a point 228 feet south and  
55.79 feet west of the northwest corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
said section; thence southeasterly to the point of  
terminus 425 feet south of the northeast corner of said  
quarter-quarter section.  
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14 CLAIMANT NAME: **Hershel Zeigler** COURT CLAIM NO. 00562  
15 Source: Wenas Creek  
16 Use: Irrigation of 40 acres  
17 Period of Use: April 1 to October 15  
18 Quantity: 0.80 cubic foot per second, 160 acre-feet per year  
19 Priority Date: **June 30, 1870**  
20 Point of Diversion: Within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M.  
21 Place of Use: The NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 14 N., R. 18 E.W.M.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15  
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Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Christensen Family Trust** COURT CLAIM NO. 01222  
2 Source: South Fork Wenas Creek  
3 Use: Irrigation of 20 acres and stock watering  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.50 cubic foot per second, 80 acre-feet per year; 2  
6 acre-feet per year for stock watering  
7 Priority Date: **June 30, 1871**  
8 Point of Diversion: 660 feet north and 250 feet east of the center of  
9 Section 30, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30,  
T. 15 N., R. 18 E.W.M.  
10 Place of Use: The N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.  
11 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
12 (A)01383  
13 Source: Wenas Creek  
14 Use: Irrigation of 144.92 acres and stock water  
15 Period of Use: March 1 to October 15  
16 Quantity: 2.75 cubic feet per second, 664 acre-feet per year for  
irrigation and 12 acre-feet per year for stock watering  
17 Priority Date: **May 30, 1871**  
18 Point of Diversion: Within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, T. 15 N., R. 28 E.W.M.  
19 Place of Use: Government Lots 1 and 2, the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 19, T. 15 N., R. 18 E.W.M.  
20 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 724.6 acre-feet per  
year can be used under this right and any right the land  
may enjoy through the district. A maximum of 12 acre-feet  
per year is used for stock watering in Sections 19 and 30  
under this right those rights recommended for confirmation  
with a June 30, 1870 and June 30, 1875, date of priority.

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **John Ashbaugh** COURT CLAIM NO. 00204  
2 & **Lynn Ashbaugh** (A)04297

3 Source: Wenas Creek and Spring Creek

4 Use: Irrigation of 51 acres

5 Period of Use: April 1 to October 15

6 Quantity: 1.02 cubic feet per second, 204 acre-feet per year

7 Priority Date: **June 30, 1871**

8 Point of Diversion: Within the  $SE\frac{1}{4}NW\frac{1}{4}$ ,  $NE\frac{1}{4}SW\frac{1}{4}$ , and  $SW\frac{1}{4}SE\frac{1}{4}$  of Section 32,  
T. 15 N., R. 18 E.W.M.

9 Place of Use: Government Lot 1 of Section 5, T. 14 N., R. 18 E.W.M., AND  
10 that portion of Government Lot 2 of Section 5, T. 14 N.,  
11 R. 18 E.W.M., lying northeast of the following described  
12 line: Beginning at the southeast corner of said Lot 2;  
thence N  $21^{\circ}$  W 1,450 feet, more or less, to a point of  
terminus on the north line of said lot.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **John Ashbaugh** & **Lynn Ashbaugh** COURT CLAIM NO. 02212  
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3 Source: South Fork of Wenas Creek  
4 Use: Irrigation of 90 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 1.8 cubic feet per second, 270 acre-feet per year  
7 Priority Date: **June 30, 1871**  
8 Point of Diversion: Within the  $SE\frac{1}{4}NW\frac{1}{4}$  of Section 30 and the  $SW\frac{1}{4}NW\frac{1}{4}$  and  $NE\frac{1}{4}SW\frac{1}{4}$  of Section 32, T. 15 N., R. 17 E.W.M.  
9  
10 Place of Use: The  $N\frac{1}{2}SW\frac{1}{4}$  lying southwest of the South Fork of Wenas Creek and the  $SE\frac{1}{4}SW\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M..  
11  
12 CLAIMANT NAME: **Alfred M. Calvert** COURT CLAIM NO. 01652  
13 Source: Wenas Creek  
14 Use: Irrigation of 51 acres  
15 Period of Use: April 1 to October 15  
16 Quantity: 1.02 cubic feet per second, 204 acre-feet per year  
17 Priority Date: **June 30, 1871**  
18 Point of Diversion: 800 feet south and 60 feet east from the northwest corner of Section 4, being within the  $SW\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M.  
19  
20 Place of Use: Those portions of the  $SE\frac{1}{4}NW\frac{1}{4}$  and the  $NE\frac{1}{4}SW\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M., lying south of the North Wenas Road and east of the following described line: Beginning at a point 283.8 feet east of the southwest corner of the  $NE\frac{1}{4}SW\frac{1}{4}$  of said section; thence N  $15^{\circ}$  E 207.24 feet; thence N  $25^{\circ}30'$  W 168.96 feet; thence N  $58^{\circ}30"$  W 198 feet; thence N  $39^{\circ}$  W 52.14 feet; thence N  $47^{\circ}30'$  E 132 feet; thence N  $34^{\circ}45'$  E 198 feet; thence N  $10^{\circ}30'$  E 141.9 feet; thence N  $34^{\circ}$  W 237.6 feet; thence N  $3^{\circ}45'$  E 1350 feet, more or less, to the point of termination on the south right-of-way on the North Wenas Road.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15  
28

1 CLAIMANT NAME: **Florence W. Calvert** COURT CLAIM NO. 01492  
2 (A)02414

3 Source: Wenas Creek

4 Use: Irrigation of 45 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.90 cubic foot per second, 186.9 acre-feet per year

7 Priority Date: **June 30, 1871**

8 Point of Diversion: 700 feet south and 100 feet east of the northwest corner  
9 of Section 4, being within Government Lot 4 of Section 4,  
T. 14 N., R. 18 E.W.M.

10 Place of Use: That portion of Section 4, T. 14 N., R. 18 E.W.M.  
described as follows: The SW $\frac{1}{4}$ NW $\frac{1}{4}$ , those portions of the  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying north and west of the  
following described line: Beginning at the west quarter  
corner of Section 4; thence east 382.14 feet; thence N  
86°30' E 906.84 feet; thence S 79°30' E 166.32 feet;  
thence northeasterly to a point on the south line of the  
county road, 297 feet east of the west line of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Cliff Egge**  
2 & **Liz Egge** COURT CLAIM NO. 01644

3 Source: Wenas Creek

4 Use: Irrigation of 15 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.26 cubic foot per second, 45 acre-feet per year

7 Priority Date: **June 30, 1871**

8 Point of Diversion: Within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

9 Place of Use: The North 580 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T. 15 N.,  
R. 18 E.W.M.

10 Limitations of Use: This land receives supplemental water from the Wenas  
11 Irrigation District. A maximum of 65.28 acre-feet per  
12 year can be used under this right and any right the land  
may enjoy through the district.

13 CLAIMANT NAME: **Bob Homier**  
14 & **Bev Homier** COURT CLAIM NO. 01644

15 Source: Wenas Creek

16 Use: Irrigation of 22.5 acres

17 Period of Use: April 1 to October 15

18 Quantity: 0.56 cubic foot per second, 67.5 acre-feet per year

19 Priority Date: **June 30, 1871**

20 Point of Diversion: Within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

21 Place of Use: The south 740 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T. 15 N.,  
R. 18 E.W.M.

22 Limitations of Use: This land receives supplemental water from the Wenas  
23 Irrigation District. A maximum of 91.16 acre-feet per  
24 year can be used under this right and any right the land  
may enjoy through the district.

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Paul Madison** COURT CLAIM NO. 01644  
2 & **Helen Madison**

3 Source: Wenas Creek

4 Use: Irrigation of 39 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.975 cubic foot per second, 117 acre-feet per year

7 Priority Date: **June 30, 1871**

8 Point of Diversion: Within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

9 Place of Use: The NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

10 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 180.3 acre-feet per year can be used under this right and any right the land may enjoy through the district.

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13 CLAIMANT NAME: **John Strand Mayo** COURT CLAIM NO. 05225  
14 & **Nancy Clair Mayo**

15 Source: South Fork of Wenas Creek

16 Use: Irrigation of 39.5 acres

17 Period of Use: April 1 to October 15

18 Quantity: 0.79 cubic foot per second, 138.25 acre-feet per year

19 Priority Date: **June 30, 1871**

20 Point of Diversion: 600 feet south and 1,000 feet east from the north quarter corner of Section 5, being within Government Lot 2 of Section 5, T. 14 N., R. 18 E.W.M.

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22 Place of Use: The SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 5, T. 14 N., R. 18 E.W.M.

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **John Strand Mayo** COURT CLAIM NO. 05227  
2 & **Nancy Clair Mayo**

3 Source: South Fork of Wenatchee Creek

4 Use: Irrigation of 39.5 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.79 cubic foot per second, 138.25 acre-feet per year

7 Priority Date: **June 30, 1871**

8 Point of Diversion: 600 feet south and 1,000 feet east from the north quarter  
9 corner of Section 5, being within Government Lot 2 of  
Section 5, T. 14 N., R. 18 E.W.M.

10 Place of Use: Those portions of the  $\text{N} \frac{1}{2} \text{SW} \frac{1}{4}$  of Section 4, T. 14 N.,  
R. 18 E.W.M., lying south and west of Wenatchee Creek.

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12 CLAIMANT NAME: **Austin J. Murray** COURT CLAIM NO. 01501  
13 & **Ramona A. Murray**

14 Source: South Fork of Wenatchee Creek

15 Use: Irrigation of 20 acres

16 Period of Use: March 15 to October 15

17 Quantity: 0.40 cubic foot per second, 60 acre-feet per year

18 Priority Date: **June 30, 1871**

19 Point of Diversion: 550 feet south and 980 feet east of the north quarter  
20 corner of Section 24, being within the  $\text{NW} \frac{1}{4} \text{NE} \frac{1}{4}$  of  
Section 24, T. 15 N., R. 18 E.W.M.

21 Place of Use: The  $\text{S} \frac{1}{2} \text{SW} \frac{1}{4} \text{SE} \frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

22 Limitations of Use: This land receives supplemental water from the Wenatchee  
23 Irrigation District. A maximum of 86 acre-feet per year  
can be used under this right and any right the land may  
have through the district.

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Bud Owens** COURT CLAIM NO. 01013  
2 & **Jean Owens**

3 Source: Wenas Creek

4 Use: Irrigation of 40 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.80 cubic foot per second, 120 acre-feet per year

7 Priority Date: **June 30, 1871**

8 Point of Diversion: 250 feet south and 720 feet east from the center of  
9 Section 10, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10,  
T. 14 N., R. 18 E.W.M.

10 Place of Use: The SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M.

11 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
12 (A)01383

13 Source: Wenas Creek

14 Use: Irrigation of 80 acres

15 Period of Use: March 1 to October 15

16 Quantity: 1.60 cubic feet per second, 386.5 acre-feet per year

17 Priority Date: **June 30, 1871**

18 Point of Diversion: 1,200 feet south and 500 feet east of the center of  
19 Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11,  
T. 14 N., R. 18 E.W.M.

20 Place of Use: The SE $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, T. 14 N.,  
R. 18 E.W.M.

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

28 Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME:

E. E. Stohsner  
& Helen R. Stohsner  
John Ashbaugh  
& Lynn Ashbaugh

COURT CLAIM NO. 00945

(A)04298

4 Source:

Wenas and Spring Creeks

5 Use:

Wenas Creek--Irrigation of 55.2 acres Spring  
Creek--Irrigation of 10 acres

6 Period of Use:

April 1 to October 15

7 Quantity:

1.3 cubic feet per second, 260.8 acre-feet per year

8 Priority Date:

June 30, 1871

9 Point of Diversion:

10 Within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32,  
T. 15 N., R. 18 E.W.M.

11 Place of Use:

12 Wenas Creek--That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 32,  
T. 15 N., R. 18 E.W.M. lying northeast of Dry Creek and  
13 southwest of the following described line: Beginning 290  
feet south and 30 feet east from the center of said  
section; thence S 87° E 178.11 feet; thence S 64°30' E 196  
feet; thence S 56° E 616 feet; thence S 55°30' E 268.21  
feet; thence S 42° E 250 feet, more or less; thence  
S 17° E 430 feet, more or less; thence south 235 feet,  
more or less; thence east 80 feet to a point of terminus  
on the east line of said W $\frac{1}{2}$ SE $\frac{1}{4}$ . ALSO That part of the  
14 following described parcel lying southerly of the Wenas  
Road: Beginning at a point 157 feet north of the  
southeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 25 N.,  
R. 18 E.W.M.; thence N 734 feet to the southeast corner of  
15 the school ground; thence W 241 feet; thence S 416 feet;  
thence S 18°45' E 335 feet; thence E 134 feet to the point  
of beginning.

16 Spring Creek--That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32,  
T. 15 N., R. 18 E.W.M., lying southwest of the South Fork  
17 of Wenas Creek.

22 SUPPLEMENTAL REPORT OF REFEREE

23 Re: Subbasin No. 15

24 Referee's Office  
15 W. Yakima Ave Ste. 200  
25 Yakima, WA 98902-3401

1 CLAIMANT NAME: **Arthur E. Bertelsen** COURT CLAIM NO. 00434  
2 (A)01379

3 Source: Wenas Creek

4 Use: Irrigation of 124.6 acres

5 Period of Use: April 1 to October 31

6 Quantity: 2.49 cubic feet per second, 747.6 acre-feet per year for  
irrigation; 1 acre-foot per year for stock water

7 Priority Date: **June 30, 1872**

8 Point of Diversion: 1. 330 feet north and 330 feet east of the center of  
Section 24, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24,  
T. 16 N., R. 16 E.W.M.  
2. 200 feet south and 370 feet east of the north quarter  
corner of Section 30, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 30, T. 16 N., R. 17 E.W.M.  
3. 100 feet south and 460 feet west of the east quarter  
corner of Section 30, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
Section 30, T. 16 N., R. 17 E.W.M.

13 Place of Use: The W $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T.  
14 16 N., R. 17 E.W.M.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Christensen Family Trust** COURT CLAIM NO. 01222  
2 Source: Wenas Creek  
3 Use: Irrigation of 17 acres  
4 Period of Use: March 15 to October 15  
5 Quantity: 0.425 cubic foot per second, 68 acre-feet per year  
6 Priority Date: **June 30, 1872**  
7 Point of Diversion: Within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.  
8 Place of Use: That portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 15 N., R. 18 E.W.M. lying west of the North Wenas Road.  
9 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 68 acre-feet per year can be used under this right and any right the land may enjoy through the Wenas Irrigation District.  
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13 CLAIMANT NAME: **Cliff Egge & Liz Egge** COURT CLAIM NO. 01644  
14 Source: Wenas Creek  
15 Use: Irrigation of 20 acres  
16 Period of Use: April 1 to October 15  
17 Quantity: 0.34 cubic foot per second, 60 acre-feet per year  
18 Priority Date: **June 30, 1872**  
19 Point of Diversion: 40 feet north and 1,110 feet east from the center of Section 30, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.  
20 Place of Use: That portion of the north 580 feet of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M. lying west of the North Wenas Road.  
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23 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 83.66 acre-feet per year can be used under this right and any right the land may enjoy through the Wenas Irrigation District.  
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27 SUPPLEMENTAL REPORT OF REFEREE Referee's Office  
28 Re: Subbasin No. 15 15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Thomas S. Hazen** & **Charlain E. Hazen** COURT CLAIM NO. 00436  
2 (A)01375  
3 (A)06527  
4 Source: Wenas Creek  
5 Use: Irrigation of 18 acres  
6 Period of Use: April 1 to October 31  
7 Quantity: 0.36 cubic foot per second, 54 acre-feet per year  
8 Priority Date: **June 30, 1872**  
9 Point of Diversion: 150 feet south and 200 feet east from the west quarter  
10 corner of Section 29, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
11 Section 29, T. 16 N., R. 17 E.W.M.  
12 Place of Use: That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 16 N.,  
13 R. 17 E.W.M. lying south of the Wenas Road and north of  
14 the Burge Ditch.  
15 CLAIMANT NAME: **Bob Homier** & **Bev Homier** COURT CLAIM NO. 01644  
16 Source: Wenas Creek  
17 Use: Irrigation of 22.5 acres  
18 Period of Use: April 1 to October 15  
19 Quantity: 0.56 cubic foot per second, 67.5 acre-feet per year  
20 Priority Date: **June 30, 1872**  
21 Point of Diversion: 40 feet north and 1,110 feet east from the center of  
22 Section 30, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30,  
23 T. 15 N., R. 18 E.W.M.  
24 Place of Use: The South 740 feet of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 30, T. 15 N.,  
25 R. 18 E.W.M.  
26 Limitations of Use: This land receives supplemental water from the Wenas  
27 Irrigation District. A maximum of 87.78 acre-feet per  
28 year can be used under this right and any right the land  
may enjoy through the district.

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Paul Madison**  
2 & **Helen Madison** COURT CLAIM NO. 01644  
3 Source: Wenas Creek  
4 Use: Irrigation of 18 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.45 cubic foot per second, 54 acre-feet per year  
7 Priority Date: **June 30, 1872**  
8 Point of Diversion: Within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 19 and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and SE $\frac{1}{4}$ NE $\frac{1}{4}$   
9 of Section 30, T. 15 N., R. 18 E.W.M.  
10 Place of Use: That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 15 N.,  
11 R. 18 E.W.M. lying west of the following described line:  
12 Beginning at a point 710 feet east from the southwest  
13 corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of said section; thence N 13°30' W  
14 680 feet, more or less; thence N 29° W 750 feet, more or  
15 less, to a point of terminus on the north line of the SW $\frac{1}{4}$   
of said section.  
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27 Limitations of Use: This land receives supplemental water from the Wenas  
14 Irrigation District. A maximum of 82.51 acre-feet per  
15 year can be used under this right and any right the land  
may enjoy through the Wenas Irrigation District.

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Donald F. Cox** COURT CLAIM NO. 00423  
2 & **Alvera A. Cox**  
3 **Paulette L. Buckley** (A)01377

4 Source: South Fork of Wenas Creek

5 Use: Irrigation of 130 acres and stock water

6 Period of Use: April 1 to October 15

7 Quantity: 2.6 cubic feet per second, 464.1 acre-feet per year for  
irrigation; 6 acre-feet per year for stock water

8 Priority Date: **June 30, 1875**

9 Point of Diversion: Within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, T. 15 N.,  
R. 17 E.W.M.

10 Place of Use: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, T. 15 N.,  
R. 17 E.W.M., lying east of the Purdin Ditch, Government  
Lots 3 and 4 of Section 19, and Government Lot 1 of  
Section 30; both in T. 15 N., R. 18 E.W.M.

11 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 594 acre-feet per year  
can be used under this right and any right the land may  
enjoy through the Wenas Irrigation District.

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16 CLAIMANT NAME: **Austin J. Murray** COURT CLAIM NO. 01501  
& **Ramona A. Murray**

17 Source: South Fork of Wenas Creek

18 Use: Irrigation of 145 acres and stock water

19 Period of Use: March 15 to October 15

20 Quantity: 2.90 cubic feet per second, 435 acre-feet per year for  
irrigation; 10 acre-feet per year for stock water

21 Priority Date: **June 30, 1875**

22 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.

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24 Place of Use: The E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 30, and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ , and that portion  
of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 31 lying northeast of the South  
Wenas Road, ALL in T. 15 N., R. 18 E.W.M.

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27 SUPPLEMENTAL REPORT OF REFEREE Referee's Office  
Re: Subbasin No. 15 15 W. Yakima Ave Ste. 200  
28 Yakima, WA 98902-3401

1 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
2 (A)01383

3 Source: Wenas Creek

4 Use: Irrigation of 75 acres and stock watering

5 Period of Use: March 1 to October 15

6 Quantity: 1.5 cubic feet per second, 362 acre-feet per year for  
irrigation and 12 acre-feet per year for stock watering

7 Priority Date: **June 30, 1875**

8 Point of Diversion: 1,150 feet south and 950 feet east of the northwest corner  
of Section 19, being within Government Lot 1, Section 19,  
T. 15 N., R. 18 E.W.M.

9 Place of Use: The  $W\frac{1}{2}SE\frac{1}{4}$  and  $SE\frac{1}{4}SE\frac{1}{4}$  of Section 19 and the  $NE\frac{1}{4}NE\frac{1}{4}$  of  
Section 30, both in T. 15 N., R. 18 E.W.M., lying  
southwest of the North Wenas Road.

10 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 375 acre-feet per year  
can be used under this right and any right the land may  
enjoy through the Wenas Irrigation District. A maximum of  
12 acre-feet per year is used for stock watering on lands  
within Sections 19 and 30 under this right and the rights  
recommended for confirmation with a June 30, 1870, and  
June 30, 1871, date of priority.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Don Hazen** COURT CLAIM NO. 00435  
2 (A)01376

3 Source: Wenas Creek

4 Use: Irrigation of 59.5 acres

5 Period of Use: April 1 to October 15

6 Quantity: 1.19 cubic feet per second, 178.5 acre-feet per year

7 Priority Date: **June 30, 1876**

8 Point of Diversion: Within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T. 15 N., R. 17 E.W.M.

9 Place of Use: That portion of Lot 1 lying south of the Wenas Highland Canal and that portion of Lots 2, 3, 4, 5 and 6 all in Plat "A" Unit I, Wenas Highland Orchard Tract; which is located in those portions of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 11 and the W $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 12 lying north of Wenas Creek and south of Wenas Road; ALL in T. 15 N., R. 17 E.W.M.

12 Limitations of Use: This land also receives supplemental water from the Wenas Irrigation District. A maximum of 266.8 acre-feet per year can be used under this right and any right the land may enjoy through the district.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Zale Kay Wood** & Diane L. Wood COURT CLAIM NO. 02218  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 6 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.12 cubic foot per second, 18 acre-feet per year  
7 Priority Date: **June 30, 1876**  
8 Point of Diversion: Within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T. 15 N., R. 17 E.W.M.  
9 Place of Use: That part of Tracts 6 and 7 of Plat "A" of Unit 1, Wenas Highland Orchard Tracts, recorded in Volume "E" of Plats, page 23, records of Yakima County, Washington, and that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, T. 15 N., R. 17 E.W.M. described as follows: Beginning at the southeast corner of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, T. 15 N., R. 17 E.W.M., running thence N 368 feet; thence N 39° W 385 feet; thence N 3° E 200 feet; thence N 30° W 317 feet; thence S 62° W 965 feet; thence S 33° W 145 feet; thence S 76° E 204 feet; thence N 74° E 153 feet; thence N 60° E 72 feet; thence S 84° E 90 feet; thence S 73° E 100 feet; thence S 50.5° E 80 feet; thence S 34° E 175 feet; thence S 19° E 200 feet; thence S 3° E 90 feet; thence due south 96 feet; thence easterly along the subdivisional section line 475 feet, more or less, to the point of beginning.  
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17 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 31 acre-feet per year can be used under this right and any right the land may enjoy through the district.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Scott Baird, et al.** COURT CLAIM NO. 00702  
2 & **Jerri Baird**  
3 **David Jones**  
4 & **Patricia Jones**  
5 **Marian Easton** (A)01381

6 Source: Wenas Creek

7 Use: Irrigation of 24 acres and stock water

8 Period of Use: March 15 to October 15

9 Quantity: 0.48 cubic foot per second, 70 acre-feet per year for irrigation; 2 acre-feet per year for stock water

10 Priority Date: **June 30, 1877**

11 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

12 Place of Use: Lot 1 of Short Plat recorded in Book Q, Page 3 being approximately that portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  Section 24, T. 15 N., R. 17 E.W.M., lying east of the remnants of the Cameron, Pollard, and Collis Ditch.

13 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 101 acre-feet per year can be used under this right and any right the land may enjoy through the Wenas Irrigation District.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Thomas F. Colligan, Jr.** COURT CLAIM NO. 00448  
2 & **Mrs. Thomas F. Colligan, Jr.** (A)01374  
3 **Violet Virginia Richards**

4 Source: South Fork of Wenas Creek

5 Use: Irrigation of 19 acres and stock water

6 Period of Use: March 15 to October 15

7 Quantity: 0.38 cubic foot per second, 60.8 acre-feet per year for  
irrigation; 2 acre-foot per year for stock water

8 Priority Date: **June 30, 1877**

9 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.

10 Place of Use: Lot 2 of Short Plat recorded in Book Q, Page 3, records of  
Yakima County, being approximately the east 1,503 feet of  
the S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M..

11 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 85.5 acre-feet per year  
can be used under this right and any right the land may  
enjoy through the irrigation district.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

28 Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Ray E. Day** COURT CLAIM NO. 01191  
2 & **Tola R. Day**

3 Source: Wenas Creek

4 Use: Irrigation of 30 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.60 cubic foot per second, 95.6 acre-feet per year

7 Priority Date: **June 30, 1877**

8 Point of Diversion: 1,300 feet north and 550 feet east from the south quarter  
9 corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
9 Section 13, T. 15 N., R. 17 E.W.M.

10 Place of Use: The west 1,000 feet of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, T. 15 N.,  
11 R. 17 E.W.M.

12 Limitations of Use: This land receives supplemental water from the Wenas  
13 Irrigation District. A maximum of 155.6 acre-feet per  
13 year can be used under this right and any right the land  
may enjoy through the Wenas Irrigation District.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Nathan E. Jenkins** COURT CLAIM NO. 00390  
2 & **Cecelia K. Jenkins**  
3 **Eugene Jenkins**  
4 & **Barbara Jenkins**

5 Source: South Fork of Wenas Creek

6 Use: Irrigation of 1.5 acres

7 Period of Use: March 15 to October 15

8 Quantity: 0.03 cubic foot per second, 4.8 acre-feet per year

9 Priority Date: **June 30, 1877**

10 Point of Diversion: 550 feet south and 980 feet east of the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.

11 Place of Use: Lot 2 of Short Plat 91-80 being a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$   
of Section 24, T. 15 N., R. 17 E.W.M.

12 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 6.75 acre-feet per year  
can be used under this right and any right the land may  
enjoy through the district.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **William B. Lawrence** **& Patricia S. Lawrence** COURT CLAIM NO. 01604  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 43 acres and stock water  
5 Period of Use: March 15 to October 15  
6 Quantity: 0.86 cubic foot per second, 129 acre-feet per year for irrigation; 0.02 cubic foot per second, 2 acre-feet per year for stock water  
7  
8 Priority Date: **June 30, 1877**  
9 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.  
10  
11 Place of Use: Lots 1, 2 and 3 of Short Plat recorded in Book 81, Page 60, Records of Yakima County, being within a portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.  
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13 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 234 acre-feet per year can be used under this right and any right the land may enjoy through the district.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **George W. Marcott** & **Linda M. Marcott** COURT CLAIM NO. 02318  
2  
3 Source: South Fork of Wenatchee Creek  
4 Use: Irrigation of 20 acres and stock water  
5 Period of Use: March 15 to October 15  
6 Quantity: 0.40 cubic foot per second, 60 acre-feet per year for irrigation; 2 acre-feet per year for stock water  
7 Priority Date: **June 30, 1877**  
8 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.  
9  
10 Place of Use: Lot 4, Short Plat 79-268, being within the E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.  
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12 Limitations of Use: This land receives supplemental water from the Wenatchee Irrigation District. A maximum of 86 acre-feet per year can be used under this right and any right the land may enjoy through the district.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Homer W. Marney** & **Anna M. Marney** COURT CLAIM NO. 01604  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 28 acres  
5 Period of Use: March 15 to October 15  
6 Quantity: 0.56 cubic foot per second, 84 acre-feet per year for the  
irrigation of 28 acres  
7 Priority Date: **June 30, 1877**  
8 Point of Diversion: 650 feet south and 1,100 feet east from the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.  
10 Place of Use: The north 722.80 feet of the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 24,  
T. 15 N., R. 17 E.W.M., lying east of the south branch of  
Wenas Creek.  
12 Limitations of Use: This land may receive supplemental water from the Wenås  
Irrigation District.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Allen F. Miller**  
2 & **Elaine E. Miller** COURT CLAIM NO. 01072  
3 Source: South Fork of Wenatchee Creek  
4 Use: Irrigation of 27 acres  
5 Period of Use: March 15 to October 15  
6 Quantity: 0.54 cubic foot per second, 81 acre-feet per year  
7 Priority Date: **June 30, 1877**  
8 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
9 corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
10 Section 24, T. 15 N., R. 17 E.W.M.  
11 Place of Use: That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N.,  
12 R. 17 E.W.M., lying east of the remnants of the Cameron,  
13 Pollard and Collins Ditch.  
14 Limitations of Use: This land receives supplemental water from the Wenatchee  
15 Irrigation District. A maximum of 116.1 acre-feet per  
16 year can be used under this right and any right the land  
17 may enjoy through the district.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Gordon S. Reid**  
2 & **Pearl Reid** COURT CLAIM NO. 01050  
3  
4 Source: Wenas Creek  
5 Use: Irrigation of 50 acres and stock water  
6 Period of Use: March 15 to October 15  
7 Quantity: 1 cubic foot per second, 150 acre-feet per year for  
8 irrigation; 2 acre-feet per year for stock water  
9 Priority Date: **June 30, 1877**  
10 Point of Diversion: 900 feet south and 1,300 feet west from the east quarter  
11 corner of Section 13, being within either the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  or  
12 Place of Use: The east 330 feet of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  and the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section  
13, T. 15 N., R. 17 E.W.M., EXCEPT right-of-way for  
14 Longmire Lane and Sisk Road.  
15 Limitations of Use: This land receives supplemental water from the Wenatchee  
16 Irrigation District. A maximum of 215 acre-feet per year  
17 can be used under this right and any right the land may  
18 enjoy through the district.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Karen Wickstrom** COURT CLAIM NO. 00390  
2 Source: South Fork of Wenas Creek  
3 Use: Irrigation of 17.5 acres and stock water  
4 Period of Use: March 15 to October 15  
5 Quantity: 0.35 cubic foot per second, 56 acre-feet per year for  
irrigation; 2 acre-feet per year for stock water  
6 Priority Date: **June 30, 1877**  
7 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.  
8 Place of Use: Lot 1 of Short Plat 91-80, records of Yakima County, being  
a portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N.,  
R. 17 E.W.M.  
9 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 78.75 acre-feet per  
year can be used under this right and any right the land  
may enjoy through the district.  
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14 CLAIMANT NAME: **Thomas A. Bass, Jr.** COURT CLAIM NO. 01460  
15 & Carol Ann Bass (A)07607  
16 Source: Wenas Creek  
17 Use: Irrigation of 28 acres and stock water  
18 Period of Use: April 1 to October 15  
19 Quantity: 0.56 cubic foot per second, 84 acre-feet per year for  
irrigation; 1 acre-foot per year for stock water  
20 Priority Date: **June 30, 1878**  
21 Point of Diversion: Within the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14 and the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 11, T. 16 N., R. 16 E.W.M.  
22 Place of Use: That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 14,  
T. 16 N., R. 16 E.W.M., lying east of Wenas Creek.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15  
28

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Person & Person Inc.** COURT CLAIM NO. 01508

2 Source: South Fork of Wenas Creek

3 Use: Irrigation of 8 acres and stock water

4 Period of Use: April 1 to October 15

5 Quantity: 0.16 cubic foot per second, 24 acre-feet per year for irrigation; 1 acre-foot per year for stock water

6 Priority Date: **June 30, 1878**

7 Point of Diversion: 300 feet north and 10 feet east from the south quarter corner of Section 14, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 16 N., R. 16 E.W.M.

8 Place of Use: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 16 N., R. 16 E.W.M., lying southwest of Wenas Creek and north of the South Fork of Wenas Creek

12

13 CLAIMANT NAME: **Person & Person Inc.** COURT CLAIM NO. 01508

14 Source: Dippin Vat Canyon

15 Use: Irrigation of 5 acres and stock water

16 Period of Use: April 1 to October 15

17 Quantity: 0.10 cubic foot per second, 15 acre-feet per year for irrigation; 1 acre-foot per year for stock water

18 Priority Date: **June 30, 1878**

19 Point of Diversion: 100 feet north and 500 feet east from the south quarter corner of Section 14, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14, T. 16 N., R. 16 E.W.M.

21 Place of Use: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 16 N., R. 16 E.W.M. lying south of Wenas Creek and south of the South Fork of Wenas Creek

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

28 Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **John Ashbaugh** COURT CLAIM NO. 00472  
2 (A)01364

3 Source: Wenas Creek

4 Use: Irrigation of 67.4 acres

5 Period of Use: April 1 to October 15

6 Quantity: 1.35 cubic feet per second, 202.5 acre-feet per year

7 Priority Date: **June 30, 1879**

8 Point of Diversion: 500 feet north and 660 feet east from the west quarter  
9 corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
Section 12, T. 15 N., R. 17 E.W.M.

10 Place of Use: That portion of the SW $\frac{1}{4}$  of Section 12, T. 15 N.,  
11 R. 17 E.W.M. lying southwesterly of the North Wenas Road

12 CLAIMANT NAME: **Mary Helen Brimbel** COURT CLAIM NO. 01638

13 Source: Wenas Creek

14 Use: Irrigation of 12 acres

15 Period of Use: April 1 to October 15

16 Quantity: 0.24 cubic foot per second, 48 acre-feet per year

17 Priority Date: **June 30, 1879**

18 Point of Diversion: 1,060 feet south and 920 feet west from the center of  
19 Section 11, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11,  
T. 14 N., R. 18 E.W.M.

20 Place of Use: That portion of the N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 14 N.,  
21 R. 18 E.W.M. lying north of the South Wenas Road.

27 SUPPLEMENTAL REPORT OF REFEREE

28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Bruce Buchanan  
& Karron M. Buchanan** COURT CLAIM NO. 02212

2 Source: South Fork of Wenas Creek

3 Use: Irrigation of 99 acres and stock water

4 Period of Use: April 1 to October 15

5 Quantity: 1.98 cubic feet per second, 297 acre-feet per year for irrigation; 5 acre-feet per year for stock water

6 Priority Date: **June 30, 1879**

7 Point of Diversion: Within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 30, T. 15 N., R. 18 E.W.M.

8 Place of Use: Those portions of Section 31, T. 15 N., R. 18 E.W.M. described as follows: The S $\frac{1}{2}$ NE $\frac{1}{4}$  lying northeast of the South Wenas Road EXCEPT the north 320 feet of the W $\frac{1}{2}$  thereof; AND the NE $\frac{1}{4}$ SE $\frac{1}{4}$  lying northeast of the South Wenas Road.

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13 CLAIMANT NAME: **Galen H. Hoover  
& Patricia L. Hoover** COURT CLAIM NO. 06782

14 Source: Wenas Creek

15 Use: Irrigation of 9.8 acres

16 Period of Use: April 1 to October 15

17 Quantity: 0.18 cubic foot per second, 29.4 acre-feet per year

18 Priority Date: **June 30, 1879**

19 Point of Diversion: Various points on the creek between a point 100 feet north of the southwest corner of Section 34 and a point 450 feet west of the southwest corner of Section 34, all in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 16 N., R. 17 E.W.M.

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22 Place of Use: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 16 N., R. 17 E.W.M. lying southwest of the North Wenas Road

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Austin J. Murray  
& Ramona A. Murray** COURT CLAIM NO. 01501

2

3 Source: South Fork of Wenatchee Creek

4 Use: Irrigation of 4 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.08 cubic foot per second, 12 acre-feet per year

7 Priority Date: **June 30, 1879**

8 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 14 N., R. 17 E.W.M.

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10 Place of Use: The north 150 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, T. 15 N., R. 18 E.W.M.

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12 CLAIMANT NAME: **Donald A. Nichols  
& Lois R. Nichols** COURT CLAIM NO. 00761

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14 Source: Wenatchee Creek

15 Use: Irrigation of 1.50 acres

16 Period of Use: April 1 to October 15

17 Quantity: 0.03 cubic foot per second, 4.5 acre-feet per year

18 Priority Date: **June 30, 1879**

19 Point of Diversion: The SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, T. 14 N., R. 18 E.W.M.

20 Place of Use: That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, T. 14 N., R. 18 E.W.M., described as follows: Beginning at a point on the south line of said subdivision 73.0 feet west of the southeast corner thereof; thence west along the said south line S 90°00' W 580.00 feet; thence N 0°00' E 170.0 feet; thence N 90°00' E 565.3 feet to the west line of the Wenatchee Road; thence southeasterly 170.0 feet to the point of beginning.

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27 SUPPLEMENTAL REPORT OF REFEREE

Re: Subbasin No. 15

28

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **E. E. Stohsner** COURT CLAIM NO. 00945  
2 & **Helen R. Stohsner**  
3 **John Ashbaugh**  
4 & **Lynn Ashbaugh**

5 Source: Wenas Creek

6 Use: Irrigation of 9.3 acres and stock water

7 Period of Use: April 1 to October 15

8 Quantity: 0.19 cubic foot per second, 37.2 acre-feet per year for  
9 irrigation; 1 acre-foot per year for stock water

10 Priority Date: **June 30, 1879**

11 Point of Diversion: 400 feet north and 40 feet west from the center of  
12 Section 32, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32,  
13 T. 15 N., R. 18 E.W.M.

14 Place of Use: Lots 1 and 2 of Short Plat No. 79-81, Recorded under  
15 Auditor's file No. 2543517, Yakima County, being within  
16 the N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M.

17 CLAIMANT NAME: **Hershel Zeigler** COURT CLAIM NO. 00562

18 Source: Wenas Creek

19 Use: Irrigation of 2 acres

20 Period of Use: April 1 to October 15

21 Quantity: 0.04 cubic foot per second, 8 acre-feet per year

22 Priority Date: **June 30, 1879**

23 Point of Diversion: 880 feet south and 700 feet east from the west quarter  
24 corner of Section 11, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
25 Section 11, T. 14 N., R. 18 E.W.M.

26 Place of Use: That portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 14 N.,  
27 R. 18 E.W.M. lying north of the South Wenas Road

28 SUPPLEMENTAL REPORT OF REFEREE

Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Thomas A. Bass, Jr.** & Carol Ann Bass COURT CLAIM NO. 01460  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 107 acres and stock water  
5 Period of Use: April 1 to October 15  
6 Quantity: 2.14 cubic feet per second, 321 acre-feet per year for irrigation; 1 acre-foot per year for stock water  
7 Priority Date: **June 30, 1880**  
8 Point of Diversion: 300 feet north and 350 feet west from the south quarter corner of Section 11, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 16 N., R. 16 E.W.M.  
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10 Place of Use: That portion of the N $\frac{1}{2}$ NE $\frac{1}{4}$  lying east of the Sunset Ditch and west of the North Wenas Road; that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  lying west of the North Wenas Road and the NE $\frac{1}{4}$ SE $\frac{1}{4}$  all in Section 14, T. 16 N., R. 16 E.W.M.  
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14 CLAIMANT NAME: **Tom Green** **Merton G. Raine** COURT CLAIM NO. 01906  
15  
16 Source: Wenas Creek  
17 Use: Irrigation of 68 acres  
18 Period of Use: April 1 to October 15  
19 Quantity: 1.36 cubic feet per second, 204 acre-feet per year  
20 Priority Date: **June 30, 1880**  
21 Point of Diversion: Within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 16 N., R. 16 E.W.M.  
22 Place of Use: That portion of the S $\frac{1}{2}$  of Section 19, T. 16 N., R. 17 E.W.M., lying southwest of the Wenas Road and southeast of a line beginning at a point 865 feet east of the southwest corner of said Section 19; thence N 29°30' E 2,161.5 feet to a point of terminus on the south right-of-way of the Wenas Road.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Leo Hursh  
& Carolyn Hursh** COURT CLAIM NO. 01270

2

3 Source: South Fork of Wenatchee Creek

4 Use: Irrigation of 3 acres and stock water

5 Period of Use: March 15 to October 15

6 Quantity: 0.06 cubic foot per second, 9 acre-feet per year for irrigation; 1 acre-foot per year for stock water

7 Priority Date: **June 30, 1880**

8 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

9

10 Place of Use: The south 300 feet of Lot No. 3, Short Plat K-3, within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 15 N., R. 17 E.W.M., lying east of the Purdin Ditch.

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13 CLAIMANT NAME: **Norman K. Johnson, et al.  
& Marilyn R. Johnson** COURT CLAIM NO. 02034

14

15 Source: South Fork of Wenatchee Creek

16 Use: Irrigation of 12 acres and stock water

17 Period of Use: March 15 to October 15

18 Quantity: 0.24 cubic foot per second, 36 acre-feet per year for irrigation; 1 acre-foot per year for stock water

19 Priority Date: **June 30, 1880**

20 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

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22 Place of Use: Lots 1 and 2, of Short Plat K-3, which lies within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 15 N., R. 17 E.W.M.

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27 SUPPLEMENTAL REPORT OF REFEREE

28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Chuck Kisner** COURT CLAIM NO. 00494  
2 Source: Wenas Creek  
3 Use: Irrigation of 5 acres  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.10 cubic foot per second, 15 acre-feet per year  
6 Priority Date: **June 30, 1880**  
7 Point of Diversion: 340 feet north and 600 feet east from the southwest corner  
8 of Section 29, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29,  
T. 15 N., R. 18 E.W.M.  
9 Place of Use: That portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32 described as  
10 follows: Beginning at a point 150 feet south, more or  
11 less, from the northwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence  
12 S 38° E 460 feet, more or less; thence N 51° E 200 feet,  
13 more or less, to the south right-of-way of the North Wenas  
14 Road; thence southeasterly along said right-of-way 600  
feet, more or less; thence S 60°56'40" E 910 feet, more or  
less, to a point on the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence  
north along said line 1,140 feet, more or less, to the  
point of beginning.  
15 Limitations of Use: This land enjoys a supplemental water right for use of an  
16 unnamed pond. The maximum quantity of water that can be  
17 used on this land under this right or the supplemental  
right shall not exceed 20 acre-feet per year.

1 CLAIMANT NAME: **David M. Longmire**  
2 & **Linda D. Longmire** COURT CLAIM NO. 07728  
3 Source: Wenas Creek  
4 Use: Irrigation of 6 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.09 cubic foot per second, 24 acre-feet per year  
7 Priority Date: **June 30, 1880**  
8 Point of Diversion: 1,100 feet south and 900 feet west from the north quarter  
9 corner of Section 32, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
Section 32 T. 15 N., R. 18 E.W.M.  
10 Place of Use: That portion of the S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32, T. 15 N.,  
R. 18 E.W.M. described as follows: Beginning at the  
southwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence north 29.23 feet;  
thence N 60°56'40" E 915 feet, more or less, to the  
southwesterly right-of-way of North Wenas Road; thence  
southeasterly along said right-of-way to the south line of  
said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence west 1,060 feet, more or less, to the  
point of beginning.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Laura Longmire** COURT CLAIM NO. 01270  
2 **Jerry Longmire**  
3 **& Dorothy Longmire**

4 Source: South Fork of Wenas Creek

5 Use: Irrigation of 15 acres and stock water

6 Period of Use: March 15 to October 15

7 Quantity: 0.30 cubic foot per second, 45 acre-feet per year for  
irrigation; 1 acre-foot per year for stock water

8 Priority Date: **June 30, 1880**

9 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
corner of Section 24, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 24, T. 15 N., R. 17 E.W.M.

10 Place of Use: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 15 N.,  
R. 17 E.W.M. lying east of Purdin Ditch

13 CLAIMANT NAME: **Victor L. Berg** COURT CLAIM NO. 01783  
14 **& Tennis Berg**  
15 **Michael Wright**  
16 **& Debra E. Wright**

16 Source: Wenas Creek

17 Use: Irrigation of 10 acres

18 Period of Use: April 1 to October 15

19 Quantity: 0.20 cubic foot per second, 30 acre-feet per year

20 Priority Date: **June 30, 1881**

21 Point of Diversion: 230 feet south and 540 feet west from the northeast corner  
of Section 13, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13,  
T. 14 N., R. 18 E.W.M.

23 Place of Use: The W $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, T. 14 N., R. 18 E.W.M.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Grant S. Green**  
2 & **Eveleth S. Green** COURT CLAIM NO. 01111  
3 Source: Wenas Creek  
4 Use: Irrigation of 22 acres and stock water  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.44 cubic foot per second, 66 acre-feet per year for  
irrigation; 1 acre-foot per year for stock water  
7 Priority Date: **June 30, 1881**  
8 Point of Diversion: 330 feet north and 500 feet east of the southwest corner  
9 of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13,  
T. 16 N., R. 16 E.W.M. and points within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and  
SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 16 N., R. 16 E.W.M.  
10 Place of Use: That portion of the S $\frac{1}{2}$  of Government Lot 3 and Government  
11 Lot 4, Section 19, T. 16 N., R. 17 E.W.M. lying north of  
12 Wenas Creek and northwest of the following described line:  
13 Beginning at the southeast corner of the SW $\frac{1}{4}$  of Section  
14 19, thence westerly on the south line 1,914 feet to the  
true point of beginning; thence northeasterly 2,161.5 feet  
15 to a point 231 feet east of the northwest corner of the  
SE $\frac{1}{4}$ SW $\frac{1}{4}$  said point being on the North Wenas Road and the  
terminus of this line.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Mary E. Hagedorn** COURT CLAIM NO. 01612  
2 & **Harvey Hagedorn**  
3 **Lorraine P. Rennie**  
4 & **Robert Rennie (Deceased)**  
**Robert M. Messer**  
5 & **Mary L. Rennie**

6 Source: Wenas Creek

7 Use: Irrigation of 22 acres and stock watering

8 Period of Use: April 1 to October 15

9 Quantity: 0.44 cubic foot per second, 66 acre-feet per year for irrigation and 2 acre-feet per year for stock watering

10 Priority Date: **June 30, 1881**

11 Point of Diversion: 1. 950 feet south and 1,320 feet west from the east quarter corner of Section 13, being within either the SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  or SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, T. 15 N., R. 17 E.W.M. and  
2. 400 feet north and 750 feet east of the west quarter corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, T. 15 N., R. 17 E.W.M.

12 Place of Use: Those portions of Government Lots 3 and 4 (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section 18, T. 15 N., R. 18 E.W.M. lying east of Longmire Lane and southwesterly of Wenas Road, EXCEPT the west 125 feet of the south 645 feet thereof.

13 Limitations of Use: This land receives supplemental water from the Wenas Irrigation District. A maximum of 97.2 acre-feet per year can be used under this right and any right the land may enjoy through the district.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **E. Lee Hargroves  
& Linda L. Hargroves** COURT CLAIM NO. 00498  
2 (A)02108  
3 Source: Wenas Creek (A)06790  
4 Use: Irrigation of 19.4 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.39 cubic foot per second, 58.2 acre-feet per year  
7 Priority Date: **June 30, 1881**  
8 Point of Diversion: 584 feet north and 973 feet east from the south quarter  
9 corner of Section 12, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section  
10 Place of Use: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 12, T. 14 N.,  
11 R. 18 E.W.M., described as follows: Beginning at a point  
12 212.6 feet north from the south quarter corner of said  
13 section; thence east 111 feet; thence S 76°35' E 114.22  
14 feet; thence S 70°08' E 345 feet; thence S 10°00'47" E  
15 96.14 feet; thence east 114.78 feet; thence N 33°25'33" E  
16 520 feet, more or less; thence north 600 feet, more or  
17 less; thence west 945 feet, more or less; thence south 418  
18 feet, more or less; thence east 172 feet, more or less;  
19 thence south 195 feet, more or less; thence west 172 feet,  
20 more or less; thence south 230 feet, more or less, to the  
21 point of beginning.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Fred J. Hoff** COURT CLAIM NO. 01913  
2 Source: Wenas Creek  
3 Use: Irrigation of 10 acres  
4 Period of Use: April 1 to October 31  
5 Quantity: 0.60 cubic foot per second, 90 acre-feet per year  
6 Priority Date: **June 30, 1881**  
7 Point of Diversion: 600 feet south and 1350 feet east from the west quarter  
8 corner of SEction 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 29, T. 16 N., R. 17 E.W.M.  
9 Place of Use: That portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 32,  
10 T. 16 N., R. 17 E.W.M., described as follows: Beginning  
11 at a point located 400 feet south of the north quarter  
corner of said section; thence S 64° E 1400 feet; thence  
12 south 800 feet; thence N 64° W 2200 feet; thence N 18° E  
750 feet; thence S 64° E 500 feet to the point of  
beginning.

13 CLAIMANT NAME: **Merle Shuyler** COURT CLAIM NO. 06496  
14 **Beverlie Shuyler**  
15 Source: Wenas Creek  
16 Use: Irrigation of 6 acres  
17 Period of Use: April 1 to October 15  
18 Quantity: 0.12 cubic foot per second, 18 acre-feet per year  
19 Priority Date: **June 30, 1881**  
20 Point of Diversion: 200 feet north and 1,125 feet west from the southeast  
21 corner of Section 12, being within SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 12,  
T. 14 N., R. 18 E.W.M.  
22 Place of Use: That portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 12, T. 14 N.,  
R. 18 E.W.M. lying north of Wenas Creek.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Hazel Cameron** COURT CLAIM NO. 00438  
2 (A)01378

3 Source: **Wenas Creek**

4 Use: **Irrigation of 33 acres and stock water**

5 Period of Use: **March 1 to October 15**

6 Quantity: **0.66 cubic foot per second, 98.01 acre-feet per year for irrigation; 2 acre-feet per year for stock watering**

7 Priority Date: **June 30, 1882**

8 Point of Diversion: **1. 550 feet north and 650 feet east of the west quarter corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 12, T. 15 N., R. 17 E.W.M.  
2. 500 feet north and 1,100 feet west of the south quarter corner of Section 12, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 12, T. 15 N., R. 17 E.W.M.**

12 Place of Use: **That portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, T. 15 N., R. 17 E.W.M. lying southwest of the North Wenas Road.**

14 Limitations of Use: **This land receives supplemental water from the Wenas Irrigation District. A maximum of 165 acre-feet per year can be used under this right and any right the land may enjoy through the Wenas Irrigation District.**

1 CLAIMANT NAME: **Robert D. Elliott** COURT CLAIM NO. 01742  
2 & **Verna Mae Elliott**  
3 Source: South Fork of Wenatchee Creek  
4 Use: Irrigation of 2 acres and stock water  
5 Period of Use: March 15 to October 15  
6 Quantity: 0.04 cubic foot per second, 6 acre-feet per year for  
irrigation; 2 acre-feet per year for stock water  
7 Priority Date: **June 30, 1882**  
8 Point of Diversion: 550 feet south and 980 feet east from the north quarter  
corner of Section 24, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section  
24, T. 15 N., R. 17 E.W.M.  
10 Place of Use: That portion of Government Lots 3 and 4 of Section 30,  
T. 15 N., R. 18 E.W.M. described as follows: Commencing  
at the northwest corner of the SW $\frac{1}{4}$  of said section; thence  
south along the west line thereof 827.90 feet to the point  
of beginning; thence south 600.55 feet; thence east 46.00  
feet; thence south 49.44 feet; thence N 80°48'50" E 631.60  
feet; thence N 13°56'50" E 189.29 feet; thence N 31°47'40"  
W 411.42 feet; thence N 87°57'50" W 488.80 feet to the  
point of beginning; EXCEPT that portion of the described  
parcel lying west of Purdin Ditch.

1 CLAIMANT NAME: **Colleen A. Hargraves (Jones)** COURT CLAIM NO. 01250  
2 Source: Wenas Creek  
3 Use: Irrigation of 62 acres and stock water  
4 Period of Use: April 1 to October 15  
5 Quantity: 1.24 cubic feet per second, 186 acre-feet per year for  
irrigation; 0.02 cubic foot per second, 2 acre-feet per  
year for stock water  
6 Priority Date: **June 30, 1882**  
7 Point of Diversion: 1. 500 feet north and 1,100 feet west from the south  
quarter corner of Section 12, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$   
of Section 12, T. 15 N., R. 17 E.W.M.  
2. 400 feet north and 750 feet east of the west quarter  
corner of Section 12, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section  
12, T. 15 N., R. 17 E.W.M.  
8 Place of Use: The NE $\frac{1}{4}$ SE $\frac{1}{4}$  and that portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13,  
T. 15 N., R. 17 E.W.M., lying west of an old ditch which  
runs parallel to Wenas Road.  
9 Limitations of Use: This land receives supplemental water from the Wenas  
Irrigation District. A maximum of 278.3 acre-feet per  
year can be used under this right and any right the land  
may enjoy through the district.

27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Jerry Longmire** COURT CLAIM NO. 01742  
2 & **Dorothy Longmire**  
3 **Laura Longmire**

4 Source: South Fork of Wenatchee Creek

5 Use: Irrigation of 82.5 acres and stock water

6 Period of Use: March 15 to October 15

7 Quantity: 1.65 cubic feet per second, 247.50 acre-feet per year for irrigation; 10 acre-feet per year for stock water

8 Priority Date: **June 30, 1882**

9 Point of Diversion: 550 feet south and 980 feet east from the north quarter corner of Section 24, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.

10 Place of Use: Government Lots 2, 3 and 4 of Section 30, T. 15 N., R. 18 E.W.M., except the following described parcel: Commencing at the northwest corner of the SW $\frac{1}{4}$  of Section 30; thence south along the west line thereof 827.90 feet to the point of beginning; thence south 600.55 feet; thence east 46.00 feet; thence south 49.44 feet; thence N 80°48'50" E 631.60 feet; thence N 13°56'50" E 189.29 feet; thence N 31°47'40" W 411.42 feet; thence N 87°57'50" W 488.80 feet to the point of beginning. AND EXCEPT that portion of Government Lot 4 lying south of the South Wenatchee Road.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **John Strand Mayo** COURT CLAIM NO. 05226  
2 & **Nancy Clair Mayo**

3 Source: South Fork of Wenatchee Creek

4 Use: Irrigation of 21 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.42 cubic foot per second, 73.5 acre-feet per year

7 Priority Date: **June 30, 1882**

8 Point of Diversion: 600 feet south and 1,000 feet east from the north quarter corner of Section 5, being within Government Lot 2 of Section 5, T. 14 N., R. 18 E.W.M.

9

10 Place of Use: That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 5, T. 14 N., R. 18 E.W.M., lying northeast of the South Wenatchee Road; EXCEPT that portion described as follows: Beginning at a point on the north right-of-way of the South Wenatchee Road 1,020 feet south and 450 feet west from the east quarter corner of said Section 5; thence N 16° E 233.91 feet; thence N 43°30' W 436 feet; thence N 14° E 180 feet, more or less; thence N 74° W 250.05 feet; thence S 12°30' W 286.01 feet to the north right-of-way of the South Wenatchee Road; thence southeasterly along said right-of-way 710 feet, more or less, to the point of beginning.

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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Charles Douglas Mayo** & **John Strand Mayo** COURT CLAIM NO. 00804  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 119.7 acres  
5 Period of Use: April 1 to October 31  
6 Quantity: 2.39 cubic feet per second, 419 acre-feet per year  
7 Priority Date: **July 10, 1882**  
8 Point of Diversion: 1. 725 feet north and 400 feet east of the south quarter corner of Section 32, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M. for 0.99 cfs.  
9 2. 600 feet south and 1000 feet east of the northeast corner of Section 9, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 14 N., R. 18 E.W.M. for 1 cfs.  
10 3. 170 feet north and 350 feet east of the south quarter corner of Section 4, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M. for 0.40 cfs.  
11  
12 Place of Use: The SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 9 lying north of the South Wenas Road, all in T. 14 N., R. 18 E.W.M.  
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15 CLAIMANT NAME: **Fred L. Hoff** COURT CLAIM NO. 01913  
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17 Source: Wenas Creek  
18 Use: Irrigation of 12 acres  
19 Period of Use: April 1 to October 15  
20 Quantity: 0.24 cubic foot per second, 36 acre-feet per year  
21 Priority Date: **June 30, 1883**  
22 Point of Diversion: 600 feet south and 1350 feet east of the west quarter corner of Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 16 N., R. 17 E.W.M.  
23  
24 Place of Use: That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 16 N., R. 17 E.W.M. lying south of the North Wenas Road.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Bruce Buchanan** COURT CLAIM NO. 07476  
2 Source: Wenas Creek  
3 Use: Irrigation of 60 acres  
4 Period of Use: March 15 to October 15  
5 Quantity: 1.2 cubic feet per second, 240 acre-feet per year  
6 Priority Date: **June 30, 1884**  
7 Point of Diversion: 700 feet south and 1000 feet east of the northwest corner  
8 of Section 18, being within Government Lot 1 of  
9 Section 18, T. 14 N., R. 19 E.W.M.  
10 Place of Use: Government Lots 1 and 2 of Section 18, T. 14 N.,  
R. 19 E.W.M.  
11 Limitations of Use: This land also receives water from the Naches-Selah  
12 Irrigation District. A maximum of 240 acre-feet per year  
may be used under this right and any right the land may  
13 enjoy through the irrigation district.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Mr. & Mrs. Morris Freeman** COURT CLAIM NO. 00435  
2 Source: Wenas Creek (A)01376  
3 Use: Irrigation of 9 acres  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.18 cubic foot per second, 27.0 acre-feet per year  
6 Priority Date: **June 30, 1884**  
7 Point of Diversion: 400 feet south and 350 feet east from the north quarter  
8 corner of Section 11, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
9 Section 11, T. 15 N., R. 17 E.W.M.  
10 Place of Use: Tracts 1 and 2, Plat A, Unit 1 Wenas Highland Orchard  
11 Tracts, being within that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
12 Section 11, northeast of Wenas Creek and a portion of the  
13 S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2 lying south of the North Wenas Road,  
14 T. 15 N., R. 17 E.W.M.  
15 Limitations of Use: This land also receives supplemental irrigation water from  
16 the Wenas Irrigation District. A maximum of 17.2  
17 acre-feet per year can be used under this right and any  
18 right the land may enjoy through the district.

21 SUPPLEMENTAL REPORT OF REFEREE  
22 Re: Subbasin No. 15

23 Referee's Office  
24 15 W. Yakima Ave Ste. 200  
25 Yakima, WA 98902-3401

1 CLAIMANT NAME: **Thomas S. Hazen** & **Charlain E. Hazen** COURT CLAIM NO. 00436  
2 (A)01375  
3 (A)06527  
4 Source: Wenas Creek  
5 Use: Irrigation of 17 acres  
6 Period of Use: April 1 to October 31  
7 Quantity: 0.34 cubic foot per second, 51 acre-feet per year  
8 Priority Date: **June 30, 1884**  
9 Point of Diversion: 150 feet south and 200 feet east from the west quarter  
corner of Section 29, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 29, T. 16 N., R. 17 E.W.M.  
10 Place of Use: That portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 16 N.,  
R. 17 E.W.M., lying south of the Wenas Road and north of  
the Burge Ditch; AND: that portion of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
said Section 29, described as follows: Beginning at a  
point located 302.5 feet east of the west quarter corner  
of said Section; thence east 452 feet to a point on the  
south right of way of Wenas Road; thence northwesterly  
along said right of way 410 feet; thence southwesterly 139  
feet to the point of beginning.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Galen H. Hoover  
& Patricia L. Hoover** COURT CLAIM NO. 06782

2

3 Source: Wenas Creek

4 Use: Irrigation of 64.5 acres

5 Period of Use: April 1 to October 15

6 Quantity: 1.29 cubic feet per second, 193.5 acre-feet per year

7 Priority Date: **June 30, 1884**

8 Point of Diversion: Various points along the creek located between a point  
9 approximately 1,000 feet south and 400 feet east of the center of Section 33 and a point approximately 100 feet  
10 north of the southeast corner of Section 33, all in the SE $\frac{1}{4}$  of Section 33, T. 16 N., R. 17 E.W.M.

11 Place of Use: That portion of the SE $\frac{1}{4}$  of Section 33, T. 16 N.,  
12 R. 17 E.W.M. lying southwest of the North Wenas Road.

13 CLAIMANT NAME: **Galen H. Hoover  
& Patricia L. Hoover** COURT CLAIM NO. 06782

14

15 Source: Wenas Creek

16 Use: Irrigation of 13 acres

17 Period of Use: April 1 to October 15

18 Quantity: 0.26 cubic foot per second, 39 acre-feet per year

19 Priority Date: **June 30, 1884**

20 Point of Diversion: Various points on the creek between a point approximately  
21 450 feet west of the northwest corner of Section 34 and a point 750 feet south and 1,100 feet east of the northwest  
22 corner of Section 34, being within Government Lot 4 of Section 34, T. 15 N., R. 17 E.W.M.

23 Place of Use: The N $\frac{1}{2}$  of Government Lot 4, Section 34, T. 15 N.,  
24 R. 17 E.W.M.

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27 SUPPLEMENTAL REPORT OF REFEREE

28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Lazy Heart B, Inc.** COURT CLAIM NO. 00432  
2 (A)01362

3 Source: Wenas Creek

4 Use: Irrigation of 46.5 acres

5 Period of Use: March 1 to October 15

6 Quantity: 0.92 cubic foot per second, 144 acre-feet per year

7 Priority Date: **June 30, 1884**

8 Point of Diversion: 1. 900 feet south and 800 feet west from the north  
9 quarter corner of Section 13, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$   
10 of Section 13, T. 15 N., R. 17 E.W.M.  
11 2. 550 feet north and 650 feet east of the southwest  
12 corner of Section 12, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
13 Section 12, T. 15 N., R. 17 E.W.M.

14 Place of Use: Those portions of the W $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$  and NW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
15 Section 13, T. 15 N., R. 17 E.W.M., lying east of the  
16 remnants of the Weinman, Cameron and Pollard Ditch and  
17 west of Wenas Creek.

18 Limitations of Use: This land receives supplemental water from the Wenas  
19 Irrigation District. A maximum of 203.8 acre-feet per  
20 year can be used under this right and any right the land  
21 may enjoy through the Wenas Irrigation District.

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27 SUPPLEMENTAL REPORT OF REFEREE Referee's Office  
28 Re: Subbasin No. 15 15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Lazy Heart B, Inc.** COURT CLAIM NO. 00432  
2 Source: Unnamed spring (A)01362  
3 Use: Irrigation of 40 acres and stock water  
4 Period of Use: March 1 to October 15  
5 Quantity: 0.22 cubic foot per second, 80 acre-feet per year for  
irrigation; 5 acre-feet per year for stock water  
6 Priority Date: **June 30, 1884**  
7 Point of Diversion: 950 feet south and 1150 feet east from the northwest  
corner of Section 13, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
9 Section 13, T. 15 N., R. 17 E.W.M.  
10 Place of Use: The SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13,  
11 T. 15 N., R. 17 E.W.M., lying east of the remnants of the  
Weiman, Cameron and Pollard Ditch and west of Wenås Creek.  
12 Limitations of Use: The annual quantity of 80 acre-feet per year for  
irrigation is not in addition to the annual quantity used  
under the 1884 right to use Wenås Creek water on the same  
13 land.  
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27 SUPPLEMENTAL REPORT OF REFEREE Referee's Office  
Re: Subbasin No. 15 15 W. Yakima Ave Ste. 200  
28 143 Yakima, WA 98902-3401

1 CLAIMANT NAME: **Charles Douglas Mayo** COURT CLAIM NO. 00807  
2 & **John Strand Mayo**

3 Source: South Fork of Wenatchee Creek

4 Use: Irrigation of 15.4 acres

5 Period of Use: April 1 to October 15

6 Quantity: 0.31 cubic foot per second, 53.9 acre-feet per year

7 Priority Date: **June 30, 1884**

8 Point of Diversion: Within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M.

9 Place of Use: That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T. 14 N.,  
10 R. 18 E.W.M., lying northeast of the South Wenatchee Road;  
11 EXCEPT that portion described as follows: Beginning at a  
12 point 1,093 feet south from the northeast corner of  
13 Section 9, T. 14 N., R. 18 E.W.M.; thence N 85°42' W  
213.56 feet; thence south 964.34 feet to the point of  
terminus on the north right-of-way of the South Wenatchee  
Road.

14 CLAIMANT NAME: **Alfred Pope** COURT CLAIM NO. 00435  
15 & **Patricia Pope**  
16 **Hallie Person** (A)01376

17 Source: Wenatchee Creek

18 Use: Irrigation of 4 acres

19 Period of Use: April 1 to October 15

20 Quantity: 0.08 cubic foot per second, 12.0 acre-feet per year

21 Priority Date: **June 30, 1884**

22 Point of Diversion: Within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 2, T. 15 N., R. 17 E.W.M.

23 Place of Use: The NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 11, T. 15 N., R. 17 E.W.M. lying  
24 south and west of Wenatchee Creek

25 Limitations of Use: This land also receives supplemental irrigation water from  
the Wenatchee Irrigation District. A maximum of 17.2  
26 acre-feet per year can be used under this right and any  
right the land may enjoy through the district.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME:

2 Stan Coffin  
3 Ruth Coffin  
4 Richard Coffin  
5 Christopher Coffin  
6 Thomas Coffin  
7 Sarah Coffin  
8 Nancy Hutton  
9 James Hutton  
10 Jonathan Hutton

COURT CLAIM NO. 00223

(A)01384

11 Source:

12 Unnamed spring/stream

13 Use:

14 Domestic supply for two cabins and stock water

15 Period of Use:

16 Continuous

17 Quantity:

18 0.02 cubic foot per second, 2 acre-feet per year for  
19 domestic supply and 0.01 cubic foot per second, 1  
20 acre-foot per year for stock water

21 Priority Date:

22 June 30, 1885

23 Point of Diversion:

24 700 feet south and 200 feet west from the north quarter  
25 corner of Section 21, being within the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
26 Section 21, T. 16 N., R. 16 E.W.M.

27 Place of Use:

28 The NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 21, T. 16 N.,  
R. 16 E.W.M.

SUPPLEMENTAL REPORT OF REFEREE

Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Ray E. Day** & **Tola R. Day** COURT CLAIM NO. 01191  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 14 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.28 cubic foot per second, 41.58 acre-feet per year  
7 Priority Date: **June 30, 1886**  
8 Point of Diversion: 1,300 feet north and 550 feet east from the south quarter  
9 corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
9 Section 13, T. 15 N., R. 17 E.W.M.  
10 Place of Use: The east 900 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13 lying east  
11 of the Weinman, Cameron and Pollard Ditch, in T. 15 N.,  
R. 17 E.W.M.  
12 Limitations of Use: This land receives supplemental water from the Wenash  
13 Irrigation District. A maximum of 71.58 acre-feet per  
year can be used under this right and any right the land  
may enjoy through the district.  
14  
15 CLAIMANT NAME: **Bud Owens** & **Jean Owens** COURT CLAIM NO. 01013  
16  
17 Source: Wenas Creek  
18 Use: Irrigation of 16 acres  
19 Period of Use: April 1 to October 15  
20 Quantity: 0.32 cubic foot per second, 48 acre-feet per year  
21 Priority Date: **June 30, 1886**  
22 Point of Diversion: 250 feet south and 720 feet east from the center of  
23 Section 10, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10,  
T. 14 N., R. 18 E.W.M.  
24 Place of Use: That portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 14 N.,  
R. 18 E.W.M., north of the South Wenash Road.  
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27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Thomas A. Bass, Jr.** & Carol Ann Bass COURT CLAIM NO. 01460  
2 (A)07607

3 Source: Wenas Creek

4 Use: Irrigation of 70 acres and stock water

5 Period of Use: April 1 to October 15

6 Quantity: 1.4 cubic feet per second, 210 acre-feet per year for irrigation; 1 acre-foot per year for stock water

7 Priority Date: **June 30, 1887**

8 Point of Diversion: 1. 400 feet south and 1300 feet west from the center of Section 11, being within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 16 N., R. 16 E.W.M.

9 Place of Use: That portion of S $\frac{1}{2}$ SE $\frac{1}{4}$  lying west of the North Wenas Road; that portion of the E $\frac{1}{2}$ SW $\frac{1}{4}$  lying east of Wenas Creek and west of the North Wenas Road, that portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  lying west of Wenas Creek and that portion of the E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$  lying west of Wenas Creek and east of the Cascade Orchard Ditch, all in Section 11, T. 16 N., R. 16 E.W.M.

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15 CLAIMANT NAME: **Charles Douglas Mayo** & John Strand Mayo COURT CLAIM NO. 00806

16 Source: Wenas Creek

17 Use: Irrigation of 3.5 acres

18 Period of Use: April 1 to October 31

19 Quantity: 0.07 cubic foot per second, 12.25 acre-feet per year

20 Priority Date: **June 30, 1888**

21 Point of Diversion: Within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 15 N., R. 18 E.W.M.

22 Place of Use: That part of the east 146 feet of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T. 14 N., R. 18 E.W.M., lying north of the South Wenas Road.

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27 SUPPLEMENTAL REPORT OF REFEREE Referee's Office  
Re: Subbasin No. 15 15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

28

1 CLAIMANT NAME: **Lyle R. Schneider** COURT CLAIM NO. 00697  
2 (A)01383  
3 Source: Wenas Creek  
4 Use: Irrigation of 15 acres  
5 Period of Use: March 1 to October 15  
6 Quantity: 0.30 cubic foot per second, 72.4 acre-feet per year  
7 Priority Date: **June 30, 1890**  
8 Point of Diversion: 1,200 feet south and 500 feet east from the center of  
9 Section 11, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 11,  
T. 14 N., R. 18 E.W.M.  
10 Place of Use: That portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 11, T. 14 N.,  
R. 18 E.W.M. lying south of the old Cleman Ditch.  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Galen H. Hoover** & **Patricia L. Hoover** COURT CLAIM NO. 06782  
2  
3 Source: Wenas Creek  
4 Use: Irrigation of 2.5 acres  
5 Period of Use: April 1 to October 15  
6 Quantity: 0.05 cubic foot per second, 7.5 acre-feet per year  
7 Priority Date: **June 30, 1894**  
8 Point of Diversion: 100 feet north of the southeast corner of Section 33,  
9 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, T. 16 N.,  
R. 17 E.W.M.  
10 Place of Use: The NE $\frac{1}{4}$  of Government Lot 1 of Section 4, T. 15 N.,  
11 R. 17 E.W.M.  
12 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206  
13 (A)03119  
14 (A)05238  
15 Source: Two unnamed springs  
16 Use: Stock water  
17 Period of Use: April 1 to August 31  
18 Quantity: 0.02 cubic foot per second, 0.65 acre-foot per year  
19 Priority Date: **May 10, 1895**  
20 Point of Diversion: 1. 160 feet north and 800 feet east of the west quarter  
21 corner of Section 17, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
22 Section 17, T. 16 N., R. 16 E.W.M.  
23 2. 500 feet north and 200 feet west of the east quarter  
24 corner of Section 6, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
25 Section 6, T. 16 N., R. 17 E.W.M.  
26 Place of Use: The SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 17, T. 16 N., R. 16 E.W.M.; the  
27 SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, T. 16 N., R. 17 E.W.M.  
28 Limitations of Use: The maximum quantity that can be used from the identified  
sources is 0.65 acre-foot per year.

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206  
2 (A)03119  
3 Source: Two unnamed springs (A)05238  
4 Use: Stock water  
5 Period of Use: April 1 to August 31  
6 Quantity: 0.02 cubic foot per second, 0.65 acre-foot per year  
7 Priority Date: **January 16, 1896**  
8 Point of Diversion: 1. 840 feet south and 400 feet west of the center of  
9 Section 23, being within the  $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$  of Section 23,  
T. 17 N., R. 16 E.W.M.  
10 2. 700 feet south and 1,100 feet east of the northwest  
11 corner of Section 25, being within the  $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$  of  
Section 25, T. 17 N., R. 16 E.W.M.  
12 Place of Use: The  $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$  of Section 23, the  $NE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$  of Section 25,  
both in T. 17 N., R. 16 E.W.M.  
13 Limitations of Use: The maximum quantity of water that can be used from the  
14 identified sources is 0.65 acre-feet per year  
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SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Bud Owens**  
2 & **Jean Owens** COURT CLAIM NO. 01013  
3  
4 Source: Wenas Creek  
5 Use: Irrigation of 6.8 acres  
6 Period of Use: April 1 to October 15  
7 Quantity: 0.18 cubic foot per second, 27.2 acre-feet per year  
8 Priority Date: **June 30, 1901**  
9 Point of Diversion: 1200 feet south and 900 feet west of the northeast corner  
10 of Section 9, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9,  
11 T. 14 N., R. 18 E.W.M.  
12  
13 Place of Use: That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10, T. 14 N.,  
14 R. 18 E.W.M., described as follows: Beginning at the  
15 northeast corner of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10; thence S 327  
16 feet; thence S 81°40' W, 485 feet; thence N 86°15' W, 73  
17 feet; thence N 59°25' W, 160 feet; thence N 10°45' W 194  
18 feet; thence N 28°55' W, 144 feet; thence N 16 feet more  
19 or less to the north boundary line of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ ; thence S  
20 88°26' E along the north boundary line of said NE $\frac{1}{4}$ SW $\frac{1}{4}$   
21 796.4 feet, more or less to the point of beginning.  
22  
23 CLAIMANT NAME: **Arthur W. Briscoe**  
24 & **Violet Ora Briscoe** COURT CLAIM NO. 00455  
25  
26 Source: An unnamed spring  
27 Use: Single domestic supply, including lawn and garden  
28 irrigation  
29 Period of Use: Continuous  
30  
31 Quantity: 0.02 cubic foot per second, 2 acre-feet per year  
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33 Priority Date: **June 30, 1910**  
34  
35 Point of Diversion: 800 feet north and 900 feet east from the south quarter  
36 corner of Section 2, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of  
37 Section 2, T. 15 N., R. 17 E.W.M.  
38  
39 Place of Use: Tract 1, Plat "A" Unit 1 of Wenas Highland Orchard Tracts  
40 which lies within that portion of S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 2,  
41 T. 15 N., R. 17 E.W.M., and lying south of Wenas Road.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Wenas Irrigation District** COURT CLAIM NO. 00472  
2 (A)01364

3 Source: Wenas Creek

4 Use: Irrigation of 2,013.5 acres

5 Period of Use: January 1 to March 31 for storage; April 1 to October 16  
for release of stored water for irrigation

6 Quantity: 1300 acre-feet per year

7 Priority Date: **August 4, 1925**

8 Point of Diversion: 1000 feet north and 1100 feet east from the southwest  
corner of Section 2, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 2, T. 15 N., R. 17 E.W.M.

9 Place of Use: The NE $\frac{1}{4}$  of Section 11, the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of Section 12,  
the N $\frac{1}{2}$ , SE $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 13, the NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  and  
SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.; the SW $\frac{1}{4}$  of  
Section 18, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and the S $\frac{1}{2}$ SE $\frac{1}{4}$   
of Section 19, the N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$  of Section 30, the  
W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 29, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NE $\frac{1}{4}$   
of Section 31, the NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 32, T. 15 N., R. 18 E.W.M.

10 Limitation on Use: This right is for the storage and use of the authorized  
11 quantity of water.

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27 SUPPLEMENTAL REPORT OF REFEREE Referee's Office  
Re: Subbasin No. 15 15 W. Yakima Ave Ste. 200  
28 152 Yakima, WA 98902-3401

1 CLAIMANT NAME: **Chuck Kisner** COURT CLAIM NO. 00493  
2 Source: An unnamed pond  
3 Use: Irrigation of 45 acres  
4 Period of Use: April 1 to October 15  
5 Quantity: 0.50 cubic foot per second (225 gallons per minute), 180  
6 acre-feet per year  
7 Priority Date: **October 22, 1962**  
8 Point of Diversion: 985 feet south and 210 feet east from the northwest corner  
9 of Section 32, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32,  
T. 15 N., R. 18 E.W.M.  
10 Place of Use: The N $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, the N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32,  
11 and that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 32 described as  
12 follows: Beginning at a point 150 feet south, more or  
13 less, from the northwest corner of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence  
14 S 38° E 460 feet, more or less; thence N 51° E 200 feet,  
15 more or less, to the south right-of-way of the North Wenas  
16 Road; thence southeasterly along said right-of-way 600  
feet, more or less; thence S 60°56'40" E 910 feet, more or  
less, to a point on the west line of said NE $\frac{1}{4}$ NW $\frac{1}{4}$ ; thence  
north along said line 1,140 feet, more or less, to the  
point of beginning; EXCEPT, Wenas Creek, Dry Creek, Spring  
Creek, an unnamed pond, roads and buildings; ALL in  
T 15 N., R. 18 E.W.M.  
17 Limitations of Use: This right is supplemental to existing rights from Wenas  
18 Creek. The maximum annual quantity that can be used under  
19 this right and the Wenas Creek right is 180 acre-feet per  
year.

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27 SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

28 Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

1 CLAIMANT NAME: **Wenas Irrigation District** COURT CLAIM NO. 00472  
2 (A)01364

3 Source: Wenas Creek

4 Use: Irrigation of 2,013.5 acres

5 Period of Use: October 17 through March 31 for storage; April 1 to  
6 October 31 for release of the stored water for irrigation

7 Quantity: 1733 acre-feet per year

8 Priority Date: **September 7, 1979**

9 Point of Diversion: 1000 feet north and 1100 feet east from the southwest  
corner of Section 2, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 2, T. 15 N., R. 17 E.W.M.

10 Place of Use: The NE $\frac{1}{4}$  of Section 11, the SW $\frac{1}{4}$ NW $\frac{1}{4}$  and SW $\frac{1}{4}$  of Section 12,  
the N $\frac{1}{2}$ , SE $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 13, the NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$  and  
SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 24, T. 15 N., R. 17 E.W.M.; the SW $\frac{1}{4}$  of  
Section 18, the NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and the S $\frac{1}{2}$ SE $\frac{1}{4}$   
of Section 19, the N $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$  of Section 30, the  
W $\frac{1}{2}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  and S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 29, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ , and S $\frac{1}{2}$ NE $\frac{1}{4}$   
of Section 31, the NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$  and SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 32, T. 15 N., R. 18 E.W.M.

15 Limitations of Use: The natural flow of Wenás Creek must be passed through the  
dam from April 1 through October 16 of each irrigation  
season, such that outflow equals inflow.

17 The district shall construct wiers both above and below  
18 the reservoir to measure the water flowing into and out of  
19 the reservoir and maintain such records of flow on a daily  
basis.

20 The operation of the reservoir shall comply with the  
21 provisions of the agreement between the Wenás Irrigation  
District and the Washington State Game Department (now  
Department of Fish and Wildlife).

22 This right is for the storage and use of the authorized  
23 quantity of water.

27 SUPPLEMENTAL REPORT OF REFEREE  
28 Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

The aforementioned changes shall be incorporated into the Report of Referee dated June 6, 1994.

SIGNED and DATED at Yakima, Washington this 14<sup>th</sup> day of February,  
1997.

Douglas Clausing  
DOUGLAS CLAUSING, Referee

~~DOUGLAS CLAUSING, Referee~~

SUPPLEMENTAL REPORT OF REFEREE  
Re: Subbasin No. 15

Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401