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YAKIMA, WASHINGTON

YAKIMA RIVER BASIN

WATER RIGHTS ADJUDICATION

FILED

FEB 26 2004

**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. 10
(KITITITAS)**

Submitted to:

The Honorable Walter A. Stauffacher
Yakima County Superior Court

REPORT OF REFEREE - VOLUME 45A, PART 2

17,589

1 COURT CLAIM NO. 01445 -- John Nylander

2 John Nylander took exception to the Report of Referee for Subbasin No.
3 10 (Kittitas), seeking an opportunity to augment the record regarding
4 historic use of water from Cooke, Park and Badger Pocket Creeks. Jamie M.
5 Morin, attorney for John Nylander, represented the claimant at the
6 Referee's supplemental hearing on February 18, 2003. John Nylander and
7 Kevin Eslinger, a neighboring landowner, testified and exhibits were
8 admitted into the record.

9 The Nylander property is composed of parcels that were part of four
10 homesteads with distinct chains of title. The priority dates and water
11 rights recommended will be defined according to those homesteads and
12 supporting documents. In addition to the multiple historic owners, there
13 are three sources of water used to irrigate a total of about 100 acres.
14 Finally, prior litigation has, or may have, imposed limitations on the
15 various water rights. Those cases included the 1921 general adjudication
16 of Cooke Creek State v. Anderson (Anderson), Northern Pacific Railway
17 Company v. Montgomery, Kittitas County Superior Court Cause No. 2675,
18 May 11, 1899, (NPRR v. Montgomery) and, finally, Elizabeth Ferguson,
19 T. J. Morrison and Lily Morrison, his wife, and Etta Gore v. J. C. Sterling
20 and wife, and W. T. Montgomery and wife, Cause No. 7013, May 27, 1924
21 (Ferguson, et al. v. Sterling, et al.).

22 The Referee will address the Nylander exceptions by water source with
23 Cooke Creek being first. The claimant argues that the Anderson case did
24 not include properties on Cooke Creek as far south as the Nylander

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1 property. This exception was taken by several other landowners in the same
2 area. See page 8 of this report for a detailed discussion of the argument
3 presented by counsel and the basis for the Referee's decision. Since the
4 Referee does not recommend confirmation of a right to use Cooke Creek as a
5 result of this analysis, a discussion of the evidence of use of Cooke Creek
6 will not be considered further.

7 A water right is also asserted for use of a water source alternately
8 described as both Johnson Creek and Badger Pocket Creek to irrigate
9 22.5 acres in Field No. 5, which is that portion of the NW~~1~~NW~~4~~ of
10 Section 28, T. 17 N., R. 19 E.W.M. lying south of Park Creek. Although the
11 testimony at the initial hearing suggested that the names Johnson Creek and
12 Badger Pocket Creek were interchangeable for the same water source, the
13 Referee believes that those sources are distinctly different (see Map
14 Exhibit SE-2). Johnson Creek (also called Johnson Drain) lies north of
15 Badger Pocket Creek and appears to be a tributary of Park Creek, whereas
16 Badger Pocket Creek flows west into Whipple Wasteway near the west quarter
17 corner of Section 26, T. 17 N., R. 19 E.W.M. The Referee had originally
18 concluded that the NW~~1~~NW~~4~~ of Section 28 is riparian to Badger Pocket Creek,
19 see page 304 of the Report of Referee. However, after further reviewing
20 Map Exhibit SE-2 and DE-1670 (Color Aerial Photograph presented by Sweet
21 Grass Investments), that conclusion was in error, as Badger Pocket Creek
22 flows into Whipple Wasteway, which is about 1300 feet south of the
23 NW~~1~~NW~~4~~.

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1 WRC No. 62725 filed by Dortha Nylander describes Badger Pocket Creek
2 and a point of diversion which is clearly on Johnson Creek. That point is
3 consistent with the Johnson Creek diversion as it is currently used,
4 located in the S~~X~~SE~~X~~SE~~X~~ of Section 21, T. 17 N., R. 19 E.W.M. Clearly
5 there has been confusion over the creek names. The Referee concludes that
6 Johnson Creek is the actual water source being used and for which a water
7 right is being asserted. WRC No. 62725 asserts a right to use 2.0 cfs;
8 110 acre-feet per year for irrigation of 22 acres located in the NW~~X~~NW~~X~~ of
9 Section 28, T. 17 N., R. 19 E.W.M. SE-2 shows Johnson Creek being
10 intermittent as it flows east and updrainage of the Town Ditch in the
11 SE~~X~~SW~~X~~ of Section 24, T. 17 N., R. 19 E.W.M. and it does not appear to have
12 any appreciable watershed above the Kittitas Reclamation District (KRD)
13 Canal, near the center of Section 33, T. 17 N., R. 20 E.W.M. Any natural
14 flow in this creek/drain would appear to be the result of local
15 precipitation, which generally occurs very early in the year and is of
16 limited duration. The Referee brought this characteristic to claimants'
17 attention on Page 306 of the Report of Referee, suggesting that evidence to
18 provide an estimate of the natural flow available in the creek was needed.
19 The Referee has studied Exhibit DE-1671 entered into the record by Sweet
20 Grass Investments, Court Claim Nos. 01041 and 01448. This series of
21 photographs of Johnson Drain taken February 1, 2003, show snow on the
22 ground and substantial water in the creek. Testimony provided by Keith
23 Eslinger is that natural flow is available in Johnson Creek before the Town
24 Ditch, Cascade Irrigation District and KRD canal are carrying water in the

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1 spring. The record before the Referee, however, does not provide any
2 information of and estimate of the quantity of such natural water--either
3 instantaneous or annual in the record. In addition, the date of first use
4 of Johnson Creek water on the ~~S.1/4NW.1/4~~ of Section 28, T. 17 N.,
5 R. 19 E.W.M. is not in the record. In order for there to be a water right
6 under the Prior Appropriation Doctrine, there must be evidence that creek
7 water was used for irrigation prior to June 6, 1917. Lacking those
8 critical facts, the Referee cannot recommend confirmation of a water right
9 for use of Johnson Creek under Court Claim No. 01445.

10 The final water source to be addressed is Park Creek. The claimant is
11 asserting a right to irrigate 46.2 acres in two fields with water diverted
12 from Park Creek. Field No. 3 is 29.4 acres and its sole source of water is
13 Park Creek. Field No. 4 is 16.8 acres and has been irrigated from both
14 Cooke Creek and/or Park Creek depending on water availability. Field No. 3
15 lies within the north three-quarters of the ~~SW.1/4SW.1/4~~ of Section 21, T. 17 N.,
16 R. 19 E.W.M. It does not appear that this parcel of land is riparian to
17 Park Creek.

18 The limited chain of title evidence shows it was patented to the NPRR,
19 who sold it to S. R. Geddis in 1881, long before the patent issued. By
20 1902, George Cooke owned the land and appears to have owned it until May 3,
21 1928, when Baird acquired the land and ultimately sold to Nylander in
22 1942. Eric T. Moe testified that the Park Creek diversion and gravity
23 ditch shared with Cooke was in use when he purchased adjoining land in
24 February of 1898. The point of diversion is located 1280 feet south and

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1 90 feet west of the center of Section 21, T. 17 N., R. 19 E.W.M. This
2 point of diversion is used in common with Thomas Nisbet, Court Claim
3 No. 00422 (formerly Eric Moe). WRC No. 062729 filed by Dortha Nylander
4 asserts a right to use 2.0 cfs, 205 acre-feet per year from Park Creek for
5 irrigation of 41 acres in the SW~~1~~SW~~4~~ of Section 21 and the NW~~1~~NW~~4~~ of
6 Section 28. The point of diversion described is very close to the
7 diversion that is being used, therefore, the diversion being used shall be
8 authorized in any water right herein confirmed. Although WRC No. 062729
9 asserts a right to irrigate only 41 acres when 48.2 are actually being
10 irrigated, the Referee concludes that WRC No. 062729 substantially complies
11 with the requirements of RCW 90.14.051 for the land being irrigated in the
12 SW~~1~~SW~~4~~ of Section 21 and the NW~~1~~NW~~4~~ of Section 28. See State of Washington
13 v. Adsit, 103 Wn.2d 698, 694 P.2d 1065 (1985). Richard Bain's engineering
14 report for Nylander calculates that a water duty of 15 acre-feet per acre
15 is needed to adequately irrigate this land. It has been acknowledged
16 throughout the record that a high percentage of the flow in Park Creek
17 during the summer and fall is water that is the result of Town Ditch
18 deliveries and/or return flow. There was no evidence presented to
19 specifically quantify the natural flow component in the creek, however,
20 since the evidence establishes that irrigation began prior to 1900, it is
21 reasonable to conclude there is sufficient natural flow in the creek to
22 recommend confirmation of a water right. WRC No. 061720 asserted a right
23 to use 5 acre-feet per year for each acre irrigated. The Referee finds
24 this is a reasonable estimate of the natural flow that might be available

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1 in Park Creek. Therefore, the Referee recommends 5 acre-feet per acre or a
2 total of 241 acre-feet for 48.2 acres. The Referee recommends confirmation
3 of a water right with a June 30, 1897, date of priority from Park Creek for
4 the diversion of 2.0 cfs and 241 acre-feet per year for the irrigation of
5 48.2 acres in Fields No. 3 and 4 consisting of the SW~~1~~SW~~4~~ of Section 21,
6 T. 17 N., R. 19 E.W.M. and that portion of the NW~~1~~NW~~4~~ of Section 28,
7 T. 17 N., R. 19 E.W.M. lying north of Cherry Creek and east of Cook Creek.

8 COURT CLAIM NO. 02091 -- Robert C. Paul
9 & Margaret E. Paul

10 The Department of Ecology took exception to the quantity of water
11 awarded to the Pauls under Court Claim No. 002091. The Court remanded the
12 claim to the Referee to consider Ecology's exceptions. The Pauls did not
13 appear at the supplemental hearing, even though their claim was put on the
14 schedule.

15 The Referee found that water rights were recognized in the Schnebly v.
16 Huss decree for the use of 0.80 cubic feet per second for the irrigation of
17 80 acres in the SE~~1~~SW~~4~~ and NE~~1~~NW~~4~~ of Section 34, T. 18 N., R. 19 E.W.M.
18 The Pauls have continued to irrigate 75 acres within that area. Even
19 though slightly fewer acres have continued to be irrigated, the Referee
20 awarded a right to use 0.80 cfs for the 75 acres. Ecology's exception asks
21 that the quantity of water be reduced to 0.75 cfs. The evidence presented
22 by Mr. Paul lead the Referee to conclude that 0.80 cfs has continued to be
23 diverted and put to beneficial use on the lands owned by the Pauls. The
24 water duty used in the Schnebly v. Huss Findings of Fact is extremely light

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1 for irrigating in this part of Kittitas County. The use of 0.80 cfs to
2 irrigate 75 acres is not an unreasonable use of water and is conservative
3 for the irrigation practices in this area. The entire right of 0.80 cfs is
4 appurtenant to the area where the water has continued to be used. The
5 Referee finds there is nothing in the Surface Water Code that would prevent
6 the claimant from reducing the number of acres he irrigates and continue
7 diverting the same instantaneous quantity as long as he is not wasting
8 water. Wasting water is certainly not an issue. Ecology has offered no
9 argument that would convince the Referee that the quantity of water awarded
10 to the Pauls under Court Claim No. 02092 should be changed. Ecology's
11 exception is, therefore, denied.

12 COURT CLAIM NO. 01329 -- Merton Purnell
13 & Janice Purnell

14 The Department of Ecology took exception to the quantity of water that
15 was awarded to the Purnells for use of Coleman Creek water. The claim was
16 remanded to the Referee to take testimony from Mr. Purnell concerning use
17 of water. Upon reviewing the Report of Referee in order to respond to
18 Ecology's exceptions, Mr. Purnell became aware that the water rights
19 recommended for confirmation were less than he thought he was entitled.
20 Mr. Purnell appeared at the supplemental hearing to respond to Ecology's
21 exception and also testified concerning additional rights to which he
22 believes he is entitled. The Referee advised Mr. Purnell that the
23 testimony would be allowed contingent on Mr. Purnell filing a late
24 exception and the Court allowing the late exception. The late exception

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1 was filed on February 28, 2003, and the Court signed an order allowing the
2 late exception on March 3, 2003.

3 The water right to which Ecology took exception was based on an award
4 from the Schnebly v. Huss decree, which awarded 0.01 cubic foot per second
5 for each acre irrigated. Mr. Purnell owns most of the SW¼ of Section 14,
6 T. 18 N., R. 19 E.W.M. and the decree awarded 80 inches of water, which
7 would have been sufficient under that decree for the irrigation of the
8 entire 160 acres in the SW¼. After the Kittitas Reclamation District (KRD)
9 came on line in the 1930's, the owner of the land at that time elected to
10 use KRD water on the E½SW¼ of Section 14 and all of the Coleman Creek water
11 on the W½SW¼ of Section 14. By doing that, approximately one inch of water
12 per acre was then available for use on the W½SW¼ of Section 14. One inch
13 of water is what was awarded in almost all other decrees in Kittitas
14 County. Approximately 9 acres in the northwest corner of the SW¼NW¼ of
15 Section 14 is owned by another party, Joan Laws, but the remainder of the
16 land in the W½SW¼ of Section 14 has continued to be irrigated by Mr.
17 Purnell with Coleman Creek water. He testified to irrigating 76 acres in
18 the W½SW¼ of Section 14, although the Referee believes this might be a bit
19 high. Normally, the W½SW¼ of a section would have 80 acres and if Joan
20 Laws owns 9 acres, then Mr. Purnell would be left with 71 acres. Mr.
21 Purnell believes that the SW¼ of Section 14 is a large quarter section,
22 having 165 acres, rather than 160 acres. However, normally when that
23 occurs, there are government lots that reflect acreage larger than the
24

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1 normal quarter/quarter section of 40 acres. That is not the case for the
2 SW¼ of Section 14.

3 In the Report of Referee, a right was recommended to Mr. Purnell for
4 the irrigation of 51 acres. The acreage was based on two RCW 90.14 claims
5 that were filed by Mr. Purnell for use of Coleman Creek. The Referee felt
6 compelled to only recommend a right for the total number of acres described
7 in the RCW 90.14 claims. Mr. Purnell is attempting to amend one of those
8 claims in order to cover a total of 76 acres. At this point, however,
9 rights for the irrigation of 51 acres is all that are covered by the
10 claims. The Referee recommended confirmation of a water right for the 51
11 acres, but did not reduce the instantaneous quantity below what had been
12 awarded for the portion of the SW¼ of Section 14 owned by Mr. Purnell.
13 Ecology's position, as the Referee understands it, is that if the number of
14 acres that have continued to be irrigated under a right awarded in Huss,
15 then the quantity of water should also be reduced. The Referee continues
16 to believe that it would not be appropriate to reduce the instantaneous
17 quantity, and subsequently the annual quantity. Clearly the quantity of
18 water awarded per acre in the Huss is not adequate for optimum irrigation
19 of the land in this area. If a landowner chooses to reduce the number of
20 acres he irrigates from the creek in order to irrigate well a smaller area,
21 the Referee believes there is nothing in the water code that prevents that
22 practice. There is 1.51 cfs appurtenant to the portion of the SW¼ of
23 Section 14 owned by Mr. Purnell and he has continued to use that water
24

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1 within the SW¼ of Section 14. There has been no change in place of use from
2 what was awarded in the decree. The Referee denies Ecology's exception.

3 One of Mr. Purnell's exceptions seeks to have a larger water right
4 awarded for the lands he irrigates in the W¼SW¼ of Section 14. As
5 previously discussed, the number of acres for which a water right was
6 confirmed was based on the RCW 90.14 claims filed by Mr. Purnell. He is
7 attempting to amend one of those claims and if he is successful, the
8 Referee is prepared to modify the recommendation to increase it to the
9 number of acres irrigated and described in the amended claim. However,
10 until Mr. Purnell is successful in amending the RCW 90.14 claim, the
11 Referee cannot alter the recommendation.

12 The second exception brought by Mr. Purnell was to a water right not
13 being awarded for irrigating land in the SE¼SE¼ of Section 10, T. 18 N.,
14 R. 19 E.W.M. Mr. Purnell is irrigating a 10 acre field in the W¼SE¼SE¼ of
15 Section 10. The Referee did not recommend confirmation of a water right
16 for two reasons. The RCW 90.14 claim that Mr. Purnell filed describing
17 land in Section 10 describes the SE¼SW¼ of Section 10, so the Referee
18 concluded there was no water right claim for the portion of the SE¼SE¼ of
19 Section 10 owned by Mr. Purnell and that any right was relinquished due to
20 failure to file the claim. At the supplemental hearing, Mr. Purnell
21 testified there was a typographical error in Water Right Claim (WRC) No.
22 117963 and the SE¼SW¼ should have been SE¼SE¼. Mr. Purnell has filed with
23 Ecology a request to amend WRC No. 117963 to correct that typographical
24 error. The Referee is aware that Ecology frequently grants amendment

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1 requests when typographical errors are the issue. The primary evidence of
2 historical water use on this land was the deposition of Andy Gustafson
3 (DE-937), in which Mr. Gustafson stated that his family irrigated land in
4 the SE¼ of Section 10 east of Schnebly Creek, while most of the land Mr.
5 Purnell irrigates is west of Schnebly Creek. Mr. Purnell testified at the
6 supplemental hearing that this statement in the deposition was in error.
7 He referred the Referee to the evidence presented by John and Kim Olexsy
8 (see page 307 to 309 of the Report of Referee), who own and irrigate land
9 in the SE¼NE¼SE¼ of Section 10. Their land is part of the same homestead
10 as the land owned by Mr. Purnell in the SE¼SE¼ of Section 10. The evidence
11 presented by the Olexsys would lead to a conclusion that water rights were
12 established for the SE¼ of Section 10 by the original settler, E.N. Cooke,
13 and a water right was recommended for the Olexsy with a May 10, 1887, date
14 of priority. If Mr. Purnell is successful in amending his RCW 90.14 claim,
15 the Referee is also prepared to recommend a water right with the same
16 priority date for the diversion of 0.20 cubic foot per second, 50 acre-feet
17 per year for the irrigation of 10 acres. The point of diversion shall be
18 as described in WRC No. 117963 (1300 feet north and 240 feet west of the
19 southeast corner of Section 10, being within the NE¼SE¼SE¼ of Section 10).

20 At this time the Referee does not recommend altering any of the water
21 rights awarded to Mr. Purnell, other than correcting the point of diversion
22 location on page 598 as directed in the Order on Exceptions. The diversion
23 described on line 17 of page 598 is amended to read 1300 feet north and 240
24 feet west of the southeast corner of Section 10.

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2 COURT CLAIM NO. 01744 -- Thomas J. Ringer

3 Thomas Ringer took exception to the Referee's recommendations
4 concerning this claim. Mr. Ringer, who is represented by Attorney Jeff
5 Slothower, testified at the supplemental hearing.

6 The first exception was to the Referee's description of the lands owned
7 by Mr. Ringer. The Referee on page 345 at lines 1 and 2 describes the
8 lands owned by Mr. Ringer as being that portion of the SW¼ of Section 20,
9 T. 17 N., R. 19 E.W.M. lying west of Coleman Creek. That is not correct,
10 the claimant's land is that portion of the SW¼ of Section 20 lying west of
11 Bull Ditch. The Bull Canal Company canal actually ends at Coleman Creek,
12 just northeast of the northeast corner of the Ringer property. A ditch
13 diverts from Coleman Creek directly across the creek from where Bull Canal
14 spills into the creek and that ditch forms the easterly boundary of the
15 Ringer property. This ditch carries commingled Coleman Creek water and
16 Bull Canal Company water, which are used to irrigated the claimant's land.

17 In support of his claim to a water right to use Coleman Creek water,
18 Mr. Ringer points to the Bull v. Meehan litigation, which was initiated in
19 April of 1885. Beginning on page 3 of this report is a discussion of this
20 case and the Referee's conclusions concerning lands most likely irrigated
21 by Walter A. Bull. The Referee has concluded that the lands being
22 irrigated by Walter Bull include the lands now owned by Thomas Ringer and
23 irrigated with Coleman Creek water. Mr. Ringer is irrigating approximately
24 72 acres in the SW¼ of Section 20 south of Coleman Creek and west of Bull

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1 Ditch. The diversion is in the SE~~1~~⁴ of Section 20. As further discussed
2 earlier in the report, the quantity of water that the Referee has
3 determined Bull established a right to use is one inch of water for each
4 acre irrigated and the annual quantity is based on diverting that quantity
5 from April 1 through August 15. The stipulated settlement to Bull v.
6 Meehan required that the parties cease diverting water for irrigation on
7 August 15 and after that date all water be left in the creek for stock
8 watering.

9 Water delivered by Bull Canal Company is also used on the claimant's
10 land. A water right that was awarded to Bull Canal Company in the Subbasin
11 No. 9 Supplemental Report of Referee has a June 30, 1885, priority date.
12 The place of use includes the Ringer property.

13 Although the Referee concludes that a portion of the Bull water right
14 is appurtenant to the claimant's land, there continues to be a problem with
15 the RCW 90.14 claim that was filed by Mr. Ringer's father. The place of
16 use on the form is the SW~~1~~⁴ of Section 2, T. 17 N., R. 19 E.W.M. lying west
17 of the Bull Canal. Mr. Ringer filed a declaration with his exception that
18 included documents showing that his father owned land in the SW~~1~~⁴ of
19 Section 20, not Section 2 at the time the water right claim was filed. Mr.
20 Ringer believes his father just made an error in copying down the legal
21 description and inadvertently left off the 0. The Referee finds this
22 argument convincing and concludes that anyone referring to the claim would
23 reach the same conclusion. Coleman Creek does not flow anywhere near
24 Section 2. The point of diversion from the creek is correctly described as

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1 being in Section 20, although it appears the landowner incorrectly
2 described the starting point for describing the location. The Referee
3 finds that RCW 90.14 was substantially complied with and WRC No. 110351
4 protects a water right to use Coleman Creek water on the claimant's land.
5 State of Washington v. Adsit, 103 Wn2d 598, 694 P.2d 1065 (1985). The
6 point of diversion location described on WRC No. 110351 is 275 feet north
7 and 30 feet west of the SE corner of Section 20, being within the SE¼ of
8 Section 18, T. 17 N., R. 19 E.W.M. Mr. Ringer contends that the starting
9 point should have been the center of Section 20, not the SE corner and that
10 the diversion lies in the SE¼NW¼ of Section 20. Clearly the diversion
11 location is in error. The point described is about half a mile from
12 Coleman Creek. This leaves the Referee with a dilemma. Ecology has long
13 maintained that only diversions described in either water right
14 certificates or claims filed pursuant to RCW 90.14 can be confirmed in this
15 proceeding. However, they have also taken exception when the Referee
16 confirms a diversion location that is not on the source. The Referee
17 concludes that it would be more appropriate to confirm a point of diversion
18 that actually is on the authorized water source, rather than the one
described on the form, but located a great distance from the creek.

19 The Referee recommends that a water right be confirmed under Court
20 Claim No. 01744 with a June 30, 1869, date of priority for the diversion of
21 1.44 cfs, 391 acre-feet per year from April 1 through August 15 for the
22 irrigation of 72 acres in that portion of the W¼SW¼ of Section 20 lying
23 west of Bull Ditch. The point of diversion authorized shall be located as

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described in the State's Investigation Report; 240 feet north and 590 feet west of the center of Section 20, being within the SE~~1~~⁴ of Section 20. The right shall note that water delivered by Bull Canal Company is also used on the land.

COURT CLAIM NO. 00467 -- Steven C. Rosbach
 & Christine Rosbach

The Rosbaches took several exceptions to the Referee's recommendations for the referenced claim. Ecology also took two exceptions and had two requests for clarifications. The claimants are represented by Attorney Richard T. Cole, and Steve Rosbach testified at the supplemental hearing.

The first exception by Mr. and Mrs. Rosbach was granted by the Court and the City of Kittitas is no longer a party to Court Claim No. 00467. The claimant's second exception was to the Referee not confirming a water right to use water from Cooke Creek. This same exception was taken by several other claimants who own land near the Rosbach property. On page 8 of this report the Referee discusses the arguments presented by all those who took this same exception and any evidence that was presented to support the arguments. The Referee reached the conclusion that there continues to be little evidence to support the claimant's position that the prior adjudication did not determine all the valid water rights to use Cooke Creek. Therefore, the Referee does not recommend confirmation of a water right to use Cooke Creek under Court Claim No. 00467.

Both the claimants and Ecology took exception to the water right that was awarded on page 358, lines 18 to 24 and page 565. The claimants seem

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1 to be in agreement with Ecology's request for clarification. The water
2 right describes two points of diversion and the Referee identified the
3 quantity of water diverted at each diversion and the place of use served by
4 each diversion, but did not identify the number of acres irrigated by each
5 diversion. Page 565 will be amended at line 15 to read: "POD #1 (D-4) --
6 78.7 acres in that portion of the N~~W~~W~~1~~4 of . . ." and at line 19 to read:
7 "POD #2 (D-5) -- 21.2 acres in that portion of the N~~W~~W~~1~~4 . . ." Both the
8 claimant and Ecology took exception to the quantity of water that was
9 awarded. The quantity of water awarded was from the water right claims
10 (WRC) filed by Andy Sorensen pursuant to RCW 90.14. WRC No. 002504
11 asserted a right to use 3.5 cfs, 420 acre-feet per year from diversion No.
12 1 for the irrigation of 84 acres. The number of acres irrigated was
13 reduced to 78.7 and Ecology wants the quantity of water reduced
14 proportionate to the acreage reduction. The claimant wants the annual
15 quantity increased to 887 acre-feet per year based on testimony by Richard
16 Bain. Likewise, WRC No. 002505 asserted a right to divert 3 cfs, 120
17 acre-feet per year for the irrigation of 24 acres. The Referee reduced the
18 number of acres irrigated to 21.2 acres and Ecology wants a proportionate
19 reduction in the quantity of water, while Rosbaches want the annual
20 quantity increased to 237 acre-feet per year.

21 The evidence in the record clearly supports a conclusion that the
22 quantity of water recommended by the Referee has been put to beneficial
23 use. Ecology asks for the reduction without providing any basis for making
24 the reduction. The water right claims are adequate for what has been

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1 awarded and there has been evidence of continued beneficial use of that
2 quantity. Therefore, the Referee will not reduce either the instantaneous
3 or annual quantity that has been awarded and recommends that Ecology's
4 exception be denied. The claimants suggest that Mr. Sorensen was only
5 estimating the annual quantity of water that was being used and made an
6 error. They suggest that the evidence of use presented by both Mr. Bain
7 and Mr. Rosbach should be the basis for the annual quantity that is
8 awarded. Mr. Rosbach has not taken exception to the instantaneous quantity
9 that was awarded. The information on the water right claims does not
10 suggest Mr. Sorensen was estimating his water use. He identified the
11 instantaneous quantity he was claiming a right to divert and the number of
12 days he irrigates during the irrigation season. The annual quantity of
13 water that can be diverted using the instantaneous quantity and the number
14 of days is extremely close to the acre-feet claimed on the water right
15 claim forms. The Court has given the Referee some flexibility in
16 recommending water rights in quantities that exceed the annual quantity
17 claimed on the water right claim form. Generally when it is clear the
18 person completing the form did not understand the concept of acre-feet per
19 year or when there was a small difference between the quantity being
20 awarded and that being claimed, the Referee has awarded in excess of that
21 claimed. In this case, however, the claimants are asking the Referee to
22 award almost twice as much water as was claimed in the water right claim
23 forms. RCW 90.14.065 provides a mechanism for amending the quantity of
24 water claimed, if an error was made in estimating the quantity of water

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1 being used (emphasis added). If the claimants believe an error was truly
2 made, they should pursue amending the claims through that procedure and
3 bring the amended water right claims before the Court. The Referee does
4 not recommend increasing the annual quantity of water that was awarded for
5 use.

6 Lastly, for this water right, the claimants took exception to the
7 priority date awarded. They asked that the priority date be changed from
8 June 30, 1873, to April 1, 1873. This exception was denied by the Court,
9 see page 6, line 25 through page 7, line 15 of the Court's Order on
10 Exceptions to the Report of Referee for Subbasin No. 10 (Kittitas) entered
11 on December 12, 2002.

12 The last exception by the claimants was to the Referee not recommending
13 that a water right be confirmed for use of Sow Creek (or Cherry Creek).
14 SE-2 shows this as an intermittent creek (unnamed on the exhibit) beginning
15 immediately below the Cascade Canal. The location of the head of the creek
16 lead the Referee to suspect that existence of the creek was primarily the
17 result of seepage from the Cascade Canal. Additionally, there was no
18 evidence of historic use of this water on the claimant's property. In
19 order to try and establish the existence of natural creek both Mr. Rosbach
20 and Richard Bain measured the flow in the creek prior to when Cascade Canal
21 is carrying water in the spring and after the canal is shut off in the
22 fall. In early April of 2002 flow was measured at between 1 and 1.5 cfs.
23 On November 4, 2002, the flow was measured at 6 cfs. The flow in the creek
24 was also measured in May when Cascade Canal was carrying water. On May 29

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1 the creek was flowing approximately 20 cfs. Mr. Rosbach also testified
2 that the creek always carries water in the winter. He believes it is fed
3 by warm water springs, as the creek also does not freeze and is used for
4 stock watering in the winter. Mr. Bain, in his deposition taken on
5 November 13, 2002, and published as Exhibit DE-1781, testified that some of
6 the 6 cfs measured in November could be attributed to return flow from the
7 irrigation ditches that had been shut off for about 3 weeks. He could not
8 say how much of the water might be attributed to the ditches. As the
9 Referee expected, flow in the creek is greatly influenced by the Cascade
10 Canal. Unfortunately because of the influence of the updrainage irrigation
11 districts, it is not possible to determine how much natural flow water
12 might be available. In 2002, approximately 1.3 cfs was in the creek prior
13 to the irrigation ditches turning on. Precipitation in the spring of 2002
14 was close to average, so this might be a realistic estimate of the natural
15 flow that would be available. This creek is not fed by late spring snow
16 melt like some of the other creeks in the Kittitas Valley arising in high
17 elevations with late season snow melt, so the Referee would not expect the
18 flow to increase as the spring progresses. The claimants are asserting a
19 right to 6 cfs, 640 acre-feet per year, but there is no evidence that
20 quantity is ever available during the irrigation season, so the Referee is
21 not inclined to recommend a water right for that quantity. Additionally,
22 Water Right Claim No. 002506 filed by Mr. Sorensen pursuant to RCW 90.14,
23 only asserts a right to divert 3 cfs, 320 acre-feet per year.
24
25

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1 The Referee is still faced with too little evidence of historic water
2 use. Mr. Rosbach presented some testimony in that regard, however, the
3 documents in the record do not support most of the testimony. A patent
4 issued to Benjamin Lewis for the NE~~1/4~~NE~~1/4~~ of Section 22, the NW~~1/4~~NW~~1/4~~ of
5 Section 23 and the S~~1/2~~SW~~1/4~~ of Section 14, all in T. 17 N., R. 19 E.W.M. In
6 1883 the NE~~1/4~~NE~~1/4~~ of Section 22, the NW~~1/4~~NW~~1/4~~ of Section 23 and the SE~~1/4~~SW~~1/4~~ of
7 Section 14 was sold to John Cleman. According to the chain of title that
8 is part of DE-1782, R. A. Cleman then sold land to Carl A. Sander, but
9 there is no document to show what land was sold. In 1900 O. Sander,
10 presumably Olive Sander who was Carl Sander's widow, sold land to Swen
11 Sorensen. Again there is no document to show what land was sold. It would
12 not be unreasonable to conclude that the land sold could have included the
13 SE~~1/4~~SW~~1/4~~ of Section 14, since this is part of the land conveyed from Cleman
14 to Sander. However, there is nothing in the record to show when the SW~~1/4~~SW~~1/4~~
15 of Section 14, where most of the land irrigated from Sow Creek is located
16 (38 of the 47.3 acres), was acquired by the Sorensen family. The record
17 does show that in 1948 the entire S~~1/2~~SW~~1/4~~ of Section 14 was conveyed to
18 Andrew Sorensen, along with 35 shares of Ellensburg Water Company. The
19 line of questioning posed to Mr. Rosbach presumes that Andrew Sorensen's
20 father owned all of the S~~1/2~~SW~~1/4~~ of Section 14 beginning in 1900 and the chain
21 of title is pointed to as the basis for that presumption. However, the
22 chain of title does not provide support for the presumption that the SW~~1/4~~SW~~1/4~~
23 was owned by the Sorensens in 1900. Mr. Rosbach's testimony indicates that
24 additional lands in Section 14, beyond those now irrigated from Sow Creek,

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1 were irrigated in the past, lands now irrigated solely with water delivered
2 by Ellensburg Water Company. Mr. Rosbach relayed a story told to him by
3 Andrew Sorensen about land being rented out during World War I and the
4 renters planting a wheat crop contaminated with mustard seed. It would be
5 reasonable to conclude based on the chain of title that during that period
6 the SE~~1~~SW~~1~~4 of Section 14 was owned by Sven Sorensen, however, that may be
7 all of the land in this particular area that was in the Sorensen family.
8 In order to conclude that the history of farming during World War I that
9 was relayed to Mr. Rosbach included the SW~~1~~SW~~1~~4 of Section 14, the Referee
10 requires documents to show that the Sorensen family owned the land at that
11 time.

12 The Referee continues to not recommend confirmation of a right to use
13 Cooke Creek due to the lack of any evidence to support the claimant's
14 assertion that the portion of Cooke Creek they used was not previously
15 adjudicated. The Referee also does not recommend confirmation of a water
16 right for use of Sow Creek due to lack of evidence to show that the
17 irrigated land was historically irrigated from the creek.

18 **COURT CLAIM NO. 02064 -- Craig P. Schnebly,
19 & Nancy Schnebly**

20 The Department of Ecology filed three exceptions to the recommendations
21 made by the Referee for water rights awarded under Court Claim No. 02064.
22 The Schneblys were represented by Attorney Richard T. Cole at the
23 supplemental hearing and Mr. Schnebly testified at that hearing.
24

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1 The third exception was withdrawn by Ecology in its May 28, 2002, Reply
2 to Responses to Ecology's Requests for Clarification and Exceptions RE:
3 Subbasin No. 10 (Kittitas). It appears to the Referee that the Court ruled
4 on the second exception during the exception hearing and remanded the first
5 exception, see Order on Exceptions to Report of Referee, Subbasin No. 10,
6 filed on December 12, 2002. However, Mr. Schnebly's testimony attempted to
7 address the second exception, so the Referee will also review that
8 exception.

9 The first exception was to the water right that was recommended for
10 confirmation on page 372, line 3 and page 602, line 17. The right that was
11 recommended for confirmation was based on the Schnebly v. Huss decree,
12 which awarded one-half inch of water for each acre irrigated. If one-half
13 inch of water is diverted continuously from April 1 through October 31, a
14 total of 3.9 acre-feet per year can be diverted for each acre irrigated.
15 The Referee determined that for water rights confirmed in this proceeding
16 that are based on the Schnebly v. Huss decree, the quantity of water that
17 would be awarded would be 0.01 cubic foot per second and 3.9 acre-feet per
18 year for each irrigated acre, up to the maximum quantity of water and
19 associated acres awarded in the decree. The water right awarded on page
20 372, line 3 and page 602, line 17, was for the irrigation of 114.6 acres.
21 The Referee erroneously awarded a right to use 1.66 cfs. However, at the
22 rate of 0.01 cfs and 3.9 acre-feet per year for each acre, the
23 instantaneous quantity should have been 1.15 cfs. The annual quantity of
24 447 acre-feet per year that was awarded is correct. The Referee grants

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1 Ecology's exception concerning the instantaneous quantity awarded under
2 this right and pages 372, line 3 and page 602, line 17 is amended to read
3 1.15 cubic feet per second, 447 acre-feet per year.

4 Although no exception was taken to the period of use that was
5 authorized, Mr. Schnebly testified that he begins irrigating before April 1
6 if it is a warm spring where the frost of out of the ground earlier and the
7 ground is dry. The Referee believes this testimony was in an effort to
8 obtain to obtain a higher annual quantity of water, since the 3.9 acre-feet
9 per acre was based on a continuous diversion of 0.01 cfs for the defined
10 irrigation season. However, the Referee does not believe the testimony was
11 adequate to amend the annual quantity of water awarded. The annual
12 quantity of water that was awarded assumed that the authorized
13 instantaneous quantity would be diverted continuously the entire irrigation
14 season. Mr. Schnebly has not testified to actually following this
15 practice. Given the testimony in the record about the creek's
16 characteristics, it is the Referee's belief that when there is a warm dry
17 spring that results in irrigation beginning prior to April 1 it is very
18 likely that the creek flow will decline such that the instantaneous
19 quantity authorized will not be available the entire irrigation season.
20 Since the claimant did not take exception to the irrigation season
21 authorized, this was not explored in any detail. Therefore, the Referee
22 will modify the irrigation season to March 15 through October 31, but the
23 annual quantity of water authorized will remain unchanged.

24
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1 The second exception was to the Referee's recommendation on page 371,
2 line 11 through 17 and page 542, line 1 through 10%, that a water right be
3 awarded for .40 cfs, 136.5 acre-feet per year for the irrigation of 35
4 acres in the SE~~1~~NE~~4~~ of Section 14. Ecology points out that the Referee
5 found the basis for this water right was the Schnebly v. Huss decree and
6 that on page 368, lines 20 and 22, it states that the decree awarded 10
7 inches of water for the SE~~1~~NE~~4~~ of Section 14. The claimants testimony that
8 since 1976 he has always irrigated 35 acres in the SE~~1~~NE~~4~~ of Section 14 is
9 irrelevant in addressing the exception. He also testified that his
10 grandfather irrigated 35 acres in the 1870's, which clearly is not
11 accurate, as according to the Schnebly v. Huss Findings of Fact, his
12 grandfather did not own the land at that time. However, the Referee in
13 reviewing the findings of fact concludes that the Report of Referee on page
14 368 contains a typographical error. It states that the decree only awarded
15 10 inches of Class 1 water. However, further review of the findings of
16 fact show that P. H. and Lida Schnebly in 1915 had 840 acres, including the
17 SE~~1~~NE~~4~~ of Section 14, for which 420 inches of water was awarded. This
18 would lead to a conclusion that 20 inches were awarded for the SE~~1~~NE~~4~~ of
19 Section 14, which would be adequate to irrigate up to 40 acres. The
20 claimants are currently irrigating 35 acres. Although the acreage has been
21 slightly reduced, the testimony leads to a conclusion that the claimants
22 have continued to use the 20 inches, or 0.40 cubic foot per second.
23 Therefore, the instantaneous and annual quantities recommended on page 542
24 are correct. The Referee will modify the irrigation season on all of the

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1 claimants' water rights to reflect his testimony that irrigation can begin
2 as early as March 15 and last until October 31.

3
4 COURT CLAIM NO. 00979 -- Henry J. Schnebly, et al.
5 (A) 04783 Fred Schnebly
(A) 05073 Jim Schnebly

6 The Schneblys filed four exceptions to the Report of Referee for
7 Subbasin No. 10. They are represented by Attorney James K. Adams and Jim
8 Schnebly testified at the supplemental hearing.

9 The first exception was to a water right not being awarded for the
10 portion of field 18 that lies in the N~~W~~SE~~W~~ of Section 15 east of Schnebly
11 (aka Spring) Creek. The land is part of the Andrew Erickson homestead and
12 the Referee concluded there had been sufficient evidence presented to
13 conclude that a water right had been established and beneficial use
14 continued for the irrigation of 43 acres. Referring to pages 378 and 379,
15 the evidence lead to a conclusion that Erickson had established a water
16 right for 1.6 cfs. The Referee was not able to recommend confirmation of a
17 water right for all of field 18 because the water right claim filed
18 pursuant to RCW 90.14 only described the portion of the field lying in the
19 S~~W~~NE~~W~~ of Section 15 and did not describe the N~~W~~SE~~W~~ of Section 15, which is
20 where more than half of the 43 acres are located. The claimants' counsel
21 stated that a request to amend Water Right Claim No. 096493 had been
22 prepared and was to be submitted to Ecology. Presented as Exhibit DE-1601
23 is a sworn statement by Robert Edwards, from whom the Schneblys bought the
24 land. In the document, Mr. Edwards states that his intent was to describe

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1 all of the 43 acre field that he was farming. He did not have a
2 professional help him complete the form, nor did he have the field
3 surveyed, resulting in him not accurately describing the land being
4 irrigated and for which he claimed a right. As far as the Referee knows,
5 Ecology has not made a decision on whether to amend the water right claim
6 form. The question before the Referee is whether the form as filed
7 substantially complied with the requirements of RCW 90.14. The field that
8 is at issue lies in the middle of the E½ of Section 15. As pointed out by
9 the landowner and Mr. Edwards, there are no distinguishing characteristics
10 on the ground that would assist in determining whether the entire field was
11 in the NE¼ or the SE¼ of Section 15 or in both, as actually is the case.
12 Mr. Edwards expressed his intent to describe the entire field and the acres
13 he claimed were being irrigated are far more than is actually being
14 irrigated from Schenbly Creek in the S½NE¼ of Section 15. The Referee
15 concludes the RCW 90.14 was substantially complied with and will alter the
16 recommendation on page 600 to confirm a right to divert 0.86 cubic foot per
17 second, 245.1 acre-feet per year for the irrigation of 43 acres in the
18 E½SW¼NE¼ and W½SE¼NE¼ and the W½NE¼SE¼ and that portion of the NW¼SE¼ lying
19 east of Schenbly Creek, all in Section 15, T. 18 N., R. 19 E.W.M. Adsit.

19 The second exception by the Schneblys was to the Referee not
20 recommending that a right be confirmed for all of the land described in
21 Water Right Claim (WRC) No. 110745, filed pursuant to RCW 90.14. Use of
22 Schenbly Creek water on one complete field and a portion of a second field
23 were not discussed in the analysis in the original Report of Referee. WRC

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1 No. 110745 asserted a right to use 4.0 cfs, 1300 acre-feet per year for the
2 irrigation of 260 acres in the E3/4 of Section 22. According to the
3 exception (and the Referee's review) rights were awarded for the irrigation
4 of a total of 187 acres. Field 13 and a portion of Field 9 are irrigated
5 with water from both Coleman Creek and Schnebly Creek. Field 13, which is
6 in that portion of the NE¼ of Section 22 lying northwest of Brickmill Road
7 and a sliver of land in the E½NW¼ of Section 22 is irrigated with water
8 from Schnebly Creek diverted near the northeast corner of the SW¼NE¼ of
9 Section 15. Approximately 31 acres of hay are irrigated. The portion of
10 this land in the NE¼ of Section 22 is part of the George Smith homestead
11 discussed on page 381 of the Report of Referee. The homestead was riparian
12 to Schnebly Creek and the land was settled in June of 1869. There was
13 sufficient evidence presented at the initial hearing to conclude that all
14 of the land, except 10 acres, in the George Smith homestead had been
15 irrigated by the late 1800's. The portion of Field 9 irrigated with water
16 diverted from Schnebly Creek is 44 acres in the SE¼ of Section 22, which is
17 the Jefferson Smith Homestead. Jefferson Smith settled on the land on
18 January 4, 1871, and by the time of the Schnebly v. Huss decree the entire
19 160 acres were being irrigated. The Referee had previously recommended
20 confirmation of a water right from Schnebly Creek for the portion of the
21 W½SE¼ of Section 22 lying west of Coleman Creek. See page 390 of the
22 Report of Referee.

23 The Referee concludes sufficient evidence was presented at the initial
24 hearing to conclude that water rights were established for using water

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1 diverted from Schnebly Creek on the claimants' land identified as Field 13
2 and the southerly portion of Field 9. Since the fields are portions of two
3 different homesteads, different priority dates are appropriate.

4 The Referee recommends that a right be confirmed with a January 4,
5 1871, date of priority for the diversion of 0.88 cubic foot per second,
6 250.8 acre-feet per year for the irrigation of 44 acres in that portion of
7 the NW~~1~~SE~~4~~ lying east of Coleman Creek and the W~~1~~NE~~4~~SE~~4~~, both in
8 Section 22. The Referee also recommends that a water right be confirmed
9 with a July 31, 1869, date of priority, a right to divert 0.62 cubic foot
10 per second, 176.7 acre-feet per year for the irrigation of 31 acres in that
11 portion of the W~~1~~NE~~4~~ lying northwest of Brickmill Road and the east 135
12 feet of the E~~1~~NW~~4~~ of Section 22. Both rights will have an authorized point
13 of diversion located near the northeast corner of the SW~~1~~NE~~4~~ of
14 Section 15. Both rights shall carry a provision that acknowledges there
15 are also rights to use Coleman Creek water on the land.

16 Exceptions 3 and 4 are to the quantity of water awarded for two water
17 rights for use of Schnebly Creek previously recommended for confirmation by
18 the Referee. The claimant believes that in determining the quantity of
19 water for the water rights described on page 390, lines 12 to 20 and page
20 394, lines 3 to 11, the Referee used the water duty from the Schnebly v.
21 Huss decree, which would be appropriate only for water rights to use
22 Coleman Creek. Most of the water rights awarded to the Schneblys for use
23 of Schnebly Creek used a water duty of 0.02 cubic foot per second and 5.7
24 acre-feet per year for each acre irrigated. This water duty is consistent

1 with many of the other Court decrees that awarded water in this general
2 area. The claimant is correct concerning these water rights. The Referee
3 incorrectly used the water duty from the Schnebly v. Huss decree.
4 Therefore, page 390, line 14 and page 540 line 18 are changed to reflect
5 285 acre-feet per year and page 394, line 6 and page 543, line 6 is changed
6 to 370.5 acre-feet per year.

7 When the Schneblys concluded their presentation of evidence at the
8 supplemental hearing, Ecology sought clarification of whether the evidence
9 presented related to Court Claim No. 00979 or Court Claim No. 01097, as
10 both claims were cited in the exceptions that were filed. The Referee has
11 reviewed the two claims and the water rights awarded in the Report of
12 Referee and finds that Court Claim No. 01097, originally filed by Stanley
13 and Elizabeth H. McCune, asserted rights to use water in the N½ of
14 Section 27, T. 18 N., R. 19 E.W.M. Exception No. 4 was to the water right
15 awarded for the E½NW¼ of Section 27, and that water right was awarded under
16 Court Claim No. 01097. However, the claimant did not put on any evidence
17 related to this exception, rather the Referee was asked to review the
18 record concerning the appropriate water duty. Therefore, the Referee
19 concludes that all of the evidence presented at the supplemental hearing
20 related only to Court Claim No. 00979.

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1 COURT CLAIM NO. 00887 -- William V. Shelton

2
3 The Department of Ecology took exception to the quantity of water
4 awarded to Mr. Shelton under Court Claim No. 00887. The Court remanded the
5 claim to the Referee to consider Ecology's exceptions. Mr. Shelton did not
6 appear at the supplemental hearing, even though his claim was put on the
7 schedule.

8 The Referee found that water rights were recognized in the Schnebly v.
9 Huss decree for the use of 1.20 cubic feet per second for the irrigation of
10 120 acres in the S~~W~~^{NW} and SW~~NE~~^{NE} of Section 14, T. 18 N., R. 19 E.W.M.
11 Mr. Shelton has continued to irrigate 113 acres within that area. Even
12 though slightly fewer acres have continued to be irrigated, the Referee
13 awarded a right to use 1.20 cfs for the 113 acres. Ecology's exception
14 asks that the quantity of water be reduced to 1.13 cfs. The evidence
15 presented by Mr. Shelton lead the Referee to conclude that 1.20 cfs has
16 continued to be diverted and put to beneficial use on the lands owned by
17 Mr. Shelton. The water duty used in the Schnebly v. Huss Findings of Fact
18 is extremely light for irrigating in this part of Kittitas County. The use
19 of 1.20 cfs to irrigate 113 acres is not an unreasonable use of water and
20 is conservative for the irrigation practices in this area. The entire
21 right of 1.20 cfs is appurtenant to the area where the water has continued
22 to be used. The Referee finds there is nothing in the Surface Water Code
23 that would prevent the claimant from reducing the number of acres he
24 irrigates and continue diverting the same instantaneous quantity as long as

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1 he is not wasting water. Wasting water is certainly not an issue. Ecology
2 has offered no argument that would convince the Referee that the quantity
3 of water awarded to Mr. Shelton under Court Claim No. 00887 should be
4 changed. Ecology's exception is, therefore, denied.

5
6 **COURT CLAIM NO. 01307 -- Kenneth O. Sorenson
& Carolyn Sorenson**

7 The Report of Referee for Subbasin No. 10 (Kittitas) recommends
8 confirmation of a portion of the water rights claimed by Kenneth and
9 Carolyn Sorenson, under Court Claim No. 01307. Ellen Sorenson, via her
10 attorney James E. Davis, timely filed exceptions with the Court seeking
11 additional water rights. The exception explains that Ellen Sorenson is
12 Kenneth's mother and that she has acquired all of the land described in
13 Court Claim No. 01307. However, there have been no documents filed
14 substituting Ellen Sorenson for Kenneth and Carolyn Sorenson. Therefore,
15 Kenneth and Carolyn Sorenson remain as claimants of record for this claim.

16 James E. Davis represented Ellen Sorenson at the Referee's supplemental
17 evidentiary hearing on February 24, 2003. Paul Sorenson, Ellen's son,
18 testified based on his personal knowledge of the family farm. Ken and Paul
19 farmed adjacent portions of the ranch previously farmed by their mother,
20 Ellen Sorenson, and previously by J. O. Sorenson, their Grandmother.

21 The first exception seeks confirmation of a water right from Cook
22 (Cooke) Creek. The Referee had concluded that the general adjudication
23 proceedings under RCW 90.03.110-245 (Anderson, 1920) quieted title to all
24 water rights on Cooke Creek. Surface water certificates were issued for

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1 all valid water rights after completion of the adjudication. Ellen
2 Sorenson argues that property in Sections 21 and 28, T. 17 N., R. 19 E.W.M.
3 were not included in the Anderson adjudication. Several claimants that own
4 land in this area took the same exception. The Court remanded the
5 exceptions, but also at the exception hearing provided instructions to the
6 claimants on the evidence needed to support their argument. See page 16 of
7 the Order on Exceptions entered on December 12, 2002. The Referee will not
8 go into great detail, beyond pointing the claimant to those instructions,
9 as even if the evidence ultimately results in a conclusion that Anderson
10 did not settle all of the water rights on Cooke Creek, the Sorensons have a
11 greater obstacle to overcome.

12 In the original Report of Referee, the Referee was not able to identify
13 a water right claim filed in response to RCW 90.14 for use of Cooke Creek
14 water on the claimant's land. No claim was produced during the
15 supplemental hearing; therefore, the Referee concludes if the first issue
16 is resolved, any water right which existed for use of Cooke Creek has been
17 waived and relinquished as set forth in RCW 90.14.071. Claimants'
18 exception regarding use of Cooke Creek water should therefore be denied.

19 The second Sorenson exceptions states that the Referee recommended
20 confirmation of a water right to irrigate 75 acres when 85 acres have
21 historically been irrigated. Although the exception asserts a right to
22 only 85 acres, Paul Sorenson testified that a total of over 120 acres are
23 being irrigated from Park Creek. He testified that Park Creek water
24 diverted at Turnout No. 1 is used to irrigate 60 acres in the S¼SE¼ of

1 Section 21, and 25.7 acres in that portion of the NE~~1~~NW~~4~~ and the NW~~1~~NE~~4~~ of
2 Section 28 lying north of Johnson Drain. Also irrigated via Turnout No. 1
3 is that portion of the SE~~1~~SW~~4~~ of Section 21 lying east of Park Creek (about
4 20 acres). He also testified that 15 acres in the SE~~1~~SE~~4~~ of Section 21 is
5 irrigated from Park Creek via Turnout No. 4 and 2 acres in the northwest
6 corner of the SE~~1~~SW~~4~~ of Section 21 from Turnout No. 6.

7 The three water right claims filed by J. O. Sorenson pursuant to RCW
8 90.14 asserting rights to use Park Creek. The area described in the three
9 water right claims includes a major portion of the land for which rights
10 are asserted, and two of the three points of diversion from Park Creek.
11 WRC No. 062723 asserts a right to irrigate 100 acres in the S~~1~~SE~~4~~ of
12 Section 21 and part of the NE~~1~~NW~~4~~ and part of the NW~~1~~NE~~4~~ of Section 28,
13 T. 17 N., R. 19 E.W.M. The point of diversion identified in this claim is
14 Turnout No. 1 which is located 1320 feet north and 30 feet west of the
15 southeast corner of Section 21. According to Paul Sorenson's testimony,
16 there are 85.7 acres being irrigated within the area described in WRC No.
17 062723.

18 WRC No. 062718 asserts a right to irrigate 15 acres in the SE~~1~~SE~~4~~ of
19 Section 21 with Park Creek water diverted approximately 1750 feet north and
20 1370 feet east of the southwest corner of Section 22. The Referee believes
21 this diversion is at the approximate location of TO-4. The claimants are
22 irrigating 15 acres in this area.

23 Lastly, WRC No. 062719 asserts a right to irrigate 40 acres in the
24 NW~~1~~SW~~4~~ of Section 22 and the NE~~1~~SE~~4~~ of Section 21 from what the Referee has

1 concluded is T0-4. Mr. Sorenson did not testify to irrigating any of this
2 land with water diverted from Park Creek.

3 The Referee concludes that the original recommendation was to confirm a
4 water right for the 75 acres that are irrigated in the S½SE¼ of
5 Section 21. The Referee then reviewed the evidence to determine whether
6 there was adequate proof that a water right had been established to
7 irrigate the 25.7 acres in the NE¼NW¼ and NW¼NE¼ of Section 28. Testimony
8 provided by Paul Sorenson clarified the record as to delivery of Park Creek
9 water to that portion of the NE¼NW¼ and NW¼NE¼ of Section 28. Turnout
10 No. 1 is used to irrigate this 25.7 acres at the same time the upper part
11 of the fields in the S½SE¼ of Section 21 are irrigated. This 25.7 acres
12 also can be irrigated with water diverted from Johnson Drain; however, a
13 water right was not recommended for confirmation for use of Johnson Drain
14 and no exception was taken concerning use of Johnson Drain.

15 The land in Section 28 is part of the William Jordin homestead, which
16 John McEwen purchased December 12, 1874. John McEwen owned that land in
17 1892 when the Court in J. D. Olmstead v. S. Hayes awarded to McEwen
18 one-half the flow of Park Creek.

19 Although there was no written exception to the quantity of water that
20 was awarded for use of Park Creek, Mr. Sorenson did testify to using more
21 water than was awarded. As pointed out in the original Report of Referee,
22 it is recognized that during the irrigation season Park Creek carries
23 return flow waters generated by use of water delivered by Cascade
24 Irrigation Company, Ellensburg Water Company and Kittitas Reclamation

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1 District. This return flow is either foreign or Yakima project return
2 flows, and water rights cannot be established for use of either. The
3 claimant did not attempt to determine how much natural flow water would be
4 available during the irrigation season. However, due to Park Creek being a
5 low lying stream that does not benefit from late season snow melt and
6 runoff, the Referee must conclude that its flow would naturally decline
7 over the irrigation season if it were not for the return flow
8 contribution. The claimant has offered nothing to show that the 16
9 acre-feet per acre that is claimed is actually available. The Referee
10 concludes a more realistic expectation would be the 4 to 5 acre-feet per
11 year that is typically awarded by the many miscellaneous decrees that were
12 entered in this area.

13 The Referee therefore recommends confirmation of a water right with a
14 priority date of December 12, 1874, for the diversion of 0.514 cfs,
15 102.8 acre-feet per acre from Park Creek from April 1 through October 31
16 for the irrigation of 25.7 acres. The point of diversion is Turnout No. 1
17 and the place of use is that part of the ~~NE¼NW¼~~ and the ~~NW¼NE¼~~ of
18 Section 28, T. 17 N., R. 19 E.W.M. lying north of Johnson Drain and east of
19 Park Creek. Paul Sorenson's testimony established that during many years
20 irrigation water is applied until the end of October. This practice is
21 especially critical during re-seeding Timothy fields. The season of use
22 has, therefore, been amended on the 1872 water right recommended on
23 Page 556 of the Report of Referee.

24
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1 COURT CLAIM NO. 01432 -- Paul J. Sorenson
2 01433 & Virginia R. Sorenson
3 01434
4 01435
5 01436
6 01437
7 01438
8 01439

9 Exceptions to the Referee's recommendations for Court Claim Nos. 01434,
10 01435, 01436 01437 and 01439 were timely filed for Sorenson by their
11 attorney, Vernon E. Fowler. Mr. Fowler withdrew as counsel for Paul
12 Sorenson June 14, 2002, and James E. Davis filed a Notice of Appearance for
13 the referenced claims February 5, 2003. Mr. Davis represented the
14 Sorensens at the Referee's evidentiary hearing and Paul Sorenson testified.

15 The continuing confusion regarding creek names needs to be addressed in
16 order to give the appropriate weight to various exhibits in the record.
17 That issue is discussed first as a prelude to dealing with the Sorenson's
18 specific exceptions.

19 Counsel for Sorenson suggests that Park Creek is or has in the past
20 been called Caribou Creek and that Warm Springs Creek, Brush Creek and
21 Caribou Creek are the same stream. Reference is made to Exhibit Map
22 DE-1357 (1869 Government Survey Map of T. 17 N., R. 19 E.W.M.) as
23 foundation for that conclusion. The Referee believes it is important to
24 recognize that many of the named streams in that township are not included
25 on the map, such as Cooke (Cook), Coleman, Whiskey, Reecer, Badger Pocket,
etc. This leads the Referee to conclude that although the map is
informative, it likely is not complete or totally accurate. Cherry Creek

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1 is named on the map, with the name being just downstream of where two
2 unnamed streams join. The alignment shown for the lower two to three miles
3 is comparable to the current Cherry Creek location. The northerly unnamed
4 stream is aligned comparable with the current alignment of Caribou Creek
5 from the northeast corner of Section 1, through the northwest corner of
6 Section 12 and continuing through Sections 11, 14 and 15 into Section 22
7 near the north quarter corner. The southerly stream lies on a similar
8 alignment as the current Park Creek entering the township just south of the
9 northeast corner of Section 18 and joining the northerly tributary in the
10 center of the northwest quarter of Section 22. Although the claimant
11 suggests that Brush Creek is identified on DE-1357, the Referee can find no
12 stream labeled Brush Creek. Near the center of Section 13 there is a word
13 that begins with "B" and ends in "h", that could be the word Brush.
14 However, that word is on a north to south running dotted line that is also
15 labeled Trail from Oregon and Columbia above and below the word beginning
16 with "B". The Referee is not convinced this was an attempt to label the
17 stream that flows through Sections 13 and 14. The record does not provide
18 any support for the position that Caribou and Brush/Warm Springs and/or
19 Park Creek are all the same source. In fact, affidavits by John Clerf and
20 Elizabeth Ferguson in George Donald v. Joseph Preece (DE-1372) state that
21 Brush Creek joined Park Creek near the northwest corner of Section 23,
22 T. 17 N., R. 19 E.W.M. John Clerf also attested in one of those affidavits
23 to taking the entire flow of Brush Creek at his dam (DE-1372). John P.
24 Clerf filed a Statement of Claim of Water Right on May 31, 1890 (DE-590,

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1 submitted by Howard Clerf). That document describes Brush Creek or Warm
2 Springs Creek and Cherry Creek as two separate streams from which Clerf
3 ditched water in 1871. The points of diversion described from Warm
4 Springs/Brush Creek lie about one-half mile east of the course of Cherry
5 Creek (Caribou). Three ditches are also described by John Clerf on Cherry
6 Creek or the West Branch of Cherry Creek as being developed in 1875. The
7 Referee concludes that Brush Creek in 1871 flowed through the W¼ of
8 Section 12, T. 17 N., R. 19 E.W.M. to a point 1320 feet south of the north
9 quarter corner where John Clerf diverted the water into southwesterly and
southeasterly trending ditches (DE-590).

10 The Referee concludes after review of the record, but in particular
11 DE-1357 (Map), DE-1367 (J. D. Olmstead v. S. Hayes), DE-1714
12 (J. D. Olmstead v. W. T. Harris), DE-1358 (J. D. Olmstead Notice of Water
13 Right), DE-1377 (George Donald v. Joseph Preece) and DE-590 (John Clerf
14 Notice), that Brush Creek as referenced in J. D. Olmstead v. S. Hayes is
15 not Caribou Creek.

16 J. D. Olmstead was in possession of extensive land within Sections 21
17 and 22, T. 17 N., R. 19 E.W.M. as early as 1872. He diverted water for his
18 land from Dry and Cherry Creeks in 1873 and 1874 (DE-1372). Dry Creek was
19 diverted for use in the N¼ of Section 21 and Cherry Creek through two
20 ditches located in Section 15 for use in Section 22 (Notice of Water Right
21 filed June 13, 1882). Later discussion will show that these streams equate
22 to the west branch of Cooke Creek and Caribou Creek.

1 In 1892 J. D. Olmstead filed a complaint in Kittitas County Superior
2 Court (J. D. Olmstead v. S. Hayes (DE-1367)) seeking confirmation of senior
3 water rights on the combined flow of Brush and Park Creeks for use on his
4 lands in Section 22, T. 17 N., R. 19 E.W.M. Affidavits attached to DE-1372
5 (George Donald v. Joseph Preece) specifically describe Brush Creek as
6 flowing south through Clerf land in the W¼ of Section 12, T. 17 N.,
7 R. 19 E.W.M. and joining Park Creek near the northwest corner of
8 Section 23, T. 17 N., R. 19 E.W.M. "Intervenors Complaint" of George Reed
9 explains that Cherry Creek as used in the George Donald complaint is in
10 fact the same source known to him as Park Creek (DE-1372). This statement
11 suggests that early settlers called the south branch Cherry Creek and
12 previous references called the north branch Cherry Creek.

13 John Clerf's affidavit describes his land and diversion of Warm
14 Springs/Brush Creek water as being two to three miles north and east of the
15 Park Creek dam in question in George Donald v. Joseph Preece. Other
16 affidavits in that litigation describe the dry channel (Brush Creek) below
17 the Clerf diversion and seepage into the channel south of Clerf's land.
18 Further insight to the creek names and early water diversions by
19 J. D. Olmstead can be gained from the supplemental complaint filed by
20 Olmstead in J. D. Olmstead v. W. T. Harris in 1887 (DE-1714, Eslinger,
21 Court Claim No. 00613). Olmstead describes ownership of 260 acres lying in
22 Section 22, T. 17 N., R. 19 E.W.M. irrigated by ditches emanating on Cherry
23 Creek/Caribou Creek. The creeks are said to enter the north line of the
24 Olmstead land in Section 22 and run through the land in a southerly

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1 direction. Olmstead explains in the complaint that Cherry Creek is known
2 in the neighborhood as Caribou Creek. Olmstead attested to irrigation of
3 230 acres in Section 22 with Cherry/Caribou Creek water in April of 1887.
4 The Referee notes that none of the defendants in J. D. Olmstead v.
5 W. T. Harris were parties to J. D. Olmstead v. S. Hayes.

6 It is also noteworthy that Elizabeth Ferguson, daughter of John McEwen,
7 signed an affidavit in George Donald v. Joseph Preece. She attested to
8 being a resident from 1872 and described Brush and Park Creek in detail as
9 described above. There is little doubt that the sworn statements by
10 Elizabeth Ferguson, John Clerf and J. D. Olmstead must be given great
11 weight as to creek names and locations between 1872 and 1911. The 1911
12 Kittitas County case that determined the rights to use waters of Caribou
13 Creek Mary A. Clerf v. Robert I. Scamman (DE-81 entered by neighboring
14 claimant Douglas Gibb) sets forth that Court's decision to rely on Caribou
15 Creek as the appropriate name. The Referee concludes that Brush Creek,
16 Park Creek and Caribou Creeks are and have always been separate streams.

17 The Referee will address each of the Sorenson exceptions in the order
18 they were presented in the exception document. The Sorensens' first
19 exception is regarding the Referee's denial of water rights from Cooke
20 Creek, in which they urge the Referee to revisit the decision that Anderson
21 included their property in Section 21, T. 17 N., R. 19 E.W.M. Several
22 claimants who own land in the same general area took this same exception.
23 The arguments presented by counsel on this issue is considered beginning on

1 page 8. The Referee concludes there again has been little evidence
2 presented to support the claimants contention that Anderson did not
3 determine all the valid water rights to use Cooke Creek. As a result, the
4 Referee will not address the evidence presented in support of water rights
5 to Cooke Creek any further in this report.

6 One exception related to Cooke Creek, however, will be addressed.
7 Court Claim No. 01437 as depicted on Exhibit Map DE-1555 is for the
8 irrigation of 10.9 acres in that portion of the N $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21,
9 T. 17 N., R. 19 E.W.M. lying southeast of Cooke Creek. The Referee
10 initially identified Water Right Claim (WRC) No. 62722 filed by
11 Mrs. Dorthea Nylander pursuant to RCW 90.14 as potentially being
12 appurtenant to the claimant's land. However, based on the presentation by
13 the Nylanders at the supplemental hearing, the Referee concludes that is
14 not a correct conclusion. WRC No. 062722 asserts a right to divert 2.5
15 cfs, 155 acre-feet per year for the irrigation of 31 acres within the N $\frac{1}{4}$ SW $\frac{1}{4}$
16 of Section 21. Paul Sorenson owns the portion of that 80-acre tract lying
17 east of Cooke Creek, while the Nylanders own that portion lying west of
18 Cooke Creek. The Nylanders presented sufficient evidence attempting to
19 prove the existence of a right to irrigate 31 acres in that portion of the
20 N $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21 that they own, see page 193. There is no evidence in
21 the record to show that Dorthea Nylander owned the land east of Cooke Creek
22 and WRC No. 062722 is consistent with the right asserted by the Nylanders.
23 No other water right claim was identified that would be appurtenant to the
24 N $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21. RCW 90.14.071 states that "any person claiming the

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1 right to divert or withdraw waters of that state . . . who failes to file a
2 statement of claim . . . shall be conclusively deemed to have waived and
3 relinquished any right, title, or interest in said right." Therefore, even
4 if the claimant ultimately is able to convince the Court there is
5 sufficient evidence to conclude the prior adjudication did not include the
6 claimant's land, lack of a RCW 90.14 claim would still prevent confirmation
7 of a right.

8 Most of the remaining exceptions taken by the Sorensons relate to water
9 rights being asserted for use of Caribou Creek, with one exception on Park
10 Creek. Upon reviewing the initial evidence and that submitted at the
11 supplemental hearing, the Referee has found confusion that is most likely
12 the result of the claimants submitting their claims based on use of
13 different diversions and the Referee analyzing the existence of water
14 rights based on land ownership at the time the water rights would have been
15 established and then attempting to divide those water rights by the claim
16 numbers. The recommendations contained herein will attempt to reduce that
17 confusion and it is the Referee's intent to confirm rights based on how
18 they were established, which may result in a single water right referencing
19 two or more claim numbers.

20 The Sorenson exception regarding Court Claim No. 01434 identifies an
21 error in identification of the water source. The water source for which a
22 right is being sought is Park Creek, not Caribou Creek as stated in the
23 Report of Referee. Claimants' request reconsideration of Court Claim
24 No. 01434 with Park Creek as the proposed source and urge consideration of

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1 the currently diverted quantities of water for any confirmations. The
2 claimant is asserting a right to divert 2.1 cfs from Turnout No. 3 to
3 irrigate 20 acres in Field 5 that is in the NE~~SE~~ of Section 21 and the
4 NW~~SW~~ of Section 22. Turnout 3 is located in the SW~~NE~~~~SW~~ of
5 Section 22. Although the Referee did mistakenly state that Claim No. 01434
6 asserts a right to use Caribou Creek, the Referee clearly understood that
7 Field 5 was being irrigated with water from Park Creek, see page 447,
8 beginning on line 12. The Referee ultimately recommended that a water
9 right be confirmed under Court Claim No. 01432 for lands that actually were
10 described in both Court Claim Nos. 01432 and 01434. On page 452, lines 2
11 through 8, a right was recommended for irrigating 100 acres in the SE~~NE~~
12 and NE~~SE~~ of Section 21 and the SW~~NW~~ and NW~~SW~~ of Section 21 (80 acres
under Court Claim No. 01432 and 20 acres under Court Claim No. 01434).

13 The discussion on Page 447 of the Report of Referee, Vol. 45 regarding
14 the water used under Court Claim Nos. 01432, 01433 and 01434 totals
15 100 acres. Twenty acres of that 100 acres is exclusively from Park Creek
16 via Turnout No. 3 and the land is in Field 5 (described in Court Claim No.
17 01434) within the NE~~SE~~ of Section 21 and the W~~NW~~~~SW~~ of Section 22. The
18 only modification needed is to add the point of diversion that serves
19 Turnout 3 to the water right that was previously awarded and add Court
20 Claim No. 01434 to the water right. The Referee, therefore, amends the
21 recommendation on page 558 to include the diversion from Park Creek located
22 1200 feet west and 800 feet south of the center of Section 22 in the
23 SW~~NE~~~~SW~~.

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1 The priority date that was previously recommended, August 1, 1872, was
2 based on the date the patent issued to B. F. Reed, the only document in the
3 record to show steps taken to sever the land from Federal ownership. In
4 reviewing the record, the Referee noted that Exhibit DE-1363 is an
5 August 11, 1871, deed from B. F. Reed to Cornelius Hackshaw conveying the
6 SE~~1~~NE~~1~~, NE~~1~~SE~~1~~ of Section 21 and the SW~~1~~NW~~1~~ and the NW~~1~~SW~~1~~ of Section 22
7 all in T. 17 N., R. 19 E.W.M. The deed reflects an earlier date that would
8 serve as the appropriate priority date under the Riparian Doctrine. As a
9 result, the priority date on Page 558, Line 7 of the Report of Referee is
10 changed to August 11, 1871. The priority date for the water right awarded
11 under Court Claim No. 01433 for use of Caribou Creek on page 589 is also
12 amended to be August 11, 1871.

13 The exception to the Referee's recommendation for Court Claims No.
14 01435 and 01436 asks the Referee to re-examine the evidence presented in
15 support of these claims. The Referee had erroneously concluded that the
16 NW~~1~~SE~~1~~ of Section 21 was owned by Elizabeth Ferguson in 1924 when she was
17 asserting a right to irrigate her land with water from Cooke Creek in the
18 case of Ferguson v. Sterling. This lead the Referee to conclude the land
19 was being irrigated at that time from Cooke Creek, rather than Caribou
20 Creek, which is the source of water to which a right is now being
21 asserted. In the Report of Referee, the Referee found there had been
22 sufficient evidence to conclude that a water right had been established for
23 use of Caribou Creek water on the lands described in Court Claim No. 01435,
24 however, did not recommend confirmation of a water right due to the

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1 mistaken conclusion that the owners of the land in the 1920's were using
2 Cooke Creek water, rather than Caribou Creek water.

3 Caribou Creek water is diverted at Turnout No. 7, which serves
4 approximately 35 acres in the SW~~X~~NE~~X~~ and the NW~~X~~SE~~X~~ of Section 21, as well
5 as 6 acres in the northwest corner of the SE~~X~~NE~~X~~ of Section 21 (total of 41
6 acres, see DE-1553). Turnout No. 7 is described in Court Claim No. 01435.
7 Caribou Creek water is also diverted at Turnout No. 8, which serves 16
8 acres that lie both in the west 300 feet of the NE~~X~~SE~~X~~ and the E~~X~~NW~~X~~SE~~X~~ of
9 Section 21. The Referee estimates that 6 of the 16 acres are in the
10 NE~~X~~SE~~X~~. The land in the SE~~X~~NE~~X~~ of Section 21, has a history that is
11 consistent with that for lands confirmed a water right under Court Claim
12 No. 01433. The Referee previously recommended on page 559, beginning on
13 line 1, under Court Claim No. 01433, confirmation of a water right to
14 irrigate 50 acres from Caribou Creek with a single diversion located in the
15 NW~~X~~NW~~X~~NE~~X~~ of Section 22. The place of use is the SE~~X~~NE~~X~~ and the NE~~X~~SE~~X~~ of
16 Section 21, T. 17 N., R. 19 E.W.M. As discussed above, this property was
17 deeded from Reed to Hackshaw August 11, 1871, which is the appropriate
18 priority date under the Riparian Doctrine. Therefore, the priority date
19 shall be changed from August 1, 1872, to August 11, 1871. The Referee
20 recommends that the right on page 559 be amended to add an additional 12
21 acres. Three diversions (Turnout Nos. 1 and 7 are located basically at the
22 same point, one (to-1) being north of the creek and one (to-7) being south
23 of the creek) serve this land, all of which were included in the water
24 right claim filed asserting a right to use Caribou Creek. Therefore, the

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1 Referee alters that portion of the recommendation to now include all three
2 diversions. A total of 1.24 cfs; 248 acre-feet from Caribou Creek are
3 recommended for the irrigation of 62 acres within the SE~~X~~NE~~X~~ and NE~~X~~SE~~X~~ of
4 Section 21.

5 The SW~~X~~NE~~X~~ and NW~~X~~SE~~X~~ of Section 21 was land for which Cornelius
6 Hackshaw received a patent on June 15, 1973. However, he sold the land to
7 John McEwen on March 27, 1872, which provides evidence of attempts to sever
8 the land from Federal ownership prior to the only date that had previously
9 been in the record. The appropriate priority date then for this land under
10 the Riparian Doctrine would be March 27, 1972. As previously mentioned, 35
11 acres are irrigated with water diverted from Caribou Creek at Turnout
12 No. 7. Within the area described in Court Claim No. 01436 10 acres in the
13 southeast corner of the NW~~X~~SE~~X~~ are irrigated with water diverted from
14 Turnout No. 8, located approximately 660 feet north and 1250 feet west of
15 the east quarter corner of Section 21, in the SE~~X~~NE~~X~~ of Section 21. It is
16 recommended that a water right be confirmed with a March 27, 1872, date of
17 priority for the diversion of 0.90 cfs, 180 acre-feet per year for the
18 irrigation of 51 acres in the SW~~X~~NE~~X~~ and NW~~X~~SE~~X~~ of Section 21, T. 17 N.,
19 R. 19 E.W.M. Two points of diversion, one at Turnout 7 and one at Turnout
20 8 will be authorized.

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1 COURT CLAIM NO. 00355 -- Wallace M. Stampfly
2 00462

3 Four exceptions to the recommendations in the Report of Referee for
4 Subbasin No. 10 were taken by Wallace M. Stampfly. Additionally, Ecology
5 sought clarification to the point of diversion recommended for the water
6 right awarded on page 596 under Court Claim No. 00462 for use of Cave
7 Canyon Creek. Mr. Stampfly, who is represented by Attorney Jeff Slothower,
8 testified at the supplemental hearing.

9 The first three exceptions relate to the water rights awarded for use
10 of Cave Canyon Creek. A water right was awarded under each court claim for
11 the irrigation of 15 acres with water diverted from Cave Canyon Creek.
12 Mr. Stampfly testified that rather than irrigating a total of 30 acres, he
13 irrigates 37 acres with Cave Canyon Creek water. His exception and
14 testimony also was that the place of use authorized does not include all of
15 the land that is irrigated. The Referee believes therein lies the
16 problem. Mr. Stampfly submitted two aerial photographs that show his
17 land. On one photograph the section and quarter section lines have been
18 drawn, which greatly assist in showing where the irrigated acres lie.
19 Initially, the Referee had concluded that all of the irrigated land in the
20 SW~~1~~⁴/₄ of Section 27 was west of the creek. Mr. Stampfly's testimony
21 clears that misconception up, there is a delivery ditch that parallels his
22 east fence line and delivers water to irrigate a field to the east of the
23 creek. Mr. Stampfly's declaration in support of his exception indicates
24 that 27 acres are irrigated in the SW~~1~~⁴/₄ of Section 27. Upon reviewing

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1 the aerial photograph, the Referee concludes this is a reasonable
2 estimate. Mr. Stampfly testified that a total of 37 acres are irrigated,
3 leaving 10 acres being irrigated in the NW~~SW~~ north of the
4 Charlton-Fleming (or Charlton-Stampfly Ditch). The Referee had originally
5 recommended a water right for 15 acres in that area. Exception 1 suggests
6 some of the irrigated acres lie in the SE~~SW~~ of Section 28, however, the
7 aerial photograph only reflected the area served by Cave Canyon Creek being
8 in Section 27 and Mr. Stampfly's testimony addressed the land in the SW~~NW~~
9 of Section 27 lying east of the creek. Mr. Stampfly's exception 2 suggests
10 that the water right confirmed under Court Claim No. 00355 on page 596
11 should be amended to include a place of use in the SW~~NW~~ of Section 27.
12 However, Court Claim No. 00355 only asserted a right to irrigate the land
13 in the NW~~SW~~ of Section 27 and Court Claim No. 00462 asserted rights to
14 irrigate land in the SW~~NW~~ of Section 27. The Referee will recommend
15 water rights consistent with how the claims were filed.

16 Mr. Stampfly's exception 3 and Ecology's request for clarification
17 relate to the points of diversion authorized. Exhibit DE-1643, the aerial
18 photograph with the section lines drawn, shows three points of diversion
19 that are being used. Since there is no scale on the photo, the Referee can
20 only estimate the location of each diversion. One is in the NE~~NW~~ of
21 Section 28, approximately 440 feet south and 220 feet west of the northeast
22 corner of Section 28; the second is approximately 770 feet south and 100
23 feet east of the northwest corner of Section 27, in the NW~~NW~~ of
24 Section 27 and the third is in the SW~~NW~~ of Section 27, approximately 800

1 feet north and 500 feet east of the west quarter corner of Section 27.
2 Water Right Claim (WRC) No. 023635, which was filed for use of Cave Canyon
3 Creek in the SW~~1~~~~4~~NW~~1~~~~4~~ of Section 27 describes only one point of diversion and
4 that point is in the NE~~1~~~~4~~ of Section 28, not too far from where the Referee
5 estimates the most northern diversion is located. Therefore the point of
6 diversion that should have been authorized for the water right on page 595
7 is in the NE~~1~~~~4~~ of Section 28 and that change will be made. WRC No. 023629
8 was filed for use of Cave Canyon Creek in the NW~~1~~~~4~~SW~~1~~~~4~~ of Section 27. Only
9 one diversion is described and that location is over half a mile east of
10 the creek. It is described as 2640 feet south and 820 feet east of the NE
11 corner of Section 27, which would place it in the E~~1~~~~2~~E~~1~~~~2~~ of Section 27. Cave
12 Canyon Creek flows through the W~~1~~~~2~~W~~1~~~~2~~ of Section 27. The Referee believes
13 that an error was made and the northwest corner should have been the
14 starting point. That would place the diversion close to the one in the SW~~1~~~~4~~
15 of Section 27. Given that Cave Canyon Creek does not flow anywhere near
16 the location described as the point of diversion in WRC No. 023629, and
17 that it would be obvious for anyone reviewing these documents that an error
18 was made, the Referee concludes that RCW 90.14 was substantially complied
19 with for the Cave Canyon Creek diversion in the SW~~1~~~~4~~ of Section 27. That
20 diversion shall be authorized for the water right described on page 596 of
the Report of Referee.

21 Based on the foregoing, the Referee amends the recommendations on page
22 595 and 596 as follows: On page 595, line 13~~1~~~~4~~, change 15 acres to 27
23 acres; on line 15~~1~~~~4~~ change 0.30 cubic foot per second, 82.5 acre-feet per
24

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1 year to 0.54 cubic foot per second, 148.5 acre-feet per year; beginning on
2 line 18½ change the point of diversion to "Approximately 400 feet south and
3 220 feet west of the northeast corner of Section 28, being within the
4 NE¼NE¼ of Section 28, T. 19 N., R. 19 E.W.M." On page 596, line 3½, change
5 15 acres to 10 acres; line 6 change 0.30 cubic foot per second, 82.5
6 acre-feet per year to 0.20 cubic foot per second, 55 acre-feet per year;
7 beginning on line 9 change the point of diversion to "Approximately 770
8 feet north and 550 feet east of the west quarter corner of Section 27,
9 being within the SW¼NW¼ of Section 27, T. 19 N., R. 19 E.W.M." If the
10 claimant intends to continue using the point of diversion in the NW¼NW¼ of
11 Section 27, he should comply with the change procedures in RCW 90.03.380
12 and add that point of diversion to the two water rights.

13 The last exception is to a water right to Coleman Creek not being
14 confirmed under Court Claim No. 00462 for land owned by Mr. Stampfly in the
15 NE¼SE¼ of Section 14, T. 18 N., R. 19 E.W.M. The Referee will not repeat
16 the evidence put in the record as part of the initial hearing in 1991.
17 That evidence is summarized on pages 459 through 462. The Referee
18 requested additional information about ownership of the land at the time of
19 the Schnebly v. Huss action and evidence of use prior to December 31,
20 1932. Documents attached to the exception filed by Mr. Stampfly show that
21 between 1910 and 1919 a portion of the NE¼SE¼ of Section 14 was owned by
22 Otis Pfeifle. In April of 1910, E. A. Erickson sold it to W. B. Lull, who
23 immediately sold it to Pfeifle. The deed transferred the west 30 acres of
24 the NE¼SE¼ of Section 14 (which is the westerly 1005 feet) along with an

1 undivided three-fourths interest in the undivided one-eighth interest in
2 all water rights and water appropriations out of Coleman Creek belonging to
3 Lull, together with an undivided half interest in the water ditch
4 constructed and located around the SW~~1~~~~4~~NW~~1~~~~4~~ of Section 13, heretofore used by
5 E. A. Erickson. E. A. Erickson sold the remainder of the NE~~1~~~~4~~SE~~1~~~~4~~ of Section
6 14 (specifically the E~~1~~~~2~~E~~1~~~~2~~NE~~1~~~~4~~SE~~1~~~~4~~) along with the west 635 feet of the SW~~1~~~~4~~ of
7 Section 13 in 1920 to H. D. Cooke along with 20 inches of waters of the
8 third class awarded to Erickson. Erickson was awarded 20 inches of Coleman
9 Creek water in Schnebly v. Huss for the NE~~1~~~~4~~SW~~1~~~~4~~ of Section 13, but
10 apparently had transferred that water right from the NE~~1~~~~4~~SW~~1~~~~4~~ to the west 635
11 feet of the SW~~1~~~~4~~ of Section 13 and the E~~1~~~~2~~E~~1~~~~2~~NE~~1~~~~4~~SE~~1~~~~4~~ of Section 14 prior to
12 1920. According to the Schnebly v. Huss Findings of Fact, 20 inches would
13 have been sufficient for the irrigation of 40 acres. The Referee notes
14 that with this deed not in the record, it was concluded that the 20 inch
15 third class water right was still appurtenant to the NE~~1~~~~4~~SW~~1~~~~4~~ of Section 13,
16 lands now owned by other clients of Mr. Slothowers, Loran L. and Sheila J.
17 Kollmorgen. However, water rights were not awarded for use of Coleman
18 Creek in the NE~~1~~~~4~~SW~~1~~~~4~~ of Section 13 due to lack of compliance with RCW
19 90.14. At the time of the initial hearing the Kollmorgens had not been
20 joined to the claim and the record is not clear on whether Coleman Creek
21 water is used in the NE~~1~~~~4~~SW~~1~~~~4~~ of Section 13.

22 The Referee concludes that the evidence has been sufficient to show
23 that a water right was established to irrigate the NE~~1~~~~4~~SE~~1~~~~4~~ of Section 14
24 with water diverted from Coleman Creek. The extent of the right that was
25

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1 protected through the filing of a water right claim pursuant to RCW 90.14
2 is for the irrigation of 8 acres. Mr. Stampfly identified on SE-2 that
3 those 8 acres lie south and east of the branch of Coleman Creek that flows
4 through the NE¼SE¼ of Section 14. Although Mr. Stampfly testified to using
5 1 cfs to irrigate this 8 acres, the Schnebly v. Huss decree allowed for the
6 use of one-half inch of water for each acre, or 0.08 cfs for the 8 acres.
7 That is quantity the Referee intends to authorize, as the basis for at
8 least a portion of this right is an award in the Schnebly v. Huss decree.

9 Based on the priority date for the third class right in the Schnebly v.
10 Huss decree, the Referee recommends that a water right be confirmed with a
11 June 30, 1875, date of priority for the diversion of 0.08 cfs, 31 acre-feet
12 per year for the irrigation of 8 acres in that portion of the NE¼SE¼ of
13 Section 14, T. 18 N., R. 19 E.W.M. lying east of the branch of Coleman
14 Creek. The annual quantity is based on a continuous diversion during the
15 irrigation season. The point of diversion shall be as described in WRC No.
16 048537, 200 feet south and 50 feet west of the east quarter corner of
17 Section 14, being in the NE¼SE¼ of Section 14.

18 **COURT CLAIM NO. 01448 -- Sweet Grass Investments, LLC**
19 **Trust of Annine K. Sorenson**

20 Sweet Grass Investments, LLC, took exception to the Referee
21 recommending that water rights not be confirmed under Court Claim No.
22 01448. The claimant is represented by Attorneys Richard T. Cole and
23 Charles Flower. Brian Sims, who owns Sweet Grass Investments, LLC,
24 testified at the supplemental hearing. Additionally, Richard C. Bain, Jr.,

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1 a consultant hired by the claimant, testified through a deposition taken on
2 November 13, 2002, and entered into evidence as exhibit DE-1672.

3 Under this court claim, Sweet Grass Investments owns that portion of
4 the E~~X~~NE~~X~~ of Section 29, T. 17 N., R. 19 E.W.M. lying south of Cherry
5 Creek. On exception, they are asserting a right to irrigate 13 acres in
6 the southeast corner of the SE~~X~~NE~~X~~ of Section 29 with water diverted from
7 Wippel/Johnson Creek and 44 acres in the remaining part of the SE~~X~~NE~~X~~ and
8 NE~~X~~NE~~X~~ of Section 29 and water stock with water diverted from Cherry
9 Creek.

10 The Referee will first address their claim for a water right to use
11 water from Cherry Creek. The diversion from Cherry Creek is located
12 approximately 550 feet south and 20 feet west of the northeast corner of
13 Section 29, where Moe Road crosses Cherry Creek. The claimant put in
14 evidence to show that this road was constructed in 1927 and required a
15 bridge where it crossed Cherry Creek. The claimants diversion is at that
16 bridge, where there is a concrete diversion structure with the initials EWS
17 and the date 1927. It is the claimant's position that the concrete
18 diversion structure was installed as part of the bridge construction and
19 the 1927 date shows that water was being diverted at that time. The E~~X~~NE~~X~~
20 of Section 29 was in the Sorenson family from June 1899 until Sweet Grass
21 Investments purchased it in the late 1990's. The Referee believes that the
22 EWS on the diversion structure are the initials for Emil Wilbur Sorenson, a
23 prior owner of the land. Before the Sorenson family acquired the land in
24 1899, it was owned by Patrick Lynch, who received the patent on July 1,

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1 1874. He sold to S. R. Geddis, who defaulted on the mortgage and
2 eventually the land was sold through a sheriff's sale to Jens Sorenson.
3 The chain of title documents (DE-1680) show that the existence of water
4 rights and irrigation ditches are referenced several times in the documents
5 that relate to the Geddis mortgage, default and ultimate sale of the land.
6 Additionally, the personal property ledger for 1907 (DE-1681) shows Jens
7 Sorenson owning farming equipment and several head of livestock. These
8 documents taken in conjunction with the diversion structure with the 1927
9 date, lead to a conclusion that water was being diverted from Cherry Creek
10 for irrigation prior to December 31, 1932, which is the date by which water
11 had to be put to beneficial use under the Riparian Doctrine, State of
12 Washington v. Abbott, 103 Wn.2d 686, 694 P.2d 1071 (1985). The claimants
13 land is riparian to Cherry Creek, so water rights were established under
14 the Riparian Doctrine. Under that doctrine, the priority date would be the
15 date when steps were first taken to sever the land from Federal ownership.
16 The only document in the record that establishes steps being taken to sever
17 the land is the patent that issued on July 1, 1874. Undoubtedly, steps
18 were taken prior to that to sever the land, however, there is nothing in
19 the record to establish an earlier date.

19 Mr. Sims testified that 2.0 cfs is diverted from Cherry Creek to
20 irrigate the 44 acres. The claimant is asserting a right to use 15.7
21 acre-feet per year for each acre irrigated. According to attachments to
22 Mr. Bain's deposition, the quantity of water diverted was measured three
23 times in 2002 and those measurements resulted in the conclusion that the

1 average flow rate was 2.91 cfs. Mr. Bain then determined the annual
2 quantity of water used based on diverting that quantity 150 days during the
3 irrigation season, resulting in 864.3 acre-feet per year being used to
4 irrigate the 44 acres for which a right is asserted under Court Claim No.
5 01448 and a portion of a field for which a right is asserted under Court
6 Claim No. 01041. Mr. Bain measured the quantity being diverted from Cherry
7 Creek during June, July and October. The testimony throughout the Subbasin
8 No. 10 hearings has made it clear return flow water from lands irrigated
9 with water delivered by Cascade Irrigation District, Ellensburg Water
10 Company and Kittitas Reclamation District contribute to the flow in Cherry
11 Creek after the beginning of the irrigation season and as the irrigation
12 season progresses the percentage of the creek flow that is attributable to
13 return flow increases. At the initial hearing the Referee was pointed to
14 the neighboring Moe property and the report submitted by Mr. Bain
15 indicating that 8.5 acre-feet per acre is needed to irrigate the land. It
16 is reasonable to conclude that a portion of the water measured by Mr. Bain
17 in June, July and October is return flow water for which a water right
18 cannot be confirmed in this proceeding. Mr. Bain did not attempt to
19 estimate the amount of natural flow water that might be available in Cherry
20 Creek at the claimant's point of diversion, however, he did state that a
21 substantial portion of the water measured in July and October would be
22 return flow water, not natural creek flow. The Referee concludes it would
23 not be appropriate to award a right to use 15.7 acre-feet per year for each
24 irrigated acre when it is clear that for at least half of the irrigation

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1 season, a major portion of the water would be return flow water for which a
2 water right cannot be awarded. The claimants initial claim to a quantity
3 of water consistent with that used on the neighboring Moe property (now
4 Nisbet), which is 8.5 acre-feet per acre, would be a more reasonable
5 estimate of the natural flow that might be available.

6 As noted in the initial Report of Referee, Water Right Claim No. 144977
7 was filed by Mrs. Emil Sorenson protecting the claimants right to use
8 Cherry Creek. The Referee notes that the source of water on the claim form
9 is identified as Parke Creek, however, Parke Creek converges with Cooke and
10 Caribou Creeks just east of the claimant's land to form Cherry Creek.

11 Therefore, the Referee recommends that a water right be confirmed under
12 Court Claim No. 01448 with a July 1, 1874, date of priority for the
13 diversion of 2.0 cubic feet per second, 374 acre-feet per year from Cherry
14 Creek for the irrigation of 44 acres lying in that portion of the E~~1~~¹/₄NE~~1~~¹/₄ of
15 Section 29 lying south of Cherry Creek. The point of diversion is
16 approximately 550 feet south and 20 feet west of the northeast corner of
17 Section 29.

18 A right is being asserted to water stock and irrigate 13 acres with
19 water diverted from Wippel/Johnson Creek. The diversion is in the SE~~1~~¹/₄SE~~1~~¹/₄
20 of Section 21, T. 17 N., R. 19 E.W.M. The diverted water is initially
21 carried in a concrete lined ditch that crosses the northeast corner of
22 Section 28 to Alkali Road. The ditch then parallels Alkali Road to
23 approximately the northeast corner of the SW~~1~~¹/₄NW~~1~~¹/₄ of Section 28, where water
24 then goes into a buried pipe that diagonally crosses the SW~~1~~¹/₄NW~~1~~¹/₄ of
25

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1 Section 28 to the east quarter corner of Section 29, where takeout 1 is
2 located. Approximately 5 cfs is diverted from Johnson/Wippel Creek for use
3 by the claimant and neighboring landowners Keith Eslinger and John
4 Nylander. Water to irrigate the Nylander and Eslinger property is removed
5 from the open ditch just prior to where the buried pipeline intersects with
6 the ditch. Of the 5 cfs diverted from the creek, approximately 2.7 cfs
7 reaches the claimant's land for use. This water is used to irrigate 13
8 acres in the southeasterly portion of the SE~~X~~NE~~X~~ of Section 29 along with
9 other land owned by Sweet Grass Investments in the SE~~X~~ of Section 29.
10 Water Rights are being asserted under Court Claim No. 01041 for irrigating
11 the lands in the SE~~X~~ of Section 29. Those lands have a different ownership
12 history than the lands in the NE~~X~~ of Section 29. Approximately 109 acres
13 are being irrigated within the SE~~X~~ of Section 29 with water diverted from
14 Wippel/Johnson Creek. The pipeline carrying Johnson/Wippel Creek water
15 enters the claimant's land at the east quarter corner of Section 29 at the
16 same point that Mr. Sims believes Parke Creek previously entered the
17 property.

18 The Referee must determine whether there is sufficient evidence to
19 conclude a water right had been established to use Johnson/Wippel Creek.
20 The Referee notes that Richard Bain frequently called the water source
21 Johnson Drain and SE-2 shows the water source emerging just below the
22 Cascade Canal. The claimant did present photos and creek measurements to
23 show water flowing in the creek prior to the onset of the irrigation season
24 in an effort to prove the creek carries natural flow and not just seepage

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1 or return flow from the larger irrigation districts that serve in the
2 immediate area. It is much harder to determine how much natural flow might
3 be available in the creek during the irrigation season. Most of the
4 precipitation falls in Central Washington during the winter and early
5 spring months and would result in the creek carrying flow that is directly
6 related to that precipitation. However, there is very little precipitation
7 during the irrigation season that would contribute to natural flow being
8 available in the creek. This water source does not benefit from mountain
9 snow pack that gradually melts over the course of spring and early summer.
10 The only natural flow that would be in the creek is from local
11 precipitation. Johnson/Wippel Creek does not appear on the 1938 Kittitas
12 County Atlas that is DE-1667 and the 1936 Soil Survey Map does not include
13 the sections through which the creek flows.

14 The claimants land is not riparian to Johnson/Wippel Creek, therefore,
15 there must be evidence that a water right was established under the Prior
16 Appropriation Doctrine. Due to the Federal Government withdrawing all the
17 unappropriated surface waters in the Yakima basin on May 10, 1905, there
18 must be evidence that the water right was established through use prior to
19 that date. There is an agreement for a ditch right of way that was made in
20 1961 that mentions use of Wippel Creek. However, the agreement does not
21 provide evidence that would lead to a conclusion that use of Wippel Creek
22 water began prior to 1905. It mentions that Emil Sorenson (former owner of
23 the claimant's land) had a restricted right to Wippel Creek and had for
24

1 many years irrigated their property from that creek. However, the Referee
2 cannot stretch "many years" to mean 60 years.

3 WRC No. 144976 was filed pursuant to RCW 90.14 by Mrs. Emil Sorenson
4 asserting a right to use 2 acre-feet from Wippel Creek for the irrigation
5 of 13 acres in the ~~EXNE~~ of Section 29. The point of diversion that is
6 described is on Wippel/Johnson Creek, but downstream of the currently used
7 point of diversion.

8 The Referee concludes there has not been sufficient evidence put in the
9 record to show that a water right was established under the Prior
10 Appropriation Doctrine. Therefore, the Referee does not recommend
11 confirmation of a water right to use Wippel/Johnson Creek.

12 To the extent return flow waters are used from both Cherry Creek and
13 Wippel/Johnson Creek, that water can be used by the first taker when it is
14 available. No right exists to use that water, nor is there any assurance
15 it will be available for use. A complete discussion of the return flow
16 issue and the Court's prior rulings begins on page 8 of the Report of
17 Referee for Subbasin No. 10 and will not be repeated here.

18 **COURT CLAIM NO. 01041 -- Sweet Grass Investments, LLC**

19 Sweet Grass Investments, LLC took several exceptions to the Referee's
20 recommendations for Court Claim No. 01041. Ecology filed two requests for
21 clarification related to this claim. The claimant is represented by
22 Attorneys Richard T. Cole and Charles Flowers and Brian Sims, owner of
23 Sweet Grass Investments, LLC, testified at the supplemental hearing.
24

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1 Additionally, Richard C. Bain testified through a deposition taken on
2 November 13, 2002, and entered into the record as Exhibit DE-1670.

3 The Referee recommended that a water right be confirmed under Court
4 Claim No. 01041 with a May 24, 1884, date of priority for the diversion of
5 2.0 cfs, 412.8 acre-feet per year from Cherry Creek for the irrigation of
6 68.8 acres in the S~~W~~SW~~W~~ and SE~~W~~ of Section 29, T. 17 N., R. 19 E.W.M. The
7 claimant took exception to the priority date, quantity of water awarded and
8 number of acres authorized for irrigation. Ecology sought clarification of
9 the location of the point of diversion and source of water.

10 While the exception filed by the claimant sought to amend the Referee's
11 recommendation, all of the evidence presented at the supplement hearing,
12 along with the claimant's response to Ecology's request for clarification
13 addressed use of a totally different source of water than was authorized in
14 the initial Report of Referee. The Referee concluded from the evidence
15 presented at the initial hearing that water was being diverted from Cherry
16 Creek to irrigate the land for which a right is sought in Court Claim No.
17 01041. However, it is clear from the presentation at the supplemental
18 hearing that a right is being sought to use Wippel/Johnson Creek, with a
19 diversion in the SE~~W~~SE~~W~~ of Section 21, T. 17 N., R. 19 E.W.M. During Mr.
20 Sims testimony, he does state that Parke Creek is used to irrigate about 20
21 acres in that portion of the SE~~W~~ northwest of Wippel Wasteway. The Referee
22 concludes that when the testimony is to use of Parke Creek, that is
23 synonymous with Cherry Creek. Parke Creek, Caribou Creek and Cooke Creek
24 all join together in the SW~~W~~ of Section 21 forming what is labeled Cherry

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1 Creek on SE-2 and several other maps that have been entered into the
2 record. The claimant's diversion is below the convergence of these creeks,
3 approximately 550 feet south and 20 feet west of the northeast corner of
4 Section 29.

5 Mr. Sims testified to diverting water from Johnson/Wippel Creek (not
6 Wippel Wasteway) on the south section line of Section 21, T. 17 N.,
7 R. 19 E.W.M. The diverted water is initially carried in a concrete lined
8 ditch that crosses the northeast corner of Section 28 to Alkali Road. The
9 ditch then parallels Alkali Road to approximately the northeast corner of
10 the SW~~1~~/~~4~~NW~~1~~/~~4~~ of Section 28, where water then goes into a buried pipe that
11 diagonally crosses the SW~~1~~/~~4~~NW~~1~~/~~4~~ of Section 28 to the east quarter corner of
12 Section 29, where takeout 1 is located. Approximately 5 cfs is diverted
13 from Johnson/Wippel Creek for use by the claimant and neighboring
14 landowners Keith Eslinger and John Nylander. Water to irrigate the
15 Nylander and Eslinger property is removed from the open ditch just prior to
16 where the buried pipeline intersects with the ditch. Of the 5 cfs diverted
17 from the creek, approximately 2.7 cfs reaches the claimants land for his
18 use. This water is used to irrigate a 41 acres field in the SE~~1~~/~~4~~ of
19 Section 29 north of Wippel Wasteway/Badger Pocket Creek and a 12 inch
20 pipeline carries water across the wasteway to a 68 acre field that is also
21 in the SE~~1~~/~~4~~ of Section 29, but south of the wasteway and north of Thrall
22 Road. The pipeline carrying Johnson/Wippel Creek water enters the
23 claimant's land at the east quarter corner of Section 29 at the same point
24 that Mr. Sims believes Parke Creek previously entered the property. Mr.

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1 Sims testified that water from Parke Creek is also used to irrigate
2 approximately half of the 41 acre field.

3 The Referee must determine whether there is sufficient evidence to
4 conclude a water right had been established to use Johnson/Wippel Creek.
5 The Referee notes that Richard Bain frequently called the water source
6 Johnson Drain and SE-2 shows the water source emerging just below the
7 Cascade Canal. The claimant did present photos and creek measurements
8 showing water flowing in the creek prior to the onset of the irrigation
9 season; an effort to prove the creek carries natural flow and not just
10 seepage or return flow from the larger irrigation districts that serve in
11 the immediate area. It is much harder to determine how much natural flow
12 might be available in the creek during the irrigation season. Most of the
13 precipitation falls in Central Washington during the winter and early
14 spring months and would result in the creek carrying flow that is directly
15 related to that precipitation. However, there is very little precipitation
16 during the irrigation season that would contribute to natural flow being
17 available in the creek. This water source does not benefit from mountain
18 snow pack that gradually melts over the course of spring and early summer.
19 The only natural flow that would be in the creek is from local
20 precipitation. Johnson/Wippel Creek does not appear on the 1938 Kittitas
21 County Atlas that is DE-1667 and the 1936 Soil Survey Map does not include
22 the sections through which the creek flows.

23 The claimants land is not riparian to Johnson/Wippel Creek, therefore,
24 there must be evidence that a water right was established under the Prior
25

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1 Appropriation Doctrine. Due to the Federal Government withdrawing all the
2 unappropriated surface waters in the Yakima basin on May 10, 1905, there
3 must be evidence that the water right was established through use prior to
4 that date. The Referee finds that evidence to be lacking. The Referee
5 relied on an affidavit submitted by Hiram Dyk to support a conclusion
6 there was a right to use Cherry Creek. That affidavit specifically stated
7 that water diverted from Cherry Creek had been used to irrigate a large
8 portion of his land (the SW~~1~~⁴/₄ and S¹/₂ of Section 29) with water from
9 Cherry Creek or Parke Creek and that a former owner of the land, Chester
10 Cooke, had told him the land had been irrigated from that creek for over 50
11 years. There is no such statement for use of Johnson/Wippel Creek. There
12 is an agreement for a ditch right of way that was made in 1961 that
13 mentions use of Wippel Creek. However, the agreement does not provide
14 evidence that would lead to a conclusion that use of Wippel Creek water
15 began prior to 1905. It mentions that the Riddles (former owners of the
16 claimant's land) had a restricted right to Wippel Creek and had for many
17 years irrigated their property from that creek. However, the Referee
18 cannot stretch "many years" to mean 60 years.

18 Compliance with RCW 90.14 is also an issue. As a result of the
19 presentation at the initial hearing, the Referee concluded that Water Right
20 Claim No. 137444 substantially complied with the requirements of RCW 90.14
21 to protect a water right to divert from Cherry Creek to irrigate 80 acres
22 in Section 29 owned by Robert Riddle. Although the source of water at the
23 top of the form is blank, in the place of use section Robert Riddle, the

24
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1 landowner at the time, stated that Wipple Creek water was claimed. The
2 testimony lead the Referee to conclude Cherry Creek was the source of water
3 being used and it is clearly acknowledged there is confusion over creek
4 names in this area. WRC No. 137444 states the diversion is in Section 21;
5 the diversion on Cherry Creek is near the corner that is common to Sections
6 20, 21 28 and 29, leading the Referee to conclude that since the evidence
7 suggested Cherry Creek was bring used, that it was the diversion on Cherry
8 Creek that was being described.

9 With the presentation at the supplemental hearing, the Referee is not
10 convinced that the initial conclusions reach were correct. A claim is
11 being made to divert water from Wippel Creek/Johnson Creek, the source
12 identified in the RCW 90.14 claim. The diversion from Wippel Creek is in
13 the ~~SE~~~~SE~~ of Section 21, in the section identified on the claim form.
14 With the additional testimony at the supplemental hearing, the Referee must
15 withdraw the original conclusion that the WRC No. 137444 substantially
16 complies with RCW 90.14 to protect a water right for use of Cherry Creek,
17 but does conclude that it substantially complies with RCW 90.14 to protect
18 any water right that may exist for use of Wippel Creek.

19 As a result of the evidence presented at the supplemental hearing, the
20 claimant is in the unfortunate situation of having proved the existence of
21 a water right for use of Cherry Creek, but the Referee concludes there is
22 no RCW 90.14 claim that protects a right to use Cherry Creek. The Referee
23 concludes the RCW 90.14 claim would protect a right to use Wippel Creek,
24 however, there has not been sufficient evidence presented to conclude that

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1 a water right was legally established under the Prior Appropriation
2 Doctrine to use Wippel/Johnson Creek; nor has there been sufficient
3 evidence presented to show there is natural creek flow during the
4 irrigation season.

5 Therefore, the Referee does not recommend confirmation of any water
6 rights under Court Claim No. 01041. To the extent that return flow water
7 is in Wippel Creek/Johnson Creek, the claimant can continue using that
8 return flow water without benefit of a water right as long as it is
9 available. See Report of Referee for Subbasin No. 10, page 8 to 10, for
10 summary of the Court's rulings on return flows.

11 **COURT CLAIM NO. 00713 -- Pat Thomason**
12 **Helen Warner**
13 **Nancy Carmody**

14 The Referee did not confirm a diversionary water right under Court
15 Claim No. 00713 for either Parke (Park) or Brush Creek in the Referee's
16 Report for Subbasin No. 10 (Kittitas). The successors to the original
17 claimants, Milton and Esther Camozzy, through their attorney, Richard T.
18 Cole, timely filed exceptions with the Court seeking a remand of the claim
19 to the Referee for production of additional evidence. On February 19,
20 2003, Nancy Carmody, Pat Thomason and Helen Warner were substituted for all
21 of the interest of claimants Milton and Esther Camozzy. Mr. Cole, attorney
22 for Carmody, Thomason and Warner, represented claimants' interest in Court
23 Claim No. 00713 at the supplemental evidentiary hearing on February 24,
24 2003. Kevin Eslinger, lessee of the property, testified and exhibits were
25 admitted.

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1 The claimants own Government Lots 1 and 2, the NE~~1~~NW~~4~~, NW~~1~~NE~~4~~ and a
2 portion of the NE~~1~~NE~~4~~ of Section 18, T. 17 N., R. 19 E.W.M. and are
3 asserting a right to irrigate 70 acres with water diverted from Park and
4 Brush Creeks. Park Creek and the stream the claimants call Brush Creek
5 flow through their land, so any water right would likely have been
6 established under the Riparian Doctrine. This particular Brush Creek lies
7 south of Park Creek, arising in a spring-fed pond in the NE~~1~~NE~~4~~ of
8 Section 17, T. 17 N., R. 19 E.W.M. It should not be confused with the
9 Brush Creek that is associated with Warm Springs Creek further north.

10 The record indicates that the patent for the NW~~1~~NE~~4~~, NE~~1~~NW~~4~~ and
11 Government Lots 1 and 2 of Section 18, T. 17 N., R. 20 E.W.M. issued to
12 W. T. Sheldon on April 27, 1911. The earliest document in the record
13 showing efforts to separate the land from Federal ownership is a lease of
14 the land between W. T. Sheldon and C. G. Muller, dated February 18, 1907.
15 Terms of the lease describe crop sharing and require the lessee to clear
16 sagebrush and build irrigation ditches and flumes. Reference is made in
17 the lease to a cleared area within the NW~~1~~NE~~4~~ of Section 18 and a pump
18 located on the property. A water source is not identified, nor is any
19 ongoing irrigation discussed. At the very least, the lease demonstrates
20 the intent of W. T. Sheldon to have the homestead developed and irrigated.

21 The only document in the record establishing efforts to separate the
22 land from the public domain is after the May 10, 1905, Federal withdrawal
23 of surface water in the Yakima River Basin. All unappropriated surface
24 waters were withdrawn by the United States for development of the Yakima

1 Project. Subsequent to the withdrawal surface water rights could not be
2 established without the written consent of the Federal government (commonly
3 known as a release from the withdrawal). It may be that the land was
4 settled, settlement being the recognized first step toward severing the
5 land, prior to May of 1905, but there is nothing in the record to show when
6 settlement occurred. It most certainly was prior to the 1907 lease, but
7 the Referee will not speculate on when that may have been.

8 The record does show that in November of 1907 W. T. Sheldon purchased
9 an existing Park and Brush Creek water right from several individuals,
10 however, there is nothing in the record to show what lands these
11 individuals owned, so the Referee cannot determine what water right was
12 being sold. The Referee does note there are documents in the record that
13 show three of the sellers in 1919 owned land that had been owned by J. D.
14 Olmstead at the time of Olmstead v. Hays, however, the record does not
15 indicate whether they owned that land at the time the water right was sold
16 in 1907 and the Referee will not make that assumption.

17 The quit claim deed included a comprehensive set of conditions, the
18 effect of which was to preclude diversion of Park Creek water at any
19 location west of the west section line of Section 18, T. 17 N.,
20 R. 20 E.W.M. The land to which the water was to be applied was the Sheldon
21 homestead in Section 18, land now owned by the claimants. The Brush Creek
22 water conveyed was the Brush Creek that is now known as Warm Springs Creek,
23 which is located north of the claimants' land.

1 The record contains a series of transactions during the years from 1907
2 to 1919 which appear to transfer this same water right between property
3 owners in the Park Creek basin. In 1912, Sheldon sold the NW~~1~~NE~~1~~, NE~~1~~NW~~1~~
4 and Government Lots 1 and 2, Section 18, T. 17 N., R. 20 E.W.M. to Henry
5 Kleinberg, but specifically withheld the water right when he sold the
6 land. The deed also reserved a right to construct an irrigation ditch from
7 Park Creek to Spring Branch and then from Spring Branch to an existing
8 irrigation ditch. The lands served by this existing ditch were not
9 identified.

10 Two deeds appear to provide the most information as to possible
11 appurtenance of the water right to the claimants' land. On October 1,
12 1913, W. T. Sheldon sold all his interest in the Park Creek water right to
13 Peter Sorensen. At that time Peter Sorensen owned land in the S $\frac{1}{2}$ of
14 Section 22, T. 17 N., R. 19 E.W.M. In fact, it was a portion of what was
15 within the J. D. Olmstead holdings. Claimants are correct that the
16 evidence shows Peter Sorenson then sold the water right to Edwin Ross on
17 July 21, 1919; however, they are mistaken as to the land owned by Edwin
18 Ross at the time of the sale. Edwin Ross, apparently along with his
19 parents J. D. and Grace Ross, owned the NE~~1~~NE~~1~~ of Section 18, along with
20 lands in Sections 17 and 8, all in T. 17 N., R. 19 E.W.M. Then in December
21 of 1919 the Ross family sold these lands, along with Park Creek and other
22 water rights. The Referee can only presume that the Park Creek water right
23 is the one purchased from Peter Sorensen. The next year Edwin and his
24 parents, J. D. and Grace Ross, purchased the NW~~1~~NE~~1~~, NE~~1~~NW~~1~~ and Government

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Subbasin No. 10

1 Lots 1 and 2 of Section 18, but that was after they had sold land with the
2 Park Creek water right. The warranty deed for the land the Rosses
3 purchased includes the statement "together with all appurtenances and water
4 rights belonging thereunto." However, there has been no evidence presented
5 to show that there were appurtenant water rights. There also is nothing in
6 the record to show that the procedures of RCW 90.03.380 for seeking state
7 approval to transfer a water right were followed in 1919 when Sorensen sold
8 the water right. This would leave the water right still appurtenant to
9 land in the S½ of Section 22, land now owned by Keith and Karen Eslinger.
10 Also in the record as exhibit DE-1685 is a deed by which Joseph Preece, et
11 ux. owners of the W½NE¼, SE¼NW¼ and NW¼SE¼ of Section 22 transferred to
12 Edwin Ross all of their right, title and interest in the waters of Park
13 Creek by virtue of the appropriation by J. D. Olmstead as decreed in
14 Olmstead v. Hays. Again there is no evidence that in 1919 either landowner
15 complied with the change procedures in the portion of the surface water
16 code that is now RCW 90.03.380. In fact counsel for Keith and Karen
17 Eslinger argues in a post-hearing brief that as a result of failure to
18 comply with the change procedures the water is still appurtenant to the
19 Eslinger land and they and their predecessors have continued to make
20 beneficial use of the water. The Acquavella Court has consistently held
21 that compliance with the change procedures in RCW 90.03.380 is not optional
22 and that this Court will not confirm rights at the transferred place of use
23 or points of diversion without compliance. The fact that the Eslingers are
24 asserting ownership of the right reinforces the need for compliance.

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1 In addition to the preceding legal constraints, the series of leases in
2 the record up into the 1940s all require clearing brush, leveling and
3 treatment for excessive alkali soil. The Referee can draw no conclusion as
4 to how much land was irrigated during any year up to and including
5 ownership by M. D. Camozzy around 1940. Also complicating this analysis is
6 the delivery of Kittitas Reclamation District (KRD) water to a major
7 portion of the property about 1930.

8 Based on all of the foregoing, the Referee recommends that no water
9 right be confirmed from Park or Brush Creek under Court Claim No. 00713.

10 **COURT CLAIM NO. 01470 -- Estate of Theodore M. Wood**
11 **& Geraldine Wood**

12 The Report of Referee, Subbasin No. 10 (Kittitas), recommended that
13 water rights not be confirmed under Court Claim No. 01470 due to
14 insufficient evidence of historic water use. On April 5, 2002, an
15 exception was filed with the Court in behalf of Geraldine Wood seeking an
16 opportunity to present additional evidence. The claim was remanded to the
17 Referee for the supplemental evidentiary hearing. Attorney Richard Cole
18 represents Geraldine Wood and John Gibb, lessee of the Wood property,
19 testified at the supplemental hearing.

20 Caribou Creek flows through the Wood property, so to the extent that a
21 water right was established, it would have been based on the Riparian
22 Doctrine with a priority date of February 10, 1875. The claimant relies
23 almost exclusively on language on various deeds that convey the land prior
24 to 1932, see Exhibit DE-1800. Counsel asserts that wording contained in

25 Supplemental Report of Referee
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1 these deeds prove that Caribou Creek water was being diverted and used on
2 the property. The Referee cannot reach that same conclusion. An example
3 of the language is ". . .together with all water rights and irrigation
4 ditches appurtenant thereto, including an undivided one-half interest in
5 thirty shares of the capital stock of the Ellensburg Water Company (EWC),
6 appurtenant to said lands." This particular provision can be found in the
7 Guardian's Deed dated October 4, 1913, from S. T. Packwood, guardian, to
8 Christian Jacobson.

9 The wording included in the mortgages and deeds in DE-1800 all refer to
10 shares of EWC capital stock. Those references are combined with "together
11 with all water rights and ditches" in each document. None of the deeds
12 reference Caribou Creek water rights, which the Referee finds striking,
13 since EWC stock was very specifically referenced. The Referee concludes
14 that the intent of the statements was specifically intended to convey EWC
15 shares and related conveyance ditches. It is clear that the parties knew
16 how to include specific water rights as they did with Ellensburg Water
17 Company shares and ditches. Also worth noting is that the number of shares
18 owned increased over the years such that 61 shares were included in the
19 1967 Real Estate Contract--Allen Nyberg to Theodore Wood.

20 If water rights on Caribou Creek were in existence in 1912, it seems
21 likely that the owner of the land would have been a party to Mary A. Clerf
22 v. Robert I. Scammon, et al.. A water right was recognized in that decree
23 for land adjacent to the northeast; i.e., in the ~~NE~~^{SE}~~1/4~~^{1/4} of Section 14,
24 T. 17 N., R. 19 E.W.M.

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1 The only other historical fact was the existence of an abandoned dam in
2 Caribou Creek located about 200 feet downstream of the current dam. The
3 claimant did not provide any information about when that dam was used or
4 the location of ditch/ditches which might have been used to deliver water
5 diverted at that point. Since the abandoned diversion is downstream of the
6 current diversion, fewer acres in the Wood property would have been
7 irrigated by gravity flow than the 40 acres now irrigated via gated pipe
8 and an upstream point of diversion.

9 Due to the lack of facts regarding use of Caribou Creek water before
10 December 31, 1932, the Referee continues to recommend that a water right
11 not be confirmed under Court Claim No. 01470.

12 FINDINGS OF FACT

13 I, DOUGLAS CLAUSING, as Referee in this proceeding, having carefully
14 examined the testimony and evidence, do hereby make the following Findings
15 of Fact pursuant to the Order on Exceptions entered by this court on
16 December 12, 2002:

17 Based upon the additional testimony and evidence obtained at either
18 the exception hearing or the supplemental hearing, it is recommended that
19 the Report of Referee - Subbasin No. 10, dated October 23, 2001, be
20 modified as follows:

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25 Supplemental Report of Referee
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1 CLAIMANT NAME: Palmer Burris COURT CLAIM NO. 00900
2 & Shirley Burris
3 Source: Coleman Creek
4 Use: Irrigation of 84 acres and stockwatering.
5 Period of Use: April 1 through August 15
6 Quantity: 1.68 cubic feet per second, 455 acre-feet per
7 year
8 Priority Date: June 30, 1869
9 Point of Diversion: 460 feet north and 40 feet west from the
10 southeast corner of Section 17, being within the
11 SE~~X~~SE~~X~~SE~~X~~ of Section 17, T. 17 N., R. 19 E.W.M.
12 Place of Use: That portion of the N~~X~~NE~~X~~ and S~~X~~NW~~X~~ of
13 Section 20, T. 17 N., R. 19 E.W.M., lying
14 northwest of Coleman Creek
15 Limitations of Use: The period of use herein is from the stipulation
16 in Bull v. Meehan, which requires diversion of
17 water for irrigation to cease after August 15 and
18 all water be left in the creek for stock
19 watering.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Sam Kayser COURT CLAIM NO. 01234
2 & Lonni Kayser (A) 06380
3 Source: Schnebly Creek
4 Use: Irrigation of 17 acres
5 Period of Use: April 1 through October 31
6 Quantity: 1.0 cubic foot per second, 64 acre-feet per year
7 Priority Date: June 30, 1869
8 Point of Diversion: 1330 feet east and 50 feet south of the west
9 quarter corner of Section 2, being within the
10 NW~~NE~~SW~~W~~ of Section 2, T. 18 N., R. 19 E.W.M.
11 Place of Use: That portion of the SE~~SW~~ of Section 2,
12 T. 18 N., R. 19 E.W.M. lying north of the
13 Kittitas Reclamation District North Branch
14 Canal.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Thomas J. Nisbet COURT CLAIM NO. 00422
2 Source: Coleman Creek
3 Use: Irrigation of 70 acres and stockwater.
4 Period of Use: April 1 through August 15
5 Quantity: 1.4 cubic foot per second, 374 acre-feet per year
6 Priority Date: June 30, 1869
7 Point of Diversion: 1300 feet south and 1250 feet west from the
8 northeast corner of Section 20, being near the
center the NE¼ of Section 20,
T. 17 N., R. 19 E.W.M.
9 Place of Use: The E½SE¼ of Section 20, T. 17 N., R. 19 E.W.M.
10 Limitations of Use: As provided in the stipulation that settled Bull
11 v. Meehan diversion of water for irrigation will
12 cease on August 15 and the water will remain in
13 the creek for stock watering.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Thomas J. Ringer COURT CLAIM NO. 01744
2 Source: Coleman Creek
3 Use: Irrigation of 72 acres and stockwater.
4 Period of Use: April 1 through August 15
5 Quantity: 1.44 cubic feet per second, 391 acre-feet per year
6 Priority Date: June 30, 1869
7 Point of Diversion: 240 feet north and 590 feet west from the center
8 of Section 20, being within the SE~~X~~NW~~X~~ of
9 Section 20, T. 17 N., R. 19 E.W.M.
10 Place of Use: That portion of the SW~~X~~ of Section 20, T. 17 N.,
11 R. 19 E.W.M., lying west of the Bull Ditch.
12 Limitations of Use: Water delivered by Bull Canal Company is also
13 used on this land. As provided in the
14 stipulation that settled Bull v. Meehan,
15 diversion of water for irrigation will cease on
16 August 15 and the water will be left in the creek
17 for stock watering
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Albert F. Scott COURT CLAIM NO. 00605
2 & Dorothy Scott (A) 01749
3 Stephen K. German
4 & Donna German
5 Source: Schnebly Creek
6 Use: Irrigation of 138 acres and stock water
7 Period of Use: April 1 through October 15
8 Quantity: 1.0 cubic foot per second, 150 acre-feet per year
9 Priority Date: June 30, 1869
10 Point of Diversion: 1) 750 feet north and 950 feet west from the
11 south quarter corner of Section 2, being within
12 the NW~~SE~~SW~~SW~~ of Section 2, T. 18 N.,
13 R. 19 E.W.M.
14 2) 1300 feet north and 1250 feet west from the
15 center of Section 11, being within the NW~~SE~~NW~~NW~~
16 of Section 11, T. 18 N., R. 19 E.W.M.
17 Place of Use: That portion of the SE~~SW~~ of Section 2, lying
18 south of the Kittitas Reclamation District Canal;
19 the N~~NW~~ and the SW~~NW~~ of Section 11, all
20 within T. 18 N., R. 19 E.W.M.
21 Limitations of Use: This land may also receive water delivered by the
22 Kittitas Reclamation District and Naneum Creek
23 water carried in the Kiester Ditch to Schnebly
24 Creek.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
2 Fred Schnebly (A) 04783
3 Jim Schnebly (A) 05073
4 Source: Schnebly Creek
5 Use: Irrigation of 17 acres and stock watering
6 Period of Use: April 1 through October 15 for irrigation;
7 continuously for stock watering
8 Quantity: 0.34 cubic foot per second, 96.9 acre-feet per
9 year for irrigation; 0.015 cubic foot per second,
10 1.5 acre-feet per year for stock watering
11 Priority Date: July 31, 1869
12 Point of Diversion: 600 feet east and 1320 feet north of the south
13 quarter corner of Section 15, being within the
14 W~~1~~SE~~4~~ of Section 15, T. 18 N., R. 19 E.W.M.
15 Place of Use: W~~1~~SW~~4~~SE~~4~~ of Section 15, T. 18 N., R. 19 E.W.M.
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24 Supplemental Report of Referee
25 Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073
3 Source: Schnebly Creek
4 Use: Irrigation of 31 acres
5 Period of Use: April 1 through October 15
6 Quantity: 0.62 cubic foot per second 176.7 acre-feet per
year
7 Priority Date: July 31, 1869
8 Point of Diversion: 1270 feet north and 1070 feet east of the center
9 of Section 15, being within the ~~NE~~~~SW~~~~NE~~ of
Section 15, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the ~~W~~~~NE~~ lying northwest of
11 Brickmill Road and the East 135 feet of the ~~E~~~~NW~~
all in Section 22, T. 18 N., R. 19 E.W.M.
12 Limitations of Use: Water diverted from Coleman Creek may also be
used on this land.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
2 Fred Schnebly (A) 04783
3 Jim Schnebly (A) 05073

3 Source: Coleman Creek

4 Use: Irrigation of 150 acres and stock watering

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

6 Quantity: 1.5 cubic feet per second, 585 acre-feet per year
7 for irrigation; 0.12 cubic foot per second, 12.0
acre-feet per year for stock watering

8 Priority Date: April 1, 1870

9 Point of Diversion: 1000 feet north and 15 feet west of the southeast
10 corner of Section 15, being within the NE~~SE~~SE~~SE~~
of Section 15, T. 18 N., R. 19 E.W.M.

11 Place of Use: The S~~SE~~ of Section 15 and the N~~NE~~ of
12 Section 22, both in T. 18 N., R. 19 E.W.M.

13 CLAIMANT NAME: Howard F. Clerf COURT CLAIM NO. 01443
14 & Vivian Clerf

15 Source: Caribou Creek

16 Use: Irrigation of 62 acres

17 Period of Use: April 1 through October 15

18 Quantity: 0.8 cubic feet per second, 312.0 acre-feet per
year

19 Priority Date: June 30, 1870

20 Point of Diversion: 860 feet north and 280 feet east from the west
21 quarter corner of Section 12, being within the
NW~~SW~~NW~~NW~~ of Section 12, T. 17 N., R. 19 E.W.M.

22 Place of Use: The W~~SW~~ of Section 12, T. 17 N., R. 19 E.W.M.

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1 CLAIMANT NAME: Cooke-Coleman LLC COURT CLAIM NO. 00927
2 Source: Cooke Creek
3 Use: Irrigation of 156 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 3.12 cubic feet per second, 872.66 acre-feet per
6 year
7 Priority Date: June 30, 1870
8 Point of Diversion: An unknown point within the SW¼ of Section 6, T.
9 18 N., R. 20 E.W.M.
10 Place of Use: The W¼NE¼ and the E¼NW¼ of Section 7, T. 18 N.,
11 R. 20 E.W.M.; EXCEPT that portion of the
12 NE¼NE¼NW¼ described as follows: Beginning at a
13 point 22 feet south and 333 feet west of the
14 north quarter corner of said Section; Thence
15 S1°25'E 466 feet; thence west 160 feet; Thence
16 N1°25'W 180 feet; Thence east 115 feet; Thence
17 N1°25'W 286 feet; Thence east 45 feet to the
18 point of beginning.
19 Limitations of Use: When frost is out of the ground before April 15,
20 the period of use is modified to allow use of
21 water as soon as frost is out of the ground and
22 water can beneficially be used. When surplus
23 water is available in excess of that needed to
24 satisfy all existing rights, an additional 3.12
25 cubic feet per second may be diverted. This
water will normally be available approximately 30
days during the spring, which would result in up
to 185.33 acre-feet per year being used in
addition to that authorized herein.

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1 CLAIMANT NAME: Ray L. Durgan COURT CLAIM NO. 00858
& Doris Durgan

2 Source: Unnamed spring No.2

3 Use: Stockwatering

4 Period of Use: Continuously

5 Quantity: 0.05 cubic foot per second, 3.5 acre-feet per
6 year

7 Priority Date: June 30, 1870

8 Point of Diversion: 1200 feet south and 200 feet west from the north
quarter corner of Section 19, being within the
9 SE~~1~~NE~~1~~NW~~1~~ of Section 19, T. 18 N., R. 20 E.W.M.

10 Place of Use: SE~~1~~NE~~1~~NW~~1~~ of Section 19, T. 18 N., R. 20 E.W.M.

11 CLAIMANT NAME: Ray L. Durgan COURT CLAIM NO. 00858
& Doris Durgan

12 Source: Cooke Creek

13 Use: Irrigation of 115 acres and stock water

14 Period of Use: April 15 through September 15

15 Quantity: 2.30 cubic feet per second, 575 acre-feet per
16 year

17 Priority Date: June 30, 1870

18 Point of Diversion: 30 feet south and 300 feet west from the north
quarter corner of Section 19, being within the
19 NE~~1~~NE~~1~~NW~~1~~ of Section 19, T. 18 N., R. 20 E.W.M.

20 Place of Use: The E~~1~~NW~~1~~ and W~~1~~NE~~1~~ of Section 19, T. 18 N.,
R. 20 E.W.M.

21 Limitations of Use: This land may also be irrigated with water
22 delivered by the Kittitas Reclamation District.

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25 Supplemental Report of Referee
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1 CLAIMANT NAME: Ronald Gibb COURT CLAIM NO. 05523
Douglas Gibb (A)06436
2 Source: Caribou Creek
3 Use: Irrigation of 100 acres
4 Period of Use: April 1 through October 15
5 Quantity: 1.0 cubic foot per second, 390 acre-feet per year
6 Priority Date: June 30, 1870
7 Point of Diversion: 1) 100 feet south and 400 feet west of the east
8 quarter corner of Section 11, being within the
NE~~X~~SE~~X~~ of Section 11, T. 17 N., R. 19 E.W.M.
9 2) 1650 feet north and 1320 feet west of the
southeast corner of Section 11, being in the
NE~~X~~SE~~X~~ of Section 11, T. 17 N., R. 19 E.W.M.
10 3) 825 feet north and 1815 feet west of the
southeast corner of Section 11, being within the
11 SW~~X~~SE~~X~~ of Section 11, T. 17 N., R. 19 E.W.M.
12 Place of Use: That portion of the SW~~X~~SE~~X~~ of Section 11 lying
southeast of Caribou Creek, the NW~~X~~NE~~X~~ and the
13 NE~~X~~NW~~X~~ of Section 14, T. 17 N., R. 19 E.W.M.
14 Limitations of Use: This land may also be irrigated with water
delivered by the Cascade Irrigation District.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Douglas Johnson COURT CLAIM NO. 01058
2 & Nancy Johnson
3 Source: Two unnamed springs
4 Use: Continuous stock water.
5 Period of Use: Continuously
6 Quantity: 0.02 cubic foot per second, 1.3 acre-feet per
7 year from each spring
8 Priority Date: June 30, 1870
9 Point of Diversion: Spring #1--375 feet north and 510 feet east from
10 the center of Section 10, being within the
11 SW~~1~~SW~~1~~NE~~1~~ of Section 10, T. 17 N., R. 19 E.W.M.
12 Spring #2--1160 feet north and 40 feet east from
13 the center of Section 10, being within the
14 NW~~1~~SW~~1~~NE~~1~~ of Section 10, T. 17 N., R. 19 E.W.M.
15 Place of Use: The SW~~1~~NE~~1~~ of Section 10, T. 17 N., R. 19 E.W.M.
16 Limitations of Use: Irrigation water for this land is delivered by
17 the Cascade Irrigation District
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Supplemental Report of Referee
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1 CLAIMANT NAME: Gregory Jordan COURT CLAIM NO. 02258
2 & Elizabeth Jordan
3 Source: Schnebly Creek
4 Use: Irrigation of 4 acres and stock water.
5 Period of Use: April 1 through October 15
6 Quantity: 0.08 cubic foot per second, 22.8 acre-feet per
7 year
8 Priority Date: June 30, 1870
9 Point of Diversion: 1300 feet north and 240 feet west from the
10 southeast corner of Section 10, being within the
11 NE~~SE~~SE~~SE~~ of Section 10, T. 18 N., R. 19 E.W.M.
12 Place of Use: That portion of the SE~~SE~~SE~~SE~~ of Section 10, T.
13 18 N., R. 19 E.W.M., lying east of Schnebly
14 Creek.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073
3 Source: Coleman Creek
4 Use: Irrigation of 60 acres and stock watering
5 Period of Use: April 1 through October 15 for irrigation;
continuously for stock watering
6 Quantity: 0.60 cubic foot per second, 234 acre-feet per
7 year for irrigation; 0.015 cubic foot per second,
1.5 acre-feet per year for stock water
8 Priority Date: January 4, 1871
9 Point of Diversion: 1240 feet north and 140 feet east from the
southwest corner of Section 14, being within the
10 NW~~1~~SW~~1~~SW~~1~~ of Section 14, T. 18 N., R. 19 E.W.M.
11 Place of Use: The W~~1~~SE~~1~~ of Section 22, T. 18 N., R. 19 E.W.M.
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Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073

3 Source: Schnebly Creek

4 Use: Irrigation of 50 acres and stock water

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

6 Quantity: 1.0 cubic foot per second, 285 acre-feet per year
7 for irrigation and 0.03 cubic foot per second,
3.0 acre-feet per year for stock watering

8 Priority Date: January 4, 1871

9 Point of Diversion: 1270 feet north and 1070 feet east of the center
10 of Section 15, being within the NE~~SW~~NE~~SE~~ of
Section 15, T. 18 N., R. 19 E.W.M.

11 Place of Use: That portion of the SW~~NE~~ lying south of Fred
12 Schnebly Road and west of Coleman Creek and that
portion of the W~~SE~~ lying west of Coleman Creek,
13 in Section 22, T. 18 N., R. 19 E.W.M.
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Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073
3 Source: Schnebly Creek
4 Use: Irrigation of 44 acres
5 Period of Use: April 1 through October 15
6 Quantity: 0.88 cubic foot per second, 250.8 acre-feet per
year
7 Priority Date: January 4, 1871
8 Point of Diversion: 1270 feet north and 1070 feet east of the center
9 of Section 15, being within the NE~~X~~SW~~X~~NE~~X~~ of
Section 15, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the NW~~X~~SE~~X~~ lying east of Coleman
11 Creek and the W~~X~~NE~~X~~SE~~X~~ all in Section 22,
T. 18 N., R. 19 E.W.M.
12 Limitations of Use: Water diverted from Coleman Creek is also used on
13 a portion of this land.
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Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
2 Fred Schnebly (A) 04783
3 Jim Schnebly (A) 05073
4 Source: Coleman Creek
5 Use: Irrigation of 90 acres and stock watering
6 Period of Use: April 1 through October 15 for irrigation;
7 continuously for stock watering
8 Quantity: 0.90 cubic foot per second, 351 acre-feet per
9 year for irrigation; 0.07 cubic foot per second,
10 7.0 acre-feet per year for stock watering
11 Priority Date: April 1, 1871
12 Point of Diversion: 1240 feet north and 140 feet east from the
13 southwest corner of Section 14, being within the
14 NW~~1~~SW~~1~~SW~~1~~ of Section 14, T. 18 N., R. 19 E.W.M.
15 Place of Use: The S~~1~~NE~~1~~ and that portion of the E~~1~~NW~~1~~ lying
16 east of Schnebly Creek in Section 22, T. 18 N.,
17 R. 19 E.W.M.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073
3 Source: Schnebly Creek
4 Use: Irrigation of 65 acres and stock watering
5 Period of Use: April 1 through October 15 for irrigation;
continuously for stock watering
6 Quantity: 1.3 cubic foot per second, 370.5 acre-feet per
7 year for irrigation; 0.05 cubic foot per second,
5.0 acre-feet per year for stock watering
8 Priority Date: April 1, 1871
9 Point of Diversion: 1370 feet south and 1510 feet west from the
northeast corner of Section 15, being within the
10 NE~~SW~~NE~~SW~~ of Section 15, T. 18 N., R. 19 E.W.M.
11 Place of Use: The E~~SW~~NE~~SW~~ of Section 22, T. 18 N., R. 19 E.W.M.
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1 CLAIMANT NAME: **Steve K. Franchini** COURT CLAIM NO. 01049
2 & **Diane M. Franchini**
3 Source: Coleman Creek
4 Use: Irrigation of 20 acres
5 Period of Use: April 1 through October 15
6 Quantity: 0.20 cubic foot per second, 78 acre-feet per year
7 Priority Date: **April 7, 1871**
8 Point of Diversion: 1660 north and 267 feet east from the south
9 quarter corner of Section 12, being within the
10 ~~NW~~~~SE~~ of Section 12, T. 18 N., R. 19 E.W.M.
11 Place of Use: That portion of the ~~SW~~~~NW~~ of Section 13, T. 18
12 N., R. 19 E.W.M. that lies northeast of the KRD
13 canal.

13 CLAIMANT NAME: **Edgar Martinez** COURT CLAIM NO. 01049
14 & **Holli Martinez**
15 Source: Coleman Creek
16 Use: Irrigation of 80 acres and stock water
17 Period of Use: April 1 through October 15
18 Quantity: 0.80 cubic foot per second, 312 acre-feet per year
19 Priority Date: **April 7, 1871**
20 Point of Diversion: 1660 north and 267 feet east from the south
21 quarter corner of Section 12, being within the
22 ~~NW~~~~SE~~ of Section 12, T. 18 N., R. 19 E.W.M.
23 Place of Use: The ~~E~~~~NW~~ of Section 13, T. 18 N., R. 19 E.W.M.

24 Supplemental Report of Referee
25 Subbasin No. 10

1 CLAIMANT NAME: Craig P. Schnebly COURT CLAIM NO. 02064
2 & Nancy L. Schnebly
3 Source: Coleman Creek
4 Use: Irrigation of 35 acres
5 Period of Use: March 15 through October 31
6 Quantity: 0.20 cubic foot per second, 78 acre-feet per year
7 Priority Date: April 7, 1871
8 Point of Diversion: 900 feet south and 450 feet east from the center
9 of Section 12, being within the SW~~1~~NW~~1~~SE~~1~~ of
10 Section 12, T. 18 N., R. 19 E.W.M.
11 Place of Use: The SE~~1~~NW~~1~~ of Section 14, T. 18 N., R. 19 E.W.M.

12 CLAIMANT NAME: Cooke-Coleman LLC COURT CLAIM NO. 00927
13 Source: Coleman Creek
14 Use: Irrigation of 160 acres and stock water
15 Period of Use: April 1 through October 15
16 Quantity: 1.8 cubic feet per second, 712.80 acre-feet per
17 year
18 Priority Date: April 30, 1871
19 Point of Diversion: 600 feet north and 800 feet east from the center
20 of Section 1, being within the SE~~1~~SW~~1~~NE~~1~~ of
21 Section 1, T. 18 N., R. 19 E.W.M.
22 Place of Use: NE~~1~~ of Section 12, T. 18 N., R. 19 E.W.M.; lying
23 east of Coleman Creek and the W~~1~~NW~~1~~ of Section 7,
24 T. 18 N., R. 20 E.W.M.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Robert H. Clerf COURT CLAIM NO. 00476
2 Source: Warm Springs Creek
3 Use: Irrigation of 85 acres and stock water
4 Period of Use: March 15 through October 15
5 Quantity: 1.04 cubic feet per second, 432 acre-feet per year
6 Priority Date: May 1, 1871
7 Point of Diversion: 200 feet south and 1200 feet west from the
8 northeast corner of Section 6, being within
Government Lot 1 of Section 6, T. 17 N., R. 20
E.W.M.
9 Place of Use: That portion of Government Lots 3 and 4, lying
10 south of Warm Springs Creek, the NW¼ of
Government Lot 5, the S¼ of Government Lot 6 and
11 all of Government Lot 7 in Section 6, T. 17 N.,
R. 20 E.W.M.
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13 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 01097
14 Source: Schnebly Creek
15 Use: Irrigation of 65 acres and stock water
16 Period of Use: April 1 through October 15 for irrigation;
17 continuously for stock watering
18 Quantity: 1.3 cubic feet per second, 370.5 acre-feet per
year for irrigation; 0.05 cubic foot per second,
19 5 acre-feet per year for stock watering.
20 Priority Date: May 18, 1871
21 Point of Diversion: 730 feet north and 200 feet west from the south
quarter corner of Section 22, being within the
SE¼SW¼ of Section 22, T. 18 N., R 19 E.W.M.
22 Place of Use: The E¼NW¼ of Section 27, T. 18 N., R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 01097
2 Source: Coleman Creek
3 Use: Irrigation of 38 acres and stock water
4 Period of Use: April 1 through October 31 for irrigation and
continuously for stock watering
5 Quantity: 0.38 cubic foot per second, 148.2 acre-feet per
6 year for irrigation; 0.03 cubic foot per second,
3.0 acre-feet per year for stock watering.
7 Priority Date: May 18, 1871
8 Point of Diversion: 120 feet north and 360 feet east from the south
9 quarter corner of Section 22, being within the
SW~~X~~SW~~X~~SE~~X~~ of Section 22, T. 18 N., R 19 E.W.M.
10 Place of Use: That portion of the W~~X~~NE~~X~~ of Section 27, T. 18
11 N., R. 19 E.W.M., lying between Coleman Creek and
12 an unnamed ditch
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John James Cannell COURT CLAIM NO. 02146
Mark Charlton
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3 Source: Cooke Creek
4 Use: Irrigation of 40 acres and stock water.
5 Period of Use: April 15 through September 15
6 Quantity: 0.80 cubic foot per second, 200 acre-feet per year
7 Priority Date: June 30, 1871
8 Point of Diversion: 20 feet south and 400 feet west of the center of
Section 19, in the NE~~NE~~SW~~SW~~ of Section 19, T. 18
N., R. 20 E.W.M.
9 Place of Use: That portion of the E~~NE~~W~~SW~~ lying east of Cooke
Creek and that portion of the SW~~NE~~ lying west
10 of Caribou Creek in Section 30, T. 18 N.,
R. 20 E.W.M.
11 Limitations of Use: This land may also receive water delivered by the
12 Kittitas Reclamation District.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John James Cannell COURT CLAIM NO. 02147
Mark Charlton

2 Source: Cooke Creek

3 Use: Irrigation of 50 acres and stock water.

4 Period of Use: April 15 through September 15

5 Quantity: 1.0 cubic foot per second, 272.32 acre-feet per
6 year

7 Priority Date: June 30, 1871

8 Point of Diversion: 30 feet south and 1200 feet west from the center
of Section 30, being within the NW~~1~~NE~~1~~SW~~1~~ of
9 Section 30, T. 18 N., R. 20 E.W.M.

10 Place of Use: That portion of the E~~1~~SW~~1~~ lying west of Caribou
Creek in Section 30, T. 18 N., R. 20 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of Norma M. Flach COURT CLAIM NO. 00683
2 Source: Cooke Creek or one of its branches
3 Use: Irrigation of 12 acres and stock water.
4 Period of Use: April 15 through September 15
5 Quantity: 0.24 cubic foot per second, 48 acre-feet per year
6 Priority Date: June 30, 1871
7 Point of Diversion: 400 feet north and 10 feet east of the center of
8 Section 6, being within the SW~~SW~~NE~~NE~~ of
9 Section 6, T. 18 N., R. 20 E.W.M.
10 Place of Use: That part of the N~~N~~SE~~E~~ of Section 7, T. 18 N.,
11 R. 20 E.W.M. described as follows: Beginning at
12 the SE corner of the NE~~N~~SE~~E~~, thence north along
13 the east boundary to a point that is 598.125 feet
14 south of the northeast corner thereof; thence
15 west parallel with and 598.125 feet south of the
16 north boundary line of the N~~N~~SE~~E~~ of said section
17 1454.5 feet; thence S 0°10' E to the south
18 boundary line of the NW~~N~~SE~~E~~; thence east along
19 the south boundary line to the point of beginning.
20 Limitations of Use: When frost is out of the ground before April 15,
21 the period of use is modified to allow use of
22 water as soon as frost is out of the ground and
23 water can be beneficially used.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Cooke-Coleman LLC COURT CLAIM NO. 01141
2 Source: Cooke Creek
3 Use: Irrigation of 71 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 1.42 cubic feet per second, 368.35 acre-feet per
year
6 Priority Date: June 30, 1871
7 Point of Diversion: 10 feet north and 750 feet west from the center
8 of Section 7, being within the SW~~X~~SE~~X~~NW~~X~~ of
Section 7, T. 18 N., R. 20 E.W.M.
9 Place of Use: Those portions of the NE~~X~~SW~~X~~ and the NW~~X~~SE~~X~~ of
10 Section 7, T. 18 N., R. 20 E.W.M., lying east of
Cooke Creek; EXCLUDING the east 200 feet thereof,
11 and the north 600 feet of the N~~X~~SE~~X~~ of Section 7,
T. 18 N., R. 20 E.W.M.
12 Limitations of Use: When frost is out of the ground before April 15,
13 the period of use is modified to allow use of
water as soon as frost is out of the ground and
14 water can beneficially be used. When surplus
water is available in excess of that needed to
15 satisfy all existing rights, an additional 1.4
cubic foot per second may be diverted. This
16 water will normally be available approximately 30
days during the spring, which would result in up
to 83.16 acre-feet per year being used in
17 addition to that authorized herein.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Ronald Gibb COURT CLAIM NO. 05523
2 Douglas Gibb (A) 06436

3 Source: Caribou Creek

4 Use: Irrigation of 95 acres

5 Period of Use: April 1 through October 15

6 Quantity: 1.10 cubic feet per second, 429 acre-feet per
7 year

8 Priority Date: June 30, 1871

9 Point of Diversion: 1) 100 feet south and 400 feet west of the east
10 quarter corner of Section 11, being within the
11 NE~~SE~~ of Section 11, T. 17 N., R. 19 E.W.M.
12 2) 1650 feet north and 1320 feet west of the
13 southeast corner of Section 11, being in the
14 NW~~SE~~ of Section 11, T. 17 N., R. 19 E.W.M.
15 3) 825 feet north and 1815 feet west of the
16 southeast corner of Section 11, being within the
17 SW~~SE~~ of Section 11, T. 17 N., R. 19 E.W.M.

18 Place of Use: The NE~~NE~~ of Section 14, the SE~~SE~~ and that
19 portion of the NE~~SE~~ lying southeast of Caribou
20 Creek, in Section 11, T. 17 N., R. 19 E.W.M.,
21 excluding rights-of-way for county roads.

22 Limitations of Use: This land may also be irrigated with water
23 delivered by the Cascade Irrigation District.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Ellen Sorenson COURT CLAIM NO. 01334
2 Source: Caribou Creek
3 Use: Irrigation of 40 acres and stockwater.
4 Period of Use: April 1 through October 31
5 Quantity: 0.40 cubic foot per second, 158.4 acre-feet per
6 Priority Date: June 30, 1871
7 Point of Diversion: POD #1--20 feet south and 700 feet west from the
8 east quarter corner of Section 11, being within
9 the NW~~NE~~SE~~SE~~ of Section 11, T. 17 N.,
10 R. 19 E.W.M.
11 POD #2--950 feet south and 1260 feet west from
12 the east quarter corner of Section 11, being
13 within the SW~~NE~~SE~~SE~~ of Section 11, T. 17 N.,
14 R. 19 E.W.M.
15 Place of Use: That portion of the SE~~SE~~ of Section 11, T. 17 N.,
16 R. 19 E.W.M., lying northwest of Caribou Creek
17 and north of Interstate 90.
18 Limitations of Use: This land may also receive water delivered by
19 Cascade Irrigation District.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Steve Wallace COURT CLAIM NO. 00261
2 & Deborah L. Wallace
3 Source: Caribou Creek
4 Use: Irrigation of 10 acres and stock water
5 Period of Use: April 1 through October 15
6 Quantity: 0.10 cubic foot per second, 40 acre-feet per year
7 Priority Date: June 30, 1871
8 Point of Diversion: 1280 feet south and 1380 feet west of the
9 northeast corner of Section 30, being within the
10 SE ~~NW~~ ~~NE~~ of Section 30, T. 18 N., R. 20 E.W.M.
11 Place of Use: That portion of the E ~~SW~~ ~~NE~~ of Section 30, T. 18
12 N., R. 20 E.W.M. lying east of Caribou Creek
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25 Limitations of Use: Water delivered by the Kittitas Reclamation
District may also be used on this land.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Paul J. Sorenson COURT CLAIM NO. 01432
& Virginia R. Sorenson

2 Source: Park Creek

3 Use: Irrigation of 100 acres and stock water

4 Period of Use: April 1 through October 15

5 Quantity: 2.0 cfs; 400 acre-feet per year

6 Priority Date: August 11, 1871

7 Point of Diversion: (1) 50 feet south and 550 feet west from the
8 northeast corner of Section 22, being within the
NE~~NE~~~~NE~~ of Section 22, T. 17 N., R. 19 E.W.M.

9 (2) 800 feet south and 1200 feet west of the
10 center of Section 22, being within the SW~~NE~~~~SW~~
of Section 22, T. 17 N., R. 19 E.W.M.

11 Place of Use: The NE~~SE~~ and SE~~NE~~ of Section 21 and the
12 NW~~SW~~ and SW~~NW~~ of Section 22, All in T. 17 N.,
R. 19 E.W.M.

13 Limitations of Use: Water diverted from Caribou Creek is also used to
14 irrigate 50 acres in that portion of the
described lands lying in the SE~~NE~~ of
Section 21, T. 17 N., R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Paul J. Sorenson COURT CLAIM NO. 01433
& Virginia R. Sorenson 01435

2 Source: Caribou Creek

3 Use: Irrigation of 62 acres and stock water

4 Period of Use: April 1 through October 15

5 Quantity: 1.24 cfs; 248 acre-feet per year

6 Priority Date: August 11, 1871

7 Point of Diversion: (1) 540 feet south and 10 feet east from the
8 north quarter corner of Section 22, being within
the NW~~1~~NE~~4~~ of Section 22, T. 17 N.,
R. 19 E.W.M.

9 (2) 1320 feet south and 750 feet east from the
10 northwest corner of Section 22, being within the
S~~1~~SW~~1~~NW~~4~~ or N~~1~~NW~~4~~SW~~4~~ of Section 22, T. 17 N.,
11 R. 19 E.W.M. (both TO-1 and TO-7 on both sides of
the creek)

12 (3) 550 feet north and 1000 feet west of the east
13 quarter corner of Section 21, being within the
SE~~1~~NE~~4~~ of Section 21, T. 17 N., R. 19 E.W.M.

14 Place of Use: The NE~~1~~SE~~4~~ and SE~~1~~NE~~4~~ of Section 21, T. 17 N.,
15 R. 19 E.W.M.

16 Limitations of Use: The N~~1~~SE~~1~~NE~~4~~ of Section 21, T. 17 N.,
17 R. 19 E.W.M. is also irrigated with water
diverted from Park Creek

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Paul J. Sorenson COURT CLAIM NO. 01435
& Virginia R. Sorenson 01436

2 Source: Caribou Creek

3 Use: Irrigation of 45 acres and stockwater

4 Period of Use: April 1 through October 15

5 Quantity: 0.90 cfs; 180 acre-feet per year

6 Priority Date: March 27, 1872

7 Point of Diversion: (1) 1320 feet south and 750 feet east from the
8 west quarter corner of Section 22, being within
the SW~~1~~⁴ of Section 22, T. 17 N., R. 19 E.W.M.

9 (2) 660 feet north and 1250 feet west from the
10 east quarter corner of Section 21, T. 17 N.,
R. 19 E.W.M., being within the SE~~1~~⁴ of
Section 21, T. 17 N., R. 19 E.W.M.

11 Place of Use: That portion of the SW~~1~~⁴ lying east of Cook
12 Creek and the E~~1~~⁴ of Section 21, T. 17 N.,
13 R. 19 E.W.M.

14 CLAIMANT NAME: John S. Clerf COURT CLAIM NO. 02141
& Janet J. Clerf

15 Source: Coleman Creek

16 Use: Irrigation of 36 acres and stock water

17 Period of Use: March 15 through October 15

18 Quantity: 0.40 cubic foot per second, 169.5 acre-feet per
19 year

20 Priority Date: April 1, 1872

21 Point of Diversion: 260 feet south and 1 foot west from the east
22 quarter corner (also known as northeast corner of
SE~~1~~⁴) of Section 33, being within the NE~~1~~⁴SE~~1~~⁴ of
Section 33, T. 18 N., R. 19 E.W.M.

23 Place of Use: Government Lot 1 of Section 4, T. 17 N.,
24 R. 19 E.W.M.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073

3 Source: Schnebly Creek

4 Use: Irrigation of 55 acres and stock watering

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

6 Quantity: 1.10 cubic feet per second, 313.5 acre-feet per
7 year for irrigation; 0.04 cubic foot per second,
4.0 acre-feet per year for stock watering

8 Priority Date: April 1, 1872

9 Point of Diversion: 340 feet north and 200 feet west from the center
10 of Section 22, being within the SE~~X~~SE~~X~~NW~~X~~ of
Section 22, T. 18 N., R. 19 E.W.M.

11 Place of Use: That portion of the E~~X~~SW~~X~~ of Section 22,
12 T. 18 N., R. 19 E.W.M. lying west of Schnebly
Creek.

13
14 CLAIMANT NAME: Keith R. Eslinger COURT CLAIM NO. 00613
& Karen E. Eslinger

15 Source: Caribou Creek

16 Use: Irrigation of 30 acres and stockwater

17 Period of Use: March 15 through October 31

18 Quantity: 1.71 cfs; 135.4 acre-feet per year

19 Priority Date: May 31, 1872

20 Point of Diversion: 40 feet south and 2100 feet west of the northeast
21 corner of Section 22, being within the NW~~X~~NE~~X~~ of
Section 22, T. 17 N., R. 19 E.W.M.

22 Place of Use: The SE~~X~~NW~~X~~ of Section 22, T. 17 N., R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of May S. Barnhart COURT CLAIM NO. 00708
2 & E. Eugene Barnhart, Jr.
3 Kenneth E. Barnhart
4 & Susan Barnhart
5 Sam Kayser
6 & Kerri Kayser
7
8 Source: Coleman Creek
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10 Use: Irrigation of 120 acres and stock water
11
12 Period of Use: April 1 through October 15 for irrigation,
13 continuously for stock watering
14
15 Quantity: 1.2 cubic feet per second, 468 acre-feet per year
16 for irrigation; 0.13 cubic foot per second, 12.5
17 acre-feet per for stock watering
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19 Priority Date: June 30, 1872
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21 Point of Diversion: 1650 feet south and 1250 feet west from the
22 northeast corner of Section 12, being within the
23 NE~~SE~~NE~~SE~~ of Section 12, T. 18 N., R. 19 E.W.M.
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25 Place of Use: The W~~SE~~ and SE~~SE~~ of Section 2, T. 18 N., R.
19 E.W.M.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of May S. Barnhart COURT CLAIM NO. 00708
2 & E. Eugene Barnhart, Jr.
3 Kenneth E. Barnhart
4 & Susan Barnhart
5 Sam Kayser
6 & Kerri Kayser
7 Source: Unnamed spring
8 Use: Single domestic supply
9 Period of Use: Continuous
10 Quantity: 0.02 cubic foot per second, 1 acre-foot per year
11 Priority Date: June 30, 1872
12 Point of Diversion: 110 feet north and 1370 feet east of the west
13 quarter corner of Section 1, being within the
14 S½S½NW¼ of Section 1, T. 18 N., R. 19 E.W.M.
15 Place of Use: The Parcel B of survey recorded April 2, 2002, in
16 book 27 of surveys at page 124, under auditor's
17 file No. 200204020037, being within the SE¼SE¼ of
18 Section 2, T. 18 N., R. 19 E.W.M.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Larry F. Beintema COURT CLAIM NO. 00927
2 Source: Cooke Creek
3 Use: Irrigation of 31 acres and stockwater
4 Period of Use: April 15 through September 15
5 Quantity: 0.62 cubic foot per second, 187.82 acre-feet per
year
6 Priority Date: June 30, 1872
7 Point of Diversion: 10 feet south and 750 feet west from the center
8 of Section 7, being within the NE~~X~~SW~~X~~ of Section
7, T. 18 N., R. 20 E.W.M.
9 Place of Use: Government Lot 3 of Section 18, T. 18 N., R. 20
10 E.W.M., EXCEPT the east 300 feet of Government
Lot 3.
11 Limitations of Use: When frost is out of the ground before April 15,
12 the period of use is modified to allow use of
13 water as soon as frost is out of the ground and
14 water can beneficially be used. When surplus
15 water is available in excess of that needed to
16 satisfy all existing rights, an additional 0.62
cubic foot per second may be diverted. This
17 water will normally be available approximately 30
18 days during the spring, which would result in up
19 to 36.83 acre-feet per year being used in
20 addition to that authorized herein.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Kenneth G. Dimeo COURT CLAIM NO. 01426
& Debbie L. Dimeo
2
3 Source: Cooke Creek
4 Use: Irrigation of 20 acres and stock water.
5 Period of Use: April 15 through September 15
6 Quantity: 0.40 cubic foot per second, 80 acre-feet per year
7 Priority Date: June 30, 1872
8 Point of Diversion: 200 feet south and 100 feet east from the center
of Section 18, being within the NW~~1~~SW~~1~~SE~~1~~ of
9 Place of Use: That portion of the E~~1~~SW~~1~~ of Section 18, T. 18
N., R. 20 E.W.M., lying west of Cooke Creek and
north of the KRD Canal.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Donald L. Frye COURT CLAIM NO. 00972
2 & Charlotte A. Frye

3 Source: Coleman Creek

4 Use: Irrigation of 38 acres and stock water

5 Period of Use: April 1 through October 15 for irrigation;
6 continuously for stock watering

7 Quantity: 0.40 cfs; 148.2 acre-feet per year for
8 irrigation; 0.025 cfs, 2.5 acre-feet per year for
9 stock watering

10 Priority Date: June 30, 1872

11 Point of Diversion: 1) 40 feet south and 240 feet west from the
12 center of Section 27, being within the NE~~NE~~SW~~SW~~
13 of Section 27, T. 18 N., R. 19 E.W.M.
14 2) 1000 feet north and 15 feet west from the
15 southeast corner of Section 15, being within the
16 NE~~SE~~SE~~SE~~ of Section 15, T. 18 N., R. 19 E.W.M.

17 Place of Use: That portion of the NE~~SW~~ of Section 27, T. 18
18 N., R. 19 E.W.M., lying south of the right of way
19 for Fred Schnebly Road

20 Limitations of Use: Both of the authorized diversions can be used in
21 conjunction with each other, but the total amount
22 of Coleman Creek water diverted cannot exceed the
23 above quantities. Water delivered by the
24 Kittitas Reclamation District may also be used on
25 this land

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Stephen K. German COURT CLAIM NO. 01141
& Donna German

2 Source: Cooke Creek

3 Use: Irrigation of 60 acres and stock water

4 Period of Use: April 15 through September 15

5 Quantity: 1.20 cubic feet per second, 275.64 acre-feet per
6 year

7 Priority Date: June 30, 1872

8 Point of Diversion: 600 feet south and 200 feet east from the north
9 quarter corner of Section 18, being within the
10 ~~NW1/4NW1/4~~NE1/4 of Section 18; AND, 1200 feet north and
450 feet west from the south quarter corner of
Section 18, being within the ~~NE1/4SE1/4~~SW1/4 of Section
18, BOTH WITHIN T. 18 N., R. 20 E.W.M.

11 Place of Use: Those portions of the ~~E1/4SW1/4~~ and the ~~W1/4SE1/4~~ of
12 Section 18, T. 18 N., R. 20 E.W.M., lying east of
Cooke Creek.

13 Limitations of Use: When frost is out of the ground before April 15,
14 the period of use is modified to allow use of
15 water as soon as frost is out of the ground and
16 water can beneficially be used. When surplus
17 water is available in excess of that needed to
18 satisfy all existing rights, an additional 1.2
cubic feet per second may be diverted. This
water will normally be available approximately 30
days during the spring, which would result in up
to 71.28 acre-feet per year being used in
addition to that authorized herein.

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25 Supplemental Report of Referee
Subbasin No. 10

1	CLAIMANT NAME:	John R. Gibb	COURT CLAIM NO. 02167
2		& Cathy S. Gibb	(A) 05550
3		Kevin W. Gibb	
4		& Julie Gibb	
5	Source:	Caribou Creek	
6	Use:	Irrigation of 20 acres and stock water	
7	Period of Use:	April 1 through October 15	
8	Quantity:	1.0 cubic foot per second, 100 acre-feet per year	
9	Priority Date:	June 30, 1872	
10	Point of Diversion:	1600 feet south and 10 feet west of the northeast corner of Section 19, being within the SE 1 NE 1 of Section 19, T. 18 N., R. 20 E.W.M.	
11	Place of Use:	That portion of NE 1 SE 1 of Section 19, T. 18 N., R. 20 E.W.M., lying southeast of Caribou Creek	
12	CLAIMANT NAME:	John L. Paul	COURT CLAIM NO. 00723
13		& Muriel G. Paul	
14		Lance Dean	
15		& Megan Dean	
16	Source:	Coleman Creek	
17	Use:	Irrigation of 8 acres and stock water.	
18	Period of Use:	April 1 through October 15	
19	Quantity:	0.08 cubic foot per second, 31.2 acre-feet per year	
20	Priority Date:	June 30, 1872	
21	Point of Diversion:	1000 feet north and 15 feet west from the southeast corner of Section 15, being within the NE 1 SE 1 SE 1 of Section 15, T. 18 N., R. 19 E.W.M.	
22	Place of Use:	The east 1050 feet of the N 1 N 1 NW 1 SE 1 of Section 27, T. 18 N., R. 19 E.W.M.	
23	Limitations of Use:	This land may also receive water delivered by the Kittitas Reclamation District	
24	Supplemental Report of Referee		
25	Subbasin No. 10		

1 CLAIMANT NAME: Robert C. Paul COURT CLAIM NO. 02091
& Margaret E. Paul

2 Source: Coleman Creek

3 Use: Irrigation of 75 acres and stock water.

4 Period of Use: April 1 through October 15 for irrigation;
5 continuously for stock watering

6 Quantity: 0.80 cubic foot per second, 292.5 acre-feet per
7 year for irrigation; 0.065 cubic foot per second,
8 6.5 acre-feet per year for stock watering

8 Priority Date: June 30, 1872

9 Point of Diversion: 1) 40 feet south and 240 feet west from the
10 center of Section 27, being within the NE~~NE~~SW~~SW~~
11 of Section 27, T. 18 N., R. 19 E.W.M.
2) 1000 feet north and 15 feet west of the
southeast corner of Section 15, being within the
NE~~SE~~SE~~SE~~ of Section 15, T. 18 N., R. 19 E.W.M.

12 Place of Use: SE~~SW~~ of Section 27 and the NE~~NW~~ of Section
13 34, T. 18 N., R. 19 E.W.M.

14 Limitations of Use: Both diversions are used in conjunction with each
15 other; however, the total amount diverted from
16 Coleman Creek shall not exceed the above
17 quantities. Water delivered by the Kittitas
18 Reclamation District may also be used on this
19 land.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
2 Jim Schnebly (A) 05073

3 Source: Coleman Creek

4 Use: Irrigation of 40 acres and stock watering

5 Period of Use: April 1 through October 15 for irrigation;
continuously for stock watering

6 Quantity: 0.40 cubic foot per second, 156 acre-feet per
7 year for irrigation; 0.04 cubic foot per second,
4 acre-feet per year for stock watering

8 Priority Date: June 30, 1872

9 Point of Diversion: 1240 feet north and 140 feet east of the
southwest corner of Section 14, being within the
10 NW~~1~~SW~~1~~SW~~1~~ of Section 14, T. 18 N., R. 19 E.W.M.

11 Place of Use: NW~~1~~NW~~1~~ of Section 23, T. 18 N., R. 19 E.W.M.

12 CLAIMANT NAME: Kenneth O. Sorenson COURT CLAIM NO. 01307
13 & Carolyn Sorenson

14 Source: Park Creek

15 Use: Irrigation of 75 acres and stockwater

16 Period of Use: April 1 through October 31

17 Quantity: 1.5 cfs; 300 acre-feet per year

18 Priority Date: June 30, 1872

19 Point of Diversion: No. 1: 860 feet south and 1120 feet west from
the center of Section 22, being within the
SW~~1~~NE~~1~~SW~~1~~ of Section 22, T. 17 N., R. 19 E.W.M.

20 No. 2: 1315 feet north and 30 feet west from the
21 southeast corner of Section 21, being within the
NE~~1~~SE~~1~~SE~~1~~ of Section 21, T. 17 N., R. 19 E.W.M.

22 Place of Use: The S~~1~~SE~~1~~ of Section 21, T. 17 N., R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Michael P. Tomich COURT CLAIM NO. 01426
2 & Nancy Tomich
3 Todd D. Lopeman
4 Source: Cooke Creek
5 Use: Irrigation of 20 acres and stock water
6 Period of Use: April 15 through September 15
7 Quantity: 0.40 cubic foot per second, 80 acre-feet per year
8 Priority Date: June 30, 1872
9 Point of Diversion: 1200 feet north and 450 feet west of the south
10 quarter corner of Section 18, being within the
11 NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T. 18 N., R. 20 E.W.M.
12 Place of Use: That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18,
13 T. 18 N., R. 20 E.W.M. lying below the KRD canal
14 and west of Cooke Creek
15 Limitations of Use: This land may also receive water delivered by the
16 Kittitas Reclamation District.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Merton Purnell COURT CLAIM NO. 01329
2 Source: Coleman Creek
3 Use: Irrigation of 51 acres and stock watering
4 Period of Use: April 1 through October 15 for irrigation;
continuously for stock watering
5 Quantity: 1.51 cubic feet per second, 276.9 acre-feet per
6 year for irrigation; 0.10 cubic foot per second,
10 acre-feet per year for stock watering
7 Priority Date: April 1, 1873
8 Point of Diversion: 1) 1300 feet north and 150 feet west from the
9 center of Section 14, being within the NE~~SE~~NW~~W~~
of Section 14, T. 18 N., R. 19 E.W.M.
10 2) 1320 feet north and 144 feet east of the
southwest corner of Section 14, in the W~~W~~SW~~W~~ of
11 Section 14, T. 18 N., R. 19 E.W.M.
12 Place of Use: That portion of the W~~W~~SW~~W~~ of Section 14,
T. 18 N., R. 19 E.W.M. lying south and east of
13 Coleman Creek.
14 Limitations of Use: This land also receives water delivered by the
Kittitas Reclamation District.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Albert F. Scott COURT CLAIM NO. 00605
& Dorothy Scott (A) 01749
2 Source: Coleman Creek
3 Use: Irrigation of 10 acres and stock watering
4 Period of Use: April 1 through October 15
5 Quantity: 0.10 cubic foot per second, 39 acre-feet per year
6 Priority Date: April 1, 1873
7 Point of Diversion: 1000 feet north and 1300 feet east from the
8 center of Section 12, being within the NE~~SW~~NE~~SE~~
of Section 12, T. 18 N., R. 19 E.W.M.
9 Place of Use: The NE~~SE~~NW~~SW~~ of Section 11, T. 18 N.,
R. 19 E.W.M.
10 Limitations of Use: Water delivered by the Kittitas Reclamation
11 District may also be used on this land.
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13 CLAIMANT NAME: Leroy Sorenson COURT CLAIM NO. 00182
& Doris Sorenson
14 Source: Parke Creek
15 Use: Irrigation of 9.1 acres and stockwater
16 Period of Use: April 1 through October 15
17 Quantity: 0.20 cubic foot per second, 36.4 acre-feet per
18 year
19 Priority Date: June 5, 1873
20 Point of Diversion: 880 feet south and 1120 feet west from the center
of Section 22, being within the SW~~NE~~SW~~SE~~ of
Section 22, T. 17 N., R. 19 E.W.M.
21 Place of Use: That portion of the SW~~SW~~SW~~SW~~ of Section 22,
22 T. 17 N., R. 19 E.W.M., lying north of Badger
23 Pocket Creek, south of Parke Creek, and west of
Ferguson Road.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: J. Scott Brown COURT CLAIM NO. 01530
2 & Miriam Brown
Charles S. Brown

3 Source: Cooke Creek

4 Use: Irrigation of 10 acres and stock water

5 Period of Use: April 15 through September 15

6 Quantity: 0.20 cfs; 54.6 acre-feet per year

7 Priority Date: June 30, 1873

8 Point of Diversion: No. 1 - 20 feet north and 530 feet west from the
center of Section 19, being within the SE~~SE~~~~NW~~
Section 19, and
9 No. 2 - 10 feet south and 400 feet west from the
center of Section 19, being within the NE~~NE~~~~SW~~
10 of Section 19, both in T.18 N., R. 20 E.W.M.

11 Place of Use: That portion of the E~~NE~~~~SW~~ of Section 19,
T. 18 N., R. 20 E.W.M. lying southwest of Cooke
12 Creek

13 Limitations of Use: When frost is out of the ground prior to
14 April 15, the period of use is modified to allow
use of water as soon as frost is out of the
15 ground and water can be beneficially used. A
portion of this land may also receive water
16 delivered by the Kittitas Reclamation District.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: J. Scott Brown COURT CLAIM NO. 01530
2 & Miriam Brown

3 Source: Cooke Creek

4 Use: Irrigation of 12 acres and stockwater

5 Period of Use: April 15 to September 15

6 Quantity: 0.24 cubic foot per second, 65.52 acre-feet per
7 year

8 Priority Date: June 30, 1873

9 Point of Diversion: No. 1 - 20 feet north and 530 feet west from the
10 center of Section 19, being within the SE~~SE~~^{NE}~~NW~~^{SW}
Section 19, and
No. 2 - 10 feet south and 400 feet west from the
center of Section 19, being within the NE~~NE~~^{SE}~~SW~~^{SW}
of Section 19, both in T. 18 N., R. 20 E.W.M.

11 Place of Use: That portion of the SW~~SE~~^{SE} of Section 19,
12 T. 18 N., R. 20 E.W.M. lying east of Spring
Creek.

13 Limitations of Use: When frost is out of the ground prior to
14 April 15, the period of use is modified to allow
15 use of water as soon as frost is out of the
16 ground and water can be beneficially used. A
17 portion of this land may also receive water
18 delivered by the Kittitas Reclamation District.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Keith R. Eslinger COURT CLAIM NO. 00613
& Karen E. Eslinger
2 Source: Caribou Creek
3 Use: Irrigation of 5 acres and stockwater
4 Period of Use: March 15 through October 31
5 Quantity: 0.29 cfs; 22.6 acre-feet per year
6 Priority Date: June 30, 1873
7 Point of Diversion: 40 feet south and 2100 feet west of the northeast
8 corner of Section 22, being within the NW~~NE~~ of
Section 22, T. 17 N., R. 19 E.W.M.
9 Place of Use: That portion of the SE~~NE~~NW~~W~~ of Section 22,
10 T. 17 N., R. 19 E.W.M. described as follows:
11 Beginning at a point 850 feet south of the north
12 quarter corner of Section 22 on the centerline of
13 the section; thence south 470 feet to the
14 southeast corner of the NE~~NW~~; thence west
15 470 feet along the south line of said quarter
16 quarter; thence northeast to the point of
17 beginning
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Clifford S. Gage COURT CLAIM NO. 00499
2 & Phyllis R. Gage
3 Source: Coleman Creek
4 Use: Irrigation of 24 acres
5 Period of Use: March 15 to October 15
6 Quantity: 0.24 cubic foot per second, 100 acre-feet per year
7 Priority Date: June 30, 1873
8 Point of Diversion: 30 feet south and 1030 feet east from the center
9 of Section 4, being within the ~~NE~~~~NW~~~~SE~~ of
10 Section 4, T. 17 N., R. 19 E.W.M.
11 Place of Use: That portion of the ~~SE~~ of Section 4, T. 17 N.,
12 R. 19 E.W.M., described as follows: Beginning at
13 the south quarter corner of said section; thence
14 N 1°50' W along the centerline of the county road
15 2637.43 feet; thence N 88°24'45" E 784.04 feet to
16 the true point of beginning; thence N 88°24'25"
17 E 1003.16 feet; thence S 5°21'30" W 1170.17 feet;
18 thence N 77°00'50" W 1022.28 feet; thence
19 N 6°27'10" E 913.33 feet; to the true point of
20 beginning.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Joan G. Laws COURT CLAIM NO. 06564
2 Source: Coleman Creek
3 Use: Irrigation of 9 acres and stock water
4 Period of Use: April 1 through October 15
5 Quantity: 0.09 cubic foot per second, 36 acre-feet per year
6 Priority Date: June 30, 1873
7 Point of Diversion: 10 feet south and 880 feet east of the west
8 quarter corner of Section 14, being within the
9 NE~~1~~NW~~4~~SW~~4~~ of Section 14, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the NW~~4~~SW~~4~~ of Section 14, T. 18
11 N., R. 19 E.W.M. lying northwesterly of Coleman
12 Creek
13 Limitations of Use: Water delivered by the Kittitas Reclamation
14 District is also used on this land.

13 CLAIMANT NAME: J. Wayne McMeans COURT CLAIM NO. 02165
14 & Cindy L. McMeans
15 Source: Cooke Creek and Trail (Dry Gulch) Creek
16 Use: Irrigation of 40 acres and stock water.
17 Period of Use: April 15 through September 15
18 Quantity: 0.80 cubic foot per second, 200 acre-feet per year
19 Priority Date: June 30, 1873
20 Point of Diversion: Cooke Creek: Within the NE~~1~~NW~~4~~ of Section 18,
21 T. 18 N., R. 20 E.W.M.
22 Trail Creek: SE~~1~~NW~~4~~ of Section 18, T. 18 N., R.
23 20 E.W.M.
24 Place of Use: The NW~~4~~SE~~1~~ of Section 19, T. 18 N., R. 20 E.W.M.

25 Supplemental Report of Referee
Subbasin No. 10

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CLAIMANT NAME: Brian Norelius COURT CLAIM NO. 01530
& Kim Norelius

Source: Cooke Creek

Use: Irrigation of 23 acres

Period of Use: April 15 through September 15

Quantity: 0.46 cubic foot per second, 125.58 acre-feet per year

Priority Date: June 30, 1873

Point of Diversion: No. 1 - 20 feet north and 530 feet west from the center of Section 19, being within the SE~~SE~~NW~~SE~~ Section 19, and
No. 2 - 10 feet south and 400 feet west from the center of Section 19, being within the NE~~NE~~SW~~NE~~ of Section 19, both in T. 18 N., R. 20 E.W.M.

Place of Use: That portion of the SW~~SE~~ of Section 19, T. 18 N., R. 20 E.W.M. lying west of Spring Creek, less the west 400 feet of the north 550 feet thereof.

Limitations of Use: When frost is out of the ground prior to April 15, the period of use is modified to allow use of water as soon as frost is out of the ground and water can be beneficially used. A portion of this land may also receive water delivered by the Kittitas Reclamation District.

Supplemental Report of Referee
Subbasin No. 10

CLAIMANT NAME: Steven C. Rosbach COURT CLAIM NO. 00467
& Christine Rosbach

Source: Caribou Creek

Use: Irrigation of 99.9 acres and stockwater.

Period of Use: April 1 through October 15

Quantity: POD #1 - 3.5 cubic feet per second, 420 acre-feet
per year;
POD #2 - 3 cubic feet per second, 120 acre-feet
per year

Priority Date: June 30, 1873

Point of Diversion: POD #1 (D-4)--10 feet south and 10 feet west from
the north quarter corner of Section 22, being
within the ~~NE~~~~NE~~~~NW~~ of Section 22, T. 17 N.,
R. 19 E.W.M.

POD #2 (D-5)--550 feet south and 10 feet west
from the north quarter corner of Section 22,
being within the ~~NE~~~~NE~~~~NW~~ of Section 22,
T. 17 N., R. 19 E.W.M.

Place of Use: POD #1 (D-4)--that portion of the ~~N~~~~NW~~ of
Section 22, T. 17 N., R. 19 E.W.M., lying north
and west of Caribou Creek and north of Ferguson
Road; AND that portion of the ~~NE~~~~NE~~ of
Section 21, T. 17 N., R. 19 E.W.M., lying east of
Cooke Creek and north of Ferguson Road;

POD #2 (D-5)--that portion of the ~~N~~~~NW~~ of
Section 22, T. 17 N., R. 19 E.W.M., lying south
of Caribou Creek and northwest of a line
described as follows: Beginning at a point
1000 feet south, more or less, from the north
quarter corner of said section; thence southwest
630 feet, more or less, to a point of terminus on
the south line of the ~~NE~~~~NW~~ of said section.

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

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John S. Clerf COURT CLAIM NO. 02143
& Janet J. Clerf (A) 05514

2 Source: Caribou Creek

3 Use: Irrigation of 63 acres and stockwater.

4 Period of Use: April 1 through October 15

5 Quantity: 1.60 cubic feet per second, 684.8 acre-feet per
6 year

7 Priority Date: June 30, 1874

8 Point of Diversion: 800 feet north and 1200 feet west from the east
9 quarter corner of Section 1, being within the
SE~~1~~NE~~1~~ of Section 1, T. 17 N., R. 19 E.W.M.

10 Place of Use: That portion of the N~~1~~W~~1~~ lying north of the
11 Cascade Canal and that portion of the SE~~1~~W~~1~~
lying north of the railroad tracks, all in
Section 12, T. 17 N., R. 19 E.W.M.,

12 CLAIMANT NAME: Michael C. Marvich COURT CLAIM NO. 01873

13 Source: Unnamed branch of Coleman Creek

14 Use: Irrigation of 50 acres and stock water.

15 Period of Use: April 1 through October 15

16 Quantity: 0.50 cubic foot per second, 150 acre-feet per year

17 Priority Date: June 30, 1874

18 Point of Diversion: 150 feet south and 10 feet west from the east
19 quarter corner of Section 14, being within the
NE~~1~~NE~~1~~SE~~1~~ of Section 14, T. 18 N., R. 19 E.W.M.

20 Place of Use: The SE~~1~~SW~~1~~NE~~1~~ and NW~~1~~SE~~1~~, ALL WITHIN Section 23,
T. 18 N., R. 19 E.W.M.

21 Limitations of Use: Water delivered by the Kittitas Reclamation
22 District may also be used on this land.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Annine K. Sorenson Trust COURT CLAIM NO. 01448
Sweet Grass Investments, LLC

2 Source: Cherry Creek

3 Use: Irrigation of 44 acres and stock water

4 Period of Use: April 1 through October 31

5 Quantity: 2.0 cubic feet per second, 374 acre-feet per year

6 Priority Date: July 1, 1874

7 Point of Diversion: 550 feet south and 20 feet west from the
8 northeast corner of Section 29, being within the
NE~~NE~~~~NE~~ of Section 29, T. 17 N., R. 19 E.W.M.

9 Place of Use: That portion of the E~~NE~~ of Section 29,
10 T. 17 N., R. 19 E.W.M., lying south of Cherry
Creek

11 CLAIMANT NAME: Kenneth O. Sorenson COURT CLAIM NO. 01307
12 & Carolyn Sorenson

13 Source: Park Creek

14 Use: Irrigation of 25.7 acres

15 Period of Use: April 1 through October 31

16 Quantity: 0.514 cfs; 102.8 acre-feet per year

17 Priority Date: December 12, 1874

18 Point of Diversion: 1315 feet north and 30 feet west of the southeast
corner of Section 21, being with the NE~~SE~~~~SE~~ of
19 Section 21, T. 17 N., R. 19 E.W.M.

20 Place of Use: That portion of the NE~~NW~~ and the NW~~NE~~ of
Section 28, T. 17 N., R. 19 E.W.M. lying north of
21 Johnson Drain and east of Park Creek

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Wallace M. Stampfly COURT CLAIM NO. 00462
2 Source: Branch of Coleman Creek
3 Use: Irrigation of 8 acres and stock water
4 Period of Use: April 1 through October 15
5 Quantity: 0.08 cubic foot per second, 44 acre-feet per year
6 Priority Date: June 30, 1875
7 Point of Diversion: 200 feet south and 50 feet west from the east
8 quarter corner of Section 14, being within the
9 NE~~NE~~SE~~SE~~ of Section 14, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the NE~~NE~~SE~~SE~~ of Section 14, T. 18
11 N., R. 19 E.W.M. lying southeast of the branch of
12 Coleman Creek

11 CLAIMANT NAME: Robert H. Clerf COURT CLAIM NO. 00407
12 & Sherre A. Clerf
13 Craig Clerf
& Patricia Clerf
14 Source: Caribou Creek
15 Use: Irrigation of 20 acres and stock water
16 Period of Use: April 1 through October 31
17 Quantity: 0.20 cubic foot per second, 100 acre-feet per
18 year
19 Priority Date: June 30, 1876
20 Point of Diversion: 300 feet north and 1000 feet east from the center
21 of Section 1, being within the SE~~SE~~SW~~SW~~NE~~NE~~ of
22 Section 1, T. 17 N., R. 19 E.W.M.
23 Place of Use: S~~S~~SE~~SE~~SW~~SW~~ of Section 1, T. 17 N., R. 19 E.W.M.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Robert C. Paul COURT CLAIM NO. 02092
2 & Margaret E. Paul
3 Source: Coleman Creek
4 Use: Irrigation of 25 acres and stock water.
5 Period of Use: April 1 through October 15
6 Quantity: 0.25 cubic foot per second, 97.5 acre-feet per
7 year
8 Priority Date: February 28, 1877
9 Point of Diversion: 1000 feet north and 15 feet west from the
10 southeast corner of Section 15, being within the
11 NE~~X~~SE~~X~~SE~~X~~ of Section 15, T. 18 N., R. 19 E.W.M.
12 Place of Use: That portion of the W~~X~~NW~~X~~ of Section 34, T. 18
13 N., R. 19 E.W.M. lying east of Coleman Creek.
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25 Limitations of Use: This land may also receive water delivered by the
Kittitas Reclamation District.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Anita Edgar COURT CLAIM NO. 00597
2 Source: Coleman Creek
3 Use: Irrigation of 30 acres and stock water
4 Period of Use: April 15 through October 15
5 Quantity: 0.67 cfs; 238 acre-feet per year
6 Priority Date: June 30, 1877
7 Point of Diversion: 1310 feet north and 10 feet west from the south
8 quarter corner of Section 27, being within the
9 NE~~X~~SE~~X~~SW~~X~~ of Section 27, T. 18 N., R. 19 E.W.M.
10 Place of Use: Those portions of the SE~~X~~NW~~X~~ and the north 900
11 feet of the NE~~X~~SW~~X~~ of Section 34, T. 18 N., R. 19
12 E.W.M., lying south and east from the right of
13 way for the county road and west of the most
14 easterly lateral ditch that runs through the
15 property
16 Limitations of Use: Secondary diversions of this water occur on the
17 claimants property through diversions from a
18 pipeline exiting a drain on the Paul property and
19 a pipeline from a slough also on the Paul
20 property, which is in the SE~~X~~NW~~X~~ of Section 34,
21 T. 18 N., R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Cooke-Coleman LLC COURT CLAIM NO. 01141
2 Source: Cooke Creek
3 Use: Irrigation of 70 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 1.40 cubic feet per second, 321.58 acre-feet per
year
6 Priority Date: June 30, 1878
7 Point of Diversion: Cooke Creek: NW~~SE~~ of Section 7;
8 Dry Gulch (Trail) Creek: 300 feet north and 350
9 feet west from the southeast corner of Section 6,
being within the SE~~SE~~~~SE~~ of Section 6,
BOTH WITHIN T. 18 N., R. 20 E.W.M.
10 Place of Use: E~~NE~~ of Section 7, T. 18 N., R. 20 E.W.M.
11 Limitations of Use: When frost is out of the ground before April 15,
12 the period of use is modified to allow use of
13 water as soon as frost is out of the ground and
14 water can beneficially be used. When surplus
15 water is available in excess of that needed to
16 satisfy all existing rights, an additional 1.4
cubic feet per second may be diverted. This
water will normally be available approximately 30
days during the spring, which would result in up
to 83.16 acre-feet per year being used in
addition to that authorized herein.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: WA State Parks and Rec. COURT CLAIM NO. 01600
Commission
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3 Source: Coleman Creek
4 Use: Irrigation of 45 acres and stock water
5 Period of Use: April 1 through October 15
6 Quantity: 0.1485 cubic foot per second, 45 acre-feet per
year
7 Priority Date: June 30, 1878
8 Point of Diversion: 200 feet north and 800 feet east of the southwest
corner of Section 9, being within the SE~~1~~SW~~1~~SW~~1~~
9 of Section 9, T. 17 N., R. 19 E.W.M.
10 Place of Use: The E~~1~~SW~~1~~ of Section 9, T. 17 N., R. 19 E.W.M.
11 Limitations of Use: Water delivered by the Ellensburg Water Company
is also used on this land.
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25 Supplemental Report of Referee
Subbasin No. 10

1	CLAIMANT NAME:	Gwendolyn Cooke	COURT CLAIM NO. 00740
		& Robert Cooke	
2	Source:	Coleman Creek	
3	Use:	Irrigation of 12.95 acres and stock water.	
4	Period of Use:	April 1 through October 15	
5	Quantity:	0.129 cubic foot per second, 51.6 acre-feet per	
6		year	
7	Priority Date:	September 30, 1878	
8	Point of Diversion:	5 feet south and 900 feet east from the center of	
		Section 4, being within the NE 1 SW 1 SE 1 of Section	
		4, T. 17 N., R. 19 E.W.M.	
9	Place of Use:	That portion of the NE 1 SW 1 and the NW 1 SE 1 of	
10		Section 4, T. 17 N., R. 19 E.W.M. described as	
11		follows: Beginning at the south quarter corner of	
12		Section 4; thence N 1°50' W along the centerline	
13		of the county road 2614.46 feet; thence N	
14		86°55'43" E 30 feet to the true point of	
		beginning; thence N 86°55'43" E 365.82 feet;	
		thence N 7°47'30" E 12.90 feet; thence N	
		88°24'45" E 384.30 feet; S 6°27'10" W 913.33	
		feet; thence N 77°00'50" W 642.15 feet; thence N	
		1°50' W 726.70 feet to the point of beginning.	
15	Limitations of Use:	The holders of this right shall not interfere with	
16		or obstruct the use of the ditch that serves	
17		lands in the E 1 NE 1 of Section 9, T. 17 N.,	
		R. 19 E.W.M.	

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Betty Dodge COURT CLAIM NO. 00191
& The Estate of Gerald Dodge (A) 02101
2 (A) 02102
(A) 06384

3 Source: Park Creek

4 Use: Irrigation of 72 acres and stock water

5 Period of Use: March 15 through November 15

6 Quantity: 3.5 cfs; 432 acre-feet per year

7 Priority Date: December 2, 1878

8 Point of Diversion: 1 foot south and 1150 feet west from the north
quarter corner of Section 23, being within the
9 ~~N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$~~ of Section 23, T. 17 N., R. 19 E.W.M.

10 Place of Use: ~~NE $\frac{1}{4}$ NE $\frac{1}{4}$~~ of Section 22 and ~~NW $\frac{1}{4}$ NW $\frac{1}{4}$~~ of Section 23 in
T. 17 N., R. 19 E.W.M.

11 Limitations of Use: The maximum that can be diverted under this
12 water right and the right awarded to the
claimants with the June 30, 1900, priority date
13 is 3.5 cfs, as that is the maximum that can be
diverted from the authorized point of diversion.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Scott Repp COURT CLAIM NO. 01557
2 & Mary Jo Repp
Rick Haberman
3 Source: Schnebly Creek
4 Use: Irrigation of 76 acres and stock water
5 Period of Use: April 1 through October 15
6 Quantity: 2.0 cubic feet per second, 705 acre-feet per year
7 for irrigation; 0.05 cubic foot per second, 5.0
8 acre-feet per year for stock water
9 Priority Date: April 1, 1879
10 Point of Diversion: 10 feet south and 70 feet east from the north
11 quarter corner of Section 22, being within the
12 NW~~1~~NE~~1~~ of Section 22, T. 18 N., R. 19 E.W.M.
13 Place of Use: W~~1~~SW~~1~~ of Section 27, T. 18 N., R. 19 E.W.M.
14 Limitations of Use: This land may also receive water delivered by the
15 Kittitas Reclamation District.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Jack A. Baker COURT CLAIM NO. 01149
2 & Becky R. Baker
3 Source: Cooke Creek
4 Use: Irrigation of 1.5 acres
5 Period of Use: April 15 through September 15
6 Quantity: 0.03 cubic foot per second, 6 acre-feet per year
7 Priority Date: June 30, 1879
8 Point of Diversion: 1000 feet north and 500 feet east from the center
9 of Section 31, being within the the SW~~NE~~ of
10 Section 31, T. 19 N., R. 20 E.W.M.
11 Place of Use: That portion of the following described parcel
12 lying east of Cooke Creek and west of Cooke
13 Canyon Road. Beginning at the north quarter of
14 Section 31, T. 19 N., R. 20 E.W.M.; thence S
15 5°24' W 1708 feet; thence S 6°40' W 613.71 feet
16 to the true point of beginning; thence east
17 1019.80 feet; thence S 4°58' E 331.24 feet;
18 thence W 1087.05 feet; thence N 6°40' E 332.24
19 feet to the true point of beginning, EXCEPT the
20 right of way for Cooke Creek Road.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John S. Clerf COURT CLAIM NO. 02141
& Janet J. Clerf
2 Source: Coleman Creek
3 Use: Irrigation of 84 acres and stockwater.
4 Period of Use: March 15 through October 15
5 Quantity: 1.8 cubic feet per second, 759 acre-feet per year
6 Priority Date: June 30, 1879
7 Point of Diversion: 260 feet south and 1 foot west from the east
8 quarter corner (also known as northeast corner of
SE~~1~~) of Section 33, being within the NE~~1~~NE~~1~~SE~~1~~ of
9 Section 33, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the E~~1~~E~~1~~ of Section 4, T. 17 N.,
R. 19 E.W.M., lying north of John Wayne Trail
11 State Park and south of the Vantage Highway.
12 Limitations of Use: This land may also receive water delivered by the
Kittitas Reclamation District.

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14 CLAIMANT NAME: Cooke-Coleman LLC COURT CLAIM NO. 01141
15 Source: Coleman Creek
16 Use: Irrigation of 100 acres and stock water
17 Period of Use: March 15 through October 15
18 Quantity: 1.0 cubic foot per second, 300 acre-feet per year
19 Priority Date: June 30, 1879
20 Point of Diversion: 600 feet north and 800 feet east from the center
of Section 1, being within the SE~~1~~SW~~1~~NE~~1~~ of
21 Section 1, T. 18 N., R. 19 E.W.M.
22 Place of Use: That portion of the SE~~1~~ of Section 1, T. 18 N.,
R. 19 E.W.M., lying east of Coleman Creek AND
23 Government Lots 6 & 7 of Section 6, T. 18 N., R.
20 E.W.M., lying south of the diversion ditch.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: James J. Peterson COURT CLAIM NO. 01150
2 & Carolyn B. Johnson
3 Source: Cooke Creek
4 Use: Irrigation of 3 acres
5 Period of Use: April 15 through September 15
6 Quantity: 0.06 cubic foot per second, 12 acre-feet per year
7 Priority Date: June 30, 1879
8 Point of Diversion: 1000 feet north and 500 feet east from the center
9 of Section 31, being within the the SW~~NE~~~~SE~~,
10 Section 31, T. 19 N., R. 20 E.W.M.
11 Place of Use: That portion of the following described parcel
12 lying east of Cooke Creek and west of Cooke
13 Canyon Road. Beginning at the north quarter of
14 Section 31, T. 19 N., R. 20 E.W.M.; thence S
15 5°24' W, 1708.00 feet; thence S 6°40' W 281.47
16 feet to the true point of beginning; thence east
17 952.56 feet; thence S 4°58' E 331.24 feet; thence
18 west 1019.80 feet; thence N 6°40' E 332.24 feet
19 to the true point of beginning, EXCEPT the right
20 of way for Cooke Canyon Road.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Michael Joseph Shannon COURT CLAIM NO. 02196
2 Source: Cooke Creek
3 Use: Irrigation of 4 acres
4 Period of Use: April 15 through September 15
5 Quantity: 0.08 cubic foot per second, 20 acre-feet per year
6 Priority Date: June 30, 1879
7 Point of Diversion: 50 feet south and 1300 feet east from the north
8 quarter corner of Section 31, within the ~~N $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$~~
9 of Section 31, T. 19 N., R. 20 E.W.M.
10 Place of Use: That portion of the following described parcel
11 lying east of Cooke Creek. Beginning at the north
12 quarter corner of Section 31, T. 19 N., R. 20
13 E.W.M.; thence east 1580 feet; thence S 26°30' W
14 368.74 feet; thence west 1446.66 feet; thence N
15 5°24' E 331.47 feet to the point of beginning,
16 EXCEPT for Cooke Canyon Road right of way.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Harry Waterman COURT CLAIM NO. 01005
2 Source: Cooke Creek
3 Use: Irrigation of one acre
4 Period of Use: April 15 through September 15
5 Quantity: 0.02 cubic foot per second, 4 acre-feet per year
6 Priority Date: June 30, 1879
7 Point of Diversion: 1150 feet north and 500 feet east from the center
8 of Section 31, being within the NW~~SW~~NE~~SE~~ of
9 Place of Use: That portion of the following described parcel in
10 the SW~~NE~~ of Section 31, T. 19 N., R. 20 E.W.M.
11 lying east of Cooke Creek: Beginning at the
12 north quarter corner of Section 31, thence S
13 5°24' W 1325.88 feet to the true point of
14 beginning; thence east 1046.65 feet; thence S
15 26°30' W 368.74 feet; thence west 913.31 feet;
16 thence N 5°24' E 331.47 feet to the point of
17 beginning.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Pamela Zupan COURT CLAIM NO. 06343
2 Source: Cooke Creek
3 Use: Irrigation of 10 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 0.14 cubic foot per second, 37 acre-feet per year
6 for irrigation, 1 acre-foot per year for stock
7 water
8 Priority Date: June 30, 1879
9 Point of Diversion: 1000 feet north and 500 feet east from the center
10 of Section 31, being within the the SW~~NE~~ of
11 Section 31, T. 19 N., R. 20 E.W.M.
12 Place of Use: That portion of Section 31, T. 19 N.,
13 R. 20 E.W.M. bounded by a line described as
14 follows: Beginning at a point on the south
15 boundary of said Section 31, said point S
16 89°36'36" W 3280 feet from the southeast corner
17 of Section 31; thence N 89°36'36" E 1800 feet;
18 thence N 4°58'07" W 257.10 feet to the true point
19 of beginning; thence N 4°48'07" W 721.52 feet;
20 thence S 89°59'53" W 1368.55 feet; thence S
21 6°39'53" W 582.89 feet; thence S 34°36'36" W
22 183.33 feet; thence N 89°36'36" E 1600.74 feet to
23 the true point of beginning; lying west of Cooke
24 Canyon Road and east of Cooke Creek.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Betty Dodge COURT CLAIM NO. 00191
2 & The Estate of Gerald Dodge (A) 02101
(A) 02102
(A) 06384
3
4 Source: Park Creek
5 Use: Irrigation of 40 acres and stock water
6 Period of Use: March 15 through November 15
7 Quantity: 3.5 cfs; 240 acre-feet per year
8 Priority Date: November 25, 1879
9 Point of Diversion: 100 feet north and 2 foot east of of the south
quarter corner, being within the SW~~1~~SW~~1~~SE~~1~~ of
10 Section 14, T. 17 N., R. 19 E.W.M.
11 Place of Use: NE~~1~~NW~~1~~ of Section 23, T. 17 N., R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: E. Eugene Barnhart, Jr. COURT CLAIM NO. 00707
2 & Hellen M. Barnhart
3 Kenneth E. Barnhart
4 & Susan Barnhart

5 Source: Cooke Creek

6 Use: Irrigation of 110 acres and stock water.

7 Period of Use: April 15 through September 15

8 Quantity: 2.20 cubic feet per second, 550 acre-feet per
9 year

10 Priority Date: June 30, 1880

11 Point of Diversion: 200 feet north and 200 feet west from the
12 southeast corner of Section 6, being within the
13 SE~~1~~SE~~1~~SE~~1~~ of Section 6, T. 18 N., R. 20 E.W.M.

14 Place of Use: That portion of the SW~~1~~4 of Section 8, T. 18 N.,
15 R. 20 E.W.M., lying southerly of the irrigation
16 ditch system.

17 CLAIMANT NAME: E. Eugene Barnhart, Jr. COURT CLAIM NO. 00707
18 & Hellen M. Barnhart
19 Kenneth E. Barnhart
20 & Susan Barnhart

21 Source: Caribou Creek.

22 Use: Irrigation of 30 acres and stock water.

23 Period of Use: April 1 through October 15

24 Quantity: 1.0 cubic foot per second, 119 acre-feet per year

25 Priority Date: June 30, 1880

Point of Diversion: 100 feet north and 1500 feet west from the east
quarter corner of Section 8, being within the
SW~~1~~NE~~1~~4 of Section 8, T. 18 N., R. 20 E.W.M.

Place of Use: The SE~~1~~SW~~1~~4 of Section 8, T. 18 N., R. 20 E.W.M.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of May S. Barnhart COURT CLAIM NO. 00708
2 & E. Eugene Barnhart, Jr.
3 Kenneth E. Barnhart
4 & Susan Barnhart
5 Sam Kayser
6 & Kerri Kayser
7
8 Source: Coleman Creek
9 Use: Irrigation of 120 acres and stockwater.
10 Period of Use: April 1 through October 15
11 Quantity: 1.20 cubic feet per second, 468 acre-feet per year
12 Priority Date: June 30, 1880
13 Point of Diversion: 1650 feet south and 1250 feet west from the
14 northeast corner of Section 12, being within the
15 NE~~1~~SE~~1~~NE~~1~~ of Section 12, T. 18 N., R. 19 E.W.M.
16 Place of Use: That portion of the W~~1~~SW~~1~~ of Section 1, T. 18 N.,
17 R.19 E.W.M. lying southwest of the irrigation
18 ditch, the NE~~1~~SE~~1~~ of Section 2 and the N~~1~~NE~~1~~ of
19 Section 11, T. 18 N., R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Cooke-Coleman LLC** COURT CLAIM NO. 00927
2 Source: Cooke Creek
3 Use: Irrigation of 76 acres
4 Period of Use: April 15 through September 15
5 Quantity: 1.52 cubic feet per second, 460.47 acre-feet per
year
6 Priority Date: **June 30, 1880**
7 Point of Diversion: An unidentified point in the SW¼ of Section 6,
8 T. 18 N., R. 20 E.W.M.
9 Place of Use: The SW¼SE¼ and SE¼SW¼ of Section 6, T. 18 N.,
R. 20 E.W.M.
10 Limitations of Use: When frost is out of the ground before April 15,
11 the period of use is modified to allow use of
12 water as soon as frost is out of the ground and
13 water can beneficially be used. When surplus
14 water is available in excess of that needed to
15 satisfy all existing rights, an additional 1.52
cubic feet per second may be diverted. This
water will normally be available approximately 30
days during the spring, which would result in up
to 90.30 acre-feet per year being used in
addition to that authorized herein.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of Norma M. Flach COURT CLAIM NO. 00683
2 Source: Cooke Creek or one of its branches
3 Use: Irrigation of 32 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 0.64 cubic foot per second, 128 acre-feet per year
6 Priority Date: June 30, 1880
7 Point of Diversion: Within the NE~~SE~~ of Section 7, T. 18 N., R. 20
E.W.M.
8 Place of Use: The NW~~NE~~ of Section 18, T. 18 N., R. 20 E.W.M.,
9 except the southerly 200 feet thereof.
10 Limitations of Use: When frost is out of the ground before April 15,
11 the period of use is modified to allow use of
12 water as soon as frost is out of the ground and
13 water can be beneficially used.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Edwin Nestler COURT CLAIM NO. 00927
2 & Jeannette Nestler
3 Source: Cooke Creek
4 Use: Irrigation of 38 acres and stock water
5 Period of Use: April 15 through September 15
6 Quantity: 0.76 cubic foot per second, 230.23 acre-feet per
7 year
8 Priority Date: June 30, 1880
9 Point of Diversion: 10 feet south and 750 feet west of the center of
10 Section 7, being within the NE~~1~~SW~~1~~ of Section 7,
11 T. 18 N., R. 20 E.W.M.
12 Place of Use: Government Lot 1 of Section 18, T. 18 N.,
13 R. 20 E.W.M.
14 Limitations of Use: When frost is out of the ground before April 15,
15 the period of use is modified to allow use of
16 water as soon as frost is out of the ground and
17 water can beneficially be used. When surplus
18 water is available in excess of that needed to
19 satisfy all existing rights, an additional 0.76
20 cubic feet per second may be diverted. This
21 water will normally be available approximately 30
22 days during the spring, which would result in up
23 to 45 acre-feet per year being used in addition
24 to that authorized herein.
25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Albert F. Scott COURT CLAIM NO. 00605
& Dorothy Scott (A) 01749
2 Source: Coleman Creek
3 Use: Irrigation of 20 acres and stock water
4 Period of Use: April 1 through October 15
5 Quantity: 0.20 cubic foot per second, 78 acre-feet per year
6 Priority Date: June 30, 1880
7 Point of Diversion: 1000 feet north and 1300 feet east from the
8 center of Section 12, being within the NE~~SW~~NE~~SW~~
of Section 12, T. 18 N., R. 19 E.W.M.
9 Place of Use: The SE~~NE~~ of Section 11, T. 18 N., R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: William V. Shelton COURT CLAIM NO. 00887
2 Source: Coleman Creek
3 Use: Irrigation of 113 acres and stock water
4 Period of Use: April 1 through October 15
5 Quantity: 1.20 cubic feet per second, 452 acre-feet per year
6 Priority Date: June 30, 1880
7 Point of Diversion: No.1: 800 feet south and 1280 feet east from the
8 north quarter corner of Section 14, being within
9 the SE~~NW~~~~NE~~ of Section 14.
10 No.2: 1100 feet south and 750 feet east from the
11 north quarter corner of Section 14, being within
12 the SE~~NW~~~~NE~~ of Section 14. No.3: 1300 feet
13 north and 200 feet east from the center of
14 Section 14, being within the NW~~SW~~~~NE~~ of Section
15 14.
16 No.4: 1150 feet north and 150 feet west from the
17 center of Section 14, being within the NE~~SE~~~~NW~~
18 of Section 14.
19 No.5: 650 feet north and 1400 feet east from the
20 west quarter corner of Section 14, being within
21 the SW~~SE~~~~NW~~ of Section 14. ALL IN T. 18 N., R.
22 19 E.W.M.
23 Place of Use: The SW~~NW~~~~NE~~, SW~~NW~~~~NE~~, SE~~NW~~~~NE~~, of Section 14, T.
24 18 N., R. 19 E.W.M.
25 Limitations of Use: Water delivered by the Kittitas Reclamation
District is also used on this land.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Doward Denning COURT CLAIM NO. 01306
& Ida Denning
2
3 Source: Coleman Creek
4 Use: Irrigation of 45 acres and stock water
5 Period of Use: April 1 through October 31
6 Quantity: 0.45 cubic foot per second, 180 acre-feet per
7 year
8 Priority Date: June 30, 1881
9 Point of Diversion: 800 feet south and 800 feet west from the
10 northeast corner of Section 12, being within the
11 SW~~NE~~~~NE~~, Section 12, T. 18 N., R. 19 E.W.M.
12 Place of Use: That portion of the W~~NE~~ of Section 24, T. 18
N., R. 19 E.W.M., lying north of the Kittitas
Reclamation District service lateral.

12 CLAIMANT NAME: Albert F. Scott COURT CLAIM NO. 00605
& Dorothy Scott (A)01749
13 Source: Coleman Creek
14 Use: Irrigation of 80 acres and stock water
15 Period of Use: April 1 through October 15
16 Quantity: 0.80 cubic feet per second, 312 acre-feet per
17 year
18 Priority Date: June 30, 1881
19 Point of Diversion: 1000 feet north and 1300 feet east from the
20 center of Section 12, being within the NE~~SW~~~~NE~~
of Section 12, T. 18 N., R. 19 E.W.M.
21 Place of Use: The E~~SW~~ and SW~~SE~~ of Section 11, T. 18 N.,
22 R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Willard A. Williams COURT CLAIM NO. 01746
& Mildred Williams

2 Source: Schnebly Creek

3 Use: Irrigation of 32 acres and stock water.

4 Period of Use: April 1 through October 15 for irrigation;
5 continuously for stock watering

6 Quantity: 0.64 cubic foot per second, 182.4 acre-feet per
year for irrigation; 0.03 cubic foot per second,
7 2.5 acre-feet per year for stock watering.

8 Priority Date: June 30, 1881

9 Point of Diversion: 1320 feet south and 1470 feet east from the
northwest corner of Section 11, being within the
SW~~1~~~~4~~NE~~1~~~~4~~ of Section 11, T. 18 N., R. 19 E.W.M.

10 Place of Use: That portion of the NW~~1~~~~4~~SW~~1~~~~4~~ and NW~~1~~~~4~~SW~~1~~~~4~~SW~~1~~~~4~~ of
11 Section 11, T. 18 N., R. 19 E.W.M., lying north
of an irrigation ditch.

12
13 CLAIMANT NAME: Helen J. Clerf COURT CLAIM NO. 01053

14 Source: Coleman Creek

15 Use: Irrigation of 80 acres

16 Period of Use: March 15 through October 15

17 Quantity: 1.6 cubic feet per second, 685 acre-feet per year

18 Priority Date: June 30, 1882

19 Point of Diversion: 260 feet south and 1 foot west of the east quarter
corner (also described as northeast corner of SE~~1~~~~4~~)
20 of Section 33, being within the NE~~1~~~~4~~NE~~1~~~~4~~SE~~1~~~~4~~ of
Section 33, T. 18 N., R. 19 E.W.M.

21 Place of Use: The W~~1~~~~4~~NW~~1~~~~4~~ of Section 10, T. 17 N., R. 19 E.W.M.

22 Limitation on Use: As provided in the stipulation that settled Bull
23 v. Meehan, diversion of water for irrigation will
cease on August 15 and the water will be left in
24 the creek for stock watering.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Steve Wallace COURT CLAIM NO. 00261
& Deborah L. Wallace
2
3 Source: Caribou Creek
4 Use: Irrigation of 40 acres and stockwater.
5 Period of Use: April 1 through October 15
6 Quantity: 0.40 cubic foot per second, 160 acre-feet per year
7 Priority Date: June 30, 1882
8 Point of Diversion: 1310 feet north and 900 feet west from the
southeast corner of Section 19, being within the
NW~~SE~~SE~~SE~~, Section 19, T. 18 N., R. 20 E.W.M.
9 Place of Use: That portion of the E~~NE~~ of Section 30, T. 18
N., R. 20 E.W.M., lying east of Caribou Creek and
10 excluding buildings and county road rights of way.
11 Limitations of Use: This land may also receive water from the
Kittitas Reclamation District.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Helen J. Clerf COURT CLAIM NO. 01053
2 Source: Coleman Creek
3 Use: Irrigation 30 acres and stockwater.
4 Period of Use: March 15 to October 15
5 Quantity: 0.60 cubic foot per second, 240 acre-feet per year
6 Priority Date: June 30, 1883
7 Point of Diversion: 260 feet south and 1 foot west from the east
8 quarter corner of Section 33, being within the
9 NE~~NE~~SE~~SE~~ of Section 33, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the SE~~SE~~ of Section 4,
11 T. 17 N., R. 19 E.W.M., lying south of Iron Horse
12 Trail State Park.
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25 Limitations of Use: Water delivered by the Cascade Irrigation
District may also be used on this land.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Kayser Ranch, Inc. COURT CLAIM NO. 00991
2 Source: Two unnamed springs
3 Use: Spring No.1: Single domestic supply
4 Spring No.2: Irrigation of 1 acre and
stockwater.
5 Period of Use: April 1 through October 15 for irrigation;
6 continuously for domestic supply and stock
watering.
7 Quantity: Spring No. 1: 0.04 cubic foot per second, 2
acre-feet per year;
8 Spring No. 2: 0.011 cubic foot per second, 5.04
acre-feet per year
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10 Priority Date: June 30, 1883
11 Point of Diversion: Spring No.1: 350 feet north and 1200 feet west
12 from the southeast corner of Section 35, being
within the SW~~SE~~~~SE~~ of Section 35, T. 19 N., R.
13 19 E.W.M.
14 Spring No.2: 50 feet south and 1100 feet west
from the center of Section 1, being within the
NW~~NE~~~~SW~~ of Section 1, T. 18 N., R. 19 E.W.M.
15 Place of Use: Spring No.1: The E~~SW~~~~SW~~~~NE~~ of Section 2, T. 18
N., R. 19 E.W.M.
16 Spring No. 2: E~~SW~~~~SW~~~~NE~~ of Section 2, T. 18 N.,
17 R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Albert F. Scott** COURT CLAIM NO. 00605
2 **& Dorothy Scott** (A) 01749
3 **Stephen K. German**
4 **& Donna German**

5 Source: Coleman Creek

6 Use: Irrigation of 130 acres and stock water

7 Period of Use: April 1 through October 15

8 Quantity: 1.5 cubic feet per second, 507 acre-feet per year

9 Priority Date: **June 30, 1883**

10 Point of Diversion: 1000 feet north and 1300 feet east from the
11 center of Section 12, being within the ~~NE~~~~SW~~~~NE~~
12 of Section 12, T. 18 N., R. 19 E.W.M.

13 Place of Use: The ~~SE~~~~SE~~~~NW~~, ~~W~~~~SE~~~~NW~~, ~~SW~~~~NE~~ and the ~~N~~~~SE~~ of
14 Section 11, T. 18 N., R. 19 E.W.M.

15 Limitations of Use: Water delivered by the Kittitas Reclamation
16 District may also be used on this land.

17 CLAIMANT NAME: **Helen J. Clerf** COURT CLAIM NO. 01053

18 Source: Coleman Creek

19 Use: Irrigation of 80 acres and stockwater

20 Period of Use: March 15 through October 15

21 Quantity: 2.15 cubic feet per second, 640 acre-feet per year

22 Priority Date: **May 1, 1884**

23 Point of Diversion: 260 feet south and 1 foot west from the east
24 quarter corner (aka northeast corner of ~~SE~~) of
25 Section 33, being within the ~~NE~~~~NE~~~~SE~~ of
Section 33, T. 18 N., R. 19 E.W.M.

Place of Use: The ~~E~~~~NE~~ of Section 9, T. 17 N., R. 19 E.W.M.

Limitations of Use: Water delivered by Cascade Irrigation District
may also be used on the portion of this land
lying above the Town Ditch.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
2 (A) 03119
(A) 05238

3 Source: Coleman Creek

4 Use: Timber harvesting

5 Period of Use: April 1 through October 31

6 Quantity: 0.0066 cubic foot per second, 1.77 acre-feet per
year

7 Priority Date: **May 24, 1884**

8 Point of Diversion: 660 feet north and 740 feet east of the south
9 quarter corner of Section 1, being within the
NE~~X~~SW~~X~~SE~~X~~ of Section 1, T. 19 N., R. 19 E.W.M.

10 Place of Use: The NE~~X~~SW~~X~~SE~~X~~ of Section 1, T. 19 N.,
11 R. 19 E.W.M.

12 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
(A) 03119
(A) 05238

13 Source: An unnamed spring

14 Use: Timber harvesting

15 Period of Use: April 1 through October 31

16 Quantity: 0.0111 cubic foot per second, 1.77 acre-feet per
17 year

18 Priority Date: **May 24, 1884**

19 Point of Diversion: 990 feet south and 260 feet west of the center of
20 Section 11, being within the SE~~X~~NE~~X~~SW~~X~~ of
Section 11, T. 19 N., R. 19 E.W.M.

21 Place of Use: The SE~~X~~NE~~X~~SW~~X~~ of Section 11, T. 19 N.,
22 R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Boise Cascade Corporation COURT CLAIM NO. 02206
2 (A) 03119
(A) 05238
3 Source: Coleman Creek
4 Use: Timber harvesting
5 Period of Use: April 1 through October 31
6 Quantity: 0.0111 cubic foot per second, 1.77 acre-feet per
year
7 Priority Date: May 24, 1884
8 Point of Diversion: 990 feet south and 430 feet west of the northeast
9 corner of Section 13, being within the SE~~NE~~~~NE~~
of Section 13, T. 19 N., R. 19 E.W.M.
10 Place of Use: The SE~~NE~~~~NE~~ of Section 13, T. 19 N.,
11 R. 19 E.W.M.

12 CLAIMANT NAME: Boise Cascade Corporation COURT CLAIM NO. 02206
13 (A) 03119
(A) 05238
14 Source: An unnamed spring
15 Use: Timber harvesting
16 Period of Use: April 1 through October 31
17 Quantity: 0.0089 cubic foot per second, 1.18 acre-feet per
year
18 Priority Date: May 24, 1884
19 Point of Diversion: 790 feet north and 550 feet west of the east
20 quarter corner of Section 25, being within the
NE~~SE~~~~NE~~ of Section 25, T. 20 N., R. 19 E.W.M.
21 Place of Use: The NE~~SE~~~~NE~~ of Section 25, T. 20 N.,
22 R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
2 (A) 03119
(A) 05238

3 Source: Coleman Creek
4 Use: Timber harvesting
5 Period of Use: April 1 through October 31
6 Quantity: 0.0111 cubic foot per second, 0.88 acre-foot per
year
7 Priority Date: **May 24, 1884**
8 Point of Diversion: 500 feet south and 780 feet west of the northeast
9 corner of Section 7, being within the NW~~NE~~~~NE~~ of
Section 7, T. 19 N., R. 20 E.W.M.
10 Place of Use: The NW~~NE~~~~NE~~ of Section 7, T. 19 N.,
11 R. 20 E.W.M.

12 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
13 (A) 03119
(A) 05238

14 Source: Coleman Creek
15 Use: Timber harvesting
16 Period of Use: April 1 through October 31
17 Quantity: 0.0111 cubic foot per second, 0.22 acre-foot per
year
18 Priority Date: **May 24, 1884**
19 Point of Diversion: 1250 feet north and 1690 feet east of the west
20 quarter corner of Section 9, being within the SW~~NE~~~~NW~~ of Section 9, T. 19 N., R. 20 E.W.M.
21 Place of Use: The SW~~NE~~~~NW~~ of Section 9, T. 19 N.,
22 R. 20 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
2 (A) 03119
(A) 05238
3 Source: An unnamed spring
4 Use: Timber harvesting
5 Period of Use: April 1 through October 31
6 Quantity: 0.0111 cubic foot per second, 0.88 acre-foot per
year
7 Priority Date: **May 24, 1884**
8 Point of Diversion: 160 feet north and 240 feet west of the center of
9 Section 15, being within the SE~~SE~~~~NW~~ of
Section 15, T. 19 N., R. 20 E.W.M.
10 Place of Use: The SE~~SE~~~~NW~~ of Section 15, T. 19 N.,
11 R. 20 E.W.M.

12 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
13 (A) 03119
(A) 05238
14 Source: Schnebly Canyon Creek
15 Use: Timber harvesting
16 Period of Use: April 1 through October 31
17 Quantity: 0.0111 cubic foot per second, 0.88 acre-foot per
year
18 Priority Date: **May 24, 1884**
19 Point of Diversion: 300 feet south and 1450 feet east of the
20 northwest corner of Section 23, being within the
NW~~NE~~~~NW~~ of Section 23, T. 19 N., R. 19 E.W.M.
21 Place of Use: The NW~~NE~~~~NW~~ of Section 23, T. 19 N.,
22 R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
2 (A) 03119
(A) 05238

3 Source: An unnamed spring

4 Use: Timber harvesting

5 Period of Use: April 1 through October 31

6 Quantity: 0.0111 cubic foot per second, 0.88 acre-foot per year

7 Priority Date: **May 24, 1884**

8 Point of Diversion: 1500 feet north and 140 feet east of the south
9 quarter corner of Section 23, being within the
~~SW~~~~NW~~~~SE~~ of Section 23, T. 19 N., R. 19 E.W.M.

10 Place of Use: The ~~SW~~~~NW~~~~SE~~ of Section 23, T. 19 N.,
R. 19 E.W.M.

11 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
12 (A) 03119
(A) 05238

13 Source: Coleman Creek

14 Use: Timber harvesting

15 Period of Use: April 1 through October 31

16 Quantity: 0.0111 cubic foot per second, 0.88 acre-foot per year

17 Priority Date: **May 24, 1884**

18 Point of Diversion: 600 feet south and 550 feet west of the northeast
19 corner of Section 25, being within the ~~N~~~~NE~~~~NE~~
of Section 25, T. 19 N., R. 19 E.W.M.

20 Place of Use: The ~~N~~~~NE~~~~NE~~ of Section 25, T. 19 N.,
21 R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206
(A) 03119
2 (A) 05238

3 Source: An unnamed spring

4 Use: Timber harvesting

5 Period of Use: April 1 through October 31

6 Quantity: 0.00222 cubic foot per second, 1 acre-foot per year

7 Priority Date: **May 24, 1884**

8 Point of Diversion: 570 feet south and 2100 feet west of the
9 northeast corner of Section 31, being within the
NW~~1~~~~4~~NE~~1~~~~4~~ of Section 31, T. 20 N., R. 20 E.W.M.

10 Place of Use: The NE~~1~~~~4~~NW~~1~~~~4~~NE~~1~~~~4~~ of Section 31, T. 20 N.,
R. 20 E.W.M.

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12 CLAIMANT NAME: **J. Wayne McMeans** COURT CLAIM NO. 02167
& **Cindy L. McMeans** (A) 05550

13 Source: Caribou Creek

14 Use: Irrigation of 110.6 acres

15 Period of Use: March 15 through June 15

16 Quantity: 2.0 cubic feet per second, 356 acre-feet per year

17 Priority Date: **May 24, 1884**

18 Point of Diversion: 40 feet south and 80 feet east of the northwest
19 corner of Section 9, being within the NW~~1~~~~4~~NW~~1~~~~4~~NE~~1~~~~4~~
of Section 9, T. 18 N., R. 20 E.W.M.

20 Place of Use: That portion of the NW~~1~~~~4~~ of Section 17, T. 18 N.,
R. 20 E.W.M. lying west of Caribou Creek.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: N. N. Eaton & Sons COURT CLAIM NO. 01252
2 Source: An unnamed springs.
3 Use: Stockwatering
4 Period of Use: Continuous
5 Quantity: 0.01 cubic foot per second, 3.5 acre-feet per year
6 Priority Date: May 24, 1884
7 Point of Diversion: 1050 feet north and 700 feet east from the
8 southwest corner of Section 3, being within the
9 NE~~SW~~SW~~SW~~ of Section 3, T. 16 N., R. 19 E.W.M.
Place of Use: S~~NW~~SW~~SW~~ of Section 3, T. 16 N., R. 19 E.W.M.

10 CLAIMANT NAME: N. N. Eaton & Sons COURT CLAIM NO. 01252
11 Source: An unnamed spring
12 Use: Stock watering
13 Period of Use: Continuous
14 Quantity: 0.01 cubic foot per second, 3.5 acre-feet per year
15 Priority Date: May 24, 1884
16 Point of Diversion: 530 feet east and 265 feet south of the northwest
17 corner of Section 9, being within the NW~~NW~~NW~~NW~~
18 of Section 9, T. 16 N., R. 19 E.W.M.
Place of Use: The NW~~NW~~NW~~NW~~ of Section 9, T. 16 N., R. 19 E.W.M.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Richard A. Slyfield COURT CLAIM NO. 01962
2 & Jane Gede Slyfield

3 Source: Caribou Creek

4 Use: Irrigation of 8.5 acres and stock water

5 Period of Use: April 1 through October 15

6 Quantity: 0.085 cubic foot per second, 33.2 acre-feet per
7 year

8 Priority Date: May 24, 1884

9 Point of Diversion: 1300 feet north and 1000 feet west from the
10 southeast corner of Section 19, being within the
11 NW~~SE~~SE~~SE~~ of Section 19, T. 18 N., R. 20 E.W.M.

12 Place of Use: That portion of the W~~SE~~SE~~SE~~ of Section 19, T. 18
13 N., R. 20 E.W.M., lying east of Caribou Creek,
14 EXCEPT the south 20 feet thereof. ALSO the south
15 117 feet of the west 98 feet of the E~~SE~~SE~~SE~~ of
16 said section, EXCEPT the south 20 feet thereof.

17 Limitations of Use: Water delivered by the Kittitas Reclamation
18 District may also be used on this land.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Wallace M. Stampfly COURT CLAIM NO. 00355
2 Source: Cave Canyon Creek
3 Use: Irrigation of 10 acres and stock water
4 Period of Use: April 1 through October 15
5 Quantity: 0.20 cubic foot per second, 55 acre-feet per year
6 for irrigation; 0.01 cubic foot per second, 1.0
7 Priority Date: May 24, 1884
8 Point of Diversion: 800 feet north and 500 feet east from the west
9 quarter corner of Section 27, being within the
10 SW~~1~~⁴ of Section 27, T. 19 N., R. 19 E.W.M.
11 Place of Use: That portion of the W3/4NW~~1~~⁴SW~~1~~⁴ of Section 27,
12 T. 19 N., R. 19 E.W.M., lying north of the
13 Charlton-Fleming Ditch.

12 CLAIMANT NAME: Wallace M. Stampfly COURT CLAIM NO. 00462
13 Source: Cave Canyon Creek
14 Use: Irrigation of 27 acres and stock water.
15 Period of Use: April 1 through October 15
16 Quantity: 0.54 cubic foot per second, 148.5 acre-feet per
17 year for irrigation; 0.10 cubic foot per second,
18 10 acre-feet per year for stock water
19 Priority Date: May 24, 1884
20 Point of Diversion: 440 feet south and 220 feet west from the
21 northeast corner of Section 28, being within the
22 NE~~1~~⁴NE~~1~~⁴ of Section 28, T. 19 N., R. 19 E.W.M.
23 Place of Use: The SW~~1~~⁴ of Section 27, T. 19 N., R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: **WA State Parks & Rec. Commission** COURT CLAIM NO. 01600

2 Source: Coleman Creek

3 Use: Irrigation of 75 acres and stockwater.

4 Period of Use: April 1 through October 15

5 Quantity: 0.2475 cubic foot per second, 75 acre-feet per
6 year

7 Priority Date: **May 24, 1884**

8 Point of Diversion: 200 feet north and 800 feet east of the southwest
9 corner of Section 9, being within the SE~~X~~SW~~X~~SW~~X~~
of Section 9, T. 17 N., R. 19 E.W.M.

10 Place of Use: The W~~X~~SW~~X~~ of Section 9, T. 17 N., R. 19 E.W.M.

11 Limitations of Use: This land may also receive water delivered by
Ellensburg Water Company

12 CLAIMANT NAME: **Estate of Norma M. Flach** COURT CLAIM NO. 00683

13 Source: Cooke Creek

14 Use: Irrigation of 8 acres and stock water.

15 Period of Use: April 15 through September 15

16 Quantity: 0.16 cubic foot per second, 32 acre-feet per year

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

18 Point of Diversion: 50 feet south and 850 feet west from the center
19 of Section 7, being within the NW~~X~~NE~~X~~SW~~X~~ of
Section 7, T. 18 N., R. 20 E.W.M.

20 Place of Use: W~~X~~SE~~X~~SW~~X~~ of Section 7, T. 18 N., R. 20 E.W.M.

21 Limitations of Use: When frost is out of the ground before April 15,
22 the period of use is modified to allow use of
23 water as soon as frost is out of the ground and
24 water can be beneficially used.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of Norma M. Flach COURT CLAIM NO. 00683
2 Source: Cooke Creek and its branches.
3 Use: Irrigation of 32 acres and stock water.
4 Period of Use: April 15 through September 15
5 Quantity: 0.70 cubic foot per second, 120 acre-feet per year
6 Priority Date: June 30, 1884
7 Point of Diversion: Within the SW~~NE~~ of Section 7, T. 18 N., R. 20
E.W.M.
8 Place of Use: The SW~~SE~~ of Section 7, T. 18 N., R. 20 E.W.M.
9 Limitations of Use: When frost is out of the ground before April 15,
10 the period of use is modified to allow use of
11 water as soon as frost is out of the ground and
water can be beneficially used.

12 CLAIMANT NAME: Thomas J. Nisbet COURT CLAIM NO. 00422
13 Source: Cherry Creek
14 Use: Irrigation of 20 acres and stockwater.
15 Period of Use: April 1 through October 31
16 Quantity: 0.40 cubic foot per second, 160 acre-feet per
year
17 Priority Date: June 30, 1884
18 Point of Diversion: 1130 feet south and 1190 feet east from the north
19 quarter corner of Section 29, being within the
SE~~SE~~~~NE~~ of Section 29, T. 17 N., R. 19 E.W.M.
20 Place of Use: The NW~~NE~~ of Section 29, T. 17 N., R. 19 E.W.M.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Merton Purnell COURT CLAIM NO. 01329
2 Source: Schnebly Creek
3 Use: Irrigation of 30 acres and stock water
4 Period of Use: April 1 through October 15 for irrigation;
continuously for stock watering
5 Quantity: 0.60 cubic foot per second, 171 acre-feet per
6 year for irrigation; 0.10 cubic foot per second,
10 acre-feet per year for stock watering
7 Priority Date: April 1, 1885
8 Point of Diversion: 1)1300 feet north and 240 feet west of the
9 southeast corner of Section 10, being within the
NE~~SE~~SE~~SE~~ of Section 10, T. 18 N., R. 19 E.W.M.,
10 2)35 feet south and 856 feet west of the
northeast corner of Section 15, being within the
NE~~NE~~ of Section 15., T. 18 N., R. 19 E.W.M.
11 Place of Use: That portion of the N~~NE~~ of Section 15, T. 18
12 N., R. 19 E.W.M., lying east of Schnebly Creek
and west of a sage covered ridge.
13 Limitations of Use: This land also receives water delivered by the
14 Kittitas Reclamation District.
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Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: William V. Shelton COURT CLAIM NO. 00887
2 Source: Cooke Creek
3 Use: Irrigation of 100 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 1.25 cubic feet per second, 341.55 acre-feet per
6 year
7 Priority Date: June 30, 1885
8 Point of Diversion: 30 feet south and 1300 feet west from the center
9 of Section 30, being within the NW~~1~~NE~~1~~SW~~1~~ of
10 Section 30, T. 18 N., R. 20 E.W.M.
11 Place of Use: That portion of Government Lot 3 of Section 30,
12 T. 18 N., R. 20 E.W.M., lying south of the
13 unnamed service ditch and the E~~1~~SE~~1~~ of
14 Section 25, T. 18 N., R. 19 E.W.M.
15 Limitations of Use: This land also receives water delivered by the
16 Kittitas Reclamation District.
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25 Supplemental Report of Referee
Subbasin No. 10

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CLAIMANT NAME: Henry J. Schnebly, et al. COURT CLAIM NO. 00979
Fred Schnebly (A) 04783
Jim Schnebly (A) 05073

Source: Schnebly Creek

Use: Irrigation of 43 acres and stock water

Period of Use: April 1 through October 15 for irrigation,
continuous for stock watering.

Quantity: 0.86 cubic foot per second, 245.1 acre-feet per
year for irrigation; 0.01 cubic foot per second,
1.0 acre-foot per year for stock watering.

Priority Date: March 6, 1886

Point of Diversion: 1370 feet south and 1510 feet west from the
northeast corner of Section 15, being within the
NE~~SW~~NE~~SE~~ of Section 15, T. 18 N., R. 19 E.W.M.

Place of Use: That portion of the E~~SW~~NE~~SE~~ and NW~~SE~~ lying
east of Schnebly Creek, the W~~SE~~NE~~SE~~ and the
W~~NE~~SE~~SE~~ all in Section 15, T. 18 N., R. 19 E.W.M.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John James Cannell COURT CLAIM NO. 02146
2 Mark Charlton

3 Source: Cooke Creek

4 Use: Irrigation of 51.5 acres and stock water

5 Period of Use: April 15 through September 15

6 Quantity: 1.10 cubic feet per second, 257.5 acre-feet per
7 year

8 Priority Date: June 30, 1886

9 Point of Diversion: #1 - 10 feet south and 200 feet west from the
10 northeast corner of Section 36, being within the
11 ~~NE~~~~NE~~~~NE~~ of Section 36, T. 18 N., R. 19 E.W.M.
12 #2 - 1400 feet north and 1200 feet east of the
13 southwest corner of Section 30, being within
14 Government Lot 3 of Section 30, T. 18 N.,
15 R. 20 E.W.M.

16 Place of Use: That portion of Government Lots 2 and 3 of
17 Section 31, T. 18 N., R. 20 E.W.M. lying
18 northwest of Caribou Creek Road.

19 Limitations of Use: This land may also receive water delivered by the
20 Kittitas Reclamation District.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Edwin Nestler COURT CLAIM NO. 00927
& Jeannette Nestler

2 Source: Cooke Creek

3 Use: Irrigation of 38 acres and stock water

4 Period of Use: April 15 through September 15

5 Quantity: 0.76 cubic foot per second, 230.23 acre-feet per
6 year

7 Priority Date: June 30, 1886

8 Point of Diversion: 10 feet south and 750 feet west of the center of
Section 7, being within the NE~~X~~SW~~X~~ of Section 7,
9 T. 18 N., R. 20 E.W.M.

10 Place of Use: Government Lot 2 of Section 18, T. 18 N.,
R. 20 E.W.M.

11 Limitations of Use: When frost is out of the ground before April 15,
12 the period of use is modified to allow use of
water as soon as frost is out of the ground and
13 water can beneficially be used. When surplus
water is available in excess of that needed to
14 satisfy all existing rights, an additional 0.76
cubic feet per second may be diverted. This
15 water will normally be available approximately 30
days during the spring, which would result in up
to 45 acre-feet per year being used in addition
16 to that authorized herein.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Craig P. Schnebly COURT CLAIM NO. 02064
& Nancy L. Schnebly

2 Source: Coleman Creek

3 Use: Irrigation of 32.7 acres

4 Period of Use: March 15 through October 31

5 Quantity: 0.34 cubic foot per second, 127.53 acre-feet per
6 year

7 Priority Date: June 30, 1886

8 Point of Diversion: 900 feet south and 450 feet east from the center
of Section 12, being within the SW~~1~~NW~~1~~SE~~1~~ of
9 Section 12, T. 18 N., R. 19 E.W.M.

10 Place of Use: The SE~~1~~SW~~1~~ of Section 12, T. 18 N., R. 19 E.W.M.,
except that portion which lies north of Coleman
11 Creek.

12 CLAIMANT NAME: Craig P. Schnebly COURT CLAIM NO. 02064
& Nancy L. Schnebly

13 Source: Coleman Creek

14 Use: Irrigation of 114.6 acres

15 Period of Use: March 15 through October 31

16 Quantity: 1.15 cubic foot per second, 447 acre-feet per year

17 Priority Date: June 30, 1886

18 Point of Diversion: 1300 feet north and 640 feet west of the south
quarter corner of Section 12, being within the
19 SE~~1~~SW~~1~~ of Section 12, T. 18 N., R. 19 E.W.M.

20 Place of Use: The SE~~1~~SE~~1~~ of Section 11, the SW~~1~~SW~~1~~ and that
portion of the SE~~1~~SW~~1~~ lying north of Coleman
21 Creek in Section 12, the NW~~1~~NW~~1~~ of Section 13,
the NE~~1~~NE~~1~~ of Section 14, all in T. 18 N.,
22 R. 19 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John Olexsy COURT CLAIM NO. 01417
& Kim Olexsy

2 Source: Schnebly Creek

3 Use: Irrigation of 3.6 acres and stock water.

4 Period of Use: April 1 through October 15

5 Quantity: 0.072 cubic foot per second, 14.4 acre-feet per
6 year

7 Priority Date: May 10, 1887

8 Point of Diversion: 700 feet south and 200 feet west from the east
quarter corner of Section 10, being within the
9 NE~~1~~SE~~1~~ of Section 10, T. 19 N., R. 19 E.W.M.

10 Place of Use: The SE~~1~~NE~~1~~SE~~1~~ of Section 10, T. 18 N.,
R. 19 E.W.M.

11 CLAIMANT NAME: Maurice McGrath COURT CLAIM NO. 00783
12 & Joanna M. McGrath

13 Source: Parke Creek

14 Use: Irrigation of 50 acres and stock water

15 Period of Use: April 1 through October 15

16 Quantity: 1.0 cubic foot per second, 250 acre-feet per year

17 Priority Date: June 30, 1888

18 Point of Diversion: 100 feet north and 200 feet west from the south
quarter corner of Section 27, being within the
19 SE~~1~~SE~~1~~SW~~1~~ of Section 27, T. 18 N., R. 20 E.W.M.

20 Place of Use: That portion of the SW~~1~~ of Section 32, T. 18 N.,
R. 20 E.W.M., lying south of the northerly
delivery ditch.

21 Limitations of Use: Water delivered by the Kittitas Reclamation
22 District may also be used on this land.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Donald R. Weber COURT CLAIM NO. 00720
2 & Barbara Weber
3 Source: Parke Creek
4 Use: Irrigation of 50 acres and stock water
5 Period of Use: April 1 through October 15
6 Quantity: 1.0 cubic foot per second, 250 acre-feet per year
7 Priority Date: June 30, 1888
8 Point of Diversion: 100 feet north and 200 feet west from the south
9 quarter corner of Section 27, being within the
10 SE~~X~~SE~~X~~SW~~X~~ of Section 27, T. 18 N., R. 20 E.W.M.
11 Place of Use: That portion of the NE~~X~~ of Section 32, T. 18 N.,
12 R. 20. E.W.M., lying south of an open drain and
13 north of the delivery ditch EXCLUDING the high
14 ground lying above the 2 service ditches.
15 Limitations of Use: This land may also receive water delivered by the
16 Kittitas Reclamation District (KRD)

13 CLAIMANT NAME: Howard F. Clerf COURT CLAIM NO. 01443
14 & Vivian Clerf
15 Source: Parke Creek
16 Use: Irrigation of 60 acres and stockwater.
17 Period of Use: March 15 through October 15
18 Quantity: 0.50 cubic foot per second, 180 acre-feet per
19 year
20 Priority Date: June 30, 1890
21 Point of Diversion: 50 feet south and 1100 feet west from the
22 northeast corner of Section 27, being within the
23 NW~~X~~NE~~X~~NE~~X~~ of Section 27, T. 18 N., R. 20 E.W.M.
24 Place of Use: That portion of the NE~~X~~, the W~~X~~SE~~X~~ and S~~X~~S~~X~~SW~~X~~ of
25 Section 27, T. 18 N., R. 20 E.W.M. lying adjacent
to or in proximity to Parke Creek, both east and
west of the creek.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Estate of Norma M. Flach COURT CLAIM NO. 00683
2 Source: Cooke Creek or one of its branches
3 Use: Irrigation of 10 acres and stock water
4 Period of Use: April 15 through September 15
5 Quantity: 0.20 cubic foot per second, 40 acre-feet per year
6 Priority Date: June 30, 1890
7 Point of Diversion: Within the NW~~SE~~ of Section 7, T. 18 N., R. 20
E.W.M.
8 Place of Use: The NE~~SE~~~~SE~~ and W~~SE~~~~SE~~ of Section 7, T. 18
9 N., R. 20 E.W.M.
10 Limitations of Use: When frost is out of the ground before April 15,
11 the period of use is modified to allow use of
12 water as soon as frost is out of the ground and
13 water can be beneficially used.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Gerald L. Allphin COURT CLAIM NO. 00289
& Beverly J. Allphin
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3 Source: Cooke Creek
4 Use: Irrigation of 5 acres and stock water.
5 Period of Use: April 15 through September 15
6 Quantity: 0.10 cubic foot per second, 25 acre-feet per year
7 Priority Date: June 30, 1893
8 Point of Diversion: Within the SW~~1~~⁴ of Section 1,
T. 17 N., R. 19 E.W.M.
9 Place of Use: That portion of the SE~~1~~⁴ of Section 2,
T. 17 N., R. 19 E.W.M., described as follows:
10 Beginning at a point 30 feet north and 1200 feet
11 west, more or less, from the southeast corner of
12 said section; thence north 680 feet, more or
13 less, to the south bank of the Cascade Canal;
thence southeasterly along said ditch bank
700 feet, more or less; thence south 400 feet,
more or less; thence west 550 feet, more or less,
to the point of beginning.
14 Limitations of Use: This land may also be irrigated with water
delivered by the Kittitas Reclamation District.

25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Fred Palmiero COURT CLAIM NO. 00929
& Francis Joy Palmiero
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3 Source: Cooke Creek
4 Use: Irrigation of 8 acres and stockwater.
5 Period of Use: April 15 through Septembere 15
6 Quantity: 0.16 cubic foot per second, 40 acre-feet per year
7 Priority Date: June 30, 1893
8 Point of Diversion: Within the SW~~1~~⁴ of Section 1, T. 17 N., R. 19
E.W.M.
9 Place of Use: That portion of the E~~1~~⁴SE~~1~~⁴ of Section 2, T. 17 N.,
10 R. 19 E.W.M., lying east of Cooke Creek and west
of No. 81 Road, EXCEPT the south 550 feet
thereof.
11 Limitations of Use: Water delivered by the Kittitas Reclamation
District is also used on this land.
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Thomas J. Nisbet COURT CLAIM NO. 00422
2 Source: Park Creek
3 Use: Irrigation of 19.5 acres
4 Period of Use: March 15 through November 15
5 Quantity: 1.5 cfs; 189 acre-feet per year
6 Priority Date: June 30, 1897
7 Point of Diversion: 1280 feet south and 90 feet west of the center of
8 Section 21, being within the ~~SE~~~~NE~~~~SW~~ of
9 Section 21, T. 17 N., R. 19 E.W.M.
10 Place of Use: That portion of the ~~E~~~~SE~~ of Section 20,
11 T. 17 N., R. 19 E.W.M. described as follows:
12 Beginning at a point 30 feet west from the
13 southeast corner of said section; thence west
14 1000 feet along the south section line; thence
15 N 63° E 1240 feet; thence N 55° E 840 feet to the
16 west right-of-way of Moe Road; thence south along
17 said right-of-way 1720 feet to the point of
18 beginning, EXCEPT 0.48 acre in the southeast
19 corner thereof
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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: John Nylander COURT CLAIM NO. 01445
2 Source: Park Creek
3 Use: Irrigation of 48.2 acres
4 Period of Use: March 15 through November 15
5 Quantity: 2.0 cfs; 241 acre-feet per year
6 Priority Date: June 30, 1897
7 Point of Diversion: 1280 feet south and 90 feet west of the center of
8 Section 21, being within the SE~~NE~~SW~~W~~ of Section
9 Place of Use: SW~~SW~~ of Section 21, T. 17 N., R. 19 E.W.M., and
10 that portion of the NW~~NW~~ of Section 28,
11 T. 17 N., R. 19 E.W.M. lying north of Cherry
12 Creek and east of Cook Creek

11 CLAIMANT NAME: Betty Dodge COURT CLAIM NO. 00191
12 & The Estate of Gerald Dodge (A) 02101
13 (A) 02102
14 Source: Park Creek (A) 06384
15 Use: Irrigation of 40 acres and stock water
16 Period of Use: March 15 through November 15
17 Quantity: 3.5 cfs; 240 acre-feet per year
18 Priority Date: June 30, 1900
19 Point of Diversion: 1 foot south and 1150 feet west from the north
20 quarter corner of Section 23, being within the
21 NW~~NE~~NW~~W~~ of Section 23, T. 17 N., R. 19 E.W.M.
22 Place of Use: SE~~NE~~ of Section 22, T. 17 N., R. 19 E.W.M.
23 Limitations of Use: The maximum that can be diverted under this water
24 right and the right awarded to the claimants with
25 the December 2, 1878, priority date is 3.5 cfs,
as that is the maximum that can be diverted from
the authorized point of diversion.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: Harry E. Moore COURT CLAIM NO. 02247
2 Source: Cooke Creek
3 Use: Irrigation of 100 acres and stock water
4 Period of Use: April 15 to September 15
5 Quantity: 2.0 cubic feet per second, 500 acre-feet per year
6 Priority Date: June 30, 1915
7 Point of Diversion: 50 feet north and 50 feet west from the southeast
8 corner of Section 25, being within the SE~~1~~SE~~2~~SE~~3~~
9 of Section 25, T. 18 N., R. 19 E.W.M.
10 Place of Use: That portion of the NE~~1~~ of Section 36, lying east
11 of Cooke Creek and those portions of the
12 SW~~1~~SW~~2~~NE~~1~~ and the NW~~1~~NW~~2~~SE~~1~~ of Section 36, lying
13 west of Cooke Creek, ALL IN T. 18 N.,
14 R. 19 E.W.M.
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25 Limitations of Use: Water delivered by the Kittitas Reclamation
District may also be used on this land.

Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME: United States of America COURT CLAIM NO. 02276
2 (A) 03074
(A) 05548
(A) 07253

3 Source: Cooke Creek

4 Use: Irrigation of 135.3 acres and stock watering

5 Period of Use: April 15 through October 31

6 Quantity: 4.6 cubic feet per second, 551.8 acre-feet per
7 year for irrigation; 2 acre-feet per year for
domestic supply; 3 acre-feet per year for stock
8 water

9 Priority Date: May 25, 1950

10 Point of Diversion: 400 feet north and 10 feet east from the center
of Section 6, T. 18 N., R., 20 E.W.M.

11 Place of Use: Allotment SS-18811 being within SE~~1~~NE~~4~~, N~~1~~SE~~4~~ and
NE~~1~~SW~~4~~ of Section 6, T. 18 N., R. 20 E.W.M.

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25 Supplemental Report of Referee
Subbasin No. 10

1 CLAIMANT NAME:

Timothy Olexsy
& Barbara Olexsy
Robert L. Krasean
Stanley D. Hall
Dr. Kenneth R. Stillwell
& Mrs. Kenneth R. Stillwell

COURT CLAIM NO. 00849

4 Source:

An unnamed spring

5 Use:

Domestic water supply for 4 recreational sites
and stock and wildlife watering.

7 Period of Use:

Continuously

8 Quantity:

0.007 cubic foot per second, 1 acre-foot per year

9 Priority Date:

February 2, 1970

10 Point of Diversion:

500 feet north and 550 feet east from the center
of Section 21, being within the SW~~1~~SW~~1~~NE~~1~~, of
Section 21, T. 19 N., R. 20 E.W.M.

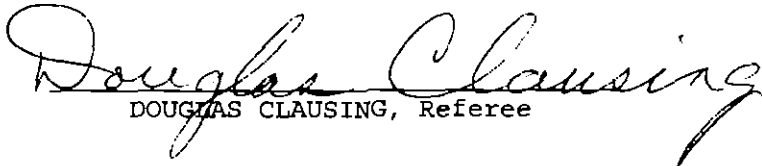
11 Place of Use:

SW~~1~~NE~~1~~, Section 21, T. 19 N., R. 20 E.W.M.

25 Supplemental Report of Referee
Subbasin No. 10

1 The aforementioned changes shall be incorporated into the Report of
2 Referee dated October 23, 2001.

3 SIGNED and DATED at Yakima, Washington this 26TH day of February, 2004.

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5 DOUGLAS CLAUSING, Referee
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25 Supplemental Report of Referee
Subbasin No. 10