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**STATE OF WASHINGTON  
FRANKLIN COUNTY SUPERIOR COURT**

FIVE CORNERS FAMILY FARMERS, SCOTT  
COLLIN, THE CENTER FOR  
ENVIRONMENTAL LAW AND POLICY, and  
SIERRA CLUB,

Plaintiffs,

v.

STATE OF WASHINGTON, WASHINGTON  
STATE DEPARTMENT OF ECOLOGY, and  
EASTERDAY RANCHES, INC.,

Defendants,

and

WASHINGTON CATTLEMEN'S  
ASSOCIATION, COLUMBIA SNAKE RIVER  
IRRIGATORS ASSOCIATION,  
WASHINGTON STATE DAIRY  
FEDERATION, NORTHWEST DAIRY  
ASSOCIATION, WASHINGTON CATTLE  
FEEDERS ASSOCIATION, CATTLE  
PRODUCERS OF WASHINGTON,  
WASHINGTON STATE SHEEP PRODUCERS  
and WASHINGTON FARM BUREAU,

Intervenors/Defendants.

NO. 09-2-51185-6

STATE DEFENDANTS'  
[PROPOSED] ORDER ON  
CROSS MOTION FOR  
SUMMARY JUDGMENT

This matter comes before the Franklin County Superior Court on April 2, 2010, on  
Defendants State of Washington and Washington State Department of Ecology's (the State

1 Defendants) Cross Motion for Summary Judgment. Based on the pleadings, arguments, file,  
2 and records herein, the Court hereby enters the following order:

3 DECLARATORY JUDGMENT ORDER

4 The Court hereby issues a declaratory ruling that RCW 90.44.050 exempts from the  
5 requirement to secure a groundwater permit “any withdrawal of public groundwaters for stock-  
6 watering purposes” and does not impose a quantity limit on the stock-water permit exemption,  
7 or limit the stock-water permit exemption only to stock-watering associated with “small rural  
8 homesteads.”

9 DATED this \_\_\_\_ day of April, 2010.

11 \_\_\_\_\_  
SUPERIOR COURT JUDGE

12 Presented by:

13 ROBERT M. MCKENNA  
14 Attorney General

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16 MAIA D. BELLON, WSBA 24777  
17 Assistant Attorney General  
18 Attorneys for Defendants  
19 State of Washington and  
20 Washington State Department of Ecology  
21 (360) 586-6750

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