

Blaine + Judy Crea - water + SB 30 filed

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KIM M. EATON
EX OFFICIO CLERK OF
SUPERIOR COURT
IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF YAKIMA

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

NO.: 77-2-01484-5

~~PROPOSED~~ ORDER AMENDING
CONDITIONAL FINAL ORDER
RE: SUBBASIN 30

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

vs.

JAMES J. ACQUAVELLA, et al.,

Defendants.

FILED
MAY 08 1997

KIM M. EATON, YAKIMA COUNTY CLERK

This matter comes before the Court on the motion of the State of Washington, Department of Ecology, to amend the Conditional Final Order Re: Subbasin No. 30 to include confirmation of a water right to Blaine and Judy Crea, Court Claim No. 00488.

The Court having considered the motion and supporting documents, and having held a hearing on the motion, finds as follows:

1. The Creas' predecessors in interest filed Court Claim No. 00488 on February 4, 1981.

12,454

1 2. The claim was incorrectly assigned to Subbasin No. 26.
2 3. The error was not discovered until after the Conditional
3 Final Order for Subbasin No. 30 was entered.
4 4. Ecology has conducted a field investigation of the claim
5 and recommends the water right be confirmed.
6 5. Ecology's recommendations for confirmation are normally
7 included in the Plaintiff's Report to the Referee and the
8 claimant need not appear at hearing to have a right
9 confirmed.
10 6. Ecology published a notice of motion, motion, memorandum,
11 and proposed order describing the right recommended for
12 confirmation in the March monthly notice. Parties were
13 given until May 1, 1997, to file objections.
14 7. No objections were filed.
15 Therefore, it is hereby
16 ORDERED that the Conditional Final Order Re: Subbasin No.
17 30 is amended to confirm the following water right to Blaine and
18 Judy Crea:
19 CLAIMANT NAME: Blaine and Judy Crea
20 COURT CLAIM NO: 00488
21 SOURCE: Yakima River
22 USE: Irrigation of five acres
23 PERIOD OF USE: March 1 to November 1
24 QUANTITY: 0.10 cubic foot per second, 12.5 acre-feet per year
25 PRIORITY DATE: May 10, 1968
26

1 POINT OF DIVERSION: 1,850 feet north and 600 feet east from the
2 southeast corner of Section 4, being within
3 Government Lot 3, Section 4, T. 9 N., R. 28
4 E.W.M.

5 PLACE OF USE: That part of Government Lot 3, Section 4, T. 9
6 N., R. 28 E.W.M., within the City of Richland and
7 described as follows: beginning at a point south
8 88°48'21" west 30 feet and south 00°05'33" east
9 485.46 feet from the northwest corner of said Lot
10 3; thence continue south 00°05'33" east 447.5
11 feet; thence north 72°44'38" west 732.6 feet;
12 thence northeasterly along meander line north
13 27°22'02" east 100 feet and north 35°58'08" east
14 160.22 feet; thence east 559.11 feet to point of
15 beginning.

16 LIMITATIONS OF USE: Diversion intake shall be tightly screened
17 at all times with wire mesh having openings
18 with dimensions not greater than 0.125 (1/8)
19 inch.

20 DONE IN OPEN COURT this 8th day of May, 1997.

21 Walter Stauffacher
22 JUDGE WALTER A. STAUFFACHER

23 Presented by:

24 CHRISTINE O. GREGOIRE
25 Attorney General

26 Mary McCre
MARY MCCREA, WSBA #20160
Assistant Attorney General

Attorneys for Plaintiff
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Department of Ecology
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