

1 The exception filed by The Chancery is granted and the
2 Supplemental Report is corrected at page 106, line 20½, to
3 reflect parcel 171218-21004.

4 The following exceptions filed by Ahtanum Irrigation
5 District are granted:

- 6 1. Answer No. 2: Change name on page 246, line 1 from R.
7 Lee West, Trustee to Gary and Ruth Hansen.
- 8 2. Answer No. 11: Change name on page 329, line 6½ from
9 Odetta A. Eglin Sutton to Shawn Beaman.
- 10 3. Answer No. 28: Change name on page 346, line 12 from
11 Michael J. Hager to Robert Anderson.
- 12 4. Answer No. 29: Change name on page 347, line 20½ from
13 Patricia Paterson to Robert Anderson.
- 14 5. Answer No. 33: The AID exception submits the missing
15 point of diversion information, placing the diversion in
16 the SE¼SE¼ of Section 17, T. 12 N., R. 16 E.W.M. The
17 Court, therefore, confirms the right as stated on page
18 90, lines 12 - 14, with a June 30, 1875, priority date
19 for the diversion from Ahtanum Creek of 0.15 cfs, 25.84
20 acre-feet per year from April 15 through July 10 for the
21 irrigation of 15 acres in Government Lot 2 of Section
22 17, T. 12 N., R. 16 E.W.M. (Parcel #161217-41001).
- 23 6. Answer No. 36: Court incorrectly used junior right
24 acres instead of senior right acres - the water right on
25 page 240, lines 4 to 17 is modified to authorize at line
8½ 0.20 cfs, 34.4 acre-feet per year and at line 6½
irrigation of 20 acres.
7. Answer No. 43: Change name on page 334, line 3 from
Charles T. Williams to Roland and Roberta Buchanan.
8. Answer No. 44: Change name on page 383, line 21½ from
Orville M. and Gweneth Seward to Michael Tucker.
9. Answers No. 52 & 53: Change priority date for water
right described on page 327, lines 16 to 25 from 1871 to
1865. Ecology also identified a clarification needed to

1 the water right described beginning on page 241. The
2 source of water on line 23½ is changed to both Hatton
3 and Bachelor Creeks and on page 242, line 3, a point of
4 diversion in the SE¼NE¼SW¼ of Section 9 is added.

5 10. Answer No. 72: For Hull Ranches, the Court used parcel
6 acres instead of irrigated acres, therefore, the water
7 right on page 323, line 16 through page 324, line 9 is
8 changed as follows: At line 21½ change quantity to read
9 0.48 cfs, 79.90 acre-feet per year and at line 19 change
10 to irrigation of 44.71 acres. This also resolves Yakama
11 Nation exception No. 9.

12 11. Answer No. 75: Change name on page 336, line 1 from
13 Nellie C. Burkes et al. to Jay Vetch.

14 12. Answer No. 98: Change names on page 287, line 20 from
15 Russel and Darlene Bohannon to Dustin Melius.

16 13. Answer No. 130: The AID exception provides the
17 location of the point of diversion for the water right
18 the Court was prepared to confirm under Answer No. 130
19 as being in the NW¼SW¼ of Section 3, T. 12 N., R. 18
20 E.W.M. When the first report issued, the land was all
21 owned by Elmer Rhodes; however, in 2004, when AID-8A was
22 submitted, one parcel had been sold. Therefore, the
23 Court will confirm rights consistent with its ruling in
24 the first Ahtanum Report as follows: With a June 30,
25 1868, priority date a right to **Elmer Rhodes** to divert
from Hatton Creek 0.04 cfs, 6.88 acre-feet per year from
April 15 through July 10 for the irrigation of 4 acres
in the west 330 feet of the east 990 feet of the north
660 feet of the NW¼SW¼ of Section 3, T. 12 N., R. 18
E.W.M. (Parcel #181203-32002) and to **Robert W. & Carolyn
A. Benner** a right to divert from Hatton Creek 0.04 cfs,
6.88 acre-feet per year from April 15 through July 10
for the irrigation of 4 acres in the west 330 feet of
the east 660 feet of the north 660 feet of the NW¼SW¼ of
Section 3, T. 12 N., R. 18 E.W.M. (Parcel #181203-32007).

14. Answer No. 136: The Court mistakenly concluded that
the two parcels described in AID-8A as being in Answer
No. 136 were not within the area described in Answer No.
136 and declined to confirm a water right. When the
exceptions were filed the Court re-examined the evidence
and concludes that the parcels do in fact lie within
Answer No. 136 and are described in Certificate 106,

1 which is the relevant certificate. The Court will,
2 therefore, confirm two additional water rights with a
3 **June 30, 1868**, date of priority. First to **Yakima Air**
4 **Terminal** for the diversion of 0.07 cfs, 11.89 acre-feet
5 per year for the irrigation of 6.91 acres in that
6 portion Government Lot 2 described as follows:
7 Beginning at the northeast corner of Section 3, T. 12
8 N., R. 18 E.W.M.; thence S 89°48'24" E 99.20 feet to the
9 True Point of Beginning; thence N 89°48'24" W 257.72
10 feet; thence S 035'51" W 889.1 feet to the center of
11 Bachelor Creek; thence northeasterly along the
12 centerline 762.9 feet more or less to a line bearing S
13 30°04'26" E of True Point of Beginning; thence N
14 30°04'26" W 630.1 feet to the True Point of Beginning
15 (Parcel # 181203-12003). The second to **James R. and**
16 **Darlene Decoto**, a right to divert 0.05 cfs, 8.79 acre-
17 feet per year for the irrigation of 5.11 acres in the
18 SE¼NE¼ of Section 3, T. 12 N., R. 18 E.W.M., except that
19 portion lying east of the following described line:
20 Beginning S 89°59'05" W 1085.26 feet of the southeast
21 corner of said subdivision; thence N 12'15" E to north
22 line of said subdivision and end of said line, except
23 that part lying north of the following described line:
24 Beginning S 0°16' E 1012 feet of the northeast corner of
25 the NE¼; thence N 80°30' W to west line of said
subdivision and end of said line, except S 30 feet for
county road right-of-way. The point of diversion for
both water rights is on Bachelor Creek in the SE¼NW¼ of
Section 3, T. 12 N., R. 18 E.W.M.

17 The Department of Ecology sought clarification of the
18 several water rights confirmed by the Court. In many cases the
19 Ahtanum Irrigation District responded and either agreeing with
20 the clarification sought by Ecology or providing a response that
21 was consistent with the Court's ruling in the Report. Ecology
22 sought clarification of the period of use for a few rights,
23 where the beginning of the irrigation season was identified as
24 April 1 in the body of the report, but April 15 in the schedule
25

1 of rights. April 15 is the correct date, see Report of the
2 Court @ 116. Therefore, the Court makes the following rulings:

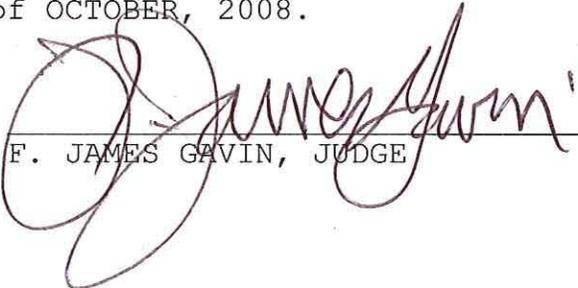
- 3 1. Answer No. 10: Priority date for the water right
4 described on page 208, lines 4 - 18 should be June 30,
5 1852 and the season of use should be April 15 to July 10.
6 This also resolved Yakama Nation Objection No. 17
- 7 2. Answer No. 38: An error in the number of acres
8 authorized for irrigation was identified and Ecology felt
9 there was a discrepancy between the discussion of
10 source/point of diversion in the analysis of Answer No.
11 38 on page 95 (which states Ahtanum or Hatton Creeks) and
12 the water rights confirmed for the lands described in
13 Answer No. 38 on pages 247, 256, 259 and 274 (which ways
14 Ahtanum and Hatton Creeks). The Court does not view the
15 source/point of diversion difference as being a
16 discrepancy; the claimants are authorized to use either
17 Ahtanum Creek or Hatton Creek or both, which is why both
18 points of diversion are described; this is consistent
19 with the certificates issued after the earlier
20 adjudication. Therefore, no change in the source of
21 water or point of diversion on pages 247, 256, 259 and
22 274 is made.
23 There is an error on page 274 for the Robert and Sean
24 Wiley water right - the number of acres used was the
25 total irrigated acres instead of the senior acres.
Therefore, the water right on page 274 is amended to
authorize the diversion of 0.16 cfs, 27.24 acre-feet per
year for the irrigation of 15.84 acres. This also
resolves Yakama Nation Objection No. 8
3. Answer No. 41: Water rights confirmed do not add up to
the total amount previously recognized for the senior
rights. The water right for Kenneth Bates, Jr. is
incorrect; it should have been for the irrigation of
14.35 acres. Therefore, the water right described on
page 355, lines 7 - 20 is modified to authorize the
diversion of 0.14 cfs, 24.68 acre-feet per year for the
irrigation of 14.35 acres. AID also identified that the
right confirmed to Chadwick and Nancy Fife on page 359
should be for the irrigation of 2.11 acres at line 15½,
rather than 2.1, which will increase the annual quantity
at line 18 to 3.62 acre-feet per year. That change will
be made.

- 1 4. Answer No. 42: The place of use for the water on pages
2 294 and 295 did not include the section, township and
3 range. Therefore, on page 295, line 5 add "All within
4 Section 17, T. 12 N., R. 17 E.W.M."
- 5 5. Answer No. 45: Ecology identified a perceived
6 discrepancy between the discussion of source/point of
7 diversion in the analysis of Answer No. 45 on page 105
8 (which says Bachelor or Hatton Creeks) and the water
9 rights confirmed on pages 289, 290, 311 and 312 (which
10 says Bachelor and Hatton Creeks - although Ecology's
11 exception mistakenly states Ahtanum and Hatton Creeks).
12 The Court does not view the source/point of diversion
13 difference as being a discrepancy; the claimants are
14 authorized to use either Bachelor Creek or Hatton Creek
15 or both, which is why both points of diversion are
16 described; this is consistent with the certificates
17 issued after the earlier adjudication. Therefore, no
18 change in the source of water or point of diversion on
19 pages 289, 290, 311 and 312 is made.
- 20 6. Answer No. 46: Priority date for water described on
21 page 208, lines 4 - 18 should be June 30, 1852 and the
22 season of use should be April 15 to July 10. This also
23 resolves Yakama Nation Objection No. 18.
- 24 7. Answer No. 107: The legal description on the water
25 right is different than in first report with no
explanation. AID responded that its exhibit AID-8A
provided a better legal description, which the Court
adopted. AID's response also stated that the parcel has
been subdivided and now is two parcels, 181207-31401 and
31402, so page 310, line 17½ should be modified to
identify the two parcel numbers, with no other changed
necessary.
8. Answer No. 112: The period of use on page 296, line 5,
which is April 15 through July 10, is correct.
9. Answer No. 128: Page 262, line 25 add words "except the
east 25 feet thereof for road," before the parcel number.
10. Answer No. 137: On page 275, delete Ahtanum Creek as
source at line 2½ and remove Parcel #181203-21001 at
line.

- 1 11. Answer No. 145: Page 152 is correct; the landowner
2 and water right holder is John Hartshorn, so line 1 of
3 page 323 the name is changed to John Hartshorn.
4
5 12. Answer No. 216: There is a typographical error in the
6 description of one of the points of diversion described
7 on page 171. The description on page 282, line 18 is
8 correct.
9
10 13. Answer No. 221: The place of use for the two water
11 rights confirmed to Michael and Nancy Dale on pages 255,
12 line 1 and 357, line 13 should be change to reflect Lot 1
13 of AF#7025514 - with the rest of the legal description
14 being unchanged.
15
16 14. Olen Nichols, Jr. and Elenore M. Nichols, Court Claim
17 No. 08439: The Court notes Ecology's efforts to identify
18 and join to the claim new owners of the lands described
19 in the claim and confirmed a water right.

20 The Court ORDERS that the claims/water rights addressed in
21 this Order are modified to reflect the Court's rulings. The
22 exceptions ruled upon herein will not be further addressed at
23 the exceptions hearing scheduled to begin on October 28, 2008,
24 unless a party seeks clarification of the Court's rulings
25 herein. Any exceptions not addressed herein shall be taken up
during the exception hearing.

ENTERED this 14 day of OCTOBER, 2008.


F. JAMES GAVIN, JUDGE