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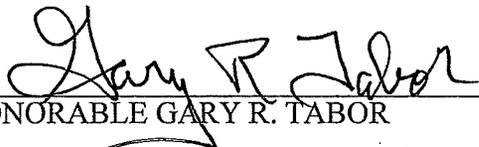
- 3. Intervenor Center for Environmental Law & Policy's (CELP) Response to Plaintiffs' Motion for Summary Judgment dated December 28, 2015.
- 4. CELP's Motion to Strike Improper Argument from Plaintiffs' Motion and Declaration of Dan Von Seggern dated December 28, 2015.
- 5. Plaintiffs' Reply to Ecology's and CELP's Response to Motion for Summary Judgment dated January 4, 2016.
- 6. Plaintiffs' Response to CELP's Motion to Strike and Declaration of Thomas M. Pors dated January 4, 2016.
- 7. CELP's Reply in Support of Motion to Strike Improper Argument from Plaintiffs' Motion for Summary Judgment dated January 6, 2016.

Having considered all the pleadings and all other documents filed in support of and in opposition to Petitioners' Motion, including CELP's Motion to Strike, and upon oral argument of counsel, the Court finds and concludes as follows:

- 1. There are no facts in dispute with respect to the legal issue before the Court on this motion for summary judgment.
- 2. Petitioners bear the burden of demonstrating that they are entitled to judgment as a matter of law and that Ecology exceeded its statutory authority in adopting the Dungeness Rule without employing the "four-part-test" in RCW 90.03.290(3).
- 3. Petitioners have not met their burden of demonstrating that they are entitled to judgment as a matter of law that the four-part-test is always required prior to establishing instream flow appropriations by rule.

Based on the foregoing, it is hereby ordered that Petitioners' Motion is DENIED.

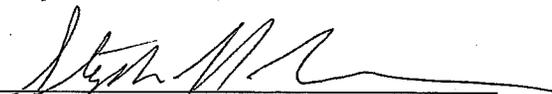
DATED this 22nd day of January 2016.

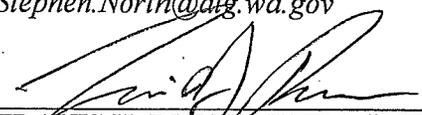


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