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JUL 29 2004

KIM M. EATON
YAKIMA COUNTY CLERK

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ADJ 2004
Department of Ecology
Yakima River

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
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

ORDER EXEMPTING WATER RIGHT
FROM ORDER LIMITING POST-1905
DIVERSIONS DURING PERIODS OF
WATER SHORTAGE

THE STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

vs.

JAMES J. ACQUAVELLA, ET AL.,
Defendants.

THIS MATTER, having come before the Court upon the petition of the parties identified below; and the Court having heard from all interested parties and deeming itself fully advised, NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Order entered June 10, 2004, entitled Order Limiting Post-1905 Diversions During Periods of Water

ORDER EXEMPTING WATER RIGHT FROM
ORDER LIMITING POST-1905 DIVERSIONS DURING
PERIODS OF WATER SHORTAGE -1

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McELROY LAW FIRM, PLLC
TWO UNION SQUARE
601 UNION STREET, SUITE 3700
SEATTLE, WASHINGTON 98101
TELEPHONE (206) 654-4100
FACSIMILE (206) 654-4101
www.mcelroylaw.com

18,029

1 Shortage (Post-1905 Order) shall not apply to preclude petitioners from exercising their
2 rights as set forth in the Proposed Conditional Final Order for Subbasin No. 28 (Sunnyside)
3 as it relates to the following parties and claims:

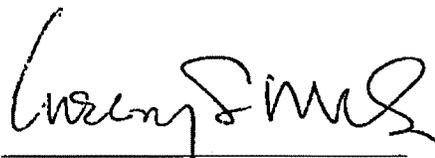
- 4 a. Danny T. Downs and Cherie A. Downs. Claim Nos. 01412, 01413, and
5 amendments thereto.
6 b. Jack Holcroft and Doris L. Holcroft. Claim No. 02002.
7 c. Ron Perrin and Jerilee Perrin. Claim No. 00331.
8 d. Brian Lotze and Lori Lotze. Claim No. 00331.
9

10 DONE this 29th day of July 2004.

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14 JUDGE WALTER A. STAUFFACHER

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16 Presented by:

17 McELROY LAW FIRM, PLLC

18
19 

20 Gregory S. McElroy WSBA #15494
21 Attorney for Petitioners
22 Downs, Holcroft, Perrin and Lotze

23
24
25 ORDER EXEMPTING WATER RIGHT FROM
ORDER LIMITING POST-1905 DIVERSIONS DURING
PERIODS OF WATER SHORTAGE -2

FILED
AUG 12 2004
KIM M. EATON
YAKIMA COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR
YAKIMA COUNTY

Washington Department of Ecology

NO. 77-2-01484-5

vs.

Acquavella

^{WS}
PROPOSED ORDER For relief,
Ebbeson (Berg), Daralynn, claim
#1032, SB31

THIS MATTER HAVING COME ON for hearing before the undersigned judge/commissioner of the above-entitled court, it is hereby OEDERED THAT:

The water rights recinded by the "Order Limiting Post-1905 Diversions During Periods of Water Shortage" be restored for Court Claim 1032. This Order does not change any of the rights previously approved in Court Claim 1032.

DONE IN OPEN COURT This 12th day of August, 2004.

Walter Stauffer
JUDGE

Presented by:
(copy received)

Approved as to form:
(copy received)

Lee [Signature] 8/15/04
Attorney for [Signature] v. S.

Attorney for _____

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AUG 18 2004
Department of Ecology
Yakima Referee

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Department of Ecology
Yakima Referee

FILED
JUL 29 2004

KIM M. EATON, YAKIMA COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR YAKIMA COUNTY

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

THE STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

JAMES J. ACQUAVELLA, et al,

Defendants.

NO. 77-2-01484-5

~~REDACTED~~
ORDER EXEMPTING
WATER RIGHT BASED ON
CLAIM NO. 0879 FROM
POST-1905 ORDER

THIS MATTER, having come on before the Court upon the petition of
ARCH AND PAULINE MacDONALD and DONALD G. MacKAY, and the
Court having heard from all interested parties and deeming itself fully
advised, NOW, THEREFORE,

~~REDACTED~~ Order Exempting Water Right Based
on Claim No. 0879 From Post-1905 Order

Page 1 of 2

CA\Becky\BJ\MacKay\OrderExempting.wpd

RETTIG OSBORNE FORGETTE
6725 W. CLEARWATER AVENUE
KENNEWICK, WASHINGTON 99336
TELEPHONE (509) 783-6154

18026

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the
2 Order entered June 10, 2004, entitled Order Limiting Post-1905 Diversions
3 During Periods of Water Shortage (Post-1905 Order) shall not apply to
4 preclude petitioners from exercising their rights under their water rights as
5 previously confirmed herein under Claim No. 0879.

6 DONE this 19th day of July, 2004.

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9 JUDGE WALTER A. STAUFFACHER

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11 Presented by:

12 RETTIG OSBORNE FORGETTE

13
14 By 
15 BRIAN J. ILLER, WSBA #16150
16 Attorneys for Petitioners
ARCH and PAULINE MacDONALD
DONALD G. MacKAY

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27 ~~Proposed~~ Order Exempting Water Right Based
28 on Claim No. 0879 From Post-1905 Order

Page 2 of 2

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RETTIG OSBORNE FORGETTE
6725 W. CLEARWATER AVENUE
KENNEWICK, WASHINGTON 99336
TELEPHONE (509) 783-6154