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KIM M. EATON
EX OFFICIO CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED

OCT 21 2004

KIM M. EATON
YAKIMA COUNTY CLERK

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

IN RE DETERMINATION OF YAKIMA
RIVER SURFACE WATER,
VS. WASHINGTON DEPARTMENT OF ECOLOGY

NO. 77-2-01487-5

ORDER TO ALLOW POST 1905
WATER USERS BELOW PARKER TO
RESUME DIVERSIONS

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

- ~~1. CIRCUMSTANCES HAVING CHANGED AND THE COURT HEARING FROM ALL PARTIES IMPAIRMENT OF DIVERSIONS IN THE 2004 IRRIGATION SEASON, REQUIRED BY THIS COURT'S JUNE 10, 2004, ORDER LIMITING POST 1905 DIVERSIONS DURING PERIODS OF WATER SHORTAGE, IS NO LONGER NECESSARY. THE COURT FINDING THAT TOTAL WATER SUPPLY AVAILABLE AFTER OCT. 31, 2004, IS EXPECTED TO MEET 100% OF REQUIREMENT FOR THE REMAINDER OF THE 2004 IRRIGATION SEASON, OCT. 31, 2004.~~
2. CONSEQUENTLY, AS OF OCT. 21, 2004, PARTIES WITH A PRIORITY DATE SUBSEQUENT TO MAY 10, 1905, FOR DIVERSION OF WATER BELOW THE PARKER GAGE (BELOW SUNNYSIDE DAM), MAY RESUME LAWFUL DIVERSIONS OF WATER.
3. NOTHING IN THIS ORDER SHALL BE CONSTRUED TO REQUIRE THE BUREAU OF RECLAMATION TO RELEASE WATER.
4. THIS ORDER APPLIES ONLY FOR THE 2004 IRRIGATION SEASON AND IS NOT PRECEDENT FOR FUTURE YEARS.
- ~~5. THIS ORDER DOES NOT PRECLUDE ANY PARTY FROM RETURNING TO COURT IN THE EVENT OF IMPAIRMENT OR CHANGED CIRCUMSTANCES.~~

DONE IN OPEN COURT this 21st day of October 2004.

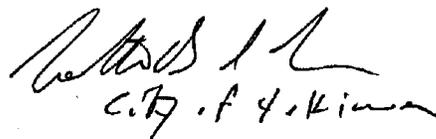
Approved as to form:
Charles R. Shook
U.S. Dept. of Justice


JUDGE/COURT COMMISSIONER S. OTTEM

Presented by:
(Copy received)
Sharon J #28796
Attorney for ECOLOGY

Approved as to form:
(Copy received)

Attorney for _____


City of Yakima

18,314