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SUPERIOR COURT OF WASHINGTON FOR FRANKLIN COUNTY

FIVE CORNERS FAMILY FARMERS,  
SCOTT COLLIN, THE CENTER FOR  
ENVIRONMENTAL LAW AND POLICY,  
and SIERRA CLUB,

Plaintiffs,

vs.

STATE OF WASHINGTON,  
WASHINGTON DEPARTMENT OF  
ECOLOGY, and EASTERDAY RANCHES,  
INC.,

Defendants.

No. 09-2-51185-6

DEFENDANT EASTERDAY  
RANCHES, INC.'S MOTION FOR  
SUMMARY JUDGMENT

COMES NOW the defendant Easterday Ranches, Inc. and moves the court for an Order of Summary Judgment. There is no material issue of fact and the defendant is entitled to judgment as a matter of law. This motion is based upon

1. Complaint;
2. Declaration of William L. Cameron dated October 10, 2009; with Attached transfer permit from Pepiot; and Report of Charles R. Buckhotlz, P.E.;
3. Declaration of Scott Collins, dated November 6, 2009;
4. Declaration of Sheila Poe, dated November 10, 2009;
5. Declaration of Randolph Jones, dated November 10, 2009;
6. 2005 AGO No. 17;

1 7. Plaintiffs' Memorandum in Support of Motion for Summary Judgment;

2 8. Declaration of Janette Brimmer containing Declaration of McChesney Ex. H;

3 Letter to the Attorney General, dated February 10, 2005, Ex. K

4 9. Declaration of Jeff Slothower Ex. 1.

5 RESPECTFULLY submitted this 18<sup>th</sup> day of February, 2010.

6 LEE SMART, P.S., INC.

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9 By: 

William L. Cameron, WSBA No. 5108

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11 By: 

12 R. Crane Bergdahl, WSBA No. 741  
13 Attorneys for Defendant  
14 Easterday Ranches  
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