

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

SUMMARY JUDGMENT

[PROPOSED DECLARATORY
RELIEF]

I. JUDGMENT SUMMARY

Judgment Creditors: Easterday Ranches, Inc.

Judgment Creditors' Attorneys
William L. Cameron, Lee Smart, PS, Inc.
Attorneys for Defendant
Easterday Ranches, Inc.
1800 One Convention Place, 701 Pike Street,
Seattle, WA 98101.

R. Crane Bergdahl Attorneys for Defendant
Easterday Ranches, Inc.
6610 W. Court Street, Suite A
Pasco, WA 99301

1
2 Judgment Debtor: Five Corners Family Farmers, Scott Collins,
3 The Center for Environmental Law & Policy
and Sierra Club

4 Judgment Debtor's Attorneys Kristin Boyles and Janette K. Brimmer
5 Earthjustice
6 705 Second Avenue, Suite 203
Seattle, WA 98104

7 Principal Judgment Amount: \$00.00
8 Initial Filing Fee: 0.00
9 Court Arbitration Fee: 0.00
10 Service of Process Fees: 0.00
Attorneys Fees See Cost Bill
Total See Cost Bill

11 Attorney's Fees, Costs and Other Recovery Amounts shall bear interest at 12% per
12 annum.

13 **II. JUDGMENT**

14 WHEREAS the above entitled matter came regularly on for hearing on the motion of
15 the defendants Easterday Ranches, Inc. for summary judgment; and the court having
16 considered the arguments of counsel and pleadings filed in this case and specifically:

- 17 1) Scott J. Collin, dated November 6, 2009
18 2) Sheila R. Poe, dated November 10, 2009
19 3) Randolph A. Jones, dated November 10, 2009
20 4) John Osborn, M.D., on behalf of the Center for Environmental Law &
21 Policy, dated November 10, 2009
22 5) Patricia Sumption, on behalf of the Sierra Club, dated November 10, 2009.
23 6) Declaration of William L. Cameron dated October 10, 2009; with Attached
transfer permit from Pepiot; and Report of Charles R. Buckhotlz, P.E.;
24 7) Plaintiffs' Memorandum in Support of Motion for Summary Judgment;
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

- 8) Declaration of Janette Brimmer containing Declaration of McChesney Ex. H and Letter to the Attorney General, dated February 10, 2005, Ex. K
- 9) Declaration of Jeff Slothower Ex. 1.
- 10) Defendant Easterday's Memorandum in Support of Motion for Summary Judgment and Response;
- 11) Defendant Department of Ecology's memorandum;
- 12) 2005 AGO No. 17;
- 13) _____
- 14) _____
- 15) _____

And the court finding that there is no material issue of fact as to these defendants and that they are entitled to judgment as a matter of law, NOW THEREFORE:

THE COURT CONCLUDES AS A MATTER OF LAW that Easterday Ranches is entitled under RCW 90.44.050 to drill, maintain and use a well on its property and which is the subject of this litigation, and to draw water therefrom in an amount sufficient to water any stock it maintains on that property without obtaining a permit from the Department of Ecology;

1 IT IS HEREBY ORDER, ADJUDGED AND DECREED Plaintiffs' Complaint is
2 hereby dismissed with prejudice in its entirety. Defendants shall be entitled to their costs and
3 disbursements herein as provided by law.

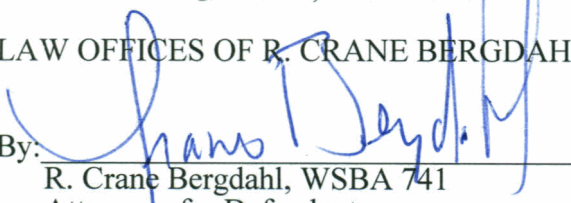
4 DONE IN OPEN COURT this ___ day of _____.

5
6 _____
JUDGE/COURT COMMISSIONER

7 Presented by:
8 LEE SMART, P.S., INC.

9
10 By: 
William L. Cameron, WSBA 5108

11 LAW OFFICES OF R. CRANE BERGDAHL

12
13 By: 
R. Crane Bergdahl, WSBA 741
14 Attorneys for Defendant
Easterday Ranches, Inc.