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**YAKIMA RIVER BASIN  
WATER RIGHTS ADJUDICATION**

**FILED**

**AUG 3 2000**

**KIM M. EATON  
YAKIMA COUNTY CLERK**

The State of Washington, Department of Ecology v.  
James J. Acquavella, et al.  
Yakima County Superior Court Cause No. 77-2-01484-5

**SECOND SUPPLEMENTAL  
REPORT OF REFEREE**

**Re: SUBBASIN NO. 3  
(TEANAWAY RIVER)**

CLERK OF SUPERIOR COURT  
YAKIMA COUNTY  
WASHINGTON

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Submitted to:  
The Honorable Walter A. Stauffacher  
Yakima County Superior Court

REPORT OF REFEREE - VOLUME 28B

14555

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

3 IN THE MATTER OF THE DETERMINATION )  
4 OF THE RIGHTS TO THE USE OF THE )  
5 SURFACE WATERS OF THE YAKIMA RIVER ) No. 77-2-01484-5  
6 DRAINAGE BASIN, IN ACCORDANCE WITH )  
7 THE PROVISIONS OF CHAPTER 90.03, ) SECOND SUPPLEMENTAL  
8 THE STATE OF WASHINGTON, ) REPORT OF REFEREE  
9 DEPARTMENT OF ECOLOGY, ) SUBBASIN NO. 3 (TEANAWAY RIVER)  
10 ) PURSUANT TO ORDER OF THE  
11 ) COURT ON JULY 8, 1999  
12 )  
13 ) Plaintiff, )  
14 )  
15 ) v. )  
16 )  
17 ) James J. Acquavella, et al., )  
18 )  
19 ) Defendants. )  
20 )  
21 )  
22 )  
23 )  
24 )  
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26 )  
27 )  
28 )

29 To the Honorable Judge of the above-entitled Court, the following report is  
30 respectfully submitted:

31 On July 8, 1999, the Court held the exception hearing for the Supplemental  
32 Report of Referee for Subbasin No. 3. At that hearing the Court ruled on several  
33 exceptions and remanded certain exceptions to the Referee, with instructions, for  
34 further evaluation and subsequent recommendations to the Court.

35 The following are the claims for which exceptions were filed:

36 George L. Blackburn and Penny L. Blackburn, Claim No. 01477 - exception  
37 filed by Bruno Bonetto and Daryle Starkovich on behalf of Seaton Water Users

38 Boise Cascade Corporation, Ted and Lena Fudacz and Trendwest Resorts, Inc.,  
39 Claim No. 02206 - exception filed by the Department of Ecology, Boise  
40 Cascade and Ted and Lena Fudacz

41 Violet Carollo, Claim No. 00914

42 John Crosetto and Dorothy Crosetto, Claim No. 00383

43 Robert M. Cernick and Debbie Lee Cernick, Claim No. 02148

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1 Norman and Shirley Cromarty, Claim No. 01863

2 James Davis, Claim No. 01556

3 Milton Downs, Claim No. 00777

4 William and Karen Evenden, Claim No. 00777

5 Larry T. Fudacz, Claim No. 01331

6 William Hunt, Claim No. 01550 and 1281

7 Rick Leavitt, Trendwest Resorts, Inc. and Gale and Lynda Powell,  
8 Claim No. 01328 - exception filed by Department of Ecology

9 June McClure, Claim No. 00553

10 Washington State Department of Natural Resources, Claim No. 00589

11 Ray and Rhoda West and Violet Hart, Claim No. 00960

12 The Department of Ecology also sought correction of three typographic errors  
13 related to the claim of Donald L. Bark, Claim No. 01282, Oren L. Ward, Claim  
14 No. 02486, and Harry and Mary Lou Masterson, Claim No. 01467.

14 I. ORAL RULINGS BY THE COURT

15 The Court made the following rulings at the exception hearing on July 8,  
16 1999:

17 1. Violet Carollo, Claim No. 00914 - exception is granted and a right is  
18 confirmed with a June 30, 1890, date of priority for the diversion of 0.02 cubic  
19 foot per second, 3 acre-feet per year from two springs for stock watering. One  
20 spring is located 800 feet south and 200 feet east of the north quarter corner  
21 and the second is 700 feet south of the north quarter corner of Section 14,  
22 T. 20 N., R. 16 E.W.M. and the place of water use is near the spring areas.

23 2. John Crosetto and Dorothy Crosetto, Claim No. 00383 - exception is  
24 granted and the name change to Teanaway Valley Farm LLP and Dorothy Crosetto is  
25 acknowledged and part of the record.

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1 3. Milton Downs, Claim No. 00777 - exception is granted and stock watering  
2 will be added as a use to his rights.

3 4. Ted and Lena Fudacz, Claim No. 2206 - exception related to Bussoli  
4 Spring is granted and a right is confirmed with a June 30, 1890, date of priority  
5 for the diversion of 0.03 cubic foot per second, 3 acre-feet per year for single  
6 domestic supply and stock watering.

7 5. The exception of the Washington State Dept. of Natural Resources, Claim  
8 No. 00589 is granted and their name will be included in the list of claimants  
9 with non-diversionary stock water use.

10 6. The following exceptions or requests for clarification by the  
11 Department of Ecology are granted:

12 A. Donald L. Bark, Claim No. 01282, on page 12 at line 12½, change Range  
13 16 to Range 15.

14 B. Oren L. Ward, Claim No. 02486, on page 13 at line 1, change Range 16 to  
15 Range 15.

16 C. Harry and Mary Lou Masterson, Claim No. 01467, on page 79 at line 4,  
17 change the number of acres from 240 to 235 acres.

18 The Court also corrected a typographical error related to the claim of  
19 Barbara Istvan Trust, Claim No. 01850 on page 118, line 15½, add "E" before  
20 711.26 feet.

21 The exception of Ray and Rhoda West and Violet Hart, Claim No. 00960, was  
22 denied by the Court. The exception by Larry Fudacz, Claim No. 01331, seeking an  
23 opportunity to present evidence of a spring for irrigation was denied, as the  
24 only claim filed pursuant to RCW 90.14 was a short form claiming a right for  
25

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1 stock water and domestic supply. The exception by Norman and Shirley Cromarty,  
2 Claim No. 01863, requesting that the surplus water provision be added to their  
3 rights was denied, as they testified they had not measured their diversion, but  
4 felt it was consistent with their certificates and the rights recommended for  
5 confirmation reflected the certified quantities.

6 The exception of William and Karen Evenden, Claim No. 00777, was  
7 conditionally denied, as it was the Court's belief that the relief requested had  
8 already been granted in the Report of Referee. As the Evendens were out of the  
9 country at the time of the exception hearing, the Court granted their counsel,  
10 Jeff Slothower, the opportunity to consult with his clients and appear at the  
11 remand hearing to be scheduled by the Referee if further clarification was  
12 needed. There was no further appearance by the Evendens.

13 The following exceptions were remanded to the Referee to take additional  
14 testimony:

- 15 1. Larry Fudacz, Claim No. 01331 - to present evidence to show to the  
16 Referee's satisfaction that the spring does not flow to a natural water  
17 course, either above or below ground.
- 18 2. Seaton Ditch Water Users exception to Claim No. 01477, George and  
19 Penney Blackburn concerning nonuse of the right.
- 20 3. Robert and Debbie Cernick, Claim No. 02148.
- 21 4. June McClure, Claim No. 00553 (joined to Bruno Bonetto).
- 22 5. Ted and Lena Fudacz, Claim No. 02206, William Hunt, Claims No. 1281 and  
23 01550 and James Davis, Claim No. 01556 each asked to have the surplus  
24 water provision added to their right. The claims were remanded to  
25

1 allow those claimants to appear at the remand hearing and present  
2 evidence of use of surplus water.

3 An exception was filed by the Department of Ecology concerning the  
4 recommendation for Boise Cascade, Claim No. 02206. The Court took the exception  
5 under advisement and issued a Letter Ruling on July 29, 1999. Ecology identified  
6 a typographical error, where on one page the annual quantity recommended for  
7 confirmation was 43 acre-feet per year (see page 31) and on another page (136)  
8 the quantity was 48 acre-feet per year. After reviewing the evidence the Court  
9 found that the correct quantity is 43 acre-feet per year, therefore, page 136 of  
10 the Supplemental Report of Referee, at line 19½ is corrected to read 43  
11 acre-feet per year.

12 Ecology also sought clarification of fire protection use, which was added as  
13 a purpose of use, along with road maintenance, following Boise Cascade's  
14 exception to the initial Report of Referee for Subbasin No. 3. The Court in its  
15 Letter Ruling ruled that "fire protection" means the right to have water  
16 available to all timber harvesting activities to prevent any ignition of a fire  
17 from the logging practices and equipment used. Fire protection is not the same as  
18 fire suppression, which is covered by the Court's Order entered December 12,  
19 1996, Stipulation Re: Water Use for Fire Suppression.

20 Responding to Ecology's exception, Boise Cascade raised an exception of  
21 their own. As directed by the Court, the Supplemental Report of Referee added  
22 road maintenance and fire protection as purposes of use in the irrigation rights  
23 recommended for confirmation to Boise Cascade. The points of diversion and  
24 places of use on those rights were as authorized in the certificates that issued  
25

1 as a result of the Amosso decree. Boise Cascade, in its exception, asks that the  
2 confirmed rights include as authorized points of diversion and places of use the  
3 various points on Boise Cascade land that they withdraw water to fill tanker  
4 trucks (called pump chances). Boise Cascade argued that the Amosso decree was  
5 not the result of a general adjudication of the Teanaway basin that would have  
6 established all of the water rights in the basin, but only an action between  
7 specific competing irrigators. The implication was that predecessors to Boise  
8 Cascade could have established rights for timber harvesting and those rights  
9 would not have been addressed in the decree. In the exception and at the  
10 exception hearing, Boise Cascade asked that the rights awarded include the pump  
11 chance locations as points of diversion and additional quantities of water  
12 specifically for timber harvesting activities. The Court's July 29, 1999, letter  
13 ruling also addressed Boise Cascade's exception. The Court ruled that timber  
14 harvesting activities involve a de minimus amount of water, which is included in  
15 the water rights awarded to Boise Cascade. The Amosso decree was the result of a  
16 general adjudication and Boise Cascade is limited to the rights awarded therein.  
17 Therefore, the request to add points of diversions to the rights is denied and  
18 Boise Cascade must apply to Ecology for changes in points of diversion pursuant  
19 to RCW 90.03.380.

20 The Department of Ecology excepted to the Referee's recommendation  
21 concerning Rick Leavitt and Trendwest Resorts, Inc., Claim No. 01328. The  
22 Referee recommended that a right be confirmed for the irrigation of 80 acres.  
23 Ecology's exception asserts that 50 of those 80 acres were never irrigated and  
24 could not have been irrigated by gravity flow from the ditch that served the  
25

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1 land. Mr. Leavitt responded to the exception asserting that it was untimely, as  
2 the exception should have been taken when the initial Report of Referee was  
3 issued on January 25, 1996, as the Supplemental Report of Referee just carried  
4 forward the recommendation from the initial report. Leavitt also contended that  
5 the doctrine of laches defeats Ecology's exception. His position is that he  
6 entered into a contract to sell the water right, relying on the fact that Ecology  
7 did not file exception to the initial report. Mr. Leavitt also asserts there is  
8 no merit to the exception. The Court heard arguments on the timeliness of the  
9 exception and the laches defense at the exception hearing and issued an oral  
10 ruling at the August 12, 1999, water day hearing. The Court ruled that Ecology  
11 was entitled to file an exception to the recommendation in the Supplemental  
12 Report of Referee, just as any party to the adjudication could, and that it was  
13 filed within the specified time limits. In order for the doctrine of laches to  
14 be affirmatively established, there are three criteria that must be met, but none  
15 of the elements alone will raise the defense of laches. The Court found there  
16 must be an implied waiver arising from knowledge of existing conditions and  
17 acquiescence in them. The Court concluded that did not exist in the Leavitt  
18 case, denying the laches defense. The Court then addressed the merits of the  
19 exception. The Court recognized the testimony of Mrs. Elich, from whom Mr.  
20 Leavitt purchased the property, indicates the potential of relinquishment of the  
21 water right and remanded the claim to the Referee to take testimony from both the  
22 claimant and Ecology.

23 On September 2, 1999, four months after the date set by the Court for filing  
24 exceptions and a month after the Referee held the remand hearing, the U. S.



1 Bureau of Reclamation (USBR) filed a request for clarification of the  
2 Supplemental Report of Referee for Subbasin No. 3. The request identified  
3 several typographical errors and/or omissions that the USBR had found in the  
4 report. The Court on September 21, 1999, issued a Letter Ruling RE: U.S. Bureau  
5 of Reclamation Request for Clarification. The Court ruled that the typographical  
6 errors identified would be corrected. The Court ruled that the report would stand  
7 as written concerning the claims of T. Olin and Nanci Nichols, Claim No. 01942  
8 and George and Penny Blackburn, Claims No. 02255, (A)04465, (A)04493. Claim No.  
9 01477 for the Blackburns had been remanded to the Referee and the testimony and  
10 evidence presented at the remand hearings would be considered in addressing that  
11 claim. The Court recognizes that the point of diversion authorized is not being  
12 used and the Blackburns have obtained an Order Pendente Lite for the diversion  
13 currently being exercised. The USBR brought to the Court's attention the correct  
14 spelling of individuals who have purchased land from Ronald J. and Becky  
15 Montgomery, Claim No. 01286. The Court noted that the Stephensons have not been  
16 joined to the claim, but the Montgomery's attorney had been notified of the need  
17 to do so. Although a year has passed, the Stephensons still have not been joined  
18 to the claim.

## 19 II. REMAND HEARINGS

20 Hearings, for the purpose of opening the record for testimony and evidence  
21 relating to the exceptions, were conducted by the Referee on August 12 and  
22 October 14, 1999. The Department of Ecology was represented by Alan Reichman,  
23 Assistant Attorney General, and Candy Pittman.

1 The following claims and claimants are addressed in this report, either  
2 during consideration of the evidence presented at the remand hearing or in the  
3 Findings of Fact that begins on page 26 of this report:

<u>Claim No.</u>	<u>Claimant(s) Name</u>	<u>Page No.</u>
01281	Donald L. Bark William Hunt	11, 79
01282	Donald L. Bark	79
01466	George L. & Glory E. Blackburn	80
02255	George L. & Penny L. Blackburn Donald W. & Gloria Walker Trendwest Resorts, Inc.	33, 34, 82, 83, 87, 98
01477	George L. & Penny L. Blackburn	12, 81
02206	Boise Cascade Corp. Ted & Lena Fudacz Trendwest Resorts, Inc.	4, 5, 15, 35, 38, 59, 68, 76, 85, 86, 93, 97
00553	Bruno N. & Elma Bonetto June McClure	16, 27, 28, 35, 36
12485	Bruno N. Bonetto	27
01566	The Estates of Ted and Agnes Bugni	39
00914	Albeno G. & Violet Carollo Robert J. & Cecilia A. Badda Don Tidwell	2, 67, 69, 75 84, 106
02148	Robert M. & Debbie Lee Cernick	18, 89
01332	Josephine Chelinsky	94, 104
00746	John E. Conner Trendwest Resorts, Inc.	64, 99
01863	Norman J. & Shirley B. Cromarty Robert F. Barkshire Douglas R. Chapman & Karol E. King Philip J. King	4, 59, 60, 61 62, 63, 100

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1	00383	Dorothy (D.J.) Crosetto Teaway Valley Family Farm LLP	2, 65, 66, 73
2	01556	James Davis	84
3	00953	Dean Decker	102
4	00777	Milton F. & Geraldine Downs Teaway Valley Farms, Inc. William A. & Karen Evenden	3, 4, 37, 41, 43, 58, 70, 74
5	00344	Francis B. & Barbara J. Forderhase James E. & Susan T. Nunn Ronald L. & Patricia A. Pyeatt	109
6	01142	James & Shereyl Fruhling	105
7	01331	Larry T. Fudacz	3, 22, 101, 103
8	01170		
9	01980	Bernard W. Grywacz	103
10	01550	William Hunt	86, 87
11	00591	Randolph C. Jasper	110
12	01328	Rick Leavitt Trendwest Resorts, Inc. Gale & Lynda Powell	6, 22
13	00559	Robin Knox Little & Carol Michon Little	48, 96
14	01467	Harry James & Mary Lou Masterson Wilbur H. & Mary Ann Mundy	30, 31, 32
15	02226	Beverly Miller	38, 90
16	01286	Ronald J. & Becky Montgomery Ivan J. Davene A. Osmonovich Tommy & Genine Pratt	51, 54, 55
17	00741	Carl A. Niese	104
18	01284	Donald L. & Janice C. Osmonovich	91
19	00466	Don & Jo Anne Osmonovich	108
20	01692	Ivan J. & Davene A. Osmonovich	29

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1	01867	Jane Shaw	107
2	01332	James R. & Susan M. Sleeth	96
3	01450	Harold & Louis Pedersen	105
4	01201	Daryle Thomas Starkovich	92
5	01042	Teanaway Ranch, Inc.	72
6	01850	U. S. Bureau of Reclamation	71, 77, 78
7		Gary Monroe	
		Judith Torgeson	
8	02486	Orene Ward	88
9	01942	Teanaway Associates	40, 42, 44, 45,
		William F. & Sandra N. Sparks	46, 47, 49, 50,
10		Norman & Lael Drotning	51, 53, 56, 57
		Richard & Shirley Hancock	95
11		John & Ann Livengood	
		Larry & Sharon Fookes	
12		Frederick Dickhaus	
		Patrick & Jenny Hollingsworth	
13		T. Olin & Nancy Nichols	
		John Lixvar	
14		William S. & Jane E. Johnson	
15		William A. & Geraldine C. Lloyd	

17 COURT CLAIM NO. 01281 -- Donald L. Bark  
 18 William Hunt

19 COURT CLAIM NO. 01550 -- Richard Rowe  
 20 & Karen Rowe  
 21 William Hunt

22 COURT CLAIM NO. 01556 -- James Davis

23 These claims were remanded to the Referee to take additional evidence  
 24 concerning the use of surplus water on the land. Richard T. Cole, representing  
 25 the claimants, appeared on their behalf at the remand hearing and stated they had

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1 decided not to pursue their exception and would not appear at the remand  
2 hearing. Therefore, the Referee's recommendation for these three claims remains  
3 unchanged.

4  
5 COURT CLAIM NO. 01477 -- George L. Blackburn  
6 & Penny L. Blackburn

7 The referenced Court claim was filed by Frank and Ada Geiger. The  
8 Blackburns were substituted for the Geigers after the initial evidentiary  
9 hearing. The Referee recommended that a right be confirmed to the Blackburns for  
10 the irrigation of 15 acres. Bruno Bonetto and Daryle Starkovich, on behalf of  
11 the Seaton Water Users Association, filed an exception to this recommendation.  
12 The claim was remanded by the Court to take additional evidence. The Blackburns  
13 are represented by Attorney Richard T. Cole.

14 The exception asserts that the water right associated with the lands  
15 described in Court Claim No. 01477 had relinquished due to it not being exercised  
16 for over 30 years. Two separate hearings were held and George and Penny  
17 Blackburn and Jess Geiger, whose parents owned the land during the alleged  
18 non-use period, testified in support of the claim. Bruno Bonetto, Daryle  
19 Starkovich and Ron Montgomery testified in support of the exception. The  
20 evidence is clear that the land had historically been irrigated with water from  
21 the Teanaway River diverted into the Grubesich Ditch. The Geiger family acquired  
22 the land around 1966 and it is during their ownership that the Seaton Water Users  
23 contend the water right was not exercised. Mr. Bonetto, Mr. Starkovich and Mr.  
24 Montgomery all testified to their belief that the land had not been irrigated  
25 during the 1970's and early 1980's. Specifically, they testified to the

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1 Grubesich Ditch having been abandoned and the ditch covered over. It is not  
2 clear exactly when that happened, but it was sometime prior to 1985. The Seaton  
3 Water Users also are vigorously taking the position that the land does not have a  
4 water right that allows for use of the Seaton Ditch. During the time when the  
5 Blackburns have leased and owned the land, they irrigated it with water diverted  
6 from the Teanaway River and carried in the Seaton Ditch. The Referee recognized  
7 in the Supplemental Report of Referee that Surface Water Certificate No. 122 from  
8 the earlier Teanaway River adjudication authorized use of a diversion that no  
9 longer existed and that the Blackburns had previously used the Seaton Ditch to  
10 deliver water to the property. This use of the Seaton Ditch diversion was not  
11 authorized in the certificate. However, use of the Seaton Ditch has ceased. The  
12 diversion into Seaton Ditch was destroyed in the 1996 flood. The Blackburns were  
13 issued an Order Pendente Lite in 1999 authorizing them to change the point of  
14 diversion for all of their Teanaway River water rights to a pump station they  
15 constructed. According to Mr. Blackburn's testimony, they have no intention of  
16 using Seaton Ditch, or any system constructed to replace that ditch, in the  
17 future. They will use their own individual system and have filed applications  
18 for change with Ecology.

19 Jess Geiger testified about his knowledge of irrigation use on the subject  
20 property. He was 12 when his family acquired the land in 1966 and helped with  
21 irrigating the land while his parents owned it. They raised cattle and horses  
22 and grew hay for their feed. While they may not have irrigated during very wet  
23 years where the hay crop would have grown without needing irrigation, he  
24 testified to irrigating 12 to 14 acres up until the early 1980's. He is sure the  
25

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1 land was irrigated in 1980 and believes it was irrigated a year or two more  
2 beyond that year. Then his father's health made it impossible for him to keep up  
3 the irrigation. In 1985 George and Penny Blackburn first leased the land and  
4 began irrigating it with water carried in the Seaton Ditch. The Blackburns put a  
5 culvert under their driveway in 1985 that would allow for Seaton Ditch water to  
6 be conveyed to the former Geiger property. According to Mr. Blackburn's  
7 testimony, he has irrigated the land ever since the lease began in 1985. The  
8 Blackburns acquired the land in four separate purchases beginning around 1990.  
9 If 1980 was the last year the Geigers irrigated the land, only four years of  
10 nonuse would have occurred prior to the Blackburns leasing and irrigating it in  
11 1985. There must be five or more successive years of nonuse in order for a right  
12 to relinquish, RCW 90.14.160. The testimony was conflicting concerning water use  
13 in 1970's. The testimony of Jess Geiger, who lived on the property and actually  
14 irrigated it is more compelling and leads the Referee to conclude that the right  
15 has not relinquished.

16 Therefore, the Referee continues to recommend to the Court that a right be  
17 confirmed to the Blackburns under Court Claim No. 01477 to the extent identified  
18 on pages 15 and 130 of the Supplemental Report of Referee for Subbasin No. 3.  
19 The claimant does need to continue with compliance with the change procedures of  
20 RCW 90.03.380.

1  
2 COURT CLAIM NO. 02206 -- Boise Cascade Corporation  
3 (A) 03119 Ted Fudacz  
(A) 05238 & Lena Fudacz  
Trendwest Resorts, Inc.

4 As a result of an exception filed by Ted and Lena Fudacz, the portion of  
5 Court Claim No. 02206 related to their property was remanded to the Referee to  
6 take additional testimony and evidence about use of surplus water from the  
7 Teanaway River on their property. Gary Fudacz, the claimants' son testified at  
8 the remand hearing.

9 The Supplemental Report of Referee recommended that two rights be confirmed  
10 to Ted and Lena Fudacz; one for the use of 0.30 cubic foot per second, 81  
11 acre-feet per year from the Middle Fork of the Teanaway River for the irrigation  
12 of 15 acres in a portion of the NW $\frac{1}{4}$  of Section 36, and the second for use of 0.20  
13 cubic foot per second, 50 acre-feet per year for irrigation of 10 acres in a  
14 portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36, both in T. 21 N., R. 15 E.W.M. The only  
15 exception to the recommendation was that it did not include a provision that  
16 allowed for the use of surplus water. Gary Fudacz testified to assisting his  
17 parents with irrigating the land. Although he had not actually measured the  
18 quantity of water diverted, he described the diversion from the river and using a  
19 D-4 Cat with an eight foot blade for cleaning the ditch near the diversion. A  
20 culvert, between 18 and 24 inches in diameter was full during the early part of  
21 the irrigation season. Mr. Fudacz felt sure there were using at least 2 cubic  
22 feet per second during the later part of May and through the month of June. Then  
23 the flow in the river would decline and often they would not be able to get much  
24 water.

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1 The Referee concludes that the testimony was sufficient to establish that  
2 surplus water, when available, has been used on the claimant's land and the  
3 provision allowing for that use will be added to their water right.  
4

5 COURT CLAIM NO. 00553 -- Bruno N. Bonetto  
6 & Elma Bonetto  
June McClure

7 Court Claim No. 00553 was filed by Bruno N. and Elma Bonetto. On July 6,  
8 1998, June McClure filed a Motion to be Joined to the Claim, along with a request  
9 to reopen the record with regards to this claim. On July 7, 1998, the Court  
10 signed an order joining Ms. McClure to the claim. On August 14, 1998, the Court  
11 entered an order granting Ms. McClure's request to reopen the record and that the  
12 evidence would be presented at the Court's hearing on exceptions to this  
13 supplemental report. Ms. McClure appeared and testified at the remand hearing  
14 held on August 12, 1999.

15 Ms. McClure owns 9.58 acres in that portion of the NW¼ of Section 34,  
16 T. 20 N., R. 16 E.W.M. lying between State Route 970 and Red Bridge Road. She is  
17 in the process of conveying 3 acres to her son, but that is not yet complete.  
18 Her father acquired the land in 1983 at which time it was being irrigated with  
19 water carried in the Seaton Ditch. Her father continued that practice off and on  
20 until he died in 1988. In 1987, Ms. McClure's son moved in with her father and  
21 from that point on did most of the irrigation. The Seaton Ditch is north of Red  
22 Bridge Road, so the road is between the ditch and her property. Two culverts are  
23 under the road and ditches carrying Seaton Ditch water run through the culverts  
24 to her property. Ms. McClure is asserting a right to irrigate most of the land,  
25

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1 except where buildings are located. The Referee estimates that approximately 8.5  
2 acres have been irrigated. The land has been used for pasture and hay for sheep  
3 and horses. The livestock drink from the ditches and from water troughs that are  
4 filled from the ditches. The land is rill irrigated. At the time Ms. McClure's  
5 father owned it trees were planted and her son has gradually taken the trees out  
6 in favor of the pasture and hay.

7 Certificate No. 129 from the earlier adjudication of the Teanaway River,  
8 with an 1882 date of priority, is appurtenant to Ms. McClure's land. It  
9 authorized the diversion of 1.5 cubic feet per second from May 1 through  
10 September 15 for the irrigation of 75 acres and stock watering in the NW¼ of  
11 Section 34. The authorized points of diversion are in the NE¼NE¼ of Section 34  
12 and the NE¼SE¼ of Section 26, both in T. 20 N., R. 16 E.W.M. As far as the  
13 Referee can determine, the diversion in the NE¼NE¼ of Section 34 has not been  
14 used for a number of years. The diversion in the NE¼SE¼ of Section 26 was one of  
15 the diversions into the Seaton Ditch. In 1996, the diversion into the Seaton  
16 Ditch was destroyed by a flood and has not been rebuilt. Water was delivered  
17 through the Masterson Ditch in 1996 and 1997, but in 1998 and 1999 most of the  
18 water users on the Seaton Ditch leased their water rights to the United States  
19 and the Seaton Ditch was not operated. On March 9, 2000 the Court signed an  
20 Order Pendente Lite authorizing a change in point of diversion from the original  
21 Seaton Ditch diversion to a pump station in the SE¼SE¼ of Section 33, T. 20 N.,  
22 R. 16 E.W.M. This pump station is intended to also serve Ms. McClure's land if  
23 the Referee recommends that a right be confirmed.

1 Ms. McClure's land was at one time owned by Bruno Bonetto. In 1982 Mr.  
2 Bonetto voluntarily relinquished all of Certificate No. 129 in excess of that  
3 needed to irrigate 36 acres. A superseding certificate issued to him authorizing  
4 the diversion of 0.72 cubic foot per second, 108 acre-feet per year for the  
5 irrigation of 36 acres. Although Mr. Bonetto relinquished all of Certificate No.  
6 129 except that portion needed for the lands he owned in 1982, he had no standing  
7 to relinquish that portion of the certificate that was appurtenant to land he did  
8 not own. The evidence shows that Mr. Bonetto did not own the McClure land at the  
9 time he signed the relinquishment. Therefore, the Referee will disregard the  
10 relinquishment as it relates to lands not owned by Mr. Bonetto.

11 Ms. McClure did not testify to the quantity of water being used to irrigate  
12 her land. Since there are existing certificates that limit the quantity of water  
13 that can be used, when the testimony is lacking the Referee has awarded the  
14 quantity authorized by the certificate.

15 Therefore, the Referee recommends that a water right be confirmed to June  
16 McClure with a June 30, 1882, date of priority for the diversion of 0.17 cubic  
17 foot per second, 42.5 acre-feet per year from May 1 through September 15 for the  
18 irrigation of 8.5 acres and stock watering.

19  
20 COURT CLAIM NO. 02148 -- Robert M. Cernick  
21 & Debbie Lee Cernick

22 The Cernicks had filed a claim with the Court asserting a right to use  
23 waters from the Teanaway River. However, they did not appear at the evidentiary  
24 hearing so the Referee did not recommend that a water right be awarded. On  
25

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 June 29, 1998, Mr. and Mrs. Cernick filed a request with the Court seeking to  
2 have the evidentiary hearing for Subbasin No. 3 reopened. On August 14, 1998,  
3 the Court granted their request to reopen the record and ordered that their  
4 evidence could be presented at the exception hearing for the Supplemental Report  
5 of Referee for Subbasin No. 3. At that hearing the Court determined that there  
6 were exceptions filed on several other claims where it was apparent that  
7 additional testimony would be helpful. The Court set August 12, 1999, for the  
8 Referee to conduct a remand hearing. Debbie Cernick appeared at that hearing and  
9 presented evidence in support of the claim.

10 The claimants' property is within that part of the SE¼ of Section 33,  
11 T. 20 N., R. 16 E.W.M. lying southeasterly of SR 970 and north of Lambert County  
12 Road. The land they originally purchased in 1980 consisted of 32 acres, however,  
13 they sold 6 acres, so within their ownership there currently is 26 acres. The  
14 portion of the property south and west of a drain that runs through the land,  
15 about 16 acres in size, is irrigated. This land is at a lower elevation so that  
16 it could be irrigated by gravity flow. It is pasture used to raise cows and  
17 horses, which have access to and drink from the irrigation ditches when they  
18 carry water. The land east of the drain is a higher elevation and has never been  
19 irrigated. Mrs. Cernick testified to her belief that the westerly portion of  
20 her land has always been irrigated. The drain carried return flow water  
21 originally diverted from the Teanaway River and carried in the Seaton Ditch.  
22 Mrs. Cernick referred to the discussion in the Supplemental Report of Referee for  
23 the Istvan and Monroe claims (beginning on page 9). She uses the same drain and  
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1 suggested that the Referee's analysis for the water source for those claims would  
2 also fit her situation.

3 The Cernicks' land lies within the place of use on Certificate No. 133 from  
4 the earlier Teanaway River Adjudication. That certificate, which has an 1891  
5 priority date, authorized the diversion of 2.6 cubic feet per second from the  
6 Teanaway River for the irrigation of 70 acres in the SE $\frac{1}{4}$  of Section 33, T. 20 N.,  
7 R. 16 E.W.M. The authorized point of diversion is in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26,  
8 T. 20 N., R. 16 E.W.M., which is where one of the diversions into the Seaton  
9 Ditch was located. The diversions into Seaton Ditch were destroyed in the 1996  
10 flood. The Referee recommended confirmation of water rights to three claimants  
11 who also own portions of the SE $\frac{1}{4}$  of Section 33. Daryle Starkovich was awarded a  
12 right to irrigate 33 acres, Beverly Miller was awarded a right to irrigate 8  
13 acres and Donald and Janice Osmonovich were awarded a right to irrigate 2 acres.  
14 Therefore, rights have been awarded for the irrigation of a total of 43 acres  
15 within the SE $\frac{1}{4}$  of Section 33. Mrs. Cernick testified that it was her  
16 understanding that the ditches carrying Seaton Ditch water that were used to  
17 irrigate land above hers would empty into the drain that runs through her  
18 property and then the water was withdrawn from the drain and used to irrigate her  
19 land and the Monroe and Istvan land further downstream. Statements were entered  
20 into the record showing that the Cernick property had been irrigated by prior  
21 owners of the land.

22 Mrs. Cernick testified that she and her husband have not actively irrigated  
23 because of the Acquavella case. They were told by someone, and she does not know  
24 who, to leave the water alone. However, the ditches on the property, while in  
25

1 need of cleaning, were operational. When there is sufficient water in the drain,  
2 water will flow into the ditch system on their property and flood irrigate the  
3 pasture. Mrs. Cernick believed that when the lands above her were being  
4 irrigated that runoff from those fields contributed to the irrigation of her  
5 land.

6 It is apparent from Mrs. Cernick's testimony that the irrigation of their  
7 property has been haphazard at best since they acquired the property in 1980.  
8 However, her testimony also indicates that water has been diverted from the drain  
9 into the irrigation ditches and used to flood irrigate her pasture. While the  
10 testimony was not totally clear in this regard, the Referee's belief is that the  
11 water use has been sufficient to prevent relinquishment of the water right under  
12 the provisions of RCW 90.14.160.

13 Therefore, the Referee recommends that a right be confirmed to the Cernicks  
14 with a June 30, 1891, date of priority for the diversion of 0.32 cubic foot per  
15 second, 86.4 acre-feet per year from the Teanaway River for the irrigation of 16  
16 acres and stock watering. The point of diversion that will be authorized is that  
17 described in Certificate No. 133, which is into the Seaton Ditch. However, as  
18 previously mentioned, that diversion has been destroyed by a flood. The Referee  
19 is aware of efforts by the United States to install a pipe system to replace  
20 Seaton Ditch. The Court issued an Order Pendente Lite, which included  
21 authorization for many Seaton Ditch water users to use the diversion and pipe  
22 system being constructed by the United States. The Cernicks should contact the  
23 Bureau of Reclamation to determine whether their property would be included in  
24 this system.

1 Mrs. Cernick during her testimony indicated a desire to irrigate the land  
2 east of the drain. Although that land also lies within the place of use on  
3 Certificate No. 133, there has been no beneficial use of water on that portion of  
4 the land. In order for there to have been a water right for the land east of the  
5 drain, irrigation would have to have occurred within a reasonable time after  
6 initiation of the water right in 1891. That did not occur. Therefore, the land  
7 east of the drain does not enjoy a portion of the water right described in  
8 Certificate No. 133 and the Referee cannot recommend that a water right be  
9 confirmed for that portion of the property.

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11 COURT CLAIM NO. 01331 -- Larry T. Fudacz

12 This claim was remanded to allow Mr. Fudacz to present evidence to show that  
13 the spring being used does not flow to any natural water course, either above or  
14 below land surface. Mr. Fudacz's attorney, Richard T. Cole, appeared on his  
15 behalf at the remand hearing and stated his client had decided not to pursue the  
16 exception.

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18 COURT CLAIM NO. 01328 -- Rick Leavitt  
19 Trendwest Resorts, Inc.  
20 Gale Powell  
& Lynda Powell

21 The Department of Ecology filed an exception to the Referee's recommendation  
22 that a right be confirmed under Court Claim No. 01328. Ecology's position in the  
23 exception that was filed was that there were 50 acres for which a water right was  
24 recommended that had never been irrigated and could not have been irrigated at  
25 the time the right was established from the ditch serving the property. As

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 previously mentioned on page ### of this report, after consideration of arguments  
2 concerning Ecology's standing to bring this exception, the Court remanded the  
3 claim to the Referee to take additional testimony. Attorney James Davis  
4 represents Rick Leavitt and Dave Nelson, a licensed professional land surveyor  
5 employed by Mr. Leavitt and Rick Leavitt testified in support of the claim.  
6 Kevin Brown, an Ecology employee, testified in support of Ecology's exception.

7 The Referee recommended in the initial Report of Referee for Subbasin No. 3  
8 that a water right be confirmed for the diversion of 1.60 cubic feet per second,  
9 432 acre-feet per year from the Teanaway River for the irrigation of 80 acres in  
10 that portion of the SW¼ of Section 34, T. 20 N., R. 16 E.W.M. lying southeast of  
11 the Teanaway River and west of the Bugni Ditch. At the time of the first  
12 evidentiary hearing (1991), the land was owned by Geraldine Elich. She had  
13 obtained the land in 1980 from her aunt and had not irrigated it since that  
14 time. In spite of the water right not being exercised between 1980 and 1991 when  
15 the evidentiary hearings were held, the Referee recommend that a water be  
16 confirmed. This recommendation was based on the Referee and Court's earlier  
17 interpretation that the adjudication was a legal proceeding that provided a  
18 sufficient cause for non-use of water, thereby preventing relinquishment. See  
19 RCW 90.14.140 and RCW 90.14.160. However, since that time, the Washington State  
20 Supreme Court in R. D. Merrill v. State, Pollution Control Hearings Board, 137  
21 Wn.2d 118, (1999) (Merrill) has ruled that in order for a legal proceeding to be  
22 a sufficient cause to prevent relinquishment when the water right has not been  
23 exercised, the legal proceeding had to prevent the use of water. That is not the  
24 case in this adjudication. The adjudication does not automatically prevent the  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3



1 use of a water right. Since the Merrill ruling, the Referee and the Court in this  
2 adjudication have applied relinquishment if a water right has not been exercised  
3 for five or more successive years. Therefore, although Ecology's initial  
4 exception was that the right should only have been confirmed for the 30 acres  
5 that have been irrigated, the Referee must determine whether the water right has  
6 been relinquished as a result of over 20 years of nonuse.

7 Rick Leavitt obtained an option to purchase the land in 1989 and actually  
8 purchased the land in 1994. According to his testimony, the only water use on  
9 the property is from three wells that are operated as a Class B water system (the  
10 Referee believes that Class B is a reference to Department of Health standards  
11 for public water systems). Mr. Leavitt testified that a pond on the property was  
12 used by prior owners to hold water diverted from the Teanaway River to irrigate  
13 the land. Aluminum pipe was used to run water from the pond to ditches used to  
14 irrigate the land. Mr. Nelson's firm was hired in 1991 to perform an aerial  
15 survey of the area and draw a contour map of the Leavitt property. A copy of the  
16 contour map was entered into evidence as exhibit DE-282 and exhibit DE-283 was a  
17 topographic map of the area, showing the elevation changes on the land. Mr.  
18 Nelson pointed out ditches that cross the claimant's land and estimated that  
19 between 50 and 55 acres have been in cultivation in the past that lie at an  
20 elevation where they could have been irrigated by gravity flow from the ditches  
21 on the property. Kevin Brown agreed with Mr. Nelson's estimate that between 50  
22 and 55 acres had been irrigated in the past and would be the extent of the water  
23 right appurtenant to the land.

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1 None of the evidence presented at the remand hearing related to water use on  
2 the land since 1980. Based on the record, the Referee concludes that the water  
3 right has not been exercised since at least 1980. Prior to the Merrill ruling  
4 the Referee would have considered the adjudication to be a sufficient cause for  
5 the nonuse, thus preventing relinquishment, see RCW 90.14.140, which is why the  
6 Referee was able to initially recommend that a water be confirmed, in spite of  
7 Ms. Elich's testimony that she had not used water. However, as previously  
8 stated, the adjudication has not prevented the use of water from the Teanaway  
9 River by either Ms. Elich or Mr. Leavitt. Mr. Leavitt presented nothing to  
10 persuade the Referee that the adjudication prevented the use of water. In fact  
11 the water right had actually relinquished in 1985, many years prior to his  
12 acquiring the land. There was also no evidence presented to show that the  
13 non-use was the result of any of the other sufficient causes identified in RCW  
14 90.14.140. Therefore, the water right has relinquished pursuant to RCW  
15 90.14.160. See the Yakima-Tieton Irrigation District Remand Report, Vol. 16B,  
16 for the Court's consideration of the Merrill decision and applying relinquishment  
17 to this proceeding.

18 The Referee withdraws the original recommendation to confirm a water right  
19 under Court Claim No. 01328 and recommends that a water right not be confirmed.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

**FINDINGS OF FACT**

I, DOUGLAS CLAUSING, as Referee in this proceeding, having carefully examined the testimony and evidence, do hereby make the following Findings of Fact:

Based upon the additional testimony and evidence obtained at either the exception hearing or the remand hearing, the Report of Referee - Subbasin No. 3, dated January 25, 1995, and the Supplemental Report of Referee - Subbasin No. 3, dated March 29, 1999, should be modified as follows:

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1 CLAIMANT NAME: Bruno N. Bonetto COURT CLAIM NO. 00553  
2 & Elma Bonetto  
3 Source: Teanaway River  
4 Use: Irrigation of 4.6 acres  
5 Period of Use: May 1 through September 15  
6 Quantity: 0.09 cfs; 13.8 acre-feet per year  
7 Priority Date: June 30, 1882  
8 Point of Diversion: 350 feet south and 800 feet east from the west  
9 quarter corner of Section 34, being within the  
10 NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M.  
11 Place of Use: The NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M.

11 CLAIMANT NAME: Bruno N. Bonetto COURT CLAIM NO. 12485  
12 Source: Teanaway River  
13 Use: Irrigation of 5.1 acres and stock watering  
14 Period of Use: May 1 through September 15  
15 Quantity: 0.102 cubic foot per second, 27.54 acre-feet per year  
16 Priority Date: June 30, 1882  
17 Point of Diversion: 1200 feet south and 600 feet west from the east  
18 quarter corner of Section 26, being within the  
19 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
20 Place of Use: Lots 2, 3 and 4 of Short Plat 78-03, records of  
21 Kittitas County, being a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
22 Section 34, T. 20 N., R. 16 E.W.M. lying west of the  
23 Masterson Road.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

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CLAIMANT NAME: **June McClure** COURT CLAIM NO. 00553  
Source: The Teanaway River  
Use: Irrigation of 8.5 acres and stock watering  
Period of Use: May 1 through September 15  
Quantity: 0.17 cubic foot per second, 45.9 acre-feet per year  
Priority Date: **June 30, 1882**  
Point of Diversion: 1200 feet south and 600 feet west of the east quarter corner of Section 26, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
Place of Use: That portion of the NW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M. lying north of State Route 970 and south of Red Bridge Road

SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Ivan J. Osmonovich  
& Davene A. Osmonovich

COURT CLAIM NO. 01692

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3 Source:

Teanaway River

4 Use:

Irrigation of 2 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

0.04 cfs; 13 acre-feet per year

7 Priority Date:

June 30, 1882

8 Point of Diversion:

1200 feet south and 600 feet west from the east  
quarter corner of Section 26, being within the  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

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10 Place of Use:

Lot 1 of Hutchins Short Plat No. 78-03 within the  
SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M.  
described as follows: Commencing at the west  
quarter corner of said section; thence north 260  
feet to the true point of beginning; thence north  
approximately 750 feet to the southerly boundary of  
West Masterson Road; thence southeasterly 535 feet  
along said road; thence southwest 520 feet to the  
true point of beginning.

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15 Limitations of Use:

When surplus water is available in the river in  
excess of that needed to satisfy all existing water  
rights, an additional 0.04 cubic foot per second may  
be diverted. This water is normally only available  
for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Harry James Masterson COURT CLAIM NO. 01467  
2 & Mary Lou Masterson (A) 03296

3 Source: Teanaway River

4 Use: Irrigation of 235 acres and stock water

5 Period of Use: May 1 through September 15 for irrigation;  
continuously for stock watering

6 Quantity: 4.8 cfs; 1527.50 acre-feet per year for irrigation  
7 and stock watering from May 1 through September 15;  
8 1.0 cfs; 5 acre-feet per year (consumptive use) for  
stock water from September 16 through April 30

9 Priority Date: June 30, 1883

10 Point of Diversion: 900 feet south and 350 feet east from the north  
11 quarter corner of Section 25, being within the  
NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

12 Place of Use: Those portions of S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, and  
13 N $\frac{1}{2}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33 lying southerly and  
14 westerly of Masterson Ditch, ALL being within  
T. 20 N., R. 16 E.W.M.

15 Limitations of Use: When surplus water is available in excess of that  
16 needed to satisfy all existing rights, up to 7.60  
17 cfs can be diverted. This water will normally only  
18 be available for a 30 day period in May and June.  
19 The 7.60 cfs that can be diverted when surplus water  
20 is available is not in addition to that which the  
21 Mundys can divert under their right with the same  
22 priority date and claim number. Additionally, the  
23 quantity awarded to the Mundys under the same  
24 priority date and claim number for stock watering  
25 from September 16 through April 30 is not in  
26 addition to the quantity herein authorized. The 1.0  
27 cfs can be diverted continuously from September 16  
28 through April 31; the 5 acre-feet is the consumptive  
use.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Harry James Masterson COURT CLAIM NO. 01467  
2 & Mary Lou Masterson (A) 03296  
3 Source: An unnamed spring  
4 Use: Continuous stock water  
5 Period of Use: Continuously  
6 Quantity: 0.0022 cfs; 1.6 acre-feet per year  
7 Priority Date: June 30, 1883  
8 Point of Diversion: 675 feet north and 450 feet east from the west  
9 quarter corner of Section 21, being within the  
10 SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, T. 20 N., R. 16 E.W.M.  
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26 Place of Use: The NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 21, T. 20 N., R. 16 E.W.M.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28



1 CLAIMANT NAME: Wilbur H. Mundy COURT CLAIM NO. 01467  
2 & Mary Ann Mundy (A) 03296

3 Source: Teanaway River

4 Use: Irrigation of 45 acres and stock watering

5 Period of Use: May 1 through September 15 for irrigation;  
continuously for stock watering

6 Quantity: 0.90 cfs; 292.5 acre-feet per year for irrigation  
7 from May 1 through September 15; 1.0 cfs; 5  
8 acre-feet (consumptive use) from September 16  
through April 30 for stock watering.

9 Priority Date: June 30, 1883

10 Point of Diversion: 900 feet south and 350 feet east from the north  
11 quarter corner of Section 25, being within the  
NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

12 Place of Use: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28 and the  
13 NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, T. 20 N., R. 16 E.W.M. lying  
southwesterly of the Masterson Ditch

14 Limitations of Use: When surplus water is available in excess of that  
15 needed to satisfy all existing rights, up to 1.80  
16 cfs can be diverted. This water will normally only  
17 be available for a 30 day period in May and June.  
18 The surplus water (quantity in addition to 0.90 cfs)  
19 is not in addition to the surplus water that the  
20 Mastersons can divert under their right with the  
21 same priority date and claim number. The maximum  
22 that can be diverted into the Masterson Ditch for  
the Masterson/Mundy property is 7.60 cfs.  
23 Additionally, the quantity awarded to the Mastersons  
24 under the same priority date and claim number for  
25 stock watering from September 16 through April 30 is  
not in addition to the quantity herein authorized.  
26 The 1.0 cfs can be diverted continuously from  
27 September 16 through April 30; the 5 acre-feet is  
28 the consumptive use.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Donald W. Walker COURT CLAIM NO. 02255  
2 & Gloria Walker (A) 04465  
3 Trendwest Resorts, Inc. (A) 04493

4 Source: Teanaway River

5 Use: Irrigation of 63 acres and stock water

6 Period of Use: May 1 through September 15

7 Quantity: 1.26 cfs; 340.2 acre-feet per year for irrigation; 1  
8 acre-foot per year for stock water

9 Priority Date: June 30, 1883

10 Point of Diversion: 1. 600 feet north and 200 feet east from the center  
11 of Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
12 Section 25, T. 20 N., R. 16 E.W.M.  
13 2. 1200 feet south and 600 feet west of the east  
14 quarter corner of Section 26, being within the  
15 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

16 Place of Use: Those portions of the following described parcels  
17 lying south of East Masterson Road and north of  
18 State Route 970: The NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  and  
19 W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

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1 CLAIMANT NAME: Donald W. Walker COURT CLAIM NO. 02255  
2 & Gloria Walker (A) 04465  
3 Trendwest Resorts, Inc. (A) 04493  
4 Source: Teanaway River  
5 Use: Irrigation of 70 acres and stock water  
6 Period of Use: May 1 through September 15  
7 Quantity: 1.4 cfs; 378 acre-feet per year for irrigation; 1  
8 acre-foot per year for stock watering  
9 Priority Date: June 30, 1883  
10 Point of Diversion: 600 feet north and 200 feet east from the center of  
11 Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25,  
12 T. 20 N., R. 16 E.W.M.  
13 Place of Use: That portion of the S $\frac{1}{2}$ NW $\frac{1}{4}$  and N $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 25,  
14 T. 20 N., R. 16 E.W.M. lying southerly of East  
15 Masterson Road and northerly of State Highway 970  
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14 CLAIMANT NAME: Donald W. Walker COURT CLAIM NO. 02255  
15 & Gloria Walker (A) 04465  
16 Trendwest Resorts, Inc. (A) 04493  
17 Source: Teanaway River  
18 Use: Irrigation of 4 acres  
19 Period of Use: May 1 through September 15  
20 Quantity: 0.08 cfs; 21.6 acre-feet per year  
21 Priority Date: June 30, 1883  
22 Point of Diversion: 600 feet north and 200 feet east from the center of  
23 Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25,  
24 T. 20 N., R. 16 E.W.M.  
25 Place of Use: That portion of the E $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 26,  
26 T. 20 N., R. 16 E.W.M., lying southerly of East  
27 Masterson Road and northerly of State Highway 970.  
28

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206  
2 **Trendwest Resorts, Inc.** (A) 03119  
(A) 05238

3 Source: North Fork Teanaway River  
4 Use: Irrigation of 55 acres, road watering, maintenance  
5 fire protection and stock water  
6 Period of Use: May 1 through September 15  
7 Quantity: 1.10 cfs; 220 acre-feet per year for irrigation,  
8 road watering, maintenance and fire protection, 1  
acre-foot per year for stock water  
9 Priority Date: **June 30, 1884**  
10 Point of Diversion: 1250 feet north and 1050 west from the east quarter  
11 corner of Section 8, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
Section 8, T. 21 N., R. 16 E.W.M.  
12 Place of Use: That portion of the E $\frac{1}{2}$ E $\frac{1}{2}$  of Section 8 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$   
13 of Section 17, lying west of the North Fork Teanaway  
14 Road, and east of the North Fork Teanaway River, ALL  
being within T. 21 N., R. 16 E.W.M.

15 CLAIMANT NAME: **Bruno N. Bonetto** COURT CLAIM NO. 00553  
16 **& Elma Bonetto**

17 Source: Teanaway River  
18 Use: Irrigation of 22 acres  
19 Period of Use: May 1 through September 15  
20 Quantity: 0.44 cfs; 66 acre-feet per year  
21 Priority Date: **June 30, 1884**  
22 Point of Diversion: 350 feet south and 800 feet east from the west  
23 quarter corner of Section 34, being within the  
NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M.  
24 Place of Use: That portion of the NW $\frac{1}{4}$  of Section 34, T. 20 N.,  
25 R. 16 E.W.M. lying south of State Route 970.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

**Bruno N. Bonetto  
& Elma Bonetto**

COURT CLAIM NO. 00553

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 8 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

0.16 cfs; 24 acre-feet per year

7 Priority Date:

**June 30, 1884**

8 Point of Diversion:

350 feet south and 800 feet east from the west  
9 quarter corner of Section 34, being within the  
NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N., R. 16 E.W.M.

10 Place of Use:

That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 20 N.,  
11 R. 16 E.W.M. lying north and west of the Teanaway  
12 River

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26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

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1 CLAIMANT NAME: Milton F. Downs COURT CLAIM NO. 00777  
2 & Geraldine Downs (A) 05114

3 Source: Teanaway River, Mason Creek and Musser Creek

4 Use: Irrigation of 8 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 0.16 cfs; 52 acre-feet per year

7 Priority Date: June 30, 1884

8 Point of Diversion: Teanaway River: 150 feet north and 800 feet west  
9 from the southeast corner of Section 10, being  
10 within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N.,  
11 R. 16 E.W.M.

12 Mason Creek: 10 feet west and 10 feet south of the  
13 east quarter corner of Section 14, being within the  
14 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M.

15 Musser Creek: (approximately) 10 feet north and 700  
16 feet east from the center of Section 13, being  
17 within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  or NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13,  
18 T. 20 N., R. 16 E.W.M.

19 Place of Use: That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N.,  
20 R. 16 E.W.M., described as follows: Commencing at  
21 the west quarter corner of said section; thence east  
22 1050 feet, more or less, to the east right of way of  
23 the Teanaway Road and the point of beginning; thence  
24 east 500 feet; thence S 35° E 1500 feet; thence  
25 S 20° W 300 feet to the east right of way of said  
26 road; thence northwest along said right of way 2000  
27 feet, more or less, to the point of beginning

28 Limitations of Use: When surplus water is available in the river in  
excess of that needed to satisfy all existing  
rights, an additional 0.16 cubic foot per second can  
be diverted. This water will normally only be  
available for a 30 day period in May and June.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Beverly Miller** COURT CLAIM NO. 02226  
2 Source: Teanaway River  
3 Use: Irrigation of 1 acre  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.02 cfs; 5.4 acre-feet per year  
6 Priority Date: **June 30, 1884**  
7 Point of Diversion: 1200 feet south and 600 feet west of the east  
8 quarter corner of Section 26, being within the  
9 NE¼SE¼ of Section 26, T. 20 N., R. 16 E.W.M.  
10 Place of Use: That portion of the NW¼SW¼ of Section 34, T. 20 N.,  
R. 16 E.W.M. lying south of State Route 970 and west  
of the county road.

11 CLAIMANT NAME: **Boise Cascade Corporation** COURT CLAIM NO. 02206  
12 (A) 03119  
13 (A) 05238  
14 Source: An unnamed spring  
15 Use: Single domestic supply  
16 Period of Use: Continuous  
17 Quantity: 0.02 cfs; 1 acre-foot per year  
18 Priority Date: **June 30, 1885**  
19 Point of Diversion: 1100 feet north and 700 feet east from the center of  
20 Section 6, being within the SW¼NE¼ of Section 6,  
T. 20 N., R. 16 E.W.M.  
21 Place of Use: That portion of the W¼SE¼SW¼NE¼ of Section 6,  
T. 20 N., R. 16 E.W.M. lying north of the West Fork  
22 Teanaway Road.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME:

**The Estate of Ted Bugni  
& The Estate of Agnes Bugni**

COURT CLAIM NO. 01566

2  
3 Source:

Teaway River

4 Use:

Irrigation of 76 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

1.5 cfs; 410.4 acre-feet per year

7 Priority Date:

**June 30, 1885**

8 Point of Diversion:

600 feet south and 500 feet west from the center of  
9 Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34,  
T. 20 N., R. 16 E.W.M.

10 Place of Use:

That portion of the west 2200 feet of the NW $\frac{1}{4}$  of  
11 Section 3, T. 19 N., R. 16 E.W.M. lying easterly of  
12 the Teaway River and north of State Highway 10.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME: Frederick Dickhaus COURT CLAIM NO. 01942  
2 Source: Teanaway River  
3 Use: Irrigation of 28.42 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.57 cfs; 184.73 acre-feet per year  
6 Priority Date: June 30, 1885  
7 Point of Diversion: 800 feet north and 800 feet east of the southwest  
8 corner of Section 13, being within the SW¼SW¼ of  
9 Section 13, T. 20 N., R. 16 E.W.M.  
10 Place of Use: Parcel C-5 of that certain Survey recorded November  
11 13, 1991, in Book 18 of Surveys, pages 81-84 under  
12 Auditor's file No. 544641, being a portion of the  
13 NE¼ of Section 24, T. 20 N., R. 16 E.W.M.  
14 Limitations of Use: When sufficient water is available in excess of that  
15 needed to satisfy all existing rights, an additional  
16 0.57 cfs can be diverted from the river. This water  
17 wil normally be available for a 30 day period in May  
18 and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME:

Milton F. Downs  
& Geraldine Downs

COURT CLAIM NO. 00777

(A) 05114

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 22 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.44 cfs; 143 acre-feet per year for irrigation;  
2 acre-feet per year for stock water

7 Priority Date:

June 30, 1885

8 Point of Diversion:

150 feet north and 800 feet west from the southeast  
9 corner of Section 10, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
Section 10, T. 20 N., R. 16 E.W.M.

10 Place of Use:

11 That portion of the E $\frac{1}{2}$  of Section 14, T. 20 N.,  
R. 16 E.W.M., described as follows: Commencing at  
12 the east quarter corner of said section; thence  
north to the south right of way of the Teanaway  
13 Road; thence northwesterly to the intersection of  
said road and 3M Ditch, being the point of  
beginning; thence northwesterly along said right of  
14 way 700 feet, more or less; thence southerly 90  
feet, more or less, to the old railroad right of  
15 way; thence southeasterly along the said right of  
way 2000 feet, more or less; thence easterly 80  
16 feet, more or less, to Mason Creek; thence  
northeasterly along the west bank of said creek to  
17 the 3M Ditch; thence northwesterly along the south  
bank of said ditch to the point of beginning.

18 Limitations of Use:

19 When surplus water is available in the river in  
excess of that needed to satisfy all existing  
20 rights, an additional 0.44 cubic foot per second can  
be diverted. This water will normally only be  
21 available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

**Norman Drotning  
& Lael Drotning**

COURT CLAIM NO. 01942

2  
3 Source:

Teaway River

4 Use:

Irrigation of 8.0 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.16 cfs; 52.0 acre-feet per year

7 Priority Date:

**June 30, 1885**

8 Point of Diversion:

800 feet north and 800 feet east from the southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

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10 Place of Use:

Parcel D-4 of that certain survey recorded November 13, 1991, in Book 18 of Surveys at page 81-84, under Auditor's file No. 544641, being a portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

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13 Limitations of Use:

When sufficient water is available in excess of that needed to satisfy all existing water rights, an additional 0.16 cfs can be diverted from the river. This water will normally be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

William A. Evenden  
& Karen Evenden

COURT CLAIM NO. 00777  
(A)05114

2  
3 Source:

Teaway River, Mason Creek and Musser Creek

4 Use:

Irrigation of 27.5 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.55 cfs; 178.75 acre-feet per year for irrigation,  
2 acre-feet per year for stock water

7 Priority Date:

June 30, 1885

8 Point of Diversion:

9 Teaway River - 150 feet north and 800 feet west  
10 from the southeast corner of Section 10, being  
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N.,  
R. 16 E.W.M.

11 Mason Creek - 10 feet west and 10 feet south of the  
12 east quarter corner of Section 14, being within the  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M.

13 Musser Creek: 1000 feet south and 1600 feet east of  
14 the west quarter corner of Section 13, being within  
the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

15 Place of Use:

16 That portion of the following described parcel lying  
17 in the SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.:  
18 Beginning at a point on the south line of said  
19 section on the westerly right of way of the Teaway  
20 Road; thence northwesterly along said right of way  
to Musser Creek; thence southwesterly along said  
21 creek to the Giles-Castor Ditch; thence easterly  
along the north bank of said ditch to the south line  
of said section; thence east to the point of  
beginning; also known as Parcels 3 and 4 of that  
survey recorded in Book 16 of Surveys, at Pages 61  
and 62, records of Kittitas County.

22 Limitations of Use:

23 When surplus water is available in the river in  
24 excess of that needed to satisfy all existing water  
rights, an additional 0.55 cubic foot per second can  
25 be diverted. This water will normally only be  
available for a 30 day period in May and June.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Larry Fookes COURT CLAIM NO. 01942  
2 & Sharon Fookes

3 Source: Teanaway River

4 Use: Irrigation of 24.48 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 0.49 cfs; 159.12 acre-feet per year

7 Priority Date: June 30, 1885

8 Point of Diversion: 800 feet north and 800 feet east of the southwest  
9 corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
10 Section 13, T. 20 N., R. 16 E.W.M.

11 Place of Use: Parcel C-6 of that certain survey recorded  
12 November 13, 1991, in Book 18 of Surveys at pages  
13 81-84, under Auditor's file No. 544641, being a  
14 portion of the E $\frac{1}{2}$  of Section 24, T. 20 N.,  
15 R. 16 E.W.M.

16 Limitations of Use: When sufficient water is available in excess of that  
17 needed to satisfy all existing rights, an additional  
18 0.49 cfs can be diverted from the river. This water  
19 will normally be available for a 30 day period in  
20 May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Richard Hancock** COURT CLAIM NO. 01942  
2 & **Shirley Hancock**

3 Source: Teanaway River

4 Use: Irrigation of 69.54 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 1.39 cfs; 452.01 acre-feet per year

7 Priority Date: **June 30, 1885**

8 Point of Diversion: 800 feet north and 800 feet east of the southwest  
9 corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
10 Section 13, T. 20 N., R. 16 E.W.M.

11 Place of Use: Parcels C-10, D-5, D-9, D-10 and D-11 of that  
12 certain survey recorded November 13, 1991, in Book  
13 18 of Surveys at pages 81-84, under Auditor's file  
14 No. 544641 being a portion of the E $\frac{1}{2}$  of Section 25  
15 and the SE $\frac{1}{4}$  of Section 24, T. 20 N., R. 16 E.W.M.

16 Limitations of Use: When sufficient water is available in excess of that  
17 needed to satisfy all existing rights, an additional  
18 1.39 cfs can be diverted from the river. This water  
19 will normally be available for a 30 day period in  
20 May and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Patrick Hollingsworth COURT CLAIM NO. 01942  
2 & Jenny Hollingsworth

3 Source: Teanaway River

4 Use: Irrigation of 10.0 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 0.20 cfs; 65.0 acre-feet per year

7 Priority Date: June 30, 1885

8 Point of Diversion: 800 feet north and 800 feet east of the southwest  
9 corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
10 Section 13, T. 20 N., R. 16 E.W.M.

11 Place of Use: Parcel D-6 of that certain survey recorded  
12 November 13, 1991, in Book 18 of Surveys at page  
13 81-84 under Auditor's file No. 544641 being a  
14 portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N.,  
15 R. 16 E.W.M.

16 Limitations of Use: When sufficient water is available in excess of that  
17 needed to satisfy all existing rights, an additional  
18 0.20 cfs can be diverted from the river. This water  
19 will normally be available for a 30 day period in  
20 May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

William S. Johnson  
& Jane E. Johnson

COURT CLAIM NO. 01942

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 11.41 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

0.23 cfs; 74.17 acre-feet per year

7 Priority Date:

June 30, 1885

8 Point of Diversion:

800 feet north and 800 feet east of the southwest  
9 corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
Section 13, T. 20 N., R. 16 E.W.M.

10 Place of Use:

Parcel D-7 of that certain survey recorded  
11 November 13, 1991, in Book 18 of Surveys at page  
81-84, under Auditor's file No. 544641, being a  
12 portion of the NE $\frac{1}{4}$  of Section 25, T. 20 N.,  
R. 16 E.W.M.

13 Limitations of Use:

14 When sufficient water is available in excess of that  
needed to satisfy all existing rights, an additional  
15 0.23 cfs can be diverted from the river. This water  
will normally be available for a 30 day period in  
16 May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME: Robin Knox Little COURT CLAIM NO. 00558  
2 & Carol Michon Little (A) 02338  
3 Source: An unnamed creek  
4 Use: Irrigation of 5 acres  
5 Period of Use: May 1 through September 30  
6 Quantity: 0.10 cfs; 5 acre-feet per year  
7 Priority Date: June 30, 1885  
8 Point of Diversion: 1000 feet north and 400 feet west from the center of  
9 Section 20, being within the SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 20,  
T. 20 N., R. 17 E.W.M.  
10 Place of Use: SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 20, T. 20 N., R. 17 E.W.M.  
11 Limitations of Use: A maximum of 5 acres are authorized to be irrigated;  
12 however, due to the landowners irrigation practices  
13 and cropping, a different part of the described  
14 tract may be irrigated. A total area of 29 acres  
has been irrigated, but under this right, no more  
than five acres may be irrigated in any given  
irrigation season.

15 CLAIMANT NAME: Robin Knox Little COURT CLAIM NO. 00559  
16 & Carol Michon Little (A) 02339  
17 Source: An unnamed creek  
18 Use: Irrigation of 10 acres  
19 Period of Use: May 1 through September 30  
20 Quantity: 0.05 cfs; 9 acre-feet per year  
21 Priority Date: June 30, 1885  
22 Point of Diversion: 600 feet south and 50 feet west of the center of  
23 Section 20, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20,  
T. 20 N., R. 17 E.W.M.  
24 Place of Use: N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 20, T. 20 N., R. 17 E.W.M.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME:

**John Livengood  
& Ann Livengood**

COURT CLAIM NO. 01942

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 13 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.26 cfs; 84.50 acre-feet per year

7 Priority Date:

**June 30, 1885**

8 Point of Diversion:

800 feet north and 800 feet east of the southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

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10 Place of Use:

Parcels D-2 and D-3 of that certain survey recorded November 13, 1991, in Book 18 of Surveys at page 81-84, under Auditor's file No. 544641 being a portion of the NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

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13 Limitations of Use:

When sufficient water is available in excess of that needed to satisfy all existing rights, an additional 0.26 cfs can be diverted from the river. This water will normally be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: John Lixvar COURT CLAIM NO. 01942  
2 Source: Teanaway River  
3 Use: Irrigation of 24.46 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.49 cfs; 158.99 acre-feet per year  
6 Priority Date: June 30, 1885  
7 Point of Diversion: 800 feet north and 800 east from the southwest  
8 corner of Section 13, being within the SW¼SW¼ of  
9 Section 13, T. 20 N., R. 16 E.W.M.  
10 Place of Use: Parcel C-11 of that certain survey recorded  
11 November 13, 1991, in Book 18 of Surveys at pages  
12 81-84, under Auditor's file No. 544641, being a  
13 portin of the SE¼ of Section 24 and the NE¼ of  
14 Section 25, T. 29 N., R. 16 E.W.M.  
15 Limitations of Use: When sufficient water is available in excess of that  
16 needed to satisfy all existing rights, an additional  
17 0.49 cfs can be diverted from the river. This water  
18 will normally be available for a 30 day period in  
19 May and June.  
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1 CLAIMANT NAME: William A. Lloyd COURT CLAIM NO. 01942  
2 & Geraldine C. Lloyd

3 Source: Teanaway River

4 Use: Irrigation of 4.25 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 0.085 cfs; 27.63 acre-feet per year

7 Priority Date: June 30, 1885

8 Point of Diversion: 800 feet north and 800 feet east from the southwest  
9 corner of Section 13, being within SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
10 Section 13, T. 20 N., R. 16 E.W.M.

11 Place of Use: Parcel C-12 of that certain survey recorded  
12 November 13, 1991, in Book 18 of Surveys at page  
13 81-84, under Auditor's file No. 544641, being a  
14 portion of the SE $\frac{1}{4}$  of Section 24 T. 20 N.,  
15 R. 16 E.W.M.

16 Limitations of Use: When sufficient water is available in excess of that  
17 needed to satisfy all existing rights, an additional  
18 0.085 cfs can be diverted from the river. This  
19 water will normally be available for a 30 day period  
20 in May and June.

21 CLAIMANT NAME: Ronald J. Montgomery COURT CLAIM NO. 01286  
22 & Becky Montgomery

23 Source: The Teanaway River

24 Use: Irrigation of 26.81 acres and stock watering for the  
25 Montgomery and 4.39 acres for the Stephenson property

26 Period of Use: May 1 through September 15

27 Quantity: 0.536 cfs; 174.27 acre-feet per year for the  
28 Montgomery land, 0.088 cfs; 28.54 acre-feet per year  
for the Stephenson land

Priority Date: June 30, 1885

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 Point of Diversion: 1200 feet south and 600 feet west of the east  
2 quarter corner of Section 26, being within the  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

3 Place of Use: Montgomery: Lots 2 and 3 of Montgomery Short Plat  
4 SP92-17, described as follows: That portion of the  
S $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, T. 20 N., R. 16 E.W.M.  
5 described as follows: Commencing at the east  
6 quarter corner of said section; thence west 799.75  
7 feet more or less to the point of beginning; thence  
8 continuing west 915.18 feet, more or less; thence N  
9 01°30'59" E 568.36 feet, more or less; thence N  
10 89°30'43" W 456.49 feet, more or less; thence N  
11 00°11'45" E 687.27 feet more or less to the south  
12 boundary of West Masterson Road; thence east along  
13 the West Masterson Road 1190.15 feet more or less;  
14 thence S 05°13'26" E 1007.63 feet more or less;  
15 thence S 06°95'22" E 170.61 feet more or less to the  
16 point of beginning.

17 Stephenson: Lot 1 of Montgomery Short Plat SP92-17  
18 described (approximately) as follows: Beginning at  
19 the center of Section 33; thence N 00°11'45" E  
20 563.03 feet; thence east 30 feet to the point of  
21 beginning; thence N 00°11'45" E 686.05 feet; thence  
22 S 89°40'34" E 426.32 feet; thence S 00°11'45" W  
23 687.26 feet; thence N 89°30'43" W 426.32 feet to the  
24 point of beginning.

25 Limitations of Use: When surplus water is available in the river in  
26 excess of that needed to satisfy all existing  
27 rights, an additional 0.536 cfs can be diverted by  
28 the Montgomerys and 0.088 cfs can be diverted by the  
Stephensons. This water will normally only be  
available for a 30 day period in May and June.

1 CLAIMANT NAME:

T. Olin Nichols  
& Nanci Nichols

COURT CLAIM NO. 01942

2  
3 Source:

Teaway River

4 Use:

Irrigation of 75.24 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

1.5 cfs; 489.06 acre-feet per year

7 Priority Date:

June 30, 1885

8 Point of Diversion:

800 feet north and 800 feet east of the southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

Parcels C-1 and C-2 of that certain survey recorded November 13, 1991 in Book 18 of Surveys at pages 81-84, under Auditor's file No. 544641, being a portion of the N $\frac{1}{2}$  of Section 24 and the SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

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13 Limitations of Use:

When sufficient water is available in excess of that needed to satisfy all existing rights, an additional 1.5 cfs can be diverted from the river. This water will normally only be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Ivan J. Osmonovich  
& Davene A. Osmonovich

COURT CLAIM NO. 01286

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 20.44 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

0.41 cfs; 132.86 acre-feet per year

7 Priority Date:

June 30, 1885

8 Point of Diversion:

1200 feet south and 600 feet west of the east quarter corner of Section 26, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

That portion of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, T. 20 N., R. 16 E.W.M. described as follows: Beginning at the east quarter corner; thence north 1050 feet to the southerly boundary of West Masterson Road; thence northwesterly 420 feet, more or less, along said road; thence west 640 feet more or less; thence S 6° E 1320 feet more or less; thence east 840 feet, more or less, to the point of beginning

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15 Limitations of Use:

If there is surplus water in the river in excess of that needed to satisfy all existing water rights, an additional 0.41 cubic foot per second may be diverted. This water will normally only be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Tommy Pratt  
& Genine Pratt

COURT CLAIM NO. 01286

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 8.36 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

0.167 cfs; 54.34 acre-feet per year

7 Priority Date:

June 30, 1885

8 Point of Diversion:

1200 feet south and 600 feet west of the east quarter corner of Section 26, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 33, T. 20 N., R. 16 E.W.M. described as follows: Commencing at the center of said section, thence north 40 feet to the point of beginning; thence continuing north 577.45 feet; thence east 912.64 feet; thence south 568.36 feet; thence westerly 900.13 feet to the point of beginning

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14 Limitations of Use:

When surplus water is available in the river in excess of that needed to satisfy all existing rights, an additional 0.167 cubic foot per second can be diverted. This water will normally only be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME:

William F. Sparks  
& Sandra N. Sparks

COURT CLAIM NO. 01942

2  
3 Source:

Teaway River

4 Use:

Irrigation of 50.75 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

1.01 cfs; 329.88 acre-feet per year

7 Priority Date:

June 30, 1885

8 Point of Diversion:

800 feet north and 800 feet east from the southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

Parcels C-4, C-7, C-8, C-9 of that certain survey recorded on November 13, 1991, in Book 18 of Surveys at pages 81-84, under Auditor's file No. 544641, being a portion of the E $\frac{1}{2}$  of Section 24, T. 20 N., R. 16 E.W.M., lying east of the Teaway River.

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13 Limitations of Use:

When sufficient water is available in excess of that needed to satisfy all existing rights, an additional 1.01 cfs can be diverted from the river. This water will normally be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Teanaway Associates** COURT CLAIM NO. 01942  
2 Source: Teanaway River  
3 Use: Irrigation of 25.45 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.51 cfs; 165.43 acre-feet per year  
6 Priority Date: **June 30, 1885**  
7 Point of Diversion: 800 feet north and 800 feet east from the southwest  
8 corner of Section 13, being within of SW¼SW¼ of  
9 Section 13, T. 20 N., R. 16 E.W.M.  
10 Place of Use: The following parcels of that certain survey  
11 recorded November 13, 1991, in Book 18 of Surveys at  
12 pages 81-84, under Auditor's file No. 544641, being  
13 a portion of the NE¼ of Section 25, T. 20 N.,  
14 R. 16 E.W.M. lying north of Highway 970, east of the  
15 Teanaway River and west of the Teanaway Road:  
16 C-13 (5.5 ac., Jon & June Congdon, Ernie Congdon &  
17 Susan Brown) D-12 (9.66 ac., Gary & Carla Fletcher)  
18 D-8 (10.29 ac., Fred & Sandra Fox)  
19 Limitations of Use: When sufficient water is available in excess of that  
20 needed to satisfy all existing rights, an additional  
21 0.51 cfs can be diverted from the river. This water  
22 will normally be available for a 30 day period in  
23 May and June.  
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25

1 CLAIMANT NAME: **Teanaway Valley Farms, Inc.** COURT CLAIM NO. 00777  
2 (A)05114

3 Source: Teanaway River, Mason Creek and Musser Creek

4 Use: Irrigation of 37.75 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 0.755 cfs; 245.375 acre-feet per year for  
7 irrigation, 2 acre-feet per year for stock water

8 Priority Date: **June 30, 1885**

9 Point of Diversion: Teanaway River - 150 feet north and 800 feet west  
10 from the southeast corner of Section 10, being  
11 within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N.,  
12 R. 16 E.W.M.

13 Mason Creek: 10 feet west and 10 feet south of the  
14 east quarter corner of Section 14, being within the  
15 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M.

16 Musser Creek: 1000 feet south and 1600 feet east of  
17 the west quarter corner of Section 13, being within  
18 the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

19 Place of Use: That portion of the SW $\frac{1}{4}$  of Section 13, T. 20 N.,  
20 R. 16 E.W.M. described as follows: Beginning at the  
21 west quarter corner of said section; thence east  
22 approximately 1000 feet, more or less, to the west  
23 right of way of the Teanaway Road; thence  
24 southeasterly, along said right of way, to Musser  
25 Creek; thence southwesterly along the said creek to  
26 the Teanaway River; thence northwesterly along the  
27 north bank of said river to the west line of said  
28 section; thence north along said line approximately  
2300 feet, more or less, to the point of beginning;  
also known as Parcels 1 and 2 of that survey  
recorded in Book 16 of Surveys, Pages 61 and 62,  
records of Kittitas County

Limitations of Use: When surplus water is available in excess of that  
needed to satisfy all existing water rights, an  
additional 0.755 cubic foot per second can be  
diverted. This water will normally only be  
available for a 30 day period in May and June.

SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Trendwest Resorts, Inc.** COURT CLAIM NO. 02206  
2 **Boise Cascade Corporation** (A) 03119  
(A) 05238  
3 Source: Teanaway River  
4 Use: Irrigation of 55 acres, road watering, maintenance,  
5 fire protection and stock water  
6 Period of Use: May 1 through September 15  
7 Quantity: 1.1 cfs; 220 acre-feet per year for irrigation, road  
8 watering, maintenance and fire protection, 1  
acre-foot per year for stock water  
9 Priority Date: **June 30, 1885**  
10 Point of Diversion: 1100 feet north and 500 feet west from the south  
11 quarter corner of Section 31, being within the  
SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 31, T. 21 N., R. 16 E.W.M.  
12 Place of Use: That portion of the NE $\frac{1}{4}$  of Section 6, T. 20 N.,  
R. 16 E.W.M. lying westerly of Teanaway Road.

13 CLAIMANT NAME: **Norman J. Cromarty** COURT CLAIM NO. 01863  
14 **& Shirley B. Cromarty**  
15 Source: North Fork Teanaway River  
16 Use: Irrigation of 32 acres  
17 Period of Use: May 1 through September 15  
18 Quantity: 0.64 cfs; 128 acre-feet per year  
19 Priority Date: **June 30, 1886**  
20 Point of Diversion: 525 feet north and 250 feet west from the east  
21 quarter corner of Section 6, being within SE $\frac{1}{4}$ NE $\frac{1}{4}$   
Section 6, T. 20 N., R. 16 E.W.M.  
22 Place of Use: The NE $\frac{1}{4}$ SW $\frac{1}{4}$  and that portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying  
23 south of the county road, all in Section 5,  
24 T. 20 N., R. 16 E.W.M.  
25

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Robert F. Barkshire COURT CLAIM NO. 01863  
2 Source: North Fork Teanaway River and Storey Creek  
3 Use: Irrigation of 10 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.20 cfs; 40 acre-feet per year  
6 Priority Date: June 30, 1887  
7 Point of Diversion: North Fork Teanaway River: 525 feet north and 250  
8 feet west from the east quarter corner of Section 6,  
9 being within SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, T. 20 N.,  
R. 16 E.W.M.;  
10 Storey Creek: 300 feet north and 600 feet east of  
11 the west quarter corner of Section 5, being within  
the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T. 20 N., R. 16 E.W.M.  
12 Place of Use: Parcel C of Survey Recorded in Book 17, Pages 190 &  
13 191, Auditor's File No. 539752, Records of Kittitas  
14 County, being a portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 5,  
15 T. 20 N., R. 16 E.W.M.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Douglas R. Chapman  
& Karol E. King

COURT CLAIM NO. 01863

2  
3 Source:

North Fork Teanaway River and Storey Creek

4 Use:

Irrigation of 8 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.16 cfs; 32 acre-feet per year

7 Priority Date:

June 30, 1887

8 Point of Diversion:

9 North Fork Teanaway River: 525 feet north and 250  
10 feet west from the east quarter corner of Section 6,  
being within SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, T. 20 N.,  
R. 16 E.W.M.;

11 Storey Creek: 300 feet north and 600 feet east of  
12 the west quarter corner of Section 5, being within  
the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T. 20 N., R. 16 E.W.M.

13 Place of Use:

14 Parcel A of Survey Recorded in Book 17, Pages 190 &  
15 191, Auditor's File No. 539752, Records of Kittitas  
16 County, being a portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 5,  
17 T. 20 N., R. 16 E.W.M.

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26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Norman J. Cromarty  
& Shirley B. Cromarty

COURT CLAIM NO. 01863

2  
3 Source:

North Fork Teanaway River and Storey Creek

4 Use:

Irrigation of 33 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.66 cfs; 132 acre-feet per year

7 Priority Date:

June 30, 1887

8 Point of Diversion:

9 North Fork Teanaway River: 525 feet north and 250  
10 feet west from the east quarter corner of Section 6,  
being within SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, T. 20 N.,  
R. 16 E.W.M.;

11 Storey Creek: 300 feet north and 600 feet east of  
12 the west quarter corner of Section 5, being within  
the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T. 20 N., R. 16 E.W.M.

13 Place of Use:

14 That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  lying south of the  
15 Teanaway Road and north of the Teanaway River,  
EXCEPT that described as Lots A, B and C of of  
16 Survey recorded in Book 17, pages 190 & 191,  
Auditor's File No. 539752, records of Kittitas  
17 County. Also the east 1,000 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  north  
of the Teanaway River and that portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$   
18 south of the Teanaway Road, ALL of the preceding in  
19 Section 5, T. 20 N., R. 16 E.W.M.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Philip J. King COURT CLAIM NO. 01863

2 Source: North Fork Teanaway River and Storey Creek

3 Use: Irrigation of 10 acres and stock water

4 Period of Use: May 1 through September 15

5 Quantity: 0.20 cfs; 40 acre-feet per year

6 Priority Date: June 30, 1887

7 Point of Diversion: North Fork Teanaway River: 525 feet north and 250  
8 feet west from the east quarter corner of Section 6,  
9 being within SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6, T. 20 N.,  
R. 16 E.W.M.;

10 Storey Creek: 300 feet north and 600 feet east of  
11 the west quarter corner of Section 5, being within  
the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T. 20 N., R. 16 E.W.M.

12 Place of Use: Parcel B of Survey Recorded in Book 17, Pages 190 &  
13 191, Auditor's File No. 539752, Records of Kittitas  
14 County, being a portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 5,  
15 T. 20 N., R. 16 E.W.M.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME: **John E. Conner** COURT CLAIM NO. 00746  
2 **Trendwest Resorts, Inc.** (A)06336

3 Source: Teanaway River and an unnamed stream

4 Use: Irrigation of 50 acres and stock water

5 Period of Use: May 1 through September 15

6 Quantity: 1.0 cfs; 325 acre-feet per year for irrigation, 2  
7 acre-feet per year for stock water

8 Priority Date: **June 30, 1888**

9 Point of Diversion: Teanaway River: 475 feet south and 200 feet west of  
10 the northeast corner of Section 8, being within the  
11 NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8, T. 20 N., R. 16 E.W.M.

12 Unnamed stream: 1100 feet south and 400 feet east  
13 of the northwest corner of Section 10, being within  
14 the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, T. 20 N., R. 16 E.W.M.

15 Place of Use: That portion of the NW $\frac{1}{4}$  of Section 10, T. 20 N.,  
16 R. 16 E.W.M. lying south of the Teanaway Road and  
17 north of the Teanaway River

18 Limitations of Use: When sufficient water is available in excess of that  
19 needed to satisfy all existing water rights, an  
20 additional 1.0 cubic foot per second may be diverted  
21 from the river. This water will normally be  
22 available for approximately 30 days in May or June.

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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Teanaway Valley Family Farm, LLP** COURT CLAIM NO. 00383  
2 & Dorothy J. (D.J.) Crosetto (A)05635

3 Source: Teanaway River and unnamed stream (John's Creek)

4 Use: Irrigation of 70 acres and stockwater

5 Period of Use: May 1 through September 15

6 Quantity: 1.4 cfs; 455 acre-feet per year for irrigation, 2  
7 acre-feet per year for stock watering

8 Priority Date: **June 30, 1888**

9 Point of Diversion: Teanaway River: 475 feet south and 200 feet west  
10 from the northeast corner of Section 8, being within  
11 the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8, T. 20 N., R. 16 E.W.M.

12 Unnamed Creek: 400 feet north and 850 feet east of  
13 the center of Section 10, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
14 Section 10, T. 20 N., R. 16 E.W.M.

15 Place of Use: Those portions of the SE $\frac{1}{4}$  and the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
16 Section 10, T. 20 N., R. 16 E.W.M. lying northerly  
17 of the Teanaway River and southerly of the Teanaway  
18 Road

19 Limitations of Use: When there is surplus water in the Teanaway River  
20 after all existing rights are satisfied, up to an  
21 additional 1.4 cubic feet per second may be  
22 diverted. This water will normally only be  
23 available for a 30 day period in May and June.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Teanaway Valley Family Farm, LLP** COURT CLAIM NO. 00383  
2 **& Dorothy J. (D.J.) Crosetto** (A) 05635  
3 Source: Unnamed spring  
4 Use: Domestic irrigation of one-half acre and stock water  
5 Period of Use: May 1 through September 15 for irrigation;  
6 continuous for stock watering  
7 Quantity: 0.02 cfs; 2 acre-feet per year  
8 Priority Date: **June 30, 1888**  
9 Point of Diversion: 1100 feet south and 75 feet east of the northwest  
10 corner of Section 11, being within Government Lot 1  
11 of Section 11, T. 20 N., R. 16 E.W.M.  
12  
13 Place of Use: That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 10, T. 20  
14 N., R. 16 E.W.M. lying north of the Teanaway Road  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Robert J. Badda  
& Cecilia A. Badda

COURT CLAIM NO. 00914

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 12 acres and stock watering

5 Period of Use:

May 1 through September 15

6 Quantity:

0.24 cfs; 78.0 acre-feet per year for irrigation

7 Priority Date:

June 30, 1889

8 Point of Diversion:

150 feet north and 800 feet west from the southeast corner of Section 10, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

That portion of the west 795 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M. lying south of Teanaway Road, EXCEPT the west 460 feet thereof

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12 Limitations of Use:

When surplus water is available in excess of that needed to satisfy all existing rights, an additional 0.24 cubic foot per second may be diverted. This water will normally only be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Boise Cascade Corporation COURT CLAIM NO. 02206  
2 Trendwest Resorts, Inc. (A) 03119  
(A) 05238

3 Source: North Fork Teanaway River

4 Use: Irrigation of 26 acres, road watering, maintenance,  
5 fire protection and stock water

6 Period of Use: May 1 through September 15

7 Quantity: 0.52 cfs; 104 acre-feet per year for irrigation,  
8 road watering, maintenance and fire protection, 1  
acre-foot per year for stock water

9 Priority Date: June 30, 1889

10 Point of Diversion: 400 feet south and 400 feet east from the center of  
11 Section 20, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 20,  
T. 21 N., R. 16 E.W.M.

12 Place of Use: That portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$  and W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 29,  
13 T. 21 N., R. 16 E.W.M., lying southeast of the  
14 Teanaway Road, west of the Teanaway River and east  
15 of the primary irrigation ditch.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME:

Albeno G. Carollo  
& Violet Carollo

COURT CLAIM NO. 00914

2  
3 Source:

Teaway River

4 Use:

Irrigation of 0.70 acres and stock watering

5 Period of Use:

May 1 through September 15

6 Quantity:

0.014 cfs; 4.55 acre-feet per year

7 Priority Date:

June 30, 1889

8 Point of Diversion:

150 feet north and 800 feet west from the southeast  
9 corner of Section 10, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
Section 10, T. 20 N., R. 16 E.W.M.

10 Place of Use:

That portion of the west 30 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
11 Section 14, T. 20 N., R. 16 E.W.M. lying south of  
the Teaway River Road

12 Limitations of Use:

When surplus water is available in excess of that  
13 needed to satisfy all existing rights, an additional  
0.014 cubic foot per second may be diverted. This  
14 water will normally only be available for a 30 day  
period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: William A. Evenden COURT CLAIM NO. 00777  
2 & Karen Evenden (A) 05114

3 Source: Teanaway River, Mason and Musser Creeks

4 Use: Irrigation of 2.5 acres

5 Period of Use: May 1 through September 15

6 Quantity: 0.05 cfs; 16.25 acre-feet per year

7 Priority Date: June 30, 1889

8 Point of Diversion: Teanaway River: 150 feet north and 800 feet west  
9 from the southeast corner of Section 10, being  
10 within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N.,  
11 R. 16 E.W.M.

12 Mason Creek: 10 feet west and 10 feet south of the  
13 east quarter corner of Section 14, being within the  
14 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M.

15 Musser Creek: 1000 feet south and 1600 feet east of  
16 the west quarter corner of Section 13, being within  
17 the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

18 Place of Use: That portion of the following described parcel lying  
19 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.,  
20 described: Beginning at a point on the south line  
21 of said section on the westerly right of way of the  
22 Teanaway Road; thence northwesterly along said right  
23 of way to Musser Creek; thence southwesterly along  
24 said creek to the Giles-Castor Ditch; thence  
25 easterly along the north bank of said ditch to the  
26 south line of said section; thence east to the point  
27 of beginning; also known as Parcels 3 and 4 of that  
28 survey recorded in Book 16 of Surveys, at Pages 61  
and 62, records of Kittitas County

29 Limitations of Use: When surplus water is available in the river in  
30 excess of that needed to satisfy all existing water  
31 rights, an additional 0.05 cubic foot per second can  
32 be diverted. This water will normally only be  
33 available for a 30 day period in May and June.

1 CLAIMANT NAME:

Gary Monroe  
Judith Torgeson

COURT CLAIM NO. 01850  
(A) 06063

2 Source:

Teaway River

3 Use:

Irrigation of 10 acres

4 Period of Use:

May 1 through September 15

5 Quantity:

0.20 cfs; 54 acre-feet per year

6 Priority Date:

June 30, 1889

7 Point of Diversion:

- 8 1. 1200 feet south and 600 feet west of the east  
9 quarter corner of Section 26, being within the  
10 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
11 2. 900 feet south and 350 feet east from the north  
12 quarter corner of Section 25, being within the  
13 NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

14 Place of Use:

15 That portion of the NE $\frac{1}{4}$  of Section 4, T. 19 N.,  
16 R. 16 E.W.M. described as follows: Beginning at the  
17 northeast corner of said section; thence S 01°52'03"  
18 W along the east line of said subdivision 30.01 feet  
19 to the southerly edge of the Lambert Road  
20 right-of-way and the true point of beginning; thence  
21 continuing S 01°52'03" W along the east line of said  
22 subdivision 933.38 feet; thence N 89°20'08" W,  
23 934.72 feet; thence N 02°00'30" E 934.25 feet to the  
24 southerly right- of-way for Lambert Road; thence S  
25 89°17'08" E along the southerly edge of said  
26 right-of-way 932.40 feet to the true point of  
27 beginning.

28 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME: **Teanaway Ranch, Inc.** COURT CLAIM NO. 01042  
2 Source: Teanaway River and Mack Creek  
3 Use: Irrigation of 166 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 3.32 cfs; 1079 acre-feet per year  
6 Priority Date: **June 30, 1889**  
7 Point of Diversion: Teanaway River: 150 feet north and 800 feet west  
8 from southeast corner of Section 10, being within  
9 the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N., R. 16 E.W.M.  
10 Mack Creek: 500 feet north and 150 feet west from  
11 the south quarter corner of Section 19, being within  
12 the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19, T. 20 N., R. 17 E.W.M.  
13 Place of Use: That part of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 19 lying  
14 southwesterly of the 3M Ditch and the NW $\frac{1}{4}$  of  
15 Section 30, ALL within T. 20 N., R. 17 E.W.M.  
16 Limitations of Use: When surplus water is available in excess of that  
17 needed to satisfy all existing rights, an additional  
18 3.32 cubic feet per second may be diverted. This  
19 water will normally only be available for a 30 day  
20 period in May and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Teanaway Valley Family Farm, LLP** COURT CLAIM NO. 00383  
2 & **Dorothy J. (D.J.) Crosetto** (A) 05635

3 Source: The Teanaway River and unnamed stream (Fred's Creek)

4 Use: Irrigation of 30 acres and stockwater

5 Period of Use: May 1 through September 15

6 Quantity: 0.80 cfs; 237 acre-feet per year for irrigation, 2  
7 acre-feet per year for stock watering

8 Priority Date: **June 30, 1889**

9 Point of Diversion: Teanaway River: 475 feet south and 200 feet west  
10 from the northeast corner of Section 8, being within  
11 the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 8, T. 20 N., R. 16 E.W.M.

12 Unnamed stream: 350 feet north and 500 feet east of  
13 the center of Section 10, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
14 Section 10, T. 20 N., R. 16 E.W.M.

15 Place of Use: That portion of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10,  
16 T. 20 N., R. 16 E.W.M. lying northeast of the  
17 Teanaway River

18 Limitations of Use: When surplus water is available in excess of that  
19 needed to satisfy all the existing rights to the  
20 Teanaway River, up to an additional 0.80 cubic foot  
21 per second may be diverted. This water is normally  
22 available only for a 30 day period during May and  
23 June.

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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Teanaway Valley Farms, Inc.** COURT CLAIM NO. 00777  
2 (A) 05114

3 Source: Teanaway River and Mason Creek

4 Use: Irrigation of 2.75 acres

5 Period of Use: May 1 through September 15

6 Quantity: 0.055 cfs; 17.875 acre-feet per year

7 Priority Date: **June 30, 1889**

8 Point of Diversion: Teanaway River: 150 feet north and 800 feet west  
9 from the southeast quarter corner of Section 10,  
10 being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N.,  
11 R. 16 E.W.M.

12 Mason Creek: 10 feet west and 10 feet south of the  
13 east quarter corner of Section 14, being within the  
14 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M.

15 Place of Use: That portion of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 14, T. 20 N.,  
16 R. 16 E.W.M., lying east of Mason Creek

17 Limitations of Use: When surplus water is available in the river in  
18 excess of that needed to satisfy all existing  
19 rights, an additional 0.055 cubic foot per second  
20 can be diverted. This water will normally only be  
21 available for a 30 day period in May and June.

1 CLAIMANT NAME: Don Tidwell COURT CLAIM NO. 00914  
2 Source: Teanaway River  
3 Use: Irrigation of 15 acres and stock watering  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.30 cfs; 97.5 acre-feet per year for irrigation  
6 Priority Date: June 30, 1889  
7 Point of Diversion: 150 feet north and 800 feet west from the southeast  
8 corner of Section 10, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
9 Section 10, T. 20 N., R. 16 E.W.M.  
10 Place of Use: That portion of the westerly 460 feet of the SW $\frac{1}{4}$ NE $\frac{1}{4}$   
11 of Section 14, T. 20 N., R. 16 E.W.M., lying south  
12 of Teanaway Road, EXCEPT the east 30 feet thereof  
13 Limitations of Use: When surplus water is available in excess of that  
14 needed to satisfy all existing rights, an additional  
15 0.30 cubic feet per second may be diverted. This  
16 water will normally only be available for a 30 day  
17 period in May and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

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1 CLAIMANT NAME: Trendwest Resorts, Inc. COURT CLAIM NO. 02206  
2 Boise Cascade Corporation (A) 03119  
3 (A) 05238  
4 Source: Indian Creek  
5 Use: Irrigation of 30 acres, road watering, maintenance,  
6 fire protection and stock water  
7 Period of Use: May 1 through September 15  
8 Quantity: 0.60 cfs; 120 acre-feet per year for irrigation,  
9 road watering, maintenance and fire protection, 1  
10 acre-foot per year for stock water  
11 Priority Date: June 30, 1889  
12 Point of Diversion: 600 feet north and 560 feet west of the south  
13 quarter corner of Section 10, being within the  
14 SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 10, T. 21 N., R. 16 E.W.M.  
15 Place of Use: The S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 10 and the N $\frac{1}{2}$ NW $\frac{1}{4}$  of  
16 Section 15, T. 21 N., R. 16 E.W.M.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME:

U.S. Bureau of Reclamation

COURT CLAIM NO. 01850

(A)06063

2  
3 Source:

Teaway River

4 Use:

Irrigation of 10 acres

5 Period of Use:

May 1 through September 15

6 Quantity:

0.20 cfs; 54 acre-feet per year

7 Priority Date:

June 30, 1889

8 Point of Diversion:

9 1. 1200 feet south and 600 feet west of the east  
10 quarter corner of Section 26, being within the  
11 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
12 2. 900 feet south and 350 feet east from the north  
13 quarter corner of Section 25, being within the  
14 NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 25, T. 20 N., R. 16 E.W.M.

11 Place of Use:

12 That portion of the NE $\frac{1}{4}$  of Section 4, T. 19 N.,  
13 R. 16 E.W.M. described as follows: Beginning at the  
14 northeast corner of Section 4, thence S 01°52'03" W  
15 933.38 feet to the true point of beginning; thence  
16 continuing S 01°52'03" W 1092.82 feet to a point on  
17 the northerly edge of State Highway Route 10; thence  
18 N 66°59'51" W along the northerly edge of State  
19 Highway Route 10 1003.79 feet; thence N 02°00'30" E  
20 711.26 feet; thence S 89°20'08" E 934.72 feet to the  
21 true point of beginning.

26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: U.S. Bureau of Reclamation COURT CLAIM NO. 01850  
2 (A) 06063

3 Source: Teanaway River

4 Use: Irrigation of 10 acres

5 Period of Use: May 1 through September 15

6 Quantity: 0.20 cfs; 54 acre-feet per year

7 Priority Date: June 30, 1889

8 Point of Diversion: 1. 1200 feet south and 600 feet west of the east  
9 quarter corner of Section 26, being within the  
10 NE¼SE¼ of Section 26, T. 20 N., R. 16 E.W.M.  
11 2. 900 feet south and 350 feet east from the north  
12 quarter corner of Section 25, being within the  
13 NW¼NE¼ of Section 25, T. 20 N., R. 16 E.W.M.

14 Place of Use: That portion of the NE¼ of Section 4, T. 19 N.,  
15 R. 16 E.W.M., described as follows: Beginning at  
16 the northwest corner of Government Lot 2; thence S  
17 02°17'42" W along the west line of said subdivision  
18 30.01 feet to a point on the southerly edge of the  
19 right-of-way for Lambert Road; thence S 89°17'03" E  
20 along the edge of said right-of-way 1114.35 feet to  
21 the true point of beginning; thence continuing S  
22 89°17'03" E along the edge of said right-of-way  
23 568.93 feet; thence S 02°00'30" W 934.25 feet;  
24 thence continuing S 02°00'30" W 711.26 feet to a  
25 point on the northerly edge of State Highway 10;  
26 thence N 66°59'51" W, parallel with and 73.38 feet  
27 distance northeasterly from said centerline of said  
28 highway for a distance of 612.36 feet; thence N  
02°07'37" E 1413.27 feet to the true point of  
beginning.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Donald L. Bark COURT CLAIM NO. 01282  
2 Source: Middle Fork Teanaway River  
3 Use: Irrigation of 4 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.08 cfs; 21.6 acre-feet per year  
6 Priority Date: June 30, 1890  
7 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
8 corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
9 Section 26, T. 21 N., R. 15 E.W.M.  
10 Place of Use: Lot 10 of the plat of Logan's Acres, within the  
N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 36, T. 21 N., R. 15 E.W.M.

11 CLAIMANT NAME: Donald L. Bark COURT CLAIM NO. 01281  
12 Source: Middle Fork Teanaway River  
13 Use: Irrigation of 3 acres and stock water  
14 Period of Use: May 1 through September 15  
15 Quantity: 0.06 cfs; 16.2 acre-feet per year  
16 Priority Date: June 30, 1890  
17 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
18 corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
19 Section 26, T. 21 N., R. 15 E.W.M.  
20 Place of Use: Lot 9 of the Plat of Logan's Acres within the NW $\frac{1}{4}$  of  
Section 36, T. 21 N., R. 15 E.W.M.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME:

George L. Blackburn  
& Glory E. Blackburn

COURT CLAIM NO. 01466

2  
3 Source:

Teaway River

4 Use:

Irrigation of 44 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.88 cfs, 286.0 acre-feet per year for irrigation; 1  
7 acre-foot per year for stock water

8 Priority Date:

June 30, 1890

9 Point of Diversion:

1100 feet south and 650 feet west from the east  
quarter corner of Section 26, being within the  
10 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

11 Place of Use:

That portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$  and NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 27,  
T. 20 N., R. 16 E.W.M. lying south of Masterson Road

12  
13 Limitations of Use:

When surplus water is available in the river in  
excess of that needed to satisfy all existing  
14 rights, an additional 0.88 cubic foot per second can  
be diverted. This water will normally only be  
15 available for a 30 day period in May and June

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: George L. Blackburn COURT CLAIM NO. 01477  
2 & Penny L. Blackburn

3 Source: Teanaway River  
4 Use: Irrigation of 15 acres and stock water  
5 Period of Use: May 1 through September 15  
6 Quantity: 0.30 cfs; 97.5 acre-feet per year for irrigation, 1  
7 acre-foot per year for stock watering  
8 Priority Date: June 30, 1890

9 Point of Diversion: 1100 feet south and 650 feet west from the east  
10 quarter corner of Section 26, being within the  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.

11 Place of Use: Lots 1, 2, 3, and 4 of Geiger Short Plat No. 91-11  
12 recorded in Book D of Short Plats, page 27,  
13 (formerly known as Lot 4 of Short Plat 78-02); being  
within the N $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 34 and the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$  of  
Section 27, T. 20 N., R. 16 E.W.M.

14 Limitations of Use: When surplus water is available in excess of that  
15 needed to satisfy all existing rights, an additional  
16 0.30 cubic foot per second may be diverted. This  
water will normally only be available for a 30 day  
period in May and June.

1 CLAIMANT NAME: George L. Blackburn COURT CLAIM NO. 02255  
2 & Penny L. Blackburn (A) 04465  
3 (A) 04493  
4 Source: Teanaway River  
5 Use: Irrigation of 16 acres and stock watering  
6 Period of Use: May 1 through September 15  
7 Quantity: 0.32 cfs; 86.4 acre-feet per year for irrigation; 1  
8 acre-foot per year for stock watering  
9 Priority Date: June 30, 1890  
10 Point of Diversion: 1. 1200 feet south and 600 feet west from the east  
11 quarter corner of Section 26, being within the  
12 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
13 2. 600 feet north and 200 feet east of the center  
14 of Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
15 Section 25, T. 20 N., R. 16 E.W.M.  
16 Place of Use: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, T. 20 N.,  
17 R. 16 E.W.M. lying south of State Route 970  
18 Limitations of Use: When surplus water is available in the river in  
19 excess of that needed to satisfy all existing  
20 rights, an additional 0.32 cubic foot per second can  
21 be diverted. This water will normally only be  
22 available for a 30 day period in May and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME: George L. Blackburn COURT CLAIM NO. 02255  
2 & Penny L. Blackburn (A) 04465  
3 (A) 04493  
4 Source: Teanaway River  
5 Use: Irrigation of 2 acre  
6 Period of Use: May 1 through September 15  
7 Quantity: 0.04 cfs; 10.8 acre-feet per year  
8 Priority Date: June 30, 1890  
9 Point of Diversion: 300 feet north and 300 feet east from the southwest  
10 corner of Section 26, being within the SW¼SW¼ of  
11 Section 26, T. 20 N., R. 16 E.W.M.  
12 Place of Use: That portion of the N½NE¼NE¼ of Section 34,  
13 T. 20 N., R. 16 E.W.M., lying northerly of the  
14 Teanaway River and northerly of a pond located on  
15 the property.  
16 Limitations of Use: When surplus water is available in the river in  
17 excess of that needed to satisfy all existing  
18 rights, an additional 0.04 cubic foot per second can  
19 be diverted. This water will normally only be  
20 available for a 30 day period in May and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME: **Albeno G. Carollo** COURT CLAIM NO. 00914  
2 & **Violet Carollo**  
3 Source: Two unnamed springs  
4 Use: Stock watering  
5 Period of Use: continuously  
6 Quantity: 0.02 cubic foot per second, 3 acre-feet per year  
7 Priority Date: **June 30, 1890**  
8 Point of Diversion: 1) 700 feet south of the north quarter corner of  
9 Section 14 being within the N $\frac{1}{2}$ N $\frac{1}{2}$  of Section 14,  
10 T. 20 N., R. 16 E.W.M.  
11 2) 800 feet south and 200 feet east of the north  
12 quarter corner of Section 14, in the NE $\frac{1}{4}$ NW $\frac{1}{4}$  of  
13 Section 14, T. 20 N., R. 16 E.W.M.  
14 Place of Use: E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M.

13 CLAIMANT NAME: **James Davis** COURT CLAIM NO. 01556  
14 Source: Middle Fork Teanaway River  
15 Use: Irrigation of one acre and stock water  
16 Period of Use: May 1 through September 15  
17 Quantity: 0.02 cfs; 5.4 acre-feet per year  
18 Priority Date: **June 30, 1890**  
19 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
20 corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
21 Section 26, T. 21 N., R. 15 E.W.M.  
22 Place of Use: Lots 4 and 8 of the Plat of Logans Acres in the  
23 NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, T. 21 N., R. 15 E.W.M.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Ted Fudacz COURT CLAIM NO. 02206  
2 & Lena Fudacz (A) 03119  
3 (A) 05238  
4 Source: Middle Fork Teanaway River  
5 Use: Irrigation of 15 acres and stock watering  
6 Period of Use: May 1 through September 15 for irrigation,  
7 continuously for stock water  
8 Quantity: 0.30 cfs; 96 acre-feet per year for irrigation, 0.20  
9 cfs; 2 acre-feet per year for stock watering  
10 Priority Date: June 30, 1890  
11 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
12 corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
13 Section 26, T. 21 N., R. 15 E.W.M.  
14 Place of Use: That portion of the NW $\frac{1}{4}$  of Section 36, T. 21 N.,  
15 R. 15 E.W.M. lying south and east of Trillium Road  
16 and west of the Teanaway Road, except the south  
17 2,000 feet thereof  
18 Limitations of Use: Between May 1 and September 15, the instantaneous  
19 quantity authorized for stock watering is not in  
20 addition to the instantaneous quantity authorized  
21 for irrigation. When surplus water is available in  
22 excess of that needed to satisfy all existing  
23 rights, an additional 0.30 cubic foot per second may  
24 be diverted. This water will normally only be  
25 available for a 30 day period in May and June.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Ted Fudacz** COURT CLAIM NO. 02206  
2 & **Lena Fudacz** (A) 03119  
 (A) 05238  
3 Source: Bussoli Spring  
4 Use: Domestic supply and stock watering  
5 Period of Use: Continuously  
6 Quantity: 0.03 cubic foot per second, 3 acre-feet per year  
7 Priority Date: **June 30, 1890**  
8 Point of Diversion: 1450 feet south and 230 feet west from the north  
9 quarter corner of Section 36, being within the  
 SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, T. 21 N., R. 15 E.W.M.  
10 Place of Use: The NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 36, T. 21 N., R. 15 E.W.M.  
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13 CLAIMANT NAME: **William Hunt** COURT CLAIM NO. 01550  
14 Source: Middle Fork Teanaway River  
15 Use: Irrigation of 3 acres and stock water  
16 Period of Use: May 1 through September 15  
17 Quantity: 0.06 cfs; 16.2 acre-feet per year  
18 Priority Date: **June 30, 1890**  
19 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
20 corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
 Section 26, T. 21 N., R. 15 E.W.M.  
21 Place of Use: Lot 7 of the plat of Logan's Acres, being within NW $\frac{1}{4}$   
22 Section 36, T. 21 N., R. 15 E.W.M.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3  
28

1 CLAIMANT NAME: William Hunt COURT CLAIM NO. 01281  
2 Source: Middle Fork Teanaway River  
3 Use: Irrigation of 4 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.08 cfs; 21.6 acre-feet per year  
6 Priority Date: June 30, 1890  
7 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
8 corner of Section 26, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of  
9 Section 26, T. 21 N., R. 15 E.W.M.  
10 Place of Use: Lot 6 of the Plat of Logan's Acres being within that  
11 portion of the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 36, T. 21 N.,  
12 R. 15 E.W.M. lying northeast of the Middle Fork  
13 Teanaway River and southwest of the Middle Fork  
14 Teanaway Road.

12 CLAIMANT NAME: Donald W. Walker COURT CLAIM NO. 02255  
13 & Gloria Walker (A) 04465  
14 Trendwest Resorts, Inc. (A) 04493

14 Source: Teanaway River  
15 Use: Irrigation of 34 acres  
16 Period of Use: May 1 through September 15  
17 Quantity: 0.68 cfs; 183.6 acre-feet per year  
18 Priority Date: June 30, 1890  
19 Point of Diversion: 1. 1200 feet south and 600 feet west of the east  
20 quarter corner of Section 26, being within the  
21 NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W.M.  
22 2. 600 feet north and 200 feet east of the center  
23 of Section 25, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
24 Section 25, T. 20 N., R. 16 E.W.M.  
25 Place of Use: That portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 26, T. 20 N.,  
26 R. 16 E.W.M. lying south of the East Masterson Road  
27 and north of State Route 970.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME: Orene L. Ward COURT CLAIM NO. 02486  
2 Source: Middle Fork Teanaway River  
3 Use: Irrigation of 7 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.14 cfs; 37.8 acre-feet per year  
6 Priority Date: June 30, 1890  
7 Point of Diversion: 1200 feet north and 800 feet west from the southeast  
8 corner of Section 26, being within the SE¼SE¼ of  
9 Section 26, T. 21 N., R. 15 E.W.M.  
10 Place of Use: Lots 1 and 11 of the plat of Logan's Acres, being  
11 within that portion of the E½NW¼ of Section 36,  
12 T. 21 N., R. 15 E.W.M. lying southwest of the Middle  
13 Fork Teanaway Road  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

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1 CLAIMANT NAME:

Robert M. Cernick  
& Debbie Lee Cernick

COURT CLAIM NO. 02148

2  
3 Source:

The Teanaway River

4 Use:

Irrigation of 16 acres and stock watering

5 Period of Use:

May 1 through September 15

6 Quantity:

0.32 cubic foot per second, 86.4 acre-feet per year

7 Priority Date:

June 30, 1891

8 Point of Diversion:

1200 feet south and 600 feet west of the east quarter corner of Section 26, being within the NE¼SE¼ of Section 26, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

11 That portion of the following described parcel lying  
12 east of a drain that runs north to south through the  
13 property: That portion of the SE¼ of Section 33,  
14 T. 20 N., R. 16 E.W.M. lying southeasterly of the SR  
15 970 and north of Lambert Road bounded by a line  
16 described as follows: Beginning at the southeast  
17 corner of Section 33; thence N 89°16'50" W 947.87  
18 feet along the south line of said section; thence N  
19 0°43'10" E 30 feet to the north line of Lambert Road  
20 and the true point of beginning; thence N 0°16'43" E  
21 934.51 feet; thence N 51°06'41" W, 420.94 feet to  
22 the southeast right-of-way line of SR 970; thence S  
23 57°39'21" W 1151.65 feet along said right-of-way  
24 line; thence N 32°20'39" W 75 feet along said  
25 right-of-way line; thence S 57°39'21" W, 352.70 feet  
26 along said right-of-way line; thence along a curve  
27 of radius 3,515.89 feet, to the right, an arc length  
28 of 37.52 feet along said right-of-way line to the  
west line of said SE¼; thence S 0°12'20" W, 416.46  
feet along said west line to the north right-of-way  
line of Lambert Road; thence S 89°16'50" E 1667.61  
feet along said right of way line to the true point  
of beginning.

26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Beverly Miller COURT CLAIM NO. 02226  
2 Source: Teanaway River  
3 Use: Irrigation of 8 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.16 cfs; 43.2 acre-feet per year for irrigation,  
6 0.5 acre-foot per year for stock water  
7 Priority Date: June 30, 1891  
8 Point of Diversion: 1200 feet south and 600 feet west of the east  
9 quarter of Section 26, being within the NE¼SE¼ of  
10 Section 26, T. 20 N., R. 16 E.W.M.  
11 Place of Use: That portion of the E¼SE¼ of Section 33 T. 20 N.,  
12 R. 16 E.W.M. beginning a a point lying at the  
13 intersection of the east line of Section 33 and  
14 State Highway 970; thence south 1060 feet; thence  
15 west 320 feet; thence N 8°08'21" W 720.54 feet;  
16 thence N 57°39'21" E 157.13 feet; thence N 32°20'03"  
17 E 30 feet to the southerly right of way of said  
18 highway; thence northeasterly along said right of  
19 way 425.57 feet to the point of beginning.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3  
28

1 CLAIMANT NAME:

Donald L. Osmonovich  
& Janice C. Osmonovich

COURT CLAIM NO. 01284

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 2 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.04 cfs; 10.8 acre-feet per year

7 Priority Date:

June 30, 1891

8 Point of Diversion:

1200 feet south and 600 feet west from the east  
quarter corner of Section 26, being within the  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T. 20 N., R. 16 E.W..

9  
10 Place of Use:

That portion of the east 940 feet of the south 990  
feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 33, T. 20 N.,  
R. 16 E.W.M., lying west of Seaton Road.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Daryle Thomas Starkovich COURT CLAIM NO. 01201  
2 Source: Teanaway River  
3 Use: Irrigation of 33 acres and stock water  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.66 cfs; 178.2 acre-feet per year for irrigation, 1  
6 acre-foot per year for stock watering  
7 Priority Date: June 30, 1891  
8 Point of Diversion: 1200 feet south and 600 feet west from the east  
9 quarter corner of Section 26, being within the  
NE¼SE¼ of Section 26, T. 20 N., R. 16 E.W.M.  
10 Place of Use: That portion of the SE¼ of Section 33, T. 20 N.,  
11 R. 16 E.W.M. lying northwesterly of State  
12 Highway 970 described as follow: Beginning at the  
13 northeast corner of said southeast quarter; thence  
14 west 1520 feet, more or less; thence S 4°02'47" E  
15 1199.47 feet; thence N 57°15'24" E 65.15 feet;  
16 thence S 32°44'36" E 75 feet, to the northwesterly  
17 right-of-way of said highway; thence northeasterly  
18 along said right-of-way to the east line of said  
19 southeast quarter; thence north to the east line of  
20 said southeast quarter; thence north to the point of  
21 beginning. AND that portion of said southeast  
22 quarter lying southeasterly of said highway  
23 described as follows: Commencing at the northeast  
24 corner of said southeast quarter; thence south 565  
25 feet, more or less, to a point on the southeasterly  
26 right-of-way of said highway; thence southwesterly  
27 582 feet, more or less, along said right-of-way to  
28 the point of beginning; thence S 8°8'21" E 720.54  
feet; thence S 79°0'44" W 586.65 feet; thence  
N 51°6'4" W 420.94 feet to the said right-of-way;  
thence northeasterly along said right-of-way to the  
point of beginning.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: **Trendwest Resorts, Inc.** COURT CLAIM NO. 02206  
2 **Boise Cascade** (A) 03119  
(A) 05238  
3 Source: North Fork Teanaway River  
4 Use: Irrigation of 12 acres, road watering, maintenance,  
5 fire protection and stock watering  
6 Period of Use: May 1 through September 15  
7 Quantity: 0.24 cfs; 43 acre-feet per year for irrigation, road  
8 watering, maintenance and fire protection, 1  
9 acre-foot per year for stock watering.  
10 Priority Date: **June 30, 1891**  
11 Point of Diversion: 500 feet north and 300 feet east of the south  
12 quarter corner of Section 17, being within the  
SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, T. 21 N., R. 16 E.W.M.  
13 Place of Use: The N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 20, T. 21 N., R. 16 E.W.M.

13 CLAIMANT NAME: **Trendwest Resorts, Inc.** COURT CLAIM NO. 02206  
14 **Boise Cascade Corporation** (A) 03119  
(A) 05238  
15 Source: North Fork of Teanaway River  
16 Use: Irrigation of 22 acres, road watering, maintenance,  
17 fire protection and stock water  
18 Period of Use: May 1 through September 15  
19 Quantity: 0.44 cfs; 88 acre-feet per year for irrigation, road  
20 watering, maintenance and fire protection, 1  
21 acre-foot per year for stock water  
22 Priority Date: **June 30, 1893**  
23 Point of Diversion: 300 feet south and 1200 feet west from the center of  
24 Section 29, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29,  
25 T. 21 N., R. 16 E.W.M.  
26 Place of Use: That portion of the SE $\frac{1}{4}$  of Section 30, T. 21 N.,  
27 R. 16 E.W.M. lying west of the Teanaway River,  
28 southeast of the Teanaway Road and east of the  
primary irrigation ditch

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Josephine Chelinsky COURT CLAIM NO. 01332  
2 Source: Middle Fork Teanaway River  
3 Use: Irrigation of 2.5 acres  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.05 cfs; 13.5 acre-feet per year  
6 Priority Date: June 30, 1894  
7 Point of Diversion: 10 feet north and 50 feet east of the east quarter  
8 corner of Section 27, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
9 Section 27, T. 21 N., R. 15 E.W.M.  
10 Place of Use: That portion of Parcel 2D of the Survey dated  
11 January 12, 1984, recorded under Kittitas County  
12 Auditor's Receiving No. 476397 at Volume 12 of  
13 Surveys, Pages 58 and 59 lying in that portion of  
14 the NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26, T. 21 N., R. 15 E.W.M.  
15 north of the Middle Fork Teanaway River.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME:

T. Olin Nichols  
& Nanci Nichols

COURT CLAIM NO. 01942

2  
3 Source:

Teanaway River

4 Use:

Irrigation of 2 acres and stock water

5 Period of Use:

May 1 through September 15

6 Quantity:

0.04 cfs; 10.8 acre-feet per year

7 Priority Date:

June 30, 1894

8 Point of Diversion:

800 feet north and 800 feet east from the southwest corner of Section 13, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 13, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

Parcel C-1 of that certain survey recorded November 13, 1991, in Book 18 of Surveys at Pages 81 - 84, under Auditor's file No. 544641 being a portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13 lying west of the Teanaway Road in T. 20 N., R. 16 E.W.M.

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13 Limitations of Use:

When sufficient water is available in excess of that needed to satisfy all existing rights, an additional 0.04 cfs can be diverted from the river. This water will normally only be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF  
REFEREE Re: Subbasin No. 3



1 CLAIMANT NAME: James R. Sleeth COURT CLAIM NO. 01332  
2 & Susan M. Sleeth

3 Source: Middle Fork Teanaway River

4 Use: Irrigation of 2 acres

5 Period of Use: May 1 through September 15

6 Quantity: 0.04 cfs; 10.8 acre-feet per year

7 Priority Date: June 30, 1894

8 Point of Diversion: 20 feet north and 50 feet east of the east quarter  
9 corner of Section 27, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
10 Section 27, T. 21 N., R. 15 E.W.M.

11 Place of Use: The West 333 feet of the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 26,  
12 T. 21 N., R. 15 E.W.M. lying north of the Middle  
13 Fork Teanaway River

14 CLAIMANT NAME: Robin Knox Little COURT CLAIM NO. 00557  
15 & Carol Michon Little (A) 02338

16 Source: An unnamed spring and creek

17 Use: Irrigation of 4 acres

18 Period of Use: May 1 through September 30

19 Quantity: 0.05 cfs; 8 acre-feet per year

20 Priority Date: May 5, 1896

21 Point of Diversion: Multiple points of diversion within the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$  and  
22 the W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 17, T. 20 N., R. 17 E.W.M.

23 Place of Use: E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$  and W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 17, T. 20 N.,  
24 R. 16 E.W.M.

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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Ted Fudacz COURT CLAIM NO. 02206  
2 & Lena Fudacz (A) 03119  
3 (A) 05238  
4 Source: Middle Fork Teanaway River  
5 Use: Irrigation of 10 acres and stockwater  
6 Period of Use: May 1 through September 15 for irrigation;  
7 continuous for stock water  
8 Quantity: 0.20 cfs; 64 acre-feet per year for irrigation, 0.20  
9 cfs; 2 acre-feet per year for stock watering  
10 Priority Date: June 30, 1897  
11 Point of Diversion: 10 feet north and 1000 feet east from the southwest  
12 corner of Section 25, being within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of  
13 Section 25, T. 21 N., R. 15 E.W.M.  
14 Place of Use: That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 36 lying south  
15 and west of the county road and north and east of  
16 the Middle Fork Teanaway River, in T. 21 N.,  
17 R. 15 E.W.M.  
18 Limitations of Use: When surplus water is available in excess of that  
19 needed to satisfy all existing rights, an additional  
20 0.20 cubic feet per second may be diverted. This  
21 water will normally only be available for a 30 day  
22 period in May and June  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Donald W. Walker COURT CLAIM NO. 02255  
2 & Gloria Walker (A) 04465  
Trendwest Resorts, Inc. (A) 04493  
3 Source: Teanaway River  
4 Use: Irrigation of 12.8 acres  
5 Period of Use: May 1 through September 15  
6 Quantity: 0.26 cfs; 69.12 acre-feet per year  
7 Priority Date: June 30, 1898  
8 Point of Diversion: 600 feet north and 200 feet east of the center of  
9 Section 25, being within the SW¼NE¼ of Section 25,  
T. 20 N., R. 16 E.W.M.  
10 Place of Use: That portion of the W½NE¼SE¼ and W½E¼NE¼SE¼ of  
11 Section 26, T. 20 N., R. 16 E.W.M. lying south of  
12 the East Masterson Road and north of State Route 970

13 CLAIMANT NAME: Donald W. Walker COURT CLAIM NO. 02255  
14 & Gloria Walker (A) 04465  
Trendwest Resorts, Inc. (A) 04493  
15 Source: Teanaway River  
16 Use: Irrigation of 4 acres  
17 Period of Use: May 1 through September 15  
18 Quantity: 0.08 cfs; 21.6 acre-feet per year  
19 Priority Date: June 30, 1898  
20 Point of Diversion: 600 feet north and 200 feet east of the center of  
21 Section 25, being within the SW¼NE¼ of Section 25,  
T. 20 N., R. 16 E.W.M.  
22 Place of Use: That portion of the E½E¼NE¼SE¼ of Section 26,  
23 T. 20 N., R. 16 E.W.M. lying south of the East  
24 Masterson Road and north of State Route 970

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME: **John E. Conner** COURT CLAIM NO. 00746  
2 **Trendwest Resorts, Inc.** (A) 06336

3 Source: Teanaway River  
4 Use: Irrigation of 40 acres and stock water  
5 Period of Use: May 1 through September 15  
6 Quantity: 0.80 cfs; 260 acre-feet per year for irrigation, 2  
7 acre-feet per year for stock water  
8 Priority Date: **June 30, 1899**  
9 Point of Diversion: 475 feet south and 200 feet west from the northeast  
10 corner of Section 8, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
11 Section 8, T. 20 N., R. 16 E.W.M.  
12 Place of Use: That portion of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 9, T. 20 N.,  
13 R. 16 E.W.M. lying south of the Teanaway Road  
14 Limitations of Use: When sufficient water is available in excess of that  
15 needed to satisfy all existing rights, an additional  
16 .80 cubic foot per second can be diverted from the  
17 river. This water will normally only be available  
18 for a 30 day period in May and June.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Norman J. Cromarty COURT CLAIM NO. 01863  
2 & Shirley B. Cromarty  
3 Source: An unnamed spring  
4 Use: Domestic irrigation of one-half acre and stock  
5 watering  
6 Period of Use: May 1 through September 15  
7 Quantity: 0.02 cfs; 2 acre-feet per year for domestic  
8 irrigation, 0.5 acre-foot per year for stock watering  
9 Priority Date: June 30, 1902  
10 Point of Diversion: 1000 feet north and 1500 feet west from the east  
11 quarter corner of Section 31, being within the  
12 NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, T. 21 N., R. 16 E.W.M.  
13 Place of Use: The NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 31, T. 21 N., R. 16 E.W.M.

14 CLAIMANT NAME: Norman J. Cromarty COURT CLAIM NO. 01863  
15 & Shirley B. Cromarty  
16 Source: North Fork Teanaway River  
17 Use: Irrigation of 51 acres and continuous stock water  
18 Period of Use: May 1 through September 15  
19 Quantity: 1.02 cfs; 204 acre-feet per year  
20 Priority Date: June 30, 1902  
21 Point of Diversion: Within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29 and the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of  
22 Section 31, T. 21 N., R. 16 E.W.M.  
23 Place of Use: That portion of the W $\frac{1}{2}$ SE $\frac{1}{4}$  lying west of the primary  
24 irrigation ditch and that portion of the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$   
25 lying east of the primary irrigation ditch in  
26 Section 31, T. 21 N., R. 16 E.W.M.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Norman J. Cromarty COURT CLAIM NO. 01863  
2 & Shirley B. Cromarty  
3 Source: North Fork Teanaway River  
4 Use: Irrigation of 50 acres and stock water  
5 Period of Use: May 1 through September 15  
6 Quantity: 1.0 cfs; 200 acre-feet per year  
7 Priority Date: June 30, 1902  
8 Point of Diversion: Within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 29, T. 21 N.,  
9 R. 16 E.W.M.  
10 Place of Use: That portion of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 31,  
11 T. 21 N., R. 16 E.W.M. lying east of the North Fork  
Teanaway River

12 CLAIMANT NAME: Larry T. Fudacz COURT CLAIM NO. 01170  
13 Source: West Fork Teanaway River  
14 Use: Irrigation of 25 acres and stock water  
15 Period of Use: May 1 through September 15  
16 Quantity: 0.50 cfs; 125 acre-feet per year for irrigation, 2  
17 acre-feet per year for stock water  
18 Priority Date: June 30, 1902  
19 Point of Diversion: Within the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 34, T. 21 N.,  
R. 15 E.W.M.  
20 Place of Use: That portion of the SE $\frac{1}{4}$  of Section 34, T. 21 N.,  
21 R. 15 E.W.M. lying south of the West Fork Teanaway  
Road and north of the West Fork Teanaway River  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME: Dean Decker COURT CLAIM NO. 00953  
2 Source: Mason Creek  
3 Use: Irrigation of 2 acres  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.04 cfs; 10.8 acre-feet per year  
6 Priority Date: June 30, 1903  
7 Point of Diversion: 200 feet south and 450 feet east from the northwest  
8 corner of Section 13, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
9 Section 13, T. 20 N., R. 16 E.W.M.  
10 Place of Use: That portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, T. 20 N.,  
11 R. 16 E.W.M., described as follows: Commencing at  
12 the northwest corner of said section thence south  
13 1720 feet to the point of beginning; thence  
14 S 89°53'17" E 86.96 feet; thence N 80°01'53" E  
15 315.13 feet to the center line of Mason Creek;  
16 thence southwesterly along said creek center line to  
17 the Teanaway River County Road; thence northwesterly  
18 along the northerly right-of-way of said road to the  
19 west line of said section; thence north 265 feet to  
20 the point of beginning.

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME: Larry T. Fudacz COURT CLAIM NO. 01331  
2 Source: West Fork Teanaway River  
3 Use: Irrigation of 30 acres  
4 Period of Use: May 1 through September 15  
5 Quantity: 0.60 cfs; 150 acre-feet per year  
6 Priority Date: June 30, 1903  
7 Point of Diversion: 1300 feet south and 150 feet west of the east  
8 quarter corner of Section 33, being within the  
9 NE¼SE¼ of Section 33, T. 21 N., R. 15 E.W.M.  
10 Place of Use: That portion of the S¼SW¼ of Section 34, T. 21 N.,  
R. 15 E.W.M. lying north of the West Fork Teanaway  
River.

11 CLAIMANT NAME: Bernard W. Grywacz COURT CLAIM NO. 01980  
12 Source: Mason Creek  
13 Use: Irrigation of 13.5 acres and stock water  
14 Period of Use: May 1 through September 15  
15 Quantity: 0.25 cfs; 67.5 acre-feet per year for irrigation,  
16 0.01 cfs; 1 acre-foot per year for stock water  
17 Priority Date: June 30, 1903  
18 Point of Diversion: (1) 800 feet south and 400 feet east from the  
19 northwest corner of Section 13, being within the  
NW¼NW¼ of Section 13, T. 20 N., R. 16 E.W.M.  
20 (2) 1000 feet south and 450 feet east from the  
21 northwest corner of Section 13, being within the  
NW¼NW¼ of Section 13, T. 20 N., R. 16 E.W.M.  
22 Place of Use: Those portions of the SE¼NE¼ of Section 14 and the  
23 SW¼NW¼ of Section 13, T. 20 N., R. 16 E.W.M. lying  
24 south of the Teanaway Road and north of the Three M  
25 Ditch

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28



1 CLAIMANT NAME: Carl A. Niese COURT CLAIM NO. 00741  
2 & Rosemary Niese

3 Source: Mason Creek

4 Use: Irrigation of 20.5 acres

5 Period of Use: May 1 through September 15

6 Quantity: 0.41 cfs; 110.7 acre-feet per year

7 Priority Date: June 30, 1903

8 Point of Diversion: 400 feet south and 500 feet east from the northwest  
9 corner of Section 13, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
10 Section 13, T. 20 N., R. 16 E.W.M.

11 Place of Use: That portion of the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 13, T. 20 N.,  
12 R. 16 E.W.M. east of Mason Creek and west of the  
13 irrigation ditch.

13 CLAIMANT NAME: Josephine Chelinsky COURT CLAIM NO. 01332

14 Source: An unnamed spring

15 Use: Single domestic supply and stockwater

16 Period of Use: Continuous

17 Quantity: 0.02 cfs; 2 acre-feet per year

18 Priority Date: July 31, 1903

19 Point of Diversion: 950 feet south and 800 feet east from the northwest  
20 corner of Section 26, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
21 Section 26, T. 21 N., R. 15 E.W.M.

22 Place of Use: That portion of Parcel 2D of that Survey dated  
23 January 12, 1984, recorded under Kittitas County  
24 Auditor's Receiving No. 476397 at Volume 12 of  
25 Surveys, pages 58 and 59, lying in the E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of  
26 Section 26, T. 21 N., R. 15 E.W.M. south of U.S.F.S.  
27 Road No. 2110

26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: James Fruhling COURT CLAIM NO. 01142  
2 & Sheryl Fruhling  
3 Source: Teanaway River  
4 Use: Irrigation of 20 acres and stock water  
5 Period of Use: May 1 through September 15  
6 Quantity: 0.40 cfs; 110 acre-feet per year  
7 Priority Date: June 30, 1905  
8 Point of Diversion: 475 feet south and 200 feet west from the northeast  
9 corner of Section 8, being within NE $\frac{1}{4}$ NE $\frac{1}{4}$  of  
10 Section 8, T. 20 N., R. 16 E.W.M.  
11 Place of Use: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 11, T. 20 N.,  
12 R. 16 E.W.M., lying southwesterly of the Teanaway  
13 River Road  
14 Limitations of Use: This right may be satisfied through the use of  
15 return flow water emanating from neighboring lands  
16 to the west.

15 CLAIMANT NAME: Harold Pedersen COURT CLAIM NO. 01450  
16 & Louis Pedersen  
17 Source: Teanaway River  
18 Use: Stock watering  
19 Period of Use: May 1 through September 15  
20 Quantity: 0.02 cubic foot per second, 2 acre-feet per year  
21 Priority Date: June 30, 1905  
22 Point of Diversion: 475 feet south and 200 feet west of the northeast  
23 corner of Section 8, T. 20 N., R. 16 E.W.M.  
24 Place of Use: N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 9, T. 20 N., R. 16 E.W.M.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

28

1 CLAIMANT NAME:

Albeno G. Carollo  
& Violet Carollo

COURT CLAIM NO. 00914

2  
3 Source:

Teaway River

4 Use:

Irrigation of 11.3 acres and stock watering

5 Period of Use:

May 1 through September 15

6 Quantity:

0.226 cfs; 73.45 acre-feet per year for irrigation

7 Priority Date:

June 30, 1910

8 Point of Diversion:

150 feet north and 800 feet west from the southeast corner of Section 10, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T. 20 N., R. 16 E.W.M.

9  
10 Place of Use:

That portion of E $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 14, T. 20 N., R. 16 E.W.M. lying south of the Teaway Road and northerly of a line described approximately as follows: Beginning at the northwest corner of the said E $\frac{1}{2}$ NW $\frac{1}{4}$ ; thence S 37° E 1400 feet more or less; thence S 14° E 875 feet, more or less; thence east 325 feet more or less to a terminus 30 feet east of the north/south center line of the said section

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15 Limitations of Use:

When surplus water is available in excess of that needed to satisfy all existing rights, an additional 0.226 cubic foot per second may be diverted. This water will normally only be available for a 30 day period in May and June.

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26 SECOND SUPPLEMENTAL REPORT OF

REFEREE Re: Subbasin No. 3

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Referee's Office  
15 W. Yakima Ave Ste. 200  
Yakima, WA 98902-3401

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CLAIMANT NAME: **Jane Shaw** COURT CLAIM NO. 01867

Source: An unnamed spring

Use: Continuous single domestic supply

Period of Use: Continuous

Quantity: 0.02 cfs; 2 acre-feet per year

Priority Date: **May 1, 1914**

Point of Diversion: 1200 feet south and 400 feet east from the west quarter corner of Section 32, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 32, T. 21 N., R. 16 E.W.M.

Place of Use: That portion of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 5, T. 20 N., R. 16 E.W.M. described as follows: Commencing at the west quarter corner of said Section 5; thence north approximately 290 feet along the west boundary of said section to the northerly right of way of Teanaway Road; thence easterly approximately 720 feet along said right of way to the point of beginning; thence north 108.6 feet; thence N 42° E 104.0 feet; thence west 7.5 feet; thence north 61.5 feet; thence S 68° E 32.5 feet; thence south 45.0 feet; thence S 17°12' E 197.5 feet to the northerly right of way of the Teanaway Road; thence westerly 159.0 feet along said right of way to the point of beginning.

1 CLAIMANT NAME: Don Osmonovich COURT CLAIM NO. 00466  
2 & Jo Anne Osmonovich  
3 Source: An unnamed spring  
4 Use: Domestic supply for one recreational cabin and  
5 continuous stock water  
6 Period of Use: Continuous  
7 Quantity: 0.01 cfs; 1 acre-foot per year for domestic supply,  
8 0.01 cfs; 1 acre-foot per year for stock watering  
9 Priority Date: May 19, 1970  
10 Point of Diversion: 1175 feet north and 1250 west from the southeast  
11 corner of Section 2, being within SE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 2,  
12 T. 20 N., R. 16 E.W.M.  
13 Place of Use: E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 2, T. 20 N., R. 16 E.W.M.  
14 Limitations of Use: This authorization to make use of public waters of  
15 the state is subject to existing rights, including  
16 any existing rights held by the United States for  
17 the benefit of Indians under treaty or otherwise.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

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1 CLAIMANT NAME: Francis B. Forderhase COURT CLAIM NO. 00344  
2 & Barbara J. Forderhase  
3 James E. Nunn  
4 & Susan T. Nunn  
Ronald L. Pyeatt  
& Patricia A. Pyeatt

5 Source: An unnamed creek

6 Use: Group domestic supply for three recreational  
residences

7 Period of Use: Continuous

8 Quantity: 0.005 cfs; 1.5 acre-feet per year

9 Priority Date: June 28, 1973

10 Point of Diversion: 650 feet south and 200 feet west from the east  
11 quarter corner of Section 32, being within the the  
NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 32, T. 22 N., R. 16 E.W.M.

12 Place of Use: Lots 1, 2 and 3 of Teanaway Recreational Residence  
13 Tract lying within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$   
of Section 32, T. 22 N., R. 16 E.W.M.

14 Limitations of Use: Diversion intake shall be tightly screened at all  
15 times with wire having a mesh opening not greater  
16 than .125 (1/8) inch.

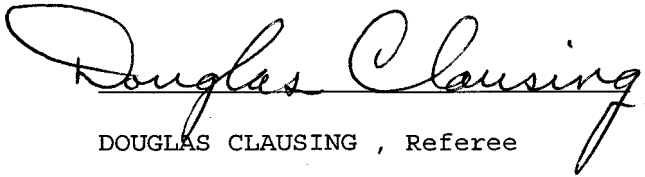
26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 CLAIMANT NAME: Randolph C. Jasper COURT CLAIM NO. 00591  
2 Source: An unnamed spring and/or an unnamed stream  
3 Use: Stock water  
4 Period of Use: Continuously  
5 Quantity: 0.01 cfs; 0.25 acre-foot per year  
6 Priority Date: June 28, 1973  
7 Point of Diversion: 200 feet north and 800 feet west from the southeast  
8 corner of Section 18, being within the SE¼SE¼ of  
9 Section 18, T. 20 N., R. 17 E.W.M.  
10 Place of Use: The SE¼SE¼SE¼ of Section 18, T. 20 N., R. 17 E.W.M.  
11 Limitations of Use: The entire opening of the diversion intake shall be  
12 tightly screened at all times with wire mesh having  
13 openings with dimensions not greater than 0.125 (1/8)  
14 inch. Water approach velocity to the screen shall be  
15 less than 1 foot per second and approaching 0.5 foot  
16 per second, as measures one (1) foot in front of the  
17 screen.  
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26 SECOND SUPPLEMENTAL REPORT OF  
27 REFEREE Re: Subbasin No. 3

1 The aforementioned changes shall be incorporated into the Supplemental  
2 Report of Referee dated March 29, 1999.

3 SIGNED and DATED at Yakima, Washington, this 3<sup>RD</sup> day of August, 2000.

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7 DOUGLAS CLAUSING , Referee  
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