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

EXHIBIT D CLEAR OF
SUPERIOR COURT
YAKIMA, WASHINGTON

1 IN THE MATTER OF THE)
2 DETERMINATION OF THE RIGHTS TO)
3 THE USE OF THE SURFACE WATERS OF)
4 THE YAKIMA RIVER DRAINAGE BASIN,)
5 IN ACCORDANCE WITH THE PROVISIONS)
6 OF CHAPTER 90.03, REVISED CODE OF)
WASHINGTON,)

No. 77-2-01484-5

7 STATE OF WASHINGTON,
8 DEPARTMENT OF ECOLOGY,
9 Plaintiff,
10 vs.

) CONDITIONAL FINAL ORDER
) UNITED STATES OF AMERICA
) U.S. FOREST SERVICE
) TOPPENISH NATIONAL WILDLIFE
) REFUGE

11 JAMES J. ACQUAVELLA, ET AL.,
12 Defendants

) COURT CLAIM NO. 02276
)
)
)

13 THIS MATTER has come on regularly before the Court with the
14 United States presenting its state law claims related to the U.S.
15 Forest Service, Toppenish National Wildlife Refuge and Yakima
16 Firing Center. This Court filed its Report of the Court Concerning
17 the Water Rights for the United States of America U.S. Forest
18 Service, Toppenish National Wildlife Refuge and Yakima Firing
19 Center on July 15, 2004. Thereafter, this Court held a hearing on
20 April 14, 2005, regarding exceptions to that report. Attorney
21 Charles Shockey represented the United States, Assistant Attorney
22 General Sharonne O'Shea represented the Department of Ecology, and
23 Attorney Jeffrey S. Schuster represented the Yakama Nation.
24 Richard K. Stiles presented his exception pro se.

25 The Court, after reviewing the exceptions and other
materials, and after hearing argument and being fully advised, on
October 5, 2005, filed its Supplemental Report of the Court
Concerning the Water Rights for the United States of America, U.S.
Forest Service and Toppenish National Wildlife Refuge (the United
States withdrew all claims to surface water rights on the Yakima

1 Firing Center). The Court held a hearing on exceptions to that
2 report on December 8, 2005. At that hearing, in addition to the
3 previously identified counsel, Daniel Haller appeared pro se to
4 address his exception. The Court orally ruled on several
5 exceptions during the hearing and in its Memorandum Opinion and
6 Order Re: Water Rights for the United States of America, Court
7 Claim No. 02276), filed on January 26, 2006. That Memorandum
8 provided the parties until April 3, 2006, to respond to the Court's
9 request in the Memorandum Opinion for additional information which
10 might result in the Court confirming additional rights. The Court
11 filed its Second Memorandum Opinion and Order Re: Water Rights for
12 the United States of America, Court Claim No. 02276) on April 17,
13 2006, incorporating that additional information.

14 The Court held a hearing June 8, 2006, to consider the
15 objections of the Department of Ecology and the United States to
16 the Proposed Conditional Final Order and makes the following
17 rulings. The objection filed by Ecology is DENIED. In regard to
18 the exceptions of the United States, the Court finds:

19 1. Objection Re: Claim No. S4-05090

20 Subsequent to the June 8, 2006 hearing, the Court requested
21 that Ecology provide the administrative record for the application
22 for change related to the referenced claim (Exhibit Nos. SE-3 and
23 SE-4). Having reviewed that record, the Court GRANTS the
24 objection of the United States and the water right is amended as
25 requested (see Attachment A).

2. Objection Re: Claim No. S4-21053

The Court GRANTS the objection of the United States related
to this claim and finds that range numbers for place of use and
point of diversion should be 13, not 19 and place of use is in
Section 21, not Section 22.

3. Objection Re: Claim No. S4-26733

The Court DENIES the United States exception.

1 4. Objection Re: Claim No. S4-24064

2 The Court failed to carry forth the right confirmed in regard
3 to this claim as set forth in the January 26, 2006 Memorandum
4 Opinion. The Court CONFIRMS that right herein (see Attachment A).

5 5. Additionally, while reviewing Attachment A, the Court
6 discovered an error in describing the point of diversion for the
7 first water right. According to the Declaration of Tom Robison
8 (Doc #18877) the diversion is 150 feet north of the west quarter
9 corner, not 150 feet south of the west quarter corner. That right
10 is amended to correctly identify the point of diversion.

11 The Court now enters this Conditional Final Order based upon
12 the initial Report of the Court, the Supplemental Report of the
13 Court, the Memorandum Opinion and Order Re: Water Rights for the
14 United States of America, Court Claim No. 02276, filed on
15 January 26, 2006, the Second Memorandum Opinion and Order Re:
16 Water Rights for the United States of America, Court Claim No.
17 02276 on April 17, 2006 and rulings set forth above. Attached to
18 and made a part of this Conditional Final Order is a listing of
19 the final rights confirmed to the United States Forest Service
20 (Attachment A).

21 This Conditional Final Order will ultimately be incorporated
22 into a final decree that determines and integrates all of the
23 rights of the parties in this adjudication, at which time it shall
24 be forwarded to the Director of the Department of Ecology for
25 issuance of Certificates of Adjudicated Water Right.

21 Based on the foregoing, IT IS:

22 ORDERED, ADJUDGED AND DECREED THAT

23 1. The final decree shall include for the United States of America
24 Toppenish Wildlife Refuge the water rights as described in the
25 Report of the Court filed on July 15, 2004, at page 12 and for the
United States Forest Service the water rights described in the
Second Memorandum Opinion and Order Re: Water Rights for the

1 United States of America, Court Claim No. 02276) on April 17, 2006
2 as modified by the rulings above regarding objections to the
3 proposed conditional final order and these rights are herein
4 entered as a Conditional Final Order.

5 2. All claims to state law based water rights before the Court
6 pertaining to the United States of America, Toppenish Wildlife
7 Refuge and Forest Service not so confirmed or confirmed in another
8 Conditional Final Order are denied.

9 3. The rights herein addressed shall be administered according to
10 this Conditional Final Order.

11 4. This Conditional Final Order, relating to the confirmation of
12 rights and denial of claims of water rights, constitutes a final
13 order for purposes of appeal pursuant to Civil Rule 54(b) and
14 Rules of Appellate Procedure 2.2(d)), except for purposes of final
15 integration of all confirmed rights as provided in Section XII of
16 Pretrial Order No. 8 (Procedures for Claim Evaluation, dated March
17 3, 1989) of this Court.

18 Dated this 22nd day of June, 2006.

19 
20 _____
21 Sidney B. Ottem, Court Commissioner
22
23
24
25

ATTACHMENT A

1
2 1) With a May 10, 1905, date of priority, a right for the diversion of 0.02 cfs, 1 acre-foot
3 per year from Spring Creek for continuous single domestic supply at the Normandy Cabin in the
4 NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T. 16 N., R. 12 E.W.M. The point of diversion is located 150 feet
5 north and 1100 feet east of the west quarter corner of Section 14, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
6 Section 14, T. 16 N., R. 12 E.W.M.

7 2) With a June 30, 1912, date of priority a right to divert from an unnamed spring, 0.03
8 cfs, 1 acre-foot per year from June 1 to October 31 for stock watering and domestic supply in the
9 NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T. 13 N., R. 14 E.W.M. The point of diversion is located 600 feet
10 south and 350 feet east of the northwest corner of Section 4, being in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
11 Section 4, T. 13 N., R. 14 E.W.M.

12 3) With a June 16, 1932, date of priority a right for the diversion of 0.01 cfs, 0.5 acre-foot
13 per year from an unnamed spring for mining from May 1 to October 31 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
14 Section 31, T. 17 N., R. 11 E.W.M. The point of diversion is located approximately 1600 feet
15 north and 420 feet west of the southeast corner of Section 31, being within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of
16 unsurveyed Section 31, T. 17 N., R. 11 E.W.M.

17 4) With a July 22, 1933, date of priority a right for the diversion of 0.05 cfs, 3 acre-feet
18 per year from an unnamed stream tributary to Lake Keechelus continuously for group domestic
19 supply for six cabins on Lots 6 – 11 of Rocky Run Summer Homes in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of
20 Section 26, T. 22 N., R. 11 E.W.M. The diversion point is located approximately 200 feet south
21 and 200 feet east of the north quarter corner of Section 26, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of
22 Section 26.

23 5) With a priority date of February 28, 1939, a right to divert 0.02 cfs, 2 acre-feet per year
24 from an unnamed spring branch tributary to American River for continuous group domestic
25 supply for the American Forks Summer Homes in the SE $\frac{1}{4}$ of unsurveyed Section 12, T. 17 N.,
R. 13 E.W.M. The point of diversion is approximately 80 feet north and 200 feet east of the
southwest corner of Section 12, within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 17 N., R. 13 E.W.M.

6) With a February 21, 1940, date of priority a right to divert 0.04 cfs, 7 acre-feet per year
from Salmon la Sac Creek for continuous domestic supply for a campground and guard station,
including irrigation of one-half acre at the guard station, in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,
NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of

1 Section 16, T. 22 N., R. 14 E.W.M. The point of diversion is located 210 feet north and 760 feet
2 west of the east quarter corner of Section 16, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 16, T. 22 N.,
3 R. 14 E.W.M.

4 7) With an April 11, 1940, date of priority a right to divert 0.20 cfs, 2 acre-feet per year
5 from an unnamed spring for continuous domestic supply for a campground at the Swauk Creek
6 Campground in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 21 N., R. 17 E.W.M. The point of diversion is
7 located 220 feet north and 1160 feet west of the southeast corner of Section 1, being within the
8 SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, T. 21 N., R. 17 E.W.M.

9 8) With an August 26, 1940, date of priority a right to divert 0.01 cfs, 1 acre-foot per
10 year from Timber Creek, tributary of American River, for single domestic supply from May 1 to
11 October 31 on Lot 3, Timber Creek Summer Home Tracts in Section 2, T. 16 N., R. 11 E.W.M.
12 The diversion point is 390 feet south and 100 feet west of northeast corner of Section 2, in the
13 NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 2, T. 16 N., R. 11 E.W.M.

14 9) With a July 24, 1941, date of priority a right for the diversion of 0.005 cfs, 0.50 acre-
15 foot per year for single domestic supply from May 1 to October 31 on Lot 1 of Edgewater
16 Summer Home Lots in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.17 N., R. 13 E.W.M. The point of
17 diversion from an unnamed spring is approximately 400 feet south and 1800 feet east of the
18 northwest corner of Section 23 (latitude 46°57'13.57", longitude 121°11'18"), being within the
19 NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.17 N., R. 13 E.W.M.

20 10) With a January 15, 1942, date of priority a right to divert 0.05 cfs, 1 acre-foot per
21 year from Thetis Creek for continuous domestic supply for Baker's Resort in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of
22 Section 32, T. 22 N., R. 13 E.W.M. The point of diversion is located 100 feet north and 200 feet
23 west of the southeast corner of Section 31, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 22 N.,
24 R. 13 E.W.M.

25 11) With a priority date of July 21, 1944, a right for the diversion of 0.01 cfs, 0.5 acre-
foot per year from an unnamed creek for continuous single domestic supply on Lot 13 of
Bumping Lake Summer Homes, in Section 22, T. 16 N., R. 12 E.W.M. The point of diversion is
approximately 800 feet south and 700 feet west of the center of unsurveyed Section 22, in the
NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, T. 16 N., R. 12 E.W.M.

12) With a priority date of July 21, 1949, a right for the diversion of 0.04 cfs, 4 acre-feet
per year from an unnamed spring continuously for an alternate group domestic supply for Lots 9

1 and 10 of Russell Creek Summer Homes, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T. 13 N.,
2 R. 13 E.W.M. The point of diversion is located 1000 feet north and 1200 feet east from the west
3 quarter corner of Section 4, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T. 13 N., R. 13 E.W.M.

4 **13)** With a priority date of August 20, 1958, a right to divert 0.005 cfs, 1 acre-foot per
5 year from an unnamed spring for continuous group domestic supply for the Teanaway Summer
6 Home Tract in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T. 22 N., R. 16 E.W.M. The point of diversion is
7 located approximately 600 feet south and 350 feet west of the east quarter corner of Section 32,
8 being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 32, T. 22 N., R. 16 E.W.M.

9 **14)** With a priority date of August 19, 1958, a right to divert 0.13 cfs, 6 acre-feet per year
10 from an unnamed spring for continuous community domestic supply in Lots 1 through 13,
11 Bootjack Summer Homes, located in the NE $\frac{1}{4}$ of unsurveyed Section 6, T. 13 N., R. 13 E.W.M.
12 The point of diversion is located 700 feet north and 75 feet east of the south quarter corner of
13 Section 31, being within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 31, T. 14 N., R. 13 E.W.M.

14 **15)** With a July 25, 1955, date of priority a right for the diversion of 0.01 cfs, 1 acre-foot
15 per year for continuous single domestic supply at the Bumping Lake Boat Landing in unsurveyed
16 SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 16 N., R. 12 E.W.M. The point of diversion is approximately 1425
17 feet south and 1475 feet west of the northeast corner of Section 22, (latitude 46°51'59", longitude
18 121°18'37") being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 16 N., R. 12 E.W.M.

19 **16)** With a priority date of March 23, 1961, a right to divert 0.01 cfs, 2 acre-feet per year
20 from an unnamed spring for continuous domestic supply for the Silver Cove Resort in the
21 NW $\frac{1}{4}$ SW $\frac{1}{4}$ of unsurveyed Section 1, T. 13 N., R. 13 E.W.M. The point of diversion is located
22 approximately 800 feet north and 1320 feet east of the west quarter corner of Section 1, being
23 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T. 13 N., R. 13 E.W.M.

24 **17)** With an April 24, 1962, date of priority a right to divert 0.007 cfs, one-half acre-foot
25 per year from an unnamed spring for continuous domestic supply on Lot 12, Indian Creek
Summer Home Site, in unsurveyed Section 6, T. 13 N., R. 13 E.W.M. The point of diversion is
located approximately 320 feet south and 920 feet east of the west quarter corner of Section 6,
being with the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T. 13 N., R. 13 E.W.M.

18) With a priority date of June 12, 1962, a right to divert 0.02 cfs, 1 acre-foot per year
from an unnamed spring for continuous domestic supply for the Taneum Campground in the
SW $\frac{1}{4}$ of Section 28, T. 19 N., R. 16 E.W.M. The point of diversion is located approximately

1 600 feet south and 620 feet east of the west quarter corner of Section 28, being within the
2 Government Lot 3 of Section 28, T. 19 N., R. 16 E.W.M.

3 **19)** With a priority date of January 31, 1963, a right to divert 0.01 cfs, 1 acre-foot per
4 year from an unnamed spring for continuous domestic supply for two homes on Lots 18 and 20,
5 Indian Creek Summer Home Group, in unsurveyed Section 6, T. 13 N., R. 13 E.W.M. The point
6 of diversion is located approximately 720 feet north and 400 feet east of the center of unsurveyed
7 Section 6, being within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, T. 13 N., R. 13 E.W.M.

8 **20)** With a priority date of July 3, 1968, a right for the diversion of 0.01 cfs, 2 acre-feet
9 per year from an unnamed spring tributary to Kachess Lake for continuous domestic supply on
10 Tract 65 of the Plat of Lake Kachess Summer Home Sites, within Government Lot 2, Section 21,
11 T. 21 N., R. 13 E.W.M. The point of diversion is located approximately 700 feet south and 700
12 feet east of the west quarter corner of Section 22, being within Government Lot 1 of Section 22,
13 T. 21 N., R. 13 E.W.M.

14 **21)** With a priority date of July 18, 1974, a right to divert 0.022 cfs, 5 acre-feet per year
15 from Cedar Creek from June 1 to October 31 for stock water in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13,
16 T. 19 N., R. 15 E.W.M. The point of diversion is located 350 feet south and 500 feet east of the
17 west quarter corner of Section 13, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T. 19 N.,
18 R. 15 E.W.M.

19 **22)** With a priority date of July 18, 1974, a right to divert 0.011 cfs, 2 acre-feet per year
20 from an unnamed spring from June 1 to October 31 for stock watering in the NE $\frac{1}{4}$ of Section 21,
21 T. 19 N., R. 15 E.W.M. The point of diversion is located 1300 feet north and 400 feet west of
22 the east quarter corner of Section 21, being within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T. 19 N.,
23 R. 15 E.W.M.

24 **23)** With a priority date of July 18, 1974, a right to divert 0.05 cfs, 14 acre-feet per year
25 from Larkin Spring May 1 to October 31 for recreational purposes in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
26 Section 23, T. 19 N., R. 15 E.W.M. The point of diversion is located approximately 1100 feet
27 south and 525 feet east from the northwest corner of Section 23, being within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of
28 Section 23, T. 19 N., R. 15 E.W.M.

29 **24)** With a priority date of July 18, 1974, a right to divert 0.005 cfs, 1 acre-foot per year
30 from an unnamed spring June 1 to October 31 for stock watering in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27,
31 T. 20 N., R. 18 E.W.M. The point of diversion is located 950 feet north and 1000 feet west of

1 the southeast corner of Section 27, being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 27, T. 20 N.,
2 R. 18 E.W.M.

3 **25)** With a priority date of July 18, 1974, a right to divert 0.005 cfs, 1 acre-foot per year
4 from an unnamed spring June 1 to October 31 for stock watering in the SW $\frac{1}{4}$ of Section 33,
5 T. 20 N., R. 18 E.W.M. The point of diversion is located 225 feet south and 1980 feet east of the
6 west quarter corner of Section 33, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33, T. 20 N.,
7 R. 18 E.W.M.

8 **26)** With a July 18, 1974, date of priority, a right to divert 0.01 cfs, 3.6 acre-feet per year
9 from an unnamed spring April 1 to November 1 for recreational purposes in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of
10 Section 33, T. 20 N., R. 18 E.W.M. The point of diversion is located 1250 feet north and 1700
11 feet east from the southwest corner of Section 33, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 33,
12 T. 20 N., R. 18 E.W.M.

13 **27)** With a priority date of July 18, 1974, a right to divert 0.005 cfs, 1 acre-foot per year
14 from an unnamed spring May 1 to October 31 for stock watering in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of
15 Section 35, T. 20 N., R. 18 E.W.M. The point of diversion is located 500 feet north and 1200
16 feet east of the west quarter corner of Section 35, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 20 N.,
17 R. 18 E.W.M.

18 **28)** With a priority date of July 18, 1974, a right to divert 0.005 cfs, 1 acre-foot per year
19 from an unnamed spring June 1 to October 31 for stock watering in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of
20 Section 35, T. 20 N., R. 18 E.W.M. The point of diversion is located 175 feet south and 1100
21 feet east of the west quarter corner of Section 35, within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 20 N.,
22 R. 18 E.W.M.

23 **29)** With a priority date of July 18, 1974, a right to divert 0.005 cfs, 1 acre-foot per year
24 from an unnamed spring June 1 to October 31 for stock watering in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35,
25 T. 20 N., R. 18 E.W.M. The point of diversion is located 1320 feet north and 150 feet east of the
south quarter corner of Section 35, within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T. 20 N., R. 18 E.W.M.

30) With a priority date of July 18, 1974, a right to divert 0.005 cfs, 1 acre-foot per year
from an unnamed spring June 1 to October 31 for stock watering in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15,
T. 21 N., R. 18 E.W.M. The point of diversion is located 575 feet south and 250 feet west of the
center of Section 15, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T. 21 N., R. 18 E.W.M.

1 **31)** With a May 12, 1975 priority date a right to divert 0.01 cfs, 1 acre-foot per year from
2 American River tributary to Naches River for domestic supply from May 1 to October 31 on
3 Lot 1, American River Summer Homes, within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 17 N.,
4 R. 13 E.W.M. The diversion point is 500 feet north and 300 feet east of the west quarter corner
5 of Section 12, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 17 N., R. 13 E.W.M.

6 **32)** With a priority date of August 27, 1975, a right to divert 0.04 cubic foot per second, 4
7 acre-feet per year from an unnamed spring continuously for an alternate group domestic supply
8 for Lots 9 and 10 of Russell Creek Summer Homes, in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T. 13 N.,
9 R. 13 E.W.M. The point of diversion is located 1000 feet north and 1200 feet east from the west
10 quarter corner of Section 4, being within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 4, T. 13 N., R. 13 E.W.M.

11 **33)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 0.206 acre-foot per
12 year from Short and Dirty Spring from July 16 to September 5 for stock watering and as required
13 for wildlife within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 13 N., R. 13 E.W.M. The point of diversion is
14 located 500 feet north and 800 feet west of the east quarter corner of Section 22, being within the
15 SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T. 13 N., R. 13 E.W.M.

16 **34)** With a priority date of May 9, 1980, a right to divert 0.004 cfs, 0.403 acre-foot per
17 year from Glen Spring and Hart Spring July 16 to September 5 for stock watering and as
18 required for wildlife within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24 and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13, both
19 in T. 13 N., R. 13 E.W.M. The point of diversion from Glen Spring is located 800 feet south and
20 1100 feet east of the west quarter corner of Section 24, in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24 and from
21 Hart Spring 1800 feet north and 500 feet west from the southeast corner of Section 13, being
22 within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13; both in T. 13 N., R. 13 E.W.M.

23 **35)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 0.12 acre-foot per
24 year from Bethel Ridge Spring July 1 to July 13 for stock watering and as required for wildlife
25 within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T. 14 N., R. 14 E.W.M. The point of diversion is located
100 feet south and 1000 feet east of the center of Section 17, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
Section 17, T. 14 N., R. 14 E.W.M.

36) With a priority date of May 9, 1980, a right to divert 0.004 cfs, 0.17 acre-foot per
year from Pine Tree Spring and Pinegrass Spring from September 6 to October 5 for stock
watering and as required for wildlife in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 16, both in T. 13 N., R. 13 E.W.M. The point of diversion from Pine Tree Spring is

1 located 1000 feet south and 1000 feet west from the northeast corner of Section 15, in the
2 NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15 and the point of diversion from Pinegrass Spring is located 700 feet
3 north and 500 feet west of the center of Section 16, in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16; both in
4 T. 13 N., R. 13 E.W.M.

5 **37)** With a priority date of May 9, 1980, a right to divert 0.004 cfs, 0.16 acre-foot per
6 year from Cash Prairie Spring and Greyback Spring from August 16 to September 5 for stock
7 watering and as required for wildlife in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 14 N., R. 13 E.W.M. and
8 the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 15 N., R. 14 E.W.M. The point of diversion from Cash Prairie
9 Spring is located 2000 feet north and 2000 feet west from the southeast corner of Section 12, in
10 the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 12, T. 14 N., R. 13 E.W.M. and the point of diversion from Greyback
11 Spring is located 400 feet south and 200 feet east of the northwest corner of Section 33, being
12 within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T. 15 N., R. 14 E.W.M.

13 **38)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 0.13 acre-foot per
14 year from Timberwolf Spring from June 10 to July 20 in odd years and from September 6 to
15 September 30 in even years for stock watering and as required for wildlife in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of
16 Section 30, T. 15 N., R. 14 E.W.M. The point of diversion is located 700 feet north and 1100 feet
17 west from the south quarter corner of Section 30, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, T. 15 N.,
18 R. 14 E.W.M.

19 **39)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 1.0 acre-foot per year
20 from Deadhole Spring from June 5 to July 15 and from September 6 to October 5 for stock
21 watering and as required for wildlife in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 14 N., R. 14 E.W.M.
22 The point of diversion is located 500 feet south and 700 feet east from the north quarter corner of
23 Section 35, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 14 N., R. 14 E.W.M.

24 **40)** With a priority date of May 9, 1980, a right to divert 0.004 cfs, 0.76 acre-foot per
25 year from Ironstone Spring and an unnamed spring from July 20 to September 30 for stock
watering and as required for wildlife in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T. 14 N., R. 13 E.W.M.
and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T. 14 N., R. 14 E.W.M. The point of diversion from Ironstone
Spring is located 1100 feet south and 200 feet east from the north quarter corner of Section 29, in
the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, T. 14 N., R. 13 E.W.M. and the point of diversion from the
unnamed spring is located 400 feet south and 700 feet east of the west quarter corner of
Section 19, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T. 14 N., R. 14 E.W.M.

1 **41)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 0.206 acre-foot per
2 year from Andy Spring from July 20 to September 30 for stock watering and as required for
3 wildlife in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T. 14 N., R. 13 E.W.M. The point of diversion is located
4 800 feet north and 600 feet west from the south quarter corner of Section 29, in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of
5 Section 29, T. 14 N., R. 13 E.W.M.

6 **42)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 0.285 acre-foot per
7 year from an unnamed spring from July 20 to September 30 for stock watering and as required
8 for wildlife in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T. 14 N., R. 14 E.W.M. The point of diversion is
9 located 700 feet north and 300 feet east from the west quarter corner of Section 29, in the
10 SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T. 14 N., R. 14 E.W.M.

11 **43)** With a priority date of May 9, 1980, a right to divert 0.002 cfs, 0.12 acre-foot per
12 year from Poverty Basin Spring from June 20 to July 1 for stock watering and as required for
13 wildlife in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 29, T. 14 N., R. 14 E.W.M. The point of diversion is located
14 400 feet south and 2000 feet west from the east quarter corner of Section 29, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of
15 Section 29, T. 14 N., R. 14 E.W.M.

16 **44)** With a priority date of July 11, 1980, a right to divert 0.0024 cfs, 0.43 acre-foot per
17 year from Morgan Draw Spring during the months of June through August in odd years for stock
18 watering in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, T. 16 N., R. 14 E.W.M. The point of diversion is located
19 250 feet north and 750 feet west from the southeast corner of Section 34, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of
20 Section 34, T. 16 N., R. 14 E.W.M.

21 **45)** With a priority date of July 11, 1980, a right to divert 0.001 cfs, 0.36 acre-foot per
22 year from Little Bald Spring continuously for stock watering in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11,
23 T. 16 N., R. 13 E.W.M. The point of diversion is located 800 feet south and 2100 feet west from
24 the northeast corner of Section 11, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 11, T. 16 N., R. 13 E.W.M.

25 **46)** With a priority date of July 11, 1980, a right to divert 0.001 cfs, 0.13 acre-foot per
year from Red Rock Spring from June 10 to July 20 in odd years and from September 6 to
September 30 in even years for stock watering and wildlife in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21,
T. 15 N., R. 14 E.W.M. The point of diversion is located 1325 feet south and 875 feet east from
the north quarter corner of Section 21, in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T. 15 N., R. 14 E.W.M.

47) With a priority date of July 11, 1980, a right to divert 0.001 cfs, 0.13 acre-foot per
year from Willow Spring from July 10 to July 20 in odd years and from September 6 to

1 September 30 in even years for stock watering in the NW¼SE¼ of Section 16, T. 15 N.,
2 R. 14 E.W.M. The point of diversion is located 2000 feet north and 2500 feet west from the
3 southeast corner of Section 16, in the NW¼SE¼ of Section 16, T. 15 N., R. 14 E.W.M.

4 **48)**With a priority date of July 11, 1980, a right to divert from an unnamed spring 0.01
5 cfs; 1.0 acre-foot per year continuously for stock watering and 6.2 acre-feet per year
6 continuously for fisheries enhancement in the NE¼NE¼ of Section 28, T. 17 N., R. 14 E.W.M.
7 The point of diversion is located 250 feet south and 750 feet west from the northeast corner of
8 Section 28, in the NE¼NE¼ of Section 28, T. 17 N., R. 14 E.W.M.
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