

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

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

9 STATE OF WASHINGTON, )  
10 DEPARTMENT OF ECOLOGY, )

11 Plaintiff, )

12 v. )

13 JAMES J. ACQUAVELLA, et al., )

14 Defendants. )

NO. 77-2-01484-5

CONDITIONAL FINAL ORDER  
AS A FINAL JUDGMENT  
PURSUANT TO CR 54(b),  
RAP 2.2(d) AND PRETRIAL  
ORDER NUMBER 8  
AS AMENDED

CASCADE IRRIGATION  
DISTRICT, COURT CLAIM  
NOS. 0891 AND 2800

15 I. PROCEEDINGS

16 THIS MATTER has come on regularly before the Court with Cascade Irrigation District having  
17 had its evidentiary hearing on October 12 and 26, 1994. The Report of the Court issued on  
18 October 8, 1999. A hearing was held regarding relinquishment on October 25-26, 2001. The  
19 Court entered its *Memorandum Opinion RE: Unavailability of Water* on December 10, 2001.  
20 The Court held the hearing on exceptions for the remaining issues on April 29-May 2, 2002,  
21 subsequently entering its Supplemental Report on July 15, 2004. The Court held the hearing on  
22 exceptions to the Supplemental Report on November 18, 2004. The Court entered its  
23 *Memorandum Opinion and Order RE: Exceptions to Supplemental Report, Cascade Irrigation*  
24 *District, Court Claim Nos. 0891 and 2800.* on December 22, 2005. The Court held the hearing  
25 on exceptions to that decision on March 9, 2006.

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

This Conditional Final Order is an appropriate matter to be entered as a final judgment  
pursuant to Civil Rule 54(b), Rule of Appellate Procedure 2.2(d), and Pretrial Order No. 8 as  
amended. There is no just reason for delay in the entry of this Conditional Final Order as a final

1 judgment, subject only to integration at the end of this adjudication.

2 The claims adjudicated by the Conditional Final Order are separate and discrete claims apart  
3 from the remaining multiple claims in this case. The claims adjudicated by this Conditional Final  
4 Order are asserted by one of the multiple parties to this proceeding and are less than all of the  
5 multiple claims of other major claimants and other parties. Numerous claims remain  
6 unadjudicated in the proceeding, and any appeal from this Conditional Final Order is unlikely to  
7 delay trial of unadjudicated matters. The claims that would be reviewed on any appeal from this  
8 Conditional Final Order are not likely to be rendered moot by the continuing proceedings before  
9 this Court. As a practical matter, an immediate appeal of this Conditional Final Order will likely  
10 prevent a waste of judicial resources and prevent a waste of resources for the parties to this case.  
11 Absent separate appeal of this Conditional Final Order, the parties and the Court will be involved  
12 in a single appeal of numerous, separate, discrete and diverse claims from separate hearings. A  
13 combined appeal of all such claims at the end of the adjudication will be unwieldy and  
14 unmanageable and result in substantial waste of judicial resources and the resources of the parties.  
15 The Court finds that Cascade Irrigation District would be prejudiced by any delay.

## 14 II. CONDITIONAL FINAL ORDER

15 Based on the foregoing, IT IS:

16 ORDERED, ADJUDGED and DECREED that the final decree shall set forth the following  
17 for Cascade Irrigation District, Court Claim Nos. 0891 and 2800:

### 18 a. Water Right to Cascade Irrigation District:

- 19 •Yakima River
- 20 •150 cfs and 33,025 acre-feet per year.
- 21 •The season of use is April 1 through July 20.
- 22 •The priority date is March 5, 1902.
- 23 •The purpose of use is irrigation of 12,446.3 acres and stockwater.
- 24 •The place of use is identified in CID 129 (Attachment B).

### 24 b. Water Right to Cascade Irrigation District:

- 25 •150 cfs and 16,800 acre-feet per year.
- 26 •The season of use is July 21 through October 15.
- 27 •The priority date is March 5, 1902.
- 28 •The purpose of use is irrigation of 12,446.3 acres and stockwater.

- 1 •The place of use is identified in CID 129 (Attachment B).

2 The following shall be included on right "b":

3 Limitation of Use: This water right shall not accord Cascade Irrigation District or  
4 its water users any authority over the United States' operation of the Yakima Project  
5 except to request the United States to deliver 16,800 acre-feet, consistent with its  
6 related storage and delivery right, during the authorized season.

6 c. **Water Right to the United States, Department of the Interior**

- 7 •To store in Lake Kachess and deliver 16,800 acre-feet per year.  
8 •The priority date is March 5, 1902.  
9 •The purpose of use is irrigation of 12,446.3 acres and stockwater.  
10 •The place of use: See Cascade Irrigation District's March 5, 1902 water right.

10 The following shall be included in right "c":

11 Limitation of Use: The United States right to deliver shall be consistent with the  
12 requests of Cascade Irrigation District as authorized by a separate but related right to  
13 divert and beneficially use water that is confirmed to Cascade Irrigation District.

13 d. **Points of Diversion for Delivery of Water for the Preceding Water Rights are:**

- 14 •1980 feet south and 660 feet east from the northwest corner of Section 18, being  
15 within the SW¼NW¼ of Section 18, T. 18 N., R. 18 E.W.M. (McManamy POD).  
16 •1980 feet south and 1980 feet east of the northwest corner of Section 11, being  
17 within the SE¼NW¼ corner of Section 11, T. 20 N., R. 13 E.W.M. (Lake  
18 Easton/KRD POD).  
19 •2333 feet south and 491 feet west of the northeast corner of Section 34, being  
20 within the SE¼NE¼ of Section 34, T. 19 N., R. 17 E.W.M.(Strawberry Flats  
21 POD)  
22 •SE¼SW¼ of Section 28, T. 19 N., R. 17 E.W.M. (Clark Flats POD).  
23 •250 feet south and 785 feet east from the northwest corner of Section 28, being  
24 with the NW¼NW¼ of Section 28, T. 19 N, R. 17 E.W.M. (Gravity Flow POD).

24 e. **Water Rights to the Creeks:** The following May 18, 1904 water rights are  
25 confirmed to Cascade Irrigation District. The place of use for each water right is found in  
26 Jantzer's Declaration of August 30, 2004 (Doc. 18,145, attached).

26 1. **Currier/Reecer Creek**

- 27 •7.05 cfs and 641 acre-feet per year from the natural flow of Currier/Reecer Creek  
28 based on the following schedule:

1 April 1 through July 20: 628 acre-feet per year  
2 July 21 through October 15: 13 acre-feet per year

3 •The point of diversion from Currier/Reecer Creek is 200 feet north and 1400 feet  
4 east from the center of Section 15, being within the NE¼ of Section 15, T. 18 N.,  
5 R. 18 E.W.M.

- 6 •The purpose of use shall be irrigation of 10,769 acres and stockwater.  
7 •The season of use is April 1 through October 15.

8 **2. Lyle Creek**

9 •10 cfs and 1,137 acre-feet per year from the natural flow for Lyle Creek based on  
10 the following schedule:

11 April 1 through July 20: 1,117 acre-feet per year  
12 July 21 through October 15: 20 acre-feet per year

13 •The point of diversion is located approximately 1,320 feet south and 1,320 feet  
14 west from the northeast corner of Section 31, being within the NE¼ of Section 31,  
15 T. 18 N., R. 19 E.W.M.

- 16 •The purpose of use shall be irrigation of 8,575 acres and stockwater.  
17 •The season of use is April 1 through October 15.

18 **3. Naneum Creek**

19 •17.52 cfs and 917 acre-feet per year from the natural flow of Naneum Creek based  
20 on the following schedule:

21 April 1 through July 20: 916 acre-feet per year  
22 July 21 through August 15: 1 acre-foot per year

23 •The point of diversion is located approximately 2,262.5 feet north and 628.5 feet  
24 east from the southwest corner of Section 33, being within the SW¼ of Section 33,  
25 T. 18 N., R. 19 E.W.M.

- 26 •The purpose of use shall be irrigation of 7,103 acres and stockwater.  
27 •The season of use is April 1 through August 15.

28 **4. Coleman Creek**

April 1 through July 20: 1962 acre-feet per year  
July 21 through September 15: 40 acre-feet per year

1 •The point of diversion is located approximately 1,320 feet north and 754 feet west  
2 from the southeast corner of Section 33, being within the SE¼ of Section 33, T. 18  
3 N., R. 19 E.W.M.

4 •The purpose of use shall be irrigation of 6,846 acres and stockwater.

5 •The season of use is April 1 through September 15.

6 **5. Caribou Creek**

7 •30 cfs and 1,271 acre-feet per year from the natural flow of Caribou Creek based on  
8 the following schedule:

9 April 1 through July 20: 1,255 acre-feet per year  
10 July 21 through October 15: 16 acre-feet per year

11 •The point of diversion is located approximately 500 feet south and 1000 feet east  
12 from the northwest corner of Section 12, being within the NW¼ of Section 12, T. 17  
13 N., R. 19 E.W.M.

14 •The purpose of use shall be irrigation of 5,242 acres and stockwater.

15 •The season of use is April 1 through October 15.

16 **6. Parke Creek**

17 •7.87 cfs and 353 acre-feet per year from the natural flow of Parke Creek based on  
18 the following schedule:

19 May 15 through July 20: 333 acre-feet per year  
20 July 21 through September 30: 20 acre-feet per year

21 •The point of diversion is located approximately 500 feet east from the northwest  
22 corner of Section 18, located on the north boundary line of Section 18., T. 17 N., R.  
23 20 E.W.M.

24 •The purpose of use shall be irrigation of 4,477 acres and stockwater.

25 •The season of use is May 15 through September 30.

26 **7. Badger Creek**

27 •15.6 cfs and 1,552 acre-feet per year from the natural flow of Badger Creek based  
28 on the following schedule:

April 1 through July 20: 1,509 acre-feet per year  
July 21 through August 31: 43 acre-feet per year

•The point of diversion is located approximately 750 feet north from the south

1 quarter corner of Section 31, located within the S½ of Section 31, T. 17 N., R. 20  
2 E.W.M.

3 •The purpose of use shall be irrigation of 1,125 acres and stockwater.

4 •The season of use is April 1 through August 31.

5 8. **Provisions:** The following provisions shall be included on Cascade's  
6 above described irrigation season water rights to the Yakima River and the creeks:

7 Cascade Irrigation District is confirmed a right to divert a combined maximum of 150 cfs  
8 and 49,825 acre-feet per year from the Yakima River, and the natural flow of Currier/Reecer  
9 Creek, Lyle Creek, Naneum Creek, Coleman Creek, Caribou Creek, Parke Creek and Badger  
10 Creek. Cascade shall not exceed these quantities during the irrigation season.

11 Cascade Irrigation District is also bound by its 1906 storage agreement with the United  
12 States (CID 16). From July 21 through October 15, Cascade shall not divert water in excess of  
13 150 cfs and 16,800 acre-feet per year from the Yakima River and the natural flow of  
14 Currier/Reecer Creek, Lyle Creek, Naneum Creek, Coleman Creek, Caribou Creek, Parke Creek  
15 and Badger Creek.

16 Cascade Irrigation District shall continue to measure and monitor its use of the Yakima  
17 River and those tributaries to which it is confirmed water rights. Cascade shall make the data  
18 available upon request and within a reasonable time for review by the United States Bureau of  
19 Reclamation and the Department of Ecology.

20 The parties are bound by this Court's rulings in Additional Order RE: Limiting Agreements  
21 (Cascade Irrigation District, Ellensburg Water Company, and West Side Irrigating Company),  
22 May 12, 1994 (Doc. #9238); Memorandum Opinion RE: Motion for Reconsideration of Limiting  
23 Agreements, April 1, 1994 (#9092).

24 9. **March 5, 1902 Stockwater Right to Cascade Irrigation District**

25 •Yakima River.

26 •10 cfs and 250 acre-feet per year (consumptive use).

27 •October 16 through March 31 (non-irrigation season)

28 •The point of diversion is 1,980 feet south and 660 feet east of the northwest corner  
of Section 18, being within the SW¼NW¼ of Section 18, T. 18 N., R. 18 E.W.M.

•The place of use is identified in CID 129 (Attachment B).

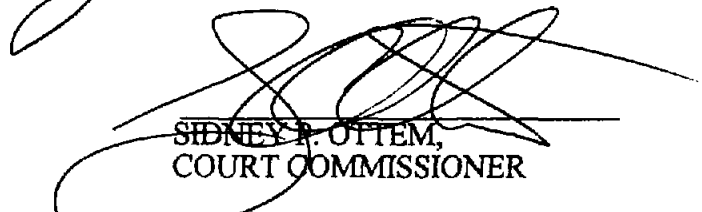
•The following provisions shall be included on this water right.

Cascade Irrigation District shall continue to measure and monitor its use of the Yakima  
River and those tributaries to which it is confirmed water rights. Cascade shall make the data  
available upon request and within a reasonable time for review by the United States Bureau of  
Reclamation and the Department of Ecology.

1 The parties are bound by this Court's rulings in Additional Order RE: Limiting Agreements  
2 (Cascade Irrigation District, Ellensburg Water Company, and West Side Irrigating Company),  
3 May 12, 1994 (Doc. #9238); Memorandum Opinion RE: Motion for Reconsideration of Limiting  
4 Agreements, April 1, 1994 (#9092).

5 e. This Conditional Final Order, relating to the confirmation of water rights to Cascade  
6 Irrigation District constitutes a final order for purposes of appeal pursuant to Civil Rule 54(b) and  
7 Rule of Appellate Procedure 2.2(d), except for purposes of final integration of all confirmed  
8 rights as provided in Section XII of Pretrial Order No. 8, procedures for Claim Evaluation, dated  
9 March 3, 1989, of this Court.

DATED this 6<sup>th</sup> day of June, 2006.



SIDNEY P. OTTEM,  
COURT COMMISSIONER

13 Attachments: A-Jantzer Declaration/Creeks (Doc. #18,145)  
14 B-Legal Description of CID (From CID 129)

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On this day the undersigned in Yakima, Washington, sent to the attorneys of record for plaintiff and for the United States and the Yakama Nation, a copy of this document by U.S. mail, postage prepaid.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

8/1/04 Date K. Jantzer Signed

RECEIVED

AUG 31 PM 4 04

FILED

AUG 31 2004

KIM M. EATON  
YAKIMA COUNTY CLERK

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

IN THE MATTER OF THE DETER-	)
MINATION OF THE RIGHTS TO	)
THE USE OF THE SURFACE WATERS	)
OF THE YAKIMA DRAINAGE BASIN,	)
IN ACCORDANCE WITH THE	) NO. 77-2-01484-5
PROVISION OF CHAPTER 90.03	)
REVISED CODE OF WASHINGTON,	) DECLARATION OF TONY
	) JANTZER REGARDING
THE STATE OF WASHINGTON,	) REPORT OF COURT RE:
DEPARTMENT OF ECOLOGY,	) LANDS SERVICED BY
	) SPECIFIC CREEKS
Plaintiff,	)
v.	) CASCADE IRRIGATION
	) DISTRICT
JAMES J. ACQUAVELLA, et al,	)
	) CLAIM NO. 0891 & 2800
Defendants.	)

TONY JANTZER deposes and says:

1. I have been the manager of the District since March of 1996. As part of my duties, I am the custodian of Cascade's records and documents, including contracts, maps, diversion records and other data kept in the regular course of business. I have researched the historic and current records regarding water use by the District and submit this declaration based on my review of the records and documents and my own training, experience, and

18,145

HALVERSON APPELLATE, P.S.

311 NORTH FOURTH STREET - P.O. BOX 22730  
YAKIMA, WASHINGTON 98907-2715  
PHONE (509) 575-6611



1 personal knowledge. The purpose of this declaration is to provide additional  
2 evidence and testimony regarding the service area of particular Creeks used by  
3 Cascade Irrigation District, as requested by the Court in its Supplemental  
4 Report.  
5

6 2. The waters diverted out of BADGER CREEK serve the portions of  
7 the following listed sections and parts of sections that lie within the Cascade  
8 Irrigation District, comprising of approximately 1,125 acres:

9 South ½ of the Southwest ¼ and the Southeast ¼ of Section 29; South  
10 ½ of the Southwest ¼ and South ½ of the Southeast ¼ of Section 28;  
11 North ½ of Section 33; South ½ of Section 27; North ½ of Section 34;  
12 South ½ of Section 26; North ½ of Section 35; and those portions of the  
13 Northwest ¼, North ½ of the Southwest ¼, the Southwest ¼ of the  
14 Northeast ¼, and Southeast ¼ of Section 36 situated South of Badger  
15 Creek, All within Township 17 North, Range 19 E.W.M.. AND the  
16 Southwest ¼ of Section 31, All within Township 17 North, Range 20  
17 E.W.M., including the track of land to the North of Badger Creek.

18 3. The waters diverted out of PARKE CREEK serve all of the lands  
19 above-mentioned under Badger Creek, plus the portions of the following listed  
20 sections and parts of sections that lie within the Cascade Irrigation District  
21 comprising of approximately 4,477 acres of land:

22 West ½ of Section 31; Northwest ¼ and Northeast ¼ and Southeast ¼  
23 and Northwest ¼ of the Southeast ¼ of Section 30; West ½ of the  
24 Northwest ¼ and the South ½ of the Southwest ¼ of Section 18; the  
25 Southwest ¼ of Sec. 20; and all of Sec. 19; ALL within Township 17  
26 North, Range 20 E.W.M. AND the Southwest ¼ of Section 36; Section  
27 25; the East ½ of the Southeast ¼ and the Southeast ¼ of the  
28 Northeast ¼ of Section 26; Section 24; Section 13, including the land  
29 lying North of Parke Creek; the East ½ of Section 14, including the  
30 land lying North of Parke Creek; the Northeast ¼ of Section 23; ALL  
31 within Township 17 North, Range 19 E.W.M.

32 4. The waters diverted out of CARIBOU CREEK serve all of the  
33 lands listed under Parke Creek, plus the portions of the following listed  
34 sections and parts of sections that lie within the Cascade Irrigation District,  
comprising of approximately 5,242 acres of land:

**HALVerson APpLEGATE, P.S.**

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YAKIMA, WASHINGTON 98907-2715  
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1 Northwest ¼ of Section 14; the South ½ of Section 11; Section 12; ALL  
2 within Township 17 North, Range 19 E.W.M.

3 5. The waters diverted out of COLEMAN CREEK serve all of the  
4 lands listed under Caribou Creek plus the portions of the following listed  
5 sections and parts of sections that lie within the Cascade Irrigation District  
6 comprising of approximately 6,846 acres of land:  
7

8 North ½ of Section 11; the Northwest ¼ and Southwest ¼ and  
9 Southeast ¼ of Section 2; the Northwest ¼ and Northeast ¼ and  
10 Southeast ¼ of Section 10; the Northeast ¼ of the Northwest ¼ and  
11 the Northeast ¼ of Section 9; Section 3; the East ½ of Section 4; ALL  
12 within Township 17 North, Range 19 E.W.M. AND the South ½ of  
13 Section 34; the Southeast ¼ of the Southeast ¼ of Section 33; ALL  
14 within Township 18 North, Range 19 E.W.M.

15 6. The waters diverted out of NANEUM CREEK serve all of the  
16 lands listed under Coleman Creek, plus the portions of the following listed  
17 sections and parts of sections that lie within the Cascade Irrigation District,  
18 comprising approximately of 7,103 acres of land:

19 West ½ of Section 4 within Township 17 North, Range 19 E.W.M.  
20 AND the South ½ of Section 33, within Township 18 North, Range 19  
21 E.W.M.

22 7. The waters diverted out of LYLE CREEK serve all of the lands  
23 listed under Naneum Creek plus the portions of the following listed sections  
24 and parts of sections that lie within the Cascade Irrigation District, comprising  
25 of approximately 8,575 acres of land:  
26

27 Section 5; the North ½ of Section 6; ALL within Township 17 North,  
28 Range 19 E.W.M. AND the South ½ of Section 32; the South ½ and  
29 Northeast ¼ of Section 31; ALL within Township 18 North, Range 19  
30 E.W.M.

31 8. The waters diverted out of CURRIER CREEK serve all of the  
32 lands listed under Lyle Creek, plus the portions of the following listed sections  
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HALVERSON APPELLATE, P.S.

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1 and parts of sections that lie within the Cascade Irrigation District comprising  
2 of approximately 10,769 acres of land:

3 North 1/2 of Section 31, within Township 18 North, Range 19 E.W.M.  
4 AND Section 36; the South 1/2 and the South 1/2 of the Northwest 1/4 of  
5 Section 25; Section 26; the North 1/2 of Section 35; the East 1/2 of Section  
6 15; Section 22 EXCEPT for the Northwest 1/4 of the Northwest 1/4 ; the  
7 East 1/2 of the Northwest 1/4, the Northeast 1/4, and the Southeast 1/4 of  
8 Sec. 27; ALL within Township 18 North, Range 18 E.W.M.

9 DATED: Aug 30 2004

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16 TONY JANTZER

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**HALVERSON APPELLATE, P.S.**

311 NORTH FOURTH STREET - P.O. BOX 22780  
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## ATTACHMENT B

All lands located within the Cascade Irrigation District Boundaries as set forth on Exhibit "A" attached to the Notice, and a portion of the North  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Sec. 33, T. 19 N., R. 17 E.W.M.; a portion of the North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  and a portion of the West  $\frac{1}{2}$  of the Northeast  $\frac{1}{4}$  of Section 33, T. 19 N., R. 17 E.W.M., and a portion of the West  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  and a portion of the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Sec. 34, T. 19 N., R. 17 E.W.M.; a portion of the Southwest  $\frac{1}{4}$  and a portion of the Southeast  $\frac{1}{4}$  of Section 8, Township 18 North, Range 18 E.W.M., all of which are serviced by Cascade Irrigation District.

EXHIBIT <sup>A</sup>

Beginning at a point on the east boundary line of Section Thirty-four (34) in Township Nineteen (19) north, Range Seventeen (17) east of the Willamette Meridian where the same is intersected by a line running parallel with and twenty-five (25) feet from the center and on the north side of the canal of the Cascade Canal Company and thence running south on said east boundary line of Section Thirty-four (34) and the east boundary line of Section Three (3) Township Eighteen (18) North, of Range Seventeen (17) East of the Willamette Meridian, to the north and east bank of the Yakima River, thence running southeasterly on the east bank of said river to the intake of the canal of the Ellensburg Water Company; thence running easterly and on a line parallel with and fifty (50) feet north of the center of said canal of the Ellensburg Water Company and following said canal easterly, southerly and westerly, parallel with and fifty (50) feet from the center and on the upper side of said canal throughout its entire course from its said intake to its termination at a point in the southeast quarter of Section Twenty-eight (28) Township Seventeen (17) north, Range nineteen (19) east of the Willamette Meridian which is one thousand three hundred and fifty-two (1352) feet north and seven hundred (700) feet west of the corner common to Sections Twenty-seven (27), Twenty-eight (28), Thirty-three (33) and Thirty-four (34) in Township Seventeen (17) north, range nineteen (19) East of the Willamette Meridian; thence running south at right angle to the 1/16 section line a distance of three hundred (300) feet; thence south 66°44' east; one thousand one hundred and forty-eight (1148) feet to the section line between sections twenty-eight (28) and thirty-three (33) township seventeen (17) north, Range Nineteen (19) East of the Willamette Meridian; thence east along said section line two hundred and forty-six (246) feet to the section corner common to sections twenty-seven (27), Twenty-eight (28), thirty-three (33) and thirty-four (34) in township seventeen (17) north, range nineteen (19) East of the Willamette Meridian; thence south along the section line

between said Sections thirty-three (33) and thirty-four (34) a distance of ten hundred and nineteen (1019) feet; thence to the right at an angle of  $90^{\circ}35'$  thirteen hundred and twenty (1320) feet to the  $1/16$  section line; thence north on the  $1/16$  section line four hundred and fifty-six (456) feet; thence at an angle of  $20^{\circ}$  to the left a distance of ninety (90) feet; thence with an angle of  $11^{\circ}$  to the left one hundred and seventeen (117) feet; thence with an angle of  $5^{\circ}47'$  to the right one hundred and twenty-five (125) feet; thence with an angle of  $23^{\circ}10'$  to the left ninety (90) feet; thence with an angle of  $32^{\circ}13'$  to the right, eighty-five (85) feet; thence with an angle of  $28^{\circ}6'$  to the left one hundred and sixty-five (165) feet; thence with an angle of  $9^{\circ}6'$  to the right one hundred and ninety (190) feet; thence with an angle of  $16^{\circ}26'$  to the right one hundred and thirty-five (135) feet; thence with an angle of  $21^{\circ}37'$  to the left two hundred and seventy-seven (277) feet; thence with an angle of  $21^{\circ}58'$  to the left, sixty-five (65) feet; thence with an angle of  $7^{\circ}6'$  to the right, three hundred and sixty (360) feet; thence with an angle of  $47^{\circ}42'$  to the left two hundred fifteen and  $5/10$  (215.5) feet; thence with an angle of  $15^{\circ}$  to the right nine hundred and thirteen (913) feet; thence north with an angle of  $76^{\circ}4'$  west, four hundred and fifteen (415) feet; thence south on the  $1/16$  section line eight hundred and sixty-nine (869) feet; thence at an angle of  $90^{\circ}16'$  to the right, five hundred and two (502) feet; thence at an angle of  $89^{\circ}40'$  to the right, one thousand six hundred and eighty-nine and  $5/10$  (1689.5) feet to the  $1/16$  section line; thence west along the  $1/16$  section line one thousand two hundred and sixty-five (1265) feet; thence with an angle of  $37^{\circ}$  to the left seven hundred (700) feet; thence with an angle of  $25^{\circ}$  to the right one thousand eight hundred and thirty-five (1835) feet; thence with an angle of  $42^{\circ}$  to the left a distance of four hundred and eighty (480) feet, being a point on the section.

township seventeen (17) north, range nineteen (19) which point is three thousand one hundred and ninety (3190) feet west of the corner common to sections twenty-eight (28), twenty-nine (29), thirty-two (32) and thirty-three (33) township seventeen (17) north, range nineteen (19) East of the Willamette Meridian, thence running east to said common section corner; thence south to the present terminus of the canal of the Cascade Canal Company on the east boundary line of said section thirty-two (32); thence running southerly twenty-five (25) feet; thence running easterly and afterwards northerly and westerly on a line parallel with and twenty-five (25) feet from and on the upper side of the present canal of the Cascade Canal Company to the place of beginning.

Excepting from the foregoing body of land the right of way of the Chicago, Milwaukee & Puget Sound Railway Company and the land embraced in the plat of the Town of Kittitas;

Also excepting and excluding from the boundaries of said district the following described lands:

The certain lands which were heretofore platted and known as Shoudy's Third Addition, Shoudy's Second Addition, Nob Hill Addition, Mick's Addition and Michol's First Addition, to the City of Ellensburg, there being included in the excepted portions all portions of said additions which have been vacated since the original platting thereof; and Blocks 1, 2, 3, 4, 5, 6, 7, 12, 13, 14, 15, 16, 17 and 18 of State Land Commissioner's plat of Section Thirty-six (36) Township Eighteen (18) North, Range Eighteen (18) East of the Willamette Meridian.

All that part or portion of the northeast quarter of section eleven (11) in township seventeen (17) north, range nineteen (19) East of Willamette Meridian lying southerly of a line forming the southern boundary of the right of way and ways of the Chicago, Milwaukee & Puget Sound Railway Company, as now located and established on, over and across said quarter section. Said

Beginning on the east boundary of Section 11 at a point ninety feet south of the intersection of said boundary with the center line of the main track of the railway of said company, as now located and established over and across said section; and running thence southwesterly on a curve to the ~~left~~ left and a radius of five hundred and twenty-three and seven-tenths feet, the tangent to said curve making an angle approximately  $84^\circ$  with said east boundary of said section, a distance of six hundred and twenty-nine and five tenths feet, said curve being fifty feet easterly from and parallel to the center line of the east leg of said wye as there now located; thence southerly along a curve to the left having a radius of thirteen hundred and nine and one-tenth feet, said curve being fifty thousand six hundred and eighty-one feet, said curve being fifty feet easterly from and parallel to said center line of the east leg of said wye as now located; thence southerly along a straight line parallel to and fifty feet easterly from the center line of the tail track of said wye, a distance of two hundred forty-one and four-tenths feet; thence at right angles westerly, a distance of one hundred feet; thence at right angles northerly, in a straight line parallel to and fifty feet westerly from the center of the tail track of said wye, a distance of two hundred forty-one and four-tenths feet; thence northerly deflecting to the left along a curve having a radius of thirteen hundred and nine and one-tenths feet; a distance of seventy-six and eight tenths feet, said curve being parallel to and fifty feet westerly from the center line of the west leg of said wye; thence northwesterly deflecting to the left along a curve having a radius of five hundred twenty-three and seven-tenths feet a distance of four hundred and thirteen feet, said curve being fifty feet westerly from and parallel to the center line of the west leg of said wye; thence westerly in a straight line parallel to and two hundred feet southerly from the



Puget Sound Railway Company, a distance of two thousand one hundred and twenty four feet to the north and south center line of said section eleven.

All of that portion of the southeast quarter of the southeast quarter of section two, township seventeen north, range nineteen E. W. M. lying south of the Cascade Canal, comprising about 10 acres.

All of that portion of the northwest quarter of the northeast quarter of section eleven in township seventeen north, range nineteen E. W. M. bounded on the north by Fourth Avenue of the town of Kittitas; on the east by King Street of the town of Kittitas on the south by the right of way of the Chicago Milwaukee & Puget Sound Railway Company and on the west by the section line of said section, comprising 18.96 acres.

All of that portion of the southwest quarter of section eight township eighteen north, range eighteen lying south of the canal of the Cascade Canal Company, comprising about ten acres;

All of that portion of the southwest quarter of the southeast quarter of section two, township seventeen north, range nineteen E. W. M. lying east of the west line of King Street of the town of Kittitas extended due north to the junction with the right of way of the Cascade canal and lying between the Cascade canal on the north and the County road on the south.

All of that portion of the southeast quarter of section twenty-six township seventeen, north, range nineteen E. W. M. lying east and south of the right of way of the canal of the Ellensburg Water Company.

The southeast quarter of the northwest quarter of section thirteen, township seventeen north, range nineteen E. W. M.

The east half of the northwest quarter; the southwest quarter of the northwest quarter; and the northwest quarter of the southwest quarter; of section four, township seventeen north, range nineteen E. W. M., and all those portions of the northeast quarter of the southeast quarter and the northwest quarter of the southeast quarter

of section four township seventeen north, range nineteen E.W.M. lying north of the right of way of the Chicago, Milwaukee & Puget Sound Railway Company.

All of that portion of the northwest quarter of the southwest quarter of section ~~xxxxx~~ five, township seventeen north, range nineteen E. W. M., bounded by a line commencing at the intersection of the north boundary line of the right of way of the Ellensburg Water Company's irrigation canal with the western boundary of said quarter of quarter section; thence running north on the east boundary of the county road two hundred ninety-eight and eighty-eight one-hundredths feet; thence running east five hundred and forty; thence running south three hundred and forty-nine feet to a point one hundred and fifty feet north of the right of way of said irrigation canal; thence running southeasterly on a line parallel with and one hundred and fifty feet distant from said north boundary of said irrigation canal a distance of seven hundred and eighty feet; thence running south one hundred and fifty feet to the north boundary of said irrigation canal; thence running westerly on said north boundary of said irrigation canal to the place of beginning.