

FILED

2021 AUG --3 PM 3: 05

CHARLEEN GROOMES
OKANOGAN COUNTY CLERK

1
2
3
4
5
6
7 **STATE OF WASHINGTON**
8 **OKANOGAN COUNTY SUPERIOR COURT**

9 OKANOGAN COUNTY,

10 Plaintiff / Petitioner,

11 v.

12 WASHINGTON STATE DEPARTMENT OF
13 ECOLOGY, a Washington State agency,

14 Defendant / Respondent.

NO. 21-2-00039-24

**ORDER ON CROSS
MOTIONS FOR
SUMMARY JUDGMENT**

15 THIS MATTER came before the Court on Plaintiff Okanogan County's and Defendant
16 State of Washington, Department of Ecology's cross motions for summary judgment on the
17 Plaintiff's cause of action under the Uniform Declaratory Judgment Act, RCW 7.24. Having
18 come on for hearing on July 20, 2021, and the Court having reviewed the files and records herein
19 and being fully advised in the premises:

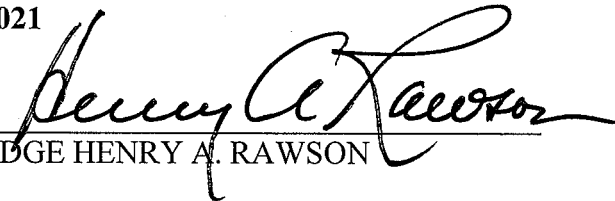
- 20 1. Okanogan County's Motion for Summary Judgment on First Cause of Action and
21 Memorandum in Support;
- 22 2. Declaration of Angela Hubbard in Support of Plaintiff Okanogan County's
23 Motion for Summary Judgment;
- 24 3. Declaration of Jenna Mandell-Rice in Support of Plaintiff Okanogan County's
25 Motion for Summary Judgment;
- 26 4. Department of Ecology's Motion for Summary Judgment;
5. Department of Ecology's Memorandum in Support of Motion for Summary
Judgment;

- 1 6. Declaration of Alan M. Reichman in Support of Department of Ecology's Motion
2 for Summary Judgment;
- 3 7. Okanogan County's Response to Defendant's Motion for Summary Judgment;
- 4 8. Second Declaration of Angela Hubbard in Support of Okanogan County's
5 Motion for Summary Judgment;
- 6 9. Department of Ecology's Memorandum in Response to Okanogan County's
7 Motion for Summary Judgment;
- 8 10. Second Declaration of Alan M. Reichman in Support of Department of Ecology's
9 Motion for Summary Judgment;
- 10 11. Okanogan County's Reply in Support of its Motion for Summary Judgment; and
- 11 12. Department of Ecology's Reply Memorandum in Support of Motion for
12 Summary Judgment.

13 **It is now, therefore, ORDERED that:**

- 14 1. Plaintiff Okanogan County's Motion for Summary Judgment is DENIED;
- 15 2. Defendant Department of Ecology's Motion for Summary Judgment is
16 GRANTED; and
- 17 3. A division of a parcel of land, as proposed by the county and described as a "Two
18 Lot Subdivision Exception", which thereby creates one additional parcel for a
19 home that would rely on water from a reservation of water for "single domestic
20 use" and would in itself be designated a "single domestic use" is unlawful under
21 the Methow River Basin Instream Flow Rule, WAC 173-548.

22 **Dated this 3rd day of August, 2021**

23
24
25
26

JUDGE HENRY A. RAWSON