

FILED

OCT 10 2014

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

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**THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION III**

CITY OF LEAVENWORTH,

Appellant,

v.

WASHINGTON STATE
DEPARTMENT OF ECOLOGY,

Respondent.

CASE NO. 312364

THIRD JOINT STATUS REPORT

Pursuant to the Court's March 11, 2013 Order Staying Further Proceedings, the Department of Ecology (Ecology) and City of Leavenworth (Leavenworth) submit this Third Joint Status Report.

1. Icicle Creek Comprehensive Water Resource Strategy. The Icicle Creek sub-basin stakeholders expect to complete feasibility studies by early December 2014 for several water-saving projects that could provide a basis for settlement of this appeal. The feasibility study is being funded by Ecology's Office of Columbia River.
2. Identification of Water-Saving Projects. After review of the feasibility studies, Ecology and Leavenworth will meet by the end of January 2015 to determine which project or projects will provide the best prospects for leading to a settlement in this case, along with other potential benefits to the Icicle sub-basin. If Ecology and

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THIRD JOINT STATUS REPORT 1

1 Leavenworth cannot identify or agree upon any projects from the Icicle Creek study,
2 they will endeavor to identify other means and methods of settling this case, and to
3 reach an agreement whether or not to seek further extension of the stay of this appeal
4 or to request a settlement conference with the Court.

- 5 3. Funding and Permitting of Water-Saving Projects. Until the previous step is
6 completed, it is premature to move forward with actions to fund and obtain permits.
7 However, the parties to this appeal believe that there are projects within the Icicle
8 sub-basin that would provide a path towards settlement in this case.
- 9 4. Transfer of Water Rights to City of Leavenworth. Until funding and permitting of a
10 project is completed, it is premature to move forward with actions to transfer water
11 rights to Leavenworth.
- 12 5. Court Assistance with Settlement Process. At this point, the parties do not believe
13 that the assistance of the Court is necessary.
- 14 6. Request for Settlement Conference. Neither party is requesting a settlement
15 conference with the Court at this time.
- 16 7. Next Status Report. The parties will submit the next joint status report in six months,
17 on or before March 12, 2015.

18 DATED this 10th day of October, 2014.

21 LAW OFFICE OF THOMAS M. PORS

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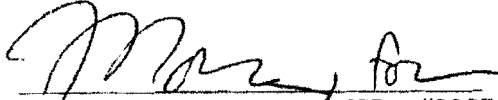
23 Thomas M. Pors, WSBA No. 17718
24 Attorney for Appellant
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THIRD JOINT STATUS REPORT 2

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THIRD JOINT STATUS REPORT 3

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FAX COVER SHEET

TO	Renee S. Townsley	COURT OF APPEALS DIVISION III STATE OF WASHINGTON
COMPANY	Court of Appeals	By _____
FAX NUMBER	15094564288	
FROM	Thomas M. Pors	
DATE	2014-10-10 22:49:36 GMT	
RE	Filing Status Report	

COVER MESSAGE

Attached please find the Third Joint Status Report in City of Leavenworth v. Washington State Department of Ecology, Case No. 31236-4-III.

Originals were mailed today.

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DIVISION III
STATE OF WASHINGTON
By _____

Law Office of Thomas M. Pors

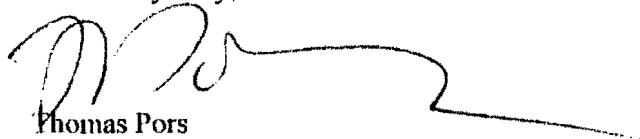
Renee S. Townsley, Clerk/Administrator
The Court of Appeals, Division III
North 500 Cedar Street
Spokane, WA 99210-1905

Re: *City of Leavenworth v. Washington State Department of Ecology, Case
No. 31236-4-III*

Dear Ms. Townsley:

Enclosed is the parties' Third Joint Status Report in this matter, as required by the Order Staying Further Proceedings. I was authorized to sign the report by Mr. Reichman on behalf of the Department of Ecology. At this time, the parties are not requesting any court assistance with the settlement process. The next joint status report will filed on or before March 12, 2015.

Yours very truly,



Thomas Pors

Encl

Cc: Alan M. Reichman

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October 20, 2014

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CASE # 312364
City of Leavenworth v. Washington State Department of Ecology
CHELAN COUNTY SUPERIOR COURT No. 092007483


Counsel:

Pursuant to the Third Joint Status Report, the following notation ruling was entered:

October 16, 2014
Stay status continued. A stay status report is now due March 12, 2015.
Renee S. Townsley
Clerk

Sincerely,

RENEE S. TOWNSLEY
Clerk/Administrator



Joyce A. Roberts, Senior Case Manager

RST:jr