

**FILED**

**MAR 12 2014**

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

**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

SECOND 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 Second Joint Status Report.

1. Icicle Creek Comprehensive Water Resource Strategy. The Icicle Creek sub-basin stakeholders have continued with their work and recently authorized feasibility studies 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 additional feasibility analysis and preliminary engineering, Ecology and Leavenworth will meet to determine which

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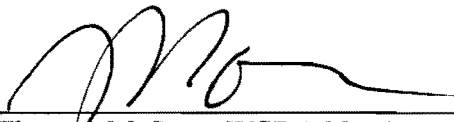
1 project or projects will provide the best prospects for leading to a settlement in this  
2 case, along with other potential benefits to the Icicle sub-basin.

- 3 3. Funding and Permitting of Water-Saving Projects. Until the previous step is  
4 completed, it is premature to move forward with actions to fund and obtain permits.  
5 However, the parties to this appeal believe that there are projects within the Icicle  
6 sub-basin that would provide a path towards settlement in this case.
- 7 4. Transfer of Water Rights to City of Leavenworth. Until funding and permitting of a  
8 project is completed, it is premature to move forward with actions to transfer water  
9 rights to Leavenworth.
- 10 5. Court Assistance with Settlement Process. At this point, the parties do not believe  
11 that the assistance of the Court is necessary.
- 12 6. Request for Settlement Conference. Neither party is requesting a settlement  
13 conference with the Court at this time.
- 14 7. Next Status Report. The parties will submit the next joint status report in six months,  
15 on or before September 12, 2014.

16  
17 DATED this 10<sup>th</sup> day of March, 2014.

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21 LAW OFFICE OF THOMAS M. PORS

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23 Thomas M. Pors, WSBA No. 17718  
24 Attorney for Appellant  
25 City of Leavenworth  
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ROBERT W. FERGUSON  
Attorney General



ALAN M. REICHMAN, WSBA #23874  
Assistant Attorney General  
Attorneys for Respondent  
Washington State Department of Ecology  
(360) 586-6748

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**MAR 14 2014**

COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

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**THE COURT OF APPEALS  
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CITY OF LEAVENWORTH,  
  
Appellant,  
  
v.  
  
WASHINGTON STATE  
DEPARTMENT OF ECOLOGY,  
  
Respondent.

CASE NO. 312364  
  
PROOF OF SERVICE

Pursuant to RCW 9A.72.085 and RAP 5.4(b), I certify that on March 11, 2014, or earlier, I caused to be served the SECOND JOINT STATUS REPORT in the above-captioned matter upon the parties herein as indicated below:

ALAN M. REICHMAN  
ASSISTANT ATTORNEY GENERAL  
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1 The foregoing being the last known physical and email addresses.

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

4 DATED this 11th day of March, 2014, in Seattle, Washington.

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7 THOMAS M. PORS  
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Law Office of Thomas M. Pors

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**FILED**

**MAR 12 2014**

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

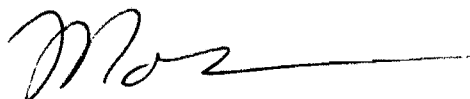
COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

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

Dear Ms. Townsley:

Enclosed is the parties' Second 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 be filed on or before September 12, 2014.

Yours very truly,



Thomas Pors

Encl

Cc: Alan M. Reichman

Renee S. Townsley  
Clerk/Administrator

(509) 456-3082  
TDD #1-800-833-6388

*The Court of Appeals  
of the  
State of Washington  
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March 24, 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 Second Joint Status Report filed by Mr. Pors, the following notation ruling was entered:

**March 24, 2014**  
**Stay status continued. A stay status report is now due**  
**September 12, 2014.**  
Renee S. Townsley  
Clerk

Sincerely,

RENEE S. TOWNSLEY  
Clerk/Administrator

  
Joyce A. Roberts, Case Manager

RST:jr