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FILED

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

KENNEWICK IRRIGATION
DISTRICT, a Washington public
irrigation district,

Plaintiff,

vs.

CITY OF KENNEWICK,
WASHINGTON, a public division of
Benton County, State of Washington;
HAYDEN HOMES, LLC, a
Washington limited liability
company,

Defendants.

NO. 13-2-02297-1

STIPULATION AND
ORDER OF DISMISSAL
WITH PREJUDICE AND
WITHOUT ATTORNEYS
FEES OR COSTS

I. STIPULATION


The parties, through their undersigned attorneys, hereby stipulate and agree that there is no buffer or set back along Tract A of the Bridgewater Park Plat (PVA 13-01; PLN-2013-02039) which abuts the Amon Wasteway. Per the exemption provided in Senate Bill 5292, and the City's acknowledgement that the Amon Wasteway is an irrigation return flow and not a critical area, the parties stipulate and agree there are no critical area ordinance restrictions imposed as

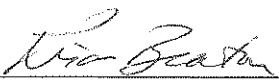
1 result of the City's approval of the Bridgewater Park Plat on the Kennewick
2 Irrigation District activities in or along that portion of the Amon Wasteway that
3 abuts the Bridgewater Park Plat. The parties further stipulate and agree that the
4 findings in the land use decision that is the subject of this action, In the Matter of
5 the Application of Hayden Homes LLC re Bridgewater Park Plat Alteration, OVA
6 13-01 and PLN-2013-02039 (hereinafter "Land Use Decision"), do not create or
7 recognize any such buffer or setback.

8 The undersigned parties further stipulate that upon entry of this order
9 establishing that there is no 100 foot buffer along the Amon Wasteway, this case
10 may be dismissed without attorneys' fees or costs to any party.


11 DATED this 16th day of September, 2013.

12 **RETTIG OSBORNE FORGETTE, LLP CITY OF KENNEWICK**

13
14 By 
15 BRIAN J. ILLER, WSBA #16150
16 Attorney for Plaintiff

17
18 By 
19 LISA BEATON, WSBA #25305
20 Attorney for City of Kennewick

21
22 **MARTIN LAW**

23
24 By 
25 JEFF KRAY, WSBA #22174,
Attorney for Hayden Homes, LLC.

II. ORDER

1 THIS MATTER having come before the Court upon the foregoing
2 stipulation of the parties, and the Court having reviewed the pleadings herein and
3 having considered the above stipulation, NOW, THEREFORE,
4

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

- 6 1. There is no buffer along Tract A of the Bridgewater Park Plat which
7 abuts the Amon Wasteway;
8
9 2. The Land Use Decision that is the subject of this action does not
10 create or recognize any buffer along Tract A of the Bridgewater Park
11 Plat which abuts the Amon Wasteway; and
12
13 3. This case is hereby dismissed without attorneys' fees or costs to any
14 party.

15 DATED this 18 day of October, 2013.

16
17 **ROBERT G. SWISHER**

18 _____
19 JUDGE/COURT COMMISSIONER

20 **Presented by:**

21 RETTIG, OSBORNE, FORGETTE

22 By 


23 BRIAN J. ILLER, WSBA #16150
24 Attorney for Defendant

25 **Copy Received, Approved as to Form,
and Notice of Presentment Waived:**

1
2 CITY OF KENNEWICK

3
4 By *Lisa Beaton*
5 LISA BEATON, WSBA #25395
6 Attorney for City of Kennewick

7
8 MARTIN LAW

9 By 
10 JEFF KRAY, WSBA #22174
11 Attorney for Hayden Homes, LLC.
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