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

FEB 12 2004  
KIM M. EATON  
YAKIMA COUNTY CLERK

IN THE MATTER OF THE DETERMINATION )  
 OF THE RIGHTS TO THE USE OF THE ) NO. 77-2-01484-5  
 SURFACE WATERS OF THE YAKIMA RIVER )  
 DRAINAGE BASIN, IN ACCORDANCE WITH )  
 THE PROVISIONS OF CHAPTER 90.03, ) CONDITIONAL FINAL ORDER  
 REVISED CODE OF WASHINGTON ) AS A FINAL JUDGMENT  
 ) PURSUANT TO CR 54(b)  
 THE STATE OF WASHINGTON, ) AND RAP 2.2(d), AND  
 DEPARTMENT OF ECOLOGY, ) PRETRIAL ORDER NUMBER 8  
 ) AS AMENDED  
 Plaintiff, )  
 )  
 v. ) COLUMBIA IRRIGATION  
 ) DISTRICT, COURT  
 JAMES J. ACQUAVELLA, et al., ) CLAIM NO. 0977 AND  
 ) NO. 03233(A)  
 Defendants. )

THIS MATTER has come on regularly before the Court with  
 Columbia Irrigation District having had its evidentiary  
 hearing on April 3 through 7, 1995. The Court filed its  
 Report of the Court Concerning the Water Rights for Columbia  
 Irrigation District, Volume 54, on October 8, 2003.

The United States filed an exception to the Report  
 concerning the quantity of water awarded to Columbia  
 Irrigation District. Ecology responded to and joined the  
 exception of the United States. The Kennewick Irrigation  
 District also responded to the exception filed by United  
 States. The parties resolved their respective exceptions and  
 responses, and stipulated to the water rights of the Columbia  
 Irrigation District as set forth in the Report of the Court  
 Concerning the Water Rights for the Columbia Irrigation  
 District, Volume 54. The Court accepted the Stipulation and  
 entered the Order Approving Stipulation to Withdraw United  
 States' Exception to Report of the Court Concerning the Water

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1 Rights for the Columbia Irrigation District on February 12,  
2 2004.

3 The Court, after reviewing the exception and other  
4 materials filed, and after having heard argument and being  
5 fully advised, hereby enters this Conditional Final Order  
6 based upon its Report of the Court Concerning the Water  
7 Rights of the Columbia Irrigation District, Volume 54. This  
8 Conditional Final Order will ultimately be incorporated into  
9 a final decree that determines and integrates all of the  
10 rights of the parties in this adjudication, at which time it  
11 shall be forwarded to the Director of the Department of  
12 Ecology for issuance of Certificates of Adjudicated Water  
13 Right.

14 Based on the foregoing, IT IS:

15 ORDERED, ADJUDGED AND DECREED that the final decree  
16 shall include the following in regard to Columbia Irrigation  
17 District, Court Claim No. 0977 and No. 03233(A):

- 18 1. The source of water is the Yakima River.
- 19 2. The priority date is August 6, 1891.
- 20 3. The point of diversion is at Horn Rapids Dam located  
21 approximately 1780 feet north and 2570 feet west from the  
22 southeast corner of Section 3, being within the SE $\frac{1}{4}$  of  
23 Section 3, T. 10 N., R. 27 E.W.M.
- 24 4. The quantities confirmed are 145 cfs and 60,398 acre-  
25 feet per year.
- 26 5. The purpose of use is irrigation of 9,574 acres within  
27 its 10,868 acre service area.
- 28 6. The season of use is March 20 through October 15.

1 7. The place of use boundary is shown on CID 3 (map) and  
2 as described on CID 2 (written).

3 8. Pursuant to the Order Approving Stipulation to Withdraw  
4 United States' Exception to Report of the Court Concerning  
5 the Water Rights for the Columbia Irrigation District dated  
6 February 12, 2004:

7 The Columbia Irrigation District shall ensure accurate  
8 measurement of the water that it delivers to the Baker  
9 Boyer National Bank/City of West Richland, all entities  
that encompass the Angus Ranch, and the Kennewick  
Irrigation District. Order, pp. 1-2.

10 In accordance with RCW 90.03.240, Certificate of  
11 Adjudicated Water Right shall be issued as quantified and  
12 described above.

13 This Conditional Final Order, relating to the  
14 confirmation of water rights to Columbia Irrigation District  
15 constitutes a final order for purposes of appeal [see RAP  
16 2.2(d)], except for purposes of final integration of all  
17 confirmed rights as provided in Section XII of Pretrial Order  
18 No. 8, procedures for Claim Evaluation, dated March 3, 1989,  
19 of this Court.

20 DATED this 12<sup>th</sup> day of February, 2004.

21  
22 Walter A. Stauffacher  
23 WALTER A. STAUFFACHER, JUDGE  
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