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

IN THE MATTER OF THE DETERMINATION )  
OF THE RIGHTS TO THE USE OF THE )  
SURFACE WATERS OF THE YAKIMA RIVER )  
DRAINAGE BASIN, IN ACCORDANCE WITH )  
THE PROVISIONS OF CHAPTER 90.03, )  
REVISED CODE OF WASHINGTON, )

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,

Defendants.

No. 77-2-01484-5

CONDITIONAL FINAL  
ORDER, SUBBASIN 13  
(UMTANUM CREEK)

*[Handwritten signature]*

JAN 11 1991

BETTY MCGILLEN  
YAKIMA COUNTY CLERK

On April 30, 1990, the Referee, William R. Smith, filed with the Court a "Report of Referee Re: Subbasin No. 13 (Umtanum Creek)" dated April 24, 1990. Thereafter this Court set October 2, 1990 at 9:30 a.m., as the time for a hearing on exceptions to said report. Pursuant to the direction of the Court, the referee then served a notice (together with a copy

CONDITIONAL FINAL ORDER:  
SUBBASIN 13

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1 filing any exceptions to the report and for the aforementioned  
2 hearing on exceptions.

3 Written exceptions were received from the following  
4 claimants:

- 5 1) Department of Wildlife, Claim 2109
- 6 2) Department of Natural Resources, Claim 0589
- 7 3) Jacqueline Parker, Claim 2290

8 A hearing was conducted on October 2, 1990 at which time  
9 Mr. Wayne C. Hunt, for the estate of Gerald Hunt, Claim 5285,  
10 also made oral argument.

11 The Court, after reviewing the briefs and exceptions  
12 filed, and having heard argument of counsel and otherwise  
13 being fully advised, orders as follows:

14 1. The "Report of Referee Re: Subbasin No. 13," as  
15 filed with the Court on April 30, 1990, and as amended by the  
16 Addendum to Report of Referee dated December 14, 1990, is  
17 entered as a Conditional Final Order confirming the claimed  
18 rights recommended for confirmation in said report as existing  
19 rights.

20 2. All claims to water rights before the Referee  
21 pertaining to Subbasin 13, not so confirmed, are denied.

22 3. This Conditional Final Order, relating to the  
23 confirmance of rights and denial of claims of water rights,  
24 constitutes a final order for purposes of appeal (see RAP  
25 2.2(d)), except for purposes of final integration of all

26 CONDITIONAL FINAL ORDER:  
SUBBASIN 13

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~~2.2(d)), except for purposes of final integration of all~~ <sup>W2g</sup>  
confirmed rights as provided in Section XII of Pretrial Order  
No. 8 (Procedures for Claim Evaluation, dated March 3, 1989)  
of this Court.

DATED this 11<sup>th</sup> day of January, 1991.

Walter Stauffacher  
Judge Walter A. Stauffacher

Presented by

Kerry O'Hara  
Kerry O'Hara, WSBA #17268  
Assistant Attorney General

Attorney for Plaintiff  
State of Washington  
Department of Ecology

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CONDITIONAL FINAL ORDER:  
SUBBASIN 13