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CLERK OF
COURT
WASHINGTON

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

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,

vs.

JAMES J. ACQUAVELLA, et al.,

Defendants.

FILED
JUL 08 1999

KIM M. EATON, YAKIMA COUNTY CLERK
NO. 77-2-01484-5

ORDER GRANTING TAYLOR
DITCH COMPANY'S MOTION TO
CORRECT SCRIVENER'S ERROR
IN CONDITIONAL FINAL ORDER
IN SUB-BASIN 20 (SELAH) TO
INCLUDE MONSON PROPERTY

THIS MATTER having come on before the Court on June 10, 1999, upon the motion of Taylor Ditch Company, a claimant in Sub-Basin 20 (Selah), for an order correcting the conditional final order entered for said sub-basin on April 11, 1996, to include the real estate described on Attachment "A" which is attached hereto and incorporated herein by this reference (hereinafter "Monson property"), as being included within the legal description of the land which is irrigated by water from the Taylor Ditch Company, and the Court having considered the affidavit of Walter E. Weeks, Jr., counsel for Taylor Ditch, and the pleadings filed in support of said motion and the records and files contained herein, and finding that the Monson property was clearly meant to be included in the "Place of Use" described on pages 39 and 40 of the Report of Referee for this sub-basin, but was inadvertently omitted from the legal description of land irrigated by water from the Taylor Ditch, and further finding that no objections to this motion were filed and that the State of Washington and the Department of Ecology, by and through its counsel, Alan M. Reichman, advised the Court that it consented to the said motion; now, therefore,

Order Granting Taylor Ditch
Company's Motion to Correct - 1

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13,960


1 IT IS HEREBY ORDERED that the conditional final order re Sub-Basin 20 (Selah) which was
2 entered by the Court on April 11, 1996, and which adopted the Report of Referee Re Sub-Basin 20
3 (Selah) dated December 29, 1995, is hereby corrected to include the real estate described on Attachment
4 "A" as being included within the legal description of the "Place of Use" which is irrigated by water from
5 the Taylor Ditch.

6 DONE IN OPEN COURT this 9th day of July, 1999.

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9 _____
10 WALTER A. STAUFFACHER, Judge

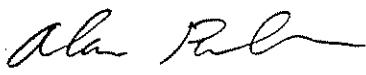
11 Presented by:

12 WEEKS & SKALA
13 Attorneys for Defendant Taylor Ditch Co.

14
15
16 By: 
17 WALTER E. WEEKS, JR.
18 WSBA NO. 03626

19 Approved for entry; Notice of
20 presentation waived:

21 CHRISTINE O. GREGOIRE,
22 Attorney General
23 Attorney for Plaintiff State of Washington/
24 Department of Ecology

25 
26 By: _____
27 ALAN M. REICHMAN
28 Assistant Attorney General
29 WSBA NO. 23874

Attachment "A"

Order Granting Taylor Ditch's Motion to Correct Scrivener's Error

PARCEL "A"

That portion of the North 1726.60 feet of the Northeast 1/4 of Section 36, Township 14 North, Range 18 E.W.M., lying East of the East right of way line of the Burlington Northern Railroad Company: (Assessor's Parcel No. 181436-11001).

PARCEL "B"

That portion of the North 1726.60 feet of the West 1/2 of the Northwest 1/4 of Section 31, Township 14 North, Range 19, E.W.M., lying North and West of the Yakima River. (Assessor's Parcel No. 191431-22001).

PARCEL "C"

The West 1/2 of the Northwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 31, Township 14 North, Range 19, E.W.M., lying North and West of the Yakima River, EXCEPT the North 1726.60 feet thereof. (Assessor's Parcel No. 191431-_____).

PARCEL "D"

That portion of the Northeast 1/4 and the North 1/2 of the Southeast 1/4 of Section 36, Township 14 North, Range 18, E.W.M., lying Easterly of the following described traverse line; Commencing at the Southwest corner of the North 1/2 of the Southeast 1/4 of said Section 36; thence North 89°30'30" East, along the South line of said subdivision, 1136.51 feet to the point of beginning of said traverse line; thence North 0°00'12" East 2265.16 feet to a point on the South line of the North 1726.60 feet of the Northeast 1/4 of said Section 36 and the terminus of said traverse line;

EXCEPT the North 1726.60 feet of the Northeast 1/4 of said Section 36. (Assessor's Parcel No. 181436-14001).