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

EXCEPTIONS
SUPERIOR COURT
YAKIMA, WASHINGTON

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)

NO. 77-2-01484-5

THE STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)

CONDITIONAL FINAL ORDER
SUBBASIN NO. 27
(SATUS)

Plaintiff,)

v.)

JAMES J. ACQUAVELLA, et al.,)

Defendants.)

I.

On July 23, 2002, Court Commissioner Sidney Ottem issued the Report of the Court Re: Subbasin No. 27 (Satus). Thereafter, this Court scheduled a hearing on exceptions to the report, which, after a number of extensions was held March 6, 2003. A copy of the report and all notices were served on Subbasin No. 27 claimants and other affected parties setting a time period for filing any exceptions to the report and for the aforementioned hearing on exceptions.

II.

On March 6, 2003, the Court held a hearing on exceptions to the Report of Court. The Court also held a hearing on October 25, 2005 to consider late exceptions filed by the United States (and

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1 allowed by Court order dated July 21, 2004). Thereafter, the Court
2 entered a *Memorandum Opinion and Order* dated December 22, 2005
3 resolving all of the exceptions. The Court heard objections to
4 entry of this Conditional Final Order on March 9, 2006 which were
5 continued on March 15, 2006. The Court entered its *Memorandum*
6 *Opinion and Order Re: Objections to Proposed Conditional Final*
7 *Order* on July 12, 2006.

8 III.

9 The Court ORDERS as follows:

- 10 1. The Report of the Court for Subbasin No. 27 (Satus), filed on
11 July 23, 2002, as amended by the Court's *Memorandum Opinion and*
12 *Order* dated December 22, 2005 and as further amended by the Court's
13 *Memorandum Opinion and Order* dated July 12, 2006 are entered as a
14 Conditional Final Order confirming the rights recommended for
15 confirmation in said report and opinions as existing rights.
16 2. All claims to water rights pertaining to Subbasin No. 27 not so
17 confirmed are denied.
18 3. The rights within Subbasin No. 27 (Satus) shall be administered
19 according to this Conditional Final Order.
20 4. This Conditional Final Order, relating to the confirmation of
21 rights and denial of claims of water rights, constitutes a final
22 order for purposes of appeal (see RAP 2.2(d)), except for purposes
23 of final integration of all confirmed rights as provided in Section
24 XII of Pretrial Order No. 8 (Procedures for Claim Evaluation, dated
25 March 3, 1989) of this Court.

26 DATED this 13th day of July, 2006.

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SIDNEY P. OTTEM, COURT COMMISSIONER