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KIM M. EATON  
YAKIMA COUNTY CLERK

COMPLAINT  
BY CLERK OF  
SUPERIOR COURT  
YAKIMA, WASHINGTON

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 )

NO. 77-2-01484-5

THE STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )

CONDITIONAL FINAL ORDER  
SUBBASIN NO. 7  
(REECER CREEK)

Plaintiff, )

v. )

JAMES J. ACQUAVELLA, et al., )

Defendants. )

I.

On April 21, 1995, the Referee, Douglas Clausing, filed with the Court the Report of Referee Re: Subbasin No. 7 (Reecer Creek). Thereafter, this Court set October 12, 1995, for a hearing on exceptions to this report. Pursuant to the direction of the Court, the Referee then served a notice (together with a copy of the report) upon all parties setting a time period for

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

3 II.

4 On October 12, 1995, the Court held a hearing on exceptions  
5 to the Report of Referee. The Court, after reviewing the  
6 exceptions and other materials and being fully advised, filed its  
7 Order On Exceptions RE: Subbasin 7 (Reecer) on November 14, 1996,  
8 which, among other matters, ordered that the Referee schedule a  
9 supplemental hearing to further consider certain claims as  
10 specified by the order.

11 III.

12 On February 25 - 28 and March 4 and 5, 1997, Referee Douglas  
13 Clausing conducted a supplemental hearing as directed by the  
14 Court. On July 6, 1998, the Referee filed the Supplemental  
15 Report of Referee Re: Subbasin No. 7 (Reecer Creek). This Court  
16 set November 12, 1998, for a hearing on exceptions to the  
17 supplemental report. Pursuant to direction of the Court, the  
18 Referee then served notice (together with a copy of the  
19 supplemental report) upon all parties, setting a time period for  
20 filing any exceptions to the supplemental report and for the  
21 aforementioned hearing on exceptions.  
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2 IV.

3 On November 12, 1998, the Court held a hearing on exceptions  
4 to the Supplemental Report of Referee Re: Subbasin No. 7 (Reecer  
5 Creek). The Court, after reviewing the exceptions and other  
6 materials and being fully advised, filed its Order On Exceptions  
7 to Supplemental Report of Referee RE: Subbasin 7 (Reecer) on  
8 January 13, 2000, which, among other matters, ordered that the  
9 Referee schedule a second supplemental hearing to further  
10 consider certain claims as specified by the order.  
11

12 V.

13 On April 12 and 18, 2000, Referee Douglas Clausing conducted  
14 a supplemental hearing as directed by the Court. On January 17,  
15 2001, the Referee filed the Second Supplemental Report of Referee  
16 Re: Subbasin No. 7 (Reecer Creek). This Court set May 10, 2001,  
17 for a hearing on exceptions to the second supplemental report.  
18 Pursuant to direction of the Court, the Referee then served  
19 notice (together with a copy of the supplemental report) upon all  
20 parties, setting a time period for filing any exceptions to the  
21 second supplemental report and for the aforementioned hearing on  
22 exceptions. Exceptions were filed by the following claimants:  
23

- 24 1. Pat and Mary Burke, Claim No. 01469
- 25 2. Carol and Donlee Moore, Claim No. 00515
- 26 3. Pautzke Bait Company, Claim No. 01724
- 27 4. James and Kimberly A. Stinnette, Claim No. 06041

1 On August 20, 2001, the Court ruled on those exceptions in  
2 its Memorandum Opinion and Order RE: Exceptions to the Second  
3 Supplemental Report of Referee, Subbasin No. 7. Additionally, on  
4 April 12, 2001, the claim of the City of Ellensburg, Claim No.  
5 02085, was removed from the subbasin proceeding through the  
6 Court's Order Severing Claim of City of Ellensburg, No. 02085,  
7 From the Proceeding for Subbasin No. 7 (Reecer Creek). The Court  
8 also entered an Order Correcting Legal Description Re: Water  
9 Rights Claims 01724 on October 25, 2001 thereby modifying the  
10 place of use for the rights of Par Five Corporation and Pautzke  
11 Bait Company, Inc./Trendwest Resorts, Inc.

12 VI.

13  
14 The Court orders as follows:

15 1. The Report of Referee for Subbasin No. 7 (Reecer Creek),  
16 filed with the Court on April 21, 1995, as amended by the  
17 Supplemental Report of Referee Re: Subbasin 7 (Reecer Creek)  
18 filed with the Court on July 6, 1998, and the Second  
19 Supplemental Report of Referee Re: Subbasin 7 (Reecer Creek)  
20 filed with the Court on January 21, 2001, and as further  
21 amended by the Order of the Court severing the City of  
22 Ellensburg from the Subbasin No. 7 proceeding, and as  
23 further amended by the Memorandum Opinion and Order on  
24 August 20, 2001, and the Order entered October 25, 2001 are  
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1 entered as a Conditional Final Order confirming the rights  
2 recommended for confirmation in said reports and orders as  
3 existing rights.

4  
5 2. All claims to water rights before the Referee pertaining  
6 to Subbasin No. 7 not so confirmed are denied.

7  
8 3. The rights within Subbasin No. 7 (Reecer Creek) shall be  
9 administered according to this Conditional Final Order.

10 4. This Conditional Final Order, relating to the  
11 confirmation of rights and denial of claims of water rights,  
12 constitutes a final order for purposes of appeal (see RAP  
13 2.2(d)), except for purposes of final integration of all  
14 confirmed rights as provided in Section XII of Pretrial  
15 Order No. 8 (Procedures for Claim Evaluation, dated March 3,  
16 1989) of this Court.

17  
18 DATED this 25 day of October, 2001.

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22 SIDNEY OTTEM, COURT COMMISSIONER  
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