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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
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,

v.

JAMES J. ACQUAVELLA, et al.,

Defendants.

KIM EATON
CLERK OF
SUPERIOR COURT

KIM EATON YAKIMA COUNTY CLERK

WASHINGTON 77-2-01484-5

CONDITIONAL FINAL ORDER
CONCERNING THE WATER
RIGHTS FOR THE ROZA
IRRIGATION DISTRICT
COURT CLAIM NO. 0802

THIS MATTER has come on regularly before the Court with Roza Irrigation District having had its evidentiary hearing on March 31, 1993. Thomas A. Cowan, attorney, represented the defendant Roza Irrigation District. Deborah L. Mull, assistant attorney general, represented the plaintiff State of Washington, Department of Ecology. Jeffrey S. Schuster, attorney, represented the defendant Yakama Indian Nation. This Court filed its Report of the Court Concerning the Water Rights for the Roza Irrigation District on July 15, 1993.

Thereafter, this Court held the hearing on exceptions on October 14, 1993. The Court, after reviewing the exceptions and other materials filed, and after having heard argument and being fully advised, filed its Supplemental Report of the Court Concerning the Water Rights for the Roza Irrigation District. This Court now enters this Conditional Final Order based upon

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1 said initial Report of the Court and Supplemental Report of the
2 Court. This Conditional Final Order will ultimately be
3 incorporated into a final decree that determines and integrates
4 all of the rights of the parties in this adjudication, at which
5 time it shall be forwarded to the Director of the Department of
6 Ecology for issuance of a Certificate of Adjudicated Water
7 Right.

8 Based on the foregoing, IT IS:

9 ORDERED, ADJUDGED and DECREED that the final decree shall
10 set forth the following in regards to the Roza Irrigation
11 District, Court Claim No. 0802:

12 1. The Department of Ecology shall issue a Certificate of
13 Adjudicated Water Right to the United States, Bureau of
14 Reclamation as trustee for the Roza Irrigation District and its
15 water users in the amounts of 1,193 cubic feet per second,
16 393,000 acre-feet per year from the Yakima River for irrigation
17 and domestic supply for 72,600 acres from March 1 to October 31.
18 The point of diversion is located 950 feet, S 3°30' west
19 (approximately 975 feet south and 75 feet west) from the
20 northeast corner of Section 32, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of
21 Section 32, T. 15 N., R. 19 E.W.M.. The place of use
22 description is:

23 Those irrigable lands within the boundaries of the Roza
24 Irrigation District. The current irrigable acreage is
25 identified on Roza 1 and is subject to change based on
26 future reclassification by the Bureau of Reclamation.

27 The priority date of this right is May 10, 1905.

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1 2. Certificate No. 8122 originally issued to the United
2 States of America, Bureau of Reclamation will remain in effect
3 until the Court determines the water rights for the United
4 States. At that time, the Director of the Department of Ecology
5 will be directed to cancel, rescind or otherwise make null and
6 void Certificate No. 8122.

7 3. Certificate No. 8122 contained a provision which set
8 a maximum limit of 2,200 cubic feet per second for both
9 irrigation and power as well as giving the irrigation use
10 preference over the power generation use. This provision will
11 remain in effect and binding on the power generation portion of
12 said certificate. Once the United States water rights are
13 determined by this Court, this limitation will carry over to the
14 power generation right, if appropriate.

15 4. This Conditional Final Order, relating to the
16 confirmation of water rights to the United States, Bureau of
17 Reclamation as trustee for the Roza Irrigation District and its
18 water users, constitutes a final order for purposes of appeal
19 [see RAP 2.2(d)], except for purposes of final integration of
20 all confirmed rights as provided in Section XII of Pretrial
21 Order No. 8, procedures for Claim Evaluation, dated March 3,
22 1989, of this Court.

23 DATED this 1st day of June, 1994.

24 Walter A. Stauffer
25 WALTER A. STAUFFER, JUDGE

26 ep

27 CONDITIONAL FINAL ORDER
ROZA IRRIGATION DISTRICT