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RECEIVED

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

BETTY MCGILLEN
EX OFFICIO CLERK OF
SUPERIOR COURT
YAKIMA, WASH.

FILED
JUN 09 1989

BETTY MCGILLEN
YAKIMA COUNTY CLERK

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 1

On September 23, 1988, the referee, the Honorable William R. Smith, filed with the Court a "Report of Referee Re: Subbasin No. 1 (Lake Cle Elum)" dated June 15, 1988. Thereafter this Court set December 2, 1988 at 9:30 a.m., as the time for a hearing on exceptions on said report. Pursuant to the directions of the Court, the referee then served a

1 notice (together with a copy of the report) upon all parties
2 setting a time period for filing any exceptions to the report
3 with the Court and a notice of the setting of the
4 aforementioned hearing on exceptions. No exceptions to the
5 Report were filed with the Court within the time period
6 established by the Court. A hearing was conducted on December
7 2, 1988, at which time no objections were orally presented.

8 The Court, following the procedures established for the
9 processing of the claims of subbasins and being fully informed
10 in the matter, hereby orders as follows:

11 1. The "Report of Referee Re: Subbasin No. 1," as
12 filed with the Court on September 23, 1988, is entered as a
13 conditional final order confirming the claimed rights,
14 recommended for confirmation in said report, as existing
15 rights.

16 2. All claims to water rights before the referee
17 pertaining to Subbasin 1, not so confirmed, are denied.

18 3. This conditional final order, relating to the
19 confirmance of rights and denial of claims of water rights,
20 constitutes a final order for purposes of appeal (see RAP
21 2.2(d)), except for purposes of final integration of all
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26 CONDITIONAL FINAL ORDER -
SUBBASION 1

-2-

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confirmed rights as provided in section XII of the Pre-Trial Order No. 8 of this Court.

ENTERED this 9th day of June, 1989.

Walter Stauffer
Judge

Presented by:

Charles B. Roe, Jr.
CHARLES B. ROE, JR.
Senior Assistant Attorney General
Attorney for Plaintiff
State of Washington
Department of Ecology