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KIM M. EATON
EX OFFICIO CLERK OF

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. 26
(GRANGER)

Plaintiff,)

v.)

JAMES J. ACQUAVELLA, et al.,)

Defendants.)

FILED

DEC 09 1999

**KIM M. EATON
YAKIMA COUNTY CLERK**

I.

On July 8, 1997, the Referee, Douglas Clausing, filed with the Court the "Report of Referee Re: Subbasin No. 26 (Granger)". Thereafter, this Court set November 13, 1997, 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 filing any exceptions to the report and for the aforementioned hearing on exceptions.

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II.

On November 13, 1997, the Court held a hearing on exceptions to the Report of Referee. The Court, after reviewing the exceptions and other materials and being fully advised, filed its Order RE: Subbasin 26 (Granger) Exceptions Hearing on February 12, 1998, which, among other matters, ordered that the Referee schedule a supplemental hearing to further consider certain claims as specified by the order.

III.

On May 14, 1998, Referee Douglas Clausing conducted a supplemental hearing as directed by the Court. On September 1, 1999, the Referee filed the Supplemental Report of Referee Re: Subbasin No. 26 (Granger). This Court set December 9, 1999, for a hearing on exceptions to the supplemental report. Pursuant to direction of the Court, the Referee then served notice (together with a copy of the supplemental report) upon all parties, setting a time period for filing any exceptions to the supplemental report and for the aforementioned hearing on exceptions. There were no exceptions filed to the Supplemental Report of Referee for Subbasin No. 26 (Granger).

V.

The Court, having review the report and otherwise being fully advised orders as follows:

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1. The Report of Referee for Subbasin No. 26 (Granger),
filed with the Court on July 8, 1997, as amended by the
Supplemental Report of Referee Re: Subbasin 26 (Granger)
filed with the Court on September 1, 1999, are entered as a
Conditional Final Order confirming the rights recommended
for confirmation in said reports as existing rights.

2. All claims to water rights before the Referee pertaining
to Subbasin No. 26 not so confirmed are denied.

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

DATED this 9th day of December, 1999.


JUDGE WALTER A. STAUFFACHER