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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
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, )  
STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )  
Plaintiff, )  
vs. )  
JAMES J. ACQUAVELLA, et al., )  
Defendants. )

NO.: 77-2-01484-5  
~~PROPOSED~~ ORDER AMENDING  
CONDITIONAL FINAL ORDER  
RE: SUBBASIN 30

**FILED**  
MAY 08 1997

KIM M. EATON, YAKIMA COUNTY CLERK

This matter comes before the Court on the motion of the State of Washington, Department of Ecology, to amend the Conditional Final Order Re: Subbasin No. 30 to include confirmation of a water right to Blaine and Judy Crea, Court Claim No. 00488.

The Court having considered the motion and supporting documents, and having held a hearing on the motion, finds as follows:

1. The Creas' predecessors in interest filed Court Claim No. 00488 on February 4, 1981.

12,454

- 1 2. The claim was incorrectly assigned to Subbasin No. 26.  
2 3. The error was not discovered until after the Conditional  
3 Final Order for Subbasin No. 30 was entered.  
4 4. Ecology has conducted a field investigation of the claim  
5 and recommends the water right be confirmed.  
6 5. Ecology's recommendations for confirmation are normally  
7 included in the Plaintiff's Report to the Referee and the  
8 claimant need not appear at hearing to have a right  
9 confirmed.  
10 6. Ecology published a notice of motion, motion, memorandum,  
11 and proposed order describing the right recommended for  
12 confirmation in the March monthly notice. Parties were  
13 given until May 1, 1997, to file objections.  
14 7. No objections were filed.

15 Therefore, it is hereby  
16 ORDERED that the Conditional Final Order Re: Subbasin No.  
17 30 is amended to confirm the following water right to Blaine and  
18 Judy Crea:

19 CLAIMANT NAME: Blaine and Judy Crea  
20 COURT CLAIM NO: 00488  
21 SOURCE: Yakima River  
22 USE: Irrigation of five acres  
23 PERIOD OF USE: March 1 to November 1  
24 QUANTITY: 0.10 cubic foot per second, 12.5 acre-feet per year  
25 PRIORITY DATE: May 10, 1968  
26

1 POINT OF DIVERSION: 1,850 feet north and 600 feet east from the  
2 southeast corner of Section 4, being within  
3 Government Lot 3, Section 4, T. 9 N., R. 28  
4 E.W.M.

5 PLACE OF USE: That part of Government Lot 3, Section 4, T. 9  
6 N., R. 28 E.W.M., within the City of Richland and  
7 described as follows: beginning at a point south  
8 88°48'21" west 30 feet and south 00°05'33" east  
9 485.46 feet from the northwest corner of said Lot  
10 3; thence continue south 00°05'33" east 447.5  
11 feet; thence north 72°44'38" west 732.6 feet;  
12 thence northeasterly along meander line north  
13 27°22'02" east 100 feet and north 35°58'08" east  
14 160.22 feet; thence east 559.11 feet to point of  
15 beginning.

16 LIMITATIONS OF USE: Diversion intake shall be tightly screened  
17 at all times with wire mesh having openings  
18 with dimensions not greater than 0.125 (1/8)  
19 inch.

20 DONE IN OPEN COURT this 8<sup>th</sup> day of May, 1997.

21 Walter Stauffacher  
22 JUDGE WALTER A. STAUFFACHER

23 Presented by:

24 CHRISTINE O. GREGOIRE  
25 Attorney General

26 Mary McCre  
MARY MCCREA, WSBA #20160  
Assistant Attorney General

Attorneys for Plaintiff  
State of Washington  
Department of Ecology  
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