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KIM M. EATON  
EX OFFICIO CLERK OF  
SUPERIOR COURT

**KIM M. EATON  
YAKIMA COUNTY CLERK**

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. 3  
(TEANAWAY RIVER)

Plaintiff, )

v. )

JAMES J. ACQUAVELLA, et al., )

Defendants. )

I.

On January 25, 1996, the Referee, Douglas Clausing, filed with the Court the Report of Referee Re: Subbasin No. 3 (Teaaway River). Thereafter, this Court set June 13, 1996, 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 June 13, 1996, 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 on Exceptions RE: Subbasin 3 (Teanaway River) on March 13, 1997, which, among other matters, ordered that the Referee schedule a supplemental hearing to further consider certain claims as specified by the order.

III.

On December 2, 3, 10, and 11, 1997, Referee Douglas Clausing conducted a supplemental hearing as directed by the Court. On March 29, 1999, the Referee filed the Supplemental Report of Referee Re: Subbasin No. 3 (Teanaway River). This Court set July 8, 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.

IV.

On July 8, 1999, the Court held a hearing on exceptions to the Supplemental Report of Referee Re: Subbasin No. 3 (Teanaway River). The Court ruled on some exceptions and set a hearing for August 12, 1999, for the Referee to take additional evidence on

1 certain claims. On August 3, 2000, the Referee filed the Second  
2 Supplemental Report of Referee for Subbasin No. 3 (Teanaway  
3 River). The Court set November 9, 2000, for hearing exceptions to  
4 this report and directed the Referee to serve notice (together  
5 with a copy of the second supplemental report) upon all parties,  
6 setting a time period for filing any exceptions to the  
7 supplemental report and for the aforementioned hearing on  
8 exceptions.

9  
10 An exception was filed by Boise Cascade Corporation, Claim  
11 No. 02206. On November 9, 2000, the Court held its hearing on  
12 exceptions and denied the exception.

13 On December 22, 2000, Ecology filed an Amended Notice of  
14 Presentation of Proposed Conditional Final Order: Subbasin No. 3  
15 (Teanaway River) in which Ecology identified the claims of Albeno  
16 G. and Violet Carollo, Claim No. 00914, Boise Cascade Corp., Claim  
17 No. 02206, Robin Knox Little and Carol Michon, Claim No. 00559,  
18 and Bruno N. and Elma Bonetto, Claim No. 00553, seeking  
19 clarification of clerical errors in place of use or point of  
20 diversion descriptions. Those claims were reviewed and the  
21 following corrections are made to the Second Supplemental Report  
22 of Referee: Albeno and Violet Carollo, Claim No. 00914, on page  
23 84 at line 10.5, change NE $\frac{1}{4}$ NW $\frac{1}{4}$  to NW $\frac{1}{4}$ NE $\frac{1}{4}$ ; Boise Cascade Corp.  
24 Claim No. 02206, page 38, line 20.5, change W $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of  
25 Section 6 to W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 6; Robin Know Little and  
26

1 Carol Michon, Claim No. 00559, on page 96, line 22 change T. 16  
2 N., to T. 17 N.; and Bruno N. and Elma Bonetto, Claim No. 00553,  
3 on page 27 at line 10 add the words "except that portion lying  
4 south of State Route 970 and west of the county road".

5 V.

6 The Court orders as follows:

7 1. The Report of Referee for Subbasin No. 3 (Teaway  
8 River), filed with the Court on January 25, 1996, as amended  
9 by the Supplemental Report of Referee Re: Subbasin No. 3  
10 (Teaway River) filed with the Court on March 29, 1999, as  
11 amended by the Second Supplemental Report of Referee Re:  
12 Subbasin No. 3 (Teaway River) filed with the Court on  
13 August 3, 2000, and as further amended herein are entered as  
14 a Conditional Final Order confirming the rights recommended  
15 for confirmation in said reports as existing rights.  
16

17 2. All claims to water rights before the Referee pertaining  
18 to Subbasin No. 3 not so confirmed are denied.  
19

20 3. The rights within Subbasin No. 3 (Teaway River) shall  
21 be administered according to this Conditional Final Order.  
22

23 4. This Conditional Final Order, relating to the  
24 confirmation of rights and denial of claims of water rights,  
25 constitutes a final order for purposes of appeal (see RAP  
26

1 2.2(d)), except for purposes of final integration of all  
2 confirmed rights as provided in Section XII of Pretrial  
3 Order No. 8 (Procedures for Claim Evaluation, dated March 3,  
4 1989) of this Court.

5  
6 DATED this 8 day of February, 2001.

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9 JUDGE WALTER A. STAUFFACHER