

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.

NO. 77-2-01484-5

AMENDED  
CONDITIONAL FINAL ORDER  
AS A FINAL JUDGMENT  
PURSUANT TO CR 54(b),  
RAP 2.2(d) AND PRETRIAL  
ORDER NUMBER 8  
AS AMENDED

UNITED STATES  
DEPARTMENT OF INTERIOR  
BUREAU OF RECLAMATION  
COURT CLAIM NO. 02276

I. PROCEEDINGS

THIS MATTER has come on regularly before the Court with the United States Department of the Interior, Bureau of Reclamation having had its evidentiary hearing on May 10, 1995. The Report of the Court issued on April 14, 2005. The Court held the hearing on exceptions March 15-16, 2006, subsequently entering its Supplemental Report on December 4, 2006. The Court held a hearing on comments to the Supplemental Report and proposed Conditional Final Order on February 8, 2007. The Court entered its Memorandum Opinion and Order Re: Water Rights for the United States of America (Court Claim No. 02276) Bureau of Reclamation and Conditional Final Order dated February 14, 2007. The Court held a hearing March 8, 2007 to consider motions to amend/correct the Conditional Final Order filed by the United States (February 26, 2007) and Yakima Reservation Irrigation District (February 23, 2007). The Court being fully advised issues this Amended Conditional Final Order which will ultimately be incorporated into a final decree that determines and integrates all of the rights of the parties in this adjudication. At that time it shall be forwarded to the Director of the Department of Ecology for issuance of Certificates of Adjudicated Water Right.

This Conditional Final Order is an appropriate matter to be entered as a final judgment pursuant to Civil Rule 54(b), Rule of Appellate Procedure 2.2(d), and Pretrial Order No. 8 as

1 amended. There is no just reason for delay in the entry of this Conditional Final Order as a final  
2 judgment, subject only to integration at the end of this adjudication.

3 The claims adjudicated by the Conditional Final Order are separate and discrete claims apart  
4 from the remaining multiple claims in this case. The claims adjudicated by this Conditional Final  
5 Order are asserted by one of the multiple parties to this proceeding and are less than all of the  
6 multiple claims of other major claimants and other parties. Numerous claims remain  
7 unadjudicated in the proceeding, and any appeal from this Conditional Final Order is unlikely to  
8 delay trial of unadjudicated matters. The claims that would be reviewed on any appeal from this  
9 Conditional Final Order are not likely to be rendered moot by the continuing proceedings before  
10 this Court. As a practical matter, an immediate appeal of this Conditional Final Order will likely  
11 prevent a waste of judicial resources and prevent a waste of resources for the parties to this case.  
12 Absent separate appeal of this Conditional Final Order, the parties and the Court will be involved  
13 in a single appeal of numerous, separate, discrete and diverse claims from separate hearings. A  
14 combined appeal of all such claims at the end of the adjudication will be unwieldy and  
15 unmanageable and result in substantial waste of judicial resources and the resources of the parties.  
16 The Court finds that United States would be prejudiced by any delay.

## 15 II. CONDITIONAL FINAL ORDER

16 Based on the foregoing, IT IS:

17 ORDERED, ADJUDGED and DECREED that the Motion to Amend filed by the Yakima  
18 Reservation Irrigation District is DENIED. The Motion for Ministerial Correction filed by the  
19 United States is GRANTED and this Amended Conditional Final Order modified accordingly.

20 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the final decree shall set  
21 forth the following for the United States Department of Interior, Bureau of Reclamation, Court  
22 Claim No. 00276:

23 A. Thirteen water rights shall issue for the "Yakima Project Storage Reservoirs to the  
24 United States Department of the Interior, Bureau of Reclamation on behalf of itself and other  
25 entities to which it is required to supply water from storage" as follows:

- 26 1. Yakima River and watershed above Keechelus Dam. Water is stored in Keechelus  
27 Lake reservoir with a total active capacity of 166,846 acre-feet. The impounding  
28 structure is located within the NE¼NW¼ of Section 13, SE¼ of Section 12, in T. 21  
N., R. 11 E.W.M., W½SW¼ of Section 10, T. 21 N., R. 12 E.W.M.

2. Kachess River and watershed above Kachess Dam. Water is stored in Kachess Lake

1 Reservoir with a total active capacity of 250,261 acre-feet. The impounding  
2 structure is located within the S½SW¼ of Section 34, T. 21 N., R. 13 E.W.M.

- 3 3. Yakima River and watershed above Cle Elum Dam. Water is stored in Lake Cle  
4 Elum reservoir with a total active capacity of 446,610 acre-feet. The impounding  
5 structure is located within SE¼SE¼ of Section 3, the NE¼ of Section 10, in T. 20  
6 N., R. 14 E.W.M.

- 7 4. Bumping River and watershed above Bumping Dam. Water is stored in Bumping  
8 Lake reservoir with a total active capacity of 38,768 acre-feet. The impounding  
9 structure is located within the NW¼ of Section 23, the SW¼SW¼ of Section 14, in  
10 T. 16 N., R. 12 E.W.M.

- 11 5. Tieton River and watershed above Tieton Dam. Water is stored in Rimrock Lake  
12 reservoir with a total active capacity of 216,850 acre-feet. The impounding structure  
13 is located within the NE¼SW¼ and NW¼SE¼ of Section 31, T. 14 N., R. 14  
14 E.W.M.

- 15 6. Tieton River and watershed above Clear Lake Dam. Water is stored in Clear Lake  
16 reservoir with a total active capacity of 5,300 acre-feet. The impounding structure is  
17 located within the SW¼NE¼ of Section 12, T. 13 N., R. 12 E.W.M.

- 18 7. Yakima River watershed above Roza Diversion Dam. Water is stored behind the  
19 dam with a total active capacity of 472 acre-feet. The impounding structure is  
20 located within the NE¼NE¼ of Section 32 and the NW¼NE¼ of Section 33, in T.  
21 15 N., R. 19 E.W.M.

- 22 8. Tieton River and watershed above the Yakima-Tieton Diversion Dam. Water is  
23 stored behind the dam with a total active capacity of 2 acre-feet. The impounding  
24 structure is located within the NW¼SW¼ of Section 30, T. 14 N., R. 15 E.W.M.

- 25 9. Yakima River and watershed above Wapato Diversion Dam. Water is stored behind  
26 the dam with a total active capacity of 56 acre-feet. The impounding structure is  
27 within the NE¼, the SE¼ and the SW¼ of Section 17, T. 12 N., R. 19 E.W.M.

- 28 10. Yakima River and watershed above Sunnyside Diversion Dam. Water is stored  
behind the dam with a total active capacity of 60 acre-feet. The location of the  
impounding structure is within the NW¼SE¼ of Section 28, T. 12 N., R. 19  
E.W.M.

- 1 11. Yakima River and watershed above Prosser Diversion Dam. Water is stored behind  
2 the dam with a total active capacity of 408 acre-feet. The location of the  
3 impounding structure is within the N½NE¼ of Section 2, T. 8 N., R. 24 E.W.M.
- 4 12. Tieton River and the watershed above the Yakima-Tieton Irrigation District  
5 Diversion Dam and the North Fork of Cowiche Creek and watershed above French  
6 Canyon dam. Water is stored behind French Canyon Dam with a total active  
7 capacity of 1,265 acre-feet. The location of the impounding structure is on the North  
8 Fork Cowiche Creek within the SW¼SE¼ of Section 11, T. 14 N., R. 16 E.W.M.  
9 The point of diversion from the Tieton River is within the NW¼SW¼ of Section  
10 30, T. 14 N., R. 15 E.W.M.
- 11 13. Yakima River and watershed above Lake Easton Dam. Water is stored in Lake  
12 Easton with a total active capacity of 5,120 acre-feet. The impounding structure is  
13 located within the SE¼NW¼ of Section 11, T. 20 N., R. 13 E.W.M.

14 The place of use for all storage reservoirs is the Yakima Reclamation Project  
15 including the entire Yakima Basin. The purpose of use is Filling, detention, carryover,  
16 release and delivery of water to the United States Department of the Interior, Bureau of  
17 Reclamation and entities authorized to receive water from the Bureau of Reclamation. The  
18 period of use shall be October 1 through September 30.

19 These conditions shall be placed on each of the storage rights herein confirmed:

- 20 a. The priority date of May 10, 1905 is for the right to store water. It does not  
21 address the right to use water.
- 22 b. In any given water year, the United States may fill, release from and refill this  
23 reservoir to store and control available water without limitation by the static  
24 capacity above.
- 25 c. The United States may fill, release from and refill this reservoir for flood control  
26 purposes.
- 27 d. The source of water for this water right is the total water supply available,  
28 defined in the 1945 Consent Judgment as "that amount of water available in  
any year from the natural flow of the Yakima River and its tributaries, from  
storage in various Government reservoirs on the Yakima watershed and from  
other sources."

1 14. The United States claim to a May 10, 1905 storage right at the Wapatox Diversion  
2 Dam is DENIED. However, water may be pooled temporarily behind Wapatox Diversion  
3 Dam in order to enable the diversion into the Wapatox Ditch as an incidental aspect of the  
4 diversion right of the irrigation-based rights and it does not require an independent right to  
5 store Project water behind the dam. This is a common and historic practice throughout the  
6 basin.

7 B. The Court confirms three power generation rights to the United States Department  
8 of the Interior, Bureau of Reclamation:

9 1. A right with an April 4, 1899 priority date to divert 210 cubic feet per  
10 second from the Yakima River for power generation at the Chandler power plant from April  
11 1 through October 31. The following condition shall be included on the water right:

12 Reclamation will not release water from storage or divert water to the detriment of  
13 irrigation, municipal or industrial water rights with priority dates senior or equal  
14 to May 10, 1905 or migratory fish in order to generate electric power at Chandler  
15 hydroelectric plant.

16 2. A right with a May 10, 1905 priority date to divert 1,329 cubic feet per  
17 second from the Yakima River for power generation at the Chandler power plant from  
18 April 1 through October 31 and 1,539 cubic feet per second from November 1 through  
19 March 31. The following condition shall be included on the water right:

20 Reclamation will not release water from storage or divert water to the detriment of  
21 co-equal priority irrigation, municipal or industrial water rights or migratory fish  
22 in order to generate electric power at Chandler hydroelectric plant.

23 The following applies to both Chandler rights. The point of diversion is at Prosser Dam  
24 and located approximately 1,350 feet west and 350 feet south from the northeast corner of  
25 Section 2, being within the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ /W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 2, T. 8  
26 N., R. 24 E.W.M. The GPS location is 119°35'29.46 W, 46°16'8.58 N. The place of use  
27 is the Chandler power plant located within the NE $\frac{1}{4}$  of Section 17, T. 9 N., R. 26 E.W.M.

28 3. A right with a May 10, 1905 priority date to divert 1,123 cubic feet per  
second from the Yakima River for power generation at the Roza power plant from  
January 1 through December 31. The point of diversion is located at the Roza diversion  
dam, located 950 feet S 3°30' west (975 feet south and 75 feet west) from the northeast  
corner of Section 32, being within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32, T. 15 N., R. 19 E.W.M.  
in Kittitas County. GPS is 120° 28' 40.16"W; 46° 37'5.45"N. The place of use is the

1 Roza power plant with the NE¼NE¼ of Section 17, T. 13 N., R. 19 E.W.M. Two  
2 conditions shall be included in the water rights for the Roza plant:

3 Reclamation will not release water from storage or divert water to the detriment of  
4 co-equal priority irrigation, municipal or industrial water rights in order to  
generate electric power at Roza hydroelectric plant.

5 Within the over-all limit of 2,200 cubic feet per second on maximum combined  
6 diversion for irrigation and power use (power use under Certificate of  
7 Adjudication Water right No. \_\_\_\_ ) at the Roza canal headworks, diversions for  
8 Roza Division irrigation purposes shall be given preference. Subject to the  
9 foregoing qualification and to the availability of water and limitations on canal  
capacity, maximum diversions up to 1,123 cubic feet per second may be made for  
power purposes under Certificate of Adjudication Water Right No. \_\_\_\_.<sup>1</sup>

10 4. The following condition shall be included on all three of the water rights  
11 confirmed for power:

12 The source of water for this water right is the total water supply available, defined  
13 in the 1945 Consent Judgment as "that amount of water available in any year from  
14 natural flow of the Yakima River and its tributaries, from storage in the various  
Government reservoirs on the Yakima watershed and from other sources."

15 C. The following seven rights are confirmed to the United States Department of the  
Interior, Bureau of Reclamation for the facilities known as the Reserved and Transferred Works:

16 1. A right to divert from Yakima River via Lake Easton 0.02 cubic feet per  
17 second and 2 acre-feet per year for irrigation of one acre from April 1 through October 31  
18 at Easton Dam residence. Both the place of use and point of diversion are located within  
19 the SE¼NW¼ of Section 11, T. 20 N., R. 13 E.W.M. See USBR 228. GPS is  
20 121°11'17.15" W, 47°14'30.69" N.

21 2. A right to divert 0.01 cfs and 1.5 acre-feet per year from an unnamed  
22 spring for continuous domestic supply and industrial. The point of diversion is located  
23 within NE¼NW¼ of Section 23, T. 16 N, R. 12 E.W.M. GPS location at 121°18'2.74"  
24 W, 46°52'29.35" N. The authorized place of use is within NE¼NW¼ of Section 23, T.  
16 N, R. 12 E.W.M. at the Bumping Dam garage. See USBR 230.

25 3. A right to diverted 0.07 cfs and 7 acre-feet from the Tieton River for  
26 irrigation of 3½ acres at the Tieton Dam warehouse. Season of use is April 1 through  
27 September 30. The point of diversion is within the NW¼NE¼ of Section 31, T. 14 N., R.

28 <sup>1</sup> The "blanks" will be filled in by Ecology upon assignment of Certificate of Water Right number.

1 14 E.W.M. GPS is 121°7'48.92" W, 46°39'22.28" N. The place of use is within the  
2 NW¼NE¼ of Section 31, T. 14 N., R. 14 E.W.M. See USBR 232.

3 4. A right to divert 0.032 cfs and 10 acre-feet per year from the Yakima  
4 River for irrigation of 2 acres and industrial from April 1 through October 31. The point  
5 of diversion is located 950 feet, S 3°30' west (approximately 975 feet south and 75 feet  
6 west) from the northeast corner of Section 32, T. 15 N., R. 19 E.W.M. in Kittitas County.

7 GPS is 120°28'42.36" W, 46°36'55.40" N. The place of use is within the SW¼NE¼ of  
8 Section 17, T. 13 N., R. 19 E.W.M. at the Upper Columbia Area Office/Yakima Field  
Office. See USBR 234.

9 5. A right to divert 0.01 cfs and 2½ acre-feet per year from the Yakima River  
10 for irrigation of 0.5 acre from April 1 through October 31. The point of diversion is  
11 1,350 feet south and 350 feet west from the northeast corner of Section 2, being with the  
12 E½NE¼NW¼NE¼ and/or the W½NW¼NE¼NE¼ of Section 2, T. 8 N., R. 24 E.W.M.  
13 GPS is 119°35'29.46" W, 46°16'8.58" N. The place of use is the Chandler Park within  
the NE¼SE¼ of Section 17, T. 9 N., R. 26 E.W.M. See USBR 235.

14 6. A right to divert 0.002 cfs and 0.66 acre-foot per year from the Yakima  
15 River for irrigation of 0.15 acre from April 1 through October 31. The point of diversion  
16 is located at the Sunnyside Dam headworks approximately 130 feet south and 1,500 feet  
17 west from the east quarter corner of Section 28, being within the NW¼SE¼ of Section  
18 28, T. 12 N., R. 19 E.W.M. The place of use at the Sunnyside Dam residence is within  
the NW¼SE¼ of Section 28, T. 12 N., R. 19 E.W.M. See USBR 237.

19 7. A right to divert 0.04 cfs and 9.2 acre-feet per year from the Yakima River  
20 for irrigation of 1.84 acres at the Swauk Siphon residence from April 1 through October  
21 15. The point of diversion is located approximately 3,130 feet south 38° east (2,500 feet  
22 south and 1,800 feet east) from the northwest corner of Section 11, being within the  
23 SE¼NW¼ of Section 11, T. 20 N., R. 13 E.W.M. (KRD's diversion point). The place of  
24 use is located within the SW¼NW¼ of Section 20, T. 19 N., R. 17 E.W.M. See USBR  
25 236.

26 8. For all the Reserved and Transferred Works rights herein confirmed, the  
27 priority date will be May 10, 1905. The following condition will be included on each  
28 water right:

1 The source of water for this water right is the total water supply available, defined  
2 in the 1945 Consent Judgment as "that amount of water available in any year from  
3 the natural flow of the Yakima River and its tributaries, from storage in various  
4 Government reservoirs on the Yakima watershed and from other sources."

5 No right is confirmed for those facilities where water for fire suppression is used.  
6 The United States may rely on the Court's *Stipulation RE: Water Use for Fire*  
7 *Suppression*, December 12, 1996, to cover this type of use.

8 D. Four water rights are confirmed pursuant to Warren Act or other contracts as  
9 follows:

10 1. The Court confirms a right to the United States, Department of the Interior  
11 Bureau of Reclamation on behalf of Casper Muoth or successors to divert water from  
12 Cowiche Creek in the amounts of 0.22 cfs and 10 acre-feet per year for irrigation of 2.5  
13 acres and incidental domestic uses. The point of diversion is approximately 1,170 feet  
14 north and 490 feet east from the west quarter corner of Section 16, being within the  
15 SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 16, T. 13 N., R. 18 E.W.M. Water may be used from April 1  
16 through October 31. The place of use is described as follows:

17 STATE ADD TO YAKIMA NO.2: LOT 8 EX THPT LY S OF FOL DESC LN  
18 BEG 1163.7 FT NOF W $\frac{1}{4}$  COR, TH S 41 $^{\circ}$ 05'E 407.7 FT, THS 24 $^{\circ}$ 33'E 124  
19 FT, TH S 45 $^{\circ}$ 18'E 73.7 FT FT M/L TO E LN SD TR 8 & END OF SD LN  
20 EXBEG NW COR SW $\frac{1}{4}$  NW $\frac{1}{4}$ , TH S 15.88 FT, THN 25 $^{\circ}$ 27'E 64.84 FT, TH N  
21 48 $^{\circ}$ 49'W 32.57' FT TH S 59.33 FT TO BEG. See USBR 240.

22 See also USBR 241(b).

23 2. A right is confirmed to the United States Department of the Interior, Bureau  
24 of Reclamation on behalf of Frank Payne to divert water from the Yakima River in the  
25 amounts of 0.40 cfs and 160 acre-feet per year for irrigation of 40 acres from May 1 through  
26 September 15. The point of diversion into the Fogerty ditch is 2,500 feet north and 1,610  
27 feet west of the southeast corner of Section 10, being within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10,  
28 T. 17 N., R. 18 E.W.M. The place of use is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 14, T. 17 N.,  
R. 18 E.W.M. See USBR 246.

29 3. A right is confirmed to the United States Department of the Interior, Bureau  
30 of Reclamation on behalf of the United States Forest Service to divert water from the  
31 Naches River in the amounts of 0.1 cubic feet per second and 17.8 acre-feet per year for the  
32 irrigation of six acres and stock water. The point of diversion is located 2,500 feet north



1 and 2,100 feet west from the southeast corner of Section 1, being within the NW¼SE¼ of  
2 Section 1, T. 16 N., R. 14 E.W.M. (Emerick Ditch). The place of use is within the SE¼ of  
3 Section 1, T. 16 N., R. 14 E.W.M. The season of use is July 1 through September 30.

4 4. A right is confirmed to the United States Department of the Interior, Bureau  
5 of Reclamation on behalf of the City of Cle Elum in the amounts of 3 cubic feet per second  
6 and 593 acre-feet per year for continuous municipal supply. However, Ecology shall issue a  
7 certificate of adjudicated water right only upon notification to the Court and Ecology that  
8 the unbuilt diversion structure has been constructed. The place of use is the City of Cle  
9 Elum, and the Laurel Hill Memorial Park Cemetery which is located within the NW¼SW¼  
10 of Section 27, T. 20 N., R. 15 E.W.M. DE-12 reflects the place of use—the service area is  
11 surrounded by a black dashed line. Diversion of water is authorized from the following  
12 points of diversion:

13 A. East bank of the Cle Elum River within the SW¼SW¼SE¼ of  
14 Section 30, T. 20 N., R. 15 E.W.M.

15 B. The Yakima River on the south bank from within the  
16 N½SE¼SW¼SE¼ and S½NE¼SW¼SW¼ of Section 27, T. 20 N., R. 15 E.W.M.

17 The following provision shall be placed on the water right:

18 The maximum quantity allowed under the May 10, 1905, water right and the City's  
19 water right dated June 30, 1896 shall be no more than 6 cfs and 1,693 acre-feet per  
20 year.

21 5. All rights confirmed will have a May 10, 1905 priority date.

22 6. The following provision shall be included in the above confirmed rights:

23 The source of water for this water right is the total water supply available, defined  
24 in the 1945 Consent Judgment as "that amount of water available in any year from  
25 the natural flow of the Yakima River and its tributaries, from storage in various  
26 Government reservoirs on the Yakima watershed and from other sources."

27 E. Trustee

28 With the exception of the United States' obligation to the Yakama Nation, for those  
water rights contained in a separate CFO that the United States holds as "trustee" for another  
party, the United States' role as "trustee" is defined by the terms of its contracts and Acts of  
Congress. Therefore, the duties of the United States as "trustee" do not impose on it any  
additional fiduciary duty or obligation other than the obligation to fulfill the contracts which they

1 have drawn and issued pursuant to the Acts of Congress. See *Order RE: Warren Act Contract*  
2 *Issues*, September 18, 1996.

3 For all other water rights that the United States holds for a third party, the United States  
4 holds those water rights on behalf of the party in question.

5 DATED this 12th day of March, 2007.

6  
7   
8 SIDNEY P. OTTEM,  
9 COURT COMMISSIONER

10 Attachments: A-USBR 228  
11 B-USBR 230  
12 C-USBR 232  
13 D-USBR 234  
14 E-USBR 235  
15 F-USBR 236  
16 G-USBR 237  
17 H-USBR 241(b)  
18 I-USBR 246  
19  
20  
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ATTACHMENT A - USBR 228

Easton Dam Residence

1.0 Acres within the Designated Area

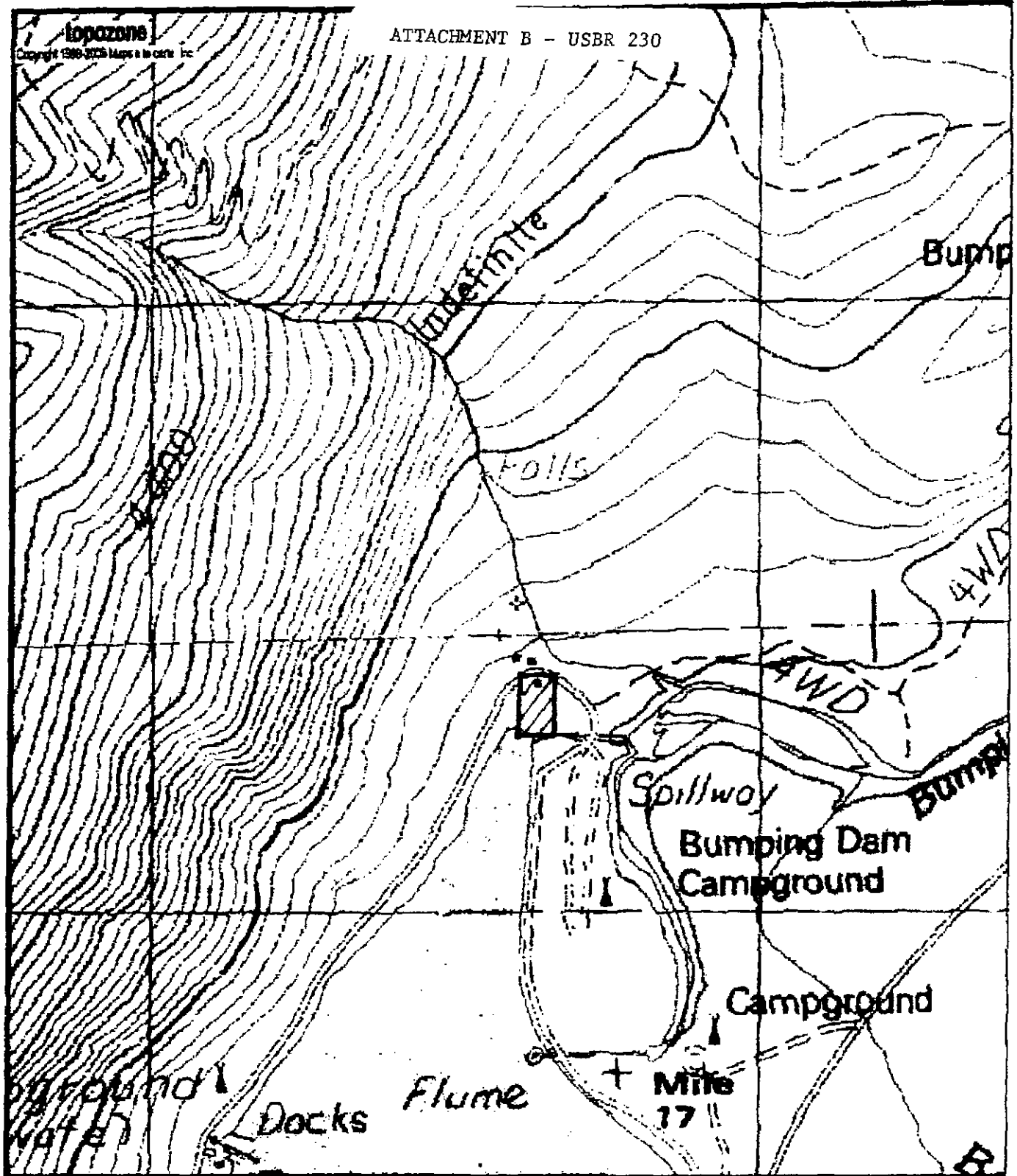
S66°11'120N R13E, 11N



77-2 31484-5 DATE 3/15/2006  
 WA Dept of Ecology VS ACQUAVELLA, ET AL  
 FILE # USBR 228  
 RE USBR 228

BUMPING DAM GA. 56E

SEC 23 6N R12E WM



ATTACHMENT B - USBR 230

topozone  
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Bump

Intermite

F0115

4WD

4WD

Bump

Spillway

Bumping Dam  
Campground

Campground

17  
Mile

Flume

Docks

Water

0 0.1 0.2 0.3 0.4 0.5 km

0 0.09 0.18 0.27 0.36 0.45 mi

Map center is UTM 10 629503E 5192715N (WGS84/NAD83)

Goose Prairie quadrangle

Projection is UTM Zone 10 NAD83 Datum

M=17.121

G=1.241

### LEGEND

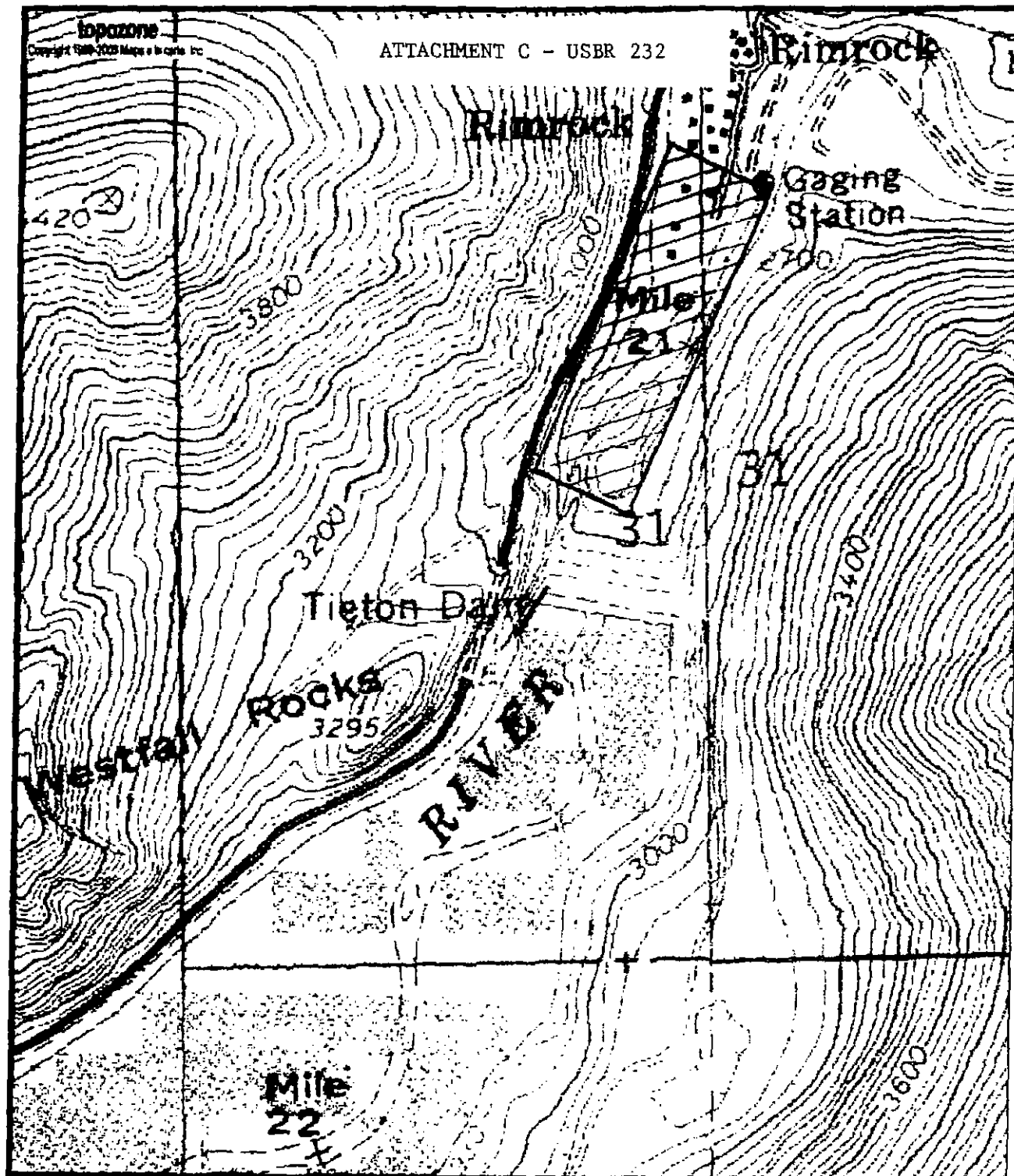


0.5 ACRES within the designated area. + indicates point of diversion

<http://www.topozone.com/print.asp?z=10&n=5192715.00017094&e=629503.000007006...> 12/15/2005

TETON DAM WAREHOUSE

SEC 31 T14N R14E WM




0 0.1 0.2 0.3 0.4 0.5 km  
0 0.09 0.18 0.27 0.36 0.45 mi

Map center is UTM 10 643058E 5168696N (WGS84/NAD83)

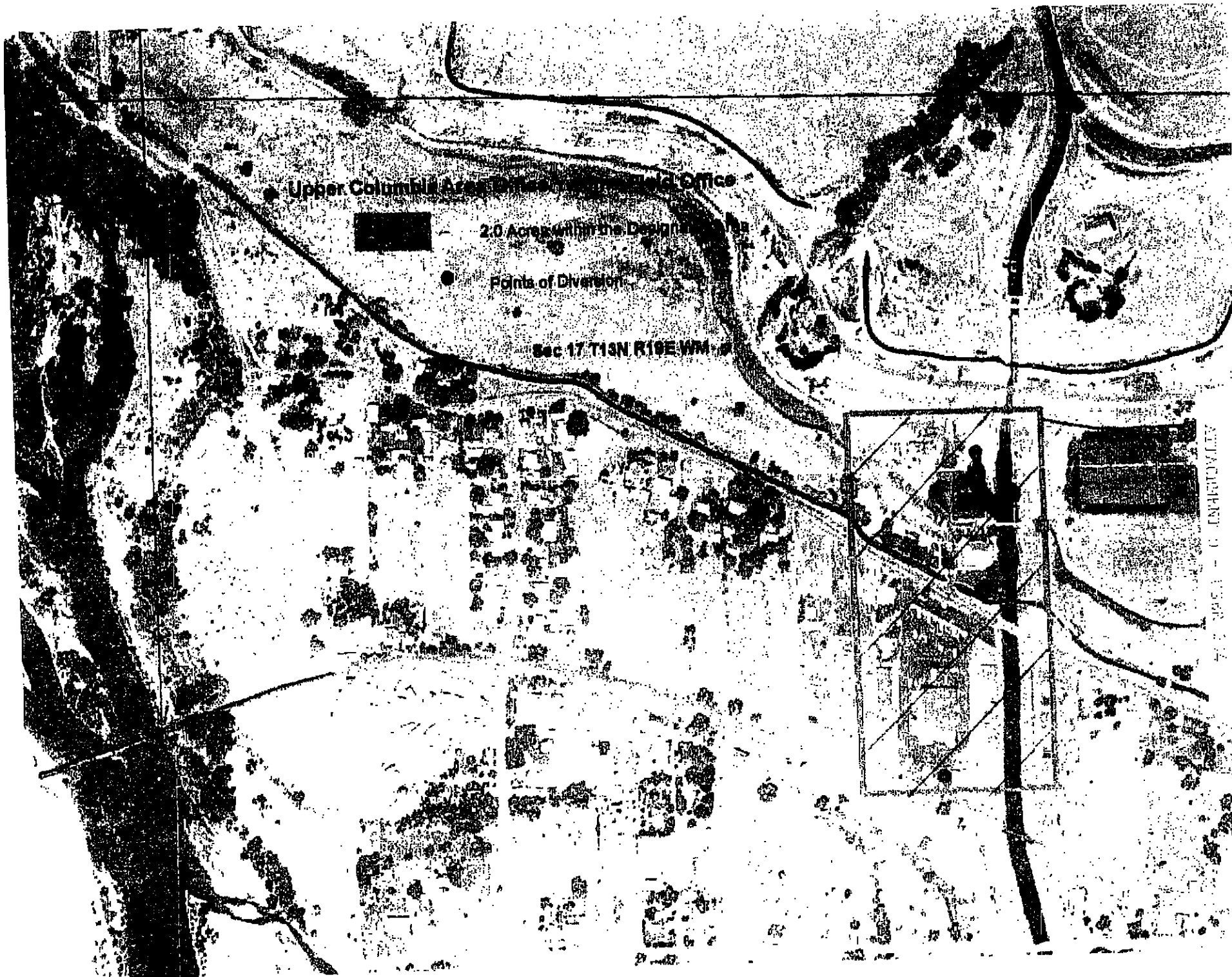
Rimrock Lake quadrangle

Projection is UTM Zone 10 NAD83 Datum

 3.5 ACRES within the designated area \* Point of diversion

M=17.611  
G=1.56

<http://www.topozone.com/print.asp?z=10&n=5168696.00016911&e=643058.000013628...> 12/15/2005



ATTACHMENT 2 - 136N 234

136N 234

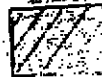
ATTACHMENT E - USBR 235



77-2-01684-S DATE 3/5/94  
WA Dept of Ecology vs AQUAVIVA, A ET AL  
PI USBR 235  
PE (235) 235



Sec 20 R19N T17E W1M



Swauk Siphon Residence

1.84 Acres within the Designated Area

772-01454 DATE 3/15/2006  
WA Dept of Ecology VS RCD JAVELA ET AL  
USBR 236  
USBR 236



Sunnyvale Dam Residence

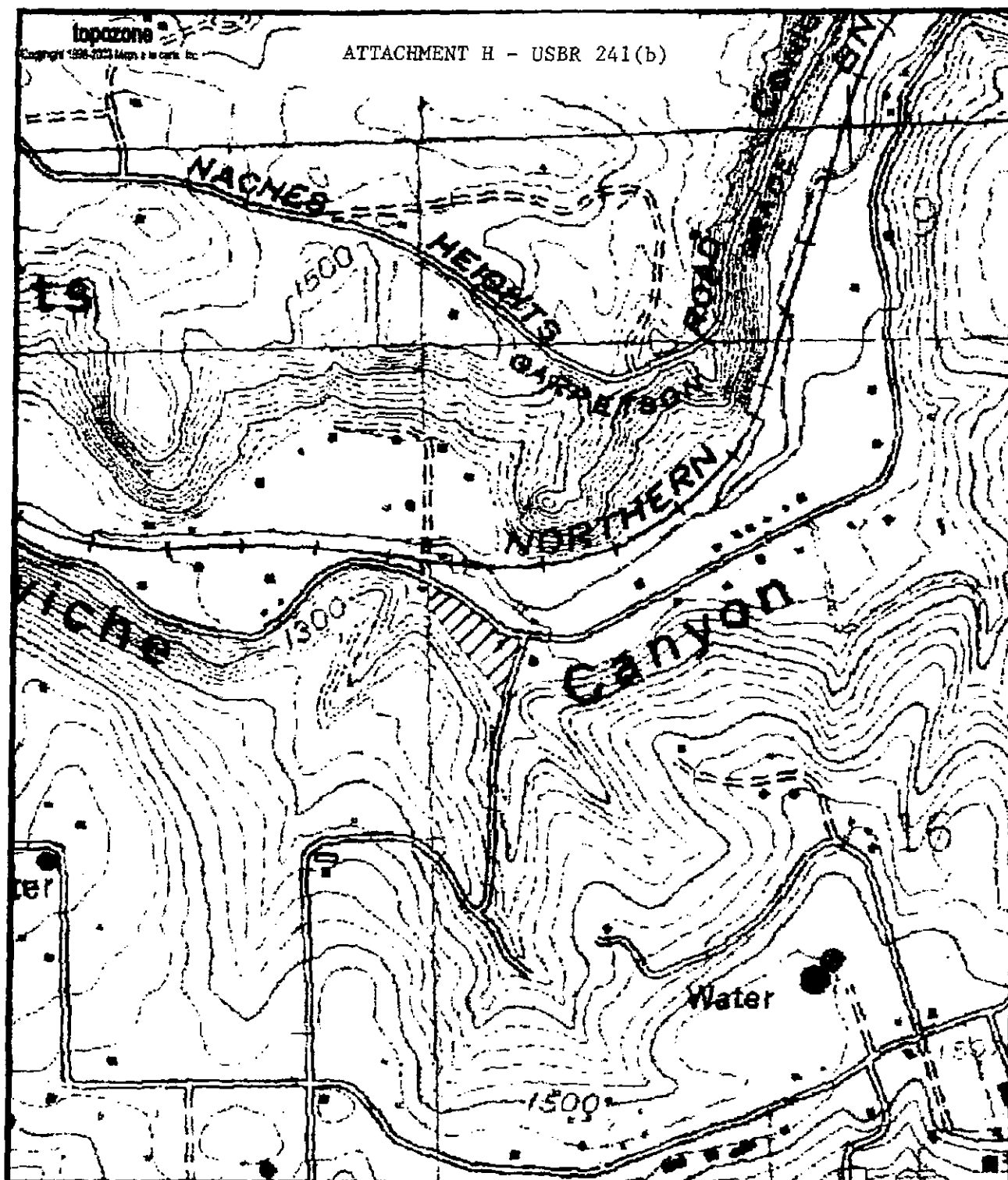
418 Acres within the Designated Area

See 28 1120 R19E-W1N

77-2-01484-5 DATE 3/15/2006  
WA Dept of Ecology VS ACQUAVELLA ET AL  
P1  
D1 USBR 237  
DE 1580237  
PE

MUOTH WARREN ACT CONTRACT

SEC 16 T13N R18E WM



0 0.1 0.2 0.3 0.4 0.5 km  
0 0.09 0.18 0.27 0.36 0.45 mi

Map center is UTM 10 684385E 5165532N (WGS84/NAD83)

Yakima West quadrangle

Projection is UTM Zone 10 NAD83 Datum

✚ POINT OF DIVERSION



2.5 Acres within the designated area.

<http://www.topozone.com/print.asp?z=10&n=5165532.00018068&c=6843>

77-2-01484-5 DATE: 3/15/2006

WA Dept of Ecology VS ACQUAVELLA ET AL

PI \_\_\_\_\_ DI USBR 241(b)

PE \_\_\_\_\_ DE USBR 241(b)

Payne Warner Act Contract

40.0 Acres within the Designated Area

SE 1/4

77-2-01484-5 DATE: 3/15/2006  
 WA Dept of Ecology VS ACQUAVELLA, ET AL  
 PI \_\_\_\_\_ DI: USBR 246  
 PF \_\_\_\_\_ DE: USBR 246