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Y.I.N. Legal Counsel

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND 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,)

NO. 77-2-01484-5

Plaintiff,

vs.

JAMES J. ACQUAVELLA, et al.,

Defendants.

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

YAKAMA INDIAN NATION
COURT CLAIM NOS. 2276
AND 7253 (AMENDMENT)

THIS MATTER has come on regularly before the Court with the Yakama Indian Nation and the United States on behalf of the Yakama Indian Nation having had its evidentiary hearing May 16, 1995. Charles E. O'Connell, Jr., attorney for the United States Department of Justice and Jeffrey S. Schuster, attorney in the Yakama Indian Nation's Office of Legal Counsel represented the defendant Yakama Indian Nation. Appearing on behalf of the plaintiff, Department of Ecology, was Mary E. McCrea, Assistant Attorney General. Charles C. Flower, attorney, represented defendant Sunnyside Division. Thomas A. Cowan, attorney, represented defendant Roza Irrigation District. John P. Gilreath, attorney,

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1 represented defendant Kittitas Reclamation District. J. Eric Gustafson
2 and Jeffrey R. Cutter, attorneys, represented Yakima Reservation
3 Irrigation District. Lawrence E. Martin, attorney, represented numerous
4 major claimant irrigation districts and canal companies. Jeffrey
5 Slothower, attorney, represented numerous subbasin water users.

6 This Court filed its Report of the Court Concerning the Water
7 Rights for the Yakama Indian Nation, Volume 25, on November 13, 1995
8 (hereinafter "Report"). Thereafter, the Court held the hearing for
9 exceptions on April 11, 1996. The Court, after reviewing the exceptions
10 and other materials filed, and after having heard argument and being
11 fully advised, filed its Supplemental Report of the Court Concerning the
12 Water Rights for the Yakama Indian Nation, dated June 21, 1996
13 (hereinafter "Supplemental Report"). This Court now enters this
14 Conditional Final Order based upon said initial Report of the Court and
15 Supplemental Report of the Court.

16 This Conditional Final Order will ultimately be incorporated into
17 a final decree that determines and integrates all of the rights of all
18 of the parties in this adjudication, at which time it shall be forwarded
19 to the Director of the Department of Ecology for issuance of
20 Certificates of Adjudicated Water Right. However, unlike other
21 claimants in this adjudication, the Yakama Indian Nation's certificate
22 shall indicate that their water right is a federally reserved right and
23 not subject to state regulation.

24 This Court having considered all memoranda and affidavits filed by
25 interested parties, legal and factual arguments of counsel, and

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