

The Court of Appeals

of the

State of Washington

Division III

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JUN 29 2011

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON

JUL 1 2011
ATTORNEY GENERAL'S OFFICE
Ecology Division

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)

THE STATE OF WASHINGTON)
DEPARTMENT OF ECOLOGY,)

Respondent and)
Cross Appellant,)

v.)

JAMES J. ACQUAVELLA, et al.,)

Appellants.)

No. 28114-1-III
(consolidated with Nos. 28115-9-III
28116-7-III, 28117-5-III, and
28119-1-III)

ORDER OF CERTIFICATION

The Court has considered this case pursuant to RCW 2.06.030 and RAP 4.4 and has determined that it presents at least one issue that in the orderly administration of justice supports its transfer to the Supreme Court for consideration; i.e., whether the trial court's conditional final order properly interpreted a federal treaty, federal apportionment of Ahtanum Creek water rights between the Yakama Indian Nation and non-tribe

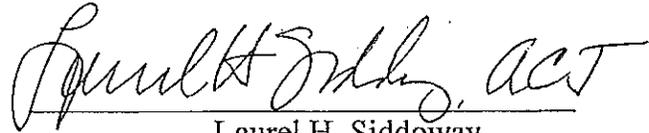
No. 27270-2-III

irrigators, and state legal precedent when it determined hundreds of Ahtanum Creek subbasin federal and state irrigation and stock watering rights.

The matter shall accordingly be certified to the Supreme Court of the State of Washington for such disposition as it deems fit. Now, therefore,

IT IS ORDERED, this case is hereby certified to the Supreme Court.

June 29, 2011

A handwritten signature in cursive script, reading "Laurel H. Siddoway, ACT". The signature is written in black ink and is positioned above a horizontal line.

Laurel H. Siddoway
Acting Chief Judge