OCT 13 1994
YAKIMA COUNTY CLERK

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 ORDER PENDENTE LITE REGARDING METERING, MEASUREMENT AND REPORTING REQUIREMENTS

THIS matter having come before the Court on the Plaintiff's Petition for Pendente Lite Regarding Reporting Requirements, the Court having heard from all interested parties and being fully advised; now, therefore, it is hereby

ORDERED, ADJUDGED, AND DECREED that all persons/entities with diversions of 1 cfs or more from the Yakima, Naches, and Tieton Rivers, shall install an approved measuring or metering device at each diversion of 1 cfs or greater before March 1, 1995. An approved metering or measurement device shall be a (1) standard weir structure, (2) parshall flume(s), (3) velocity type meter, (4) pump flow-meter (5) stable rated section with a

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rating table, provided the rated section has a stable control, the staff gage is readable throughout the full range of flows experienced in a water year, and monthly flow measurements are made to verify the rating table and to determine shifts if necessary; or (6) other device capable of measuring flow within plus or minus 5%.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that records of the diversions shall be kept on a standard form 192 (attached and incorporated as part of this order) showing the average daily gage height and flow for each day of the water season.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that diversion records required to be kept by this order shall be provided to the Bureau of Reclamation weekly, and the Bureau of Reclamation shall provide the records to the Department of Ecology.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that an annual summary of diversions shall be provided to the Bureau of Reclamation by November 1 of each year.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all persons/entities with diversions of 2 cfs or more from the Yakima, Naches, and Tieton Rivers shall report to the Bureau of Reclamation any planned diversion, either plus or minus, in excess of 2 cfs or 2% whichever is greater, by telephoning (509) 454-5621 or (509) 575-5854 (from 8:00 a.m. - 4:30 p.m. weekdays and 8:00 a.m. - 10:00 a.m. on weekends) at least 48 hours prior to making said changes.

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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all persons/entities with diversions of 2 cfs or more from the Yakima, Naches, and Tieton Rivers shall report any unplanned changes in diversions, which are either plus or minus, 2 cfs or 2% whichever is greater by telephoning (509) 454-5621 or (509) 575-5854 (from 8:00 a.m. - 4:30 p.m. weekdays and 8:00 a.m. - 10:00 a.m. on weekends) as soon as possible after the change.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that this order is not intended to apply to diversions within the Yakima Reservation.

DONE IN OPEN COURT this 13th day of October, 1994.

Walter A. Stauffacher

THE HONORABLE WALTER A. STAUFFACHER

Presented by:

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