

WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION

APPLICATION NO./COURT CLAIM NO. 002110 City of Yakima (S4-84610-J) BOR Contract # 14-06-W53		
APPLICANT NAME City of Yakima	CONTACT NAME David Brown	TELEPHONE NO. (509) 575-6204
WATER RIGHT HOLDER'S NAME (if different) City of Yakima		EMAIL David.brown@yakimawa.gov

DATE OF APPLICATION July 1, 2019	PRIORITY DATE May 10, 1905
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WATER SOURCE: Naches River, tributary to the Yakima River	CROP: Municipal Supply
INSTANTANEOUS QUANTITY: 6.2 cfs	ANNUAL QUANTITY: 917 acre-feet
PERIOD OF USE: April 1 to October 15	
PLACE OF USE: City of Yakima Service area No Change	PURPOSE OF USE: Municipal Supply
IRRIGATION METHOD: Municipal Supply	

<p>CONSUMPTIVE USE CALCULATION: Consumptive use will be equal to or less than the consumptive use at the current point of diversion. Currently water is Municipal Supply. After the transfer to the new POD the water will be Municipal Supply. Water duty for the outdoor uses is the same. The indoor use will have less consumptive use and there will be a return through the wastewater system.</p>
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<p>NARRATIVE DESCRIPTION OF PROJECT: The City of Yakima is proposing to change the point of diversion for the BOR Contract # 14-06-W53 water right from the Nelson Bridge, 1,790 feet south and 1,600 east from the northwest corner of Section 9, being within the SE ¼ NW ¼ of Section 9, Township 13N, Range 18 EWM to Naches River Water Treatment Plant, 900 feet north 640 20' east of the southwest corner of Section 13, being within the SW ¼ SW ¼ of Section 13, Township 14N, Range 17 EWM. To be diverted according to the BOR proration level.</p>

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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

~~(REVISED PROPOSED)~~

STATE OF WASHINGTON DEPARTMENT
OF ECOLOGY,

ORDER PENDENTE LITE RE:
TEMPORARY CHANGE IN
POINT OF DIVERSION FOR CITY
OF YAKIMA'S WATER RIGHTS

Petitioner,

CLAIM NO. 2110

v.

JAMES J. ACQUAVELLA, ET AL.,

Defendants.

This matter is before the Court on the City of Yakima's Petition for Order
Pendente Lite Re: Temporary Change in Point of Diversion for City's Water Rights
(Claim No. 2110). The Court, has heard from all interested parties and is fully advised.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
DECREED that:

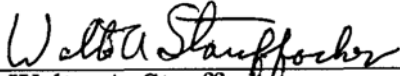
- (1) The City of Yakima is temporarily authorized to divert the following City
water rights at the City's Naches River Water Treatment Plant instead of at
the City's Nelson Bridge diversion:

18786

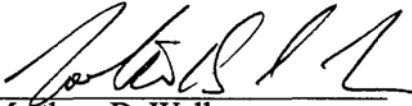
- 1 a. that portion of the City's confirmed Glaspey Right authorized for
2 diversion from October 1 through October 15, representing 1.5 cfs and
3 44.6 acre-feet;
4 b. that portion of the City's Old Union Right authorized for diversion
5 from October 1 through October 15, representing 8.87 cfs and 263.9
6 acre-feet; and
7 c. that portion of the City's BOR Contract Right authorized for diversion
8 at Nelson Bridge from the beginning of storage control, as determined
9 by the US Bureau of Reclamation, through October 15, representing 6.2
10 cfs and 1,500 acre-feet, as may be reduced by the Bureau through pro-
11 rationing.

12 (2) This Order Pendente Lite shall remain in effect for the 2005 irrigation
13 season only, or until further order of the Court. This approval does not set
14 precedent for water changes in future years or on any issue, including, but
15 not limited to, the validity and extent of the water rights at issue. Approval
16 of this temporary change shall not be used as evidence of, nor waive any
17 argument concerning, future proposed temporary or permanent changes
under applicable federal or state law.

18 Entered this 28th day of April, 2005.

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21 Judge Walter A. Stauffacher

22 Presented by:
23 PRESTON GATES & ELLIS LLP

24 By 
25 Matthew D. Wells, WSBA # 22318
Elizabeth Thomas, WSBA # 11544
Attorneys for Defendant
City of Yakima

ORDER PENDENTE LITE RE: CITY OF
YAKIMA'S WATER RIGHTS - 2

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PRESTON GATES & ELLIS LLP
925 FOURTH AVENUE
SUITE 2900
SEATTLE, WASHINGTON 98104-1158
TELEPHONE: (206) 623-7580
FACSIMILE: (206) 623-7022

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COUNTY CLERK

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SUPERIOR COURT
YAKIMA CO. W.

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,

No. 77-2-01484-5

NOTE FOR MOTION
May 28, 2015

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY

CITY OF YAKIMA'S
PETITION FOR ORDER
PENDENTE LITE RE:
TEMPORARY CHANGE IN
POINT OF DIVERSION FOR
CITY'S BOR WATER RIGHT

Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,

CLAIM NO. 2110

Defendants.

TO: CLERK OF THE COURT

AND TO: All Parties and Attorneys of Record

PLEASE TAKE NOTICE that this cause will be set for hearing in Yakima County
Superior Court on the petition of the City of Yakima.

DATE: Thursday, May 28, 2015

TIME: 9:00 a.m.

NOTE FOR MOTION: CITY OF YAKIMA'S
PETITION FOR ORDER PENDENTE LITE

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Tupper Mack Wells PLLC

2025 First Avenue

Suite 1100

Seattle, Washington 98121

TEL 206 493 2300 FAX 206 493 2310

JUDGE: The Honorable F. James Gavin

MOTION: City of Yakima's Petition for Order *Pendente Lite* Re: Temporary Change
in Point of Diversion for City's Water Rights (Claim 2110).

If you (or your attorney on your behalf) do not appear in court at the time shown above,
the relief requested in this petition may be granted by the Court in your absence.

TUPPER MACK WELLS PLLC



Matthew D. Wells, WSBA No. 22318
Attorneys for Defendant City of Yakima

4845-5520-9763, v 1