

YAKIMA RIVER BASIN WATER RIGHTS ADJUDICATION NOTICE

September 1, 2019

No. 423

TO ALL PARTIES AND ATTORNEYS OF RECORD:

This notice is published monthly pursuant to Pretrial Order No. 3 filed April 19, 1985, by Judge Walter A. Stauffacher of the Yakima County Superior Court in the matter of the State of Washington, Department of Ecology, Plaintiff, v. James J. Acquavella, et al., Defendants, Cause No. 77-2-01484-5.

Significant Documents Filed at the Yakima County Superior Court

July 19, 2019 through August 19, 2019

<u>Doc. No.</u>	<u>Date Filed</u>	<u>Document Description</u>	<u>Sponsor</u>
25,338	7-22-2019	Yakama Nation's and United States' Designation of Clerk's Papers Re: Notice of Appeal to Court of Appeals Div. III	Jeffrey S. Schuster Attorney
25,339	7-22-2019	Yakama Nation's and United States' Designation of Exhibits Re: Notice of Appeal to Court of Appeals Div. III	Jeffrey S. Schuster Attorney
25,344	7-25-2019	Statement of Arrangements Re: Yakama Nation	Jeffrey S. Schuster Attorney
25,345	7-29-2019	Perfection Notice from Court of Appeals	Monica Wasson Court of Appeals, Div. III Commissioner
25,346	8-6-2019	Statement of Arrangements Re: Ahtanum Irrigation District	James E. Davis Attorney
25,348	8-9-2019	Yakima River Basin Water Rights Adjudication Notice No. 422 for August 1, 2019	Stephen H. North Assistant Attorney General

Contacts

Yakima County Clerk's Office - For business hours, updated forms and instructions, information on filing fees, noting motions for hearing, and obtaining copies of court documents, contact the County Clerk's office at 509.574.1430

Ecology – The final decree, final schedule of rights and other information are available on Ecology's adjudication webpage at <https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Adjudications/Ecology-v-Acquavella>

Renee S. Townsley
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*The Court of Appeals
of the
State of Washington
Division III*



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FILED

Yakima County Clerk
July 29, 2019

July 29, 2019

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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.

Washington Department of Ecology v. James Acquavella, et al
YAKIMA COUNTY SUPERIOR COURT No. 772014845

Counsel and Parties:

We have received 6 notices of appeal regarding the "Acquavella" cases and have opened them as follows:

CASE # 368696 – Ahtanum Irrigation District Appeal
Washington Department of Ecology v. James Acquavella, et al

CASE # 368700 – Rattlesnake Ditch Association Appeal
Washington Department of Ecology v. James Acquavella, et al

CASE # 368921 – Yakama Nation Appeal
Washington Department of Ecology v. James Acquavella, et al

CASE # 369285 – Zilloix and Emerick Ditch Appeal
Washington Dept. of Ecology v. James Acquavella, et al

CASE # 369293- Yakama Reservation Irrigation District Appeal
Washington Dept. of Ecology v. James Acquavella, et al

CASE # 369307 – US Dept. of Justice – Environment & Natural Resources Appeal
Washington Dept. of Ecology v. James Acquavella, et al

Mr. Bill Zilloix filed a Notice of Appeal on behalf of himself and Emerick Ditch. It does not appear Mr. Zilloix is an attorney, and is unable to represent Emerick Ditch. There is no indication of service on any other parties. Pursuant to RAP 5.4(b), the party filing a notice of appeal must on the same day serve a copy of it on each party of record and file a copy of proof of service with the appellate court. **Mr. Zilloix must file proof of service, within 10 days of the date of this letter, no later than August 8, 2019.**

A notice of Cross Appeal was filed by the Yakama Nation July 8, 2019 in cause #369293, Yakama Reservation District.

A notice of Cross Appeal was filed by Cascade Irrigation District, et al July 11, 2019 for causes #368696, Ahtanum; #368700, Rattlesnake Ditch; #369293, Yakama Reservation Irrigation; #368921, Yakama Nation and #369307, US Dept. of Justice.

A notice of Cross Appeal was filed by Kittitas Reclamation District, et al on July 11, 2019 for causes #368696, Ahtanum; #368700, Rattlesnake Ditch; #369293, Yakama Reservation Irrigation; #368921, Yakama Nation and #369307, US Dept. of Justice.

Counsel for Rattlesnake Ditch served their Notice of Appeal on many unrepresented parties. It is unclear if they are participating in the appeal, but have been included in this mailing.

Due to the complexities of these matters it is not clear from the pleadings received what the alignment of the parties should be or if any of the cases should be consolidated for purposes of judicial economy. **The parties are requested to respond within 30 days with a proposed alignment of parties, by August 28, 2019.**

After the Court has reviewed the submissions a perfection schedule will be issued. No other documents are due at this time.

Sincerely,



Monica Wasson
Commissioner

MW:sd

C: Yakima County Superior Court