STATE OF WASHINGTON
YAKIMA COUNTY SUPERIOR COURT

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 ECOLOGY'S MOTION FOR DEFAULT ORDER AND ENTRY OF DEFAULT JUDGMENT AND ABBREVIATED CERTIFICATE OF SERVICE **NOTICE OF TIME AND PLACE OF HEARING**

I. NOTICE OF TIME AND PLACE OF HEARING

This motion is noted for hearing by the Court on October 8, 2009, at 9:00 a.m. in Yakima County Superior Court, 128 N. 2nd Street, Yakima WA 98901. A Note for Motion Docket setting forth this time and place has been filed with the Clerk of Court, and a copy may be obtained by contacting Ecology at **1-800-468-0261** or by printing a copy from Ecology's web site at **www.ecy.wa.gov/programs/wr/rights/adjhome/html**.

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II. MOTION FOR DEFAULT ORDER AND ENTRY OF DEFAULT JUDGMENT

Plaintiff, State of Washington Department of Ecology (Ecology), moves this court for an order of default and for entry of a default judgment against the following defendants, as named below, stating that each of them is in default for failure to appear, file a claim of water right, plead or otherwise defend Ecology's complaint for adjudication; none of them has a valid water right to the surface waters of the Yakima River Basin unless otherwise provided by an irrigation district, municipality, or other entity which has a water right claim confirmed by this Court:

TERRE A. AARDE and spouse, if any; ROBERT R. ABEL and JANE DOE ABEL; R. P. ABERCROMBIE and spouse, if any; MABEL C. ABRAHAMSON and spouse, if any; FRANCIS ABRAMS and JANE DOE ABRAMS; JAMES ACKERMAN and JOYCE E. ACKERMAN; RUDOLF H. ACKERMAN and spouse, if any; RICHARD A. ACKLEY and PATRICIA ACKLEY; SPOUSE IF ANY OF GEORGE T. ACRES; HARRY W. ADAMITZ and RUTH ADAMITZ; DOUGLAS L. ADAMS and spouse, if any; J. O. ADAMS and spouse, if any; WAYNE R. ADAMS and JANE DOE ADAMS; WILLIAM E. ADAMS and spouse, if any; J. JOHN AGARS and FRANCES G. AGARS; DANIEL O. AGNEW and JANE DOE AGNEW; SIMON AGUIRRE and JANE DOE AGUIRRE; AHTANUM BAPTIST CHURCH; AHTANUM GRANGE NO. 352; AHTANUM HOME GROCERY; AHTANUM PIONEER CONGREGATIONAL CHURCH; THOMAS RAY AKERS and spouse, if any; DONALD E. AKINS and MARY O. AKINS; JAMES F. AKINS and NADINE M. AKINS; THOMAS A. ALBERG and spouse, if any; DAVID RICHARD ALBERTSON and DONNA ALBERTSON; LARRY L. ALBIN and JANE DOE ALBIN; ERNEST R. ALBRECHT and BEATRICE E. ALBRECHT; DEAN ALDEN and FREDA ALDEN; ALDER TERRACE, INC.; JACK ALDER and MARGARET M. ALDER; spouse, if any of WARNER STEPHEN ALDER; JOHN E. ALEXANDER and ANNABELLE M. ALEXANDER; WILLIAM H. ALFORD and spouse, if any; FRANK E. ALLEMAND and ASHLEY M. ALLEMAND; CHARLES M. ALLEMANDI and SPOUSE IF ANY; A. WHITNER ALLEN and MARIAN R. ALLEN; CLAYTON L. ALLEN and JANE DOE CLAYTON; DAVID L. ALLENBAUGH and SPOUSE IF ANY; ALBERT ALLESSIO and spouse, if any; spouse, if any of CECIL ALLRED; FRED M. ALMANDINGER and MYLER F. ALMANDINGER; MARILYN R. ALVARADO and spouse, if any; ART ALWEN and spouse, if any; ART, TRUSTEE ALWEN; ARTHUR J. AMBLE and JEAN AMBLE; RICHARD L. AMBROSE and spouse, if any; TOMMY W. AMBROSE and SHIRLEY B. AMBROSE; RONALD L. AMER and JANE DOE AMER; AMERICAN LEGION POST #194; C.I. AMES and spouse, if any; MELVIN W. AMMERMAN and BESS AMMERMAN; ELMER W. AMON and spouse, if any; ALENE G. ANDERSON and spouse, if any; CAROLE ANN ANDERSON and spouse, if any; DONALD M. ANDERSON and spouse, if any; ELMER C. ANDERSON and spouse, if any; FRANK ANDERSON and JANE DOE ANDERSON; GEORGE W. ANDERSON and JANE DOE ANDERSON; GRANT ANDERSON and spouse, if any; HENRY G. ANDERSON and JANE DOE ANDERSON; HENRY G. ANDERSON and spouse, if any; HENRY G., JR. ANDERSON and GLENNA M. ANDERSON; HERALD E. ANDERSON and KATHERINE F. ANDERSON; HERBERT

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E. ANDERSON and SPOUSE IF ANY; JACK W. ANDERSON and SPOUSE IF ANY; JAMES A. ANDERSON and EJNA MARIE ANDERSON; JOE ANDERSON and spouse, if any; JOHN F. ANDERSON and JANE DOE ANDERSON; LUVERN F. ANDERSON and JANE DOE ANDERSON; MACK G. ANDERSON and spouse, if any; MARIAN E. ANDERSON and spouse, if any; MARJORIE S. ANDERSON and spouse, if any; MARK ANDERSON and spouse, if any; MARSHALL K. ANDERSON and spouse, if any; OMER ANDERSON and JANE DOE ANDERSON; RICHARD E. ANDERSON and SHARON ANDERSON; RONALD ANDERSON and JANE DOE ANDERSON; RONALD E. ANDERSON and CAROLYN L. ANDERSON; ROY C. ANDERSON and LOLA M. ANDERSON; WILLIAM A. ANDERSON and spouse, if any; WILLIE L. ANDERSON and spouse, if any; FRED L. ANDRESS and LILA L. ANDRESS; LESTER ANDREWS and JANE DOE ANDREWS; RAYMOND ANDREWS and spouse, if any; LARRY ANGIANO and spouse, if any; CAROLE A. ANGLIN and spouse, if any; THEODORE A. ANTANAITIS and spouse, if any; ROBERT M. ANTHIS and DOROTHY ANTHIS; MYRNA C. ANTONICH; ROSENDO APELES and SALLY R. APELES; FRANK M. APODACA and JANE DOE APODACA; ROBERT J. ARBUTHNOT and spouse, if any; W. E. ARCHAMBEAU and spouse, if any; JACK WAYNE ARCHER and spouse, if any; STANLEY LEROY ARCHER and spouse, if any; DONALD AREHURST and BARBARA J. AREHURST; CLARIN D. ARMSTRONG and JANE DOE ARMSTRONG; VANCE R. ARMSTRONG and JANE DOE ARMSTRONG; spouse, if any of IDA MASON ARONICA; WILLARD ARQUETTE and spouse, if any; W. S. ARTEEL and spouse, if any; FRED E. ASHBAUGH and ARLENE ASHBAUGH; PERRY GAIL ASHELMAN and spouse, if any; FAY LOY ASHLEY and spouse, if any; EDWARD B. ATKINSON and JANE DOE ATKINSON; GUS ATTERBERRY and spouse, if any; WALTER H. ATWOOD and JANE DOE ATWOOD; JIMMY M. AULT and spouse, if any; spouse, if any of EUGENE F. AULTMAN; A. W. ,JR. AUSTIN and spouse, if any; EMERY L. AUSTIN and MARY M. AUSTIN; JENNIE AUSTIN; LAWRENCE AUTHIER and spouse, if any; DARL M. AXTMAN and MARILEE A. AXTMAN; ELVIN M. BAASCH and VENITA M. BAASCH; JAMES E. BABCOCK and ELLEN L. BABCOCK; JAY E. BACHRACH and HELEN M. BACHRACH; GARY G. BACKEN and KAREN L. BACKEN; JOHN M. BACKSTROM and spouse, if any; STEPHEN V. BACKSTROM and spouse, if any; CLAUDIA ANN BACON and spouse, if any; JOHN N. BADEMIAN and LONA BADEMIAN; HAROLD L. BAER and spouse, if any; DONALD J. BAFUS and JANE DOE BAFUS; DONALD BAGGARLEY and spouse, if any; MARVIN A. BAGGARLEY and spouse, if any; WAYNE R. BAGWELL and LEEANNA J. BAGWELL; GERALD F. BAHLKE and spouse, if any; ERVIN R. BAIER and spouse, if any; WILLIS K. BAILES and NORA F. BAILES; DAVE L. BAILEY and spouse, if any; DAVID E. BAILEY and spouse, if any; DONALD M BAILEY; OTIS K. BAILEY and JANE DOE BAILEY; SARA M. BAIR and spouse, if any; MYRL BAIRD; spouse, if any of JESSIE BAIRD; LEROY V. BAKER and spouse, if any; MERCIA BAKER and spouse, if any; WARREN H. BAKER and spouse, if any; JOE BAKKER and spouse, if any; FRANKLIN O. BALDWIN and CLAUDINE A. BALDWIN; JAMES L. BALDWIN and spouse, if any; MABEL K. BALL; MARION L. BALL and spouse, if any; BEVERLY J. BALLARD; KATHRYN M. BALLARD and spouse, if any; ROBERT O. BALLARD and MINNIE E. BALLARD; spouse, if any of GOLDIE M. BALLARD; DONALD DEWITT BALLENTINE and JUDY BALLENTINE; BANK OF CALIFORNIA; BANK OF EVERETT; JOSE ,JR. BARAJOS and JANE DOE BARAJOS; spouse, if any of MILES H. BARBER; MELVEY G. BARBISON and JANICE M. BARBISON; JOHN J. BARDESSONO and ADA BARDESSONO; STEVE BARE and spouse, if any; EDWARD C. BARHAM and spouse, if any; spouse, if any of ROBERT W. BARK; HARVEY

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and spouse, if any; WESLEY C. ENGSTROM and spouse, if any; MARY A. ENKEN; spouse, if any of FRANCES E. ENO; EPISCOPAL DIOCESE OF SPOKANE, INC.; DOILE G. EPPERSON and spouse, if any; WILLIAM A. ERICKSEN and MONA J. ERICKSEN; EDWARD K. ERICKSON and spouse, if any; KARL T. ERICKSON and ELIZABETH ERICKSON; JOHN MEYER ERICSON and spouse, if any; DALE L. ERLEWINE and JANE DOE ERLEWINE; OSCAR ERVIN and spouse, if any; RALPH ESPARZA and JANE DOE ESPARZA; spouse, if any of JERRY ESTEP; ARTHUR ESTES and spouse, if any; KENNETH LEROY ESTES and spouse, if any; DONALD E. EUPER and JANE DOE EUPER; CHRIS EUTENEIER and spouse, if any; KATIE EUTENEIER and spouse, if any; ARTHUR L. EVANS and spouse, if any; BRUCE R. EVANS and spouse, if any; F. A. EVANS and spouse, if any; HOWARD EVANS and HATTIE L. EVANS; JOHN D. EVANS and LOIS E. EVANS; LELAND J. EVANS and JANE DOE EVANS; LEONARD E. EVANS and NORELL EVANS; NORDAN EVANS and JANE DOE EVANS; spouse, if any of AUDREY IRENE EVANS; STANLEY EVENS and BETTY J. EVENS; EVERETT TRUST & SAVINGS BANK; ESTHER EVERETT and spouse, if any; EUGENE EVERETT and spouse, if any; spouse, if any of ERNEST EVERETT; WILLIAM D. EVERETT and spouse, if any; NORMA J. EVERS; JAMES EVERT and JANE DOE EVERT; WILLIAM H. EVERTS and GRETA EVERTS; RALPH FACKLER and spouse, if any; NICHOLAS FAHEY and SUSAN B. FAHEY; ANDREW B. FALEN and spouse, if any; LULA FALEN and spouse, if any; PATRICK N. FALON and spouse, if any; PAUL N. FALON and spouse, if any; ALLEN FALTUS and spouse, if any; JANICE FALTUS and spouse, if any; OTTO FALTUS and spouse, if any; spouse, if any of ROY C. FANN; FAR WEST INDUSTRIES; JANE DOE FARABEE; ARTHUR E. FARDE and SANDY A. FARDE; MICHAEL FARMAN and PAULETTE RUTH FARMAN; CARL E. FARNSWORTH and JANE DOE FARNSWORTH; JOHN FARR and JANE DOE FARR; LLOYD E. FARRELL and spouse, if any; PETER FASSERO and spouse, if any; DEAN L. FAST and JANE DOE FAST; REX E. FAY and spouse, if any; ROBERT F. FEAR and spouse, if any; FEDERAL WAY REALTY, INC.; KATHERINE FEHR and spouse, if any; EDELMINO FELORES and LYDIA FELORES; RONALD S. FEOLA and spouse, if any; BENJAMIN FRANKLIN FERGUSON and spouse, if any; BRUCE FERGUSON and spouse, if any; I. F. FERGUSON and spouse, if any; KENNETH D. FERGUSON and spouse, if any; spouse, if any of GLENN D. FERGUSON; GARY G. FERNELIUS and LINDA L. FERNELIUS; L. C. FERNSTROM and spouse, if any; spouse, if any of WILLIAM RICHARD FIELDS SR; ALLEN J. FIELDS and spouse, if any; JOHNNIE L. FIFE and spouse, if any; JOHNNY JACK FIFE and JANE DOE FIFE; C. DON FILER and SALLY FILER; DARWIN FINCH and JANE DOE FINCH; HAROLD R. FINE and REE EDDA M. FINE; spouse, if any of MERRITT FINES; WALTER H. FINNEY and spouse, if any; FIRST CHRISTIAN CHURCH; RANDAL RAY FISCHER and spouse, if any; RICHARD R. FISCHER and spouse, if any; GEORGE R. FISHER and spouse, if any; SHIRLEY E. FISHER; CLYDE T. FITZ and spouse, if any; spouse, if any of IDA L. FITZIMMONS; CHRIS G. FIX and JANE DOE FIX; REBECCA F. FLAHERTY and spouse, if any; FAY L. FLEMING and spouse, if any; REMMEL FLEMING and spouse, if any; RICK FLEMING and DELORES FLEMING; ROY FLEMING and JANE DOE FLEMING; ROY N. FLENNIKEN and spouse, if any; GARY R. FLETCHER and LINDA FLETCHER; BARNEY FLORA and spouse, if any; FLORENCE INVESTMENT CO.; PHILIP G. FLUAITT and spouse, if any; MARTINA FODE; HENRY A. FORD and spouse, if any; IRA H. FORD and BESSIE E. FORD; KAREN L. FORDS and spouse, if any; STEPHEN S. FORE and spouse, if any; CHARLES FORENPOHAR and spouse, if any; VERNON E. FORENPOHAR and spouse, if any; STEVEN E FORKES and BARBARA O. FORKES; ROBERT J.

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FORREST and spouse, if any; spouse, if any of JAMES D. FORSYTHE; BETTY FORTIN and spouse, if any; JUANITA W. FOSKEY and spouse, if any; STEVEN W. FOSTER and JANE DOE FOSTER; THEODORE A. FOSTER and LOIS FOSTER; CLARISS A FOWLER and spouse, if any; E. J. FOX and PATRICIA FOX; WILLIAM J. FOX and JANE DOE FOX; FRAKER LLOYD L.; GEORGE FRANCIS and spouse, if any; HELEN FRANDLE and spouse, if any; DON FRANK and spouse, if any; DONALD R. FRANK and JANE DOE FRANK; HAROLD FRANKLIN; BETTY LOU FRASHURE and spouse, if any; LAWRENCE G. FRAZIER and ELSIE M. FRAZIER; WILLIAM F. FRAZIER and JANE DOE FRAZIER; WILBUR FREDERICK and spouse, if any; DONALD E. FREEPONS and VEDA H. FREEPONS; EDNA MAY SCHNEBLY FRENCH and spouse, if any; ROBERT E. FREY and GAIL M. FREY; LEPHIA FREYMUELLER and spouse, if any; ESTATE OF CALVIN T. FRINGER; WALTER C. FRINGER and spouse, if any; JAMES F. FRISQUE and spouse, if any; GLENN E. FRITTS and JANE DOE FRITTS; LULA B. FRY and spouse, if any; RICHARD FRY and spouse, if any; NORMAN R. FUERST and spouse, if any; RUSSELL S. FUERST and spouse, if any; EDDIE C. FULGHAM and JANE DOE FULGHAM; RICHARD L. FULKS and JANE DOE FULKS; ALICE FULTON and spouse, if any; WREN W. FULTZ and spouse, if any; FUNKHAUSER, DWIGHT I and spouse, if any; SAMUEL D. FUNKHAUSER and spouse, if any; MARIE GAGE FURGUSON and spouse, if any; DOROTHY R. GABBARD and spouse, if any; HOBERT R. GABBARD and DELIA P. GABBARD; JACKIE R. GABBARD and spouse, if any; LOYCE M. GABBARD and spouse, if any; VICTOR K. GABBARD and JANE DOE GABBARD; JOE RAY GAGNIER and JANE DOE GAGNIER; ALBERT A. GALBRAITH and spouse, if any; GEORGE ,JR. GALL and DORA A. GALL; JOSEPH G. GALLAHER and spouse, if any; JOSE R. GALLARDO and JANE DOE GALLARDO; RICHARD J. GALLIPO and JANE DOE GALLIPO; STEVEN E. GALLOWAY and SHEILA GALLOWAY; WILLIAM E. GALLOWAY and ARLENE GALLOWAY; KENNETH O. GAMON and SUE C. GAMON; RALPH E. GAMON and THERESA A. GAMON; KATHERINE S. GANO and spouse, if any; LESLIE J. GARDINIER and spouse, if any; ROGER J. GARDINIER and DIANNE GARDINIER; GARDNER NURSERY; GERALD M. GARDNER and RUTH GARDNER; LEWIS R. GARDNER and SPOUSE IF ANY; SCOTT GARDNER and RUTH L. GARDNER; NEIL L. GARLOCK and spouse, if any; FRANCIS F. GARMANN and spouse, if any; J. C. GARNER and spouse, if any; JAMES GARNETT and JANE DOE GARNETT; WILL ,JR. GARNICH and FLORENCE M. GARNICH; LLOYD GARRETSON and HELEN G. GARRETSON; EARL D. GARVER and DOROTHY M. GARVER; FORREST G. GASKIN and NADINE O. GASKIN; KEN L. GAUB and spouse, if any; REX L. GAUNT and spouse, if any; GLENN W. GAUSE and BEVERLY GAUSE; RAYMOND M. GAY and WILMA GAY; MICHAEL C. GEARHEART and spouse, if any; LESTER GEORGE and VERA LESTER; LOUIE GEORGE and spouse, if any; NEVILLE V. GEORGE and spouse, if any; HARRY L. GERDES; JANE DOE GERDES; CLARENCE L. ,JR. GERE and spouse, if any; OTTO J. GERHARDT and MILDRED M. GERHARDT; C. DUANE GERKING and CHRISTINA MARY GERKING; JAMES A. GERLACH and MARION GERLACH; JOHN F. GERLOCH and spouse, if any; JOHN GERMAN and spouse, if any; MARGARET GERMAN and spouse, if any; ROSE B. GERMAN; WALTER GERWELS and spouse, if any; MRS. ORPHA L. GHARET and spouse, if any; DAVID T. GIBB and FLORENCE GIBB; JOHN RAEFORD GIBB and spouse, if any; KEITH GIBB and LEAH M. GIBB; RAYMOND T. GIBBONS and spouse, if any; CLAUDE GIBSON and LILLIAN GIBSON; GRANT H. GIBSON and spouse, if any; ROBERT W. GIBSON and spouse, if any; ROGER L. GIBSON and JANE DOE GIBSON; VIRGINIA S. GIFFORD and

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W. GRISSOM; PETER D. GROFF and spouse, if any; BEN GROTE and ELIZABETH N. GROTE; BESSIE HUNT GROUND and spouse, if any; AARON A. GROVE and spouse, if any; VIOLET GROVER and spouse, if any; IDA W. GUILLAND; ERNEST J. GUISTETTI and spouse, if any; RANDY L. GUISTETTI and ANITA L. GUISTETTI; spouse, if any of RUTH F. GUNNOE; HENRY L. GUNTHER and spouse, if any; JEFFREY C. GUNVALDSON and KATHLEEN M. GUNVALDSON; BRUCE V. GURTIZA and spouse, if any; KEN L. GUST and JANE DOE GUST; NELLIE L. GUST and spouse, if any; JOHN A. GUTHRIE and IDA GUTHRIE; ROBERT H. GUTHRIE and spouse, if any; JOSE MORA GUTIRREZ and MAXIMINA A. GUTIRREZ; JOSE G. GUZMAN and spouse, if any; ETHEL MILLER GUZZIE; spouse, if any of GARY G GUZZIE; BERNARD HAAN and spouse, if any; FREDERICK HABERLAND and spouse, if any; JOHN A. HABERMAN and spouse, if any; spouse, if any of BILL HABERMAN; WILLIAM EDWARD HABERMAN and spouse, if any; HELMI S. HABIB and spouse, if any; LORRAINE E. HABNER and spouse, if any; R. C. HABNER; CHLOE HADLEY and spouse, if any; GERALD E. HADLEY; JANE DOE HAEDRICH; ORDELL C. HAEDRICH and spouse, if any; ROBERT R. HAFFEY and MARILYN A. HAFFEY; FRANK HAGEL and spouse, if any; LA VERNE D. HAGER; JACK W. HAGLUND and spouse, if any; K. C. C. HAGLUND and spouse, if any; VAN E. HAILE and JUSTINE HAILE; DAVID R. HALE and JANE DOE HALE; OLIVE C. HALE and spouse, if any; ROBERT N. HALE and spouse, if any; CELINA M. HALL and spouse, if any; CHARLES F. HALL and spouse, if any; CHARLOTTE A. HALL; HOMER HALL and BEATRICE HALL; L. L. HALL and spouse, if any; L. R. HALL and JANE DOE HALL; LES W. HALL and JANE DOE HALL; RONALD G. HALL and JANE DOE HALL; KEITH A. HALLAUER and spouse, if any; EVERETT HAMILTON and DAPHNEY HAMILTON; GAIL S. HAMILTON and spouse, if any; RICHARD HAMLIN and LAURIE G. HAMLIN; EDWARD K. HAMMONS and spouse, if any; WILLIAM V. HAMPTON and LORA HAMPTON; DAVID C. HANCOCK and spouse, if any; spouse, if any of CATHERINE HAND; spouse, if any of JAMES EDWARD HAND; spouse, if any of PATRICK J. HAND; WAYNE HAND and JANE DOE HAND; FRED HANDLEY and spouse, if any; BOB G. HANEY and CHARLOTTE M. HANEY; WAYNE HANEY and spouse, if any; LEE T. HANIGAN; DAVID E. HANON and spouse, if any; H.V. HANSEL and ESTHER L. HANSEL; ALFRED C. HANSEN and JANICE K. HANSEN; DAVID D. HANSEN and spouse, if any; ELMER HANSEN and BEATRICE HANSEN; ROBERT ROY HANSEN and spouse, if any; spouse, if any of EMILE HANSEN; GUY B. HANSON and MARGIE L. HANSON; PARKER A. HANSON and ERMA D. HANSON; EDITH M. HARDIN and spouse, if any; FREDERICK W. HARDISTY; ROBERT L. HARDWICK and CECILIA HARDWICK; PETER HARISH and spouse, if any; EDWIN L. HARLAN and spouse, if any; JOHN REESE HARMAN and JANE DOE HARMAN; DAVID A. HARNESS and spouse, if any; JOE HARPENAU and spouse, if any; A. V. HARREL and spouse, if any; WILLIAM C. HARRELL and spouse, if any; WILLIAM E. HARRELL and spouse, if any; HARRIGAN INVESTMENT CO.; JACK A. HARRINGTON and DONNA M. HARRINGTON; MIKEL C. HARRINGTON and JUDY K. HARRINGTON; ANNA O. HARRIS and spouse, if any; CLIFFORD C. HARRIS and JANE DOE HARRIS; EDMOND A. HARRIS and LUCILLE HARRIS; GEORGE W. HARRIS and JANE DOE HARRIS; HAZEL M. HARRIS and spouse, if any; MAYNARD H. HARRIS and spouse, if any; MELVIN H. HARRIS and JANE DOE HARRIS; NORMAN HARRIS and spouse, if any; CHARLES HARRISON and spouse, if any; ELMER M. HARRISON and JANE DOE HARRISON; LARRY R. HART and spouse, if any; ROBERT C. HART and spouse, if any; WILLIAM W. HART and spouse, if any; JOHN HARTING and spouse, if any; GEORGE B. HARTSHORN and JANE DOE HARTSHORN; GENE R.

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if any; RONALD L. WEAVER and JANE DOE WEAVER; spouse, if any of PAUL P. WEAVER; CHARLES E. WEBB and spouse, if any; JOHN D. WEBB and JANE DOE WEBB; ALDEN H. WEBBER and NATALIE WEBBER; ARTHUR F. WEBER and spouse, if any; BERT W. WEBER and spouse, if any; MORRIS R. WEBER and spouse, if any; JANE DOE WEBLEY; DAN WEBSTER and IRENE L. WEBSTER; ELEANOR WEBSTER and spouse, if any; ELIZABETH WEBSTER; FRANK WEED and spouse, if any; MARTIN G. WEEKES and JOYCE WEEKES; FRANCIS KEITH WEEKS and spouse, if any; FRED O. WEEKS and JANE DOE WEEKS; JAY M. WEESE and JANE DOE WEESE; ARLENE T. WEIDENBACH; CHLOE L. WEIDENBACH; WILLIAM WEILER and spouse, if any; DENNIS D. WELCH and spouse, if any; GEORGE F. WELLER and KAY M. WELLER; JAMES E. WELLS and JANE DOE WELLS; JIMMIE WELLS and spouse, if any; CHARLES F. WELTON and spouse, if any; WENAS CEMETARY; WENAS VALLEY GRANGE NO. 874; JULES L. WERNER and DELORES L. M. WERNER; JANE DOE WERTENBERGER; spouse, if any of ALENE M. WESSELIUS; WEST VALLEY SCHOOL DIST NO. 208; CAROL A. WEST; JAMES F. WEST and spouse, if any; JOYCE WEST; MARY E. WEST and spouse, if any; PAUL H. WEST and CAROL M. WEST; RAY N. WEST and spouse, if any; ARLETTA D. WETMORE; ALMA WETZEL and spouse, if any; spouse, if any of BERNICE WETZEL; spouse, if any of VIOLET WETZEL; WEYERHAEUSER CO.; LORETTA RAY WEYLAND and spouse, if any; JOHN P. WHEATLEY and spouse, if any; NORMA WHEATLY and spouse, if any; GEORGE L. WHEELER and BETTY ANN WHEELER; LEO WHEELER and MARIE WHEELER; THOMAS M & RITA WHEELER and RITA M. WHEELER; JOHN L. WHITAKER and MARY C. WHITAKER; CLARENCE A. WHITE and SABRA E. WHITE; E. LLOYD WHITE and JANE DOE WHITE; HIRAM E. WHITE; JACOB B. WHITE and MARTHA A. WHITE; ROBERT W. WHITE and spouse, if any; DAVID WHITEHEAD and DONNA F. WHITEHEAD; ARTHUR J. WHITEMAN and EUNICE WHITEMAN; HAROLD WHITHAN and spouse, if any; DONALD WHITING and FRANKIE WHITING; DELBERT W. WHITISH and spouse, if any; JAMES R. WHITMIRE and JANE DOE WHITMIRE; IRENE L. WHITNER and spouse, if any; JAMES WHITNEY and JANE DOE WHITNEY; MRS. BENGE WHITNEY and spouse, if any; PHILIP WHITNEY and ARVA L. WHITNEY; LESLIE B. WHITSON and spouse, if any; HARRY H. WHITTAKER and spouse, if any; JOHN N. WHITTAKER and spouse, if any; KARL C WICKERWATH and spouse, if any; MERRION H. WICKLANDER and BERIT S. WICKLANDER; LARRY A. WIDMAN and JOYCE WIDMAN; C. E. WIKSTROM and spouse, if any; J. A. WIKSTROM and spouse, if any; JOHN A. WILCOX and spouse, if any; RONALD D. WILCOX and BEVERLY WILCOX; WILEY HEIGHTS COVENANT CHURCH; WILEY UNION CHURCH; GORDON J WILEY and spouse, if any; HUGH W. WILEY and JANE DOE WILEY; JAMES GORDON WILEY and MALSENA WILEY; JAMES GORDON ,JR. WILEY and spouse, if any; JAMES J. WILEY and JANE DOE WILEY; MALCOLM H. WILEY and spouse, if any; ROBERT F. WILEY and spouse, if any; spouse, if any of JOE W. WILEY; spouse, if any of LOREN F. WILEY; J. H. WILKINS and FRANCES WILKINS; HOBERT WILKINSON and spouse, if any; JERRY WILKINSON and spouse, if any; NATHAN ,JR. WILKINSON and DOROTHY WILKINSON; DENNIS L. WILL and spouse, if any; MARTIN WILL and spouse, if any; BUELAH STAUB WILLARD and spouse, if any; LYNNE MARIE WILLARD; MARGARET WILLARD; LOIS E. WILLETT and spouse, if any; THOMAS J. WILLETTE and spouse, if any; CHARLES E. WILLIAMS and ANNA B. WILLIAMS; DAVID W. WILLIAMS and spouse, if any; DENNIS L. WILLIAMS and RUTH A. WILLIAMS; JOSEPH G. WILLIAMS and ELAINE WILLIAMS; LEE F. WILLIAMS and GEORGE FRANCIS WILLIAMS; OTTO K.

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WILLIAMS and MARGARET WILLIAMS; PEARL A. WILLIAMS and spouse, if any; RICHARD S. WILLIAMS and JANE DOE WILLIAMS; ROBERT S. WILLIAMS and VIVIAN V. WILLIAMS; ROY F. WILLIAMS and DORIS O. WILLIAMS; RUSSELL WILLIAMS and spouse, if any; spouse, if any of CHARLES T, WILLIAMS; T. J. WILLIAMS and spouse, if any; ROBERT W. WILLMOTT and DOROTHY T. WILLMOTT; DAN L. WILLSON and spouse, if any; DONNEL K. WILMOTH and JANE DOE WILMOTH; OTIS O. WILMOTH and spouse, if any; CHARLES WILSON and MARY WILSON; DOUGLAS A. WILSON and JANE DOE WILSON; JAMES B. WILSON and JANE DOE WILSON; JESSE D. WILSON and spouse, if any; JOHN R. WILSON and spouse, if any; KENZEL R. WILSON and spouse, if any; NAHUM T III WILSON and JANE DOE WILSON; ROBERT WILSON and spouse, if any; ROBERT F. WILSON and spouse, if any; RON R. WILSON and BERNICE WILSON; WARREN G. WILSON and CHARLEEN L. WILSON; WILLIAM E. WILSON and ELIZABETH G. WILSON; WILLIAM E. WILSON and spouse, if any; WILLIAM G. WILSON and spouse, if any; WILLIAM P. WILSON and spouse, if any; CARLTON WILT and LOIS E. WILT; KENNETH R. WINE and DIANE S. WINE; TRUMAN WINEGAR and spouse, if any; RUSSELL WINES and JANE DOE WINES; spouse, if any of CLARENCE WINES; MARY E. WINGATE and spouse, if any; ANTONY J. WINGERTER and spouse, if any; ALFRED E. WINKEL and JANE DOE WINKEL; HOLLY S. WINTERHALDER and spouse, if any; JOHN P. WINTERHALDER and JANE DOE WINTERHALDER; WINTON BORRELL & ASSOCS., INC.; MELVIN N. WIPPEL and spouse, if any; spouse, if any of MARY T. WIPPEL; HAROLD B. WITENBERG and spouse, if any; STANELY L. WITHERS and spouse, if any; CLAY WITHROW and JANE DOE WITHROW; DONALD WITKE and spouse, if any; EVERETT H. WITTE and DONNA I. WITTE; spouse, if any of DELMAR F. WOERNER; SHANNON D. WOLFE and spouse, if any; RONALD J. WOLFF and spouse, if any; RICHARD G. WOMMACK and JEAN WOMMACK; FRANKLIN A. WOOD and spouse, if any; LEONARD M. WOOD and spouse, if any; LINDA C. WOOD and spouse, if any; PERRY WOOD and spouse, if any; CHESTER C. ,SR. WOODALL and spouse, if any; KEVIN WOODALL and JANE DOE WOODALL; JOHN WOODARD and BARBARA JEAN WOODARD; JANE DOE WOODCOCK; spouse, if any of GAIL WOODHOUSE; LESLIE M. WOODIN and NYDA WOODIN; FLOYD R. WOODIWISS and BERNADINE M. WOODIWISS; ROBERT J. WOODS and spouse, if any; ELBERTA WOODY and spouse, if any; WOODY'S MOBILE HOMES, INC.; ELLEN WORMAN and spouse, if any; EVA J. WORMAN and spouse, if any; GLEN J. WORMAN and MARY E. WORMAN; MAYNARD WORST and JANE DOE WORST; FRANK S. WRIGHT and JANE DOE WRIGHT; RICHARD L. WRIGHT and JUDY K. WRIGHT; SHERRY L. WRIGHT and spouse, if any; THEILINE P. WRIGHT; WSU COLLEGE (DEPT) OF ENGINEERING; LESLIE F. WULFF and KATHLEEN L. WULFF; DONALD J. WURZINGER and spouse, if any; spouse, if any of FRANCIS DEAN WYATT; JAMES W. WYSE and DONNA J. WYSE; YAKIMA BOAT CLUB; YAKIMA BROADCASTING CO.; YAKIMA COUNTY FIRE DIST. NO. 12; YAKIMA FEDERAL SAVINGS & LOAN; YAKIMA JEEP JOCKEYS; YAKIMA SHEEP CO.; YAKIMA VALLEY AREA COUNCIL BSA BOY SCOUTS OF AMERICA; YAKIMA VALLEY TRANSPORTATION CO.; JOSEPH J. YALLUP and spouse, if any; MAXFORD YANDT and HARRIET H. YANDT; JOHN YERGEN and JANE DOE YERGEN; DARRELL M. YOERGER; DENNIS S. YOHNER and JANE DOE YOHNER; ROBERT A. YONKER and DAISY V. YONKER; FRANKLIN R. YOUNG and GENEVA M. YOUNG; JOHN R. YOUNG and CARLA J. YOUNG; LOIS YOUNG and spouse, if any; MILTON C. YOUNG and VIOLETTE M. YOUNG; STEVEN YOUNG and spouse, if any; spouse, if any of STANLEY P. YOUNGBERG; spouse, if

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any of WINONA P. YOUNGBERG; EARLE E. ZANDER and IDA M. ZANDER; THEODORE F. ZEPEDA and LORETTA B. ZEPEDA; ZEPHYR ALUMINUM CO.; BOYD K. ZERBE and spouse, if any; WILLIAM C. ZERO and spouse, if any; DARRELL D. ZIEGLER and spouse, if any; RUEBIN ZIMMERMAN and MILDRED ZIMMERMAN; WILLIAM H. ZIRKLE and PATRICIA P. ZIRKLE; GEORGE E. ZITTLE and spouse, if any; ADOLF W. ZORET and RUTH ZORET; JOHN ZREBIEC and VALERY S. ZREBIEC; VALERIE S. ZREBIER and spouse, if any; JANE DOE ZUEGER; HAZEL A. ZUMWALT and spouse, if any; and WILLIAM R. ZUPPE and spouse, if any.

The defendants listed above are persons who have been served with the summons in compliance with RCW 90.03.130. Service of process took place between October 1977 and May 1980. Ecology has filed proof of service with this Court.

The listed defendants have failed to appear, plead or otherwise defend in this action, and have failed to file with the clerk of this Court a statement of their claim and interest in the surface waters of the Yakima River Basin within Kittitas, Yakima, Klickitat, and Benton Counties, and including the entire Yakima Reclamation Project, as shown in the map attached to Pretrial Order No. 3, April 18, 1985, as required by RCW 90.03.140.

Venue is proper under RCW 90.03.110.

To Ecology's knowledge, none of the listed defendants are in the military service of the United States or are infants or incompetent.

This motion is made pursuant to CR 55, and is based upon the Declaration of Benno Bonkowski and the Court records in this matter, including proof of service.

The relief sought is that, pursuant to RCW 90.03.220, the defaulting defendants be estopped from claiming a water right because they have failed to claim a water right in this adjudication. This relief is consistent with the demand on page 61 of the Statement of Facts served on these defendants and filed with this court, that all known and unknown defendants:

> claiming the right to divert or withdraw surface waters of the drainage basin of the Yakima river, for any beneficial purpose, . . . appear at the time and place named in said order and assert such right, . . . and that upon said hearing the court enter judgment adjudicating and determining the relative rights to the use of the surface waters of the drainage basin of the Yakima River and its tributaries by diversion or otherwise for

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beneficial uses and determining the extent and priority of the rights of all persons claiming such use.

No further hearing is necessary to determine the relief to which Ecology is entitled against these defendants.

A proposed Order of Default and Entry of Default Judgment granting the relief requested accompanies this motion. The listed defendants may obtain a copy of the Declaration of Benno Bonkowski, the proposed Order of Default and Entry of Default Judgment, the Note for Motion Docket, and the full Certificate of Service complete with mailing addresses by contacting Ecology at 1-800-468-0261 or by printing a copy from Ecology's web site at www.ecy.wa.gov/programs/wr/rights/adjhome/html.

III. ABBREVIATED CERTIFICATE OF SERVICE

I certify that notice of this motion is being given pursuant to this Court's December 13, 2007, Order Approving Method of Serving Notice of Application for Order of Default and this Court's December 11, 2008, Order Approving Amended Method of Serving Notice of Application for Order of Default by providing a copy of this, Ecology's Motion for Default Order and Entry of Default Judgment, and Abbreviated Certificate of Service, and Notice of Time and Place of Hearing:

1. By regular United States mail, postage prepaid, being sent on August 21, 2009, to those listed defendants who have an address to which the United States Postal Service can deliver mail, including the Declaration of Benno Bonkowski, and the Proposed Order of Default and Entry of Default Judgment.

2. By regular United States mail, postage prepaid, being sent on August 21, 2009, to attorneys of record for the defendants named in this motion, including the Declaration of Benno Bonkowski, and the Proposed Order of Default and Entry of Default Judgment.

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3. By publication of this motion on August 21, 2009 in Yakima, Benton, and Kittitas counties in the Yakima Herald, Tri-City Herald, and Ellensburg Daily Record, respectively.

This notice has been given more than ten days before the hearing set for this motion, in accordance with CR 55 (f)(1). A full Certificate of Service, complete with mailing addresses, has been filed with the clerk of this Court, and a copy may be obtained by contacting Ecology at 1-800-468-0261 or by printing a copy from Ecology's web site at www.ecy.wa.gov/programs/wr/rights/adjhome/html.

RESPECTFULLY SUBMITTED this 12th day of August 2009.

ROBERT M. MCKENNA
Attorney General

BARBARA A. MARKHAM, WSBA #30234
Assistant Attorney General
Attorneys for State of Washington
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