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KIM M. EATON
EX OFFICIO CLERK OF
SUPERIOR COURT
YAKIMA, WASHINGTON

FILED
JUN 10 2004
KIM M. EATON
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.)

No. 77-2-01484-5

STATE OF WASHINGTON)
DEPARTMENT OF ECOLOGY)

**ORDER TO REGULATE
UNAUTHORIZED DIVERSIONS**

Plaintiff,)

v.)

JAMES J. ACQUAVELLA, et al.,)

Defendants)
_____)

THIS MATTER coming before the Court pursuant to the Motion of the Roza Irrigation District to limit the diversions of water from the Yakima River and its tributaries by those parties which are not authorized to divert water. This Motion is joined by Kittitas Reclamation District, Kennewick Irrigation District, the Sunnyside Division and others.

It appearing that the Washington State Department of Ecology (Ecology) has provided to the Court a list of parties whose claims for surface water rights in the Yakima River Basin have been denied in whole or in part in Reports of the Referee or in Conditional Final Orders in the subbasins

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and who do not presently have exceptions pending before the Referee or before the Court.

It further appearing there may be diverters who have not submitted water rights statements of claims to Ecology, do not have other water rights documents authorizing use of water and have not pursued claims to water rights before this Court and any such diversions are not authorized.

NOW THEREFORE IT IS HEREBY ORDERED that the Washington State Department of Ecology shall report to this Court and the parties any diversions it finds from the Yakima River or its tributaries which have been denied by the Court in a Report of the Referee or a Conditional Final Order and for which there is not pending exceptions, or diversions it finds which exceed the amount of water approved by the Court or the Referee or diversions it finds for which are otherwise not authorized

IT IS FURTHER ORDERED the Washington State Department of Ecology or any party may seek an Order requiring any diverter who is not authorized to divert water to Show Cause why continued diversions should not be enjoined or may seek other appropriate relief from this Court to enforce this Order and prevent the unauthorized use of water.

IT IS FURTHER ORDERED that this Order shall only apply to state-law-based water rights outside of the Yakama Reservation.

So ordered this 10th day of June, 2004.


WALTER A. STAUFFACHER, Judge

Presented by
COWAN WALKER, P.S.

By: 
Thomas A. Cowan, WSBA #5079
Attorneys for Roza Irrigation District

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