

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

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,

Respondents/Cross-Appellant,

v.

JAMES J. ACQUAVELLA; UNITED STATES; YAKAMA NATION; AHTANUM IRRIGATION DISTRICT; JOHN COX DITCH COMPANY; LA SALLE HIGH SCHOOL; DONALD and SYLVIA BRULE; JEROME DURNIL; and ALBERT LANTRIP; DEPARTMENT OF NATURAL RESOURCES,

Appellants/Cross-Respondents.

NO. 86211-7

ORDER
CHANGING OPINION

FILED
SUPREME COURT
2013 MAY 22 A 8:46
BY RONALD R. CARPENTER
CLERK

It is hereby ordered that the slip opinion of the Court filed in the above cause on March 7, 2013, be changed as follows:

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On page 3, at the 5th line from the bottom of the page, footnote 1 is revised by inserting the words “and to other individual Northside parties confirmed a right” after the words “Department of Natural Resources (DNR)”. In the ensuing sentence, the words “DNR does not contest” are changed to “DNR and the other parties do not contest”.

On page 26, at line 4, the words “a 45-day period of use ending May 15” are changed to “45 days of use between April 1 and July 10”.

On page 42, at line 4, the words “a 45-day period of use ending May 15” are changed to “45 days of use between April 1 and July 10”.

On page 42, at lines 16 and 17, the words “a 30- or 45-day period terminating in May” are changed to “30 or 45 days beginning on either April 1 or April 15”.

On page 43, at line 9, the words “ending May 15” are changed to “of use”.

On page 43, at the last line, the words “the 45-day limitation ending on May 15” are changed to “a 45-day limitation on use between April 1 and July 10”.

On page 44, at line 4, the words “to a 45-day period of use ending on May 15” are deleted.

On page 47, at lines 6 and 7, the words “a 45-day period ending on May 15” are changed to “45 days of use between April and July 10”.

On page 51, at the 2nd line from the bottom of the page, the citation “FRCP 25(a)(1)” is changed to “former FRCP 25(a) (1946)”.

On page 52, the language that begins on line 3 with “FRCP 25(a)(1)” and ends on line 8 with “And,” is deleted. In its place, the following language is added: “Even if there was no proper substitution of Goodman for Langell and Richmond under former FRCP 25(a),”.

On page 52, at line 11, the words "FRCP 25(a)" are changed to "former FRCP 25(c)".

Dated this 22nd day of May 2013.

Madsen, C. J.
Chief Justice

APPROVED:

Owens, J.

Plumley

Fairhurst, J.

J M Gandy

Stephens, J.

Wiggins, J.

Conner, J.

Chamber JPT

FILED
SUPREME COURT
STATE OF WASHINGTON
2013 MAY 23 P 3:43
BY RONALD J. CARPENTER
CLERK

THE SUPREME COURT OF WASHINGTON

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IRRIGATION DISTRICT; JOHN COX DITCH
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DONALD and SYLVIA BRULE; JEROME
DURNIL; and ALBERT LANTRIP;
DEPARTMENT OF NATURAL
RESOURCES,

Appellants/Cross-Respondents.

NO. 86211-7

ORDER DENYING FURTHER RECONSIDERATION

The Court considered the "MOTION FOR RECONSIDERATION OF JOHN COX

DITCH COMPANY", "MOTION FOR RECONSIDERATION OF AHTANUM

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No. 86211-7

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IRRIGATION DISTRICT”, “YAKAMA NATION’S MOTION FOR RECONSIDERATION” and the “MOTION FOR RECONSIDERATION OF LA SALLE HIGH SCHOOL, DONALD AND SYLVIA BRULE”. The Court entered an order changing opinion in the above cause on May 22, 2013.

Now, therefore, it is hereby

ORDERED:

That further reconsideration is denied.

DATED at Olympia, Washington this 23rd day of May, 2013.

For the Court



CHIEF JUSTICE