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CHARLES C. FLOWER
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May 20, 2010

Faxed to 509-456-4288:

Ms. Renee S. Townsley
Clerk/Administrator
Court of Appeals, Division III
500 North Cedar Street
Spokane, WA 99201-1905

Re: Department of Ecology vs. Acquavella, et al., Case No. 281141
(Consolidated with 281159, 281167, 281175, 281191)
Yakima County Superior Court No. 77-2-01484-5

Dear Ms. Townsley:

Enclosed for filing is the Motion of John Cox Ditch Company to Amend Briefing Schedule and Joinder in the Motion of Yakama Nation to Amend Briefing Schedule with attached Certificate of Service.

If you have any questions, please contact me.

Sincerely,



PATRICK ANDREOTTI

PA:pk

Enclosure

cc: Counsel of record

NO. 281141

COURT OF APPEALS, DIVISION III
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,

Plaintiff/Respondent,

vs.

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

Defendants/Appellants/Respondents.

MOTION OF JOHN COX DITCH COMPANY
TO AMEND BRIEFING SCHEDULE AND
JOINDER IN MOTION OF YAKAMA NATION
TO AMEND BRIEFING SCHEDULE

CHARLES C. FLOWER, WSBA #143
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I. IDENTIFY OF MOVING PARTY:

Appellant/Respondent John Cox Ditch Company ("John Cox") seeks the relief identified in Section II. below.

II. STATEMENT OF RELIEF SOUGHT:

Pursuant to RAP 10.1(f), 10.1(h) and 18.8, John Cox requests the Court allow the Appellants (1) the opportunity to file a Brief in response to the Opening Briefs of the other Appellants, including the Department of Ecology, and (2) the opportunity to file an additional Reply Brief to the Responses of the other parties.

John Cox also joins in the Yakama Nation's Motion to Amend Briefing Schedule, filed May 18, 2010.

III. FACTS RELEVANT TO MOTION:

The letter from the Clerk/Administrator to counsel dated May 11, 2010, provided the Briefs of the Washington State Department of Ecology (as Respondent/Cross Appellant) and the Department of Natural Resources (as Respondent) are due May 20, 2010 and the Reply Briefs of the other Appellants/Respondents would be due thirty (30) days after service of the Respondent/Cross-Appellant's Brief (Department of

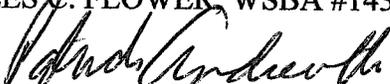
V. CONCLUSION:

Claims of many of the parties to this appeal are adverse to each other. Each of the Appellants should be treated as Appellants/Cross-Appellees with respect to every other party. The Appellants should each be allowed to file a Response Brief to the others and a Reply Brief in support of their own appeal. The Appellants will be prejudiced if they are not allowed the opportunity to file both a Response Brief to all other Appellants' Opening Briefs and a Reply in defense of their own appeals.

Respectfully submitted,

FLOWER & ANDREOTTI,
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CHARLES C. FLOWER, WSBA #143.


PATRICK ANDREOTTI, WSBA #7243.

Dated, Filed and Served by first-class mail and email: May 20, 2010.

VI. CERTIFICATE OF SERVICE:

Pursuant to RCW 9A.72.085, I CERTIFY that on 4/07/2010, I emailed and mailed in a properly stamped (first-class) and addressed envelope and deposited in the United States mail at Yakima, Washington, a copy of "Brief of Appellant/Respondent John Cox Ditch Company" to:

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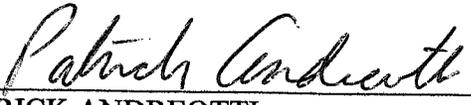
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I CERTIFY under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED: 5/20/2010.



PATRICK ANDREOTTI