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**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,

NO. 77-2-01484-5

DECLARATION OF BENNO
BONKOWSKI

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Plaintiff,

v.

JAMES J. ACQUAVELLA, et al.,

Defendant.

I, BENNO BONKOWSKI, declare as follows:

1. I am over the age of 21, am competent to testify in a court of law, and voluntarily provide this statement from a search of the official records of the Department of Ecology and the records of the Clerk of Court in this case.

2. I am Manager of the Adjudication Section of the Washington State Department of Ecology. I have held this position for approximately three years. I have been employed by Ecology for over sixteen years. I am making this declaration to support Ecology's Motion for

1 Default Order and Entry of Default Judgment, and Abbreviated Certificate of Service, and Notice
2 of Time and Place of Hearing.

3 3. On October 12, 1977, Wilbur G. Hallauer, Director of the Department of Ecology,
4 filed with the clerk of this Court a Statement of Facts relative to the surface water of the drainage
5 basin of the Yakima River and its tributaries within Kittitas, Yakima, Klickitat, and Benton
6 Counties, and including the entire Yakima Reclamation Project. He prayed that the rights of the
7 known and unknown persons claiming the right to divert or withdraw surface waters of the
8 drainage basin of the Yakima River and its tributaries, for any beneficial purpose, be adjudicated,
9 determining the extent and priority of the rights of all persons claiming such use.

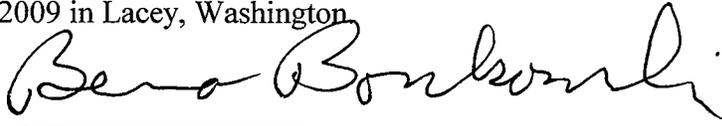
10 4. The Honorable H. Hettinger, by Order dated October 12, 1977, authorized
11 issuance of summons against all persons known or unknown claiming the right to divert,
12 withdraw or otherwise make use of the surface waters of the Yakima River drainage basin, and
13 fixed the return date thereof as January 6, 1978.

14 5. Each of the defendants in this action has been duly served with the summons in
15 manner and form and in the time required by law as more fully shown by proof of service
16 previously filed with this Court.

17 6. The unknown and named defendants listed in Ecology's Motion for Default Order
18 and Entry of Default Judgment, and Abbreviated Certificate of Service, and Notice of Time and
19 Place of Hearing have failed to file a statement of claim pursuant to RCW 90.03.140.

20 I declare under penalty of perjury under the laws of the state of Washington that the
21 foregoing is true and correct.

22 DATED this 12th day of August, 2009 in Lacey, Washington

23 

24 BENNO BONKOWSKI
25 300 Desmond Drive SE
26 Lacey, WA 98503
(360) 407-6872

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