

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF YAKIMA

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

PRE-TRIAL ORDER NO. 3

THE STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)

RE: NOTICE PROCEDURES
AND OTHER PRE-TRIAL
MATTERS

Plaintiff,)

v.)

JAMES J. ACQUAVELLA, et al.,)

Defendants.)

WHEREAS, the Court finds that this action involves an unusually large number of
defendants and an unusually long period of time to complete, and

WHEREAS, the Court finds that providing the required notice under the civil rules
by a party to all other parties in this matter is burdensome upon an individual party,
and

WHEREAS, the Court finds that some form of notice to all parties should be
reasonably calculated to apprise all parties of the activities herein, now therefore,

1 IT IS HEREBY ORDERED as follows:

2 1.

3 Geographic Divisions. The geographic area of the adjudication shall be divided
4 into thirty-one (31) subbasins as shown in Exhibit A attached hereto for purposes of
5 administration.

6 2.

7 a. Notice. Plaintiff-state shall establish and maintain a notification
8 procedure for and under the supervision of this Court to provide notice to each
9 attorney and party of record desiring such notice. Matters to be contained within
10 such notice shall include each significant document filed with the Court by document
11 description, document sponsor, and the date of filing. Other matters, such as trial
12 dates, times and locations shall also be included in such notice.

13 Plaintiff-state shall mail, postage prepaid, a copy of the above notice on the
14 first working day of each month to each attorney and party of record at their address
15 of record.

16 All parties and their representatives will be sent the notice on a periodic
17 basis. Parties who do not want to receive their notice may request that all such
18 notices be stopped and that they be dismissed from the case. Parties who want to
19 receive only that notice pertaining to their respective subbasin may request that
20 notice be so limited. A form will be provided which allows a party to elect to waive
21 notice as described above. This waiver is voluntary and a party is not required to
22 make any election. Such waiver shall become effective upon filing with the Court.

23 b. Civil Rules May Apply. Parties who are identified in a document who are
24 required or allowed to do an act within a specified time shall be given notice from
25 the proponent as provided by the Superior Court Civil Rules. Where the Civil Rules do

*See Order
7/30/93
attached*

1 not require notice to all other parties, notice need not be given as provided under
2 paragraph 2.a. above.

3 3.

4 Party Responsibilities. It shall be the responsibility of each party, and their
5 representative, if any, to review the documents which have been listed within the
6 notice provided. The documents shall be available for inspection and review at the
7 Yakima County Superior Court.

8 4.

9 Time. Because of the large number of defendants, the Court hereby enlarges the
10 time for notice to be given or an act to be required or allowed to be done with a
11 specified time before trial to thirty (30) calendar days after the mailing of the
12 notice as provided above.

13 5.

14 Perpetuation of Testimony. A party desiring to take the deposition of any person
15 for the purpose of perpetuation of testimony shall first file information with the
16 Court, directed to the referee, designating or describing the persons whose deposi-
17 tions may be taken and specifying the subject matter of the examination, the available
18 dates, places, time, and whether the deposition shall be taken upon oral examination
19 or written interrogatories. The referee shall then cause notice to be published as
20 provided in paragraph 2.a. above. Any party desiring to attend the deposition shall,
21 within ten working days from the date of mailing of the notice, request that the
22 referee include such party in the deposition schedule. Thereafter, the referee shall
23 provide for notices of the deposition schedule to such interested parties. Any party
24 who does not request inclusion within the deposition schedule shall be deemed to have
waived any objection to the admission of the deposition into evidence.

*From
Pre-trial
Order #3*

6.

Continuing Duty. It shall be the continuing duty of all parties and their representatives, if any, to inform the Court and other parties or representatives in writing of any change in their mailing address, transfers or changes in ownership, changes in representatives, and any other such matter through the notice procedures established herein.

If any party or representative should fail to provide the foregoing information, such party or representatives shall be deemed to have waived any notice or receipt of information relative to any interest in the proceeding herein during such period.

7.

The plaintiff herein shall provide a copy of this order to all parties or their counsel of record.

DATED this 18th day of April, 1985.

Walter Stouffer
JUDGE

*Make Notice to effect
County do not
notify the court of
sales involved in this
case*

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2 IN AND FOR YAKIMA COUNTY

3 IN THE MATTER OF THE DETERMINATION)
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7 THE PROVISIONS OF CHAPTER 90.03,)
8 REVISED CODE OF WASHINGTON,)
9 STATE OF WASHINGTON,)
10 DEPARTMENT OF ECOLOGY,)

NO. 77-2-01484-5

Plaintiff,

vs.

ORDER MODIFYING
PRE-TRIAL ORDER NO. 3

JAMES J. ACQUAVELLA, et al.,

Defendants.

14 It appearing that there is some confusion concerning the meaning
15 and intent of the third paragraph of Pre-Trial Order No. 3 (27) (a),
16 page 2 thereof, clarification thereof accordingly is needed. Therefore,
17

18 IT IS HEREBY ORDERED that paragraph three of Pre-Trial Order No. 3
19 (2) (a) is hereby amended to read as follows:

20 Parties who do not want to receive the monthly notice
21 mentioned above may request in writing, that all such notices
22 no longer be sent to them. Upon receipt of any such request,
23 the plaintiff-state shall retain such request on file and
24 shall immediately remove such party from the mailing list.
25 Likewise, a party may request, in writing, that they be
dismissed from the case. The plaintiff-state shall retain
such request on file and shall immediately remove such party
from the mailing list. Parties who want to receive only that
notice pertaining to their respective subbasin may request, in
writing, that notice be so limited. The plaintiff-state shall
retain such request on file and shall note such request on the
mailing list in order that unnecessary notices need not be

1 mailed. A copy of each such request shall be attached to
2 that party's claim, if there is a claim on file for that
3 party.

4 DATED this 30th day of July, 1993.

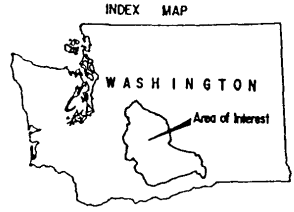
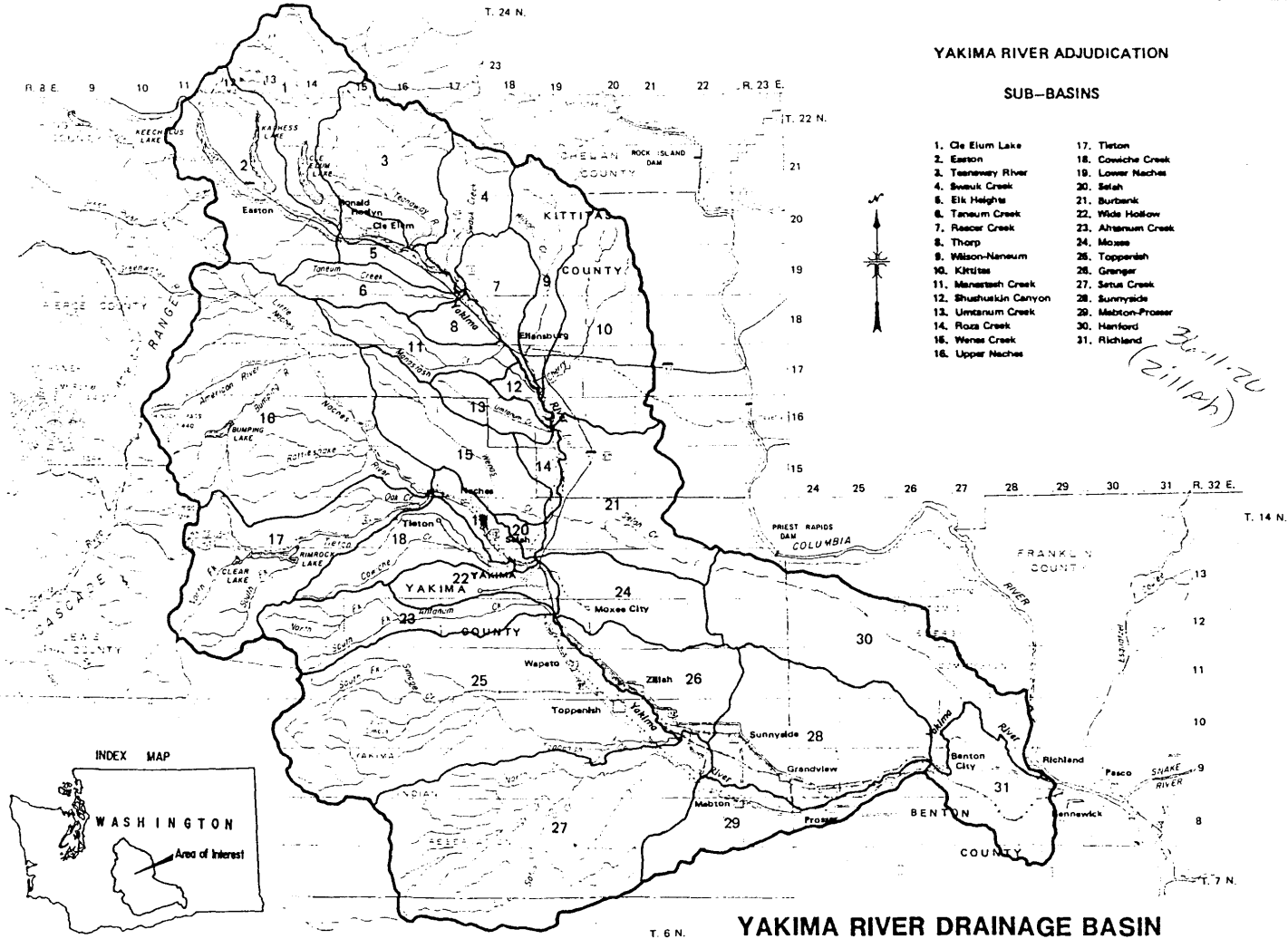
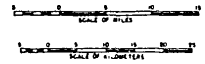
5 Walter Sturffoch
6 Judge

YAKIMA RIVER ADJUDICATION

SUB-BASINS

- 1. Cle Elum Lake
- 2. Easton
- 3. Teanaway River
- 4. Sweat Creek
- 5. Elk Heights
- 6. Taneum Creek
- 7. Reaser Creek
- 8. Thorp
- 9. Wilson-Naneum
- 10. Kittitas
- 11. Manastash Creek
- 12. Shushwakin Canyon
- 13. Lincasrum Creek
- 14. Ross Creek
- 15. Wenas Creek
- 16. Upper Naches
- 17. Tieton
- 18. Cowichee Creek
- 19. Lower Naches
- 20. Selah
- 21. Burbank
- 22. Wide Hollow
- 23. Ahlstrom Creek
- 24. Moxxe
- 25. Toppenish
- 26. Granger
- 27. Setus Creek
- 28. Sunnyside
- 29. Mabston-Prosser
- 30. Hanford
- 31. Richland

36-11-76
(Zillah)



YAKIMA RIVER DRAINAGE BASIN

T. 6 N.

T. 14 N.

T. 7 N.