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

4 IN THE MATTER OF THE DETERMINATION)
5 OF THE RIGHTS TO THE USE OF THE)
6 SURFACE WATERS OF THE YAKIMA RIVER)
7 DRAINAGE BASIN, IN ACCORDANCE WITH)
8 THE PROVISIONS OF CHAPTER 90.03,)
9 REVISED CODE OF WASHINGTON,)
10 STATE OF WASHINGTON,)
11 DEPARTMENT OF ECOLOGY,)
12 Plaintiff,)
13 vs.)
14 JAMES J. ACQUAVELLA, ET AL.,)
15 Defendants)

No. 77-2-01484-5

NOTICE RE: DEVELOPMENT AND
INITIAL MEETING OF FINAL DECREE
WORKING GROUP

13 STATE OF WASHINGTON)

14 :ss.

15 COUNTY OF YAKIMA)

16 NOTICE IS HEREBY GIVEN:

- 17 1. This Court invited all parties to participate in, and held a hearing October 12, 2006, to begin
18 the process of developing a Final Decree for this stream adjudication. The Department of
19 Ecology (Ecology) was the sole party to supply the Court with written comments. The Court
20 heard from a number of parties at the hearing and determined the best interests of this case
21 are served by referring the drafting of a Final Decree to the parties. The parties asked for
22 some direction and specification from the Court as they commence this process and the
23 Court will supply that below.
- 24 2. The initial meeting of the Working Group shall take place November 30, 2006 at Ecology's
25 Central Regional Office located at 15 W. Yakima Avenue, Ste. 200, Yakima, WA,
commencing at 9:30 a.m. Prior to November 9, any party wishing to participate shall inform
Ms. Becky Johnson and Ms. Elaine Peterson by e-mail (bjoh461@ecy.wa.gov and
epet461@ecy.wa.gov) of their intention to participate and include a response to the Ecology

1 Memorandum On Decree Issues and any other issues they believe appropriate for
2 discussion. If a party does not have e-mail, please notify Ms. Peterson and Johnson by
3 telephone at 509-454-7222 (Elaine Peterson) or 509-454-7223 (Becky Johnson).

4 3. Ecology has agreed to do its best to make available a draft final decree by November 13,
5 2006. The agency would include with that a "John Doe" draft of an adjudicated water right
6 certificate as an example. That information will be circulated by e-mail.

7 4. Ecology is creating a website where information on the Working Group and updates on the
8 progress of the group will also be posted. This website can be accessed at
9 www.ecy.wa.gov/programs/wr/rights/adjhome.html. Some updates may also be found in the
10 Monthly Notice as shall be required below.

11 5. To facilitate the efforts of the Working Group, the Court supplies the following direction.
12 The Court initiated the discussion for a final decree for the purpose of expediting the finality
13 of this adjudication. All directions and input will flow from that overriding purpose.

14 a. Principles -- Generally speaking, the Court believes the Final Decree should be
15 consistent with the rulings in this case. It should be a document that assists Ecology, and as
16 applicable, the Bureau of Reclamation, in regulating the use of water in the basin. The
17 Working Group should consider, in an open and transparent process, the issues articulated
18 by parties. If solutions can be identified, they should be incorporated into a document for
19 consideration by the Court. If issues cannot be solved, then those matters should be
20 submitted to the Court for resolution once the Drafting Group has concluded its process.

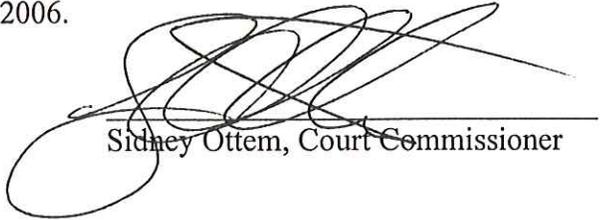
21 b. Term/Meetings – The Court supports the notion of a defined term and meeting
22 frequency of this group. The Court has set a deadline of six months. Accordingly, if the
23 Working Group cannot recommend to the Court on the June 14, 2007 water day hearing that
24 a proposal has been developed or is imminent, the Court will expect a list of issues to be
25 provided on that date with a proposed briefing schedule. Prior to the June 14, 2007 water
day hearing, the Court anticipates a monthly oral update at the regularly scheduled water day
hearings and a written update every three months, which shall be published in the Monthly
Notice. The first written update shall be submitted by February 22, 2007. The second
written update shall be submitted by May 22, 2007.

c. Facilitator – Ecology has indicated the use of a facilitator would be helpful in this
endeavor and noted it may be willing to contribute some of the necessary funds to hire such

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an individual. It requested that other parties also be willing to assume some of the cost. The Court agrees that a facilitator would be useful and believes some level of contribution is appropriate from as many participants as possible.

Dated this 23rd day of October, 2006.



Sidney Ottem, Court Commissioner