

1
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,)

No. 77-2-01484-5

NOTICE RE: FINAL DECREE WORKING
GROUP UPDATE

8 STATE OF WASHINGTON,
9 DEPARTMENT OF ECOLOGY,

Plaintiff,

10 vs.

11 JAMES J. ACQUAVELLA, ET AL.,
12 Defendants

13 STATE OF WASHINGTON)

14 :ss.

15 COUNTY OF YAKIMA)

16 NOTICE IS HEREBY GIVEN:

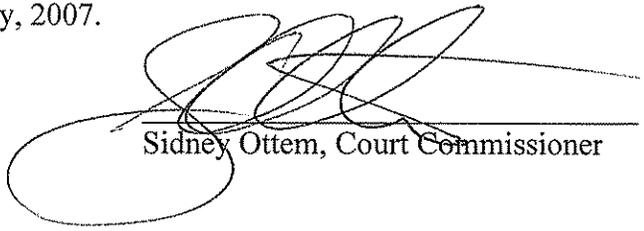
- 17 1. This Court entered a Notice on October 23, 2006 informing all parties that a Final Decree
18 Working Group had been formed and invited all parties to participate in an open and
19 transparent process for the sole purpose of drafting a Final Decree for this stream
20 adjudication. The Department of Ecology (Ecology) has provided much of the structure for
21 that process and a facilitator has been selected to organize the process. The Court received
22 its first oral update at the January 11, 2007 water day hearing and by all accounts the process
23 is working well, with strides being made that will assist in developing a Final Decree. As a
24 result, additional input from the Court does not appear needed nor has it been requested
25 although the following may be helpful to parties unclear about the mission of the Working
Group.

1 2. In the October 23, 2006 Notice, the Court stated:

2 “The Working Group should consider, in an open and transparent process, the issues
3 articulated by parties. If solutions can be identified, they should be incorporated into a
4 document for consideration by the Court. If issues cannot be solved, then those matters
5 should be submitted to the Court for resolution once the Drafting Group has concluded its
6 process.”

7 It should be made clear that the Working Group has no authority to modify prior
8 decisions of the Court nor shall it be a forum for rearguing matters already submitted or to
9 be submitted for future consideration by the Court. Further, as the quotation above from the
10 October 23 Notice indicates, an issue may be brought before the Working Group that may
11 be appropriate for inclusion in the Final Decree but for which consensus cannot be reached.
12 If a party brings information before the Working Group which participants believe fall in
13 either of these two categories, such information should be retained by the Group. When the
14 meetings have concluded and the Working Group submits either a Proposed Final Decree or
15 a list of issues for resolution by the Court (or combination thereof), any written material that
16 meets the criteria set forth above shall be submitted at the same time.

17 Dated this 16th day of January, 2007.

18 
19 Sidney Ottem, Court Commissioner
20
21
22
23
24
25