

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

IN THE MATTER OF THE DETER-)
MINATION 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

THE STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)

ORDER RE: MOTION TO DISMISS
(SUNNYSIDE VALLEY IRRIGATION
DISTRICT) AND MOTION FOR
DETERMINATION OF JURISDICTION
AND ORDER FOR JOINDER OF
NECESSARY PARTIES (UNION GAP
IRRIGATION DISTRICT AND
YAKIMA VALLEY CANAL CO.)

Plaintiff,)

vs.)

JAMES J. ACQUAVELLA, et al,)

Defendants.)

THIS MATTER came before the Court for oral argument on
November 12, 1981, with all counsel wishing to be heard presenting
argument on these motions. The Court, after considering the briefs
and oral arguments, issued its Memorandum Opinion on these motions
on February 16, 1982. Additional argument was presented by counsel
on April 13, 1982, followed by the filing of supplemental briefs.
The Court considered the additional arguments and briefs and filed
its Supplemental Memorandum Opinion on June 24, 1982.

Based upon the two Memorandum Opinions, the Court has
held as follows: That under the exigent circumstances of this
case and pursuant to statute and the June 5, 1981 order of this
Court, direct personal service on individual water users who
receive all of their water from a diverting/delivering entity is

ORDER RE MOTION TO DISMISS,
DETERMINATION OF JURISDICTION
AND JOINDER OF NECESSARY PARTIES - 1

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2 not necessary; that the water diverting/delivering entities are
3 trustees of the water rights for such water users; that service
4 upon such diverting/delivering entities is sufficient due process
5 to bring such water users before the Court; that any water user who
6 directly diverts surface water, including pre-Yakima and pre-
7 Wapato Project appropriators who do not receive all of their water
8 from a diverting/delivering entity, are necessary parties, to be
9 served pursuant to statute; that the DOE, pursuant to statute,
10 has served all diverting/delivering entities, all persons holding
11 permits and certificates under RCW 90.03 and all persons filing
12 claims under RCW 90.14; that therefore all proper service pursuant
13 to statute has been effectuated and all necessary parties are
14 before the Court; that this action is a general adjudication of
15 all surface waters of the Yakima River Basin; and that the United
16 States is a proper party defendant herein. NOW, THEREFORE, it
17 is hereby

18 ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss
19 of the Sunnyside Valley Irrigation District and the Motion for
20 Determination of Jurisdiction and Order for Joinder of Necessary
21 Parties of the Union Gap Irrigation District and Yakima Valley
22 Canal Co. shall each be, and they hereby are, denied.
23

24 DONE IN OPEN COURT this 25th day of June, 1982.
25

26 Wattell Stauffer
27 JUDGE
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