

Handwritten notes and stamps in the top right corner, including the date "SEPT 19 1992" and some illegible Arabic script.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR YAKIMA COUNTY

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,)
STATE OF WASHINGTON,)
DEPARTMENT OF ECOLOGY,)

RA 16 14

NO. 77-2-0148-5

Plaintiff,

OPINION RE:
MOTION TO INTERVENE

vs.

JAMES J. ACQUAVELLA, et al.,

Defendants.

After fully studying the memorandums of counsel and the cases cited, together with the transcripts of the oral arguments, the Court finds as follows:

Pursuant to Civil Rule 24 (b) (2), The Yakima Indian Nation shall be permitted to intervene herein, subject to the following terms and conditions:

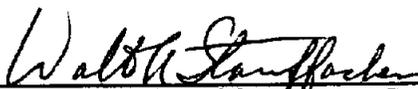
(1) Such intervention shall be a general appearance, submitting the Nation to the general jurisdiction of the Court for all purposes.

(2) The Nation shall not, in any manner, attempt to re-open or relitigate any issues or matters heretofore decided and finalized by the Court.

(3) (a) As to all issues that are presently before the Court, having been briefed and argued or presently set for hearing, the

1 Nation shall not be allowed to intervene in those matters. These
2 include, but are not limited to, the following: All of the denominated
3 "threshold issues", including that pertaining to the Yakima Reservation
4 Irrigation District; the off-reservation public domain "practically
5 irrigable acres" issue; the issue of the "limiting agreements"; matters
6 pertaining to the instream flows of off-reservation tributaries; and
7 exceptions to any of the Referee's Reports for any subbasin in which the
8 evidentiary hearings have been held, unless it specifically applies to
9 off-reservation Indian trust land within a subbasin.

10 (b) As to all of these issues, the Nation can appeal the
11 decisions of the Court if, but only if, one of the other parties files
12 an appeal, in which instance the Nation can then join the appeal or
13 cross-appeal.
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16 Walter A. Stauffer, Judge

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