

92

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,)
STATE OF WASHINGTON,)

Plaintiff,)

vs.)

JAMES J. ACQUAVELLA, et al.,)

Defendants.)

NO. 77-301484-5

FILED
FEB 3 1995

Memorandum Opinion & Order
Subbasin 6 Exceptions
to Priority Dates
KIM M. EATON, YAKIMA COUNTY CLERK

I. INTRODUCTION

Rocky Mountain Elk Foundation, E. L. Knudson, Jr., Mike Emerick, and Level Best, Inc., have excepted to the Referee's recommendation to the Court as to the priority dates for the water rights related to the Tenem I and Tenem II decrees.

II. OPINION

The above named claimants excepted to the Referee's recommendation that the rights confirmed shall bear priority dates based on dates of water appropriation or on the date in the record showing steps taken to sever the land from Federal ownership for riparian land. They urge the Court to rule that the Tenem I decree and later rulings treated the rights recognized in that decree as having equal priority. In its rebuttal memorandum Taneum Canal Company agrees with that position.

10,319

