

Yakima Adjudication: Notice of Motion for Default Judgment

The Yakima Surface Water Rights Adjudication is nearing completion. A part of this legal process is to send notices to those who did not respond to the original 1977 Yakima County Superior Court summons to claim surface water. These people will receive the formal Notice of Motion for Default Judgment. This FAQ explains what the document is and answers related questions.

Q: What is this Notice of Motion for Default Judgment?

A: It is a legal notice to inform you [the person(s) to whom the notice is addressed] that you did not respond to the 1977 Yakima County Superior Court Order Issuing Summons. You did not file a statement of claim to surface waters of the Yakima River Basin with the Clerk of the Yakima County Superior Court.

The motion requests the court to enter a final determination at a hearing, ruling that you did not file a claim and therefore have no valid right to the surface waters of the Yakima River Basin. The hearing is currently set for October 8, 2009 at 9:00 A.M. in the Yakima County Superior Court.

Q: Why did I get this notice?

A: This notice is required by the Yakima County Superior Court before Ecology may obtain a default judgment as described in the motion. You are receiving this notice because you did not respond to the original summons and file a claim.

Q: Why did you send this notice to this address and with this name?

A: We are required to send this notice to the person(s) at the address as originally named in the summons, or the last known address if the person notified the court of a change in address.

Q: What should I do if I think the Notice of Motion for Default Judgment was sent by mistake?

A: If you are the person named in this motion, you may appear before the court on the date specified in the Motion for Default

MORE INFORMATION

Water rights adjudication is a legal procedure in a County Superior Court to determine who has a valid water right, how much water can be used, and who has priority during shortages.

Ecology contact information:

Ecology Email:
yrba@ecy.wa.gov

Ecology Toll-free number:
1-800-468-0261

Ecology web site:

<http://www.ecy.wa.gov/programs/wr/rights/adjhome.html>

For Notice to Appear for Hearing & Scheduling Information:

Dennis Herreid
Yakima County Clerk's Office
N. 2nd Street and Martin Luther King Blvd.
Yakima, WA 98901
509-574-1443

Email:

dennis.herreid@co.yakima.wa.us

Special accommodations:

If you need this publication in an alternate format, please call the Water Resources Program at 360-407-6872. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Judgment, and explain to the judge why you think the motion is in error.

Q: Do I need to do anything?

A: If you are the person named in this motion you must decide, after reading it, whether you want to appear before the judge for any reason. If you need legal advice, please contact an attorney.

Q: What? I don't have a water right?

A: There are some reasons why you might have received this notice and still have the right to use surface water within the Yakima Basin. For example:

- You received a water right under a variation in spelling of name (first, last, middle initial).
- You received a water right under a name which has changed due to divorce or remarriage.
- You receive water through a water purveyor (irrigation district, municipality, or ditch company), and the water right is in the purveyor's name.

If you believe that you have a surface water right, you have the right to appear before the judge on the date of hearing and explain your circumstances. If you need legal advice, you should consult an attorney.

Q: My husband/wife filed a claim and has a confirmed water right, is it being taken away?

A: If your husband/wife was confirmed a water right, this notice will not affect that right. If you want the right in both of your names you need to file documents with the Yakima County Superior Court asking to be joined to the claim. Documents to file with the Court to join a claim are available on Ecology's website or by contacting Ecology or the Yakima County Clerk's Office (see sidebar on page 1).

Q: I receive my water from a water supplier; will I continue to receive water?

A: Receiving this motion and being removed from this case will not affect any agreement or contract you might have with a water supplier.

Q: What if I filed a claim and it was denied?

A: If you filed a claim and it was denied by the court, this motion does not change that ruling.

Q: Why haven't I heard about the Yakima Surface Water Rights Adjudication before?

A: This case was filed in 1977 and has been ongoing since that time. The person(s), as named in this motion, received a summons to appear if they wished to claim a right to surface water in the Yakima River Basin. Public notice was also given in local newspapers in 1981. We are now at the final stages of the case and, prior to issuance of the final decree, are required by law to provide notice to those who did not file a claim.