

LAKE ROOSEVELT ADJUDICATION

IRRIGATION DISTRICT VIEWPOINT

WATER LAW IN EASTERN WASHINGTON – MAY 15-16, 2024

ACQUAVELLA ADJUDICATION

- 5300 Claims
- 2,000 plus claimants
- 2-3,000 or so water rights confirmed
- 1977-2022 (45 years of adjudication)
- Millions and millions of \$\$\$\$ spent by the parties
- Ground water not adjudicated

PUBLISHED DECISIONS AND REFERENCES

- *State v. Acquavella* – Yakima County Superior Court Adjudication, Final Decree (2022)
 - Incorporates many of the numerous Court opinions issued in *Acquavella*
 - *Ecology v. Acquavella*, 674 P.2d 160 (1983)(Individual due process)
 - *Ecology v. Yakima Reservation Irrigation District* – 850 P.2d 1306 (1993)(Treaty Rights)
 - *Ecology v. Acquavella*, 935 P.2d 595 (1997)(Irrigation District relinquishment)
 - *Ecology v. Acquavella*, 51 P.3d 800 (2002)(Res Judicata)
 - *Ecology v. Acquavella*, 498 P.3d 911 (2021) (Ahtanum Creek)
 - The General Adjudication of the Yakima River; Vol. 23 J.ENVTL.LAW AND LITIGATION, 275 (2008), Sidney P. Ottem, author
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CONS OF AN ADJUDICATION

- Time consuming
 - Expensive for all parties
 - Court dictated process
 - Need for attorneys/consultants
 - Accuracy from claimants/water users
 - Lack of knowledge and details
 - Lack of evidence, history, or memory of water use
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PROS OF AN ADJUDICATION

- Certainty of Water Rights
 - Tribal Reserved rights
 - Eases regulation by Ecology
 - Regulation during drought or shortage
 - Water Marketing
 - Legal Precedents
 - Future water planning
 - Yakima Basin Integrated Plan
 - Federal, State, Tribal, Environmental, Municipal, and Irrigation representatives
 - Cooperatively address water issues for all interests
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LAKE ROOSEVELT ADJUDICATION

- South Columbia Irrigation District
- Columbia Basin Project, 600,000 plus acres in irrigation
 - One of top productive areas in United States
- Map of proposed adjudicated area??

IRRIGATION DISTRICT ISSUES/CONCERNS

- Time and expense
 - Complete adjudication?
 - Only adjudicating a portion of the Columbia River
 - What about other claimants to the Columbia River
 - Is an adjudication necessary?
 - Are there disputes?
 - Settlement possibilities?
 - Columbia Basin Project still being developed
 - Columbia River Treaty
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QUESTIONS?



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