

Frequently Asked Questions: Yakima River Basin Adjudication

About *Ecology v Acquavella*

In 1977, the Washington State Department of Ecology filed an action in the Yakima County Superior Court to determine the legality of all claims for use of surface water in the Yakima River Basin. The court case, *Ecology v. James J. Acquavella, et al*, led to a thorough examination of evidence verifying each claim for the right to use surface water in the Basin. The Court issued its Final Decree in this case on May 9, 2019. This Final Decree defines the relative priorities of all surface water rights in the Yakima Basin under Washington State's "first in time, first in right" water law doctrine. Closure of this decades-long adjudication settles old conflicts, reduces future conflicts, protects confirmed rights, and increases value to water right holders.

More information

[Water Right Adjudications](https://ecology.wa.gov/Water-Shorelines/Water-supply/Water-rights/Adjudications)

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Contact information

Central Regional Office

Help Desk
509-575-2597

Leigh Bedell, Water Right
Adjudications

360-407-6017
yrba@ecy.wa.gov

Special accommodations

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6872 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

What is the scope of the adjudication?

This has been the largest and longest water rights adjudication in the state's history. It has long been known that water rights are over-appropriated in the Yakima Basin, so it was important to establish who has water rights and the relative priority dates and quantities legally available to water users. Most of the water rights reviewed during the adjudication date back to before 1917 when Washington's first surface-water law was adopted. The adjudication provides clarity and certainty for the relative priorities of all surface water rights in the basin, which is essential for water resources use, protection, and planning, and water right transfers.

Over the last 42 years, more than 4,000 claims to water were thoroughly reviewed by Ecology, the court, and other parties. Claims ranged from smaller individual uses to several major claims for irrigation districts and cities, and for federally-based water rights such as Indian tribes and the U.S. Forest Service. The geographic scale of the adjudication stretches across the Yakima Basin's 31 tributary watersheds comprising 6,150 square miles, spanning Kittitas, Yakima, and Benton counties and lands of the Yakama Nation.

Starting in 1989, the court issued a series of Conditional Final Orders as work was completed in subbasins. Thanks to the patient and meticulous work of Ecology and court staff, as well as countless stakeholders, Superior Court Judge F. James Gavin entered the Final Decree in the case on May 9, 2019. The Final Decree integrates all of the Conditional Final Orders entered in the case, other orders governing administration of the waters of the Yakima Basin, and the Final Schedule of Rights.

What is the final decree and final schedule of rights?

The Final Decree confirms a Final Schedule of Rights across the Yakima Basin and accounts for all claims to Yakima Basin surface waters, including those made by farmers, municipalities, homeowners, and tribes and their members. These confirmed water rights identify the amount of water that may legally be used, where it may be used, for what purpose (irrigation/domestic/industrial, etc.), and the rights' priority (by date) compared to other water uses. Some water rights may describe special provisions and limitations.

What happens next now that the court has entered a final decree?

Over the next several months, notification letters will be sent to water right holders with confirmed water rights. With about 2,300 water rights confirmed, grouped by tributary subbasin, and spread over three counties, this work will take some time to complete.

In the letter, water users will be informed about procedures and fees associated with legally recording their water right certificates, required both with the state and the county where the property associated with the right is located. Those rights will be permanently attached to the property deed, unless later sold or relinquished.

Once payments are received and the water right is recorded, Ecology will mail an adjudicated certificate to the primary water right holder. **If required fees are not paid within one year from the date notice was issued, Ecology may request the court issue sanctions for violation of the Final Decree (RCW 90.03.240).**

Information on my certificate does not look correct, what do I do?

Name errors

Certificated water rights generally become appurtenant to the land of their place of use (attached to the legal description property). Whoever owns land with a valid water right has the right to use the water as described on that water right. Names on these adjudicated certificates reflect the Court's records as of August 10, 2018, and cannot be changed again.

Ministerial errors/typos

Please contact the Department of Ecology (see page 1) if you believe there is a ministerial error or typographical error on your water right certificate. Ecology will review the error as reported and determine whether the issue is ministerial in nature. Ecology may issue a superseding certificate for a ministerial error. Where a new certificate may not be warranted, we will ensure that a memo to the file is written for minor errors. If the error is deemed not ministerial in nature, Ecology will provide technical assistance as to how the water right might be changed to accommodate the proposed amendments.

What if I've sold some or all of the property appurtenant to this water right?

If the property has been divided, Ecology will follow policy guidance on determining how the water right must be apportioned. These divisions must be consistent with the historic beneficial use of the water right, and must have the signatures of all parties, unless other allowable documentation can be provided (see signature [guidance](#) – WR [GUID 2040](#)). A Request for Administrative Confirmation of a division of a Water Right ([Form ECY 070-88](#)) should be filed, with all property owners' signatures where possible. Please contact Ecology to get information on the proper forms and how to proceed.

If you have sold all of your property, please contact Ecology so we can update our records. The names on the certificate will not be changed but having current records helps Ecology to administer water rights.