EXHIBIT 17

Washington Dept. of Ecology v. Acquavella, et. al., Order Responding to United States' Motion for Clarification dated April 17, 1985

JAN 1986

ACCEPTANCE OF SERVICE

CLERK'S STAMP

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
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, THE STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Plaintiff, v. JAMES J. ACQUAVELLA, et al., Defendants.	No. 77-2-01484-5 ORDER RESPONDING TO UNITED STATES' MOTION FOR CLARIFICATION DATED APRIL 17, 1985

This matter comes before the Court on motion of defendant, United States of America, requesting clarification of this Court's Memorandum Opinion, filed March 12, 1985. Charles E. O'Connell, Jr. of the United States Department of Justice representing defendant United States, Donald H. Bond representing defendants Union Gap Irrigation District and Yakima Valley Canal Company, H. K. Dano representing defendant Kittitas Reclamation District, and Charles B. Roe, Jr., representing plaintiff, presented views on said motion.

This Court, having heard oral presentations, read the memorandum of movant, examined the aforenoted Memorandum Opinion (and this

KENNETH O. EIKENBERRY, ATTORNEY GENERAL
Charles B. Roe, Jr.
Sr. Assistant Attorney General
Temple of Justice
Olympia, Wa. 98504 (206) 459-6162
Telephone

Court's related Order Re: United States' Motion to Dismiss or Dismiss the United States, dated June 6, 1985), and otherwise being fully advised, reaffirms that the scope of water right claims subject to adjudication in this proceeding relates to claims to rights to use surface waters of said basin and, in relation thereto, that claims of the United States and all other claimants to rights to withdraw groundwaters of the basin are not subject to adjudication in this proceeding. Therefore, this case is not intended to bar the assertion and adjudication of the United States' federally reserved rights or the rights of other claimants to the use of the groundwaters, to the extent that they exist, of the Yakima River Basin in any future proceeding.

ENTERED this 8th day of January, 1986

Walter A. Stauffacher
JUDGE

Presented by:

Charles B. Roe, Jr.
CHARLES B. ROE, JR.
Senior Assistant Attorney General
Attorney for State of Washington

Presentment waived:

Charles E. O'Connell, Jr.
CHARLES E. O'CONNELL, JR.
Attorney for Department of Justice for United States of America

Donald H. Bond
DONALD H. BOND
Attorney for Union Gay Irrigation District and Yakima Valley Canal Company

ORDER RESPONDING TO UNITED STATES' MOTION FOR CLARIFICATION

S. F. No. 9928-A—OS—5-70.