

THE HONORABLE THOMAS S. ZILLY

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

UNITED STATES, in its own right and
on behalf of the Lummi Nation,

Plaintiff,

LUMMI NATION,

Plaintiff-Intervenor,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY, et al.,

Defendants.

NO. C01-0047Z

NOTICE OF FILING FINAL
SETTLEMENT AGREEMENT

In accordance with the Court's November 2 Order Conditionally Approving Settlement (Dkt. 1262), the Settling Parties have today filed with the Court the revised Settlement Agreement with Exhibits A-I, including all changes the Settling Parties proposed in their September 12 filing (Dkt. 1199), and the change to Section III.B.1 that the Court directed in its November 2 Order. The revised Section III.B.1 reads as

NOTICE OF FILING

U.S. Dept. of Justice
James B. Cooney
601 D. Street NW, Room 3017
Washington, D.C. 20004
(202) 514-5406

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

follows:

1. The Lummi Nation, through the Lummi Water Resources Protection Code, and the Secretary of the Interior, may authorize withdrawal of all groundwater within the Case Area not subject to allocation by Ecology, as described above, provided that such withdrawal is subject to the Lummi Nation’s commitment to serve non-Lummi water users under other settlement agreements and service arrangements; and further provided that such withdrawal shall not violate the chloride protocols of Section X. of this Agreement (“Lummi Nation’s Allocation”). Regulation by the Lummi Nation and the United States of Case Area groundwater is subject to the conditions described in Section VII. of this Agreement, and subject to limitations imposed by federal law. This water can be used for any purpose permitted under federal or tribal law.

The Settling Parties, through their undersigned attorneys of record, further give notice that, with the exception noted below, the signatures of the Settling Parties on the Settlement Agreement as originally filed with the Court, (Dkt. 1056) are hereby adopted as the Settling Parties' signatures on the revised Settlement Agreement as filed today. The Settling Parties' attorneys of record stipulate that they have been authorized by their respective clients to bind them to the revised Settlement Agreement in this manner.

The Settlement Agreement filed with Dkt. 1056 included the signatures of Kathleen Kennedy Weber and Donald Weber. These defendants have subsequently indicated through filings with the Court that they object to the Settlement Agreement. Thus, the above named defendants are no longer signatory parties. Exhibit B, the List of Signatory Parties, has accordingly been amended to delete Kathleen Kennedy Weber and Donald Weber as signatory parties.

NOTICE OF FILING

U.S. Dept. of Justice
James B. Cooney
601 D. Street NW, Room 3017
Washington, D.C. 20004
(202) 514-5406

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted this 13th day of November, 2007.

RONALD J. TENPAS
Acting Assistant Attorney General

ROBERT M. McKENNA
Attorney General

S/James B. Cooney, NMBA # 5602
Trial Attorney, US Dept. Justice
Attorneys for Plaintiff United States
601 D Street N.W.
Washington, D.C. 20004

S/ Barbara Markham, WSBA # 30234
Assistant Attorney General
Attorneys for Defendant Washington State
Department of Ecology
P.O. Box 40117
Olympia, WA 98504-0117

RAAS, JOHNSEN & STUEN, P.S.
S/Harry L. Johnsen, WSBA# 4955
Attorneys for Plaintiff-Intervenor
Lummi Nation
1503 E Street
Bellingham, WA 98225

BARRON, SMITH, DAUGERT, PLLC
S/Gene Knapp , WSBA # 2591
Attorneys for Certain Individual
Defendants
P.O. Box 5008
Bellingham, WA 98227-5008

JANE MARX, ATTORNEY AT LAW, P.C
S/Jane Marx, NMBA# 4598
Attorneys for Plaintiff-Intervenor
Lummi Nation
2825 Candelaria Road NW
Albuquerque, New Mexico 87107

SLATER LAW FIRM
S/J. Timothy Slater, WSBA# 16524
Attorney for Certain Defendant
Water Associations
103 E. Holly Street, Suite 418
Bellingham, WA 98225

OFFICE OF THE RESERVATION
ATTORNEY

WHATCOM COUNTY

S/Judy Bush, WSBA# 4832
The Lummi Nation
2616 Kwina Road
Bellingham, WA 98226

S/Randall J. Watts, WSBA # 6314
Attorney for Whatcom County
311 Grand Avenue
Bellingham, WA 98225

NOTICE OF FILING

U.S. Dept. of Justice
James B. Cooney
601 D. Street NW, Room 3017
Washington, D.C. 20004
(202) 514-5406

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NOTICE OF FILING

**U.S. Dept. of Justice
James B. Cooney
601 D. Street NW, Room 3017
Washington, D.C. 20004
(202) 514-5406**