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Judge 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,

NO. C01-0047Z

Plaintiff,

LUMMI NATION,

Plaintiff-Intervenor,

FEDERAL WATER MASTER’S ANNUAL  
REPORT FOR FISCAL YEAR 2014-  
2015; MOTION TO COURT TO  
APPROVE CHANGES TO SERVICE LIST

v.

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY et al.

Defendants.

The “Settlement Agreement Regarding Uses of Groundwater on Lummi Peninsula” (Settlement Agreement) was entered into by the parties to resolve the claims in this case. The Court, by its Order and Judgment dated November 20, 2007, approved the Settlement Agreement. The Agreement provides for the appointment of a Water Master “to protect [the parties’] respective rights to the allocations set forth [in the Agreement], and to protect the aquifer from saltwater intrusion.” Settlement Agreement at § VIII(A)(1). Section

1 VIII(A)(1)(c) of the Agreement requires the Water Master to “issue an annual report of the  
2 activities of the Water Master’s office, including requests for action, decisions or orders  
3 issued, and enforcement actions taken.” The Court, in paragraph 14 of its Omnibus Order  
4 of August 7, 2008, specified that the Water Master will file and serve the annual report on  
5 or before June 30<sup>th</sup> of each year.  
6

7 The Court appointed the undersigned as Water Master on June 10, 2008, and this is  
8 the Water Master’s Annual Report for fiscal year 2014-2015. This report also includes a  
9 motion to the Court to approve changes to the Service List for this case.  
10

### 11 **REQUESTS FOR ACTION; DECISIONS & ORDERS ISSUED**

12 Since his appointment in 2008, the Water Master has opened 25 formal proceedings;  
13 nine have been brought by the Washington Department of Ecology to enforce  
14 administrative penalties; 15 have been brought by the Master, on his own motion, to collect  
15 allegedly unpaid annual Eligible Landowner Fees; and one has been opened by the Master,  
16 on his own motion, to recommend improvements to the Service List. Two new proceedings  
17 were filed or opened during the 2014-2015 fiscal year:  
18

19 WM 14-01, In re *Brett Randmel* (filed July 2, 2014)  
20 Alleged Failure to Submit Well Reports & Chloride Analysis  
21 *Status:* Order Granting in Part & Denying in Part Department of Ecology’s Motion for Summary  
Judgment, issued on May 18, 2015

22 WM 15-01, In re *Thomas R. Ficca* (filed May 7, 2015)  
23 Alleged Failure to Pay Eligible Landowner Fees for 2013-2014 & 2014-2015  
24 *Status:* Master’s Order to Show Cause issued on May 7, 2015

25 Of the 25 formal proceedings, 20 have been closed by dismissal, settlement or  
26 judgment. At present, two proceedings remain open, both awaiting compliance with the  
27 Master’s orders. The complete docket of proceedings may be found on the Master’s web  
28 site (*infra*).

1 **ENFORCEMENT ACTIONS TAKEN**

2 On July 2, 2010, the Court adopted a Supplemental Judgments provision as an  
3 amendment to the Court’s original Order and Judgment (Nov. 20, 2007). The Water Master  
4 has used this procedure in 15 formal proceedings (WM 09-03, WM 09-06, WM 10-01, WM  
5 10-02, WM 10-03, WM 11-01, WM 11-04, WM 11-05, WM 11-06, WM 12-01, WM 13-01,  
6 WM 13-02, WM 13-03, WM 13-05, and WM 13-06) to secure Supplemental Judgments for  
7 amounts due the Department of Ecology for unpaid penalties and filing fees, due the Clerk  
8 of the Court in reimbursement of the Master’s fees and expenses incurred in proceedings,  
9 or due the Clerk in payment of annual Eligible Landowner Fees. These judgments or  
10 settlements have resulted in the recovery of fees and expenses in four of the proceedings  
11 (WM 09-03, WM 09-06, WM 10-01, and WM 13-04). The judgments create judgment liens  
12 in King County and abstracts of judgment are selectively recorded (depending on prospects  
13 for recovery) in Whatcom County.  
14  
15  
16

17 **FINANCIAL MATTERS**

18 In paragraph 6 of its Order Appointing Water Master (June 10, 2008), the Court  
19 directed the Clerk of the Court “to establish an account in the registry of the Court into  
20 which all monies paid pursuant to the Settlement Agreement shall be deposited. Any  
21 compensation or reimbursements to be paid to the Water Master shall be made from said  
22 account.”  
23

24 The Clerk has maintained the required account since August 2008. Income has  
25 consisted of payments from the Lummi Nation, Washington Department of Ecology,  
26 individual water users, reimbursement of the Master’s fees and expenses incurred in  
27 formal proceedings, filing fees, and bank interest. As of May 15, 2015, the Financial  
28

1 Specialist for the District Court Clerk reported a balance of \$221,911. A summary of  
 2 account income and expenditures for the July 1, 2014, to May 15, 2015, period is as follows:

Item	Amount	
<i>July 1, 2014, Balance</i>		\$220,138
<i>Income</i>		
Lummi Nation	\$5,940	
Department of Ecology	0	
Landowner Payments	5,750	
Interest	28	
Filing Fees & Other	0	
<i>Total Income</i>		11,718
<i>Expenditures</i>		(9,945)
<b>May 15, 2015, Balance</b>		<b>\$221,911</b>
Note: The Clerk's Office converted to a new accounting system (CRIS) in 2014 resulting in some difficulties in reconciling starting and ending balances for this account. The balances reported in this table have been reconciled to within \$59.		

13 The Settlement Agreement specifies that the Lummi Nation and the “state  
 14 defendants” each shall pay 50% of the budgeted costs of the Water Master’s office. The  
 15 “state defendants” are the Department of Ecology and Eligible Landowner households  
 16 receiving a right to water from the allocation administered by the Department. Settlement  
 17 Agreement § IV(G)(1).

19 For fiscal year 2014-2015, the Lummi Nation paid \$5,940 representing its 50% of the  
 20 amount needed to bring the balance in the Water Master’s account to \$226,380—the  
 21 maximum permitted at that time under the Settlement Agreement. Eligible Landowners  
 22 paid \$5,750 or \$190 less than their 50% allocation, which amount increases a \$57.50  
 23 underpayment by Eligible Landowners in prior years. The running total of underpayments  
 24 by Eligible Landowners is now \$247.50 (\$57.50 + \$190). Under the Settlement Agreement,  
 25 the Department of Ecology was not required to make a payment this fiscal year (*see*  
 26 examples set forth in section IV(G)(2) of Settlement Agreement).

1 As was the case for prior years, the eleven months of the 2014-2015 fiscal year have  
2 been relatively peaceful; but the Water Master has undertaken work and incurred expenses  
3 in several enforcement actions, several Eligible Landowner Fee matters, and continued  
4 implementation of a proceeding (WM 11-03) to improve the accuracy of the post-Decree  
5 Service List.  
6

7 The table set forth in Attachment A (with estimated June data) reflects the Master's  
8 time (in dollars at \$200 per hour) and expenses for this fiscal year and the previous six  
9 years. The average monthly fee during 2014-2015 has been \$779 and the average monthly  
10 expenses have been \$74.  
11

## 12 **WATER MASTER BUDGET 2015-2016**

13 Pursuant to section IV(G)(4) of the Settlement Agreement, the Water Master is  
14 required to confer with the Department of Ecology and the Lummi Nation before June 1<sup>st</sup> of  
15 each year on a draft Water Master budget for the next fiscal year. Section IV(G)(4) also  
16 indicates that Ecology and the Lummi Nation will adopt a final budget by agreement  
17 entered into by July 1<sup>st</sup>.  
18

19 The required discussions were held in May 2015, and the Department of Ecology and  
20 the Lummi Nation agreed on a final Water Master budget for fiscal year July 1, 2015, to June  
21 30, 2016. Specifically, they agreed to continue the existing arrangement originally set forth  
22 in the Court's August 7, 2008, order and continued during subsequent fiscal years including  
23 the 2013-2014 fiscal year. Accordingly, the Lummi Nation and the Department of Ecology  
24 have adopted a budget of \$100,000 for the 2015-2016 fiscal year. The Water Master's  
25 hourly rate will remain unchanged at \$200 per hour and he will continue his efforts to  
26 minimize his time and costs. This agreement was communicated to the Court on June 8,  
27  
28

1 2015 (letter on Water Master's website).

2 As mentioned, the Clerk's Financial Specialist reported that, as of May 15, 2015, the  
3 balance in the Water Master's account was \$221,911. At the conclusion of the 2014-2015  
4 fiscal year, the Water Master's account will have a balance of approximately \$214,031 (May  
5 15, 2015, balance less the Master's pending and estimated claims for May and June 2015).  
6 Since this figure is less than the adjusted \$229,800 ceiling anticipated by the Settlement  
7 Agreement (*see* following discussion), the Lummi Nation and Eligible Landowners will  
8 need to pay collectively an additional amount for fiscal year 2015-2016, pursuant to the  
9 payment provisions set forth in sections IV(G)(1) & (2) of the Settlement Agreement.  
10

11 Section IV(G)(2) provides, "[T]he amount the Lummi Nation and state defendants pay  
12 shall be reduced proportionally so that the total amount in the Water Master's account  
13 does not exceed Two Hundred Thousand Dollars (\$200,000), *adjusted by the Implicit Price*  
14 *Deflator*" (emphasis added). Thus, the Settlement Agreement contemplates a periodic  
15 inflation adjustment to this cap.  
16

17 The U.S. Bureau of Economic Analysis maintains the Implicit Price Deflator, but  
18 Washington State's Economic and Revenue Forecast Council publishes annual reports of  
19 several inflation indices for the Seattle area. Council staff advises the use of Table A4.1,  
20 "Selected Inflation Indicators," found on p. 108 of the Council's *Washington State Economic*  
21 *and Revenue Forecast* (Feb. 2015).<sup>1</sup> According to Council staff, the "Price Deflator" increase  
22 over a series of years is calculated by determining the difference between the index figures  
23 for the beginning and ending years and expressing that change as a percentage of increase  
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<sup>1</sup> Available at <http://www.erfc.wa.gov/publications/documents/feb15pub.pdf>.

1 or decrease over the base year. For Lummi Decree purposes, the 2006<sup>2</sup> index is 0.947 and  
2 the 2014 index is 1.088 (the 2015 index is not used since it is a forecast). The percentage of  
3 change 2006-2014 is 14.9%.

4 Thus, to comply with section IV(G)(2) of the Settlement Agreement, the ceiling on the  
5 Water Master's account should be adjusted by 14.9% to \$229,800 (as compared to last  
6 year's \$226,380 ceiling).  
7

### 8 **PARTIES' FEES 2015-2016**

9  
10 A total of \$15,800 will be necessary to bring the Water Master's account up to the  
11 maximum amount of \$229,800 allowed by Settlement Agreement section IV(G) and as  
12 adjusted for inflation as previously discussed (\$229,800 minus expected year-end balance  
13 of \$214,000). Of the \$15,800, the Lummi Nation will pay \$7,653 (1/2 of \$15,800 less  
14 \$247.50 to remove the running deficit of underpayments by Eligible Landowners). Eligible  
15 Landowners will pay a total of \$8,147.50 (1/2 of \$15,800 plus \$247.50 to remove the  
16 running deficit). Pursuant to section IV(G)(1) of the Settlement Agreement, the Eligible  
17 Landowner Fee will be \$33 for the basic parcel in order to raise the \$8,148 required of the  
18 state parties.<sup>3</sup> This is considerably less than the annual \$100 fee imposed when the Decree  
19 was first issued. The Department of Ecology will pay nothing for the 2015-2016 fiscal year  
20 (see examples set forth in section IV(G)(2) of Settlement Agreement).  
21  
22

23 The Court's August 7, 2008, order (in paragraph 3) specifies that "[i]n subsequent  
24

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25 <sup>2</sup> While the Settlement Agreement was not approved by the Court until November 2007, the  
26 Agreement itself appears to establish a 2006 base year for these financial calculations. See  
27 Settlement Agreement § IV(G)(2).

28 <sup>3</sup> Calculated as follows:  $x/8148 = 23/5750$ , where  $x$  is the basic 2015-16 Eligible Landowner Fee, 8148 is the amount to be raised for 2015-16, 23 is the 2014-15 basic fee, and 5750 is the amount actually raised from Eligible Landowner fees during 2014-15. This formula produces an annual, basic fee of \$32.59, rounded to \$33.

1 years [beyond 2008/2009], Lummi Nation shall pay its share of the Water Master budget  
2 on or before August 1<sup>st</sup> of the fiscal year.” Similarly, the order (in paragraph 4) provides  
3 that the Department of Ecology will pay its share of the Water Master budget by August 1<sup>st</sup>  
4 (however, as discussed above, no Ecology payment is required for the 2015-2016 fiscal  
5 year) and also send Water Master fee notices to Eligible Landowners by August 1<sup>st</sup>. Eligible  
6 Landowners must pay their fees by November 1<sup>st</sup>.  
7

### 8 **SERVICE LIST**

9  
10 A continuing problem in Lummi Decree administration has been declining accuracy in  
11 the Service List maintained by the Clerk of the Court. In his 2011-2012 annual report, the  
12 Water Master recommended, and the Court adopted, certain annual procedures conducted  
13 in cooperation with the Washington Department of Ecology to improve accuracy of the  
14 Service List, specifically to (a) identify apparent changes in party and water user contact  
15 information; (b) propose changes to the Court with opportunities for parties to object and  
16 respond; and (c) culminate in a Court order approving the updates to the Service List. *See*  
17 *Federal Water Master’s Report to the Court on Recommendations for Updating the Service*  
18 *List (June 29, 2012).*  
19

20  
21 The Master has completed the third annual review of the Service List, based on the  
22 above procedure, and now recommends a series of corrections to the Service List set forth  
23 in Attachment B to this Report. Recipients of this Annual Report are urged to examine  
24 Attachment B to determine whether a recommendation affects them. Attachment B  
25 provides explanatory information and the procedure for filing an objection if you believe  
26 the Master’s recommendations are incorrect. Attachment C is a proposed Court order for  
27 updating the Service List, and Attachment D is a preprinted Objection Form.  
28

1 **WEBSITE**

2 Pursuant to the Court’s direction, the Waster Master established and maintains a  
3 website that provides information on how to initiate proceedings before the Master, the  
4 status of pending proceedings, a compendium of the Master’s claims for fees and expenses  
5 and the Court’s orders in response to those claims, and annual reports and service  
6 certificates. The Master’s website may be found at: [www.lummiwatermaster.com](http://www.lummiwatermaster.com).  
7

8 **CONCLUSION**

9  
10 I continue to appreciate the opportunity to work with the Court, the parties, counsel,  
11 and Court staff—all of whom have been helpful and cordial. I thank them for their  
12 assistance. I especially thank Travis Burns of the Washington Attorney General’s Office and  
13 Kasey Cykler of the Washington Department of Ecology, along with Charles Hurt, Jr., and  
14 Jeremy Freimund of the Lummi Nation for their assistance in identifying address changes  
15 and water allocation transfers. I hereby respectfully submit my annual report for 2014-  
16  
17 2015.

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Dated: June 30, 2015

*/s/ John E. Thorson*

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John E. Thorson  
Federal Water Master – Lummi Decree  
376 River Road West  
Plains, MT 59859  
(406) 826-0500  
johnethorson@mac.com

**CERTIFICATE OF SERVICE**

The Certificate of Service of this Annual Report and all attachments has been filed separately with the Clerk of the Court. A copy of the Certificate may be reviewed on the Water Master’s website: [www.lummiwatermaster.com](http://www.lummiwatermaster.com).

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**ATTACHMENT A: FEDERAL WATER MASTER EXPENDITURES**  
**BY FISCAL YEAR (2008-09 TO 2014-15)**

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**ATTACHMENT B: SERVICE LIST RECOMMENDATIONS**

Judge 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,

NO. C01-0047Z

Plaintiff,

LUMMI NATION,

Plaintiff-Intervenor,

FEDERAL WATER MASTER'S  
RECOMMENDATIONS FOR UPDATING  
THE SERVICE LIST

v.

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY et al.

Defendants.

**BACKGROUND**

THIS DOCUMENT proposes changes to the Service List maintained for this case, No. C01-0047Z. The Service List sets forth the names and addresses of parties entitled to ongoing notice of most proceedings in this case. These changes are necessary to facilitate



1            *Table Reference Number (Ref. #)*—The unique number for each entry in the table.

2 Use this number if you file an objection (*see below*).

3            *Status*—The status of your listing (if any) on the Service List: whether or not you are  
4 currently listed on the Service List; whether Court documents have been returned without  
5 forwarding address; whether ownership has changed concerning a parcel having a water  
6 allocation; and whether the Washington Department of Ecology (DOE) has provided  
7 relevant information.  
8

9            *Names & Addresses*—Relevant names and addresses including any Service List  
10 listing (Aug. 15, 2014, version) that appears obsolete, as well as any new names and  
11 addresses. This information is based on information provided by the U.S. Postal Service,  
12 Department of Ecology, and other information properly considered by the Clerk and  
13 Master.  
14

15            *Motion*—The Master’s specific recommendation concerning your entry. Usually, the  
16 recommendations are to (a) delete a name and address from the Service List because no  
17 new address is available and/or the party no longer has an ownership interest in a parcel  
18 having a water allocation; (b) update a name and address on the Service List based on new  
19 information; or (c) add a name and address to the Service List because the person has an  
20 ownership interest in a parcel having a water allocation.  
21  
22

23 3.        If you DO NOT object to the Master’s motion or specific recommendation concerning  
24 your entry, you do not need to do anything. The Court will formally make these proposed  
25 changes after the 30-day objection period.

26 4.        If you DO object to the Master’s motion or specific recommendation concerning your  
27 entry, you must file an objection with the Court by Thursday, July 30, 2015, under the  
28

1 provisions of Federal Rules of Civil Procedure (F.R.C.P.) 53(f), to propose the correct  
2 information. Please see the next section for detailed instructions for filing an objection.

### 3 **INSTRUCTIONS FOR FILING AN OBJECTION**

4  
5 1. If you are filing an objection to your specific entry in the table, you may use the  
6 preprinted Objection Form attached as Attachment D. A Rich Text Format (rtf) version of  
7 the form may be found on the Master's website: [www.lummiwatermaster.com](http://www.lummiwatermaster.com).

8 If you are filing an objection for any other reason, you will need to prepare your own  
9 pleading for filing and service.

10  
11 2. If using the preprinted Objection Form, please type or print the following  
12 information in the specified spaces on pages 1 and 2:

13 --The Table Reference No. (Ref. #) for the entry to which you object

14 --In the Incorrect Information Box, set forth the incorrect information

15 --In the Correct Information Box, set forth the correct information.

16  
17 3. You must sign the Objection Form in two spaces. In the Signature block (page 3),  
18 please sign your name and provide your mailing address, telephone number, and e-mail  
19 address (required by F.R.C.P. 11).

20  
21 *Caution:* By signing and filing this Objection Form, you certify to the Court, under  
22 F.R.C.P. 11, "that to the best of your knowledge, information, and belief, formed after an  
23 inquiry reasonable under the circumstances [that your] factual contentions have  
24 evidentiary support or, if specifically so identified, will likely have evidentiary support after  
25 a reasonable opportunity for further investigation or discovery; and [your] denials of  
26 factual contentions are warranted on the evidence or, if specifically so identified, are  
27 reasonably based on belief or a lack of information."  
28

1  
2 4. The second place you sign your name is in the Certificate of Service block (page 4).  
3 Here you verify you are filing the original Objection Form with the Court and sending  
4 copies to the Federal Water Master, the Washington Department of Ecology, Lummi Nation,  
5 and the United States (addresses are provided).  
6

7 5. You must send the original Objection Form to the Clerk of the Court for filing. Your  
8 Objection Form must be filed on or before Thursday, July 30, 2015. Be sure to keep a copy  
9 for your records. If you request the Clerk to return a conformed copy of your objection,  
10 please include an extra copy and mailing instructions.  
11

12 6. At the same time you send your Objection Form to the Court, you must send copies  
13 of your Objection Form to the Federal Water Master, the Washington Department of  
14 Ecology, Lummi Nation, and the United States. The addresses are set forth in the Certificate  
15 of Service portion of the form.  
16

17 7. Although you are required to include your e-mail address on your objection, this  
18 does not make you eligible to receive future communications from the Court or other  
19 parties by e-mail. To register for the Court's e-filing system (CM/ECT), please see:  
20 <http://www.wawd.uscourts.gov/attorneys/cmecf>.  
21

22 8. The following table refers to Exhibit C and D listings or parcels. Exhibit C is a listing  
23 of parties withdrawing water from the Washington State allocation of water at the time of  
24 the 2007 Lummi Decree. Exhibit D is a listing of well registrations receiving water from the  
25 state allocation at the time of the 2007 Lummi Decree. The Department of Ecology has  
26 provided the Federal Water Master with updates to these exhibits that are set forth in the  
27 following recommendations.  
28

**MASTER'S RECOMMENDATIONS  
FOR UPDATING THE SERVICE LIST**

The Federal Water Master moves the Court to make the following corrections to the Service List for this case, No. C01-0047Z.

REF. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
1	<b>1659 Holdings Ltd.</b>  D56	<p><i>Status:</i> On existing Service List; Dep't of Ecology reports: (1) mailings to Service List address have been returned; and (2) this Preliminary Well Registration has expired and 1659 Holdings Ltd. does not have any other well registration under the Settlement Agreement</p> <p><i>Service List Address:</i></p> <p>1659 Holdings Ltd. c/o Jill F. Worobec 504-1521 George St. White Rock, B.C. Canada V4B 4A4</p> <p><i>Motion:</i> Delete name &amp; mailing address from Service List</p>
2	<b>Arntzen, Jeffrey J.</b>	<p><i>Status:</i> On existing Service List; 2014 Annual Report returned as undeliverable by USPS without forwarding address</p> <p><i>Service List Address:</i></p> <p>Jeffrey J. Arntzen Jeffrey J. Arntzen PS 978 Peace Portal Drive Blaine, WA 98230</p> <p><i>Motion:</i> Delete name &amp; mailing address from Service List</p>
3	<b>BelBay Water Association</b>	<p><i>Status:</i> On existing Service List; Kevin &amp; Mary Vermillion, former members and agents for Association, report they are no longer members (but remain on Service List) and address for Association should be updated as follows:</p> <p><i>Service List Address:</i></p> <p>BelBay Water Association 2636 Shorewood Lane Bellingham, WA 98226</p> <p><i>New Address:</i></p>

1		BelBay Water Association c/o Jennifer Reed & Valerie Higgins 2644 Shorewood Lane Bellingham, WA 98226
2		<i>Motion:</i> Update Service List with new address; Kevin & Mary
3		Vermillion remain on Service List
4	<b>Coghill, A.B.</b> <b>Coghill, Albert</b>	<i>Status:</i> On existing Service List with two listings apparently for the same person; Dep't of Ecology reports transfer of service to Lummi Nation
5	D53 Haxton Way	<i>Service List Address:</i> A.B. Coghill Albert Coghill 12399 Eagle Drive Bellingham, WA 98233
6		<i>Motion:</i> Delete both names & mailing address from Service List
7	<b>Del Castillo,</b> <b>Humberto</b>	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of service to Lummi Nation; still listed as owner of allocation C72
8	D30 Haxton Way	<i>Service List Address:</i> Humberto Del Castillo P.O. Box 1597 Ferndale, WA 98248
9		<i>Motion:</i> Retain name & mailing address on Service List
10	<b>Drumheller,</b> <b>Dorothy</b>	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of allocations to Troy Curran (already on Service List) for use on 3635 Haxton Way; Drumheller retains other allocations
11	D24 & D27 Haxton Way	<i>Service List Address:</i> Dorothy D. Drumheller P.O. Box 578 Bellingham, WA 98227
12		<i>Motion:</i> Retain name & mailing address on Service List
13	<b>Hughes, Douglas D.</b>	<i>Status:</i> On existing Service List; 2014 Annual Report returned by USPS without forwarding address; Hughes still listed as owner of well registrations D1 & D2
14	D1 & D2 3791 Haxton Way	<i>Service List Address:</i> Douglas D. Hughes 3680 NE 17 <sup>th</sup> Ave. Pompano Beach, FL 33064-6601
15		<i>New Address:</i>

		Douglas D. Hughes 3791 Haxton Way Bellingham, WA 98226-8300  <i>Motion:</i> Change mailing address on Service List to property address
8	<b>Mahle, Greg</b>  C10 & C11 2134A & 2134B Postal Ave.	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of service to Lummi Nation  <i>Service List Address:</i> Greg Mahle 2134 Postal Ave. Bellingham, WA 98226  <i>Motion:</i> Delete name & mailing address from Service List
9	<b>Mahle, Krista</b>  C10 & C11 2134A & 2134B Postal Ave.	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of service to Lummi Nation  <i>Service List Address:</i> Krista Mahle 2134 Postal Ave. Bellingham, WA 98226  <i>Motion:</i> Delete name & mailing address from Service List
10	<b>Moreno, Esperanza</b>  D30 Haxton Way	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of service to Lummi Nation; still listed as owner of allocation C72  <i>Service List Address:</i> Esperanza Moreno P.O. Box 1597 Ferndale, WA 98248  <i>Motion:</i> Retain name & mailing address on Service List
11	<b>Olsen, Luella</b>  D 33 & D34	<i>Status:</i> On existing Service List; Dep't of Ecology reports these preliminary well registrations have expired and Olsen does not have any other well registration under the Settlement Agreement  <i>Service List Address:</i> Luella Olsen 2327 Henry St. Bellingham, WA 98225  <i>Motion:</i> Delete name & mailing address from Service List
12	<b>Osborn, Erin</b>  D40	<i>Status:</i> On existing Service List; Dep't of Ecology reports sale of property & water allocation from Kevin & Mary Vermillion ( <i>see also</i> Ref. No. 3) to Osborn & subsequent transfer of water

		allocation & service to Lummi Nation  <i>Service List Address:</i> Erin Osborn P.O. Box 3195 Bellingham, WA 98227  <i>Motion:</i> Delete name & mailing address from Service List; Kevin & Mary Vermillion remain on Service List
13	<b>Smith, William D.</b>  D51 Ruth Road	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of service to Lummi Nation  <i>Service List Address:</i> William D. Smith 2808 Leeward Way Bellingham, WA 98226  <i>Motion:</i> Delete name & mailing address from Service List
14	<b>Temple, James E. [K.]</b>  C70 3020 Bayview Dr.  C84 3769 Haxton Way  D14 & D15	<i>Status:</i> On existing Service List; Dep't of Ecology reports transfer of service to Lummi Nation; Temple still listed as owner of well registration D15  <i>Service List Address:</i> James E. Temple P.O. Box 4366 Bellingham, WA 98227  <i>Motion:</i> Retain name & mailing address on Service List

### NOTICE OF TIME FOR OBJECTION

Paragraph 11(a) of the Court's November 2007 Order and Judgment (as amended) provides that objections to the recommendations set forth in the foregoing table must be filed within 30 days of service of the Annual Report containing this table. For purposes of this Annual Report, objections must be filed and served by Thursday, July 30, 2015.

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Respectfully submitted,

DATED June 30, 2015

*/s/ John E. Thorson*

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John E. Thorson  
Federal Water Master  
Lummi Decree  
376 River Road West  
Plains, MT 59859  
(406) 826-0500  
johnethorson@mac.com

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**ATTACHMENT C: PROPOSED COURT ORDER**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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

NO. C01-0047Z

12 Plaintiff,

13 LUMMI NATION,

14 Plaintiff-Intervenor,

[PROPOSED] ORDER

15 v.

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

18 Defendants.  
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21 No [Certain] objection[s] to Attachment B, the Federal Water Master's  
22 Recommendations for Updating the Service List, set forth in the Master's 2013-2014  
23 Annual Report (June 30, 2014) (Docket No. \_\_\_\_), having been filed or received within the  
24 time specified by Paragraph 11(a) of the Court's November 2007 Order and Judgment (as  
25 amended), the Court now enters the following Order:  
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1 The Federal Water Master's Recommendations for Updating the Service List, set  
2 forth as Attachment B to the Master's 2014-2015 Annual Report, are approved [with the  
3 following changes: (Insert any changes)].

4 With the assistance of the Master, the Clerk is instructed to update and restate the  
5 Service List for this case in accordance with the Master's recommendations [, as modified  
6 herein by the Court].

7 IT IS SO ORDERED.

8 DATED this \_\_\_ day of August 2015.

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12 Thomas S. Zilly  
13 United States District Judge  
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**ATTACHMENT D: OBJECTION FORM  
(FOLLOWING PAGES)**

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**[THIS PAGE INTENTIONALLY LEFT BLANK]**

Judge 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,

NO. C01-0047Z

Plaintiff,

LUMMI NATION,

Plaintiff-Intervenor,

OBJECTION TO THE FEDERAL WATER  
MASTER'S RECOMMENDATIONS FOR  
UPDATING THE SERVICE LIST

v.

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY et al.

[Set forth as Attachment A to the  
Federal Water Master's Annual Report  
filed June 30, 2015]

Defendants.

I, the undersigned person, object to a Service List recommendation made by the  
Federal Water Master as set forth in Attachment B, Federal Water Master's  
Recommendations for Updating the Service List, part of the Master's 2014-2015 Annual  
Report (June 30, 2015).

My objection pertains to the entry identified as Table Reference No. (Ref. #) \_\_\_\_\_.

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*Incorrect Information:* I object to this information set forth in this Table entry [print or type]:

*Correct Information:* I affirm that the following is the correct information for this Table entry [print or type]:

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3 I request the Court to correct the Service List in accordance with the information I  
4 have provided.

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6 Respectfully submitted,

7 DATED: July \_\_\_\_, 2015

8 *Your Signature:* \_\_\_\_\_

9 *Name (Printed or Typed):* \_\_\_\_\_

10 *Address:* \_\_\_\_\_

11 *City, State or Province:* \_\_\_\_\_

12 *Zip or Postal Code:* \_\_\_\_\_

13 *Country (if other than US):* \_\_\_\_\_

14 *Telephone No.:* \_\_\_\_\_

15 *E-Mail Address:* \_\_\_\_\_

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21 **Certificate of Service**

22 I certify that, on July \_\_\_\_, 2015, I submitted the foregoing Objection for filing in the  
23 above-captioned matter by first-class mail addressed to the Clerk of Court as  
24 follows:

25 US District Courthouse Clerk's Office  
26 700 Stewart Street, Suite 2310  
27 Seattle, WA 98101

28 I further certify that, on July \_\_\_\_, 2015, I served copies of the foregoing Objection  
filed in the above-captioned matter by first-class mail addressed to the following  
persons:

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John E. Thorson  
Federal Water Master | Lummi Decree  
376 River Road West  
Plains, MT 59859

Travis H. Burns  
Assistant Attorney General  
Ecology Division  
Attorney General of Washington  
P.O. Box 40117  
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Bellingham, WA 98226  
*Attorney for the Lummi Nation*

James B Cooney  
U.S. DOJ-ENRD  
Indian Resources Section  
P.O. Box 44378  
L'Enfant Plaza Station  
Washington, D.C. 20026-4378  
*Counsel for the United States*

*Your Signature:* \_\_\_\_\_