

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 Indian Nation,

Plaintiff,

LUMMI NATION,

Plaintiff-Intervenor,

No. C01-0047Z

v.

WASHINGTON, DEPARTMENT  
OF ECOLOGY

**PROPOSED ORDER**  
**CONDITIONALLY APPROVING**  
**SETTLEMENT AGREEMENT**

Defendants.

This matter came before the Court on the joint motion of the United States, the Lummi Nation, the State of Washington Department of Ecology, Whatcom County, the Sunset, Georgia Manor and Harnden Island View Water Associations, and certain individual defendants represented by attorney Gene Knapp ("the Settling Parties") for an order approving a Settlement Agreement negotiated among the Settling Parties (Dkt. # 1056) as supplemented by the document filed June 19, 2007 (Dkt. #1199) adding three wells that had not been previously identified by the Settling Parties. The Court received written objections to the proposed Settlement Agreement and heard additional objections and oral argument from all parties at a hearing held June 26, 2007. The Court independently analyzed the proposed Settlement Agreement and directed questions to the attorneys for the Settling Parties at the hearing. In response to the Court's suggestions, the Settling Parties filed revised pages of the Settlement Agreement and a revised Proposed Judgment and Order containing all of the Court's suggestions (Dkt.

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#\_\_\_\_). The Court has carefully reviewed the revised settlement documents.

Having fully and carefully considered the matter, the Court concludes that the proposed corrected Settlement Agreement is fair, reasonable and adequate for all parties, and should be approved.

The Settling Parties shall file the complete corrected Settlement Agreement, together with any corrected Exhibits thereto within five (5) judicial days of service of this Order. The court will then enter the revised proposed Judgment and Order approving settlement of this case.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2007.

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THOMAS S. ZILLY  
UNITED STATES DISTRICT JUDGE