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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 INDIAN NATION,

Plaintiff Intervenor,

v.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY, et al,

Defendants.

No. C01-0047Z

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) With regard to an issue that the Water Master has brought to the Court's attention, the Court intends to issue an Order in the form attached hereto as Exhibit A. Any party objecting to entry of such Order shall file an appropriate brief, not to exceed five (5) pages in length, by June 25, 2010. In the absence of any objections, the Court will issue an Order in the form attached hereto as Exhibit A on or after June 28, 2010.

(2) The Clerk is directed to electronically file this Minute Order, but need not provide conventional service, *i.e.*, copies via mail. The Clerk shall also send a copy of this Minute Order to the Water Master at 376 River Road West, Plains, MT 59859. The Water Master is directed to post a copy of this Minute Order on his website.

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Filed and entered this 28th day of May, 2010.

BRUCE RIFKIN, Clerk

s/ Claudia Hawney
By _____
Claudia Hawney
Deputy Clerk

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EXHIBIT A

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 INDIAN NATION,

Plaintiff Intervenor,

v.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY, et al,

Defendants.

No. C01-0047Z

[DRAFT] ORDER

The Order and Judgment dated November 20, 2007, docket no. 1273, is hereby AMENDED as follows. A new paragraph is added, which reads:

- (15) **Supplemental Judgments.** In the event that the Water Master has issued an order requiring a party to pay a fee, penalty, or damages, and such order has not been timely appealed, the Water Master may prepare and forward to the Court a form of Supplemental Judgment, along with a report outlining the reasons for entry of said Supplemental Judgment. The Water Master shall electronically file such report and form of Supplemental Judgment, and shall

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provide copies via U.S. mail to (i) the party required to pay the fee, penalty, or damages at issue, and (ii) to any party who would receive such fee, penalty, or damages. The Water Master's report shall be noted for the third Friday after filing, and any objections to the Water Master's report or to the form of Supplemental Judgment shall be filed by the noting date. Absent any objections, the Court will enter the Supplemental Judgment on or after the Monday following the noting date. After the Court's entry of a Supplemental Judgment, any lien associated therewith shall commence as provided in RCW 4.56.200, and shall have the effect and duration set forth in RCW 4.56.190. See Fed. Intermediate Credit Bank of Spokane v. O/S Sablefish, 111 Wn.2d 219, 758 P.2d 494 (1988); see also 28 U.S.C. § 1962.

The above modification is *nunc pro tunc* and shall have retroactive effect.

IT IS SO ORDERED.

DATED this ____ day of _____, 2010.

DRAFT

Thomas S. Zilly
United States District Judge