

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 2022-
2023; 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

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

8 The Court appointed the undersigned as Water Master on June 10, 2008, and this is
9 the Water Master’s Annual Report for fiscal year 2022-2023. This report also includes a
10 motion to the Court to approve changes to the Service List for this case.

12 **REQUESTS FOR ACTION; DECISIONS & ORDERS ISSUED**

13 Since his appointment in 2008, the Water Master has opened 31 formal proceedings;
14 eleven were brought by the Washington Department of Ecology to enforce administrative
15 penalties; 18 were brought by the Master, on his own motion, to collect allegedly unpaid
16 annual Eligible Landowner Fees; one involved a water user’s appeal of a Department of
17 Ecology action; and one was opened by the Master, on his own motion, to recommend
18 improvements to the Service List.

20 All of the formal proceedings have been closed. The complete docket of proceedings
21 may be found on the Master’s website (*infra*).

24 **ENFORCEMENT ACTIONS TAKEN**

25 On July 2, 2010, the Court adopted a Supplemental Judgments provision as an
26 amendment to the Court’s original Order and Judgment (Nov. 20, 2007). The Water Master
27

1 has used this procedure in 15 formal proceedings (WM 09-03, WM 09-06, WM 10-01, WM
2 10-02, WM 10-03, WM 11-01, WM 11-04, WM 11-05, WM 11-06, WM 12-01, WM 13-01,
3 WM 13-02, WM 13-03, WM 13-05, and WM 13-06) to secure Supplemental Judgments for
4 amounts due the Department of Ecology for unpaid penalties and filing fees, due the Clerk
5 of the Court in reimbursement of the Master's fees and expenses incurred in proceedings,
6 or due the Clerk in payment of annual Eligible Landowner Fees. These judgments or
7 settlements have resulted in the recovery of fees and expenses in six of the proceedings
8 (WM 09-03, WM 09-06, WM 10-01, WM 13-03, WM 13-04, and WM 13-05). The judgments
9 create judgment liens in King County and abstracts of judgment are selectively recorded
10 (depending on prospects for recovery) in Whatcom County.
11

12 **FINANCIAL MATTERS**

13
14 In paragraph 6 of its Order Appointing Water Master (June 10, 2008), the Court
15 directed the Clerk of the Court "to establish an account in the registry of the Court into
16 which all monies paid pursuant to the Settlement Agreement shall be deposited. Any
17 compensation or reimbursements to be paid to the Water Master shall be made from said
18 account."
19

20
21 The Clerk has maintained the required account since August 2008. Income has
22 consisted of payments from the Lummi Nation, Washington Department of Ecology,
23 individual water users, reimbursement of the Master's fees and expenses incurred in
24 formal proceedings, filing fees, and bank interest. Based on the June 7, 2023, report of the
25 Financial Specialist for the District Court Clerk, the June 30, 2023, account balance is
26 anticipated to be approximately \$251,402.
27

28 A summary of account income and expenditures for the July 1, 2022, to June 30, 2023,
WATER MASTER'S ANNUAL REPORT No. C01-0047Z PAGE 3 OF 28 JOHN E. THORSON, 376 RIVER RD.
WEST, PLAINS, MT 59859

period (projected) is as follows:

Item	Subtotal Amount	Amount
<i>July 1, 2022, Balance</i>		\$235,826
<i>Income</i>		
Lummi Nation	\$7,378	
Department of Ecology	0	
Landowner Payments	7,232	
Filing Fees	0	
Interest (inc. May & June est.)	7,505	
<i>Total Income</i>		22,115
<i>Expenditures</i>		(6,539)
June 30, 2023, Balance (projected)		\$251,402

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

Due to the Covid-19 pandemic, the Court in 2020 approved the waiver of the 2020-2021 water user fees and ordered that those fees (calculated as \$7,914 for the Lummi Nation and state water users) be *conclusively deemed paid* so the Lummi Nation and state water users would not have to makeup this amount in future years. See Federal Water Master’s Annual Report for Fiscal Year 2019-2020 at 9 (June 30, 2020).

As in previous years, the eleven months of the 2022-2023 fiscal year have been peaceful; but the Water Master has undertaken work and incurred expenses in contested cases, financial and administrative matters (including ongoing maintenance of the website), collecting Eligible Landowner Fees, and ongoing implementation procedures developed in an earlier proceeding (WM 11-03) to retain the accuracy of the post-Decree

1 Service List.

2 The table set forth in Attachment A (with estimated June data) reflects the Master's
3 time (in dollars at \$200 per hour before August 1, 2022, and \$250 per hour thereafter) and
4 expenses for this fiscal year and the previous fourteen years. Including estimated fees and
5 costs for June 2023, the average monthly fee billed during 2022-2023 will have been \$417
6 and average monthly expenses will have been \$125.¹

8 WATER MASTER BUDGET 2023-2024

9 Pursuant to section IV(G)(4) of the Settlement Agreement, the Water Master is
10 required to confer with the Department of Ecology and the Lummi Nation before June 1st of
11 each year on a draft Water Master budget for the next fiscal year. Section IV(G)(4) also
12 indicates that Ecology and the Lummi Nation will adopt a final budget by agreement
13 entered into by July 1st.

14 The required discussions were held, and the Department of Ecology and the Lummi
15 Nation agreed on a final Water Master budget for fiscal year July 1, 2023, to June 30, 2024.

16 In its August 7, 2008, order, the Court set an initial annual budget of \$100,000 for the
17 Water Master, and this amount was adopted by agreement for subsequent years. In view of
18 the relatively modest annual expenditures since 2008, the Water Master recommended in
19 2017 a reduced budget of \$50,000 for the 2017-2018 fiscal year; and the Lummi Nation
20 and Department of Ecology agreed with that recommendation. The same budget was also
21 set for 2022-2023. The Lummi Nation and Department of Ecology have also agreed on a
22 \$50,000 budget for the upcoming 2023-2024 fiscal year. The Master's compensation will

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27 ¹ May and June bills are typically paid during the next decree year (*i.e.*, after July 1). Accordingly, for
28 a decree year, the average monthly bill may vary from the average amount paid to the Master.

1 remain at \$250 per hour plus reimbursement for expenses, as set by the Court in its August
2 9, 2022, order (Docket No. 1569). This agreement has been communicated to the Court
3 (letter on Water Master's website).

4 **ANNUAL CALCULATION OF WATER MASTER ACCOUNT BALANCE**

5
6 As mentioned, based on the Clerk's Financial Specialist report of June 7, 2023, the
7 anticipated June 30, 2023, balance in the Water Master's account will be \$251,402 (*see pp.*
8 *3-4, supra*). Since this figure is less than the adjusted \$258,600 ceiling anticipated by the
9 Settlement Agreement (*see following discussion*), the Lummi Nation and Eligible
10 Landowners will need to pay collectively an additional amount for fiscal year 2023-2024,
11 pursuant to the payment provisions set forth in sections IV(G)(1) & (2) of the Settlement
12 Agreement.
13

14 Section IV(G)(2) provides, "[T]he amount the Lummi Nation and state defendants pay
15 shall be reduced proportionally so that the total amount in the Water Master's account
16 does not exceed Two Hundred Thousand Dollars (\$200,000), *adjusted by the Implicit Price*
17 *Deflator*" (emphasis added). Thus, the Settlement Agreement contemplates a periodic
18 inflation adjustment to this cap.
19

20 The U.S. Bureau of Economic Analysis maintains the Implicit Price Deflator, but
21 Washington State's Economic and Revenue Forecast Council publishes annual reports of
22 several inflation indices for the Seattle area. Council staff advises the use of Table A4.1,
23 "Selected Inflation Indicators," found on p. 96 of the Council's *Washington State Economic*
24 *and Revenue Forecast (Mar. 2023)*.² According to Council staff, the "Price Deflator" increase
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26

27 ² Available at

28 <https://erfc.wa.gov/sites/default/files/public/documents/publications/mar23pub.pdf>.

1 over a series of years is calculated by determining the difference between the index figures
2 for the beginning and ending years and expressing that change as a percentage of increase
3 or decrease over the base year. For Lummi Decree purposes, the 2006³ index is 0.893 and
4 the 2022 index is 1.229 (the 2023 index is not used since it is a forecast). The percentage of
5 change 2006-2022 is 37.6%.

7 Thus, to comply with section IV(G)(2) of the Settlement Agreement, the ceiling on the
8 Water Master's account should be adjusted by 37.6% to \$275,200 (as compared to last
9 year's \$258,600 ceiling).

11 **PARTIES' FEES 2023-2024**

12 A total of \$23,798 is necessary to bring the Water Master's account up to the
13 maximum amount of \$275,200 allowed by Settlement Agreement section IV(G) and as
14 adjusted for inflation as previously discussed (\$275,200 minus expected year-end balance
15 of \$251,402). This amount, however, is reduced by (a) anticipated interest of \$6,000 on the
16 funds maintained in the Water Master's account, and (b) credit of \$7,914 for the waived
17 2020-2021 water user fees (*see p. 4, supra*). This leaves a balance of \$9,884 to be paid by
18 the Lummi Nation and state water users. Of the \$9,884, the Lummi Nation would pay
19 \$4,942 (1/2 of \$9,884). Eligible Landowners would pay \$5,262 (1/2 of \$9,884 plus \$320 for
20 collective underpayments by state water users during 2022-2023).

23 The Department of Ecology reports 230 active state Eligible Landowner allocations.
24 Dividing \$5,262 by 230 produces a fee of \$22.88, rounded to \$23, for the basic allocation.

27 ³ While the Settlement Agreement was not approved by the Court until November 2007, the
28 Agreement itself appears to establish a 2006 base year for these financial calculations. *See*
Settlement Agreement § IV(G)(2).

1 This is considerably less than the annual \$100 fee imposed when the Decree was first
2 issued. The Department of Ecology would pay nothing for the 2023-2024 fiscal year (*see*
3 examples set forth in section IV(G)(2) of Settlement Agreement).

4 The Court's August 7, 2008, order (in paragraph 3) specifies that "[i]n subsequent
5 years [beyond 2008/2009], Lummi Nation shall pay its share of the Water Master budget
6 on or before August 1st of the fiscal year." Similarly, the order (in paragraph 4) provides
7 that the Department of Ecology will pay its share of the Water Master budget by August 1st
8 (however, as discussed above, no Ecology payment is required for the 2023-2024 fiscal
9 year) and also send Water Master fee notices to Eligible Landowners by August 1st. Eligible
10 Landowners must pay their fees by November 1st.

13 **SERVICE LIST**

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

23 The Master has completed the annual review of the Service List, based on the above
24 procedure, and now recommends a series of corrections to the Service List set forth in
25

26 Attachment B to this Report. Recipients of this Annual Report are urged to examine

1 Attachment B to determine whether a recommendation affects them. Attachment B
2 provides explanatory information and the procedure for filing an objection if you believe
3 the Master’s recommendations are incorrect. Attachment C is a proposed Court order for
4 updating the Service List, and Attachment D is a preprinted Objection Form.
5

6 **WEBSITE**

7 Pursuant to the Court’s direction, the Water Master established and maintains a
8 website that provides information on how to initiate proceedings before the Master, the
9 status of pending proceedings, a compendium of the Master’s claims for fees and expenses
10 and the Court’s orders in response to those claims, and annual reports and service
11 certificates. The website was substantially updated during 2019-2020. The Master’s
12 website may be found at: www.lummiwatermaster.com.
13

14 **CONCLUSION**

15
16 I continue to appreciate the opportunity to work with the Court, the parties, counsel,
17 and Court staff—all of whom have been helpful and cordial. I thank them for their
18 assistance. I especially thank Kelly Hamilton of the Washington Department of Ecology for
19 her assistance in identifying address changes and water allocation transfers.
20

21 I hereby respectfully submit my annual report for 2022-2023 and, accordingly,
22 move the Court for adoption of the recommendations for updating the Service List, as set
23 forth in Attachment B. A proposed Order is set forth as Attachment C.
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25
26
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1 Dated: June 30, 2023.

/s/John E. Thorson

2
3 John E. Thorson
4 Federal Water Master – Lummi Decree
5 376 River Road West
6 Plains, MT 59859
7 (406) 826-0500
8 johnethorson@mac.com

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10 **CERTIFICATE OF SERVICE**

11 The Certificate of Service of this Annual Report and all attachments has been filed
12 separately with the Clerk of the Court. A copy of the Certificate may be reviewed on the
13 Water Master’s website: www.lummiwatermaster.com.

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ATTACHMENT A: FEDERAL WATER MASTER EXPENDITURES
BY FISCAL YEAR (2008-09 TO 2022-23)

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FEDERAL WATER MASTER EXPENDITURES BY FISCAL YEAR (2008-09 TO 2022-23)

2008-09		2009-10		2010-11		2011-12		2012-13		2013-14		2014-15	
Month	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Exp
July	\$800	\$513	\$400	\$75	\$250	\$0	\$500	\$0	300	\$0	\$400	\$1	\$400
Aug.	200	0	300	39	500	10	950	27	700	0	700	14	100
Sept.	0	0	100	0	400	2	900	14	700	6	300	0	250
Oct.	400	100	200	0	200	0	800	9	600	0	650	2	200
Nov.	2400	542	500	0	200	0	200	0	750	8	600	25	200
Dec.	100	0	200	0	200	0	1000	0	200	0	200	0	200
Jan.	0	0	650	4	450	2	950	6	200	0	400	0	100
Feb.	600	130	0	0	450	6	950	2	800	11	600	5	100
Mar.	0	0	200	0	800	11	200	0	400	1	200	0	600
April	450	0	200	0	400	12	900	0	800	42	200	0	200
May	1000	16	400	0	400	49	1300	115	700	105	2000	7	1900
June	1300	176	2300	275	2300	289	2700	574	6,050	1,464	5000	867	4200
TOTAL	\$7,250	\$1,477	\$5,450	\$393	\$6,550	\$381	\$11,350	\$747	\$12,200	\$1,637	\$11,250	\$921	\$8,450
Average	\$604	\$123	\$454	\$33	\$546	\$32	\$946	\$62	\$1,017	\$136	\$938	\$77	\$704

2015-16		2016-17		2017-18		2018-19		2019-20		2020-21		2021-22		2022-23	
Month	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	
July	\$200	\$0	\$0	\$0	\$200	\$0	\$100	\$0	\$0	\$0	\$600	\$0	\$900	\$115	
Aug.	200	0	0	0	0	0	100	0	300	104	200	0	3000	980	
Sept.	300	2	200	2	0	0	100	0	0	0	0	0	750	0	
Oct.	600	0	0	0	0	0	0	0	0	0	300	25.68	0	0	
Nov.	0	0	600	0	0	0	300	102	0	0	1800	76.77	350	0	
Dec.	200	0	200	0	0	0	0	0	0	0	600	0	200	0	
Jan.	0	0	0	0	0	0	0	0	500	0	0	0	0	0	
Feb.	100	0	400	0	0	0	0	0	0	0	200	0	100	100	
Mar.	0	0	0	0	0	0	200	0	200	0	0	0	0	0	
April	100	0	0	0	200	0	0	0	200	0	0	0	300	3	
May	0	0	800	0	1400	0	200	0	1100	590	900	115	400	0	
June	5000	1298	4600	990	6900	1050	5900	862	6300	1067	3000	980	3600	1232	
TOTAL	\$6,700	\$1,300	\$6,800	\$992	\$8,700	\$1,050	\$6,900	\$964	\$8,600	\$1,761	\$7,600	\$1,197	\$9,600	\$2,430	
Average	\$558	\$108	\$567	\$83	\$725	\$88	\$575	\$80	\$717	\$147	\$633	\$109	\$800	\$203	

Note: May and June bills are typically paid during the next decree year (i.e., after July 1). Accordingly, for a decree year, the average monthly bill may vary from the average amount paid to the Master. Due to the timing requirement for the Annual Report, June 2023 is estimated and based on prior year.

1 The proposed changes generally result from the following information or events: (a)
2 Court documents sent to a party listed on the Service List being returned by the U.S. Postal
3 Service without a forwarding address; (b) ownership changes in parcels having a water
4 allocation under the Lummi Decree (Exhibit C & D listings); (c) transfers of parcel
5 ownership or water service to the Lummi Nation (thus necessitating removal from Exhibit
6 C or D); or (d) a withdrawing attorney substituting the client on the Service List.

8 The Federal Water Master has followed the procedures set forth in the Report to the
9 Court on Recommendations for Updating the Service List (Doc. No. 1411; June 29, 2012),
10 subsequently approved by the Court. The proposed changes are to the August 9, 2022,
11 version of the Service List approved by the Court (Docket No. 1569) and maintained by the
12 Court Clerk. You may review a copy of the Service List on the Master's website:

13
14 www.lummiwatermaster.com.

15 **GENERAL INSTRUCTIONS**

16
17 1. Please review the following table for your name (names are listed in the second
18 column, alphabetically by last name; if your name is associated with any Exhibit C parcel,
19 that address is provided). If your name is not listed and you currently receive documents
20 from the Court or Master, you do not need to do anything. To ensure you are listed on the
21 Service List (unrepresented parties only), see a copy of the August 9, 2022, Service List on
22 the Master's website: www.lummiwatermaster.com.

23
24 2. If you are listed in the following table, review your entry for accuracy. Each entry
25 sets forth some or all of this information:

26
27 *Table Reference Number (Ref. #)*—The unique number for each entry in the table.

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

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

7 *Names & Addresses*—Relevant names and addresses including any Service List
8 listing (August 9, 2022, version) that appears obsolete, as well as any new names and
9 addresses. This information is based on information provided by the U.S. Postal Service, the
10 Department of Ecology, and other information properly considered by the Clerk and
11 Master.
12

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

20 3. If you AGREE with the Master’s motion or specific recommendation concerning your
21 entry, you do not need to do anything. The Court will formally make these proposed
22 changes after the 30-day objection period.
23

24 4. If you DISAGREE with the Master’s motion or specific recommendation concerning
25 your entry, you must file an objection with the Court by Monday, July 31, 2023, under the
26 provisions of Federal Rules of Civil Procedure (F.R.C.P.) 53(f), to propose the correct
27 information. Please see the next section for detailed instructions for filing an objection.
28

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

6 5. You must send the original Objection Form to the Clerk of the Court for filing. Your
7 Objection Form must be filed on or before Monday, July 31, 2023. Be sure to keep a copy for
8 your records. If you request the Clerk to return a conformed copy of your objection, please
9 include an extra copy and mailing instructions.
10

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

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

21 8. The following table refers to Exhibit C and D listings or parcels. Exhibit C is a listing
22 of parties withdrawing water from the Washington State allocation of water at the time of
23 the 2007 Lummi Decree. Exhibit D is a listing of well registrations receiving water from the
24 state allocation at the time of the 2007 Lummi Decree. The Department of Ecology has
25 provided the Federal Water Master with updates to these exhibits that are set forth in the
26 following recommendations.
27
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	<p>Curran, Troy D. (Zephyr Investments)</p> <p>3635 Haxton Way C82, C83, D24, and D27</p>	<p><i>Status:</i> On existing Service List; Department of Ecology reports that Troy D. Curran (Zephyr Investments) has transferred his property to Kyle & Sofeea Huffman (<i>see</i> Ref. Nos. 2 & 3)</p> <p><i>Service List Name & Address:</i> Troy D. Curran - Zephyr Investments 2551 Roeder Avenue Bellingham, WA 98227</p> <p><i>Motion:</i> Delete Troy D. Curran (Zephyr Investments) from Service List</p>
2	<p>Huffman, Kyle</p> <p>3635 Haxton Way C82, C83, D24, and D27</p>	<p><i>Status:</i> Not on existing Service List; Department of Ecology reports that Troy D. Curran (Zephyr Investments) has transferred his property to Kyle & Sofeea Huffman (<i>see</i> Ref. No. 1)</p> <p><i>New Name and/or Address:</i></p> <p>Kyle Huffman 22007 Makah Road Woodway, WA 98020</p> <p><i>Motion:</i> Add Kyle Huffman to Service List</p>
3	<p>Huffman, Sofeea</p> <p>3635 Haxton Way C82, C83, D24, and D27</p>	<p><i>Status:</i> Not on existing Service List; Department of Ecology reports that Troy D. Curran (Zephyr Investments) has transferred his property to Kyle & Sofeea Huffman (<i>see</i> Ref. No. 1)</p> <p><i>New Name and/or Address:</i></p> <p>Sofeea Huffman 22007 Makah Road</p>

REF. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
		Woodway, WA 98020 <i>Motion:</i> Add Sofeea Huffman to Service List
4	Lynette, Ethan 3001 Haxton Way C64	<i>Status:</i> On existing Service List; Ethan and Hatai Lynette reported to the Department of Ecology that their address has changed <i>Service List Name & Address:</i> Ethan Lynette 2010 Samish Crest Way Bellingham, WA 98229-4909 <i>New Name and/or Address:</i> Ethan Lynette 3001 Haxton Way Bellingham 98226 <i>Motion:</i> Update mailing address as requested
5	Lynette, Hatai 3001 Haxton Way C64	<i>Status:</i> On existing Service List; Ethan and Hatai Lynette reported to the Department of Ecology that their address has changed <i>Service List Name & Address:</i> Hatai Lynette 2010 Samish Crest Way Bellingham, WA 98229-4909 <i>New Name and/or Address:</i> Hatai Lynette 3001 Haxton Way Bellingham 98226 <i>Motion:</i> Update mailing address as requested
6	Neil, Mary M.	<i>Status:</i> On existing Service List; 2021-22 Annual Report returned indicating "Not Deliverable . . . Unable to Forward" <i>Service List Name & Address:</i> Mary M. Neil P.O. Box 1207

REF. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
		Ferndale, WA 98248-1207 <i>Motion:</i> Delete Mary M. Neil from Service List
7	Sanger, Aaron L.	<i>Status:</i> Michele F. Sanger has reported to the Federal Water Master that her husband, Aaron L. Sanger, is deceased <i>Service List Name & Address:</i> Aaron L. Sanger 3394 Lena Road Bellingham, WA 98226 <i>Motion:</i> Delete Aaron L. Sanger from 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 Monday, July 31, 2023.

DATED June 30, 2023.

Respectfully submitted,

/s/John E. Thorson

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

1 The Federal Water Master’s Recommendations for Updating the Service List, set
2 forth as Attachment C to the Master’s 2022-2023 Annual Report, are approved [with the
3 following changes: (Insert any changes)].
4

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

8 IT IS SO ORDERED.

9 DATED this ___ day of August 2023.
10

11 _____
12 Thomas S. Zilly
13 United States District Judge
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**ATTACHMENT D: OBJECTION FORM RE SERVICE LIST RECOMMENDATIONS
(FOLLOWING PAGES)**

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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,

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 B to the
Federal Water Master’s Annual Report
filed June 30, 2023]

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 2022-2023 Annual
Report (June 30, 2023).

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

1
2 I request the Court to correct the Service List in accordance with the information I
3 have provided.

4
5 Respectfully submitted,

6 DATED: July ____, 2023

7 *Your Signature:* _____

8 *Name (Printed or Typed):* _____

9 *Address:* _____

10 *City, State or Province:* _____

11 *Zip or Postal Code:* _____

12 *Country (if other than US):* _____

13 *Telephone No.:* _____

14 *E-Mail Address:* _____

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20 **Certificate of Service**

21 I certify that, on July ____, 2023, I submitted the foregoing Objection for filing in the
22 above-captioned matter by first-class mail addressed to the Clerk of Court as
23 follows:

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

27 I further certify that, on July ____, 2023, I served copies of the foregoing Objection
28 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

Mr. Matthew T. Janz
Assistant Attorney General
Ecology Division
Attorney General of Washington
P.O. Box 40117
Olympia, WA 98504-0117
Attorney for the Department of Ecology

James Stroud
Office of the Reservation Attorney
2665 Kwina Road
Bellingham, WA 98226
Attorney for the Lummi Nation

Brian C. Kipnis
U.S. Attorney's Office
700 Stewart St., Suite 5220
Seattle, WA 98101-1271
Counsel for the United States

Your Signature: _____