

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 2023-  
2024; 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 30<sup>th</sup> of each year.<sup>1</sup>

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 2023-2024. 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 is 2008, the Water Master has opened 32 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; one was opened by the Master, on his own motion, to recommend  
18 improvements to the Service List; and one was opened this past year to rectify a duplicative  
19 Eligible Landowner Fee overpayment.

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

### 24 **ENFORCEMENT ACTIONS TAKEN**

---

27 <sup>1</sup> Since June 30 falls on Sunday this year, the report is being filed on July 1. *See* Fed. R. Civ. P.  
28 6(a)(1).

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

### 15 **FINANCIAL MATTERS**

16  
17 In paragraph 6 of its Order Appointing Water Master (June 10, 2008), the Court  
18 directed the Clerk of the Court "to establish an account in the registry of the Court into  
19 which all monies paid pursuant to the Settlement Agreement shall be deposited. Any  
20 compensation or reimbursements to be paid to the Water Master shall be made from said  
21 account."  
22

23 The Clerk has maintained the required account since August 2008. Income has  
24 consisted of payments from the Lummi Nation, Washington Department of Ecology,  
25 individual water users, reimbursement of the Master's fees and expenses incurred in  
26 formal proceedings, filing fees, and bank interest. Based on the June 3, 2024, report of the  
27 Financial Specialist for the District Court Clerk, the June 30, 2024, account balance is  
28

1 anticipated to be approximately \$249,560.

2 A summary of account income and expenditures for the July 1, 2023, to June 30, 2024,  
3 period (projected) is as follows:

4 <b>Item</b>	<b>Subtotal Amount</b>	<b>Amount</b>
5 <i>July 1, 2023, Balance</i>		\$232,889
6 <i>Income</i>		
7 Lummi Nation	\$4,942	
8 Department of Ecology	0	
9 Landowner Payments	5,438	
Filing Fees	0	
Interest (inc. June est.)	13,563	
<i>Total Income</i>		23,943
<i>Expenditures</i>		(7,272)
11 <b>June 30, 2024, Balance</b> <b>(projected)</b>		<b>\$249,560</b>

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

18 Due to the Covid-19 pandemic, the Court in 2020 approved the waiver of the 2020-  
19 2021 water user fees and ordered that those fees (calculated as \$7,914 for the Lummi  
20 Nation and state water users) be *conclusively deemed paid* so the Lummi Nation and state  
21 water users would not have to makeup this amount in future years. See Federal Water  
22 Master’s Annual Report for Fiscal Year 2019-2020 at 9 (June 30, 2020).  
23

24 As in previous years, the eleven months of the 2023-2024 fiscal year have been  
25 peaceful; but the Water Master has undertaken work and incurred expenses in cases,  
26 financial and administrative matters (including ongoing maintenance of the website),  
27

1 collecting Eligible Landowner Fees, and ongoing implementation procedures developed in  
2 an earlier proceeding (WM 11-03) to retain the accuracy of the post-Decree Service List.

3 The table set forth in Attachment A (with estimated June data) reflects the Master's  
4 time (at \$250 per hour) and expenses for this fiscal year and the previous fifteen years.  
5 Including estimated fees and costs for June 2024, the average monthly fee billed during  
6 2023-2024 will have been \$510 and average monthly expenses will have been \$96.<sup>2</sup>

### 8 WATER MASTER BUDGET 2024-2025

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 1<sup>st</sup> 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 1<sup>st</sup>.

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, 2024, to June 30, 2025.

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 has been  
21 set for all subsequent fiscal years. The Lummi Nation and Department of Ecology,  
22 therefore, have agreed on a \$50,000 budget for the upcoming 2024-2025 fiscal year. The

---

23  
24  
25  
26  
27 <sup>2</sup> 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 Master's compensation will remain at \$250 per hour plus reimbursement for expenses, as  
2 set by the Court in its August 9, 2022, order (Docket No. 1569). This agreement has been  
3 communicated to the Court (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 3, 2024, the  
7 anticipated June 30, 2024, balance in the Water Master's account will be \$249,560 (*see pp.*  
8 *3-4, supra*). Since this figure is less than the adjusted \$285,200 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 2024-2025,  
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  
21 The U.S. Bureau of Economic Analysis maintains the Implicit Price Deflator, but  
22 Washington State's Economic and Revenue Forecast Council publishes annual reports of  
23 several inflation indices for the Seattle area. Council staff advises the use of Table A4.1,  
24 "Selected Inflation Indicators," found on p. 95 of the Council's *Washington State Economic*  
25 *and Revenue Forecast (Feb. 2024)*.<sup>3</sup> According to Council staff, the "Price Deflator" increase  
26

---

27 <sup>3</sup> Available at

28 <https://erfc.wa.gov/sites/default/files/public/documents/publications/feb24pub.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 2006<sup>4</sup> index is 0.893 and  
4 the 2023 index is 1.273 (the 2024 index is not used since it is a forecast). The percentage of  
5 change 2006-2023 is 42.6%.

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 42.6% to \$285,200 (as compared to last  
9 year's \$275,200 ceiling).

### 11 **PARTIES' FEES 2024-2025**

12 A total of \$35,640 is necessary to bring the Water Master's account up to the  
13 maximum amount of \$285,200 allowed by Settlement Agreement section IV(G) and as  
14 adjusted for inflation as previously discussed (\$285,200 minus expected year-end balance  
15 of \$249,560). This amount, however, is reduced by (a) anticipated interest of \$10,000 on  
16 the 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 \$17,726 to be paid by  
18 the Lummi Nation and state water users. Of the \$17,726, the Lummi Nation would pay  
19 \$8,863 (1/2 of \$17,726). Eligible Landowners would pay \$8,802 (1/2 of \$17,726 less \$61  
20 for collective overpayments by state water users during 2023-2024).

23 The Department of Ecology reports 230 active state Eligible Landowner allocations.  
24 Dividing \$8,802 by 230 produces a fee of \$38.27, rounded to \$38, for the basic allocation.

---

27 <sup>4</sup> 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 2024-2025 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 1<sup>st</sup>  
8 (however, as discussed above, no Ecology payment is required for the 2024-2025 fiscal  
9 year) and also send Water Master fee notices to Eligible Landowners by August 1<sup>st</sup>. Eligible  
10 Landowners must pay their fees by November 1<sup>st</sup>.

### 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 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 Master’s website may be found at: [www.lummiwatermaster.com](http://www.lummiwatermaster.com).  
12

13 **CONCLUSION**

14  
15 I continue to appreciate the opportunity to work with the Court, the parties, counsel,  
16 and Court staff—all of whom have remained helpful and cordial. I thank them for their  
17 assistance. I especially thank Jeff Cedarbaum and Kelly Hamilton of the Washington  
18 Department of Ecology for their assistance in identifying address changes and water  
19 allocation transfers.  
20

21 I hereby respectfully submit my annual report for 2023-2024 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.  
24

25  
26 Dated: July 1, 2024.

*/s/John E. Thorson*

27 \_\_\_\_\_  
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).

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  
26  
27  
28

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  
26  
27  
28

**ATTACHMENT A: FEDERAL WATER MASTER EXPENDITURES**  
**BY FISCAL YEAR (2008-09 TO 2023-24)**

[Next page]

FEDERAL WATER MASTER EXPENDITURES BY FISCAL YEAR (2008-09 TO 2023-24)

6/18/24

ATTACHMENT A: FEDERAL WATER MASTER EXPENDITURES BY FISCAL YEAR (2008-09 TO 2023-24)

Month	2008-09		2009-10		2010-11		2011-12		2012-13		2013-14		2014-15		2015-16	
	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp
July	\$ 800	\$ 513	\$ 400	\$ 75	\$ 250	\$ -	\$ 500	\$ -	\$ 300	\$ -	\$ 400	\$ 1	\$ 400	\$ 1	\$ 200	\$ -
Aug.	200	0	300	39	500	10	950	27	700	0	700	14	100	5	200	0
Sept.	0	0	100	0	400	2	900	14	700	6	300	0	250	1	300	2
Oct.	400	100	200	0	200	0	800	9	600	0	650	2	200	0	600	0
Nov.	2400	542	500	0	200	0	200	0	750	8	600	25	200	0	200	0
Dec.	100	0	200	0	200	0	1000	0	200	0	200	0	200	0	200	0
Jan.	0	0	650	4	450	2	950	6	200	0	400	0	100	0	0	0
Feb.	600	130	0	0	450	6	950	2	800	11	600	5	100	0	100	0
Mar.	0	0	200	0	800	11	200	0	400	1	200	0	600	4	0	0
April	450	0	200	0	400	12	900	0	800	42	200	0	200	0	100	0
May	1000	16	400	0	400	49	1300	115	700	105	2000	7	1900	124	0	0
June	1300	176	2300	275	2300	289	2700	574	6,050	1,464	5000	867	4200	793	5000	1298
TOTAL	\$7,250	\$1,477	\$5,450	\$393	\$6,550	\$381	\$11,350	\$747	\$12,200	\$1,637	\$11,250	\$921	\$8,450	\$928	\$6,700	\$1,300
Average	\$604	\$123	\$454	\$33	\$546	\$32	\$946	\$62	\$1,017	\$136	\$938	\$77	\$704	\$77	\$558	\$108

Month	2016-17		2017-18		2018-19		2019-20		2020-21		2021-22		2022-23		2023-24	
	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp
July	\$0	\$0	\$200	\$0	\$100	\$0	\$0	\$0	\$600	\$0	\$900	\$115	\$0	\$0	\$0	\$0
Aug.	0	0	0	0	100	0	300	104	200	0	3000	980	0	0	250	0
Sept.	200	2	0	0	100	0	0	0	0	0	750	0	0	0	0	0
Oct.	0	0	0	0	0	0	0	0	300	25.68	0	0	0	0	0	0
Nov.	600	0	0	0	300	102	0	0	1800	76.77	350	0	0	0	500	0
Dec.	200	0	0	0	0	0	0	0	600	0	200	0	0	0	0	0
Jan.	0	0	0	0	0	0	500	0	0	0	0	0	0	0	0	0
Feb.	400	0	0	0	0	0	0	0	200	0	100	100	0	0	250	0
Mar.	0	0	0	0	200	0	200	0	0	0	0	0	1000	3	0	0
April	0	0	200	0	0	0	200	0	0	0	300	3	0	0	0	0
May	800	0	1400	0	200	0	1100	590	900	115	400	0	0	0	0	0
6272	4600	990	6900	1050	5900	862	6300	1067	3000	980	3600	1232	4000	1500	5125	1147
TOTAL	\$6,800	\$992	\$8,700	\$1,050	\$6,900	\$964	\$8,600	\$1,761	\$7,600	\$1,197	\$9,600	\$2,430	\$5,000	\$1,503	\$6,125	\$1,147
Average	\$567	\$83	\$725	\$88	\$575	\$80	\$717	\$147	\$633	\$109	\$800	\$203	\$417	\$125	\$510	\$96

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 2024 is estimated and based on prior year.

1  
2 **ATTACHMENT B: SERVICE LIST RECOMMENDATIONS**  
3  
4  
5

6 Judge Thomas S. Zilly

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON AT SEATTLE

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

NO. C01-0047Z

11 Plaintiff,

12 LUMMI NATION,

13 Plaintiff-Intervenor,

14 FEDERAL WATER MASTER'S  
15 RECOMMENDATIONS FOR UPDATING  
16 THE SERVICE LIST

17 v.

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

20 Defendants.

21 **BACKGROUND**

22 THIS DOCUMENT proposes changes to the Service List maintained for this case, No.  
23 C01-0047Z. The Service List sets forth the names and addresses of parties entitled to  
24 ongoing notice of most proceedings in this case. These changes are necessary to facilitate  
25 ongoing administration and enforcement of the November 2007 Order and Judgment (and  
26 subsequent amendments) known as the Lummi Decree.  
27

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 10, 2023,  
11 version of the Service List approved by the Court (Docket No. 1576) and maintained by the  
12 Court Clerk. You may review a copy of the Service List on the Master's website:  
13 [www.lummiwatermaster.com](http://www.lummiwatermaster.com).

## 16 GENERAL INSTRUCTIONS

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 10, 2023, Service List on  
22 the Master's website: [www.lummiwatermaster.com](http://www.lummiwatermaster.com).

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:

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 10, 2023, 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 Wednesday, July 31, 2024, under  
26 the 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

## INSTRUCTIONS FOR FILING AN OBJECTION

1  
2 1. If you are filing an objection to your specific entry in the table, you may use the  
3 preprinted Objection Form attached as Attachment D. Rich Text Format (rtf) and Portable  
4 Document Format (pdf) versions of the form may be found on the Master's website:  
5 www.lummiwatermaster.com.  
6

7 If you are filing an objection for any reason other than the Master's  
8 recommendations set forth in the following table, 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 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 Wednesday, July 31, 2024. Be sure to keep a  
8 copy for your records. If you request the Clerk to return a conformed copy of your  
9 objection, please 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	<b>Carr, Marilyn</b>  2245 Lummi Shore Road C36	<i>Status:</i> Department of Ecology reports Marilyn Carr, who is on the Service List, has notified the Department that Myron E. Carr, also on the Service List, is deceased; the Department reports that the Whatcom County assessor database shows the parcel owned by Marilyn Carr  <i>Service List Name &amp; Address:</i> Marilyn J. Carr 4194 Ankar Park Drive #116 Bellingham, WA 98226  <i>Motion:</i> None
2	<b>Carr, Myron E.</b>  2245 Lummi Shore Road C36	<i>Status:</i> Department of Ecology reports Marilyn Carr, who is on the Service List, has notified the Department that Myron E. Carr, also on the Service List, is deceased; the Department reports that the Whatcom County assessor database shows the parcel owned by Marilyn Carr; <i>see</i> Ref. 1  <i>Service List Name &amp; Address:</i> Myron E. Carr 4194 Ankar Park Drive #116 Bellingham, WA 98226  <i>Motion:</i> Delete Myron E. Carr from Service List
3	<b>Edson, Barbara</b>  C1 and D54	<i>Status:</i> On existing Service List; Department of Ecology reports that Barbara Edson has submitted ownership and address change; Ecology also reports that this parcel is shown on Whatcom County Assessor's database as being owned by the Walter A. Sr & Barbara E. Edson Trust with a

REF. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
		<p>mailing address of 12933 Holmes Point Drive NE, Kirkland, WA 98034-5700</p> <p><i>Service List Name &amp; Address:</i> Barbara Edson c/o Scott Edson 2103 Postal Ave. Bellingham, WA 98226-9232</p> <p><i>New Name and/or Address:</i> Barbara E. Edson 12933 Holmes Point Drive NE Kirkland, WA 98034-5700</p> <p><i>Motion:</i> Update name and address as requested</p>
4	<p><b>Edson, Walter A.</b></p> <p>C1 and D54</p>	<p><i>Status:</i> On existing Service List; Department of Ecology reports that Barbara Edson has reported ownership and address change; Ecology also reports that this parcel is shown on Whatcom County Assessor's database as being owned by the Walter A. Sr &amp; Barbara E. Edson Trust with a mailing address of 12933 Holmes Point Drive NE, Kirkland, WA 98034-5700; Barbara Edson requests deletion of Walter A. Edson and Scott Edson from the Service List</p> <p><i>Service List Name &amp; Address:</i> Walter A. Edson c/o Scott Edson 2103 Postal Ave. Bellingham, WA 98226-9232</p> <p><i>Motion:</i> Delete Walter A. Edson and Scott Edson from Service List as requested by Barbara Edson</p>
5	<p><b>Edson, Scott</b></p>	<p><i>See Refs. 3 &amp; 4</i></p>
6	<p><b>Fernandez, Bernard</b></p> <p>2115 Lummi Shore Road C4</p>	<p><i>Status:</i> Department of Ecology reports Fernandez, who is on the Service List, has notified the Department that Lesli Higginson died in 2023; the Department reports that the Whatcom County assessor database shows the parcel jointly owned</p>

REF. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
		<p>by Fernandez and Higginson; Annual Report for 2015-16 returned as undeliverable to Higginson; Dep't of Ecology had no updated contact information; Higginson was deleted from Service List in 2017</p> <p><i>Service List Name &amp; Address:</i>            Bernard M. Fernandez            2115 Postal Avenue            Bellingham, WA 98226</p> <p><i>Motion:</i> None</p>
7	<b>Higginson, Lesli M.</b>	See Ref. 6
8	<b>Hoover, D. Robert</b>  2249 Lummi Shore Rd. C38	<p><i>Status:</i> On existing Service List; Department of Ecology reports that Hoover has transferred his property to Ke Zhang</p> <p><i>Service List Name &amp; Address:</i>            D. Robert Hoover            P.O. Box 724            Ferndale, WA 98240-0724</p> <p><i>New Name and/or Address:</i>            Ke Zhang            585 E. 53<sup>rd</sup> Ave.            Vancouver, BC V5X 1J4            Canada</p> <p><i>Motion:</i> Delete D. Robert Hoover from Service List; add Ke Zhang to Service List</p>
9	<b>Quirarte, Celica</b>	<p><i>Status:</i> While updating the Service List to add the four-digit suffixes to Zip codes, the Master discovered an apparent error in Quirarte's address</p> <p><i>Service List Name &amp; Address:</i>            Celica Quirarte            15439 Fairway Dr.            Burlington, WA 98233-3820</p> <p><i>Corrected Address:</i></p>

REF. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
		Celica Quirarte 16439 Fairway Dr. Burlington, WA 98233-3820  <i>Motion:</i> Update to corrected address
10	<b>Quirarte, John</b>	Status: While updating the Service List to add the four-digit suffixes to Zip codes, the Master discovered an apparent error in Quirarte's address  <i>Service List Name &amp; Address:</i> John Quirarte 15439 Fairway Dr. Burlington, WA 98233-3820  <i>Corrected Address:</i> John Quirarte 16439 Fairway Dr. Burlington, WA 98233-3820  <i>Motion:</i> Update to corrected address
11	<b>Walter A. Sr &amp; Barbara E. Edson Trust</b>	<i>See Ref. 3</i>
12	<b>Zhang, Ke</b>	<i>See Ref. 8</i>

### 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 Wednesday, July 31, 2024.

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  
26  
27  
28

Dated: July 1, 2024.

*/s/John E. Thorson*

---

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

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  
26  
27  
28

**ATTACHMENT C: PROPOSED COURT ORDER RE  
SERVICE LIST & OTHER RECOMMENDATIONS**

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,

[PROPOSED] ORDER

v.

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY et al.

Defendants.

No [Certain] objection[s] to Attachment B, the Federal Water Master's  
Recommendations for Updating the Service List, set forth in the Master's 2023-2024  
Annual Report (July 1, 2024) (Docket No. \_\_\_\_), having been filed or received within the

1 time specified by Paragraph 11(a) of the Court’s November 2007 Order and Judgment (as  
2 amended), the Court now enters the following Order:

3           The Federal Water Master’s Recommendations for Updating the Service List, set  
4 forth as Attachment C to the Master’s 2023-2024 Annual Report, are approved [with the  
5 following changes: (Insert any changes)].  
6

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

10 IT IS SO ORDERED.

11 DATED this \_\_\_ day of August 2024.  
12

13  
14 \_\_\_\_\_  
15 Thomas S. Zilly  
16 United States District Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



**ATTACHMENT D: OBJECTION FORM RE SERVICE LIST RECOMMENDATIONS  
(FOLLOWING PAGES)**

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  
26  
27  
28

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  
26  
27  
28

**[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 B to the  
Federal Water Master’s Annual Report  
filed July 1, 2024]

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 2023-2024 Annual Report (July 1, 2024).

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

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  
26  
27  
28

*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]:

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 \_\_\_\_, 2024

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:* \_\_\_\_\_

15  
16  
17  
18  
19  
20 **Certificate of Service**

21 I certify that, on July \_\_\_\_, 2024, 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 \_\_\_\_, 2024, I served copies of the foregoing Objection  
28 filed in the above-captioned matter by first-class mail addressed to the following  
persons: 3

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  
26  
27  
28

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*

James B. Cooney  
United States Department of Justice  
Environment and Natural Resources  
Division Indian Resources Section  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611  
*Counsel for the United States*

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