

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,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY et al.

Defendants.

FEDERAL WATER MASTER'S ANNUAL
REPORT FOR FISCAL YEAR 2025-
2026; MOTIONS TO (1) APPROVE
CHANGES TO SERVICE LIST, AND (2)
PROVIDE NOTICE TO ELIGIBLE
LANDOWNERS

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 2025-2026. 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 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 to rectify a duplicative Eligible
19 Landowner Fee overpayment.
20

21 All formal proceedings have been closed. The complete docket of proceedings may be
22 found on the Master’s website (*infra*).
23

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 has used this procedure in 15 formal proceedings (WM 09-03, WM 09-06, WM 10-01, WM
28

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

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

19 The Clerk has maintained the required account since August 2008. Income has
20 consisted of payments from the Lummi Nation, Washington Department of Ecology,
21 individual water users, reimbursement of the Master's fees and expenses incurred in
22 formal proceedings, filing fees, and bank interest. Based on the May 31, 2026, report of the
23 Financial Specialist for the District Court Clerk, the June 30, 2026, account balance is
24 anticipated to be approximately \$296,944.34 including estimated June 2026 interest.
25

26 A summary of account income and expenditures for the July 1, 2025, to June 30, 2026,
27 period (projected) is as follows:
28

Item	Subtotal Amount	Amount
<i>July 1, 2025, Balance</i>		\$292,734
<i>Income</i>		
Lummi Nation	\$0	
Department of Ecology	0	
Landowner Payments	0	
Filing Fees	0	
Interest (inc. June est.)	11,132	
<i>Total Income</i>		11,132
<i>Expenditures</i>		(6921)
June 30, 2026, Balance (projected)		\$296,944

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 2025-2026 fiscal year have been peaceful; but the Water Master has undertaken work and incurred expenses in cases, financial and administrative matters (including ongoing maintenance of the website), collecting Eligible Landowner Fees from prior years, and ongoing implementation procedures developed in an earlier proceeding (WM 11-03) to retain the accuracy of the post-Decree Service List.

The table set forth in Attachment A (with estimated June data) reflects the Master’s

1 time (at \$250 per hour) and expenses for this fiscal year and the previous seventeen years.
2 The average monthly fee billed during 2025-2026 was \$562 per month and the average
3 monthly expenses were \$129.¹
4

5 **WATER MASTER BUDGET 2026-2027**

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

12 The required discussions were held, and the Department of Ecology and the Lummi
13 Nation agreed on a final Water Master budget for fiscal year July 1, 2026, to June 30, 2027.
14

15 In its August 7, 2008, order, the Court set an initial annual budget of \$100,000 for the
16 Water Master, and this amount was adopted by agreement for subsequent years. In view of
17 the relatively modest annual expenditures since 2008, the Water Master recommended in
18 2017 a reduced budget of \$50,000 for the 2017-2018 fiscal year; and the Lummi Nation
19 and Department of Ecology agreed with that recommendation. The same budget has been
20 set for all subsequent fiscal years. The Lummi Nation and Department of Ecology,
21 therefore, have agreed on a \$50,000 budget for the upcoming 2026-2027 fiscal year. The
22 Master's compensation will remain at \$250 per hour plus reimbursement for expenses, as
23 set by the Court in its August 9, 2022, order (Docket No. 1569). This agreement has been
24 communicated to the Court (letter on Water Master's website).
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28 ¹ 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.

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

2 As mentioned, based on the Clerk’s Financial Specialist report of May 31, 2026, the
3 anticipated June 30, 2026, balance in the Water Master’s account will be \$296,944 (*see pp.*
4 *3-4, supra*). Since this figure is more than the adjusted \$292,000 ceiling anticipated by the
5 Settlement Agreement (*see following discussion*), the Lummi Nation and Eligible
6 Landowners will pay nothing for fiscal year 2026-2027 (*see the payment provisions set*
7 *forth in sections IV(G)(1) & (2) of the Settlement Agreement.*)
8

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

15 The U.S. Bureau of Economic Analysis maintains the Implicit Price Deflator, but
16 Washington State’s Economic and Revenue Forecast Council publishes annual reports of
17 several inflation indices for the Seattle area. Council staff advises the use of Table A4.1,
18 “Selected Inflation Indicators,” found on p. 96 of the Council’s *Washington State Economic*
19 *and Revenue Forecast* (Feb. 2026).² According to Council staff, the “Price Deflator” increase
20 over a series of years is calculated by determining the difference between the index figures
21 for the beginning and ending years and expressing that change as a percentage of increase
22 or decrease over the base year. For Lummi Decree purposes, the 2006³ index is 84.4 and
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24
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26 _____
27 ² Available at <https://erfc.wa.gov/sites/default/files/2026-03/feb26pub.pdf>.

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

1 the 2024 index is 123.7 (the actual 2025 index has not been published; the available 2025
2 and 2026 indices are not used since they are forecasts). The percentage of change 2006-
3 2024 is 46.6%, the figure that will be used for this year's calculations.

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 46.6% over the 2006 base year to \$293,200
6 (as compared to last year's \$292,000 ceiling).

8 **PARTIES' FEES 2026-2027**

9 Unlike previous years, the estimated 2025-26 fiscal year-end balance of \$296,944 is
10 \$3744 more than the adjusted ceiling of \$293,200. The consequence, therefore, is that
11 neither State Water Users nor the Lummi Nation need to pay an assessment for the 2026-
12 2027 fiscal year.

13 The federal court system pays interest on accounts such as ours. For the period of July
14 1, 2025, to May 31, 2026, the account earned \$10,326 in interest. Interest for June 2026 is
15 projected to be around \$805. During the upcoming 2026-2027 fiscal year, approximately
16 \$10,000 in interest is reasonably anticipated to be added to the Water Master's account.⁴

17 In a typical year, the Department of Ecology sends fee notices to Eligible Landowners
18 on August 1st. Because funds on deposit are sufficient to satisfy the adjusted ceiling (*see*
19 previous discussion), no fee bills need be sent this year. The Master, however, recommends
20 that the Court direct the Department of Ecology to mail a notice to Eligible Landowners
21 explaining that, while fees are not imposed this year, the rights and obligations of the
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27 ⁴ Interest rates on accounts deposited with the Clerk of the Court are determined by the U.S.
28 Treasury. Interest rates on short-term Treasuries are projected to be slightly lower during 2026-
2027. *See Univ. of Michigan, U.S. Economic Outlook for 2026-2027 at 3 (May 18, 2026).*

1 parties under the Lummi Decree remain in effect. This recommendation is included in the
2 proposed order accompanying this report (Attachment C). If the Court adopts this
3 recommendation, the Court's order will provide the same reminder to all parties.
4

5 **SERVICE LIST**

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

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

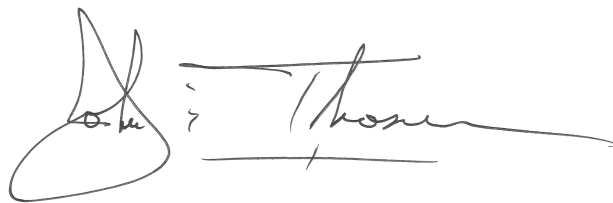
2 Pursuant to the Court’s direction, the Water Master established and maintains a
3 website that provides information on how to initiate proceedings before the Master, the
4 status of pending proceedings, a compendium of the Master’s claims for fees and expenses
5 and the Court’s orders in response to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

8 **CONCLUSION**

9
10 I continue to appreciate the opportunity to work with the Court, the parties, counsel,
11 and Court staff (particularly Kathryn Kim)—all of whom have remained helpful and cordial.
12 I thank them for their assistance. I especially thank Jeff Cedarbaum of the Washington
13 Department of Ecology for his assistance in identifying address changes and water
14 allocation transfers.
15

16 I hereby respectfully submit my annual report for 2025-2026 and, accordingly,
17 move the Court for adoption of the recommendations concerning (a) updates to the Service
18 List, as set forth in Attachment B, and (b) a request to the Department of Ecology to provide
19 a notice to Eligible Landowners explaining why fees are not imposed this year. A proposed
20 Order is set forth as Attachment C.
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22

23
24 Dated: June 30, 2026.

25 

26
27 _____
28 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.

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ATTACHMENT A: FEDERAL WATER MASTER EXPENDITURES
BY FISCAL YEAR (2008-09 TO 2025-26)

[Next page]

		ATTACHMENT A: FEDERAL WATER MASTER EXPENDITURES BY FISCAL YEAR (2008-09 to 2025-26)																	
		2008-09		2009-10		2010-11		2011-12		2012-13		2013-14		2014-15		2015-16		2016-17	
Month	Fees	Exp	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	\$ -	\$ 0	\$ 0	
Aug.	200	0	300	39	500	27	950	14	700	0	700	14	100	5	200	0	0	0	
Sept.	0	0	100	0	400	2	900	14	700	6	300	0	250	1	300	2	200	2	
Oct.	400	100	200	0	200	0	800	9	600	0	650	2	200	0	600	0	0	0	
Nov.	2400	542	500	0	200	0	200	0	750	8	600	25	200	0	0	0	600	0	
Dec.	100	0	200	0	200	0	1000	0	200	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	0	0	
Feb.	600	130	0	0	450	6	950	2	800	11	600	5	100	0	100	0	400	0	
Mar.	0	0	200	0	800	11	200	0	400	1	200	0	600	4	0	0	0	0	
April	450	0	200	0	400	12	900	0	800	42	200	0	200	0	100	0	0	0	
May	1000	16	400	0	400	49	1300	115	700	105	2000	7	1900	124	0	0	800	0	
June	1300	176	2300	275	2300	289	2700	574	6,050	1,464	5000	867	4200	793	5000	1298	4600	990	
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	\$6,800	\$992	
Average	\$604	\$123	\$454	\$33	\$546	\$32	\$946	\$62	\$1,017	\$136	\$938	\$77	\$704	\$77	\$558	\$108	\$567	\$83	
		2018-19		2019-20		2020-21		2021-22		2022-23		2023-24		2024-25		2025-26			
Month	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	Fees	Exp	
July	\$200	\$0	\$100	\$0	\$0	\$0	\$900	\$115	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$1,125	\$118	
Aug.	0	0	100	0	300	104	200	3000	980	0	0	250	0	0	0	0	4000	1178	
Sept.	0	0	100	0	0	0	750	0	0	0	0	0	0	0	0	0	0	0	
Oct.	0	0	0	0	0	0	300	25.68	0	0	0	0	0	0	0	0	0	0	
Nov.	0	0	300	102	0	0	1800	76.77	350	0	0	0	500	0	0	0	0	0	
Dec.	0	0	0	0	0	0	600	0	200	0	0	0	0	0	0	0	500	0	
Jan.	0	0	0	0	500	0	0	0	0	0	0	0	0	0	0	0	0	0	
Feb.	0	0	0	0	0	0	200	0	100	100	0	0	250	0	0	0	0	0	
Mar.	0	0	200	0	200	0	0	0	1000	3	0	0	0	0	0	0	0	0	
April	200	0	0	0	200	0	300	3	0	0	0	0	0	0	0	0	0	0	
May	1400	0	200	0	1100	590	900	115	400	0	0	0	0	0	0	0	0	0	
June	6900	1050	5900	862	6300	1067	3000	980	3600	1232	4000	1500	5125	1147	5250	1261	0	0	
TOTAL	\$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	\$5,250	\$1,261	\$5,625	\$1,296	
Average	\$725	\$88	\$575	\$80	\$717	\$147	\$633	\$109	\$800	\$203	\$417	\$125	\$510	\$96	\$438	\$105	\$562	\$129	

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.

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3 **ATTACHMENT B: SERVICE LIST RECOMMENDATIONS**
4

5
6 Judge Thomas S. Zilly
7

8 UNITED STATES DISTRICT COURT
9 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,

FEDERAL WATER MASTER'S
RECOMMENDATIONS FOR UPDATING
THE SERVICE LIST

15 v.

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

18 Defendants.
19
20

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
28

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 September 3, 2025,
11 version of the Service List approved by the Court (Docket No. 1591) 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.

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 September 3, 2025, Service List
22 on the Master's website: 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; Court documents have been returned without
3 forwarding address; ownership has changed concerning a parcel having a water allocation;
4 and/or the Washington Department of Ecology (DOE) has provided relevant information.

5 *Names & Addresses*—Relevant names and addresses including any Service List
6 listing (September 3, 2025, version) that appears obsolete, as well as any new names and
7 addresses. This information is based on information provided by the U.S. Postal Service, the
8 Department of Ecology, and other information properly considered by the Clerk and
9 Master.
10

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

18
19 3. If you AGREE with the Master’s motion or specific recommendation concerning your
20 entry, you do not need to do anything. The Court will formally make these proposed
21 changes after the 30-day objection period.
22

23 4. If you DISAGREE with the Master’s motion or specific recommendation concerning
24 your entry, you must file an objection with the Court by Thursday, July 30, 2026, under the
25 provisions of Federal Rules of Civil Procedure (F.R.C.P.) 53(f), to propose the correct
26 information. Please see the next section for detailed instructions for filing an objection.
27
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,

23 "[T]hat to the best of [your] knowledge, information, and belief, formed after an
24 inquiry reasonable under the circumstances: [your] factual contentions have
25 evidentiary support or, if specifically so identified, will likely have evidentiary
26 support after a reasonable opportunity for further investigation or discovery; and
27 [your] denials of factual contentions are warranted on the evidence or, if specifically
28 so identified, are reasonably based on belief or a lack of information."

29 4. The second place you sign your name is in the Certificate of Service block (page 4).
30 Here you verify you are filing the original Objection Form with the Court and sending

1 copies to the Federal Water Master, the Washington Department of Ecology, Lummi Nation,
2 and the United States (addresses are provided).

3 5. You must send the original Objection Form to the Clerk of the Court for filing. Your
4 Objection Form must be filed on or before Thursday, July 30, 2026. Be sure to keep a copy
5 for your records. If you request the Clerk to return a conformed copy of your objection,
6 please include an extra copy and mailing instructions.

7
8 6. At the same time you send your Objection Form to the Court, you must send copies
9 of your Objection Form to the Federal Water Master, the Washington Department of
10 Ecology, Lummi Nation, and the United States. The addresses are set forth in the Certificate
11 of Service portion of the form.

12
13 7. Although you are required to include your e-mail address on your objection, this
14 does not make you eligible to receive future communications from the Court or other
15 parties by e-mail. To register for the Court's e-filing system (CM/ECT), please see:
16 <http://www.wawd.uscourts.gov/attorneys/cmecf>.

17
18 8. The following table refers to Exhibit C and D listings or parcels. Exhibit C is a listing
19 of parties withdrawing water from the Washington State allocation of water at the time of
20 the 2007 Lummi Decree. Exhibit D is a listing of well registrations receiving water from the
21 state allocation at the time of the 2007 Lummi Decree. The Department of Ecology has
22 provided the Federal Water Master with updates to these exhibits that are set forth in the
23 following recommendations.
24

25
26
27 **MASTER'S RECOMMENDATIONS**
28 **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.

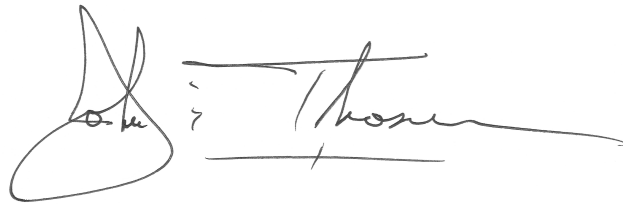
Ref. #	NAME (Any Ex. C or D listing)	STATUS, INFORMATION & MOTION
1	Athena Hu LLC	See Ref. #9
2	Haxton Beach LLC	See Ref. #6
3	James, Debra	<p><i>Status:</i> On existing Service List; Federal Water Master's 2024 Report returned by USPS as "Unable to forward"; no other information available</p> <p><i>Service List Name & Address:</i> Debra James 4352 Dewey Rd. Bellingham, WA 98225-7859</p> <p><i>Motion:</i> Delete Debra James from Service List</p>
4	<p>Morse, Allen K.</p> <p>Ex. C #6, 2120 Postal Ave.</p>	<p><i>Status:</i> On existing Service List; Department of Ecology reports Mr. Morse is deceased and the property (Ex. C #6, 2120 Postal Ave.) as been inherited by his daughter, Heather Morse)</p> <p><i>Service List Name & Address:</i> Allen K. Morse 2095 Postal Avenue Bellingham, WA 98226</p> <p><i>New Name and/or Address:</i> Heather Morse 5033 Mereworth Ct. Winston Salem, NC 27104</p> <p><i>Motion:</i> Delete Allen K. Morse from Service List; add Heather Morse to Service List</p>
5	Morse, Heather	See Ref. #4
6	Peterson, William L.	<p><i>Status:</i> On existing Service List; Department of Ecology reports property (Ex. C, #66, 3003 Haxton Way) has been sold; Ecology also reports</p>

<p>1 2 3 4 5 6 7 8 9 10 11 12</p>	<p>Ex. C, #66, 3003 Haxton Way</p>	<p>that the Whatcom County Assessor lists Haxton Beach LLC as the current owner and the Washington Secretary has provided an address for the LLC</p> <p><i>Service List Name & Address:</i> William L. Peterson c/o Parkside Properties & Finance 3917 N. Post St. Spokane, WA 99205-1149</p> <p><i>New Name and/or Address:</i> Haxton Beach LLC P.O. Box 1521 Deer Park. WA 99006-1521</p> <p><i>Motion:</i> Delete William L. Peterson from Service List; add Haxton Beach LLC to Service List</p>
<p>13 14 15 16 17 18 19 20 21 22 23</p>	<p>7 Pollard, Lynette J.</p>	<p><i>Status:</i> On existing Service List; Federal Water Master's 2024 Report returned by USPS as "Forwarding Time Exp"; 2025 Report to both addresses (below) returned by USPS as "Unable to Forward"</p> <p><i>Service List Name & Address:</i> Lynette J. Pollard 22551 Cully Road Sedro Woolley, WA 98284-8737</p> <p><i>Apparent Forwarding Address Before Expiration:</i> 13203 SE 172nd Ave, Ste 166 Happy Valley, OR 97086-8738</p> <p><i>Motion:</i> Delete Lynette J. Pollard from Service List</p>
<p>24 25 26 27 28</p>	<p>8 Pollard, Ronald F.</p>	<p><i>Status:</i> On existing Service List; Federal Water Master's 2024 Report to both addresses (below) returned by USPS as "Forwarding Time Exp"; 2025 Report returned by USPS as "Unable to Forward"</p> <p><i>Service List Name & Address:</i></p>

1 **NOTICE OF TIME FOR OBJECTIONS**

2 Paragraph 11(a) of the Court's November 2007 Order and Judgment (as amended)
3 provides that objections to the recommendations set forth in the foregoing table must be
4 filed within 30 days of service of the Annual Report containing this table. For purposes of
5 this Annual Report, objections must be filed and served by Thursday, July 30, 2026.
6

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8 Dated: June 30, 2026.

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13 _____
14 John E. Thorson
15 Federal Water Master – Lummi Decree
16 376 River Road West
17 Plains, MT 59859
18 (406) 826-0500
19 johnethorson@mac.com
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**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 2025-2026
Annual Report (June 30, 2026) (Docket No. ____), having been filed or received within the
time specified by Paragraph 11(a) of the Court's November 2007 Order and Judgment (as
amended), the Court ORDERS as follows:

1 (1) The Federal Water Master’s Recommendations for Updating the Service List, set
2 forth as Attachment B to the Master’s 2025-2026 Annual Report, are approved and shall be
3 implemented [with the following changes: (Insert any changes)].
4

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

8 (3) As recommended by the Master, the Court DIRECTS the Department of Ecology
9 to mail, within 30 days of this order, a notice (with the text approved by the Master in
10 advance) to each Eligible Landowner explaining that, while fees are not imposed this year,
11 the rights, responsibilities, and obligations of the parties under the Settlement Agreement
12 (also known as the Lummi Decree), docket nos. 1264-1 through 1264-10, remain in full
13 force and effect.
14

15 (4) The Clerk shall electronically file, and need not provide conventional service, of
16 this Order.
17

18 (5) The Water Master shall post a copy of this Order on his website

19 IT IS SO ORDERED.

20 DATED this ___ day of August 2026.
21

22 _____
23 Thomas S. Zilly
24 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, 2026]

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 2025-2026 Annual
Report (June 30, 2026).

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 ____, 2026

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 ____, 2026, 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 ____, 2026, 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

Samuel D. Gollis
Trial Attorney, U.S. Department of Justice
Environment and Natural Resources
Division Tribal Resources Section
999 18th Street, North Terrace, Suite
600 Denver, CO 80202
Counsel for the United States

Your Signature: _____