

FILED
 ENTERED
 RECEIVED
 SERVED ON
 COUNSEL/PARTIES OF RECORD
FEB 26 2018
 CLERK US DISTRICT COURT
 DISTRICT OF NEVADA
 BY: 1 DEPUTY

FILED
 ENTERED
 RECEIVED
 SERVED ON
 COUNSEL/PARTIES OF RECORD
FEB 22 2018
 CLERK US DISTRICT COURT
 DISTRICT OF NEVADA
 BY: _____

2 ROGER A. BERGMANN
 3 State Bar No. 733
 4 A Professional Corporation
 5 4947 W. Lakeridge Terrace Lane
 6 Reno, Nevada 89509

7 Attorney for Chad Blanchard, Water Master

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE DISTRICT OF NEVADA**

10 * * * * *

11 **THE UNITED STATES OF AMERICA,**

12 **Plaintiff,**

13 **vs.**

14 **IN EQUITY**

15 **3:73-CV-0003-LDG**

16 **ORR WATER DITCH COMPANY, et al.,**

17 **Defendant.**

18 **ORDER APPROVING WATER MASTER'S BUDGET FOR**
 19 **2017-2018; CREATING AN ASSESSMENT TO REPLENISH**
 20 **THE FUND HERETOFORE ESTABLISHED TO PAY THE**
 21 **EXPENSE OF CONDUCTING THE WATER MASTER'S**
 22 **OFFICE; CREATING A SPECIAL ASSESSMENT TO**
 23 **CONTINUE THE FUND HERETOFORE ESTABLISHED TO**
 24 **PAY THE EXPENSE OF SPECIAL ADMINISTRATION**
 25 **OF STEAMBOAT CREEK AND THE WASHOE LAKE**
 26 **OR UPPER STEAMBOAT CREEK AND THE WASHOE LAKE**
 27 **RESERVOIR; APPORTIONING THE COSTS THEREOF;**
 28 **AND PROVIDING THE MANNER AND METHOD FOR COLLEC-**
TION THEREOF; AND APPROVING THE WATER MASTER'S
ADMINISTRATION OF THE DECREE FOR 2016-2017

29 **BE IT REMEMBERED** that the petition of CHAD BLANCHARD,
 30 Water Master appointed herein to administer the Final Decree
 31 entered on September 8, 1944, asking that an assessment be
 32 created to replenish the fund heretofore established to pay
 33 the expenses of conducting the office of the Water Master, and

1 a special assessment be created to replenish the fund
2 heretofore established to pay the expense of his special
3 administration of Steamboat or Galena Creek, Washoe Creek or
4 Upper Steamboat Creek and the Washoe Lake Reservoir, and
5 approving the Water Master's administration of the Decree for
6 2016-2017, and approving the filing of an audit for 2017-2018,
7 by January 15, 2019, and for such other action as might seem
8 meet and proper in the premises, filed with the Clerk of this
9 Court on December 22, 2017, having come on for hearing this
10 date pursuant to proper notice, and all parties having the
11 opportunity to be heard on objections filed, and good cause
12 appearing,
13
14

15 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

16 1. That the estimated general budget for the period
17 from October 1, 2017, to September 30, 2018, submitted by the
18 Water Master on December 22, 2017, as part of his petition, is
19 hereby approved.
20

21 2. That in order to provide a means for the payment of
22 further expense of conducting the Office of the Water Master,
23 particularly for the period from October 1, 2017 to September
24 30, 2018, there is hereby created an assessment in the sum of
25 FOUR HUNDRED SIXTY THOUSAND DOLLARS (\$460,000.00) to replenish
26 the fund heretofore established, and that the same be, and
27
28

1 hereby is apportioned to be paid and borne as provided in the
2 Final Decree, to wit:

3
4 One-third by the United States of America,
5 one-third by the TRUCKEE MEADOWS WATER AUTHORITY
6 and the remaining one-third by the remaining
7 persons or corporations whose rights are
8 adjudicated by this Decree.
9

10 3. That the Truckee-Carson Irrigation District and the
11 Bureau of Indian Affairs of the United States of the Interior
12 be, and they hereby are, ordered and directed to pay the
13 Office of the Water Master in this case, as their apportioned
14 one-third assessment, the sum of ONE HUNDRED FIFTY-THREE
15 THOUSAND THREE HUNDRED THIRTY-THREE DOLLARS AND 33 CENTS
16 (\$153,333.33); that NINETY-TWO and ONE-HALF PERCENT (92-1/2%)
17 of said amount, being the sum of ONE HUNDRED FORTY-ONE
18 THOUSAND EIGHT HUNDRED THIRTY-THREE DOLLARS AND 33 CENTS
19 (\$141,833.33), is to be borne by the Truckee-Carson Irrigation
20 District for Newlands project lands, and SEVEN and ONE-HALF
21 PERCENT (7-1/2%) of said amount, being the sum of ELEVEN
22 THOUSAND FIVE HUNDRED DOLLARS (\$11,500.00), is to be borne by
23 the Bureau of Indian Affairs of the United States Department
24 of the Interior for Pyramid Indian lands, such assessment to
25 be paid on or before April 30, 2018.
26
27
28

1 4. That defendant, TRUCKEE MEADOWS WATER AUTHORITY, be,
2 and it is hereby ordered, and directed to pay the Office of
3 the Water Master in this case, as its apportioned one-third of
4 the assessments, the sum of ONE HUNDRED FIFTY-THREE THOUSAND
5 THREE HUNDRED THIRTY-THREE DOLLARS AND 33 CENTS (\$153,333.33),
6 the assessment to be paid on or before April 30, 2018.
7

8 5. That the "remaining persons or corporations whose
9 rights are adjudicated by this Decree, or their successors in
10 interest", be, and they hereby are, ordered and directed to
11 pay as their apportioned one-third of the assessment, the
12 total sum of ONE HUNDRED FIFTY-THREE THOUSAND THREE HUNDRED
13 THIRTY-THREE DOLLARS AND 33 CENTS (\$153,333.33), payable as
14 more specifically hereinafter set forth.
15

16 6. That Washoe County Water Conservation District be,
17 and it hereby is, directed to levy and collect prorata
18 assessments from the remaining persons or corporations whose
19 rights were adjudicated by this Decree and whose lands are
20 within the boundaries of the Washoe County Water Conservation
21 District in the amount of SIXTY-FIVE PERCENT (65%) of their
22 apportioned one-third shares of the total assessments provided
23 for in this Decree, being the sum of NINETY-NINE THOUSAND SIX
24 HUNDRED SIXTY-SIX DOLLARS AND 66 CENTS (\$99,666.66); that
25 Washoe County Water Conservation District be, and it hereby is,
26
27
28

1 directed to allocate said sum among its members as aforesaid,
2 according to a schedule of charges based upon acreage,
3 including minimum charges applicable to fractional acreage,
4 which schedule shall be subject to the approval of the Water
5 Master, and that the Washoe County Water Conservation District
6 shall pay the aforesaid sums collected by such District for
7 the Water Master on or before April 30, 2018.
8

9
10 7. That the remaining persons or corporations whose
11 rights were adjudicated by this Decree and whose lands are
12 outside of the boundaries of the Washoe County Water
13 Conservation District be, and hereby are, ordered and directed
14 to pay THIRTY-FIVE PERCENT (35%) of their apportioned one-
15 third share of the total assessments provided for in this
16 Decree, being the sum of FIFTY-THREE THOUSAND SIX HUNDRED
17 SIXTY-SIX DOLLARS AND 67 CENTS (\$53,666.67); that the Water
18 Master, CHAD BLANCHARD, be, and hereby is, directed to collect
19 such sums as aforesaid according to a schedule of charges,
20 which charges shall be paid to the Water Master on or before
21 April 30, 2018, as follows: The minimum assessment of
22 EIGHTEEN DOLLARS AND ZERO CENTS (\$18.00) against those
23 parties owning fifty (50) acre-feet or less; against those
24 parties owning more than fifty (50) acre-feet, the sum of
25 THIRTY-SIX CENTS (\$.36) for each acre-foot.
26
27
28

1
2 8. That the Water Master, CHAD BLANCHARD, be, and
3 hereby is, directed to continue to maintain as part of the
4 Water Master's fund, a separate bank account or accounts known
5 as the "Excess Payment Account" heretofore established
6 pursuant to an order of this Court, only as to the assessments
7 collected from the remaining persons or corporations whose
8 lands are outside the boundaries of the Washoe County Water
9 Conservation District, and who are responsible for THIRTY-FIVE
10 PERCENT (35%) of their apportioned one-third share of the
11 total assessments provided for in this Decree; and that any
12 excess sums which are collected and deposited in said account
13 shall be held in such account, and subject to disbursement
14 only as may be directed from time to time by this Court.
15

16
17 9. That the Water Master's estimated excess payments
18 account budget for the period from October 1, 2017 to
19 September 30, 2018, submitted by the Water Master on December
20 22, 2017, as part of his petition herein, is hereby approved.

21 10. That the Water Master's report and audit for the
22 fiscal year ending September 30, 2017, filed with the court on
23 December 22, 2017, is hereby approved.

24
25 11. That the Water Master is granted authority to
26 continue the additional duties of supplying hydraulic data and
27 assisting in the coordination of the operation of the Prosser
28

1
2 Creek and Stampede Reservoirs in the State of California
3 pursuant to a request therefore made by the Bureau of
4 Reclamation of the United States Department of the Interior,
5 his services in that connection to be compensated for at a sum
6 not to exceed ONE HUNDRED SIXTY-SIX THOUSAND DOLLARS
7 (\$166,000.00) per year; that the Prosser Creek and Stampede
8 Reservoirs' operation budget for the period from October 1,
9 2017, to September 30, 2018, submitted by the Water Master on
10 Petition filed December 22, 2017, is hereby approved.
11

12 12. That all monies collected from the Bureau of
13 Reclamation of the United States Department of the Interior
14 pursuant to this Order shall be deposited by the Water Master
15 in a special fund of the Water Master's Office.
16

17 13. That the Water Master shall include in the annual
18 report and audit by a certified public accountant, required to
19 be filed by him with the Court on or before January 15, 2019,
20 a report concerning his services rendered the Bureau of
21 Reclamation of the United States of the Interior for the
22 period ending on September 30, 2018, and an audit of the
23 monies collected and expended by him in connection with such
24 services.
25

26 14. That the Budget submitted by the Water Master on
27 December 22, 2017, as an Exhibit "B" (Special Fund) to his
28

1 petition, as the necessary expenses to be incurred by the
2 Water Master in administrating the provisions of the Final
3 Decree relating to Steamboat or Galena Creek, Washoe Creek or
4 Upper Steamboat Creek and the Washoe Lake Reservoir from
5 October 1, 2017 to September 30, 2018 is hereby approved.
6

7 15. That in order to provide a means for the payment of
8 the additional necessary expenses to be incurred by the Water
9 Master in administering the provisions of the Final Decree
10 relating to Steamboat or Galena Creek, Washoe Creek or Upper
11 Steamboat Creek and the Washoe Lake Reservoir for the period
12 from October 1, 2017, to September 30, 2018, there are hereby
13 created special assessments in the total sum of EIGHTEEN
14 THOUSAND EIGHT HUNDRED DOLLARS (\$18,800.00), more or less, as
15 shown in the Special Assessment Roll on the records of the
16 Water Master, to continue the fund heretofore established on
17 July 27, 1962, by an Order of this Court for special
18 administration.
19

20
21 16. That the water users named in the Special Assessment
22 Roll on the records of the Water Master, be, and they hereby
23 are, ordered and directed to pay the office of the Water
24 Master the sums of money specified as their share of such
25 special assessments in such Special Assessment Roll on or
26 before April 30, 2018.
27
28

1 17. That all monies collected as such special
2 assessments pursuant to this order, shall be deposited by the
3 Water Master in a special fund of the Water Master's office.
4

5 18. That the Water Master shall include in the annual
6 report and audit by a certified public accountant, required to
7 be filed by him with the Court on or before January 15, 2019,
8 a report concerning his special administration of the water of
9 Galena or Steamboat Creek, Washoe Creek or Upper Steamboat
10 Creek and the Washoe Lake Reservoir for the period from
11 October 1, 2017 to September 30, 2018, and an audit of the
12 special assessment monies collected and expended by him in the
13 supervision of such stream system for said period.
14

15 19. That the Water Master shall continue to operate the
16 reservoirs of Boca and Lake Tahoe.
17

18 20. That each and all of the various assessments and
19 special assessments above stated and apportioned to the
20 various parties hereto are hereby adjudged to the extent of
21 the various assessments and special assessments to be a charge
22 and obligation taxable and payable as costs in this action,
23 the same as if entered in a judgment or decree, and to be and
24 remain until paid, a first lien, against all right, title and
25 interest of the above-named defendants, intervenors, parties
26 or persons, and their predecessors and successors in interest,
27
28

1 in the lands, ditches, water and water rights and works owned
2 or claimed by them, or as shown, appearing, mentioned or
3 described in the findings or in the papers in this case.
4

5 21. That if any of the sums so assessed, apportioned and
6 allowed remain unpaid thirty (30) days after the date
7 mentioned for the payment thereof, attachments for contempt
8 may issue against the party or parties failing to make any
9 payments so ordered to be made, and execution may issue for
10 the recovery, satisfaction or obtaining of payment thereof
11 against the parties, intervenors or persons liable for the
12 payment thereof as above allowed, together with a reasonable
13 late payment fee, and against their right, title and interest
14 in the lands, ditches, water and water rights and works, and
15 other property, whether conveyed after the commencement of
16 this suit or not; and the same may be seized and sold to pay
17 and satisfy such amount so allowed and remaining unpaid,
18 together with costs, and a reasonable late payment fee not
19 less than TEN DOLLARS (\$10.00), the same as in cases of
20 foreclosure of mortgage and liens, or upon judgment in
21 ordinary actions at law or in equity, and the Water Master is
22 hereby authorized and empowered to shut off the water of any
23 party failing to make any payments assessed against him or her,
24 or his or her water rights, at the time or times at which the
25
26
27
28

1 same should be made, such water to remain shut off until such
2 time as any such payments shall be made, and the costs of
3 shutting off such water shall be assessed against any such
4 party.
5

6 22. That the Water Master, CHAD BLANCHARD, be, and
7 hereby is, directed to continue in effect the surety bond in
8 the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) heretofore
9 provided pursuant to his order of appointment for the faithful
10 performance of his duties as custodian of such funds and the
11 property that may be in his care.
12

13 23. That the operation and administration of the Water
14 Master's Office in administering the provisions of the Final
15 Decree for the period from October 1, 2016 to September 30,
16 2017, is hereby approved.
17

18 24. That the parties in interest must notify the Office
19 of the Water Master when title to a water right is changed,
20 and that the Water Master shall not be required to deliver
21 water to any new owner unless written notice of such change is
22 received by the Water Master's Office.
23

24 25. That the Water Master is directed to create a funded
25 account pursuant to existing Personnel and Benefits Policy to
26 cover the cost of continuing health insurance on qualified
27 personnel, upon their retirement, and that the cost shall be
28

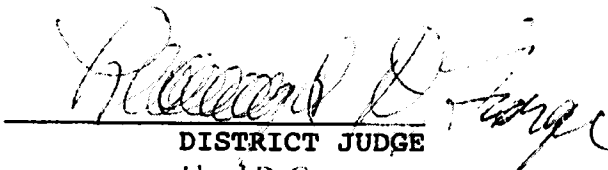
1 included in the Water Master's Budget each year until such
2 time as the earned benefit is exhausted.

3
4 26. That the operation and administration of the Truckee
5 River Operating Agreement for the period from December 1, 2015,
6 to September 30, 2017, is hereby approved.

7 27. That the Clerk of this Court give notice of the
8 required payments to be made by each water user by mailing a
9 copy of this Order and the Notice annexed hereto to each of
10 the attorney's appearing of record for the Plaintiff and
11 sundry Defendants in this cause within five (5) days of the
12 entry of this Order; the Water Master is further directed to
13 give such notice to the parties hereto and their successors
14 and assigns by publishing a copy of the Notice annexed hereto
15 in the Reno Gazette-Journal once a week for two (2) successive
16 weeks.
17

18
19 This Order is made subject to such further orders as the
20 Court may deem proper to make hereafter regarding this Order
21 for the compensation or expenses of the Water Master and his
22 assistants or the payment thereof.
23

24
25 DATED this 23rd day of February 2018.

26
27
28

DISTRICT JUDGE

Lloyd D. George