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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

* * * * *

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

ORR WATER DITCH COMPANY, et al.,

Defendant.

**IN EQUITY
3:73-CV-0003-LDG**

**ORDER APPROVING WATER MASTER'S BUDGET FOR
2018-2019; CREATING AN ASSESSMENT TO REPLENISH
THE FUND HERETOFORE ESTABLISHED TO PAY THE
EXPENSE OF CONDUCTING THE WATER MASTER'S
OFFICE; CREATING A SPECIAL ASSESSMENT TO
CONTINUE THE FUND HERETOFORE ESTABLISHED TO
PAY THE EXPENSE OF SPECIAL ADMINISTRATION
OF STEAMBOAT CREEK AND THE WASHOE LAKE
OR UPPER STEAMBOAT CREEK AND THE WASHOE LAKE
RESERVOIR; APPORTIONING THE COSTS THEREOF;
AND PROVIDING THE MANNER AND METHOD FOR COLLEC-
TION THEREOF; AND APPROVING THE WATER MASTER'S
ADMINISTRATION OF THE DECREE FOR 2017-2018**

BE IT REMEMBERED that the petition of CHAD BLANCHARD,
Water Master appointed herein to administer the Final Decree
entered on September 8, 1944, asking that an assessment be
created to replenish the fund heretofore established to pay
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 2017-2018, and approving the filing of an audit for 2018-2019,
7 by January 15, 2020, 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 27, 2018, 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,
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15 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

16 1. That the estimated general budget for the period
17 from October 1, 2018, to September 30, 2019, submitted by the
18 Water Master on December 27, 2018, 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, 2018 to September
24 30, 2019, there is hereby created an assessment in the sum of
25 FOUR HUNDRED SEVENTY-SEVEN THOUSAND DOLLARS (\$477,000.00) to
26 replenish the fund heretofore established, and that the same
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1 be, and hereby is apportioned to be paid and borne as provided
2 in the 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-NINE
15 THOUSAND DOLLARS (\$159,000.00); that NINETY-TWO and ONE-HALF
16 PERCENT (92-1/2%) of said amount, being the sum of ONE HUNDRED
17 FORTY SEVEN THOUSAND SEVENTY-FIVE DOLLARS (\$147,075.00), is to
18 be borne by the Truckee-Carson Irrigation District for
19 Newlands project lands, and SEVEN and ONE-HALF PERCENT (7-1/2%)
20 of said amount, being the sum of ELEVEN THOUSAND NINE HUNDRED
21 TWENTY-FIVE DOLLARS (\$11,925.00), is to be borne by the Bureau
22 of Indian Affairs of the United States Department of the
23 Interior for Pyramid Indian lands, such assessment to be paid
24 on or before April 30, 2019.

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27 4. That defendant, TRUCKEE MEADOWS WATER AUTHORITY, be,
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1 and it is hereby ordered, and directed to pay the Office of
2 the Water Master in this case, as its apportioned one-third of
3 the assessments, the sum of ONE HUNDRED FIFTY-NINE THOUSAND
4 DOLLARS (\$159,000.00), the assessment to be paid on or before
5 April 30, 2019.

7 5. That the "remaining persons or corporations whose
8 rights are adjudicated by this Decree, or their successors in
9 interest", be, and they hereby are, ordered and directed to
10 pay as their apportioned one-third of the assessment, the
11 total sum of ONE HUNDRED FIFTY-NINE THOUSAND DOLLARS
12 (\$159,000.00), payable as more specifically hereinafter set
13 forth.
14

15 6. That Washoe County Water Conservation District be,
16 and it hereby is, directed to levy and collect prorata
17 assessments from the remaining persons or corporations whose
18 rights were adjudicated by this Decree and whose lands are
19 within the boundaries of the Washoe County Water Conservation
20 District in the amount of SIXTY-FIVE PERCENT (65%) of their
21 apportioned one-third shares of the total assessments provided
22 for in this Decree, being the sum of ONE HUNDRED THREE
23 THOUSAND THREE HUNDRED FIFTY DOLLARS (\$103,350.00); that
24 Washoe County Water Conservation District be, and it hereby is,
25 directed to allocate said sum among its members as aforesaid,
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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, 2019.
8

9 7. That the remaining persons or corporations whose
10 rights were adjudicated by this Decree and whose lands are
11 outside of the boundaries of the Washoe County Water
12 Conservation District be, and hereby are, ordered and directed
13 to pay THIRTY-FIVE PERCENT (35%) of their apportioned one-
14 third share of the total assessments provided for in this
15 Decree, being the sum of FIFTY-FIVE THOUSAND SIX HUNDRED FIFTY
16 DOLLARS (\$55,650.00); that the Water Master, CHAD BLANCHARD,
17 be, and hereby is, directed to collect such sums as aforesaid
18 according to a schedule of charges, which charges shall be
19 paid to the Water Master on or before April 30, 2019, as
20 follows: The minimum assessment of EIGHTTEEN DOLLARS AND
21 ZERO CENTS (\$18.00) against those parties owning fifty (50)
22 acre-feet or less; against those parties owning more than
23 fifty (50) acre-feet, the sum of THIRTY-SIX CENTS (\$.36) for
24 each acre-foot.
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28 8. That the Water Master, CHAD BLANCHARD, be, and

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

14
15 9. That the Water Master's estimated excess payments
16 account budget for the period from October 1, 2018 to
17 September 30, 2019, submitted by the Water Master on December
18 27, 2018, as part of his Petition herein, is hereby approved.
19

20 10. That the Water Master's report and audit for the
21 fiscal year ending September 30, 2018, filed with the court on
22 December 27, 2018, is hereby approved.
23

24 11. That the Water Master is granted authority to
25 continue the additional duties of supplying hydraulic data and
26 assisting in the coordination of the operation of the Prosser
27 Creek and Stampede Reservoirs in the State of California
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1 pursuant to a request therefore made by the Bureau of
2 Reclamation of the United States Department of the Interior,
3 his services in that connection to be compensated for at a sum
4 not to exceed ONE HUNDRED SIXTY-SIX THOUSAND DOLLARS
5 (\$166,000.00) per year; that the Prosser Creek and Stampede
6 Reservoirs' operation budget for the period from October 1,
7 2018, to September 30, 2019, submitted by the Water Master on
8
9 Petition filed December 27, 2018, is hereby approved.
10

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

16 13. That the Water Master shall include in the annual
17 report and audit by a certified public accountant, required to
18 be filed by him with the Court on or before January 15, 2020,
19 a report concerning his services rendered the Bureau of
20 Reclamation of the United States of the Interior for the
21 period ending on September 30, 2019, and an audit of the
22 monies collected and expended by him in connection with such
23 services.
24

25 14. That the Budget submitted by the Water Master on
26 December 27, 2018, as an Exhibit "B" (Special Fund) to his
27 petition, as the necessary expenses to be incurred by the
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1 Water Master in administering the provisions of the Final
2 Decree relating to Steamboat or Galena Creek, Washoe Creek or
3 Upper Steamboat Creek and the Washoe Lake Reservoir from
4 October 1, 2018 to September 30, 2019 is hereby approved.

6 15. That in order to provide a means for the payment of
7 the additional necessary expenses to be incurred by the Water
8 Master in administering the provisions of the Final Decree
9 relating to Steamboat or Galena Creek, Washoe Creek or Upper
10 Steamboat Creek and the Washoe Lake Reservoir for the period
11 from October 1, 2018, to September 30, 2019, there are hereby
12 created special assessments in the total sum of EIGHTEEN
13 THOUSAND EIGHT HUNDRED DOLLARS (\$18,800.00), more or less, as
14 shown in the Special Assessment Roll on the records of the
15 Water Master, to continue the fund heretofore established on
16 July 27, 1962, by an Order of this Court for special
17 administration.

20 16. That the water users named in the Special Assessment
21 Roll on the records of the Water Master, be, and they hereby
22 are, ordered and directed to pay the office of the Water
23 Master the sums of money specified as their share of such
24 special assessments in such Special Assessment Roll on or
25 before April 30, 2019.

27 17. That all monies collected as such special
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1 assessments pursuant to this order, shall be deposited by the
2 Water Master in a special fund of the Water Master's office.
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4 18. That the Water Master shall include in the annual
5 report and audit by a certified public accountant, required to
6 be filed by him with the Court on or before January 15, 2020,
7 a report concerning his special administration of the water of
8 Galena or Steamboat Creek, Washoe Creek or Upper Steamboat
9 Creek and the Washoe Lake Reservoir for the period from
10 October 1, 2018 to September 30, 2019, and an audit of the
11 special assessment monies collected and expended by him in the
12 supervision of such stream system for said period.
13

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

17 20. That each and all of the various assessments and
18 special assessments above stated and apportioned to the
19 various parties hereto are hereby adjudged to the extent of
20 the various assessments and special assessments to be a charge
21 and obligation taxable and payable as costs in this action,
22 the same as if entered in a judgment or decree, and to be and
23 remain until paid, a first lien, against all right, title and
24 interest of the above-named defendants, intervenors, parties
25 or persons, and their predecessors and successors in interest,
26 in the lands, ditches, water and water rights and works owned
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1 or claimed by them, or as shown, appearing, mentioned or
2 described in the findings or in the papers in this case.
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4 21. That if any of the sums so assessed, apportioned and
5 allowed remain unpaid thirty (30) days after the date
6 mentioned for the payment thereof, attachments for contempt
7 may issue against the party or parties failing to make any
8 payments so ordered to be made, and execution may issue for
9 the recovery, satisfaction or obtaining of payment thereof
10 against the parties, intervenors or persons liable for the
11 payment thereof as above allowed, together with a reasonable
12 late payment fee, and against their right, title and interest
13 in the lands, ditches, water and water rights and works, and
14 other property, whether conveyed after the commencement of
15 this suit or not; and the same may be seized and sold to pay
16 and satisfy such amount so allowed and remaining unpaid,
17 together with costs, and a reasonable late payment fee not
18 less than TEN DOLLARS (\$10.00), the same as in cases of
19 foreclosure of mortgage and liens, or upon judgment in
20 ordinary actions at law or in equity, and the Water Master is
21 hereby authorized and empowered to shut off the water of any
22 party failing to make any payments assessed against him or her,
23 or his or her water rights, at the time or times at which the
24 same should be made, such water to remain shut off until such
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1 time as any such payments shall be made, and the costs of
2 shutting off such water shall be assessed against any such
3 party.
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5 22. That the Water Master, CHAD BLANCHARD, be, and
6 hereby is, directed to continue in effect the surety bond in
7 the sum of FIFTY THOUSAND DOLLARS (\$50,000.00) heretofore
8 provided pursuant to his order of appointment for the faithful
9 performance of his duties as custodian of such funds and the
10 property that may be in his care.
11

12 23. That the operation and administration of the Water
13 Master's Office in administering the provisions of the Final
14 Decree for the period from October 1, 2017 to September 30,
15 2018, is hereby approved.
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17 24. That the parties in interest must notify the Office
18 of the Water Master when title to a water right is changed,
19 and that the Water Master shall not be required to deliver
20 water to any new owner unless written notice of such change is
21 received by the Water Master's Office.
22

23 25. That the Water Master is directed to create a funded
24 account pursuant to existing Personnel and Benefits Policy to
25 cover the cost of continuing health insurance on qualified
26 personnel, upon their retirement, and that the cost shall be
27 included in the Water Master's Budget each year until such
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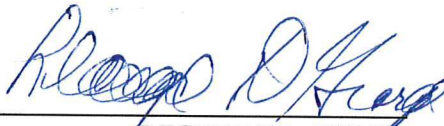
1 time as the earned benefit is exhausted.

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3 26. That the operation and administration of the Truckee
4 River Operating Agreement for the period from October 1, 2017,
5 to September 30, 2018, is hereby approved.

6 27. That the Clerk of this Court give notice of the
7 required payments to be made by each water user by mailing a
8 copy of this Order and the Notice annexed hereto to each of
9 the attorney's appearing of record for the Plaintiff and
10 sundry Defendants in this cause within five (5) days of the
11 entry of this Order; the Water Master is further directed to
12 give such notice to the parties hereto and their successors
13 and assigns by publishing a copy of the Notice annexed hereto
14 in the Reno Gazette-Journal once a week for two (2) successive
15 weeks.
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18 This Order is made subject to such further orders as the
19 Court may deem proper to make hereafter regarding this Order
20 for the compensation or expenses of the Water Master and his
21 assistants or the payment thereof.
22

23 DATED this 22 day of April 2019

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27 DISTRICT JUDGE
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