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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-MMD

16 ORR WATER DITCH COMPANY, et al.,

17 Defendant.
18 _____/

19 ORDER APPROVING WATER MASTER'S BUDGET FOR
20 2020-2021; CREATING AN ASSESSMENT TO REPLENISH
21 THE FUND HERETOFORE ESTABLISHED TO PAY THE
22 EXPENSE OF CONDUCTING THE WATER MASTER'S
23 OFFICE; CREATING A SPECIAL ASSESSMENT TO
24 CONTINUE THE FUND HERETOFORE ESTABLISHED TO
25 PAY THE EXPENSE OF SPECIAL ADMINISTRATION
26 OF STEAMBOAT AND UPPER STEAMBOAT, GALENA,
27 AND WASHOE CREEKS, AND THE WASHOE LAKE RESERVOIR;
28 APPORTIONING THE COSTS THEREOF AND PROVIDING THE
MANNER AND METHOD FOR COLLECTION THEREOF; CONTINUING
OPERATION OF PROSSER AND STAMPEDE RESERVOIRS;
AND APPROVING THE WATER MASTER'S
ADMINISTRATION OF THE DECREE FOR 2019-2020

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

1 established to pay the expenses of conducting the office of
2 the Water Master, and a special assessment be created to
3 replenish the fund heretofore established to pay the
4 expense of his special administration of Steamboat or
5 Galena Creek, Washoe Creek or Upper Steamboat Creek, and
6 the Washoe Lake Reservoir, and approving the Water Master's
7 administration of the Decree for 2019-2020, and approving
8 the filing of an audit for 2020-2021, by February 15, 2022,
9 and for such other action as might seem meet and proper in
10 the premises, filed with the Clerk of this Court, having
11 come on for hearing this date pursuant to proper notice,
12 and all parties having the opportunity to be heard on
13 objections filed, and good cause appearing,

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

17 1. That the estimated general budget for the period
18 from October 1, 2020 to September 30, 2021, submitted by
19 the Water Master as part of his petition, is hereby
20 approved.
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22 2. That in order to provide a means for the payment
23 of further expense of conducting the Office of the Water
24 Master, particularly for the period from October 1, 2020 to
25 September 30, 2021, there is hereby created an assessment
26 in the sum of FOUR HUNDRED EIGHTY-NINE THOUSAND DOLLARS
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1 (\$489,000.00) to replenish the fund heretofore established,
2 and that the same be, and hereby is apportioned to be paid
3 and borne as provided in the Final Decree, to wit:

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.
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10 3. That the Truckee-Carson Irrigation District and
11 the Bureau of Indian Affairs of the United States
12 Department of the Interior be, and they hereby are, ordered
13 and directed to pay the Office of the Water Master in this
14 case, as their apportioned one-third assessment, the sum of
15 ONE HUNDRED SIXTY-THREE THOUSAND DOLLARS (\$163,000.00);
16 that NINETY-TWO and ONE-HALF PERCENT (92-1/2%) of said
17 amount, being the sum of ONE HUNDRED FIFTY THOUSAND SEVEN
18 HUNDRED SEVENTY-FIVE DOLLARS (\$150,775.00), is to be borne
19 by the Truckee-Carson Irrigation District for Newlands
20 project lands, and SEVEN and ONE-HALF PERCENT (7-1/2%) of
21 said amount, being the sum of TWELVE THOUSAND TWO HUNDRED
22 TWENTY-FIVE DOLLARS (\$12,225.00), is to be borne by the
23 Bureau of Indian Affairs of the United States Department of
24 the Interior for Pyramid Indian lands, such assessment to
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1 be paid on or before April 30, 2021.

2 4. That defendant, Truckee Meadows Water Authority,
3 be, and it is hereby ordered and directed to pay the Office
4 of the Water Master in this case, as its apportioned one-
5 third of the assessments, the sum of ONE HUNDRED SIXTY-
6 THREE THOUSAND DOLLARS (\$163,000.00), the assessment to be
7 paid on or before April 30, 2021.
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9 5. That the "remaining persons or corporations whose
10 rights are adjudicated by this Decree, or their successors
11 in interest", be, and they hereby are, ordered and directed
12 to pay as their apportioned one-third of the assessment,
13 the total sum of ONE HUNDRED SIXTY-THREE THOUSAND DOLLARS
14 (\$163,000.00), payable as more specifically hereinafter set
15 forth.
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17 6. That Washoe County Water Conservation District be,
18 and it hereby is, directed to levy and collect prorata
19 assessments from the remaining persons or corporations
20 whose rights were adjudicated by this Decree and whose
21 lands are within the boundaries of the Washoe County Water
22 Conservation District in the amount of SIXTY-FIVE PERCENT
23 (65%) of their apportioned one-third shares of the total
24 assessments provided for in this Decree, being the sum of
25 ONE HUNDRED FIVE THOUSAND NINE HUNDRED FIFTY DOLLARS
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1 (\$105,950.00); that Washoe County Water Conservation
2 District be, and it hereby is, directed to allocate said
3 sum among its members as aforesaid, according to a schedule
4 of charges based upon acreage, including minimum charges
5 applicable to fractional acreage, which schedule shall be
6 subject to the approval of the Water Master, and that the
7 Washoe County Water Conservation District shall pay the
8 aforesaid sums collected by such District for the Water
9 Master on or before April 30, 2021.
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11 7. That the remaining persons or corporations whose
12 rights were adjudicated by this Decree and whose lands are
13 outside of the boundaries of the Washoe County Water
14 Conservation District be, and hereby are, ordered and
15 directed to pay THIRTY-FIVE PERCENT (35%) of their
16 apportioned one-third share of the total assessments
17 provided for in this Decree, being the sum of FIFTY-SEVEN
18 THOUSAND FIFTY DOLLARS (\$57,050.00); that the Water Master,
19 CHAD BLANCHARD, be, and hereby is, directed to collect such
20 sums as aforesaid according to a schedule of charges, which
21 charges shall be paid to the Water Master on or before
22 April 30, 2021, as follows: The minimum assessment of
23 NINETEEN DOLLARS AND TWENTY CENTS (\$19.20) against those
24 parties owning fifty (50) acre-feet or less; against those
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1 parties owning more than fifty (50) acre-feet, the sum of
2 FORTY CENTS (\$.40) for each acre-foot.

3 8. That the Water Master, CHAD BLANCHARD, be, and
4 hereby is, directed to continue to maintain as part of the
5 Water Master's fund, a separate bank account known as the
6 "Excess Payment Account" heretofore established pursuant to
7 an order of this Court, only as to the assessments
8 collected from the remaining persons or corporations whose
9 lands are outside the boundaries of the Washoe County Water
10 Conservation District, and who are responsible for THIRTY-
11 FIVE PERCENT (35%) of their apportioned one-third share of
12 the total assessments provided for in this Decree.
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15 9. That the Water Master's estimated excess payments
16 account budget for the period from October 1, 2020 to
17 September 30, 2021, submitted by the Water Master as part
18 of his Petition herein, is hereby approved.
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20 10. That the Water Master's report and audit for the
21 fiscal year ending September 30, 2020, filed with the court,
22 is hereby approved as filed.

23 11. That the Water Master is granted authority to
24 continue the additional duties of supplying hydraulic data
25 and assisting in the coordination of the operation of the
26 Prosser Creek and Stampede Reservoirs in the State of
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1 California pursuant to a request therefore made by the
2 Bureau of Reclamation of the United States Department of
3 the Interior, his services in that connection to be
4 compensated for at a sum not to exceed ONE HUNDRED SIXTY-
5 SIX THOUSAND DOLLARS (\$166,000.00) per year; that the
6 Prosser Creek and Stampede Reservoirs' operation budget for
7 the period from October 1, 2020 to September 30, 2021,
8 submitted by the Water Master, is hereby approved.
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10 12. That all monies collected from the Bureau of
11 Reclamation of the United States Department of the Interior
12 pursuant to this Order shall be deposited by the Water
13 Master in a special fund of the Water Master's Office.
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15 13. That the Water Master shall file an annual audit
16 and report for the period ending on September 30, 2021 by a
17 certified public accountant on or before February 15, 2022.
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19 14. That the Budget submitted by the Water Master, as
20 an Exhibit "B" (Special Fund) to his petition, as the
21 necessary expenses to be incurred by the Water Master in
22 administering the provisions of the Final Decree relating
23 to Steamboat or Galena Creek, Washoe Creek or Upper
24 Steamboat Creek, and the Washoe Lake Reservoir from October
25 1, 2020 to September 30, 2021 is hereby approved.
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27 15. That in order to provide a means for the payment
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1 of the additional necessary expenses to be incurred by the
2 Water Master in administering the provisions of the Final
3 Decree relating to Steamboat or Galena Creek, Washoe Creek
4 or Upper Steamboat Creek, and the Washoe Lake Reservoir for
5 the period from October 1, 2020 to September 30, 2021,
6 there are hereby created special assessments in the total
7 sum of TWENTY THOUSAND FIVE HUNDRED DOLLARS (\$20,500.00),
8 more or less, as shown in the Special Assessment Roll on
9 the records of the Water Master, to continue the fund
10 heretofore established on July 27, 1962, by an Order of
11 this Court for special administration.
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14 16. That the water users named in the Special
15 Assessment Roll on the records of the Water Master, be, and
16 they hereby are, ordered and directed to pay the office of
17 the Water Master the sums of money specified as their share
18 of such special assessments in such Special Assessment Roll
19 on or before April 30, 2021.
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21 17. That all monies collected as such Special
22 Assessments, pursuant to this order, shall be deposited by
23 the Water Master in a special fund of the Water Master's
24 office.
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26 18. That the Water Master shall continue to operate
27 the reservoirs of Boca and Lake Tahoe.
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1 19.. That each and all of the various assessments and
2 special assessments above stated and apportioned to the
3 various parties hereto are hereby adjudged to the extent of
4 the various assessments and special assessments to be a
5 charge and obligation taxable and payable as costs in this
6 action, the same as if entered in a judgment or decree, and
7 to be and remain until paid, a first lien against all right
8 title, and interest of the above-named defendants,
9 intervenors, parties or persons, and their predecessors and
10 successors in interest, in the lands, ditches, water and
11 water rights and works owned or claimed by them, or as
12 shown, appearing, mentioned or described in the findings or
13 in the papers in this case.
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16 20. That if any of the sums so assessed, apportioned
17 and allowed remain unpaid ninety (90) days after the date
18 mentioned for the payment thereof, attachments for contempt
19 may issue against the party or parties failing to make any
20 payments so ordered to be made, and execution may issue for
21 the recovery, satisfaction, or obtaining of payment thereof
22 against the parties, intervenors or persons liable for the
23 payment thereof as above allowed, together with a
24 reasonable late payment fee, and against their right, title
25 and interest in the lands, ditches, water and water rights
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1 and works, and other property, whether conveyed after the
2 commencement of this suit or not; and the same may be
3 seized and sold to pay and satisfy such amount so allowed
4 and remaining unpaid, together with costs, and a reasonable
5 late payment fee not less than FIVE DOLLARS (\$5.00), the
6 same as in cases of foreclosure of mortgage and liens, or
7 upon judgment in ordinary actions at law or in equity, and
8 the Water Master is hereby authorized and empowered to shut
9 off the water of any party failing to make any payments
10 assessed against him or her, or his or her water rights, at
11 the time or times at which the same should be made, such
12 water to remain shut off until such time as any such
13 payments shall be made, and the costs of shutting off such
14 water shall be assessed against any such party.

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

24 22. That the operation and administration of the
25 Water Master's Office in administering the provisions of
26 the Final Decree for the period from October 1, 2019 to
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1 September 30, 2020, is hereby approved.

2 23. That the parties in interest must notify the
3 Office of the Water Master when title to a water right is
4 changed, and that the Water Master shall not be required to
5 deliver water to any new owner unless written notice of
6 such change is received by the Water Master's Office.
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8 24. That the Water Master is directed to create a
9 funded account pursuant to existing Personnel and Benefits
10 Policy to cover the cost of continuing health insurance on
11 qualified personnel, upon their retirement, and that the
12 cost shall be included in the Water Master's Budget each
13 year until such time as the earned benefit is exhausted.
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15 25. That the operation and administration of the
16 Truckee River Operating Agreement for the period from
17 October 1, 2019 to September 30, 2020, is hereby approved.
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19 26. That the Clerk of this Court give notice of the
20 required payments to be made by each water user by
21 providing a copy of this Order and the Notice annexed
22 hereto to each of the attorney's appearing of record for
23 the Plaintiff and sundry Defendants in this cause within
24 five (5) days of the entry of this Order; the Water Master
25 is further directed to give such notice to the parties
26 hereto and their successors and assigns by publishing a
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1 copy of the Notice annexed hereto in the Reno Gazette-
2 Journal once a week for two (2) successive weeks.

3 This Order is made subject to such further orders as
4 the Court may deem proper to make hereafter regarding this
5 Order for the compensation or expenses of the Water Master
6 and his assistants or the payment thereof.
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8 DATED this 10th day of February, 2021.

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13 DISTRICT JUDGE
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