

1 ROGER A. BERGMANN
2 State Bar No. 733
3 A Professional Corporation
4 4947 W. Lakeridge Terrace Lane
5 Reno, Nevada 89509
6 Attorney for Chad Blanchard, Water Master

7 UNITED STATES DISTRICT COURT
8 FOR THE DISTRICT OF NEVADA

9 * * * * *

10 THE UNITED STATES OF AMERICA,

11 Plaintiff,

12 vs.

13 IN EQUITY
14 No. D-183 LDG

15 ALPINE LAND & RESERVOIR COMPANY
16 a corporation, et al,

17 Defendant.

18 ORDER APPROVING WATER MASTER'S BUDGET FOR 2012-2013;
19 CREATING AN ASSESSMENT TO REPLENISH THE FUND HERETOFORE
20 ESTABLISHED TO PAY THE EXPENSE OF CONDUCTING
21 THE WATER MASTER'S OFFICE, APPORTIONING THE COSTS
22 THEREOF, PROVIDING THE MANNER AND METHOD OF
23 COLLECTION THEREOF, AND DIRECTING THE DISTRIBUTION
24 OF THE WATERS OF THE CARSON RIVER WHEN NECESSARY

25 BE IT REMEMBERED that the petition of CHAD BLANCHARD, Interim
26 Water Master appointed herein to administer the Final Decree
27 entered on December 18, 1980, asking that an assessment be created
28 to replenish the fund heretofore established to pay the expenses of
conducting the office of the Water Master for the period from
October 1, 2012, to September 30, 2013, and for such other action
as might seem meet and proper in the premises, having been filed
with the Clerk of this Court on December 10, 2012, and proper
notice having been given to all parties of the filing of said
petition, and all parties having the opportunity to enter

1 objections thereto, and no objections having been entered by any
2 party to the said petition and proposed budget and good cause
3 appearing,

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

5 1. That the budget submitted by the Water Master on
6 December 10, 2012, as part of his petition, is hereby approved and
7 the Water Master is hereby authorized and directed to pay to
8 himself as Water Master the salary indicated in said budget, to
9 employ assistants as may be necessary and to pay all necessary
10 expenses incurred in administering the Final Decree issued herein,
11 as provided for in said budget.

12 2. That in order to provide a means for the payment of
13 further expense of conducting the Water Master's office,
14 particularly for the period from October 1, 2012, to September 30,
15 2013, there is hereby created an assessment in the sum of THREE
16 HUNDRED TWENTY THOUSAND DOLLARS (\$320,000.00) to replenish the fund
17 heretofore established.

18 3. That the water users within the Truckee-Carson Irrigation
19 District, by and through the Truckee-Carson Irrigation District,
20 pay to the Water Master one-fifth (1/5) of the said assessment, to
21 wit, the sum of SIXTY-FOUR THOUSAND DOLLARS (\$64,00.00), said
22 payment to be made on or before January 15, 2013.

23 4. That the balance of said assessment be assessed against
24 all of the remaining water users on the Carson River subject to the
25 jurisdiction of this Court, on a prorata bases of FOUR DOLLARS AND
26 10 CENTS (\$4.10) per acre, according to the irrigable acreage
27 possessed by said water users, said payments to be made to the
28

1 Water Master on or before January 15, 2013, it being provided,
2 however, that the minimum charge assessed against any water user
3 shall not be less than FORTY-ONE DOLLARS AND NO CENTS (\$41.00).

4 5. That the Clerk of this Court give notice of the required
5 payments to be made by each water user by mailing a copy of this
6 order and the notice annexed hereto to each attorney appearing of
7 record for the plaintiff and sundry defendants in this cause within
8 five (5) days of the entry of this order; the Water Master is
9 further directed to give such notice to the parties hereto and
10 their successors and assigns by publishing a copy of the notice
11 annexed hereto in the following newspapers: Nevada Appeal, P.O.
12 Box 2288, Carson City, Nevada, 89701; Record-Courier, P.O. Box
13 2288, Carson City, Nevada 89702-2288; Lahontan Valley News, P.O.
14 Box 1297, Fallon, Nevada 89407-1297 and Mason Valley News, P.O. Box
15 841, Yerington, Nevada 89447, once a week for two (2) consecutive
16 weeks.

17 6. That the prorata amounts so assessed against the water
18 users on the Carson River on the basis of the water righted acreage
19 possessed by said water users shall become and be a lien against
20 said water righted lands until paid, and that the Water Master be,
21 and hereby is, directed to enforce the collection of said
22 assessments in the manner provided by law, and is further ordered
23 to cut off water deliveries from any water user who is in default
24 in any said required payments.

25 7. That said Interim Water Master, CHAD BLANCHARD, be and
26 hereby is, directed to make a report and submit an audit by a
27 certified public accountant of his books, records, and accounts
28

1 annually on or before the 15th day of January 2014.

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

8 9. That the Water Master's report and audit for the fiscal
9 year ending September 30, 2012, shall be filed by January 15, 2013.

10 10. That the operation and administration of the Water
11 Master's office in administering the provisions of the Final Decree
12 for the period from October 1, 2011, to September 30, 2012 is
13 hereby approved.

14 11. That the Water Master begin the distribution of the
15 waters of the Carson River under said Final Decree on such date as
16 the Water Master determines that the distribution of said water
17 under his authority is necessary.

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

24 DATED this 14 day of FEBRUARY 2012

25
26
27
28


DISTRICT JUDGE