

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,
Plaintiff,

SPOKANE TRIBE OF INDIANS,

Plaintiff/Intervenor,

v.

BARBARA J. ANDERSON, et al.,

Defendants.

NO. 2:72-cv-03643-SAB

**[PROPOSED] ORDER DIRECTING THE UNITED STATES TO MAIL
NOTICE OF ENTRY OF THE SHOW CAUSE ORDER REGARDING
WATER RIGHTS AND WATER RIGHTS ADMINISTRATION CHANGES
TO PRIOR COURT ORDERS**

THIS MATTER came before the Court on the joint motion of the Spokane Tribe, the State of Washington, Department of Ecology, and the United States of America (collectively, the “Government Parties”), to provide notice of the commencement of show cause proceedings to review and potentially approve several changes to prior orders in this case regarding water rights and water rights management. In a related order in this case, entered contemporaneously herewith, the Court approved the Government Parties’ request that a Show Cause Order be

issued that specifies the precise changes to prior court orders in this case that are being requested. *See* Order to Show Cause Why Five Amendments to Prior Orders Should Not Be Entered (Show Cause Order).

In the instant motion, on the scope of notice to be provided of these special proceedings, the Government Parties are requesting approval to mail the proposed Notice for Show Cause Order: Notice Regarding Domestic and Stock Watering from Wells in the Chamokane Creek Basin and *United States v. Anderson* (Notice) of these proceedings to all landowners in the Chamokane Creek Basin. The Show Cause Order will be attached to the Notice. The Government Parties have described a reasonable process that they will employ to determine the most current and complete list of Chamokane Basin landowners and their addresses, as of the time of service.

The Court agrees that if an individual or business owns multiple parcels within the Chamokane Basin, the Government Parties only need to provide that person or business with one copy of the Notice, rather than one notice for each parcel. The Government Parties will further accomplish notice to affected water users and landowners within the Chamokane Creek Basin by publishing notice in the Spokesman-Review and The Independent, which are newspapers of general or partial circulation within the basin, by various electronic means of publication, and by holding public meetings on the Show Cause Order.

The Court has reviewed the Government Parties' motion and supporting documents, including the proposed Notice, and finds their plan to provide the specified information regarding the proposed changes to the identified group of people is correct, appropriate, and sufficient to comport with constitutional due process requirements.

Therefore, in accordance with the Court's _____, 2019, Order to Show Cause Why Five Amendments to Prior Orders Should Not Be Entered, it is hereby ORDERED that:

1. Not later than _____, 2019 [a date that is 35 days after issuance of the order to allow for final preparation of a service list and to allow for the copying and mailing of hundreds of envelopes], the United States Department of Justice ("DOJ") shall send by first class mail a copy of the attached Notice, to all the water users and landowners in the Chamokane Creek Basin.
2. The DOJ shall prepare and file with the Court a certificate of mailing certifying that a copy of the Notice was placed in the United States Mail, postage prepaid, and addressed to each person in the manner set forth above.
3. The DOJ shall publish a similar, but modified, Notice (better suited for publication purposes), in the following newspapers of general or partial circulation within the Chamokane Creek Basin and Stevens County, Washington

once each week for three consecutive weeks: the Spokesman-Review and The Independent.

4. Upon completion of the publication of notice in the newspapers identified in paragraph 3, the DOJ shall file with the Court proof of publication.

IT IS SO ORDERED.

DATED this _____ day of _____, 2019.

Stanley A. Bastien
United States District Judge