

FILED

UNITED STATES COURT OF APPEALS

SEP 11 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA, in its
own right and on behalf of the Lummi
Nation,

Plaintiff - Appellee,

THE LUMMI NATION, in its own right,

Intervenor - Plaintiff -
Appellee,

and

ECOLOGY DEPARTMENT OF THE
STATE OF WASHINGTON,

Defendant - Appellee,

A. B. COGHILL; HUMBERTO DEL
CASTILLO; BARBARA DEMOREST;
DOROTHY DRUMHELLER; WALTER
EDSON; PAUL ENFIELD; MARY
ENFIELD; BERNARD FERNANDEZ;
LESLI M. HIGGINSON; EVA
GUTIERREZ; ROBERT F. GUTIERREZ;
KENNY HANDY; SUZANNE
HOFFMAN; ROBERT KANDIKO;
JOANNE J. KOTJAN; JAMES E.
LESAGE; JUSTIN MCCARTNEY;
LARRY R. OLSEN; STEVEN AXTELL;
BEL BAY WATER ASSOCIATION;
GERALD R. BOYD; JACK BROOKS;
LOIS BROOKS; MYRON CARR;
MARILYN CARR; ALBERT COGHILL;

No. 07-36057

D.C. No. CV-01-00047-TSZ
Western District of Washington,
Seattle

ORDER

TROY CURRAN; ESPERANZA MORENO; ROBERT EARL; NANCY E. JACKSON; MADSEN REV TRUST EVERETT L & SHIRLEY D; EDNA MORSE; NIELSEN BROTHERS INC.; BRIAN N.M. OLIVER, SUNSET WATER ASSOCIATION; LUELLE M. OLSEN; JANET C. OTT; MICHAEL L. RING; RICHARD E. SCHMIDT; WILLIAM C. SCHNOBRICH; SALLY R. SCHNOBRICH; CECIL C. SHIELDS; DOUGLAS B. SMITH; LINDA P. SMITH; LINNEA G. SMITH; WILLIAM D. SMITH; JAMES K. TEMPLE; LEANA G. TRACY; MARTRECK TRACKER; KEVIN VERMILLION; MARY VERMILLION; MARK WEILAGE; KATHRYN WEILAGE; MARTHA J. WITT; BRIAN WRIGHT; JENNIFER WRIGHT, HARNDEN ISLAND VIEW WATER ASSOCIATION; GEORGIA MANOR WATER ASSOCIATION,

Defendants - Appellees,

v.

MARLENE DAWSON, KENNETH G. DAWSON; DAVID A. WILLIAMS; GAIL WHITNEY; MILDRED KAY CLARK; JEFFREY J. CLARK; WES WHITNEY; LINDA JOLLY; DEBRA SOFIE; RICHARD DAWSON,

Defendants - Appellants.

Before: SKOPIL, LEAVY and T.G. NELSON, Circuit Judges.

The full court has been advised of the petition for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Rule 35, Federal Rules of Appellate Procedure.

Petition for Rehearing En Banc **DENIED.**