

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
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5
6 The Consolidated Delta Smelt Cases
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1:09-CV-00407 OWW DLB
1:09-cv-00480-OWW-GSA
1:09-cv-00422-OWW-GSA
1:09-cv-00631-OWW-DLB
1:09-cv-00892-OWW-DLB

8 PRELIMINARY INJUNCTION
9 AGAINST FULL IMPLEMENTATION
10 OF RPA COMPONENT 3 (ACTION
11 4)

12 Plaintiffs State Water Contractors ("SWC"), Metropolitan Water
13 District of Southern California ("MWD" or "Metropolitan"), Kern
14 County Water Agency ("KCWA") and Coalition for a Sustainable Delta
15 ("Coalition"), San Luis & Delta Mendota Water Authority (the
16 "Authority") and Westlands Water District ("Westlands") (collectively
17 "Plaintiffs"), sought injunctive relief prohibiting the
18 implementation of Reasonable and Prudent Alternative ("RPA")
19 Component 3, Action 4 (the "Fall X2 Action") as set forth in United
20 States Fish and Wildlife Service's ("FWS") December 15, 2008,
21 biological opinion ("BiOp"), addressing impacts of the Coordinated
22 Operations of the federal Central Valley Project ("CVP") and State
23 Water Project ("SWP") on the threatened delta smelt. Doc. 900. The
24 California Department of Water Resources ("DWR") joined Plaintiffs'
25 motion. Federal Defendants and Defendant Intervenors opposed.

26 An evidentiary hearing was held on the motion July 26, 27, 28,
27 and 29, 2011. Witnesses were called, sworn, and testified and
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1 exhibits received into evidence. The parties were represented by
2 counsel, as identified on the record.

3 For all the reasons set forth in the Findings of Fact and
4 Conclusions of Law filed August 31, 2011, Doc. 1013, the Federal
5 Defendants and those acting for, under or in concert with them are
6 ENJOINED from and shall not implement the 74 km X2 target. No Fall
7 X2 Action in the 2011 water year shall be implemented setting the X2
8 Target downstream or west of 79 km. All other requirements of the
9 Fall X2 Action, including the timing of the Action, and the
10 measurement and evaluation of its effect, shall remain unchanged.
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12 Plaintiffs shall post a bond in the sum of \$25,000.00 as
13 required by law.

14 IT IS SO ORDERED.

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17 DATED: September 2, 2011.

18
19 /s/ Oliver W. Wanger
20 Oliver W. Wanger
21 UNITED STATES DISTRICT JUDGE
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