

COUNSEL IDENTIFICATION ON FINAL PAGE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CONSOLIDATED SALMON CASES

SAN LUIS & DELTA-MENDOTA WATER AUTHORITY, *et al.* v. LOCKE, *et al.*

STOCKTON EAST WATER DISTRICT v. NOAA, *et al.*

STATE WATER CONTRACTORS v. LOCKE, *et al.*

KERN COUNTY WATER AGENCY, *et al.* v. U.S. DEPARTMENT OF COMMERCE, *et al.*

OAKDALE IRRIGATION DISTRICT, *et al.* v. U.S. DEPARTMENT OF COMMERCE, *et al.*

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA v. NATIONAL MARINE FISHERIES SERVICE, *et al.*

**LEAD CASE NO:
1:09-cv-1053-OWW-DLB**

Consolidated With:
1:09-CV-1090-OWW-DLB
1:09-CV-1378-OWW-DLB
1:09-CV-1520-OWW-SMS
1:09-CV-1580-OWW-DLB
1:09-CV-1625-OWW-SMS

PLAINTIFFS' KERN COUNTY WATER AGENCY, COALITION FOR A SUSTAINABLE DELTA, METROPOLITAN WATER DISTRICT, AND STATE WATER CONTRACTORS RESPONSE TO THE COURT'S MARCH 28, 2011 MINUTE ORDER (DOC. 618)

Judge: Hon. Oliver W. Wanger

1 In light of Federal Defendants' Notice to the Court of Allocation Increase (Doc. 617), which
2 states, *inter alia*, that "Reclamation expects ... that *exports will not be constrained by National Marine*
3 *Fisheries Service's Reasonable and Prudent Alternative Action IV.2.1 during April or May,*"
4 Plaintiffs Kern County Water Agency, Coalition for a Sustainable Delta, Metropolitan Water District,
5 and State Water Contractors (collectively, "State Contractors") agree that their pending requests for a
6 temporary restraining order ("TRO") and preliminary injunction to enjoin implementation of Reasonable
7 and Prudent Alternative ("RPA") Action IV.2.1 are moot at present. State Contractors reserve the right
8 to seek a TRO and/or preliminary injunction in the event that Action IV.2.1 constrains State Water
9 Project operations in the future. Projections of San Joaquin river flows at Vernalis developed for the
10 Vernalis Adaptive Management Plan on behalf of the San Joaquin River Group Authority estimate that
11 San Joaquin river flows will fall below 21,750 cubic feet per second (cfs) by April 24, 2011. (*See* Ex. 1
12 to Declaration of Paul S. Weiland (filed herewith).) If San Joaquin river flows fall below 21,750 cfs,
13 then State Contractors anticipate that Action IV.2.1 will constrain State Water Project operations.
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15 Dated: March 29, 2011

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