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IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

FIREBAUGH CANAL WATER DISTRICT and
 CENTRAL CALIFORNIA IRRIGATION DISTRICT,
 Plaintiffs,
 v.
 UNITED STATES OF AMERICA, *et al.*,
 Defendants, and
 WESTLANDS WATER DISTRICT,
 Defendant-in-Intervention.

CV-F-88-634-OWW/DLB
CV-F-91-048-OWW/DLB
(Partially Consolidated)

**ORDER
FOLLOWING
SCHEDULING
CONFERENCE**

1 SUMNER PECK RANCH, INC., *et al.*,
2 Plaintiffs,
3 v.
4 BUREAU OF RECLAMATION, *et al.*,
5 Defendants.
6

7 A scheduling conference in these cases was held on November 4, 2009, on the October
8 23, 2009 Report to the Court by the Federal Defendants and the Parties' responses thereto, and a
9 further scheduling conference was held on November 19, 2009. Having considered the Parties'
10 Supplemental Status Report (Doc. #752), the Further Status Conference Report by Plaintiffs
11 Firebaugh Canal Water District and Central California Irrigation District (Doc. # 751), and the
12 arguments of counsel, the Court ORDERS as follows:

13 1. Plaintiffs' request for the initiation of enforcement proceedings is DENIED
14 without prejudice; expressly conditioned on the following;

15 2. Federal Defendants, through the Bureau of Reclamation, shall perform their
16 undertakings to the Court, as presented in Part I of the Parties' Supplemental Status Report (Doc.
17 752) including the Control Schedule attached thereto, as the Bureau of Reclamation has proposed
18 to perform them. Nothing in this Order precludes the Federal Defendants from discussing with
19 other Parties alternative means or locations of providing drainage service within the San Luis
20 Unit. Any modifications based on such discussions shall be separately identified in the status
21 reports filed with this Court; and

22 3. The Court will hear cross-motions for summary judgment on the Plaintiffs' Fifth
23 and Sixth Claims for Relief in their Fifth Amended Complaint, as construed by the Court in its
24 prior decisions, and including but not limited to any issues on whether the Plaintiffs as non-San
25 Luis Unit members have enforcement rights, on the following schedule:

26 a. Federal Defendants shall lodge with the Court and serve on the other
27 Parties the Bureau of Reclamation's administrative record on or before April 1, 2010;

28 b. Any motions concerning the sufficiency of the administrative record shall

1 be filed on or before May 3, 2010;

2 c. Plaintiffs shall file and serve their motion for summary judgment on or
3 before May 31, 2010, or in the alternative within 30 days following resolution of any dispute
4 regarding the sufficiency of the administrative record, whichever is later;

5 d. All cross-motions for summary judgment and any oppositions to
6 Plaintiffs' motion shall be filed and served on or before July 15, 2010;

7 e. Plaintiffs' opposition/reply shall be filed on or before August 15, 2010;

8 f. All replies in support of cross-motions shall be filed on or before
9 September 15, 2010; and

10 g. The Court will hear oral argument on cross-motions for summary
11 judgment on October 18, 2010, at 10:00 a.m. The Parties request extended time for oral
12 argument.

13 4. In the Supplemental Status Report filed by the Parties on November 18, 2009
14 (Doc. # 752), the Environmental Intervenors expressly reserved their rights relative to the 2007
15 Record of Decision and nothing in this Order diminishes or waives that reservation of rights.

16 IT IS SO ORDERED.

17
18 Dated: December 7, 2009

/s/ OLIVER W. WANGER
OLIVER W. WANGER
SENIOR UNITED STATES DISTRICT JUDGE