

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**FIREBAUGH CANAL WATER  
DISTRICT, et al.,**  
  
**Plaintiffs,**  
  
**v.**  
  
**UNITED STATES OF AMERICA, et  
al.,**  
  
**Defendants.**

**1:88-cv-0634-OWW**  
  
**ORDER RE: CROSS-MOTIONS FOR  
SUMMARY JUDGMENT (DOCS. 819,  
837, 892)**

**ORDER**

For the reasons stated in the memorandum decision, IT IS  
ORDERED:

- 1) Plaintiffs' motion for summary judgment is DENIED, without prejudice to a renewed claim based on future circumstances;
- 2) Federal Defendants' cross-motion for summary judgment on Plaintiffs' section 706(2) claim is GRANTED. Federal Defendants' cross-motion for summary judgment on Plaintiffs' section 706(1) claim is GRANTED, without prejudice to a renewed claim based on future circumstances.
- 3) District Defendants' motion for summary judgment on Plaintiffs' 706(2) claim is GRANTED; District Defendants' motion for summary judgment on Plaintiffs' 706(1) claim is

1 GRANTED, without prejudice to a renewed claim based on future  
2 circumstances.

3 IT IS SO ORDERED.

4 **Dated:** September 30, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28