

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
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5
6 THE CONSOLIDATE DELTA SMELT CASES
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1:09-CV-407 OWW DLB
1:09-CV-480 OWW GSA
1:09-CV-422 OWW GSA
1:09-CV-631 OWW DLB
1:09-CV-892 OWW DLB

8 AMENDED ORDER RE:
9 PRELIMINARY INJUNCTION
10 AGAINST FULL IMPLEMENTATION
OF RPA COMPONENT 3 (ACTION 4)

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

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

25 For all the reasons set forth in the Findings of Fact and Conclusions of Law filed August
26 31, 2011, Doc. 1013, the Federal Defendants and those acting for, under or in concert with them
27 are ENJOINED from and shall not implement the 74 km X2 target through December 31, 2011.
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1 No Fall X2 Action in the 2011 calendar year shall be implemented setting the X2 Target
2 downstream or west of 79 km. All other requirements of the Fall X2 Action, including the timing
3 of the Action, and the measurement and evaluation of its effect, shall remain unchanged.

4 Plaintiffs shall post a bond in the sum of \$25,000.00 as required by law.

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6 IT IS SO ORDERED.

7 Dated: September 13, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE