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5 Attorneys for Defendants
 6 San Luis & Delta-Mendota Water Authority;
 Westlands Water District; Tom Birmingham;
 7 Jason Peltier; Dan Nelson; and Ara Azhderian

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 11 **UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**
 13 **FRESNO DIVISION**

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 15 **CENTRAL DELTA WATER AGENCY and**
SOUTH DELTA WATER AGENCY,

16 **Plaintiffs,**

17 **vs.**

18 **UNITED STATES FISH & WILDLIFE**
 19 **SERVICE; ROWAN GOULD; KEN**
MCDERMOND; LORI RINEK; REN
 20 **LOHOEFENER; DAN CASTLEBERRY;**
 21 **NATIONAL MARINE FISHERIES SERVICE;**
JAMES W. BALSIGER; RUSS STRACH; TED
 22 **MEYERS, UNITED STATES BUREAU OF**
RECLAMATION; J. WILLIAM MCDONALD;
 23 **MIKE CHOTKOWSKI; DON GLASER;**
 24 **FEDERICO BARAJAS; UNITED STATES**
ARMY CORPS OF ENGINEERS; ROBERT L.
 25 **VAN ANTWERP; PAUL ROBERSHOTTE;**
 26 **CALIFORNIA NATURAL RESOURCES**
AGENCY; MIKE CHRISMAN; KAREN
 27 **SCARBOROUGH; CALIFORNIA**
DEPARTMENT OF WATER RESOURCES;
 28 **LESTER A. SNOW; DELORES BROWN;**

Case No.: 1:09-cv-861 OWW DLB

STIPULATION AND ORDER TO
CONTINUE MANDATORY
SCHEDULING CONFERENCE

Mandatory Scheduling Conference:

Date: July 30, 2009

Time: 8:15 a.m.

Place: Courtroom 3

Judge: Hon. Oliver W. Wanger

1 BARBARA MCDONNELL; JERRY JOHNS;
2 CALIFORNIA BAY DELTA AUTHORITY;
3 JOE GRINDSTAFF; KEITH COOLIDGE;
4 STATE WATER RESOURCES CONTROL
5 BOARD; TOM HOWARD; CALIFORNIA
6 DEPARTMENT OF FISH & GAME; DON
7 KOCH; JOHN MCCAMMAN;
8 METROPOLITAN WATER DISTRICT OF
9 SOUTHERN CALIFORNIA; ROGER
10 PATTERSON; RANDALL NEUDECK; KERN
11 COUNTY WATER AGENCY; BRENT
12 WALTHALL; TOM CLARK; SANTA CLARA
13 VALLEY WATER DISTRICT; GREG
14 ZLOTNICK; CINDY KAO; WESTLANDS
15 WATER DISTRICT; TOM BIRMINGHAM;
16 JASON PELTIER; ZONE 7 WATER
17 AGENCY; JILL DUERIG; KURT ARENDS;
18 SAN LUIS & DELTA MENDOTA WATER
19 AUTHORITY; DAN NELSON; ARA
20 AZHDERIAN; CONTRA COSTA WATER
21 DISTRICT; GREG GARTRELL; FRIANT
22 WATER AUTHORITY; RON JACOBSMA;
23 STEVE OTTEMOELLER; NORTH DELTA
24 WATER AGENCY; MELINDA TERRY;
25 MIRANT DELTA LLC; THE NATURE
26 CONSERVANCY; ENVIRONMENTAL
27 DEFENSE, INCORPORATED; DEFENDERS
28 OF WILDLIFE; CALIFORNIA FARM
BUREAU FEDERATION; AMERICAN
RIVERS; NATURAL HERITAGE
INSTITUTE; THE BAY INSTITUTE; BAY
DELTA CONSERVATION PLAN STEERING
COMMITTEE, and DOES 1 THROUGH 200,
Inclusive.

Defendants.

22 This Stipulation and Order to Continue the Scheduling Conference (Stipulation) is entered into
23 by and between Plaintiffs CENTRAL DELTA WATER AGENCY and SOUTH DELTA
24 WATER AGENCY; and Defendants UNITED STATES FISH & WILDLIFE SERVICE;
25 ROWAN GOULD; KEN MCDERMOND; LORI RINEK; REN LOHOEFENER; DAN
26 CASTLEBERRY; NATIONAL MARINE FISHERIES SERVICE; JAMES W. BALSIGER;
27 RUSS STRACH; TED MEYERS, UNITED STATES BUREAU OF RECLAMATION; J.

1 WILLIAM MCDONALD; MIKE CHOTKOWSKI; DON GLASER; FEDERICO BARAJAS;
2 UNITED STATES ARMY CORPS OF ENGINEERS; ROBERT L. VAN ANTWERP; PAUL
3 ROBERSHOTTE; CALIFORNIA NATURAL RESOURCES AGENCY; MIKE CHRISMAN;
4 KAREN SCARBOROUGH; CALIFORNIA DEPARTMENT OF WATER RESOURCES;
5 LESTER A. SNOW; DELORES BROWN; BARBARA MCDONNELL; JERRY JOHNS;
6 CALIFORNIA BAY DELTA AUTHORITY; JOE GRINDSTAFF; KEITH COOLIDGE;
7 STATE WATER RESOURCES CONTROL BOARD; TOM HOWARD; CALIFORNIA
8 DEPARTMENT OF FISH & GAME; DON KOCH; JOHN MCCAMMAN; METROPOLITAN
9 WATER DISTRICT OF SOUTHERN CALIFORNIA; ROGER PATTERSON; RANDALL
10 NEUDECK; KERN COUNTY WATER AGENCY; BRENT WALTHALL; TOM CLARK;
11 SANTA CLARA VALLEY WATER DISTRICT; GREG ZLOTNICK; CINDY KAO;
12 WESTLANDS WATER DISTRICT; TOM BIRMINGHAM; JASON PELTIER; ZONE 7
13 WATER AGENCY; JILL DUERIG; KURT ARENDS; SAN LUIS & DELTA MENDOTA
14 WATER AUTHORITY; DAN NELSON; ARA AZHDERIAN; CONTRA COSTA WATER
15 DISTRICT; FRIANT WATER AUTHORITY; RON JACOBSMA; STEVE OTTEMOELLER;
16 NORTH DELTA WATER AGENCY; MELINDA TERRY; MIRANT DELTA LLC; THE
17 NATURE CONSERVANCY; ENVIRONMENTAL DEFENSE, INCORPORATED;
18 DEFENDERS OF WILDLIFE; CALIFORNIA FARM BUREAU FEDERATION; AMERICAN
19 RIVERS; NATURAL HERITAGE INSTITUTE; and THE BAY INSTITUTE (collectively, the
20 “Parties”). The parties to this Stipulation hereby stipulate, by and through their respective
21 counsel, as follows:

22 WHEREAS, on or about April 13, 2009, plaintiffs Central Water Agency and South
23 Delta Water Agency filed their complaint in this action for declaratory relief, injunctive relief,
24 and mandamus.

25 WHEREAS, on June 22, 2009, defendants filed motions to dismiss, which motions
26 currently are set to be heard on September 28, 2009.

27 WHEREAS, the Scheduling Conference in this matter has been set for **July 30, 2009**.

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1 WHEREAS, to promote judicial efficiency and economy, the Parties respectfully request,
2 and have so stipulated, to continue the Scheduling Conference, including the mandatory pre-
3 conference meet and confer and Joint Scheduling Report, to a date convenient for the Court after
4 the hearing on the motions to dismiss.

5 THEREFORE, it is hereby stipulated that:

6 The Scheduling Conference presently scheduled for July 30, 2009, including the
7 deadlines to meet and confer and file the Joint Scheduling Report, be continued to a date
8 convenient for the Court after the hearing on the defendants' motions to dismiss.

9 Dated: June 29, 2009

ABBOTT & KINDERMANN

10 By: /s/ [Glen C. Hansen] (as authorized on 6/29/09)

DIANE KINDERMANN HENDERSON

GLEN C. HANSEN

11 Attorneys for Plaintiffs CENTRAL DELTA WATER
12 AGENCY and SOUTH DELTA WATER AGENCY

13
14 Dated: June 29, 2009

EDMUND G. BROWN, JR.
ATTORNEY GENERAL OF CALIFORNIA

15
16 By: /s/ [Randy L. Barrow] (as authorized on 6/29/09)

RANDY L. BARROW

Deputy Attorney General

17 Attorneys for Defendants
18 CALIFORNIA NATURAL RESOURCES AGENCY,
19 MIKE CHRISMAN, KAREN SCARBOROUGH,
20 CALIFORNIA DEPARTMENT OF WATER
21 RESOURCES, LESTER SNOW, DELORES BROWN,
22 BARBARA McDONNELL, JERRY JOHNS,
23 CALIFORNIA BAY DELTA AUTHORITY, JOE
24 GRINDSTAFF, KEITH COOLIDGE, STATE WATER
25 RESOURCES CONTROL BOARD, TOM HOWARD,
26 CALIFORNIA DEPARTMENT OF FISH AND GAME,
27 DON KOCH, and JOHN McCAMMAN

28 Dated: June 29, 2009

JOHN C. CRUDEN
Acting Assistant Attorney General

By: /s/ [Charles R. Shockey] (as authorized on 6/29/09)

CHARLES R. SHOCKEY

Attorney for Federal Defendants

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Dated: June 22, 2009

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

By: /s/ [Adam C. Lear] (as authorized on 6/29/09)
ADAM C. LEAR

Attorneys for Defendants
THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA, ROGER PATTERSON,
and RANDALL NEUDECK

Dated: June 29, 2009

NOSSAMAN LLP

By: /s/ [Paul S. Weiland] (as authorized on 6/29/09)
PAUL S. WEILAND

Attorneys for Defendant
KERN COUNTY WATER AGENCY BRENT
WALTHALL, and TOM CLARK

Dated: June 29, 2009

DIEPENBROCK HARRISON
A Professional Corporation

By: /s/ [Eileen M. Diepenbrock]
EILEEN M. DIEPENBROCK

Attorneys for Defendants
SAN LUIS & DELTA-MENDOTA WATER
AUTHORITY; WESTLANDS WATER DISTRICT;
TOM BIRMINGHAM; JASON PELTIER;
DAN NELSON; and ARA AZHDERIAN

Dated: June 22, 2009

COX, CASTLE & NICHOLSON, LLP

By: /s/ [Andrew Sabey] (as authorized on 6/29/09)
ANDREW SABEY

Attorneys for Defendants
ZONE 7 WATER AGENCY, JILL DUERIG, AND KURT
ARENDS

Dated: June 29, 2009

SANTA CLARA VALLEY WATER DISTRICT

By: /s/ [Emily J. Cote] (as authorized on 6/29/09)
EMILY J. COTE

Attorneys for Defendants
SANTA CLARA VALLEY WATER DISTRICT,
GREG ZLOTNICK, and CINDY KAO

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///

1 Dated: June 29, 2009

CALIFORNIA FARM BUREAU FEDERATION

2

By: /s/ [Kari E. Fisher] (as authorized on 6/29/09)
KARI E. FISHER

3

Attorney for Defendant
CALIFORNIA FARM BUREAU FEDERATION

4

5 Dated: June 29, 2009

RUDELLE, COCHRAN, STANTON, SMITH,
BIXLER & WISEHART, LLP

6

By: /s/ [Daniel Zachary Smith] (as authorized on 6/29/09)
DANIEL ZACHARY SMITH

7

Attorneys for Defendants
FRIANT WATER AUTHORITY, RON JACOBSMA and
STEVE OTTEMOELLER

8

9

10 Dated: June 29, 2009

DOWNEY BRAND LLP

11

By: /s/ [Kevin M. O'Brien] (as authorized on 6/29/09)
KEVIN M. O'BRIEN

12

Attorneys for Defendants
NORTH DELTA WATER AGENCY and
MELINDA TERRY

13

14

15 Dated: June 29, 2009

SONNENSCHNEIN NATH & ROSENTHAL LLP

16

By: /s/ [Sarah Ratcliffe Choi] (as authorized on 6/29/09)
SARAH RATCLIFF CHOI

17

Attorneys for Defendants
DEFENDERS OF WILDLIFE, THE NATURE
CONSERVANCY, ENVIRONMENTAL DEFENSE
FUND, AMERICAN RIVERS, THE BAY INSTITUTE
OF SAN FRANCISCO, and NATURAL HERITAGE
INSTITUTE

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21 Dated: June 29, 2009

HOLLAND & KNIGHT LLP

22

By: /s/ [Peter Landreth] (as authorized on 6/29/09)
PETER LANDRETH

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Attorneys for Defendant
MIRANT DELTA, LLC

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ORDER

Based upon the foregoing Stipulation and good cause appearing therefore:

IT IS SO ORDERED. The Scheduling Conference is hereby continued to November 5, 2009, at 8:15 in department 3. The last day to meet and confer is continued to October 29, 2009, and the Joint Scheduling Report is due October 30, 2009.

Dated: July 1, 2009

/s/ OLIVER W. WANGER
Honorable Oliver W. Wanger
United States District Court Judge