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 9 *California Department of Water Resources (DWR)*
 and Lester Snow, Director of DWR

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

13 **SAN LUIS & DELTA-MENDOTA WATER**
 14 **AUTHORITY; WESTLANDS WATER**
 15 **DISTRICT v. GARY F. LOCKE, as**
Secretary of the United States Department
 16 **of Commerce; et al.**

1:09-cv-1053 OWW-DLB
 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

17 **STOCKTON EAST WATER DISTRICT, et**
 18 **al. v. NATIONAL OCEANIC AND**
ATMOSPHERIC ADMINISTRATION, et
 19 **al.**

STIPULATION AND ORDER TO EXTEND
 TIME TO FILE RESPONSIVE PLEADING

20 **STATE WATER CONTRACTORS v.**
GARY F. LOCKE, Secretary, etc., et al.

Judge: Honorable Oliver W. Wanger

21 **KERN COUNTY WATER AGENCY, et al.**
 22 **v. UNITED STATES DEPARTMENT OF**
COMMERCE, et al.

23 **OAKDALE IRRIGATION DISTRICT, et**
 24 **al. v. UNITED STATES DEPARTMENT**
OF COMMERCE, et al.

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

1 This Stipulation and Order to Extend Time to File Responsive Pleading is entered into by
2 and between plaintiff State Water Contractors (SWC) and State Real Parties in Interest California
3 Department of Water Resources (DWR) and DWR's Director, Lester Snow (collectively, DWR).

4 The parties to this Stipulation hereby stipulate, by and through their respective counsel, as
5 follows:

6 WHEREAS, on or about December 10, 2009, SWC filed and served an Amended
7 Complaint for Declaratory and Injunctive Relief (the Amended Complaint);

8 WHEREAS, the Amended Complaint contains no new allegations relating to DWR as
9 compared to SWC's original Complaint for Declaratory and Injunctive Relief, filed on or about
10 August 6, 2009. DWR responded to the original SWC Complaint by Answer filed and served on
11 September 16, 2009;

12 WHEREAS, in response to this Court's comments in the Delta Smelt Cases pending in this
13 Court, DWR is in the process of obtaining approval to file a complaint in intervention, which
14 DWR intends to file by the end of January 2010. It is DWR's position that a response to the
15 Amended Complaint will be unnecessary once DWR files a complaint in intervention; and

16 WHEREAS, for protective purposes, the parties to this Stipulation would like to extend
17 DWR's time to file a response to the Amended Complaint to February 5, 2010, by which time a
18 complaint in intervention should be filed.

19 THEREFORE, it is hereby stipulated that:

20 In consideration of DWR's intent to file a complaint in intervention, DWR's time to file a
21 responsive pleading to the Amended Complaint shall be extended so that DWR's responsive
22 pleadings, if any, may be filed and served by no later than February 5, 2010.

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1 This Stipulation may be executed by facsimile or electronic signature and in counterparts,
2 all of which, taken together, shall constitute a single stipulation.

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4 Dated: December 23, 2009

EDMUND G. BROWN JR.
ATTORNEY GENERAL OF THE STATE OF
CALIFORNIA

5
6 /s/DANIEL S. HARRIS

7 DANIEL S. HARRIS
8 Deputy Attorney General
9 *Attorneys for Real Parties in Interest*
California Department of Water Resources
and Lester Snow

10 Dated: December 23, 2009

BEST, BEST & KREIGER LLP

11 /s/GREGORY K. WILKINSON

12 GREGORY K. WILKINSON
13 *Attorneys for Plaintiff State Water Contractors*

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17 **ORDER**

18 Based upon the foregoing Stipulation and good cause appearing therefor,

19 **IT IS SO ORDERED** that in consideration of DWR's intent to file a complaint in
20 intervention, DWR's time to file a responsive pleading to the Amended Complaint shall be
21 extended so that DWR's responsive pleadings, if any, may be filed and served by no later than
22 February 5, 2010.

23 Dated: December 23, 2009

24 /s/ OLIVER W. WANGER
United States Senior District Court Judge