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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

| CONSOLIDATED SALMON CASES  |
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| SAN LUIS & DELTA-MENDOTA WATER AUTHORITY, et al. v. GARY F. LOCKE, et al. (Case No. 1:09-cv-1053)  |
| STOCKTON EAST WATER DISTRICT v. NOAA, et al. (Case No. 1:09-cv-1090)                               |
| STATE WATER CONTRACTORS v. GARY F. LOCKE, et al. (Case No. 1:09-cv-1378)                           |
| KERN COUNTY WATER AGENCY, et al. v. U.S. DEPARTMENT OF COMMERCE, et al. (Case No. 1:09-cv-1520)    |
| OAKDALE IRRIGATION DISTRICT, et al. v. U.S. DEPARTMENT OF COMMERCE, et al. (Case No. 1:09-cv-2452) |
| METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA v. NMFS, et al. (Case No. 1:09-cv-1625)         |

CASE NOS.  
1:09-cv-1053-OWW-DLB  
1:09-cv-1090-OWW-DLB  
1:09-cv-1378-OWW-DLB  
1:09-cv-1520-OWW-DLB  
1:09-cv-2452-OWW-DLB  
1:09-cv-1625-OWW-SMS

**ORDER GRANTING PRELIMINARY INJUNCTION**

The matter of a preliminary injunction seeking to enjoin the implementation of Reasonable and Prudent Alternative (“RPA”) Action IV.2.1 and the calendar-based trigger of Action IV.2.3 set forth in the National Marine Fisheries Service’s (“NMFS”) June 4, 2009 Biological Opinion (“2009 Salmonid BiOp”) came on for hearing on March 30 and 31, April 1, 2, and 6, and May 19 and 25, 2010. All parties were represented by counsel, as stated on the record. The Court has fully considered the briefs and evidence submitted in support of and in opposition

1 to the Motion for Preliminary Injunction and the oral arguments, testimony and documents  
2 admitted in evidence. On May 18, 2010, the Court issued its Findings of Fact and Conclusions of  
3 Law re: Plaintiffs' Request for Preliminary Injunction. (Doc. 347.) Accordingly, the Court now  
4 enters the following order:

5 IT IS HEREBY ORDERED that the Motions for Preliminary Injunction are hereby  
6 GRANTED, and the Court hereby restrains and enjoins Federal Defendants, and their officers,  
7 agents, servants and employees, and any other parties, persons or entities who are in active  
8 concert or participation with them, as follows:

9 1. Federal Defendants, their agents, or those acting for them, are ENJOINED for the  
10 period May 26, 2010 to May 31, 2010 from implementing the restriction on exports described in  
11 Action IV.2.1 of the Reasonable and Prudent Alternative ("RPA") included in the June 4, 2009  
12 biological opinion on the coordinated operations of the Central Valley Project ("CVP") and the  
13 State Water Project ("SWP") in California ("BiOp").

14 2. Federal Defendants, their agents, or those acting for them, are ENJOINED for the  
15 period May 26, 2010 to the earlier of June 15, 2010 or when the average daily water temperature  
16 at Mossdale is greater than 72 degrees Fahrenheit (22 degrees Centigrade) for seven consecutive  
17 days, from implementing the calendar-based component of Action IV.2.3 of the RPA included in  
18 the June 4, 2009 BiOp on the coordinated operations of the CVP and the SWP in California. The  
19 salvage-based component of Action IV.2.3 remains in effect.

20 3. The SWP and CVP may begin a three day ramp up of operations beginning May  
21 26, 2010, consistent with this injunction.

22 4. Federal Defendants and the Department of Water Resources shall monitor the  
23 salvage at their delta facilities, if any, of spring run Chinook and Central Valley Steelhead species  
24 during the period of the injunction. If the salvage numbers increase to a level that Federal  
25 Defendants justifiably believe is causing jeopardy to either of these species or adverse  
26 modification to their critical habitat, Federal Defendants may give notice and move to dissolve  
27 the injunctions hereby ordered. Any such motion shall be heard on shortened time and given first  
28 priority on the Court's calendar.

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- 5. Plaintiffs shall post a bond of \$5,000 or may deposit \$5,000 cash in lieu of bond.
- 6. RPA IV otherwise remains in full force and effect.

IT IS SO ORDERED.

Dated: May 27, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE