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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CONSOLIDATED SALMON CASES

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-LJO-DLB
1:09-cv-1090-LJO-DLB
1:09-cv-1378-LJO-DLB
1:09-cv-1520-LJO-DLB
1:09-cv-2452-LJO-DLB
1:09-cv-1625-LJO-SMS

**JOINT STIPULATION AND ORDER
REGARDING SCHEDULE FOR
COMPLETION OF REMAND**

Judge: Honorable Lawrence J. O'Neill

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RECITALS

1. On September 20, 2011, the Court entered its Memorandum Decision re Cross Motions for Summary Judgment (Doc. 633) in these *Consolidated Salmonid Cases* regarding the 2009 Salmonid Biological Opinion ("2009 Salmonid BiOp"). This decision found the 2009 Salmonid BiOp and its RPA arbitrary, capricious, and unlawful, and remands the 2009 Salmonid BiOp to the National Marine Fisheries Service ("NMFS") for further consideration in accordance with the Court's decision and the requirements of law.

2. On September 29, 2011, the Court entered its Order Allowing 30 Days for Further Development of Proposed Schedule for Completion of Remand and Requiring Joint Status Report (Doc. 642). This order granted the parties 30 days to confer to develop a mutually agreeable schedule for the simultaneous National Environmental Policy Act ("NEPA") and Endangered Species Act ("ESA") compliance on remand, and to submit a proposed form of judgment reflecting such agreement. If parties did not reach agreement, the order directed the parties to submit: (1) a single, joint status report articulating those issues on which the parties agree and the parties' separate positions on matters on which they disagree; and (2) proposed judgments, clearly identifying language on which the parties agree and disagree. The 30 day deadline set by the order will run on October 31, 2011.

3. Since the Court's order, the parties have participated in discussions regarding a schedule for simultaneous NEPA and ESA compliance on remand, but have not yet reached agreement. However, these parties would like to continue these discussions, and agree they need more time than the 30 days previously allowed to complete discussions and potentially reach agreement.

Good cause exists for granting the parties more time to discuss and potentially reach agreement on a process and schedule for completion of the remand, and the parties respectfully request that the deadline previously set by this Court be modified as shown below.

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Attorneys for Plaintiffs KERN COUNTY WATER
AGENCY and COALITION FOR A
SUSTAINABLE DELTA

Dated: October 31, 2011

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Dated: October 31, 2011

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Dated: October 31, 2011

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Dated: October 31, 2011

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Dated: October 31, 2011

HERUM CRABTREE

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Dated: October 31, 2011

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Dated: October 31, 2011

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CALIFORNIA DEPARTMENT OF WATER
RESOURCES

Dated: October 31, 2011

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By /s/ Bridget Kennedy McNeil
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Dated: October 31, 2011

NATURAL RESOURCES DEFENSE COUNCIL

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Dated: October 31, 2011

EARTHJUSTICE

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OF FLY FISHERS, PACIFIC COAST
FEDERATION OF FISHERMEN'S
ASSOCIATIONS/INSTITUTE FOR FISHERIES
RESOURCES, SACRAMENTO RIVER
PRESERVATION TRUST, SAN FRANCISCO
BAYKEEPER, THE BAY INSTITUTE,
WINNEMEM WINTU TRIBE

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ORDER

Good cause appearing, and based on the stipulation of the parties, the court hereby orders as follows:

1. The October 31, 2011 deadline in the Court's previous order (Doc. 642) is vacated.
2. The parties shall continue to endeavor to develop a mutually agreeable schedule that achieves simultaneous ESA and NEPA compliance on remand. If the parties reach agreement by December 2, 2011, then the parties shall submit a proposed form of Judgment to the Court by December 2, 2011.
3. If there is not agreement by December 2, 2011 among all parties then the parties shall by December 2, 2011 submit to the Court: (1) a single, joint status report regarding a schedule for completing NEPA and ESA compliance on remand and articulating those issues on which the parties agree and the parties' separate positions regarding matters on which they disagree; and (2) proposed judgments, clearly identifying language on which the parties agree and disagree.

IT IS SO ORDERED.

Dated: November 1, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE