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Local Counsel for Defendant-Intervenor Hoopa Valley Tribe

12 **IN THE UNITED STATES DISTRICT COURT**
 13 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

14 SAN LUIS & DELTA-MENDOTA WATER
 15 AUTHORITY and WESTLANDS WATER
 16 DISTRICT,

17 Plaintiffs,

18 v.

19 SALLY JEWELL, as Secretary of the
 20 U.S. Department of the Interior; U.S.
 21 DEPARTMENT OF THE INTERIOR;
 22 U.S. BUREAU OF RECLAMATION;
 23 MICHAEL L. CONNOR, as Commissioner,
 24 Bureau of Reclamation, U.S. Department of
 25 the Interior; and DAVID MURILLO, as
 26 Regional Director, Mid-Pacific Region,
 Bureau of Reclamation, U.S. Department of
 the Interior,

Defendants.

Case No. CV F 13-1232 LJO-GSA

STIPULATION AND ORDER
 CLARIFYING NON-EFFECT ON BOAT
 DANCE FLOW RELEASES

Courtroom Courtroom 4, 7th floor
 Judge: Honorable Lawrence J. O’Neill
 Hearing Date: TBD
 Action Filed: August 7, 2013

1 The Hoopa Valley Tribe requested clarification whether this litigation might interfere
2 with performance of their ancient bi-annual ceremonial event, the Hoopa Boat Dance, which
3 will be held August 27, 2013. In connection with the Hoopa Boat Dance ceremony, in odd-
4 numbered years Reclamation has released a pulse flow to increase the river depth and make the
5 ceremony possible. The Boat Dance flows are described in the No-Action Alternative of the
6 Environmental Assessment. Doc. 25-3 at 5. They are not part of the agency actions challenged
7 in this case. Plaintiffs do not seek to enjoin releases for Boat Dance purposes. Neither the
8 Temporary Restraining Order of August 13, 2013, nor the modified Temporary Restraining
9 Order extending the Injunction through August 23, 2013, would prohibit those releases because
10 the Orders are directed at releases “for fishery purposes.”

11 Respectfully submitted this 15th day of August, 2013.

12 MORISSET, SCHLOSSER, JOZWIAK & SOMERVILLE

13
14 /s/ Thomas P. Schlosser
15 Thomas P. Schlosser
16 Attorneys for Defendant-Intervenor Hoopa Valley Tribe

17 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD

18 /s/ Daniel J. O’Hanlon (as authorized on 8/15/13)
19 Daniel J. O’Hanlon
20 Attorney for San Luis & Delta-Mendota Water Authority
21 and Westlands Water District

22 BROWNSTEIN HYATT FARBER SCHRECK LLP

23 /s/ Steven O. Sims (as authorized on 8/15/13)
24 Steven O. Sims
25 Attorneys for Westlands Water District

26 /s/ Anna K. Stimmel (as authorized on 8/15/13)
Anna K. Stimmel
Attorney for United States

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EARTHJUSTICE

/s/ Jan Hassleman (as authorized on 8/15/13)
Jan Hassleman
Attorney for Pacific Coast Federation of Fishermen's
Associations

/s/ Nathan Voegeli (as authorized on 8/15/13)
Nathan Voegeli
Attorneys for the Yurok Tribe

1 **ORDER**

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3 Based on the above stipulation and review of this case, it is hereby ORDERED and the
4 record shall reflect that the claims in this case do not seek to restrain the Boat Dance releases as
5 described in the Environmental Assessment.

6 IT IS SO ORDERED.

7 Dated: August 16, 2013

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9 /s/ Lawrence J. O'Neill
10 Lawrence J. O'Neill
11 United States District Judge

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