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2
3 UNITED STATES DISTRICT COURT
4 FOR THE EASTERN DISTRICT OF CALIFORNIA

5
6 TEHAMA-COLUSA CANAL AUTHORITY,

2:10-CV-00357 JAM KJM

7 Plaintiff,

ORDER REASSIGNING RELATED
CASE

8 v.

9 UNITED STATES DEPARTMENT OF THE
10 INTERIOR, et al.,

11 Defendants.

12
13 The above-captioned case alleges that the United States
14 Department of Interior has failed and is continuing to fail to
15 operate the Central Valley Project ("CVP") in accordance with federal
16 and state law by "exporting CVP water supplies from the Sacramento
17 River watershed, the area in which the vast majority of CVP water
18 supplies originate, to the San Joaquin Valley without regard for
19 beneficial needs in the Sacramento River watershed that federal and
20 state law require." Doc. 1 at ¶9. In so doing, Plaintiffs allege
21 that Federal Defendants "act in contravention of decades-old federal
22 law and policy ensuring that, as a prerequisite to building and
23 operating the CVP, all present and future water supply needs within
24 this area of origin would be met before the exportation of surplus
25 water from the area of origin would occur." *Id.* These so-called
26 "area of origin" protections are embodied in various provisions of
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1 state and federal law, including State Water Resources Control Board
2 Decision D-990, issued in connection with the state water rights
3 permits under which the CVP operates. See *id.* at ¶12. D-990 and
4 other relevant federal and state authorities have been extensively
5 treated in related cases, including *NRDC v. Kempthorne*, 1:05-cv-1207
6 OWW DLB.
7

8 Moreover, Plaintiffs' requested injunctive relief would prohibit
9 Federal Defendants from exporting CVP water supplies outside the
10 Sacramento River watershed whenever such supplies are needed to meet
11 the full contractual supplies for the beneficial needs of Plaintiffs'
12 members. Any such injunction would directly impact the coordinated
13 export operations of the CVP and State Water Project ("SWP"), which
14 are presently the subject of complex litigation under the Endangered
15 Species Act and National Environmental Policy Act. See *The*
16 *Coordinated Delta Smelt Cases*, 1:09-cv-00407 OWW DLB, and *The*
17 *Coordinated Salmonid Cases*, 1:09-cv-01053 OWW DLB.
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19 To avoid inconsistent judgments and advance the interests of
20 judicial efficiency and economy, the above-captioned case is
21 reassigned from the docket of United States District Judge John A.
22 Mendez, to the docket of United States District Judge Oliver W.
23 Wanger pursuant to Local Rule 83 123(c) ("If the Judge to whom the
24 action with the lower or lowest number has been assigned determines
25 that assignment of the actions to a single Judge is likely to effect
26 a savings of judicial effort or other economies, that Judge is
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1 authorized to enter an order reassigning all higher numbered related
2 actions to himself or herself.").

3 The Court hereby REASSIGNS this action from District Judge John
4 A. Mendez to District Judge Oliver W. Wanger and REASSIGNS these
5 actions from Magistrate Judge Kimberly J. Mueller to Magistrate Judge
6 Dennis L. Beck.
7

8 The parties will be notified of the new case numbers upon
9 completion of the transfer process.
10

11 SO ORDERED

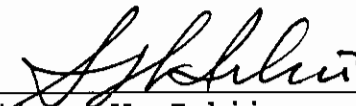
12 Dated: April 9, 2010

/s/ Oliver W. Wanger
Oliver W. Wanger
United States District Judge

14 Dated: April 16, 2010

/s/ John A. Mendez
John A. Mendez
United States District Judge, Concurring

17 Dated: April 19, 2010



Anthony W. Ishii
Chief Judge, Concurring