

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TEHAMA-COLUSA CANAL AUTHORITY,

2:10-CV-00357 JAM KJM

Plaintiff,

v.

ORDER REASSIGNING RELATED
CASE

UNITED STATES DEPARTMENT OF THE
INTERIOR, et al.,

Defendants.

The above-captioned case alleges that the United States Department of Interior has failed and is continuing to fail to operate the Central Valley Project ("CVP") in accordance with federal and state law by "exporting CVP water supplies from the Sacramento River watershed, the area in which the vast majority of CVP water supplies originate, to the San Joaquin Valley without regard for beneficial needs in the Sacramento River watershed that federal and state law require." Doc. 1 at ¶9. In so doing, Plaintiffs allege that Federal Defendants "act in contravention of decades-old federal law and policy ensuring that, as a prerequisite to building and operating the CVP, all present and future water supply needs within this area of origin would be met before the exportation of surplus water from the area of origin would occur." Id. These so-called "area of origin" protections are embodied in various provisions of

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. Kemphorne*, 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.
18

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
27
28

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

9 SO ORDERED

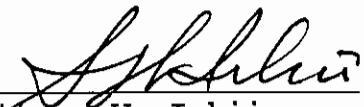
10 Dated: April 9, 2010

11 /s/ Oliver W. Wanger
12 Oliver W. Wanger
13 United States District Judge

14 Dated: April 16, 2010

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

18 Dated: April 19, 2010

19 
20 Anthony W. Ishii
21 Chief Judge, Concurring