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FILED
ALAMEDA COUNTY

APR 18 2007

CLERK OF THE SUPERIOR COURT

By Vicki Daybell JS

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13 Attorneys for Plaintiff WATERSHED ENFORCERS,
14 a project of the CALIFORNIA SPORTFISHING
15 PROTECTION ALLIANCE

16 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF ALAMEDA

18 WATERSHED ENFORCERS, a project of the
19 CALIFORNIA SPORTFISHING PROTECTION
20 ALLIANCE;

) Case No. RG06292124

21 Petitioner,

) ~~PROPOSED~~ JUDGMENT GRANTING
) PEREMPTORY WRIT OF MANDATE

22 vs.

) Hearing: November 17, 2006

23 CALIFORNIA DEPARTMENT OF WATER
24 RESOURCES, et al.;

) Time: 2:00 p.m.

) Dep't: 31

) Hearing Judge: Hon. Judge Frank Roesch

25 Respondents.

26 STATE WATER CONTRACTORS; KERN
27 COUNTY WATER AGENCY; ALAMEDA
28 COUNTY FLOOD CONTROL AND WATER
29 CONSERVATION DISTRICT, ZONE 7;
30 ALAMEDA COUNTY WATER DISTRICT; SAN
31 LUIS & DELTA-MENDOTA WATER
32 AUTHORITY; and WESTLANDS WATER
33 DISTRICT,

34 Intervenor/Respondents.

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APR 1 1 2007
BY Vicki Daybell
ALAMEDA COUNTY SUPERIOR COURT

1 This matter came regularly before this court on November 17, 2006, for hearing in Department
 2 31 of the Superior Court, the Honorable Frank Roesch presiding. Michael R. Lozeau appeared as
 3 attorney for petitioner. Norman C. Hile appeared as attorney for respondents. Daniel J. O'Hanlon
 4 appeared as attorney for intervenors Kern County Water Agency, State Water Contractors, Alameda
 5 County Flood Control and Water Conservation District Zone 7, and Alameda County Water District.
 6 Michael E. Vinding appeared as attorney for intervenors San Luis and Delta Mendota Water Authority
 7 and Westlands Water District.

8 Documents and declarations having been submitted by the parties and received into evidence and
 9 examined by the court, arguments having been presented, and the court having made a statement of
 10 decision, which has been signed and filed,

11 IT IS ORDERED that:

- 12 1. A peremptory writ of mandamus shall issue from the court commanding respondents to
 13 cease and desist from further operation of the Harvey O. Banks Pumping Plant Operation
 14 within sixty days from the date of entry of judgment until and unless they have obtained
 15 authorization in compliance with the California Endangered Species Act from the
 16 Department of Fish & Game with regard to their incidental take of Chinook Salmon –
 17 Winter-run, Chinook Salmon – Spring-run, and Delta Smelt.
- 18 2. Petitioner shall recover costs in this proceeding, in an amount to be determined by
 19 petitioner's filing of a memorandum of costs within 15 days after the date of mailing of
 20 the notice of entry of this judgment.

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3. Petitioner shall recover reasonable attorney fees in this proceeding in an amount to be determined on noticed motion to be submitted to the court within the timeline set forth by the California Rules of Court, Rule 3.1702(b)(1).

Date: 4/17, 2007

Frank Roesch
Judge of the Superior Court
FRANK ROESCH

Judgment entered on _____

Clerk
By _____
Deputy Clerk

Submitted by

Michael R. Lozeau
Michael R. Lozeau
Attorney for Petitioner California Sportfishing Protection Alliance