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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

WESTLANDS WATER DISTRICT	)	
Plaintiff,	)	
SACRAMENTO MUNICIPAL UTILITY	)	
DISTRICT,	)	
Plaintiff-Intervenor, and	)	
NORTH CALIFORNIA POWER AGENCY,	)	
Plaintiff-Intervenor.	)	
	)	CIV-F-00-7124-OWW/DLB
v.	)	
	)	ORDER GRANTING IN PART AND
UNITED STATES DEPARTMENT	)	DENYING IN PART MOTION TO
OF THE INTERIOR, et al.,	)	MODIFY PRELIMINARY INJUNCTION
Defendants,	)	FOR WATER YEAR 2002 FILED BY
	)	DEFENDANT-INTERVENORS
HOOPA VALLEY TRIBE,	)	HOOPA VALLEY TRIBE AND
Defendant-Intervenor,	)	YUROK TRIBE
	)	
and	)	
	)	
YUROK TRIBE,	)	
Defendant-Intervenor.	)	

This matter is before the Court on the Motion to Modify Order Granting Preliminary Injunction for Water Year 2002, filed by the Hoopa Valley Tribe and Yurok Tribe (Tribes) as defendant-intervenors. The Court, having reviewed that motion, the responses of all parties to that motion, the testimony and evidence received at the hearing on the Tribes' motion, and the complete record before

ORDER GRANTING IN PART AND DENYING IN PART  
MOTION TO MODIFY PRELIMINARY INJUNCTION  
FOR WATER YEAR 2002 FILED BY DEFENDANT-INTERVENORS  
HOOPA VALLEY TRIBE AND YUROK TRIBE

1 the Court in this matter, finds that good cause exists to GRANT IN PART AND DENY IN PART the  
2 Tribes' motion. Accordingly,

3 IT IS HEREBY ORDERED that the Tribes' motion is GRANTED IN PART as follows. The  
4 Court's Preliminary Injunction Order dated May 3, 2001, is MODIFIED to allow the Federal  
5 Defendants, their agents, and those acting for them to release, for water year 2002 only, an additional  
6 volume of 100,000 acre-feet of water in excess of the previously authorized release of 368,600 acre-  
7 feet into the Trinity River. This additional release shall be made for fishery protection and restoration  
8 needs of the Trinity River, resulting in a total maximum release to the Trinity River in water year 2002  
9 not to exceed 468,600 acre-feet, PROVIDED THAT the U.S. Bureau of Reclamation shall manage  
10 the release into the Trinity River of the additional 100,000 acre-feet of water authorized by this Order  
11 so that the release in no way reduces or otherwise adversely affects any Central Valley Project (CVP)  
12 power generator, water user, or CVP contractor at any time;

13 IT IS FURTHER ORDERED THAT the Federal Defendants, their agents, and those acting for  
14 them are not restrained during water year 2002 from releasing additional volumes of water from any  
15 available source to restore the Trinity River, including water in excess of the total volume of 468,600  
16 acre-feet authorized in the previous paragraph, PROVIDED THAT any such additional release above  
17 468,600 acre-feet is made on the absolute and express condition that such water use to the Trinity  
18 River shall not accrue to the detriment of storage or to the detriment of any power user or any CVP  
19 user anywhere else in the system;

20 IT IS FURTHER ORDERED THAT the Preliminary Injunction is CONTINUED in place to  
21 the extent that all other activities approved by the Record of Decision (*i.e.*, activities other than Trinity  
22 River instream flow releases) may proceed;

23 IT IS FURTHER ORDERED THAT the Tribes' Motion to Modify Preliminary Injunction is  
24 DENIED in all other respects;

25  
26 IT IS FURTHER ORDERED THAT the Order to Stay Litigation entered on October 11,

27  
28 ORDER GRANTING IN PART AND DENYING IN PART  
MOTION TO MODIFY PRELIMINARY INJUNCTION  
FOR WATER YEAR 2002 FILED BY DEFENDANT-INTERVENORS  
HOOPA VALLEY TRIBE AND YUOK TRIBE

1 2001, is hereby VACATED;

2 IT IS FURTHER ORDERED THAT the following schedule shall govern all parties in the  
3 disposition of this case on the merits:

4 May 10, 2002 – Federal Defendants to file and serve the Administrative Record;

5 May 30, 2002 – All parties to file and serve motions for summary judgment;

6 June 14, 2002 – All parties to file and serve responses and opposition briefs:

7 June 21, 2002 – All parties to file reply briefs;

8 July 2, 2002 – Hearing on cross-motions for summary judgment; and

9 IT IS FURTHER ORDERED THAT this Order modifying in part the Preliminary Injunction  
10 shall issue and take effect immediately and shall remain in place pending further order of this Court.

11  
12 SO ORDERED this 19<sup>th</sup> day of April, 2002.

13  
14  
15 HONORABLE OLIVER W. WANGER  
16 UNITED STATES DISTRICT JUDGE

17 Presented by:

18 CHARLES R. SHOCKEY, Attorney  
D.C. Bar # 914879  
19 United States Department of Justice  
Environment & Natural Resources Division  
20 General Litigation Section  
501 'T' Street, Suite 9-700  
21 Sacramento, CA 95814-2322

22 Telephone: (916) 930-2203  
Facsimile: (916) 930-2210  
23 Email: [charles.shockey@usdoj.gov](mailto:charles.shockey@usdoj.gov)

24 Attorney for Federal Defendants  
25  
26  
27

28 ORDER GRANTING IN PART AND DENYING IN PART  
MOTION TO MODIFY PRELIMINARY INJUNCTION  
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