

FILED

NOV 07 2019

CLERK OF THE SUPERIOR COURT
BY: J. BRIGMON, DEPUTY CLERK

1 DANIEL J. O'HANLON, State Bar No. 122380
dohanlon@kmtg.com
 2 CARISSA M. BEECHAM, State Bar No. 254625
cbeecham@kmtg.com
 3 JENIFER N. GEE, State Bar No. 311492
jgee@kmtg.com
 4 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
 400 Capitol Mall, 27th Floor
 5 Sacramento, CA 95814
 Telephone: (916) 321-4500
 6 Facsimile: (916) 321-4555

7 ANDREA A. MATARAZZO, State Bar No. 179198
andrea@pioneerlawgroup.net
 8 PIONEER LAW GROUP, LLP
 1122 S Street
 9 Sacramento, CA 95811
 Telephone: (916) 287-9500
 10 Facsimile: (916) 287-9515

11 Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

13 *[Additional Counsel on Next Page]*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 15 **COUNTY OF SHASTA**

16 FRIENDS OF THE RIVER;
 GOLDEN GATE SALMON ASSOCIATION;
 17 PACIFIC COAST FEDERATION OF
 FISHERMEN'S ASSOCIATIONS;
 18 INSTITUTE FOR FISHERIES RESOURCES;
 SIERRA CLUB;
 19 DEFENDERS OF WILDLIFE; and
 NATURAL RESOURCES DEFENSE
 20 COUNCIL,

21 Plaintiffs and Petitioners,

22 v.

23 WESTLANDS WATER DISTRICT; and
 24 DOES 1-20,

25 Defendants and Respondents.

Case No. 192490

**STIPULATION FOR ENTRY OF
JUDGMENT**

Assigned for All Purposes to:
Hon. Tamara L. Wood

Action Filed: May 13, 2019
Trial Date: April 14, 2020

By Fax

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADDITIONAL COUNSEL

JON D. RUBIN, State Bar No. 196944
jrubin@wwd.ca.gov
General Counsel
WESTLANDS WATER DISTRICT
400 Capitol Mall, 28th Floor
Sacramento, CA 95814
Telephone: (916) 321-4207
Facsimile: (559) 241-6277

Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

1 WHEREAS, the People of the State of California ex rel. Attorney General Xavier Becerra
2 (People) filed an action against Westlands Water District (Westlands) on May 13, 2019, alleging
3 violations of Public Resources Code section 5093.542 (Case No. 192487);

4 WHEREAS, Friends of the River, et al.¹ also filed an action against Westlands on May 13,
5 2019, alleging violations of Public Resources Code section 5093.542 (Case No. 192490);

6 WHEREAS the North Coast Rivers Alliance, et al. filed a third action against Westlands
7 on July 5, 2019, alleging violations of Pub. Resources Code section 5093.542, as well as
8 violations of the Delta Reform Act and the Public Trust Doctrine (Case No. 192958);

9 WHEREAS section 5093.542(c) of the Public Resources Code provides that “no agency of
10 the state shall assist or cooperate with...any agency of the federal, state, or local government in the
11 planning or construction of any dam, reservoir, diversion, or other water impoundment facility that
12 could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild
13 trout fishery”;

14 WHEREAS the U.S. Bureau of Reclamation (Reclamation) has proposed a Shasta Dam
15 Raise Project that would raise the height of Shasta Dam;

16 WHEREAS, the People moved this Court for a preliminary injunction;

17 WHEREAS, the People based its argument for a preliminary injunction on the allegation
18 that Westlands violated section 5093.542 of the Public Resources Code by conducting
19 environmental review of the Shasta Dam Raise Project pursuant to the California Environmental
20 Quality Act (CEQA);

21 WHEREAS, on July 29, 2019, the Court in the People’s case entered a preliminary
22 injunction preventing Westlands from “taking any action that constitutes planning for or the
23 construction of the Shasta Dam Raise Project, pending trial of this matter” and enjoining
24 Westlands’ CEQA process initiated in November 2018;

25 ///

26 _____
27 ¹ Plaintiff Golden Gate Salmon Association recently changed its legal name to Golden State
28 Salmon Association. FOR et al. Plaintiffs respectfully request that the Court update the case
caption to reflect this change if necessary.

1 WHEREAS, on September 30, 2019, Westlands formally withdrew its CEQA Notice of
2 Preparation by filing with the State Clearinghouse a Notice of Termination of CEQA Process and
3 Withdrawal of Notice of Preparation – Shasta Dam Raise Project;

4 WHEREAS, the parties have met and conferred to reach a resolution of this litigation;

5 THEREFORE, the parties now agree to this Stipulation for Entry of Judgment
6 (“Stipulation”), and request that the Court enter a Stipulated Judgment providing, as follows:

7 1. Westlands shall not undertake any of the following actions to the extent doing so
8 would violate Public Resources Code section 5093.542:

9 a. Initiate preparation of an environmental impact report or other
10 environmental review document pursuant to CEQA for a project to raise Shasta Dam;

11 b. Enter into any agreement to fund, directly or indirectly, the raising of Shasta
12 Dam;

13 c. Enter into any other agreement that would assist any agency of the federal,
14 state, or local government in the planning or construction of the raising of Shasta Dam; or

15 d. Acquire additional real property to facilitate the raising of Shasta Dam.

16 2. Nothing in this Stipulation is intended or shall be construed to preclude any state,
17 local, or federal agency, board, department, office, commission, or entity not a party to this
18 Stipulation from exercising its authority under any law, statute, regulation, or ordinance.

19 3. Nothing in this Stipulation is intended or shall be construed to permit, allow, or
20 otherwise authorize Westlands taking any action to the extent doing so would violate Public
21 Resources Code section 5093.542.

22 4. The Court shall retain jurisdiction (a) to enforce the terms and conditions of the
23 Stipulated Judgment; and (b) to consider applications addressing whether and in what amount any
24 party may recover attorneys’ fees and costs.

25 5. This Stipulation has been drafted equally by the parties, and shall not be interpreted
26 for or against either party on the ground that any such party drafted either document. This
27 Stipulation shall be governed by and construed in accordance with the laws of the State of
28 California.

1 6. This Stipulation represents an agreed resolution of this case and is entered into to
2 avoid protracted and expensive litigation. The parties do not intend for this Stipulation or a
3 Stipulated Judgment entered pursuant to it to decide the merits of any claim or issue raised in this
4 case, and as such, does not constitute any evidence against or admission by any party to this
5 Stipulation or any third party regarding any issue of fact or law, nor can it serve as an estoppel to
6 future litigation.

7 7. Subject to and based upon the conditions agreed to in this Stipulation, each of the
8 cases shall be dismissed, without prejudice.

9 IT IS SO STIPULATED.

10 DATED: November 7, 2019

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

11
12
13 By: 

Daniel J. O'Hanlon
Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

14
15
16 DATED: November 7, 2019

EARTHJUSTICE

17
18 By: 

Nina C. Robertson
Colin C. O'Brien
Anna K. Stimmel
Regina J. Hsu
Marie E. Logan
Attorneys for Plaintiffs and Petitioners
FRIENDS OF THE RIVER, GOLDEN GATE
SALMON ASSOCIATION (now known as
GOLDEN STATE SALMON ASSOCIATION),
PACIFIC COAST FEDERATION OF
FISHERMEN'S ASSOCIATIONS, INSTITUTE
FOR FISHERIES RESOURCES, SIERRA CLUB,
DEFENDERS OF WILDLIFE, AND NATURAL
RESOURCES DEFENSE COUNCIL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

**Friends of the River, et al. v. Westlands Water District, et al.
Case No. 192490**

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.

On November 7, 2019, I served true copies of the following document(s) described as **STIPULATION FOR ENTRY OF JUDGMENT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Kronick, Moskovitz, Tiedemann & Girard for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 7, 2019, at Sacramento, California.



Sherry Ramirez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST
Friends of the River, et al. v. Westlands Water District, et al.
Case No. 192490

Nina Robertson Colin O'Brien Anna Stimmel Regina Hsu Marie Logan EARTHJUSTICE 50 California St., Ste. 500 San Francisco, CA 94111 Telephone: (415) 217-2000 Facsimile: (415) 217-2040 Email: nrobertson@earthjustice.org cobrien@earthjustice.org astimmel@earthjustice.org rhsu@earthjustice.org mlogan@earthjustice.org	Attorneys for Plaintiffs and Petitioners FRIENDS OF THE RIVER; GOLDEN GATE SALMON ASSOCIATION; PACIFIC COAST FEDERATION OF FISHERMEN'S ASSOCIATIONS; INSTITUTE FOR FISHERIES RESOURCES; SIERRA CLUB; DEFENDERS OF WILDLIFE; and NATURAL RESOURCES DEFENSE COUNCIL
---	--

Jon D. Rubin General Counsel WESTLANDS WATER DISTRICT 400 Capitol Mall, 28 th Floor Sacramento, CA 95814 Telephone: (916) 321-4207 Facsimile: (559) 241-6277 Email: jrubin@wwd.ca.gov	Attorneys for Defendant and Respondent WESTLANDS WATER DISTRICT
---	--

Andrea A. Matarazzo PIONEER LAW GROUP, LLP 1122 S Street Sacramento, CA 95811 Telephone: (916) 287-9500 Facsimile: (916) 287-9515 Email: andrea@pioneerlawgroup.net	Attorneys for Defendant and Respondent WESTLANDS WATER DISTRICT
---	--