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FILED
 ALAMEDA COUNTY

APR 18 2007

CLERK OF THE SUPERIOR COURT

By Vicki Daybell JS

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16 Attorneys for Plaintiff WATERSHED ENFORCERS,
 17 a project of the CALIFORNIA SPORTFISHING
 18 PROTECTION ALLIANCE

19 IN THE SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 20 FOR THE COUNTY OF ALAMEDA

21 WATERSHED ENFORCERS, a project of the
 22 CALIFORNIA SPORTFISHING PROTECTION
 23 ALLIANCE;

) Case No. RG06292124
)
) ~~PROPOSED~~ JUDGMENT GRANTING
) PEREMPTORY WRIT OF MANDATE

Petitioner,

vs.

) Hearing: November 17, 2006
) Time: 2:00 p.m.
) Dep't: 31
) Hearing Judge: Hon. Judge Frank Roesch

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

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,

Intervenors/Respondents.

RECEIVED
 APR 11 2007
 BY Debra L. Lacey
 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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1 3. Petitioner shall recover reasonable attorney fees in this proceeding in an amount to be
2 determined on noticed motion to be submitted to the court within the timeline set forth by
3 the California Rules of Court, Rule 3.1702(b)(1).

4 Date: 4/17, 2007

Frank Roesch
Judge of the Superior Court

FRANK ROESCH

6 Judgment entered on _____

8 Clerk _____

9 By _____

Deputy Clerk

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11
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13
14
15
16
17 Submitted by

18 Michael R. Lozeau

19 Michael R. Lozeau

20 Attorney for Petitioner California Sportfishing Protection Alliance