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12 Attorneys for Petitioner SACRAMENTO REGIONAL
13 COUNTY SANITATION DISTRICT

14
15 SUPERIOR COURT OF CALIFORNIA
16 COUNTY OF SACRAMENTO

17
18 SACRAMENTO REGIONAL COUNTY
SANITATION DISTRICT,
19
20 Petitioner,
21
22 v.
23 CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, CENTRAL VALLEY
REGION; et al.,
24
25 Respondents.
26
27 STATE WATER CONTRACTORS, INC.; et al.,
28
29 Defendant/Respondent Intervenors.

Case No. 34-2011-80001028-CU-WM-GDS
NOTICE OF ENTRY OF ORDER
**Assigned for all purposes to the
Honorable Michael Kenny, Dept. 31**
Action Filed: 12/30/11

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Stipulation and Order for Partial Stay of Order No. R5-2010-0114 and For Stay of Litigation regarding the above-entitled matter was entered on January 23, 2012; a true and correct copy of which is attached hereto as Exhibit A.

SOMACH SIMMONS & DUNN
A Professional Corporation

DATED: January 25, 2012

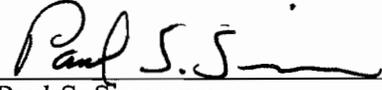
By: 
Paul S. Simmons
Attorneys for Petitioner SACRAMENTO
REGIONAL COUNTY SANITATION DISTRICT

EXHIBIT A

SOMACH SIMMONS & DUNN
A Professional Corporation

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12 Attorneys for Petitioner
13 SACRAMENTO REGIONAL COUNTY
SANITATION DISTRICT

15 SUPERIOR COURT OF CALIFORNIA
16 COUNTY OF SACRAMENTO

18 SACRAMENTO REGIONAL COUNTY
SANITATION DISTRICT,

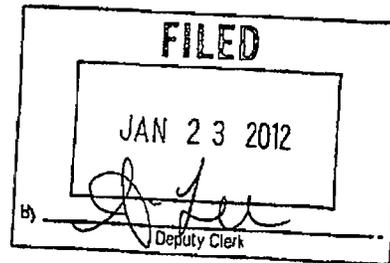
19
20 Petitioner,

21 v.

22 CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, CENTRAL
23 VALLEY REGION; STATE WATER
RESOURCES CONTROL BOARD,

24 Respondents.

EXEMPT FROM FILING FEES
PURSUANT TO GOV. CODE § 6103



Case No. 34-2011-80001028-CU-WM-GDS

STIPULATION AND ~~PROPOSED~~ ORDER
FOR PARTIAL STAY OF ORDER
NO. R5-2010-0114 AND FOR STAY OF
LITIGATION

Assigned for all purposes to the
Honorable Michael Kenny
Dept. 31

FILED BY FAX



RECITALS

1
2 1. On December 9, 2010, Respondent California Regional Water Quality Control
3 Board for the Central Valley Region (Regional Board) adopted Order No. R5-2010-0114,
4 renewing and modifying the waste discharge requirements and National Pollutant Discharge
5 Elimination System (NPDES) Permit for the Sacramento Regional Wastewater Treatment Plant
6 (SRWTP).

7 2. Petitioner Sacramento Regional County Sanitation District (District) and
8 California Sportfishing Protection Alliance filed separate petitions for review of Order
9 No. R5-2010-0114 with Respondent State Water Resources Control Board (State Board) in
10 accordance with Water Code section 13320 and California Code of Regulations, title 23,
11 section 2050. On March 28, 2011, in accordance with California Code of Regulations, title 23,
12 section 2050.5, subdivision (a) the State Board mailed notification to the Regional Board and
13 other interested parties to file a response to the District's petition within 30 days. On May 4,
14 2011, the Regional Board and certain public water supply agencies that had participated as
15 designated parties in the Regional Board's administrative Permit approval proceeding filed
16 responses to the District's petition for State Board review pursuant to California Code of
17 Regulations, title 23, section 2050 et seq.

18 3. On September 19, 2011, the State Board adopted Order WQ 2011-0013, in which
19 it states that it "anticipates issuing an order addressing some of the issues raised in the petitions,"
20 but not within 270 days of March 28, 2011. In Order WQ 2011-0013, the State Board indicated it
21 would review Order No. R5-2010-0114 on its own motion pursuant to Water Code section 13320,
22 subdivision (a), which authorizes the State Board "at any time" to review a regional board action
23 or failure to act.

24 4. On December 30, 2011, the District filed its Petition for Writ of Mandate in this
25 action. On January 5, 2012, the District filed "Petitioner Sacramento Regional County Sanitation
26 District's Ex Parte Application For Order Issuing Partial Stay" and accompanying materials.

27 5. Pursuant to State Board Order WQ 2011-0013, the State Board is reviewing Order
28 No. R5-2010-0114 on its own motion. Although the issues that will be addressed in such review

1 are not certain, State Board Order WQ 2011-0013 states that "staff shall endeavor to release a
2 draft order in or before April 2012. If staff is unable to meet this deadline, staff shall update the
3 State Water Board on its progress at a regularly scheduled meeting in May 2012."

4 6. The District and the Regional Board desire to avoid unnecessary litigation while
5 the State Board reviews provisions of Order No. R5-2010-0114 that are the subject of this
6 litigation. The District and the Regional Board also recognize that State Board review of Order
7 No. R5-2010-0114 could result in resolving or modifying issues disputed among some or all of
8 them. The District and the Regional Board also desire to conserve judicial resources. This
9 stipulation in no way constitutes an acknowledgement by any party as to the validity of any claim
10 made by any other party to this action, and shall not constitute a waiver of any legal position by
11 any party.

12 STIPULATION

13 I. The District and the Regional Board stipulate to the entry of an Order providing as
14 follows:

15 A. The following provisions of Regional Board Order No. R5-2010-0114 are stayed:

16 1. Section IV.A.1.a, Table 6 (pp. 13-14): all final effluent limitations for
17 Biochemical oxygen demand and total suspended solids, including the specific calendar
18 date that is the effective date for the applicability of such effluent limitations as provided
19 in footnote 2 of Table 6;

20 2. Section IV.A.1.g (p. 15): all final effluent limitations for Total Coliform
21 Organisms, including the specific calendar date that is the effective date for their
22 applicability as provided in footnote 1 to section IV.A.1.g;

23 3. The specific calendar date in footnote 2 to section IV.A.2.c (p. 16);

24 4. Section VI.C.4.a (p. 30), the specifications for Turbidity including the
25 specific calendar date that is the effective date for their applicability;

26 5. Section VI.C.6.a (p. 33), including the specific calendar date that is the
27 effective date for its applicability;

28 6. Section VI.C.7.a (pp. 33-34), including all tasks and due dates;

1 7. In Attachment E – Monitoring and Reporting Program, Effluent
2 Monitoring Requirements, section IV.A.1, Table E-3a, Turbidity monitoring (p. E-5), and
3 footnote 13 for Turbidity (p. E-7) and including the specific calendar date for its
4 effectiveness; and,

5 8. In Attachment E – Monitoring and Reporting Program, Reporting
6 Requirements, section X.D.1, Table E-9 (p. E-22), as it relates to Title 22 disinfection
7 requirements.

8 With respect to the stay of specific calendar dates identified herein as the effective date or
9 a deadline for compliance, the effect of the stay shall be to change such specified date by the
10 number of days equal to the days that the stay is in effect, without precluding the continued
11 application or effectiveness of interim requirements that might otherwise end according to their
12 terms. With respect to the tasks and due dates in section VI.C.7.a, the effect of the stay shall be to
13 stay the requirement for progress reports, and to change the deadlines for tasks (iii) through (v) in
14 section VI.C.7.a by the number of days equal to the number of days that the stay is in effect.

15 This stay is effective immediately and shall continue to and until the earlier of:

16 (i) voluntary dismissal of the Petition for Writ of Mandate; (ii) 30 days after the State Board has
17 taken a final action in its own motion review of Order No. R5-2010-0114; or (iii) July 1, 2012.

18 *Provided*, that this agreement shall not affect the District's right to request a further stay
19 from the Court pursuant to Code of Civil Procedure section 1094.5 after this action has again
20 become active under paragraph B.

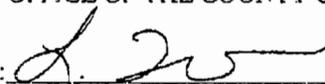
21 B. This action shall be stayed until the earlier of: (i) voluntary dismissal of the
22 Petition for Writ of Mandate; (ii) the filing of an amended Petition for Writ of Mandate following
23 conclusion of the State Board's own motion review of Order No. R5-2010-0114; or (iii) July 1,
24 2012. The District and the Regional Board shall file a status report within 20 days of the end of
25 the stay of the action provided in this paragraph B, including identification of any need for case
26 management at that time.

27 C. Neither the stipulation nor the court's order shall have any effect on any provision
28 of Order No. R5-2010-0114 not expressly referenced in this stipulation. Neither the stipulation

SOMACH SIMMONS & DUNN
A Professional Corporation

1 nor the court's order shall at any time be used to support a request to stay or extend other
2 requirements in Order No. R5-2010-0114, nor to argue that such stay or extension is necessary.

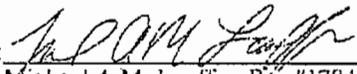
3 II. This stipulation may be executed in counterparts.

4
5 OFFICE OF THE COUNTY COUNSEL
6 DATED: 1/13/12 By: 
7 Lisa A. Travis, Bar #184793
8 Attorneys for Petitioner SACRAMENTO
9 REGIONAL COUNTY SANITATION DISTRICT

10 SOMACH SIMMONS & DUNN
11 A Professional Corporation
12 DATED: By: _____
13 Paul S. Simmons, Bar #127920
14 Attorneys for Petitioner SACRAMENTO
15 REGIONAL COUNTY SANITATION DISTRICT

16 KAMALA D. HARRIS
17 Attorney General of California
18 DATED: By: _____
19 Matthew G. Bullock, Bar #243377
20 Deputy Attorney General
21 Attorney for Respondent CALIFORNIA
22 REGIONAL WATER QUALITY CONTROL
23 BOARD, CENTRAL VALLEY REGION
24 455 Golden Gate Avenue, Suite 11000
25 San Francisco, CA 94102-7004
26 Phone: (415) 703-1678

27 The State Water Resources Control Board, while not a party to the stipulation, has no opposition
28 to entry of an order as described in the stipulation.

29 DATED: 1/13/2012 By: 
30 Michael A.M. Lauffer, Bar #178485
31 Chief Counsel
32 CALIFORNIA STATE WATER
33 RESOURCES CONTROL BOARD
34 1001 I Street, 22nd Floor
35 Sacramento, CA 95814-2828
36 Phone: (916) 341-5183

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2 requirements in Order No. R5-2010-0114, nor to argue that such stay or extension is necessary.

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7 DATED: By: _____
8 Lisa A. Travis, Bar #184793
9 Attorneys for Petitioner SACRAMENTO
10 REGIONAL COUNTY SANITATION DISTRICT

11 SOMACH SIMMONS & DUNN
12 A Professional Corporation

13 DATED: 1-13-12 By: Paul S. S.
14 Paul S. Simmons, Bar #127920
15 Attorneys for Petitioner SACRAMENTO
16 REGIONAL COUNTY SANITATION DISTRICT

17 KAMALA D. HARRIS
18 Attorney General of California

19 DATED: By: _____
20 Matthew G. Bullock, Bar #243377
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Chief Counsel
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5 OFFICE OF THE COUNTY COUNSEL

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7 DATED:

By: _____

Lisa A. Travis, Bar #184793
Attorneys for Petitioner SACRAMENTO
REGIONAL COUNTY SANITATION DISTRICT

9
10 SOMACH SIMMONS & DUNN
A Professional Corporation

11
12 DATED:

By: _____

Paul S. Simmons, Bar #127920
Attorneys for Petitioner SACRAMENTO
REGIONAL COUNTY SANITATION DISTRICT

13
14 KAMALA D. HARRIS
Attorney General of California

15
16 DATED: 1/13/12

By: Matthew G. Bullock

Matthew G. Bullock, Bar #243377
Deputy Attorney General
Attorney for Respondent CALIFORNIA
REGIONAL WATER QUALITY CONTROL
BOARD, CENTRAL VALLEY REGION
455 Golden Gate Avenue, Suite 11000
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19 to entry of an order as described in the stipulation.
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23
24 DATED:

By: _____

Michael A.M. Lauffer, Bar #178485
Chief Counsel
CALIFORNIA STATE WATER
RESOURCES CONTROL BOARD
1001 I Street, 22nd Floor
Sacramento, CA 95814-2828
Phone: (916) 341-5183

ORDER

Good cause appearing, it is hereby ordered:

A. The following provisions of Regional Board Order No. R5-2010-0114 are stayed:

1. Section IV.A.1.a, Table 6 (pp. 13-14): all final effluent limitations for Biochemical oxygen demand and total suspended solids, including the specific calendar date that is the effective date for the applicability of such effluent limitations as provided in footnote 2 of Table 6;
2. Section IV.A.1.g (p. 15): all final effluent limitations for Total Coliform Organisms, including the specific calendar date that is the effective date for their applicability as provided in footnote 1 to section IV.A.1.g;
3. The specific calendar date in footnote 2 to section IV.A.2.c (p. 16);
4. Section VI.C.4.a (p. 30), the specifications for Turbidity including the specific calendar date that is the effective date for their applicability;
5. Section VI.C.6.a (p. 33), including the specific calendar date that is the effective date for its applicability;
6. Section VI.C.7.a (pp. 33-34), including all tasks and due dates;
7. In Attachment E – Monitoring and Reporting Program, Effluent Monitoring Requirements, section IV.A.1, Table E-3a, Turbidity monitoring (p. E-5), and footnote 13 for Turbidity (p. E-7) and including the specific calendar date for its effectiveness; and,
8. In Attachment E – Monitoring and Reporting Program, Reporting Requirements, section X.D.1, Table E-9 (p. E-22), as it relates to Title 22 disinfection requirements.

With respect to the stay of specific calendar dates identified herein as the effective date or a deadline for compliance, the effect of the stay shall be to change such specified date by the number of days equal to the days that the stay is in effect, without precluding the continued application or effectiveness of interim requirements that might otherwise end according to their terms. With respect to the tasks and due dates in section VI.C.7.a, the effect of the stay shall be to

1 stay the requirement for progress reports, and to change the deadlines for tasks (iii) through (v) in
2 section VI.C.7.a by the number of days equal to the number of days that the stay is in effect.

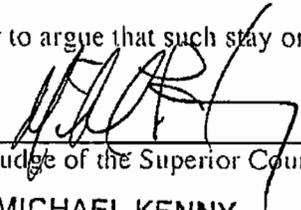
3 This stay is effective immediately and shall continue to and until the earlier of:

4 (i) voluntary dismissal of the Petition for Writ of Mandate; (ii) 30 days after the State Board has
5 taken a final action in its own motion review of Order No. R5-2010-0114; or (iii) July 1, 2012.

6 *Provided*, that this agreement shall not affect the District's right to request a further stay
7 from the Court pursuant to Code of Civil Procedure section 1094.5 after this action has again
8 become active under paragraph B.

9 B. This action shall be stayed until the earlier of: (i) voluntary dismissal of the
10 Petition for Writ of Mandate; (ii) the filing of an amended Petition for Writ of Mandate following
11 conclusion of the State Board's own motion review of Order No. R5-2010-0114; or (iii) July 1,
12 2012. The District and the Regional Board shall file a status report within 20 days of the end of
13 the stay of the action provided in this paragraph B, including identification of any need for case
14 management at that time.

15 C. Neither the stipulation nor the court's order shall have any effect on any provision
16 of Order No. R5-2010-0114 not expressly referenced in this stipulation. Neither the stipulation
17 nor the court's order shall at any time be used to support a request to stay or extend other
18 requirements in Order No. R5-2010-0114, nor to argue that such stay or extension is necessary.

19
20 

21 Judge of the Superior Court

22 MICHAEL KENNY
23
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28

PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On January 17, 2012, I served a true and correct copy of:

STIPULATION AND [PROPOSED] ORDER FOR PARTIAL STAY OF ORDER NO. R5-2010-0114 AND FOR STAY OF LITIGATION

XXX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

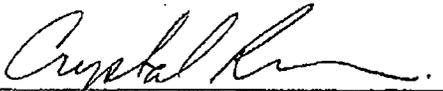
State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814	Michael Lauffer, Chief Counsel State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814-2828
Central Valley Regional Water Quality Control Board 11020 Sun Center Drive Rancho Cordova, CA 95670	David Coupe, Staff Counsel c/o San Francisco Bay Regional Water Quality Control Board 1515 Clay Street, Suite 1400 Oakland, CA 94612
Office of the California Attorney General 1300 I Street Sacramento, CA 95814	Matthew G. Bullock Deputy Attorney General California Office of Attorney General 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004
Robert A. Ryan, Jr., County Counsel Lisa A. Travis, Supervising Deputy County Counsel County of Sacramento 700 H Street, Suite 2650 Sacramento, CA 95814	Courtesy Copy: Eric N. Robinson, Esq. Danielle R. Teeters, Esq. Elizabeth L. Leeper, Esq. Kronick, Moskovitz, Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814-4416
Courtesy Copy: Michael B. McNaughton, Esq. Hanson Bridgett, LLP 425 Market Street, 26th Floor San Francisco, CA 94105	Courtesy Copy: Adam C. Kear, Esq. Sr. Deputy General Counsel The Metropolitan Water District of Southern California P.O. Box 54153 Los Angeles, CA 90054-0153

SOMACH SIMMONS & DUNN
A Professional Corporation

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Courtesy Copy: Paul N. Singarella, Esq. Latham & Watkins 650 Town Center Drive, 20th Floor Costa Mesa, CA 92626-1925	Courtesy Copy: Anthony Fulcher, Esq. Office of the District Counsel Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118-3614
Courtesy Copy: John D. Rubin, Esq. Brownstein Hyatt Farber Schreck, LLP 1415 L Street, Suite 800 Sacramento, CA 94814-3964	Courtesy Copy: Robert B. Martin, III, Esq. Sidley Austin LLP 555 California Street, Suite 2000 San Francisco, CA 94104
Courtesy Copy: Roger R. Martella, Jr., Esq. Samuel B. Boxerman, Esq. Sidley Austin LLP 1501 K Street, NW Washington, DC 20005	Courtesy Copy: Robert D. Maddow, Esq. Douglas E. Coty, Esq. Gold, Polisner, Maddow, Nelson & Judson 5000 Ygnacio Valley Road, Suite 325 Walnut Creek, CA 94596

I declare under penalty of perjury that the foregoing is true and correct. Executed on
January 17, 2012, at Sacramento, California.



Crystal Rivera

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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is 500 Capitol Mall, Suite 1000, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On January 26, 2012, I served a true and correct copy of:

NOTICE OF ENTRY OF ORDER

XXX (by mail) on all parties in said action, in accordance with Code of Civil Procedure § 1013a(3), by placing a true copy thereof enclosed in a sealed envelope, with postage fully paid thereon, in the designated area for outgoing mail, addressed as set forth below.

<p>State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814</p>	<p>Michael Lauffer, Chief Counsel State Water Resources Control Board 1001 I Street, 22nd Floor Sacramento, CA 95814</p>
<p>Central Valley Regional Water Quality Control Board 11020 Sun Center Drive Rancho Cordova, CA 95670</p>	<p>David Coupe, Staff Counsel c/o San Francisco Bay Regional Water Quality Control Board 1515 Clay Street, Suite 1400 Oakland, CA 94612</p>
<p>Office of the California Attorney General 1300 I Street Sacramento, CA 95814</p>	<p>Matthew G. Bullock Deputy Attorney General California Department of Justice Natural Resources Law Section 455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004 <i>Attorneys for Respondents Central Valley Regional Water Quality Control Board and State Water Resources Control Board</i></p>
<p>Robert A. Ryan, Jr., County Counsel Lisa A. Travis, Supervising Deputy County Counsel County of Sacramento 700 H Street, Suite 2650 Sacramento, CA 95814</p>	<p>Eric N. Robinson Danielle R. Teeters Elizabeth L. Leeper Kronick, Moskovitz, Tiedemann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 <i>Attorneys for Defendant/Respondent Intervenor State Water Contractors, Inc.; Alameda County Flood Control and Water Conservation District, Zone 7; and Kern County Water Agency</i></p>

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<p>Michael B. McNaughton Hanson Bridgett, LLP 425 Market Street, 26th Floor San Francisco, CA 94105 <i>Attorneys for Defendant/Respondent Intervenor Alameda County Water District</i></p>	<p>Adam C. Kear, Sr. Deputy General Counsel The Metropolitan Water District of Southern California P.O. Box 54153 Los Angeles, CA 90054-0153 <i>Attorneys for Defendant/Respondent Intervenor The Metropolitan Water District of Southern California</i></p>
<p>Paul N. Singarella Latham & Watkins 650 Town Center Drive, 20th Floor Costa Mesa, CA 92626-1925 <i>Attorneys for Defendant/Respondent Intervenor The Metropolitan Water District of Southern California</i></p>	<p>Anthony Fulcher Office of the District Counsel Santa Clara Valley Water District 5750 Almaden Expressway San Jose, CA 95118-3614 <i>Attorneys for Defendant/Respondent Intervenor Santa Clara Valley Water District</i></p>
<p>John D. Rubin Brownstein Hyatt Farber Schreck, LLP 1415 L Street, Suite 800 Sacramento, CA 94814-3964 <i>Attorneys for Defendant/Respondent Intervenor San Luis & Delta-Mendota Water Authority</i></p>	<p>Robert B. Martin, III Sidley Austin LLP 555 California Street, Suite 2000 San Francisco, CA 94104 <i>Attorneys for Defendant/Respondent Intervenor Westlands Water District</i></p>
<p>Robert D. Maddow Douglas E. Coty Gold, Polisner, Maddow, Nelson & Judson 500 Ygnacio Valley Road, Suite 325 Walnut Creek, CA 94596 <i>Attorneys for Defendant/Respondent Intervenor Contra Costa Water District</i></p>	<p>Roger R. Martella, Jr. Samuel B. Boxerman Sidley Austin LLP 1501 K Street, NW Washington, DC 20005 <i>Attorneys for Defendant/Respondent Intervenor Westlands Water District</i></p>

I declare under penalty of perjury that the foregoing is true and correct. Executed on
January 26, 2012, at Sacramento, California.



Crystal Rivera