

Order Following Status Conference Held June 10, 2002
State Water Resource Control Board Cases, No. JC 4118

This coordinated proceeding came before the Court for a regularly scheduled status conference on June 10, 2002. The purpose of the status conference was to discuss procedures and the schedule for trial in this matter. The Court considered all status conference statements submitted in advance of the hearing. Following consideration of the points discussed with counsel at the status conference, the Court finds that the entry of certain orders is necessary for the orderly progression of the coordinated cases. Accordingly, pursuant to my powers as the Coordination Trial Judge, the following orders are entered and considered binding on all of the parties in the coordinated cases that remain a part of Coordinated Special Proceeding JC 4118. Any objections to the form or content of this order should be filed on or before June 20, 2002, and served by way of a document clearly designated as "Objections to Order Following Status Conference Held on June 10, 2002". Once the Court receives and considers the objection(s), the Court will determine whether to overrule the objection(s), grant the objection(s) in whole or in part and modify the order, or set the matter for further hearing on the objection(s). If no objections are received, then this order will become the Court's final order.

Schedule and Issues to be Argued

The Court and parties discussed a proposed trial schedule consisting of a series of separate oral arguments, on specific days over several months, concerning the main disputed issues. The final trial schedule, with issues designated for each session, is attached to this Order as Attachment A and incorporated herein. The October date has been changed from that announced during the status conference due to another conflict in the Court's calendar. Unless otherwise ordered, proceedings will start at 9:00 a.m. on each scheduled day in Department 27 of this Court.

Preliminary Issues

Several preliminary matters need to be resolved prior to trial and some of the parties indicated they intend to file other motions, objections, or pleadings affecting the trial. Any responses to the requests for judicial notice already filed in this proceeding and the North California Water Ass'n's request to file an amicus curiae brief will be filed on or before Friday, June 14, 2002; and any replies will be filed on or before Friday, June 21st. Any motion concerning the declaration of Karna Harrigfeld or the pleadings or participation of Golden Gate Audubon Society will be filed on or before Friday, June 14, 2002; any response or stipulation will be filed on or before Friday, June 21st; and any reply will be filed on or before Friday, June 29th. Oral argument on all these matters will be heard at 9:00 a.m. on Monday, July 8, 2002. The Court intends to have a tentative ruling on the matters to be resolved at the July 8, 2002 hearing posted on the Court's website by 4 p.m., July 3, 2002.

Dismissal of Certain Claims

Petitioner Golden Gate Audubon Society moved to dismiss those claims asserted in paragraphs 63 & 64 of its petition (since there has been no briefing on those issues), and the Court ordered paragraphs 63 & 64 dismissed from the proceeding.

Tentative Rulings, Questions and Other Information

Two days before each trial session, the Court will post to the web site maintained for this case (www.saccourt.com/CoordCases/swrcb/) any tentative ruling, set of specific issues or questions, and other hearing-related information. Counsel shall refer to this information in advance of the hearing.

Other Trial Procedures

If, in its briefs, a party has cited to a specific page or document in the administrative record, the party need not provide paper copies for other counsel at trial. If, during trial, a party cites to a specific page or document in the administrative record not previously cited by that party, the party shall provide sufficient paper copies of the page or document for all counsel participating in that trial session. In all cases, a party referring to a specific page in the administrative record shall provide the Court with two paper copies of that specific page (where other pages in a

Attachment A:
Trial and Oral Argument Schedule
State Water Resources Control Board Cases
 No. JC 4118

Session No.	DATE 2002	ISSUES TO BE ARGUED	PETITIONERS RAISING ISSUE
1	Monday, July 8 th	▪ Requests for judicial notice	▪ Central Delta ▪ San Joaquin County ▪ Santa Clara Valley
		▪ Request to file amicus curiae brief	▪ No. Calif. Water Ass'n
		▪ Standard of review	▪ All
2	Monday, August 5 th	▪ Bureau of Reclamation's petition re places and purposes of use (Phase 7) ▪ CEQA requirements: Place of Use EIR	▪ Westlands ▪ Anderson ▪ Santa Clara ▪ Central Delta
3	Wednesday, August 28 th	▪ CEQA requirements: Implementation EIR ▪ Salmon-doubling requirement	▪ Central Delta ▪ Pacific Coast Federation
4	Monday & Tuesday, September 23 th & 24 th	▪ Area-of-origin protections (all) ▪ Reasonableness of exports	▪ Central Delta ▪ San Joaquin County
5	Monday & Tuesday, October 21 st & 22 nd *	▪ San Joaquin River issues (except for area-of-origin issues): ○ San Joaquin River Agreement ○ New Melones Dam issues ○ Agricultural drainage issues ▪ Other related issues	▪ Central Delta ▪ San Joaquin County
		▪ Joint point of diversion issues (Phase 6)	▪ Central Delta
6	Friday, November 15 th	▪ Mokelumne River Settlement (Phase 4) (except for area-of-origin issues)	▪ Central Delta ▪ San Joaquin County
		▪ Due process/bias issues	▪ Central Delta
		▪ All other major, remaining issues	
* Changed after status conference			

Attachment B:
Disks Needed for These Briefs
State Water Resources Control Board Cases
No. JC 4118

REAL PARTY IN INTEREST BRIEFS:

California Dep't of Water Resources (3/19/02)
North Delta Water Agency (3/19/02) |
San Joaquin River Group Authority *et al.* (3/19/02)
Westside Water District (3/19/02)
Woodbridge Irrigation District (3/19/02)
San Luis Water District (3/20/02)

REPLY BRIEFS:

State Respondents' Combined Reply Brief to Real Parties in Interest Briefs (5/23/02)
Northern California Water Ass'n's Amicus Curiae Brief re Appropriate Standards of Judicial Review (5/23/02)
Westlands' and Anderson Landowners' Reply Brief (5/21/02)
Westlands Water District's Reply Brief (5/22/02)
Pacific Coast Federation of Fishermen's Ass'ns' Reply (5/23/02)