

**Order Following Status Conference Held October 23, 2002**  
***State Water Resources Control Board Cases, No. JC 4118***

This coordinated proceeding came before the Court for a scheduled status conference on October 23, 2002. After considering the discussion had 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 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 November 8, 2002, and served by way of a document clearly designated as "Objections to Order Following Status Conference Held on October 23, 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.

**Pending Motions to Intervene**

The previously briefed, argued, and submitted motions to intervene will be ruled on by the Court as part of the Court's judgment in this case following counsels' arguments on November 14 and 15, 2002.

**October 17, 2002 Request for Judicial Notice from CDWA**

The Court will not consider and hereby strikes those portions of the submitted October 17, 2002 request for judicial notice from Central Delta Water Agency which amount to argument over matters relevant to these coordinated actions. Any party wishing to object to the Court taking judicial notice of the historical documents which are attached as Exhibits 1 through 4, inclusive, of the request for judicial notice is ordered to have any objection filed in writing with the Court by Friday, November 1, 2002. If any objections are received, the Court will determine how best to resolve the objection and proceed accordingly. If no objections are received by Friday, November 1, 2002, the Court will grant the request for judicial notice and take judicial notice of the four historical documents attached as Exhibits 1 through 4, inclusive, of the request for judicial notice.

**No Final Arguments or Briefing Necessary**

With the matters already scheduled for argument on November 14 and 15, 2002, and with the extensive argument and briefing that has already taken place in this matter, it does not appear to the Court that any further final arguments or briefing will be necessary after the conclusion of the November 14 and 15, 2002, arguments.

**Submission of Documents Outlining Oral Argument Record References**

The Court is satisfied that the Court understands all reference citations to documentation contained in the administrative record which counsel have made during their oral arguments and the Court has no intention of making the binders and other matters which counsel have submitted to the Court to use for the Court's convenience in following oral argument presentations a formal part of the record in these proceedings. However, if any counsel believes their own oral argument record to be unclear and desires to submit a document correlating their oral argument exhibit references to administrative record exhibit references, counsel may file and serve such a document by November 8, 2002, for any oral arguments already completed and may file such a document on the day of the hearing for any subsequent oral arguments.

October 24, 2002

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Roland L. Candee  
Coordination Trial Judge