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13 Water Agency

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20 Attorney for Plaintiff Kern County Water Agency

21 UNITED STATES DISTRICT COURT  
22 EASTERN DISTRICT OF CALIFORNIA

23 COALITION FOR A SUSTAINABLE DELTA )  
24 and KERN COUNTY WATER AGENCY, )

25 Plaintiffs, )

26 vs. )

27 UNITED STATES FISH AND WILDLIFE )  
28 SERVICE, UNITED STATES DEPARTMENT )  
29 OF THE INTERIOR, KEN SALAZAR, in his )  
30 official capacity as Secretary of the United States )  
31 Department of Interior, and ROWAN W. )  
32 GOULD, in his official capacity as Acting )  
33 Director, United States Fish and Wildlife Service, )

34 Defendants. )

35 UNITED STATES BUREAU OF )  
36 RECLAMATION and J. WILLIAM )  
37 MCDONALD, in his official capacity as Acting )  
38 Commissioner, United States Bureau of )  
39 Reclamation, )

40 and )

Case No:

NOTICE OF RELATED CASES  
[LOCAL RULE 83-123]

1 CALIFORNIA DEPARTMENT OF WATER )  
2 RESOURCES and LESTER SNOW, in his official )  
3 capacity as Director, California Department of )  
4 Water Resources, )

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Real Parties in Interest.

1 Pursuant to Local Rule 83-123, plaintiffs Coalition for a Sustainable Delta and Kern  
2 County Water Agency file this notice to inform the Court and other parties of cases related to this action.

3 **Notice of Related Cases (Local Rule 83-123)**

4 This case involves the 2008 biological opinion issued by the United States Fish and  
5 Wildlife Service (“Service”) for the operation of the State Water Project (“SWP”) and federal Central  
6 Valley Project (“CVP”). The complaint in the instant case alleges violations of the Endangered Species  
7 Act (“ESA”) and Administrative Procedure Act (“APA”) related to the Service’s adoption of the 2008  
8 biological opinion for the delta smelt.

9 The first related case is entitled *Coalition for a Sustainable Delta v. Koch*, Case No. 1:08-  
10 CV-00397-OWW-GSA (E.D.Cal.) (“*Koch*”). The *Koch* case involves the California Department of Fish  
11 and Game’s striped bass fishing program and its impact on the health of the fish species protected by the  
12 ESA, including the delta smelt, in the Sacramento-San Joaquin Bay Delta (“Delta”).

13 The second related case is entitled *National Resources Defense Council v. Kempthorne*,  
14 Case No. 05-CV-01207-OWW-TAG (E.D. Cal.) (“*Kempthorne*”). The *Kempthorne* case involves the  
15 2005 biological opinion issued by the Service for delta smelt for the operation of the SWP and CVP.

16 The third related case is entitled *State Water Contractors v. Salazar*, Case No. 1:09-cv-  
17 00422-OWW-GSA (E.D. Cal.) (“*State Water Contractors*”). The *State Water Contractors* case was  
18 filed on March 4, 2009 in the United States District Court, Eastern District of California and involves  
19 the same biological opinion as the instant case.

20 The fourth related case is entitled *San Luis & Delta-Mendota Water Authority v. Salazar*,  
21 Case No. 1:09-cv-00407-OWW-DLB (E.D. Cal.) (“*San Luis*”). The *San Luis* case was filed on March 3,  
22 2009 in the United States District Court, Eastern District of California and involves the same biological  
23 opinion as the instant case.

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1           There is a significant amount of factual and legal overlap among the above-described  
2 cases, which all involve the Delta, operation of the SWP and CVP, and species protected under the ESA,  
3 including the delta smelt, that live in the Delta. Plaintiffs respectfully submit that judicial efficiency will  
4 be served by having the same judge hear all of the above-described cases.

5  
6 Dated: March 12, 2009

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AUDREY HUANG

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9 By: /s/ PAUL S. WEILAND, ESQ.

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11 Kern County Water Agency  
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