

1 DANIEL J. O'HANLON, State Bar No. 122380
dohanlon@kmtg.com
2 CARISSA M. BEECHAM, State Bar No. 254625
cbeecham@kmtg.com
3 JENIFER N. GEE, State Bar No. 311492
jgee@kmtg.com
4 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
400 Capitol Mall, 27th Floor
5 Sacramento, CA 95814
Telephone: (916) 321-4500
6 Facsimile: (916) 321-4555

7 ANDREA A. MATARAZZO, State Bar No. 179198
andrea@pioneerlawgroup.net
8 PIONEER LAW GROUP, LLP
1122 S Street
9 Sacramento, CA 95811
Telephone: (916) 287-9500
10 Facsimile: (916) 287-9515

11 Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

13 *[Additional Counsel on Next Page]*

14 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15 **COUNTY OF SHASTA**

16 PEOPLE OF THE STATE OF CALIFORNIA
EX REL. ATTORNEY GENERAL XAVIER
17 BECERRA,

18 Plaintiff and Petitioner,

19 v.

20 WESTLANDS WATER DISTRICT AND
DOES 1-20,

21 Defendants and Respondents.
22

Case No. 192487

**STIPULATION FOR ENTRY OF
JUDGMENT**

Assigned for All Purposes to:
Hon. Tamara L. Wood

Action Filed: May 13, 2019
Trial Date: April 14, 2020

FILED

NOV 07 2019

CLERK OF THE SUPERIOR COURT
BY: J. BRIGMON, DEPUTY CLERK

By Fax

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ADDITIONAL COUNSEL

JON D. RUBIN, State Bar No. 196944
jrubin@wwd.ca.gov
General Counsel
WESTLANDS WATER DISTRICT
400 Capitol Mall, 28th Floor
Sacramento, CA 95814
Telephone: (916) 321-4207
Facsimile: (559) 241-6277

Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

1 WHEREAS, the People of the State of California ex rel. Attorney General Xavier Becerra
2 (People) filed an action against Westlands Water District (Westlands) on May 13, 2019, alleging
3 violations of Public Resources Code section 5093.542 (Case No. 192487);

4 WHEREAS, Friends of the River, et al. also filed an action against Westlands on May 13,
5 2019, alleging violations of Public Resources Code section 5093.542 (Case No. 192490);

6 WHEREAS the North Coast Rivers Alliance, et al. filed a third action against Westlands
7 on July 5, 2019, alleging violations of Pub. Resources Code section 5093.542, as well as
8 violations of the Delta Reform Act and the Public Trust Doctrine (Case No. 192958);

9 WHEREAS section 5093.542(c) of the Public Resources Code provides that “no agency of
10 the state shall assist or cooperate with...any agency of the federal, state, or local government in the
11 planning or construction of any dam, reservoir, diversion, or other water impoundment facility that
12 could have an adverse effect on the free-flowing condition of the McCloud River, or on its wild
13 trout fishery”;

14 WHEREAS the U.S. Bureau of Reclamation (Reclamation) has proposed a Shasta Dam
15 Raise Project that would raise the height of Shasta Dam;

16 WHEREAS, the People moved this Court for a preliminary injunction;

17 WHEREAS, the People based its argument for a preliminary injunction on the allegation
18 that Westlands violated section 5093.542 of the Public Resources Code by conducting
19 environmental review of the Shasta Dam Raise Project pursuant to the California Environmental
20 Quality Act (CEQA);

21 WHEREAS, on July 29, 2019, the Court in the People’s case entered a preliminary
22 injunction preventing Westlands from “taking any action that constitutes planning for or the
23 construction of the Shasta Dam Raise Project, pending trial of this matter” and enjoining
24 Westlands’ CEQA process initiated in November 2018;

25 WHEREAS, on September 30, 2019, Westlands formally withdrew its CEQA Notice of
26 Preparation by filing with the State Clearinghouse a Notice of Termination of CEQA Process and
27 Withdrawal of Notice of Preparation – Shasta Dam Raise Project;

28 ///

1 WHEREAS, the parties have met and conferred to reach a resolution of this litigation;
2 THEREFORE, the parties now agree to this Stipulation for Entry of Judgment
3 (“Stipulation”), and request that the Court enter a Stipulated Judgment providing, as follows:

4 1. Westlands shall not undertake any of the following actions to the extent doing so
5 would violate Public Resources Code section 5093.542:

6 a. Initiate preparation of an environmental impact report or other
7 environmental review document pursuant to CEQA for a project to raise Shasta Dam;

8 b. Enter into any agreement to fund, directly or indirectly, the raising of Shasta
9 Dam;

10 c. Enter into any other agreement that would assist any agency of the federal,
11 state, or local government in the planning or construction of the raising of Shasta Dam; or

12 d. Acquire additional real property to facilitate the raising of Shasta Dam.

13 2. Nothing in this Stipulation is intended or shall be construed to preclude any state,
14 local, or federal agency, board, department, office, commission, or entity not a party to this
15 Stipulation from exercising its authority under any law, statute, regulation, or ordinance.

16 3. Nothing in this Stipulation is intended or shall be construed to permit, allow, or
17 otherwise authorize Westlands taking any action to the extent doing so would violate Public
18 Resources Code section 5093.542.

19 4. The Court shall retain jurisdiction (a) to enforce the terms and conditions of the
20 Stipulated Judgment; and (b) to consider applications addressing whether and in what amount any
21 party may recover attorneys’ fees and costs.

22 5. This Stipulation has been drafted equally by the parties, and shall not be interpreted
23 for or against either party on the ground that any such party drafted either document. This
24 Stipulation shall be governed by and construed in accordance with the laws of the State of
25 California.

26 6. This Stipulation represents an agreed resolution of this case and is entered into to
27 avoid protracted and expensive litigation. The parties do not intend for this Stipulation or a
28 Stipulated Judgment entered pursuant to it to decide the merits of any claim or issue raised in this

1 case, and as such, does not constitute any evidence against or admission by any party to this
2 Stipulation or any third party regarding any issue of fact or law, nor can it serve as an estoppel to
3 future litigation.

4 7. Subject to and based upon the conditions agreed to in this Stipulation, each of the
5 cases shall be dismissed, without prejudice.

6 IT IS SO STIPULATED.

7

8 DATED: November 7, 2019

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation

9

10

11

By: 

Daniel J. O'Hanlon

Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

12

13

14 DATED: November 7, 2019

XAVIER BECERRA, ATTORNEY GENERAL

15

16

By: 

Russell B. Hildreth, Deputy Attorney General

Attorneys for Plaintiff and Petitioner
PEOPLE OF THE STATE OF CALIFORNIA EX
REL. ATTORNEY GENERAL XAVIER
BECERRA

17

18

19

20

21

22

23

24

25

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

**People, et al. v. Westlands Water District, et al.
Shasta County Superior Court Case No. 192487**

STATE OF CALIFORNIA, COUNTY OF SACRAMENTO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Sacramento, State of California. My business address is 400 Capitol Mall, 27th Floor, Sacramento, CA 95814.


On November 7, 2019, I served true copies of the following document(s) described as **STIPULATION FOR ENTRY OF JUDGMENT** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with the practice of Kronick, Moskovitz, Tiedemann & Girard for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 7, 2019, at Sacramento, California.



Sherry Ramirez

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST
People, et al. v. Westlands Water District, et al.
Shasta County Superior Court Case No. 192487

Xavier Becerra
Tracy Winsor
Courtney Covington
Russell Hildreth
Attorney General
Office of the Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7825
Facsimile: (916) 327-2319
Email: Russell.Hildreth@doj.ca.gov

Attorneys for Plaintiff and Petitioner
PEOPLE OF THE STATE OF CALIFORNIA
EX REL. ATTORNEY GENERAL XAVIER
BECERRA

Jon D. Rubin
General Counsel
WESTLANDS WATER DISTRICT
400 Capitol Mall, 28th Floor
Sacramento, CA 95814
Telephone: (916) 321-4207
Facsimile: (559) 241-6277
Email: jrubin@wwd.ca.gov

Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT

Andrea A. Matarazzo
PIONEER LAW GROUP, LLP
1122 S Street
Sacramento, CA 95811
Telephone: (916) 287-9500
Facsimile: (916) 287-9515
Email: andrea@pioneerlawgroup.net

Attorneys for Defendant and Respondent
WESTLANDS WATER DISTRICT