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EXEMPT FROM FILING FEES
GOV. CODE § 6103

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SACRAMENTO

11
12 **ROSEDALE-RIO BRAVO WATER**
STORAGE DISTRICT, BUENA VISTA
13 **WATER STORAGE DISTRICT,**
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Petitioners,
15
v.
16
CALIFORNIA DEPARTMENT OF
17 **WATER RESOURCES,**
18
Respondent,
19
20 **KERN WATER BANK AUTHORITY,**
WESTSIDE MUTUAL WATER
21 **COMPANY, DUDLEY RIDGE WATER**
DISTRICT, WHEELER RIDGE-
22 **MARICOPA WATER STORAGE**
DISTRICT, SEMITROPIC WATER
23 **STORAGE DISTRICT, KERN COUNTY**
WATER AGENCY IMPROVEMENT
24 **DISTRICT NO. 4, TEJON-CASTAC**
WATER DISTRICT, DOES 1 THROUGH
25 **5000, INCLUSIVE,**
26
Real Parties in Interest.

Case No. 34-2010-80000703

Related to:
Case No. 34-2010-80000561
Case No. 34-2010-80000719
Case No. 34-2016-80002649

**STIPULATION TO DISCHARGE WRIT
OF MANDATE; [PROPOSED] ORDER**

Dept: 29
Judge: The Hon. Timothy M. Frawley
Trial Date: January 31, 2014
Action Filed: June 3, 2010

1 Petitioners Rosedale-Rio Bravo Water Storage District and Buena Vista Water Storage
2 District (Petitioners), Respondent California Department of Water Resources (DWR), and Real
3 Parties in Interest Kern Water Bank Authority (KWBA), Dudley Ridge Water District, Westside
4 Mutual Water Company, Semitropic Water Storage District, Tejon-Castac Water District,
5 Wheeler Ridge-Maricopa Water Storage District, and Kern County Water Agency on behalf of its
6 Improvement District No. 4 (the “Kern Water Bank Real Parties”), hereby stipulate and agree as
7 follows:

8 WHEREAS, on June 3, 2010, Petitioners filed the above-entitled lawsuit challenging the
9 adequacy of the Monterey Plus Environmental Impact Report pursuant to the California
10 Environmental Quality Act (CEQA);

11 WHEREAS, on November 24, 2014, the court issued Findings and Peremptory Writ of
12 Mandate in the Rosedale matter (2014 Writ of Mandate);

13 WHEREAS, on December 16, 2014, DWR vacated its February 1, 2010 certification of the
14 Monterey Plus Environmental Impact Report (2010 EIR);

15 WHEREAS, DWR prepared the 2016 Monterey Plus Revised Environmental Impact
16 Report (2016 REIR) in conformance with the 2014 Writ of Mandate;

17 WHEREAS, among other revisions, in the 2016 REIR, DWR revised the 2010 EIR’s
18 project description to include the development, use, and operation of the Kern Water Bank as a
19 water banking recovery project and revised the 2010 EIR to analyze the potential impacts
20 associated with the transfer, development, use, and operation of the Kern Water Bank as a water
21 banking and recovery project as identified in the court’s Rulings on Submitted Matter, dated
22 March 5, 2014;

23 WHEREAS, Petitioners did not submit formal written comments to DWR on the draft 2016
24 REIR;

25 WHEREAS, on September 20, 2016, as required by the 2014 Writ of Mandate and CEQA,
26 DWR’s Director: (1) certified the 2016 REIR; (b) adopted new findings and determinations, a
27 statement of overriding considerations, and a mitigation monitoring reporting program; and (c)
28

1 made a new determination regarding whether to carry out the proposed project by continuing the
2 use and operation of the Kern Water Bank by KWBA;

3 WHEREAS, on September 22, 2016, DWR filed a notice of determination with the State
4 Clearinghouse;

5 WHEREAS, on September 28, 2016, DWR filed its Return to the 2014 Writ of Mandate
6 including the 2016 REIR;

7 WHEREAS, on October 10, 2016, DWR certified the administrative record for preparation
8 of the 2016 REIR;

9 WHEREAS, on October 14, 2016, DWR lodged the complete certified administrative
10 record with the court via a flash drive containing the entire record, with a hyperlinked index, and
11 served a copy of same on parties including Petitioners;

12 WHEREAS, the court has scheduled August 18, 2017, for a hearing on the adequacy of
13 DWR's compliance with the 2014 Writ of Mandate;

14 WHEREAS, having reviewed the 2016 REIR, including the 2016 KWB Long-Term
15 Operations Plan, Petitioners are satisfied that the 2016 REIR adequately addressed the concerns
16 raised in their action (Case No. 2010-34-80000703); and

17 WHEREAS, the Petitioners, DWR, and Kern Water Bank Real Parties agree that DWR's
18 return to the court's 2014 Writ of Mandate demonstrates compliance with the Court's 2014 Writ
19 of Mandate and with the requirements of CEQA.

20 NOW THEREFORE IT IS STIPULATED AND AGREED AS FOLLOWS:

21 1. The court shall discharge its 2014 Writ of Mandate issued in the above-entitled
22 Rosedale matter.

23 2. This stipulation may be executed in counterparts, with all counterparts when executed
24 constituting one document notwithstanding that all of the parties are not a signatory to the original
25 or same document.

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Dated: May 2, 2017

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Dated: May 3, 2017

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Dated: May 2, 2017

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behalf of its Improvement District No. 4

Dated: May 3, 2017

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1 Dated: May 2, 2017

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STEVEN P. SAXTON
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6 **[PROPOSED] ORDER**

7 For good cause shown, the Parties' stipulation and agreement as set forth above is
8 **APPROVED.** The court hereby discharges the 2014 Writ of Mandate issued in the above-
9 entitled *Rosedale* action.

10 This order does not discharge the 2014 Writ of Mandate issued in *Central Delta Water*
11 *Agency v. Dept. of Water Resources*, Sacramento County Superior Court, Case No. 34-2010-
12 0000561.

13 **SO ORDERED.**

14
15 Date: _____

JUDGE OF THE SUPERIOR COURT

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