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12  
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  
17 EX REL. ATTORNEY GENERAL XAVIER  
BECERRA,

18 Plaintiff and Petitioner,

19 v.

20 WESTLANDS WATER DISTRICT AND  
21 DOES 1-20,

22 Defendants and Respondents.

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

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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;

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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

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10

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By: 

Daniel J. O'Hanlon

Attorneys for Defendant and Respondent  
WESTLANDS WATER DISTRICT

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14 DATED: November 7, 2019

XAVIER BECERRA, ATTORNEY GENERAL

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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

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**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.

  
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Sherry Ramirez

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

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