

FILED

UNITED STATES COURT OF APPEALS

AUG 23 2012

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SAN LUIS & DELTA-MENDOTA
WATER AUTHORITY; WESTLANDS
WATER DISTRICT; STEWART &
JASPER ORCHARDS; ARROYO
FARMS, LLC; KING PISTACHIO
GROVE; STATE WATER
CONTRACTORS; METROPOLITAN
WATER DISTRICT OF SOUTHERN
CALIFORNIA; COALITION FOR A
SUSTAINABLE DELTA; KERN
COUNTY WATER AGENCY,

Plaintiffs - Appellees,

CALIFORNIA DEPARTMENT OF
WATER RESOURCES,

Intervenor-Plaintiff -
Appellee,

FAMILY FARM ALLIANCE,

Plaintiff - Appellee,

v.

KENNETH LEE SALAZAR, as Secretary
of the Department of the Interior; UNITED
STATES DEPARTMENT OF THE
INTERIOR; U.S. FISH AND WILDLIFE
SERVICE; ROWAN GOULD, as Acting
Director of the U.S. Fish and Wildlife
Service; REN LOHOEFENOR, as
Regional Director of the U.S. Fish and

No. 11-17143

D.C. No. 1:09-cv-00407-OWW-DLB
Eastern District of California,
Fresno

ORDER

Wildlife Service, Pacific Southwest Region, U.S. Department of the Interior; UNITED STATES BUREAU OF RECLAMATION; J. WILLIAM MCDONALD, as Acting Commissioner of the U.S. Bureau of Reclamation, U.S. Department of the Interior; DONALD GLASER, as Director of the U.S. Bureau of Reclamation, Mid-Pacific Region, U.S. Department of the Interior; LESTER A. SNOW; MICHAEL L. CONNOR, Commissioner; UNITED STATES DEPARTMENT OF JUSTICE; UNITED STATES ENVIRONMENTAL PROTECTION AGENCY; LISA JACKSON, in her official capacity as Administrator of the Environmental Protection Agency; U.S. DEPARTMENT OF TRANSPORTATION; RAY LAHOOD, in his official capacity as Secretary of Transportation; MARITIME ADMINISTRATION; JAMES E. CAPONITI, in his official capacity as Acting Deputy Maritime Administrator; DEPARTMENT OF HOMELAND SECURITY; JANET A. NAPOLITANO, in her official capacity as Secretary of Homeland Security; FEDERAL EMERGENCY MANAGEMENT AGENCY; WILLIAM CRAIG FUGATE, in his official capacity as Administrator of the Federal Emergency Management Agency; UNITED STATES ARMY CORPS OF ENGINEERS; ROBERT VAN ANTWERP, Lieutenant General,

Defendants,

and

NATURAL RESOURCES DEFENSE
COUNCIL; THE BAY INSTITUTE,

Intervenor-Defendants -
Appellants.

Appellees' Motion to Dismiss, filed on December 5, 2011, is GRANTED.

Because the implementation period for the Fall X2 Action has passed, any challenge to the district court's injunction is moot. *See Kitlutsisti v. Arco Alaska, Inc.*, 782 F.2d 800, 801 (9th Cir. 1986). The district court's judgment is VACATED and the pending Requests for Judicial Notice filed on March 19, 2012 and April 5, 2012, respectively, are DENIED as moot.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Wendy Li
Deputy Clerk

Taylor, Amy R.

From: ca9_ecfnoticing@ca9.uscourts.gov

Sent: Thursday, August 23, 2012 4:35 PM

To: Taylor, Amy R.

Subject: 11-17143 San Luis & Delta-Mendota Water, et al v. Kenneth Salazar, et al "Dispositive Clerk Order Filed"

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United States Court of Appeals for the Ninth Circuit

Notice of Docket Activity

The following transaction was entered on 08/23/2012 at 4:32:44 PM PDT and filed on 08/23/2012

Case Name: San Luis & Delta-Mendota Water, et al v. Kenneth Salazar, et al

Case Number: [11-17143](#)

Document(s): [Document\(s\)](#)

Docket Text:

Filed order (Deputy Clerk: WL) Appellees' Motion to Dismiss, filed on December 5, 2011, is GRANTED. Because the implementation period for the Fall X2 Action has passed, any challenge to the district court's injunction is moot. See Kitlutsisti v. Arco Alaska, Inc., 782 F.2d 800, 801 (9th Cir. 1986). The district court's judgment is VACATED and the pending Requests for Judicial Notice filed on March 19, 2012 and April 5, 2012, respectively, are DENIED as moot. [8297852] (WL)

Notice will be electronically mailed to:

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Honorable Oliver W. Wanger, Senior District Judge
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Document Description: Main Document

Original Filename: 11-17143.pdf

Electronic Document Stamp:

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