

**FILED**

UNITED STATES COURT OF APPEALS

SEP 03 2014

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; FAMILY  
FARM ALLIANCE,

Plaintiffs - Appellees,

CALIFORNIA DEPARTMENT OF  
WATER RESOURCES,

Intervenor-Plaintiff -  
Appellee,

v.

SALLY JEWELL, as Secretary of the  
Department of the Interior; U.S.  
DEPARTMENT OF THE INTERIOR;  
U.S. FISH & WILDLIFE SERVICE;  
DANIEL M. ASHE, as Director of the  
U.S. Fish and Wildlife Service; REN  
LOHOEFENER, as Regional Director of  
the U.S. Fish and Wildlife Service, Pacific  
Southwest Region, U.S. Department of the  
Interior; UNITED STATES BUREAU OF  
RECLAMATION; MICHAEL L.

No. 11-15871

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

ORDER

CONNOR, as Commissioner of the U.S. Bureau of Reclamation, U.S. Department of the Interior; DAVID MURILLO, as Director of the U.S. Bureau of Reclamation, Mid-Pacific Region, U.S. Department of the Interior; MARK COWIN, Director, California Department of Water Resources; UNITED STATES DEPARTMENT OF JUSTICE; U.S. ENVIRONMENTAL PROTECTION AGENCY; GINA MCCARTHY, in her official capacity as Administrator of the Environmental Protection Agency; U.S. DEPARTMENT OF TRANSPORTATION; ANTHONY FOXX, in his official capacity as Secretary of Transportation; MARITIME ADMINISTRATION; PAUL N. JAENICHEN, Sr., in his official capacity as Acting Maritime Administrator; U.S. DEPARTMENT OF HOMELAND SECURITY; JEH JOHNSON, in his 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; THOMAS P. BOSTICK, Commanding General and Chief of Engineers, United States Army Corps of Engineers,

Defendants,

And

NATURAL RESOURCES DEFENSE COUNCIL; THE BAY INSTITUTE,

Intervenor-Defendants -  
Appellants.

SAN LUIS & DELTA-MENDOTA  
WATER AUTHORITY; et al.,

Plaintiffs,

CALIFORNIA DEPARTMENT OF  
WATER RESOURCES,

Intervenor-Plaintiff,

And

STATE WATER CONTRACTORS,

Plaintiff - Appellant,

v.

SALLY JEWELL, as Secretary of the  
Department of the Interior; et al.,

Defendants - Appellees,

NATURAL RESOURCES DEFENSE  
COUNCIL and THE BAY INSTITUTE,

Intervenor-Defendants -  
Appellees.

No. 11-16617

D.C. No. 1:09-cv-00407-OWW-  
DLB

Eastern District of California,  
Fresno

SAN LUIS & DELTA-MENDOTA  
WATER AUTHORITY; et al.,

No. 11-16621

D.C. No. 1:09-cv-00407-OWW-

Plaintiffs,

CALIFORNIA DEPARTMENT OF  
WATER RESOURCES,

Intervenor-Plaintiff,

And

METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA,

Plaintiff - Appellant,

v.

SALLY JEWELL, as Secretary of the  
Department of the Interior; et al.,

Defendants - Appellees,

NATURAL RESOURCES DEFENSE  
COUNCIL and THE BAY INSTITUTE,

Intervenor-Defendants -  
Appellees.

DLB  
Eastern District of California,  
Fresno

SAN LUIS & DELTA-MENDOTA  
WATER AUTHORITY; et al.,

Plaintiffs - Appellees,

CALIFORNIA DEPARTMENT OF  
WATER RESOURCES,

Intervenor-Plaintiff -  
Appellee,

No. 11-16623

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

v.

SALLY JEWELL, as Secretary of the  
Department of the Interior; et al.,

Defendants - Appellants,

And

NATURAL RESOURCES DEFENSE  
COUNCIL; et al.,

Intervenor-Defendants.

SAN LUIS & DELTA-MENDOTA  
WATER AUTHORITY and  
WESTLANDS WATER DISTRICT,

Plaintiffs - Appellants,

And

STEWART & JASPER ORCHARDS; et  
al.,

Plaintiffs,

CALIFORNIA DEPARTMENT OF  
WATER RESOURCES,

Intervenor-Plaintiff,

v.

SALLY JEWELL, as Secretary of the  
Department of the Interior; et al.,

No. 11-16624

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

Defendants - Appellees,

NATURAL RESOURCES DEFENSE  
COUNCIL and THE BAY INSTITUTE,

Intervenor-Defendants -  
Appellees.

STATE WATER CONTRACTORS,

Plaintiff - Appellant,

v.

SALLY JEWELL, as Secretary of the  
Department of the Interior; et al.,

Defendants - Appellees.

No. 11-16660

D.C. No. 1:09-cv-00422-OWW-  
GSA  
Eastern District of California,  
Fresno

METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA,

Plaintiff - Appellant,

v.

U.S. FISH & WILDLIFE SERVICE; et al.,

Defendants - Appellees.

No. 11-16662

D.C. No. 1:09-cv-00631-OWW-  
DLB  
Eastern District of California,  
Fresno

Before: ARNOLD,\* RAWLINSON, and BYBEE, Circuit Judges.

The joint motion for a stay of the issuance of the mandate pending petition for certiorari by San Luis and Delta-Mendota Water Authority, Westlands Water District, Kern County Water Agency, Coalition for a Sustainable Delta, State Water Contractors, and Metropolitan Water District of Southern California, filed July 29, 2014, is hereby DENIED.

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\* The Honorable Morris S. Arnold, Senior Circuit Judge for the U.S. Court of Appeals for the Eighth Circuit, sitting by designation.