

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

APR 23 2004

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

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

Plaintiffs - Appellees,

v.

UNITED STATES DEPARTMENT OF THE
INTERIOR; GALE A. NORTON, Secretary
U.S. Department of the Interior; UNITED
STATES BUREAU OF RECLAMATION;
ELUID MARTINEZ, Commissioner of the
U.S. Bureau of Reclamation; LESTER A.
SNOW, Regional Director of the U.S.
Department of the Interior, Bureau of
Reclamation, Mid-Pacific Region; UNITED
STATES DEPARTMENT OF FISH AND
WILDLIFE; JAMIE RAPPAPORT CLARK,
Director of the U.S. Fish and Wildlife
Service; MICHAEL SPEAR, Operations
Manager of the California/Nevada Operations
Office, U.S. Fish and Wildlife Service,
Pacific Region; UNITED STATES
DEPARTMENT OF COMMERCE;
DONALD EVANS, Secretary, United States
Department of Commerce; NATIONAL
MARINE FISHERIES SERVICE;
PENELOPE DALTON, Assistant
Administrator for Fisheries at Commerce;
REBECCA LENT, Dr., Regional
Administrator of the U.S. Marine Fisheries
Service;

No. 03-15194

D.C. No. CV-00-07124-OWW
Eastern District of California,
Fresno

ORDER

RECEIVED
MORISSET, SCHLOSSER, JOZWIAK & MCGAW

APR 29 2004

☒ MAIL ☐ EXPRESS ☐ HAND
☐ FAX ☐ E-MAIL ☐ INTERNET

Defendants,

YUROK TRIBE,

Defendant-intervenor,

and,

HOOPA VALLEY TRIBE,

Defendant-intervenor - Appellant,

v.

**SACRAMENTO MUNICIPAL UTILITY
DISTRICT; NORTHERN CALIFORNIA
POWER ASSOCIATION,**

Plaintiff-Intervenors - Appellees.

**WESTLANDS WATER DISTRICT; SAN
LUIS & DELTA-MENDOTA WATER
AUTHORITY,**

Plaintiffs - Appellees,

v.

**UNITED STATES DEPARTMENT OF THE
INTERIOR; GALE A. NORTON, Secretary
U.S. Department of the Interior; UNITED
STATES BUREAU OF RECLAMATION;
ELUID MARTINEZ, Commissioner of the
U.S. Bureau of Reclamation; LESTER A.**

No. 03-15289

D.C. No. CV-00-07124-OWW
Eastern District of California,
Fresno

SNOW, Regional Director of the U.S. Department of the Interior, Bureau of Reclamation, Mid-Pacific Region; UNITED STATES DEPARTMENT OF FISH AND WILDLIFE; JAMIE RAPPAPORT CLARK, Director of the U.S. Fish and Wildlife Service; MICHAEL SPEAR, Operations Manager of the California/Nevada Operations Office, U.S. Fish and Wildlife Service, Pacific Region; UNITED STATES DEPARTMENT OF COMMERCE; DONALD EVANS, Secretary, United States Department of Commerce; NATIONAL MARINE FISHERIES SERVICE; PENELOPE DALTON, Assistant Administrator for Fisheries at Commerce; REBECCA LENT, Dr., Regional Administrator of the U.S. Marine Fisheries Service,

Defendants - Appellants,

and,

YUOK TRIBE; HOOPA VALLEY TRIBE,

Defendant-Intervenors,

v

SACRAMENTO MUNICIPAL UTILITY DISTRICT; NORTHERN CALIFORNIA POWER ASSOCIATION,

Plaintiff-Intervenors - Appellees

**WESTLANDS WATER DISTRICT; SAN
LUIS & DELTA-MENDOTA WATER
AUTHORITY,**

Plaintiffs - Appellants,

v.

**UNITED STATES DEPARTMENT OF THE
INTERIOR; GALE A. NORTON, Secretary
U.S. Department of the Interior; UNITED
STATES BUREAU OF RECLAMATION;
ELUID MARTINEZ, Commissioner of the
U.S. Bureau of Reclamation; LESTER A.
SNOW, Regional Director of the U.S.
Department of the Interior, Bureau of
Reclamation, Mid-Pacific Region; UNITED
STATES DEPARTMENT OF FISH AND
WILDLIFE; JAMIE RAPPAPORT CLARK,
Director of the U.S. Fish and Wildlife
Service; MICHAEL SPEAR, Operations
Manager of the California/Nevada Operations
Office, U.S. Fish and Wildlife Service,
Pacific Region; UNITED STATES
DEPARTMENT OF COMMERCE;
DONALD EVANS, Secretary, United States
Department of Commerce; NATIONAL
MARINE FISHERIES SERVICE;
PENELOPE DALTON, Assistant
Administrator for Fisheries at Commerce;
REBECCA LENT, Dr., Regional
Administrator of the U.S. Marine Fisheries
Service,;**

Defendants - Appellees,

YUROK TRIBE; HOOPA VALLEY TRIBE,

No. 03-1529

**D.C. No. CV-00-07124-OWW
Eastern District of California,
Fresno**

Defendant-Intervenors - Appellees,

v.

**SACRAMENTO MUNICIPAL UTILITY
DISTRICT; NORTHERN CALIFORNIA
POWER ASSOCIATION,**

Plaintiff-Intervenors.

**WESTLANDS WATER DISTRICT; SAN
LUIS & DELTA-MENDOTA WATER
AUTHORITY,**

Plaintiffs - Appellees,

v.

**UNITED STATES DEPARTMENT OF THE
INTERIOR; GALE A. NORTON, Secretary
U.S. Department of the Interior; UNITED
STATES BUREAU OF RECLAMATION;
ELUID MARTINEZ, Commissioner of the
U.S. Bureau of Reclamation; LESTER A.
SNOW, Regional Director of the U.S.
Department of the Interior, Bureau of
Reclamation, Mid-Pacific Region; UNITED
STATES DEPARTMENT OF FISH AND
WILDLIFE; JAMIE RAPPAPORT CLARK,
Director of the U.S. Fish and Wildlife
Service; MICHAEL SPEAR, Operations
Manager of the California/Nevada Operations
Office, U.S. Fish and Wildlife Service,
Pacific Region; UNITED STATES**

No. 03-15737

**D.C. No. CV-00-07124-OWW
Eastern District of California,
Fresno**

DEPARTMENT OF COMMERCE;
DONALD EVANS, Secretary, United States
Department of Commerce; NATIONAL
MARINE FISHERIES SERVICE;
PENELOPE DALTON, Assistant
Administrator for Fisheries at Commerce;
REBECCA LENT, Dr., Regional
Administrator of the U.S. Marine Fisheries
Service,;

Defendants - Appellees,

YUOK TRIBE,

Defendant-intervenor - Appellant,

and,

HOOPA VALLEY TRIBE,

Defendant-intervenor,

v

SACRAMENTO MUNICIPAL UTILITY
DISTRICT; NORTHERN CALIFORNIA
POWER ASSOCIATION,

Plaintiff-Intervenors - Appellees.

Before: GOODWIN, TASHIMA, and CLIFTON, Circuit Judges.

**Hoop Valley Tribe's Emergency Motion For Stay Pending Appeal Re: Water
Year 2004 is GRANTED to allow a water release appropriate for a "normal" water-
year type.**