

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Sacramento)

CENTRAL DELTA WATER AGENCY et al.,

Plaintiffs and Appellants,

v.

DEPARTMENT OF WATER RESOURCES,

Defendant and Respondent;

ROLL INTERNATIONAL CORPORATION et al.,

Real Parties in Interest and Appellants;

KERN COUNTY WATER AGENCY et al.,

Real Parties in Interest and Respondents.

C078249

(Super. Ct. No. 34-2010-
80000561-CU-WM-GDS)

ORDER MODIFYING
OPINION AND DENYING
REHEARING

[NO CHANGE IN
JUDGMENT]

CENTER FOR BIOLOGICAL DIVERSITY,

Plaintiff and Appellant,

v.

DEPARTMENT OF WATER RESOURCES,

Defendant and Respondent.

C080572

(Super. Ct. No. 34-2010-
80000561-CU-WM-GDS)

CENTER FOR FOOD SAFETY et al.,

Plaintiffs and Appellants,

v.

DEPARTMENT OF WATER RESOURCES,

Defendant and Respondent;

DUDLEY RIDGE WATER DISTRICT et al.,

Real Parties in Interest and Respondents.

C086215

(Super. Ct. No. 34-2016-
80002469-CU-WM-GDS)

THE COURT:

It is ordered that the published opinion filed herein on September 22, 2021, be modified as follows:

- 1) On page 6, at the end of the first sentence of the first paragraph, add the words “for oral argument and decision,” so that the sentence reads:

We have consolidated three appeals against respondent Department of Water Resources (DWR) for oral argument and decision.

- 2) On page 15, delete the heading “Biological Diversity’s Petition and Complaint” and the first paragraph below that heading.
- 3) In the first sentence of the last paragraph on page 30, replace the word “validated” with the word “authorized,” so that the sentence reads:

As in the trial court, Central Delta concedes the contracts were authorized, but presents a novel, convoluted argument that the complaint was timely filed.

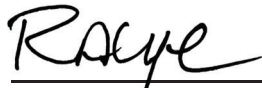
- 4) At the end of the first paragraph on page 48, after the sentence ending “DWR failed to approve or reject the Kern Water Bank transfer,” add as footnote No. 7 the following footnote, which will require renumbering of all subsequent footnotes:

Food Safety contends that DWR improperly relied on a prior approval of the Kern Water Bank transfer prior to completion of the Revised EIR in violation of CEQA. We agree with DWR that its decision to continue use and operation of the Kern Water Bank was in compliance with the 2014 Writ. As the trial court ruled: “DWR has done precisely what the 2014 Writ required by determining to ‘carry out the proposed project by continuing to the use and operation of the [Kern Water Bank] by [Kern Water Bank Authority].’ DWR’s project decision was made in conformance with the court’s Writ. Thus, the court rejects Petitioners’ argument that it was not a valid project ‘approval.’ ”

There is no change in judgment.

The petition for rehearing filed in case Nos. C078249 and C086215 is denied.

BY THE COURT:



RAYE, P. J.



BLEASE, J.



HOCH, J.

IN THE
Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT

MAILING LIST

Re: Central Delta Water Agency et al. v. Department of Water Resources
C078249
Sacramento County
No. 34201080000561CUWMGDS

Center for Biological Diversity v. Department of Water Resources
C080572
Sacramento County
No. 34201080000561CUWMGDS

Center For Food Safety et al. v. Department of Water Resources
C086215
Sacramento County
No. 34201680002469CUWMGDS

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