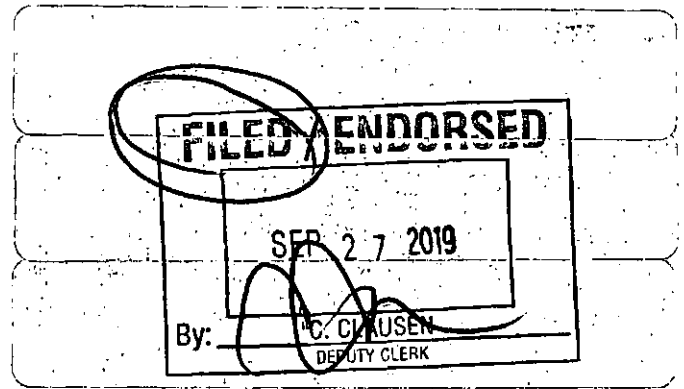


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Attorneys for Petitioners Fairmead  
Community and Friends and Planada en  
Acción

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SACRAMENTO**

MONTEREY COASTKEEPER, a program of  
THE OTTER PROJECT, et al.,

Petitioners and Plaintiffs,

v.

CENTRAL COAST REGIONAL WATER  
QUALITY CONTROL BOARD, et al.,

Respondents and Defendants.

Case No. 34-2017-80002655

**STIPULATED JUDGMENT GRANTING  
WRIT OF MANDATE ON THE FIRST  
CAUSE OF ACTION PURSUANT TO  
CODE OF CIVIL PROCEDURE § 1094.5**

Trial Date: Oct. 11, 2019  
Date Filed: Aug. 3, 2017




1 Order 4.0 Conceptual Regulatory Requirement Options” published on November 19, 2018  
2 (hereinafter “Order 4.0”). Because the public process for development and adoption of Order 4.0 is  
3 ongoing and a draft order is anticipated to be available for public review in late 2019, the parties  
4 desire to focus their resources on the development of Order 4.0, rather than on a short-term interim  
5 order to replace Order 3.0.

6 In light of these facts, and given the parties’ desire to minimize litigation costs and streamline  
7 adjudication of this case, the parties have met and conferred regarding expeditious resolution of the  
8 First Cause of Action and now stipulate as follows:

9 a. Petitioners hereby limit their First Cause of Action to the legal question of whether  
10 Order 3.0 complies with the “Policy for Implementation and Enforcement of the  
11 Nonpoint Source Pollution Control Program” (“NPS Policy”), as interpreted in  
12 Coastkeeper I, and forego other arguments or grounds for relief set forth in the First  
13 Cause of Action of the Complaint. Nothing herein waives or limits Petitioners’ right  
14 to pursue appeal of the Third and Fourth Causes of Action previously dismissed with  
15 prejudice by the Court or to challenge any future order.

16 b. The parties hereby agree to entry of the Stipulated Judgment attached hereto on the  
17 First Cause of Action, as limited by subparagraph (a) above, consistent with the ruling  
18 in Coastkeeper I.

|   |  |
|---|--|
| 19 Dated: <del>August</del> <u>12</u> , 2019<br>20 <u>Sept.</u> | 21 XAVIER BECERRA<br>22 Attorney General of California<br>23 TRACY L. WINSOR<br>24 Supervising Deputy Attorney General<br>25 <br>26 LINDA GÁNDARA<br>27 Deputy Attorney General<br>28 <i>Attorneys for Respondent and Defendant</i><br><i>Central Coast Regional Water Quality Control</i><br><i>Board</i> |
|---|--|

1 Dated: September 9, 2019

ENVIRONMENTAL LAW CLINIC  
Mills Legal Clinic at Stanford Law School

2  
3   
4 Alicia E. Thesing  
*Attorneys for Petitioners and Plaintiffs*

5 **JUDGMENT GRANTING WRIT OF**  
6 **MANDATE ON FIRST CAUSE OF ACTION**

7 Consistent with and pursuant to the foregoing stipulation of the parties, this matter has been  
8 resolved in accordance with the ruling in Coastkeeper I, which modified and otherwise affirmed the  
9 trial court's judgment. The trial and appellate court orders are attached hereto as Exhibit A and  
10 incorporated into this Judgment. In accordance with that ruling, IT IS ORDERED, ADJUDGED AND  
11 DECREED:

12 1. Judgment is entered in favor of Petitioners on the legal claim set forth in the First Cause  
13 of Action of the Complaint on the grounds that Order 3.0 does not comply with the NPS Policy as  
14 interpreted in Coastkeeper I.

15 2. The attached peremptory writ of mandate ("Writ") shall issue under seal of this Court  
16 commanding Respondent to (1) adopt Order 4.0 to replace Order 3.0, consistent with the Court's ruling  
17 in Coastkeeper I, by no later than January 31, 2021 and (2) file and serve a return to the Writ attaching  
18 duly-adopted Order 4.0 in satisfaction of this Judgment and Writ, on or before March 1, 2021. Nothing  
19 in this Judgment or in the Writ is intended to limit the discretion legally vested in Respondent to  
20 develop and adopt Order 4.0 in accordance with its authority under the California Water Code.

21 3. To allow Respondent sufficient time to complete the public process for developing and  
22 adopting Order 4.0 and to avoid the redundant and time-consuming effort that would be necessary to  
23 develop an interim order, the Court hereby finds good cause for allowing Order 3.0 to remain in effect  
24 until January 31, 2021.

25 4. In the event that Respondent believes it cannot meet the January 31, 2021 deadline for  
26 adoption of Order 4.0, Respondent may seek an additional good cause extension from the Court of not  
27 more than 75 days, without prejudice to Respondent seeking further good cause extensions thereafter;  
28 provided, however, that any future good cause extension shall also be limited to 75 days. Petitioners

1 may oppose any such good cause extension request, and their failure to oppose any particular request  
2 does not waive their right to oppose any additional request thereafter.

3 5. Respondent's adoption of Order 4.0, consistent with the Court's ruling in Coastkeeper I,  
4 will constitute satisfaction of the Writ. The parties acknowledge that Order 4.0 may be subsequently  
5 petitioned by interested persons to the State Water Resources Control Board and agree that such a  
6 petition or petitions will not affect the satisfaction of the Writ.

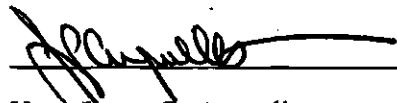
7 6. Because Petitioners have voluntarily abandoned other grounds for relief set forth in the  
8 First Cause of Action and because the Court previously dismissed the Second, Third, and Fourth  
9 Causes of Action with prejudice, this Judgment resolves all legal claims in this case. Nothing herein  
10 waives or limits Petitioners' right to appeal the Court's prior dismissal of the Third and Fourth Causes  
11 of Action, and any appeal of those causes of action shall not operate as a stay of execution of the Writ  
12 or this Judgment, as provided by California Code of Civil Procedure section 1110b.

13 6. This Court shall retain jurisdiction for purposes including, but not limited to, issuing any  
14 orders that are necessary to enforce the Judgment and to facilitate its satisfaction.

15 7. Petitioners are awarded their costs of suit in the amount of \$ \_\_\_\_\_.  
16 This Court retains jurisdiction to determine the matter of entitlement to attorneys' fees and the amount  
17 of any award pursuant to a timely filed motion by Petitioners.

18 IT IS SO ORDERED, ADJUDGED, AND DECREED.

19  
20 Date: August 27, 2019

  
\_\_\_\_\_  
Hon. James P. Arguelles  
California Superior Court Judge  
County of Sacramento

**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Monterey Coastkeeper, et al. v. Central Coast Regional Water Quality Control Board, et al.**

No.: **34-2017-80002655-CU-WM-GDS**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On September 13, 2019, I served the attached **STIPULATED JUDGMENT GRANTING WRIT OF MANDATE ON THE FIRST CAUSE OF ACTION PURSUANT TO CODE OF CIVIL PROCEDURE § 1094.5** by placing a true copy thereof enclosed in a sealed envelope with Federal Express ("FedEx"), addressed as follows:

Deborah A. Sivas  
Alicia E. Thesing  
Environmental Law Clinic  
559 Nathan Abbott Way  
Stanford, CA 94305-8610  
*E-mail: dsivas@stanford.edu;*  
*athesing@stanford.edu*

Marisol F. Aguilar  
California Rural Legal Assistance, Inc.  
1111 I St., Suite 310  
Modesto, CA 95354  
*E-mail: maguilar@crla.org*

Helen H. Kang  
Lynne Saxton  
Collin McCarthy  
Environmental Law and Justice Clinic  
536 Mission Street  
San Francisco, CA 94105  
*E-mail: hkang@ggu.edu*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 13, 2019, at Sacramento, California.

Leticia Aguirre  
Declarant



Signature

1 Deborah A. Sivas, CA Bar No. 135446  
Alicia E. Thesing, CA Bar No. 211751  
2 ENVIRONMENTAL LAW CLINIC  
Mills Legal Clinic at Stanford Law School  
3 559 Nathan Abbott Way  
Stanford, California 94305-8610  
4 Telephone: (650) 723-0325

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9 Attorneys for All Other Petitioners

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13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
14 **COUNTY OF SACRAMENTO**

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16 MONTEREY COASTKEEPER, a program of  
THE OTTER PROJECT, et al.,

17 Petitioners and Plaintiffs,

18 v.

19 CENTRAL COAST REGIONAL WATER  
20 QUALITY CONTROL BOARD, et al.,

21 Respondents and Defendants.

Case No. 34-2017-80002655

**PEREMPTORY WRIT OF MANDATE  
PURSUANT TO CODE OF CIVIL  
PROCEDURE § 1094.5**

1 To CENTRAL COAST REGIONAL WATER QUALITY CONTROL BOARD, RESPONDENT:

2 Judgment having been entered in this action, ordering that a peremptory writ of mandate  
3 ("Writ") be issued from this Court, RESPONDENT IS HEREBY COMMANDED to:

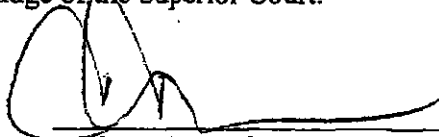
4 (1) by no later than January 31, 2021, complete the public process announced in Respondent's  
5 November 19, 2018 "Notice of Written Public Comment Period for Ag Order 4.0 Conceptual  
6 Regulatory Requirements Options," and duly adopt a new agricultural discharge order,  
7 consistent with the Court's ruling in Monterey Coastkeeper v. State Water Resources Control  
8 Board, 28 Cal. App. 5th 342 (2018), attached as Exhibit A hereto, to replace Conditional  
9 Waiver of Waste Discharge Requirements for Discharges from Irrigated Lands (Order No. R3-  
10 2017-0002) and related Monitoring and Reporting Program (Order Nos. R3-2017-0002-01, R3-  
11 2017-0002-02, and R3-2017-0002-03); and

12 (2) on or before March 1, 2021, file and serve a return to this Writ attaching the duly-adopted  
13 replacement order in satisfaction of this Judgment and Writ.

14 In the event that Respondent believes it cannot meet the deadlines established by this Writ, Respondent  
15 may seek an extension for good cause as set forth in the Stipulated Judgment for this matter.

16  
17 WITNESS the Honorable James P. Arguelles, Judge of the Superior Court.

18  
19 Dated: Sept 27, 2019

  
CLERK OF THE SUPERIOR COURT  
C. CLAUSEN  
Hoyd Connelley  
CLERK OF THE COURT

20 LET THE FOREGOING WRIT ISSUE.

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**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Monterey Coastkeeper, et al. v. Central Coast Regional Water Quality Control Board, et al.**

No.: **34-2017-80002655-CU-WM-GDS**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550.

On September 13, 2019, I served the attached **PEREMPTORY WRIT OF MANDATE PURSUANT TO CODE OF CIVIL PROCEDURE § 1094.5** by placing a true copy thereof enclosed in a sealed envelope with Federal Express ("FedEx"), addressed as follows:

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Helen H. Kang  
Lynne Saxton  
Collin McCarthy  
Environmental Law and Justice Clinic  
536 Mission Street  
San Francisco, CA 94105  
*E-mail: hkang@ggu.edu*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 13, 2019, at Sacramento, California.

Leticia Aguirre  
Declarant

  
Signature