

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

NOV 05 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

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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,

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.

The panel has voted unanimously to deny both petitions for rehearing. Judge Clifton has voted to deny both petitions for rehearing en banc, and Judges Goodwin and Tashima recommended denial of both petitions for rehearing en banc.

The full court has been advised of both petitions for rehearing en banc and no active judge has requested a vote on whether to rehear the matter en banc. Fed. R. App. P. 35.

The petitions for rehearing are DENIED and the petitions for rehearing en banc are DENIED.