
Judgment Granting Peremptory Writ of Mandate
October 25, 2002

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OCT 25 2002
LOS ANGELES

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

FRIENDS OF THE
SANTA CLARA RIVER,

Petitioner,

v.

CASTAIC LAKE WATER AGENCY,

Respondent.

Case No. BS 056954

**JUDGMENT GRANTING
PEREMPTORY WRIT OF
MANDATE**

On Remand from the Court of Appeal

1 The hearing on the merits of the petition for writ of mandate was held on June 12,
2 2000, before the Honorable David P. Yaffe. Petitioner Friends of the Santa Clara River
3 (Friends) was represented by attorney Susan Brandt-Hawley and respondent Castaic Lake
4 Water Agency (CLWA) was represented by attorneys Robert H. Clark and R. Bruce
5 Tepper. The court considered the briefs filed by the parties, the arguments of counsel, and
6 the administrative record of proceedings, and took the case under submission.

7 On August 16, 2000, judgment was entered denying the petition in its entirety. An
8 appeal was timely filed on October 16, 2000. The Fourth Division of the Second District
9 Court of Appeal issued a slip opinion in Civil Case Number 145283 on January 10, 2002,
10 and at the request of the National Audubon Society and the American Planning
11 Association certified the opinion for publication on February 6, 2002. (*Friends of the*
12 *Santa Clara River v. Castaic Lake Water Agency* (2002) 95 Cal.App.4th 1373.) The Court
13 of Appeal reversed the judgment and ordered that "the trial court shall issue a writ of
14 mandate vacating the certification of the EIR, shall retain jurisdiction until respondent
15 certifies an EIR complying with CEQA consistent with the views expressed in this
16 opinion, and shall consider such orders it deems appropriate under [Public Resources
17 Code] section 21168.9."

18 CLWA filed a petition for review with the California Supreme Court on February
19 19, 2002, in Case Number S 104550, which was summarily denied on April 17, 2002. The
20 remittitur issued from the Court of Appeal on May 3, 2002.

21 On September 24, 2002, at 9:30 a.m., the parties' proposed forms of judgment and
22 writ on remand were considered by the Honorable David P. Yaffe. Friends was
23 represented by attorney Susan Brandt-Hawley and CLWA was represented by attorneys
24 Robert H. Clark and R. Bruce Tepper. The court considered the briefs filed by the parties
25 and the arguments of counsel, and,

26 WHEREFORE, GOOD CAUSE APPEARING,
27

28 *Judgment Granting Peremptory Writ of Mandate*

1 IT IS ORDERED THAT THE TENTATIVE RULING IS ADOPTED:

2 1. The judgment of this court denying the petition for writ of mandate, signed and
3 filed on August 16, 2000, is vacated.

4 2. A peremptory writ of mandate shall issue ordering respondent Castaic Lake
5 Water Agency to set aside its certification, made on March 29, 1999, of the Final
6 Environmental Impact Report published in February 1999.

7 3. The Court retains jurisdiction until respondent Castaic Lake Water Agency
8 certifies an Environmental Impact Report that complies with the California Environmental
9 Quality Act and is consistent with the views expressed by the Court of Appeal Opinion
10 filed January 10, 2002, Case No. B145283.

11 4. The Court finds that petitioner is the prevailing party in this proceeding.

12 5. The Court is informed that petitioner and respondent have fully and finally settled
13 the outstanding issue of petitioner's claim for attorney fees and costs incurred in this action
14 to date both in this Court and in the Court of Appeal, pursuant to CCP § 1021.5 and on all
15 other bases whatsoever, for the compromise sum of \$215,000.00, and the Court accepts
16 said settlement.

17 6. Petitioner requests that the Court also prohibit respondent from using any of the
18 41,000 acre feet of additional water allotted to it from the subject State Water Project.

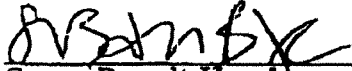
19 Petitioner contends that the said water will be used to approve new development that will
20 not be able to be reversed if a Final Environmental Impact Report is not certified.

21 Respondent contends that such a prohibition would prevent it from meeting the existing
22 water needs in the area it services. Both contentions appear to be speculative at this time.

23 Respondent will not be prohibited from using the water to which it is entitled, but
24 petitioner may renew its application for such prohibition based upon evidence of the actual
25 use of such additional water for purposes it considers improper.

1 Approved as to form:

2 Date: October 7, 2002

3 
4 Susan Brandt-Hawley
Attorney for Petitioner

Approved as to form:

Date: October 8, 2002


Robert H. Clark
Attorney for Respondent

IT IS SO ORDERED.

8
9 Date: OCT 25 2002

David P. Yaffe
Honorable David P. Yaffe
Judge of the Superior Court