

APPENDIX B

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F I L E D
Clerk of the Court
JUL 09 2009
By: L. ARTHUR, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO, NORTH COUNTY DIVISION**

Case No.: GIN054668

**RIVERWATCH and PALA BAND OF
MISSION INDIANS**

Petitioners and Plaintiffs,

v.

**OLIVENHAIN MUNICIPAL WATER
DISTRICT, and DOES 1-20,ssued**

Respondents and Defendants,

GREGORY CANYON LTD. and DOES 21-40,

Real Parties in Interest.

**JUDGMENT GRANTING PEREMPTORY
WRIT OF MANDATE**

A remittitur dated May 4, 2009, was issued to this Court by the Court of Appeal, State of California, Fourth Appellate District, Division One. The remittitur included a copy of the opinion issued by the Appellate Court entitled *RiverWatch, et al., v. Olivenhain Municipal Water District, et al.* and dated January 9, 2009. The Appellate Court opinion reversed a previous decision of this Court dated November 28, 2007, and directed this Court to enter a new judgment granting the petition for writ of mandate sought by Petitioners and Appellants RiverWatch and the Pala Band of Mission Indians and to issue a peremptory writ of mandate to the Olivenhain Municipal Water District ("OMWD") to take the actions identified below.

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IT IS ORDERED that:

1. Judgment be entered in favor of Petitioners Riverwatch and the Pala Band of Mission Indians on their petition for writ of mandate based on the finding that OMWD violated the California Environmental Quality Act when it approved the agreement with Gregory Canyon Ltd. that was effective March 15, 2006, and which was the subject of this lawsuit ("Agreement").
2. A peremptory writ of mandate be issued ordering OMWD (a) to set aside and void its approval and execution of the Agreement, and (b) if it chooses to reconsider approving and executing the Agreement, to do so only after considering a legally adequate Environmental Impact Report for the proposed Gregory Canyon landfill.
3. Petitioners RiverWatch and the Pala Band of Mission Indians are awarded their costs of suit and attorneys' fees.
4. This Court shall retain jurisdiction to determine Petitioners' entitlement to any such costs and fees and OMWD's compliance with the writ as evidenced by OMWD's return on the writ.

Dated: July 9, 2009

Robert P. Dahlquist
 JUDGE ROBERT P. DAHLQUIST
 ROBERT P. DAHLQUIST

Exhibit 2

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CLERK OF COURT

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
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Case No.: GIN054668

**RIVERWATCH and PALA BAND OF
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Petitioners and Plaintiffs,

v.

**OLIVENHAIN MUNICIPAL WATER
DISTRICT, and DOES 1-20,**

Respondents and Defendants,

GREGORY CANYON LTD. and DOES 21-40,

Real Parties in Interest.

PEREMPTORY WRIT OF MANDATE

Judgment having been entered in this proceeding ordering that a peremptory writ of mandate be issued from this Court,

IT IS ORDERED that, immediately upon service of this writ, Respondent the Olivenhain Municipal Water District ("OMWD") shall do the following:

1. Set aside and void its approval and execution of its agreement to sell recycled water to Gregory Canyon, Ltd., which was the subject of these proceedings ("Agreement").
2. If OMWD chooses to reconsider approving and executing the Agreement, it shall do so only after consideration of a legally adequate Environmental Impact Report for the proposed Gregory Canyon landfill.

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3. Within 30 days of the entry of this writ, provide evidence to this Court by way of a return to this writ showing that OMWD has fully complied with the terms of this writ.

Pursuant to Public Resources Code section 21169.8(c), this Court does not direct OMWD to exercise its lawful discretion in any particular manner.

This court shall retain jurisdiction over OMWD's proceedings until this Court has determined that OMWD has complied with the provisions of this writ.

Dated: July 9, 2009

Robert P. Dahlquist
JUDGE ROBERT P. DAHLQUIST
ROBERT P. DAHLQUIST