

By Gricelda Evans, Deputy

1 Adam Keats (SBN 191157)
 2 LAW OFFICE OF ADAM KEATS
 3 303 Sacramento St., 2nd Floor
 4 San Francisco, CA 94111
 5 Tel: 415-430-9403
 6 Email: adam@keatslaw.org
 7 *Attorney for Bring Back the Kern, Kern River
 8 Parkway Foundation, Kern Audubon Society,
 9 Sierra Club, and Center for Biological Diversity*

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 9 **IN AND FOR THE COUNTY OF KERN**

11 BRING BACK THE KERN, WATER AUDIT
 12 CALIFORNIA, KERN RIVER PARKWAY
 13 FOUNDATION, KERN AUDUBON
 14 SOCIETY, SIERRA CLUB, and CENTER FOR
 15 BIOLOGICAL DIVERSITY,

15 Plaintiffs and Petitioners,

16 vs.

17 CITY OF BAKERSFIELD
 18 and DOES 1 through 500,

19 Defendants and Respondents,

20 BUENA VISTA WATER STORAGE
 21 DISTRICT, KERN DELTA WATER
 22 DISTRICT, NORTH KERN WATER
 23 STORAGE DISTRICT, ROSEDALE-RIO
 24 BRAVO WATER STORAGE DISTRICT,
 25 KERN COUNTY WATER AGENCY, and
 26 DOES 501-999,

24 Real Parties in Interest.

Case No.: BCV-22-103220

**(PROPOSED) ORDER COMPELLING
 COMPLIANCE WITH PRELIMINARY
 INJUNCTION ORDER**

Assigned for All Purposes to:
 Judge: Hon. Gregory A. Pulskamp
 Division: J

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1 The Court, after considering the briefs of the parties and other documents on file in this matter,
2 including the declarations and exhibits filed in support of the briefs and documents and matters to
3 which the Court has taken judicial notice, and the arguments of counsel, for good cause appearing,
4 issues the following ruling:

5 **IT IS HEREBY ORDERED THAT:**

- 6 1. Plaintiffs' Motion to Compel Compliance with Preliminary Injunction is granted;
7 2. The City of Bakersfield (City) shall operate Beardsley Weir, Rocky Point Weir, Calloway
8 Weir, River Canal Weir, Bellevue Weir, and McClung Weir ("subject weirs") such that
9 flows of forty percent (40%) of the three-day moving average of the Computed Natural
10 Flow ("CNF") at First Point, shall remain in the Kern River to flow past McClung Weir, not
11 subject to depletions from infiltration and/or evaporation, subject to the following
12 conditions:

- 13 a. The CNF shall be calculated based on the full natural flow (FNF) at Lake Isabella
14 Reservoir (as reported by the USACOE as the inflow to Lake Isabella, and also
15 reported as "KRI" at Lake Isabella by the California Department of Water Resources
16 on the California Data Exchange Center), adjusted for the calculated or measured
17 natural accretions or depletions between Lake Isabella and First Point;
18 b. If the CNF is 500 cubic feet per second (cfs) or below, the City shall operate the
19 subject weirs such that at least 200 cfs remains in the Kern River channel to flow
20 past McClung Weir, not subject to depletions from infiltration and/or evaporation;
21 c. If the CNF is 200 cfs or below, the City shall operate the subject weirs such that
22 100% of the CNF remains in the Kern River channel to flow past McClung Weir,
23 however, these flows shall be subject to depletions from evaporation and infiltration;
24 d. During extreme high flows that may cause downstream flooding that could cause
25 damage to property and/or threaten public safety, the City may operate the subject
26 weirs such that less than 40% of the CNF remains in the Kern River channel to flow
27 past McClung Weir. If the City exercises this option, it shall do so with notice to all
28 parties within 2 business days.

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3. This order shall remain in place until the conclusion of trial, further order of this Court, or further order by a court of higher jurisdiction.

DATED: _____, 2024

Honorable Gregory A. Pulskamp
Judge of the Kern County Superior Court