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18 Names of additional counsel appear on the next page.  
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20 THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

21 UNITED STATES OF AMERICA, ) Case No. 2:68-cv-00643-LKK  
22 )  
Plaintiff, )  
23 ) **STIPULATED ORDER AMENDING**  
v. ) **INJUNCTIVE AND OTHER PROVISIONS**  
24 ) **OF JUDGMENT AND DECREE**  
THE TRUCKEE RIVER GENERAL )  
25 ELECTRIC COMPANY, a corporation, )  
26 )  
Defendants. )  
27 )  
28 )

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1 The parties to the above-captioned case, Plaintiff United States of America, and Defendants  
2 Sierra Pacific Power Company and the Truckee Meadows Water Authority, successors in interest  
3 to Defendant Truckee River General Electric Company, have jointly petitioned this Court and  
4 stipulated to the amendment of the Judgment and Decree in this case, as amended in 1961, and for  
5 modification of certain injunctive provisions of the Judgment and Decree, as amended. Good cause  
6 having been shown, the Joint Petition of the parties is GRANTED, and it is hereby ORDERED,  
7 ADJUDGED AND DECREED as follows:

8 1. Notwithstanding anything to the contrary in Paragraph Fifth of the Judgment and  
9 Decree entered herein June 4, 1915 or in the Order and Decree entered herein on May 18, 1961,  
10 which Order amends said 1915 Judgment and Decree, Lake Tahoe and Prosser Creek Reservoir shall  
11 be operated in accordance with the terms and provisions of the Truckee River Operating Agreement  
12 dated September 6, 2008 (“Truckee River Operating Agreement”).

14 2. In order to implement, but not limit, paragraph 1 of this Order:

15 (a) Paragraph Fifth (a) through (f) of the 1915 Judgment and Decree and  
16 Paragraph Fifth (g) added to the 1915 Judgment and Decree by the 1961 Order are modified by the  
17 Truckee River Operating Agreement and the Judgment and Decree be, and the same hereby is,  
18 amended accordingly.

20 (b) Notwithstanding anything to the contrary contained herein, from and after the  
21 date of this amendment, all operations for storing and releasing water from said Lake as provided  
22 for in the Truckee River Operating Agreement dated September 6, 2008 shall be conclusively  
23 determined as in compliance with all requirements of this Judgment and Decree, and any and all such  
24 operations shall not be construed for any purpose as an abandonment of Plaintiff's easement and right  
25 of possession granted herein.

27 (c) All officers and agents of the United States, and its successors and assigns,  
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1 and all persons acting in aid or in conjunction with them, or any of them, be and are hereby forever  
2 restrained and enjoined from drawing any water from said Lake, through or by means of the said dam  
3 and controlling works, or by means of any substituted method of control, except in accordance with  
4 this decree as hereby amended.  
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6 3. When this Order becomes effective, the provisions of the Truckee River Operating  
7 Agreement dated September 6, 2008 shall be, and are hereby determined and declared to be, effective  
8 and binding upon the parties hereto.

9 4. This Order shall become effective when the Truckee River Operating Agreement  
10 enters into effect as provided in Section 12.A.4 thereof.  
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12 IT IS SO ORDERED.

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14 DATED: December 22, 2008.

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17 LAWRENCE K. KARLTON  
18 SENIOR JUDGE  
19 UNITED STATES DISTRICT COURT  
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