

CERTIFIED FOR PUBLICATION

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Fresno & Sacramento)

In re BAY-DELTA PROGRAMMATIC ENVIRONMENTAL
IMPACT REPORT COORDINATED PROCEEDINGS.

C044267, C044577

(JCCP No. 4152)

ORDER MODIFYING
OPINION AND DENYING
REHEARING

[NO CHANGE IN
JUDGMENT]

THE COURT:

It is ordered that the opinion filed herein on October 7, 2005, be modified as follows:

The paragraph commencing at the bottom of page 120 with "The PEIS/R says" and ending at the top of page 121 with "impacts on agricultural production" is modified to read as follows:

The PEIS/R says potential water sources will be willing sellers, conservation efforts and new or enlarged water storage. The exact mix cannot yet be determined.

However, the PEIS/R acknowledges that willing sellers and conservation efforts will not likely be enough to supply all the water needed by the Program and, therefore, other means of obtaining water will be necessary. This may portend, as the Farm Bureau argues, that even more farmland will be retired, with the attendant impacts on agricultural production.

There is no change in the judgment.

Respondents' petitions for rehearing are denied.

SIMS, Acting P.J.

HULL, J.

BUTZ, J.