



FILED - West District  
San Bernardino County Clerk

NOV 0 1 1999

By Lina L. Subrata  
Deputy

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SAN BERNARDINO

CHINO BASIN MUNICIPAL  
WATER DISTRICT, )  
  
Plaintiff, )  
  
vs. )  
  
CITY OF CHINO, et al., )  
  
Defendants. )

CASE NO. RCV 51010  
  
SANTA ANA RIVER RULING

The Motion by Defendant Monte Vista Water District for an "Order Scheduling Periodic Status Conferences and Directing Inland Empire Utilities Agency to Provide Periodic Reports to the Court, at the Status Conference Concerning the Proceeding Before the State Water Resources Control Board Involving the Santa Ana River" came on for hearing at the time and place above noted, the Hon. J. Michael Gunn, presiding. Appearances of the parties by counsel were Arthur G. Kidman for Monte Vista Water District; Jean Cihigoyenatche for Inland Empire Utilities Agency (formerly Chino Basin Municipal Water District); Tari Cody for Chino Basin Watermaster; James E. Erickson for City of Chino; Gene Tanaka and Jim Morris for Cucamonga Water District and Western Municipal Water District of Riverside County; Thomas Bunn, III for City of Pomona; Marilyn Levin for the State of California (appearance expressly

1 limited to exclude representation of the State Water Resources Control Board);  
2 Steven Kennedy for Three Valleys Municipal Water District; Dan McKinney for Chino  
3 Basin Watermaster, Overlying Agriculture Pool Committee. Upon review of the papers  
4 submitted by the parties and upon hearing arguments from counsel, the Court, being  
5 fully apprised of the matters before it, rules as follows:  
6

7           1. The "recommendation" by Chino Basin Watermaster that the Court  
8 issue an Order to Show Cause to the State Water Resources Control Board  
9 concerning whether said Board should be enjoined from granting certain applications  
10 to appropriate water in a manner which could adversely affect the management of  
11 Chino Basin is refused. Aside from questions about whether the Court's  
12 jurisdiction over the State of California in this case extends to and includes jurisdiction  
13 over the water right administration functions of the State Water Resources Control  
14 Board, the Court questions whether the matters currently pending before the State  
15 Water Resources Control Board are ripe for judicial review or intervention and  
16 whether a case can be made, showing irreparable harm, sufficient to even consider  
17 injunctive relief.  
18

19  
20           2. The Court agrees with the concerns raised by Monte Vista Water District  
21 and the Chino Basin Watermaster that proceedings currently pending before the State  
22 Water Resources Control Board concerning appropriations from the Santa Ana River  
23 create the appearance that possible determinations by that Board could affect water  
24 resources in the Chino Basin. The Court believes that it and the parties before it  
25 should be kept fully apprised of the matters pending before the State Water  
26 Resources Control Board concerning appropriations from the Santa Ana River. The  
27 Court, therefore, grants the motion for Status Conferences and Status Reports. The  
28

1 Court reserves for further order the questions of how frequently and over what period  
2 of time the Status Conferences and Status Reports will be required.

3 WHEREFORE, IT IS HEREBY ORDERED:

4 In addition to other matters in this case that have been scheduled before the  
5 Court on that date, this Court shall hold a Status Conference on November 18, 1999,  
6 at 1:30 p.m. in Department R-8. The purpose of the Status Conference shall be to  
7 apprise the court concerning the status of proceedings pending before the State  
8 Water Resources Control Board involving water appropriations from the Santa Ana  
9 River. Not later than five Court days before said Status Conference, the Inland Empire  
10 Utilities Agency and the Western Municipal Water District of Riverside County each  
11 shall file with the Court and the Chino Basin Watermaster, and serve upon  
12 counsel of record in this case, a written Report concerning the status of proceedings  
13 pending before the State Water Resources Control Board involving water  
14 appropriations from the Santa Ana River.  
15  
16  
17  
18

19 DATED: November 1, 1999

20   
21  
22  
23  
24  
25  
26  
27  
28  
J. MICHAEL GUNN, Judge