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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,
Plaintiff,
RAMONA BAND OF CAHUILLA;
CAHUILLA BAND OF INDIANS,
Plaintiff-
Intervenors,
vs.
FALLBROOK PUBLIC UTILITY
DISTRICT, et al.,
Defendants.

CASE NO. 51cv1247-GPC(RBB)
**ORDER GRANTING MOTION
TO EXTEND STAY**
[Dkt. No. 5592.]

A Joint Motion to Extend Stay¹ was filed by Plaintiffs-Intervenors the Cahuilla Band of Indians and the Ramona Band of Cahuilla, (Dkt. No. 5592), and an opposition was filed by Anza Basin Represented Landowner Group² (“Anza Landowner Group”), (Dkt. No. 5593). The Anza Landowner Group relies on the arguments in its prior opposition to the motion to extend stay filed on October 17, 2016 arguing at that time

¹Plaintiffs-Intervenors state the United States, State of California, County of Riverside, Riverside County Flood Control and Water Conservation District, Greenwald Landowners, Hemet Unified School District and Agri-Empire do not oppose their motion.

²While Plaintiffs-Intervenors state that Anza Landowner Group does not oppose their joint motion, Anza Landowner Group filed an opposition.

1 that the stay “should not be further extended if settlement negotiations are actually at
2 an impasse.” (Dkt. No. 5533 at 2.) In its current motion, it also argues that continuing
3 the stay “will not foster continued good faith negotiations, as it does not appear that
4 any settlement will be likely in the foreseeable future, notwithstanding efforts made by
5 the Court.” (Dkt. No. 5593 at 2.)

6 In their motion, Plaintiffs-Intervenors describe the involved and active settlement
7 actions taken by the parties which include not only attending settlement conferences
8 with the Magistrate Judge but also include completing a number of studies concerning
9 the feasibility of importing water into the Anza-Cahuilla Basin, determining the
10 feasibility of constructing a pipeline, dam and other water yielding facilities that could
11 be used to import water, scheduling meetings with water agencies to determine the
12 availability and cost of purchasing water to import into the basin and scheduling
13 meetings to negotiate each party’s contribution to the water importation project. (Dkt.
14 No. 2292 at 2-3.) In addition to the issue of importing water, the parties have held
15 teleconferences to continue to resolve other outstanding issues. (Id. at 3.)

16 These developments are distinct from the work conducted prior to the previous
17 motion to stay. (Dkt. No. 5532 at 2.) In the prior motion for extension of the stay, the
18 parties focused their settlement efforts on “enhancing their knowledge and
19 understanding of the relationship between groundwater recharge and production in the
20 Anza Groundwater Basin and Cahuilla Groundwater Basin” as this understanding is
21 important to to allow the parties to assess the adequacy of the “provisions of the draft
22 settlement agreement related to groundwater management under the principle of Safe
23 Yield, and to inform the development of a groundwater management plan that meets
24 sustainability goals.” (Id. at 2.)

25 Contrary to the Anza Landowner Group’s position, the settlement process is
26 moving forward and concrete actions are continuously being taken and it appears that
27 settlement negotiations are being conducted in good faith. As the Court noted in a
28 prior order, “[w]hile nine years is a long period for a stay to be in place, it must be

1 considered in light of the up to 3000 defendants in this case involving complicated
2 technical and legal issues to resolve.” (Dkt. No. 5582 at 11); see, e.g., Central Delta
3 Water Agency v. United States, 306 F.3d 938, 943 (9th Cir. 2002) (stating that
4 management of water resources is one of the most contentious issues in the western
5 United States). Thus, the Court GRANTS the motion to extend the stay by six months.
6 Accordingly, IT IS HEREBY ORDERED that the motion is granted and the stay is
7 extended until **January 13, 2018.**

8 IT IS SO ORDERED.

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10 DATED: July 25, 2017

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12 HON. GONZALO P. CURIEL
13 United States District Judge
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