

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

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

RINCON BAND OF MISSION INDIANS; and LA JOLLA BAND OF MISSION INDIANS,

Plaintiffs,

v.

CITY OF ESCONDIDO (on its own behalf and as successor to the ESCONDIDO MUTUAL WATER COMPANY); JEFF B. SESSIONS, Attorney General of the United States; and RYAN ZINKE, Secretary, U.S. Department of the Interior,

Defendants,

PALA BAND OF MISSION INDIANS; PAUMA BAND OF MISSION INDIANS; SAN LUIS REY RIVER INDIAN WATER AUTHORITY; and SAN PASQUAL BAND OF MISSION INDIANS,

Intervenors.

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF ESCONDIDO (as successor to the ESCONDIDO MUTUAL WATER COMPANY) and VISTA IRRIGATION DISTRICT,

Defendants,

PALA BAND OF MISSION INDIANS; PAUMA BAND OF MISSION INDIANS; SAN LUIS REY RIVER INDIAN WATER AUTHORITY; and SAN PASQUAL BAND OF MISSION INDIANS,

Intervenors.

CASE NO. '69-CV-0217-WQH-KSC

**FINDINGS AND ORDER  
GRANTING MOTION FOR  
APPROVAL OF SETTLEMENT AND  
DISMISSAL OF CLAIMS**

CASE NO. '72-CV-0271-WQH-KSC

1 RINCON BAND OF MISSION  
2 INDIANS and LA JOLLA BAND OF  
3 MISSION INDIANS,

CASE NO. '72-CV-0276-WQH-KSC

4 Plaintiffs,

5 v.

6 VISTA IRRIGATION DISTRICT,

7 Defendant,

8 PALA BAND OF MISSION INDIANS;  
9 PAUMA BAND OF MISSION  
10 INDIANS; SAN LUIS REY RIVER  
11 INDIAN WATER AUTHORITY; and  
12 SAN PASQUAL BAND OF MISSION  
13 INDIANS,

14 Intervenor.

15 **Findings of Fact**

16 The Court finds that:

17 1. The parties to this litigation have reached a settlement of these  
18 consolidated cases that requires the approval of this Court.

19 2. The terms of that settlement are set forth in three documents now before  
20 this Court for approval pursuant to section 104(2) of the San Luis Rey Indian Water  
21 Rights Settlement Act of 1988 (Public Law No. 100-675, 102 Stat. 4000) (the  
22 "Settlement Act"), as amended:

- 23 1. The settlement agreement among all the parties dated January 30,  
24 2015, and amended on August 29, 2016 ("Settlement  
25 Agreement"), an agreement that Congress approved and ratified in  
26 section 3605(a) of Public Law No. 114-322 (December 16, 2016);  
27 2. The agreement among all the parties except the United States  
28 dated December 5, 2014 ("Implementing Agreement"), an  
agreement that Congress found to conform to the requirements of  
the Settlement Act, see Pub. Law No. 114-322, § 3605(a)  
(December 16, 2016); and






1 except to the extent necessary to allow this Court to retain continuing jurisdiction as  
2 discussed above; provided, however, that such dismissal shall not preclude or prevent  
3 any party or any party's successor or assignee from asserting any claim against any  
4 person or entity not a party to the Settlement Agreement.

5       6.     FEES AND COSTS. Each party shall bear its own attorneys' fees and  
6 costs.

7       7.     NO THIRD PARTY RIGHTS. Nothing in this order or the Court's final  
8 judgment is intended to confer upon any person or entity other than the parties (or  
9 any party's successors or assignees) any right or remedy.

10  
11           IT IS SO ORDERED.

12 Dated: April 26, 2017

  
Hon. William Q. Hayes  
United States District Court

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28