

1 LOA. E BLISS DAVID A. GILBERT 2 9030 Ojai Santa Paula Rd. Ojai, CA 93023 3 Trustees, Loa E. Bliss 2006 Revocable Trust 4 5 SUPERIOR COURT OF THE STATE OF CALIFORNIA 6 **COUNTY OF LOS ANGELES** 7 8 SANTA BARBARA CHANNELKEEPER Case No. 19STCP01176 a California non-profit corporation, 9 Judge: Honorable William F. Highberger Petitioner. 10 STATUS CONFERENCE REPORT V. 11 Date: March 15, 2021 Time: 1:30 p.m. STATE WATER RESOURCES 12 Dept: SS10 CONTROL BOARD, etc., et al., 13 Action Filed: Sept. 19, 2014 Respondents. Trial Date: Not Set 14 15 CITY OF SAN BUENAVENTURA, etc., 16 Cross-Complainant 17 ٧. 18 DUNCAN ABBOTT, an individual, et al. 19 Cross-Defendants. 20 21 22 23 24 25 26 27 28

STATUS CONFERENCE REPORT

This short statement is submitted to comment on a certain portion of the City's brief concerning the law of physical solution in adjudicating water. We understand that the cases cited are meant to provide a history of the various applications of physical solution, and that each case is unique. Thus, portions of those cases cited and particular points summarized will undoubtedly be addressed in later briefs. However, at least one case merits immediate comment because, without the full context of the California Supreme Court's decision, the City's conclusion as presented is incomplete.

The case is *City of Los Angeles v. City of San Fernando* (1975) 14 Cal.3d 199 where, among other issues, the pueblo right of the city of Los Angeles is ruled upon. The pueblo right is not before this court at present, but is held in reserve (and thus mentioned) by the City. The court in the above case upheld the right, but qualified it as follows:

The historical conditions which led to the creation of the pueblo water right have long since disappeared. This court has upheld, and now upholds, the existence of that right principally because of the pueblo successor's reliance on the right in planning and developing a municipal water supply. Now for the first time we are asked to extend the pueblo right to encompass ground water in basins which are hydrologically independent from the area of the bed of the river to which the pueblo right attaches. This, we decline to do. There is no showing in this case or in our judicial knowledge that plaintiff ever relied on any supposed paramount right to the ground waters of the Sylmar or Verdugo basins or upon any inflow to the Los Angeles River dependent on absence or cessation of the extraction of such ground water, or that any other claimant of a pueblo right in California ever so relied in a similar situation. fn. 41 Plaintiff's pueblo right in the waters of the Los Angeles River therefore attaches to native ground water within the San Fernando basin and to surface water tributary to such ground water (see fn. 39, supra) but not to ground water in the Sylmar or Verdugo basins.

Id. at 250-251. A full discussion is found at City of Los Angeles, 14 Cal.3d at 249-251.

While this may or may not be relevant in the future, and we do not prefer to comment piecemeal, the City's summary called for clarification.

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