

RECEIVED

'85 OCT 23 AM 10:28

LAW OFFICES

JAMES W. DILWORTH  
5225 CANYON CREST DRIVE  
BUILDING 400, SUITE 409  
RIVERSIDE, CALIFORNIA 92507

AREA CODE 714  
TELEPHONE 682-7930

October 22, 1985

San Bernardino Valley  
Municipal Water District  
P. O. Box 5906  
San Bernardino, California 92412

Gentlemen:

I enclose copy of pleadings filed in the Riverside Superior Court to obtain court approval, pursuant to the Western Judgment of the "Agreement to Extend February 25, 1985 Agreement to Produce Additional Water From the Artesian Zone of the San Bernardino Basin Area and For Reimbursement of Costs".

Very truly yours,

*James W. Dilworth*  
JAMES W. DILWORTH

JWD:aec  
Enclosure

COPIES TO:

- CHANDLER
- DILWORTH
- DIRECTORS
- FLETCHER
- GRIZEL
- READING FILE
- REITER
- STOCKTON
- VAN GELDER
- \_\_\_\_\_
- FILE \_\_\_\_\_

SBVMWD LEGAL  
DOCUMENT 01140

SBVMWD INCOMING  
CORRESPONDENCE 15012

1 BEST, BEST & KRIEGER  
2 4200 ORANGE STREET  
3 P. O. BOX 1028  
4 RIVERSIDE, CALIFORNIA 92502

EXEMPT FROM  
FILING FEE  
PURSUANT TO  
GOVERNMENT CODE  
§6103

5 Attorneys for Plaintiffs  
6 WESTERN MUNICIPAL WATER DISTRICT  
7 OF RIVERSIDE COUNTY

8 JAMES W. DILWORTH  
9 LAW OFFICES  
10 5225 CANYON CREST DRIVE  
11 BUILDING 400, SUITE 409  
12 RIVERSIDE, CALIFORNIA 92507  
13 (714)682-7930

FILED  
RIVERSIDE COUNTY

OCT 10 1985

14 MCDONOUGH, HOLLAND & ALLEN  
15 555 CAPITOL MALL, SUITE 950  
16 SACRAMENTO, CALIFORNIA 95814

By WILLIAM E. CONERLY, Clerk  
*R. Shick* R. Shick  
Deputy

17 Attorneys for Defendants  
18 SAN BERNARDINO VALLEY MUNICIPAL  
19 WATER DISTRICT

20 SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

21 WESTERN MUNICIPAL WATER DISTRICT )	CASE NO. 78426
22 OF RIVERSIDE COUNTY, et al., )	
23 Plaintiffs, )	NOTICE OF MOTION FOR ORDER
24 v. )	APPROVING EXTENSION OF AGREE-
25 EAST SAN BERNARDINO COUNTY WATER )	MENT AND ALLOWING TEMPORARY
26 DISTRICT, et al., )	ADDITIONAL EXTRACTIONS OF
27 Defendants. )	WATER FROM THE SAN BERNARDINO
28 )	Basin Area
	Date: October 30, 1985
	Time: 8:30 a.m.
	Dept: 8

29 TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF RECORD:

30 NOTICE IS HEREBY GIVEN that on October 30, 1985, at 8:30  
31 a.m. in Department 8, of the above-entitled court, located at  
32 4050 Main Street, Riverside, California, the San Bernardino  
33 Valley Municipal Water District and the Western Municipal Water  
34 District of Riverside County will move the court, pursuant to its  
35 continuing jurisdiction in this case, for an order approving the

1 Agreement dated August 21, 1985, extending the Agreement  
2 dated February 25, 1985, between the San Bernardino Valley  
3 Municipal Water District, Western Municipal Water District of  
4 Riverside County, Orange County Water District, City of  
5 Riverside, and City of San Bernardino, and allowing temporary  
6 additional extractions and use of water from the San Bernardino  
7 Basin Area for a period ending December 31, 1985, pursuant to the  
8 terms of such Agreement. A copy of the Agreement dated  
9 August 21, 1985, is attached hereto as EXHIBIT "A".

10 The motion will be based upon the desirability of providing  
11 for such temporary increase in extractions because of emergency  
12 conditions existing within the San Bernardino Basin Area which  
13 present an immediate threat to the public health, welfare and  
14 safety. All such temporary additional extractions shall be  
15 subject to the terms of the Agreement, and shall only be made  
16 pursuant thereto.

17 The motion will be based upon this notice, the following  
18 Points and Authorities, the Declaration filed herein March 12,  
19 1985, all other matters in the Clerk's file herein, and such  
20 other and further evidence or grounds as may be presented at the  
21 time of the hearing.

BEST, BEST & KRIEGER

22 by: Michael P. Durkee

23 Attorneys for Plaintiffs  
24 WESTERN MUNICIPAL WATER  
DISTRICT OF RIVERSIDE COUNTY

25 JAMES W. DILWORTH,  
26 MCDONOUGH, HOLLAND & ALLEN

27 by: James W. Dilworth

28 Attorneys for Defendants  
SAN BERNARDINO VALLEY  
MUNICIPAL WATER DISTRICT

1  
2 POINTS AND AUTHORITIES

3 1. In appropriate circumstances, a court may reserve  
4 jurisdiction to modify a final judgment.

5 U.S. Liability Ins. Co. v. Haidinger-Hayes, Inc.,  
6 1 Cal. 3d 586, 599 (1970).

7 Klinker v. Klinker, 132 Cal. App. 2d 687,694 (1955).

8 2. Water rights adjudications are proper cases for  
9 retention of jurisdiction, and the kinds of provisions reserving  
10 jurisdiction in this case have been approved by the California  
11 Supreme Court.

12 Allen v. California Water Tel. Co.,  
13 20 Cal. 2d 466, 488 (1946).

14 City of Los Angeles v. Glendale, 23 Cal. 2d  
15 68, 81 (1943).

16 Pasadena v. Alhambra, 43 Cal. 2d 908, 936-937  
17 (1949)

18 3. The court in this case has reserved continuing  
19 jurisdiction upon application of any party to review and re-  
20 determine "the desirability of providing for increases or  
21 decreases in the extraction of any particular party because of  
22 emergency requirements..." and also other matters which might  
23 occur in the future and would be of "benefit to the parties in  
24 the utilization of the surface and groundwater supply described  
25 in this Judgment..." [Section XIV(a)3; XIV(a)8].

26 4. Section VI(b)6 of the Judgment provides for an agreement  
27 between the San Bernardino Valley Municipal Water District and  
28 Western Municipal Water District of Riverside County "...under  
which additional extractions may be made from the San Bernardino  
Basin Area."

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

Dated: October 10, 1985

BEST, BEST & KRIEGER

by: Michael P. Duke

Attorneys for Plaintiffs  
WESTERN MUNICIPAL WATER  
DISTRICT OF RIVERSIDE  
COUNTY

JAMES W. DILWORTH,  
MCDONOUGH, HOLLAND & ALLEN

by: James W. Dilworth

Attorneys for Defendants  
SAN BERNARDINO VALLEY  
MUNICIPAL WATER DISTRICT

EXHIBIT A

AGREEMENT TO EXTEND FEBRUARY 25, 1985 AGREEMENT TO PRODUCE ADDITIONAL WATER FROM THE ARTESIAN ZONE OF THE SAN BERNARDINO BASIN AREA AND FOR REIMBURSEMENT OF COSTS

It is agreed by the San Bernardino Valley Municipal District, the Western Municipal Water District of Riverside County, the Orange County Water District, the City of Riverside, and the City of San Bernardino that the term of that certain agreement among the parties dated February 25, 1985 and entitled "Agreement to Produce Additional Water from the Artesian Zone of the San Bernardino Basin Area and for Reimbursement of Costs" is hereby extended to December 31, 1985.

The parties to the judgment in the case of Western Municipal Water District of Riverside County v. East San Bernardino County Water District, et al., Riverside County Superior Court No. 78426, shall submit this extension agreement to the court for approval under its continuing jurisdiction in that matter as soon as possible.

Dated: August 21, 1985

ORANGE COUNTY WATER DISTRICT

BY: John Gattler  
President, Board of Directors

ATTEST:  
Mary E. Johnson  
Secretary, Board of Directors  
Asst. Secretary

APPROVED AS TO FORM AND EXECUTION:  
[Signature]  
General Counsel

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

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

CITY OF RIVERSIDE

BY: *Al Brown*  
Mayor

ATTEST:

*Alice A. Hare*  
City-Clerk

APPROVED AS TO FORM AND  
EXECUTION:

*Barbara Rumm*  
City Attorney

CITY OF SAN BERNARDINO

BY: *Eulyn H. McCoy*  
Mayor

ATTEST:

*Ann Clark*  
City Clerk

APPROVED AS TO FORM AND  
EXECUTION:

*Ralph H. P. P. P.*  
City Attorney

SAN BERNARDINO VALLEY  
MUNICIPAL WATER DISTRICT

BY: *Clay Van Housen*  
President, Board of Directors

ATTEST:

*Mr. [Signature]*  
Secretary, Board of Directors

APPROVED AS TO FORM AND  
EXECUTION:

*James W. Dilworth*  
General Counsel

WESTERN MUNICIPAL WATER DISTRICT  
OF RIVERSIDE COUNTY

BY: Richard B. [Signature]  
President, Board of Directors

ATTEST: Wayne H. Holcomb  
Secretary, Board of Directors

APPROVED AS TO FORM AND  
EXECUTION:

Ann T. Monas  
General Counsel

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



PROOF OF SERVICE BY MAIL (1013a, 2015.5 C. C. P.)

STATE OF CALIFORNIA, COUNTY OF Riverside

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is:

4200 Orange Street, P. O. Box 1028, Riverside, CA 92502

On October 10 1985, I served the within MOTION FOR NOTICE OF/ORDER APPROVING EXTENSION OF AGREEMENT AND ALLOWING TEMPORARY ADDITIONAL EXTRACTIONS OF WATER FROM THE SAN BERNARDINO BASIN AREA

on the interested parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Riverside, California addressed as follows:

John Woodhead, Esq.  
City Attorney  
City of Riverside  
3900 Main Street  
Riverside, CA 92501

William J. Brunick, Esq.  
Welebir & Brunick  
1839 Commercecenter West  
San Bernardino, CA 92412

Clayson, Mann, Arend & yeager  
601 South Main Street  
Corona, CA 91720

Richard A. Mulligan, Esq.  
First American Title Bldg.  
323 Court Street  
San Bernardino, CA 92401

Maurice C. Sherrill, Esq.  
Redwine & Sherrill  
3737 Main St., Suite 1020  
Riverside, CA 92501

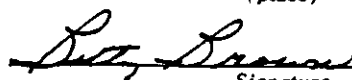
Office of General Counsel  
University of California  
2200 University Avenue  
Berkely, CA 94720

Martin McDonough, Esq.  
McDonough, Holland & Allen  
555 Capitol Mall, Suite 950  
Sacramento, CA 95814

James W. Dilworth, Esq.  
7172 Magnolia Avenue  
Riverside, CA 92504

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 10, 1985 at Riverside, California  
(date) (place)

  
Signature

LAW OFFICES OF  
BEST, BEST & KRIEGER  
4200 ORANGE STREET  
POST OFFICE BOX 1028  
RIVERSIDE, CALIFORNIA 92502

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