

STATUS OF MAJOR LITIGATION

W 503.849

Jan Stevens, Assistant Attorney General, reported on the high water/low water case. He stated this case was submitted to the California Supreme Court last week and they hoped to get clarification on it in the near future. W 503.1094

Stephen Mills, Deputy Attorney General, reported on the case involving the Desert Lands Act. He advised the Commission that the State had filed a complaint against the Federal Government alleging two basic causes of action:

1. That the Bureau of Land Management did not give the Commission adequate time to review the proposed Plan; and
2. That the staff would not be able to review the final Plan until it had been implemented and in effect.

Last week they asked for a Temporary Restraining Order to prohibit the Secretary of the Interior from signing the Plan for 60 days. The TRO was denied. A hearing was then scheduled for December 15 on the Preliminary Injunction. In the meantime staffs of the Commission and BLM and the Assistant Secretary of the Interior have been working out a proposed settlement, but the Commission staff cannot get guarantees from the Federal Government that the settlement will be put in effect. At the December 15 hearing, they asked the Judge for a short delay so the discussions can continue. The judge granted that request, and the next hearing is set for December 19, 1980.

CALENDAR PAGE

MINUTE PAGE

2957