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EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE SECTION 6103

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10 Coordination Proceeding)
Special Title (Rule 1550(b)))
11 ANTELOPE VALLEY GROUNDWATER CASES)
12 Included actions:)
13 Los Angeles County Waterworks District No. 40 v.)
Diamond Farming Co., et al.)
14 Los Angeles County Superior Court, Case No. BC 325)
201)
15 Los Angeles County Waterworks District No. 40 v.)
Diamond Farming Co., et al.)
16 Kern County Superior Court, Case No. S-1500-CV-)
17 254-348)
18 Wm. Bolthouse Farms, Inc. v. City of Lancaster)
Diamond Farming Co. v. City of Lancaster)
19 Diamond Farming Co. v. Palmdale Water District)
Riverside County Superior Court, Consolidated Action,)
20 Case nos. RIC 353 840, RIC 344 436, RIC 344 668)
21 AND RELATED CROSS ACTIONS)
22 _____)
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24)
25)
26)
27)
28)

Judicial Council Coordination
Proceeding No. 4408
**UNITED STATES' CASE
MANAGEMENT STATEMENT**
Hearing Date: May 22, 2008 at 9:00
a.m.
Hearing Location: Los Angeles County
Superior Court, Central District,
Department 1, Room 534

1 At the May 5, 2008 hearing, the Court requested that parties file case management
2 statements addressing the phasing of trial, dates of trial, and dates of experts' disclosures in
3 advance of the May 22, 2008 case management conference. Without waiving any objections to
4 the assertion of jurisdiction against the Government in this case, Defendant United States
5 responds as follows:

6 **A. Trial Phase 1: Characteristics of the groundwater basin.**

7 **1. Issues**

8 The United States proposes that this phase of trial include a:

9 a. determination of whether the Antelope Valley groundwater basin consists of one
10 hydrologically interconnected basin or aquifer, or separate and distinct hydrogeological subbasins
11 or aquifers;

12 b. determination of the Average Natural Recharge of the basin or, if shown to exist, the
13 subbasins. Average natural recharge defined as the total amount of water that, on average,
14 annually enters the Antelope Valley basin aquifer(s) from natural sources including stream
15 infiltration and bedrock seepage;

16 c. determination of Native Sustainable Yield of the basin or, if shown to exist, the
17 subbasins. Native sustainable yield defined as the average natural recharge plus return flows
18 from native water sources capable of sustaining well pumping of the aquifer(s) indefinitely while
19 minimizing impacts, including physical damage (i.e., subsidence) to the land surface;

20 d. determination of Total Sustainable Yield of the basin or, if shown to exist, the
21 subbasins. Total sustainable yield defined as the average natural recharge plus return flows from
22 native and imported water sources capable of sustaining well pumping of the aquifer(s)
23 indefinitely while minimizing impacts, including physical damage (i.e., subsidence) to the land
24 surface.

25 **2. Proposed Schedule**

26 a. three day trial beginning in October 2008.

27 b. June 27, 2008 deadline for parties to post on the court's website a pretrial statement
28 consisting of

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1. the identity of each witness intended to be called to testify;
2. a short statement summarizing the said witness' testimony; and
3. the estimated length of time of such witness' direct testimony.

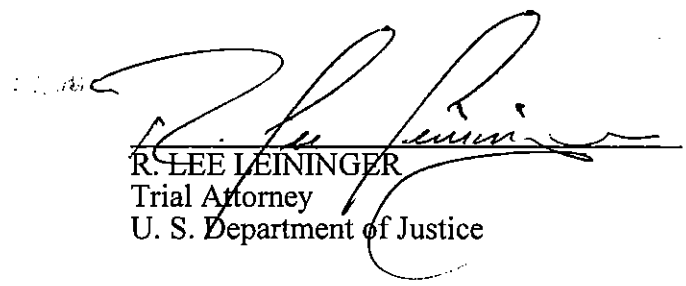
c. August 15, 2008 deadline for parties to post on the court's website their respective expert witness(es) declaration(s) under penalty of perjury establishing the party's position regarding the above issues, and commencement of discovery of expert witnesses.

d. September 30, 2008 deadline for discovery of expert witnesses.

B. Trial Phase 2: Prescription and Notice

The United States respectfully submits that trial on whether the rights to groundwater for certain individuals or classes have been proscribed should be set after the Court rules on the issues regarding characteristics of the groundwater basin. A determination of the existence or nonexistence of hydrologically distinct subbasins, the average natural recharge, the native and total sustainable yield may promote the negotiated resolution of claims to water and potentially moot the need for a trial on prescription.

Respectfully submitted this 20th day of May, 2008.


R. LEE LEININGER
Trial Attorney
U. S. Department of Justice

PROOF OF SERVICE

I, Susan Middagh, declare:

I am a resident of the State of Colorado and over the age of 18 years, and not a party to the within action. My business address is U.S. Department of Justice, Environmental and Natural Resources Section, 1961 Stout Street, 8th Floor, Denver, Colorado 80294.

On May 20, 2008, I caused the foregoing documents described as UNITED STATES' CASE MANAGEMENT STATEMENT, to be served on the parties via the following service:

BY ELECTRONIC SERVICE AS FOLLOWS by posting the documents(s) listed above to the Santa Clara website in regard to the Antelope Valley Groundwater matter.

BY MAIL AS FOLLOWS (to parties so indicated on attached service list): By placing true copies thereof enclosed in sealed envelopes addressed as indicated on the attached service list.

BY OVERNIGHT COURIER: I caused the above-referenced document(s) be delivered to FEDERAL EXPRESS for delivery to the above address(es).

Executed on May 20, 2008, at Denver, Colorado.

/s/ Susan Middagh_____