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EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE SECTION 6103

7 Attorneys for Federal Defendants

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

9 Coordination Proceeding
10 Special Title (Rule 1550(b))

) Judicial Council Coordination
) Proceeding No. 4408

11 ANTELOPE VALLEY GROUNDWATER CASES

) **UNITED STATES' CASE**
) **MANAGEMENT STATEMENT**

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

) Hearing Date: August 11, 2008 at 9:00
) a.m.

15 Los Angeles County Waterworks District No. 40 v.
16 Diamond Farming Co., et al.
17 Kern County Superior Court, Case No. S-1500-CV-
254-348

) Hearing Location: Los Angeles County
) Superior Court, Central District,
) Department 1, Room 534

18 Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
19 Diamond Farming Co. v. Palmdale Water District
20 Riverside County Superior Court, Consolidated Action,
Case nos. RIC 353 840, RIC 344 436, RIC 344 668

21 AND RELATED CROSS ACTIONS
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1 At the July 21, 2008 hearing, the Court requested that parties file case management
2 statements addressing, *inter alia*, proposed management order(s) to be filed prior to the August
3 11 hearing. The Court also requested the parties' preference on the location of the trial beginning
4 October 6, 2008. Without waiving any objections to the assertion of jurisdiction against the
5 Government in this case, Defendant United States responds as follows:

6 **A. Location of Trial**

7 The United States' preference is to hold the trial at the Superior Court of Santa Clara
8 County, located in San Jose.


9 **B. Proposed Case Management Orders**

10 Proposed orders were filed by; one, the City of Palmdale, Los Angeles County
11 Waterworks District No. 40, Palmdale Water District, Littlerock Creek Irrigation District and
12 California Water Service (collectively the "Purveyors"), and two, Richard Wood joined by other
13 presumed water pumpers. The Purveyors present a schedule allowing the issues designated by
14 the Court, i.e., whether hydrologically separate subbasins exist, the safe yield of the Antelope
15 Valley Groundwater Basin, and the state of overdraft, to be tried at the October 11 trial. Wood's
16 proposed order bifurcates the determination of subbasins from the other triable issues, and
17 presents a schedule in which only the subbasin issue will be heard on October 11. The United
18 States agrees with the Purveyors and the proposed trial on all the designated issues on October
19 11. Such an approach will promote judicial efficiency and may lead to swifter resolution of this
20 case.

21 Wood also proposes a schedule for the certification, notice and joinder of class members.
22 The Purveyors' proposed order is silent on this issue. The United States agrees with Wood that
23 joinder of all potential water right holders, by class mechanism or individual service, is
24 paramount. The claimants or potential claimants must be joined in order for this adjudication to
25 comply with the requirements of the McCarran Amendment, 43 U.S.C. § 666. Therefore, the
26 United States supports a schedule to join all potential water right holders as soon as possible.

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28 Respectfully submitted this ____ day of August, 2008.

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

PROOF OF SERVICE

I, Linda C. Shumard, 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 August 6, 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 August 6, 2008, at Denver, Colorado.

/s/Linda C. Shumard
Linda C. Shumard
Legal Support Assistant