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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)) ) Judicial Council Coordination  
Proceeding No. 4408

11 ANTELOPE VALLEY GROUNDWATER CASES )

12 Included actions: )

**UNITED STATES' NON-  
BINDING CONTENTIONS OF  
FACT**

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 )  
22 \_\_\_\_\_ )  
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1 At the July 21, 2008 hearing, the Court ordered parties to file statements containing their  
2 contentions of fact relating to the existence of one hydrologic basin or multiple hydrologic “sub-  
3 basins” within the Antelope Valley groundwater adjudication area. The United States responds  
4 as follows:

5 **Contention of Fact No. 1:** The Antelope Valley groundwater adjudication area consists of a  
6 single groundwater basin.

7 **Contention of Fact No. 2:** There is no clear definition of the term “subbasin”. In the absence of  
8 a clear definition and in the context of these contentions of fact, “subbasin” is used to describe a  
9 geographic region within a groundwater basin which is so hydraulically isolated that recharge or  
10 discharge within that subbasin has essentially no effect on adjacent subbasins.

11 **Contention of Fact No. 3:** While faults and other structural features have been used in the past  
12 to subdivide the Antelope Valley groundwater basin into geologic subunits, these subunits are  
13 hydraulically interconnected, with no area being hydraulically isolated from the others.


14 **Contention of Fact No. 4:** Recharge of the Antelope Valley groundwater basin occurs primarily  
15 along the mountain front of the San Gabriel and Tehachapi mountains. Prior to groundwater  
16 development, all the recharged groundwater flowed from the margins of the valley to the primary  
17 discharge areas in the topographic lows near Rosamond and Rogers (dry) lakes (within or  
18 adjacent to the Lancaster subunit). Since the primary discharge areas are in the Lancaster subunit  
19 and many of the primary recharge areas are located in geologic subunits to the southeast and  
20 west, the groundwater had to flow across whatever faults or bedrock highs that may have acted as  
21 partial impediments to flow. Under development conditions, groundwater flow continues across  
22 these partial barriers from recharge to discharge areas.

23 **Contention of Fact No. 5:** In a “steady-state” flow system, such as in the Antelope Valley prior  
24 to groundwater development, a quasi-equilibrium would have been established between inflow  
25 into a geologic subunit and the head difference across the downgradient fault or structural feature  
26 to produce an equivalent outflow to an adjacent geologic subunit.

27 **Contention of Fact No. 6:** Regional ground water flow models developed for the Antelope  
28 Valley identify subunits. However, the boundary between subunits in these models are

1 represented as partial or leaky barriers which allow flow to occur between subunits, with flow  
2 moving from recharge areas to discharge areas.

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4 Respectfully submitted this 6<sup>th</sup> day of August, 2008.

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7 R. LEE LEININGER  
8 Trial Attorney  
9 U. S. Department of Justice  
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**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, 8<sup>th</sup> Floor, Denver, Colorado 80294.

On August 6, 2008, I caused the foregoing documents described as **UNITED STATES' NON-BINDING CONTENTIONS OF FACT**, 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