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6 Attorneys for Federal Defendants

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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:)	CASE MANAGEMENT
13	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., et al.)	STATEMENT OF DEFENDANT
14	Superior Court of California, County of Los Angeles, Case No. BC 325 201)	UNITED STATES
15	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., et al.)	Date: February 17, 2006
16	Superior Court of California, County of Kern, Case No. S-1500-CV-254-348)	Time: 9:00 a.m.
17	Wm. Bolthouse Farms, Inc. v. City of Lancaster)	Dept.: 1
18	Diamond Farming Co. v. City of Lancaster)	
19	Diamond Farming Co. v. Palmdale Water Dist. Superior Court of California, County of Riverside, consolidated actions, Case nos. RIC 353 840, RIC 344 436, RIC 344 668)	
20	ROSAMOND COMMUNITY SERVICES, et al.)	
21	Cross-Complainants,)	
22	v.)	
23	DIAMOND FARMING CO., et al.)	
24	Cross-Defendants.)	

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26 Defendant United States of America submits the following case management statement:
27 The United States has filed concurrently with this case management statement an answer
28 to the CROSS-COMPLAINT OF MUNICIPAL PURVEYORS FOR DECLARATORY AND

1 INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS. The Cross-Complaint
2 purports to join the United States in a proceeding for the determination of water rights pursuant
3 to the McCarran Amendment, 43 U.S.C. § 666. The McCarran Amendment waives the United
4 States' sovereign immunity from joinder as a defendant in any suit for the adjudication of rights
5 to the use of water of a river system or other source. Such lawsuits are usually described as
6 general stream adjudications and adjudicate all rights to water on a given stream or other source.
7 Consistent with principles of joinder of the United States under the McCarran Amendment, the
8 federal defendants propose the Court address the following issues:

9 1. Determination of Basin Boundary.

10 The United States requests that the Court first determine the adjudication boundary.
11 While it appears the U.S. Air Force, as owner of Edwards Air Force base and Air Force Plant 42,
12 is the largest federal landowner and user of water in the Antelope Valley, the United States may
13 possess other property interests and uses of water in the area. Until a boundary determination is
14 made the United States is unable to ascertain the full extent of federal interests in the
15 adjudication and whether the action is a general adjudication of the use of water of a river system
16 or other source.

17 Further, the United States understands that the issue of the Antelope Valley Basin
18 boundary was the subject of a trial in an earlier lawsuit which has been coordinated with this
19 action. The record of this and any other contested matter in earlier proceedings or related
20 actions, including pleadings, exhibits, transcripts and other documents, should be made available
21 to all other parties in a convenient manner. New parties should be permitted to review this
22 material in order to fully participate in a final determination of the basin boundary.

23 2. Joinder of All Water Users

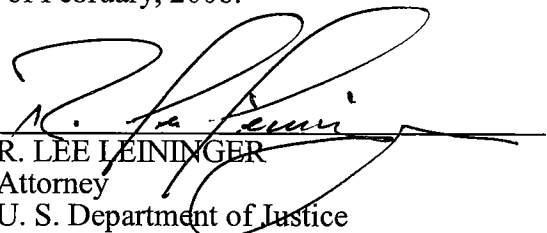
24 Determining the adjudication boundaries will assist in identifying all the water users in
25 the basin, and those water users should be joined. Joinder is necessary in order to bind all water
26 users in the basin to the decrees and other decisions of the Court. Joinder should be completed
27 prior to litigation on issues affecting, or potentially affecting, the majority of water users.
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3. Settlement

The United States supports efforts to reach settlement by agreement of the parties. The resolution of the threshold issue of the location of the adjudication boundary, for example, may benefit from a formal or informal settlement process. The identification of other technical issues which may be appropriate for settlement discussion should be recommended by a steering committee consisting of attorneys for the major parties. Once a list of issues with the potential for settlement is created the Court may form a settlement committee of parties and their experts in an attempt to resolve differences, or to streamline the evidentiary or summary judgment process in the event complete resolution is not reached.

Respectfully submitted this 16th day of February, 2006.


R. LEE LEININGER
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, 999 - 18th St., Suite 945, Denver, Colorado 80202.

On February 16, 2006, I caused the foregoing documents described as CASE MANAGEMENT STATEMENT OF DEFENDANT UNITED STATES, to be served on the interested parties in this action as follows:

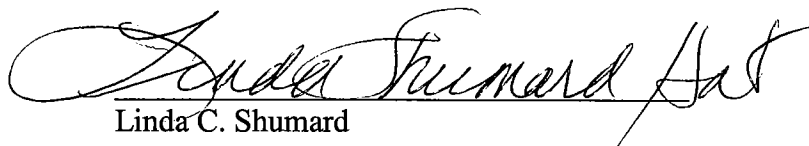
SEE ATTACHED SERVICE LIST

BY ELECTRONIC SERVICE AS FOLLOWS by posting the documents(s) listed above to the Santa Clara County Superior Court 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 February 16, 2006, at Denver, Colorado.



Linda C. Shumard
Legal Support Assistant

SERVICE LIST

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