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EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE SECTION 6103

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

Coordination Proceeding
Special Title (Rule 1550(b))
ANTELOPE VALLEY GROUNDWATER CASES
Included actions:
Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co., et al.
Los Angeles County Superior Court, Case No. BC 325
201
Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co., et al.
Kern County Superior Court, Case No. S-1500-CV-
254-348
Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water District
Riverside County Superior Court, Consolidated Action,
Case nos. RIC 353 840, RIC 344 436, RIC 344 668
AND RELATED CROSS ACTIONS

Judicial Council Coordination
Proceeding No. 4408
UNITED STATES' REQUEST FOR
JUDICIAL NOTICE
Phase 3 Trial Date:
Date: January 4, 2011
Time: 9:00 a.m.
Dept: 1, LASC

Pursuant to Cal. Evid. Code §§ 452(c) and 453, Cross-Defendant, United States of
America, requests that the Court take judicial notice of the following document: United States
Department of the Interior, Geological Survey ("USGS") information stored at the USGS
National Water Information System database which contains electronic aquifer-system

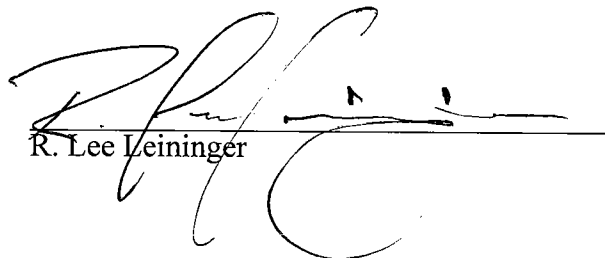
1 compaction measurements for the Holly Site for the period 10/1/2004– 9/30/2009, attached as
2 Exhibit A. This data is maintained by the USGS in their National Water Information System
3 database. This information is kept as part of the “official acts” of the USGS and the Court may
4 therefore take judicial notice. *See Rodas v. Spiegel*, 87 Cal. App. 4th 513, 518 (2001) (“Official
5 acts include records, reports and orders of administrative agencies.”) Courts may also take
6 judicial notice when data is unpublished or unavailable to the public. *People v. Gibbs*, 255 Cal.
7 App. 2d 739, 744 n.2 (1967).

8 It is presumed that the official duty in acquiring this data has been regularly performed.
9 Cal.Evid.Code § 664; *Furman v. Department of Motor Vehicles*, 100 Cal. App. 4th 416, 422
10 (2002). As a government record that was prepared within the scope of the public employee’s
11 duty and as a contemporaneous recording of compaction measurements, it may be admitted as an
12 exception to the hearsay rule. Cal. Evid. Code § 1280; *Ames v. Empire Star Mines, Co.*, 17
13 Cal.2d 213, 224-25 (1941).

14 Furthermore, the document is sealed and certified. It contains the seal of the Geological
15 Survey, Department of the Interior. *See attached* Exhibit A. “A seal is presumed to be genuine
16 and its use authorized if it purports to be the seal of: (a) The United States or a department,
17 agency, or public employee of the United States.” Cal. Evid. Code § 1452(a). It is also signed
18 and certified by the Chief of the USGS Menlo Park Library. “A signature is presumed to be
19 genuine and authorized if it purports to be the signature, affixed in his official capacity, of: (a) A
20 public employee of the United States.” Cal. Evid. Code § 1453(a). These procedures dispense
21 with the necessity for proof of authenticity when there is no real dispute as to such authenticity.
22 7 Cal. Law Revision Comm’n, Comments 1272 (1965).

23 Dated this 21st day of December, 2010.

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R. Lee Weinger

PROOF OF SERVICE

I, Karmen Robinson, 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, Environment and Natural Resources Section, 999 18th Street, South Terrace - Suite 370, Denver, Colorado 80202.

On December 21, 2010, I caused the foregoing document(s) described as: **UNITED STATES' REQUEST FOR JUDICIAL NOTICE**, to be served on the parties via the following service:

BY ELECTRONIC SERVICE AS FOLLOWS by posting the document(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 December 21, 2010, at Denver, Colorado.

/s/ Karmen Robinson
Karmen Robinson
Paralegal Specialist