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12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF SANTA CLARA**

14	LOS ANGELES COUNTY)	Case No. 1-05-CV-049053
15	WATERWORKS DISTRICT NO. 40,)	
16		)	Judicial Council Coordination Proceeding
17	Plaintiff,	)	No. 4408
18)	
19	vs.	)	Kern County Superior Court Case No. S-
20		)	1500 CV 254348
21	DIAMOND FARMING COMPANY;)	
22	BOLTHOUSE PROPERTIES, INC.;	)	Los Angeles County Superior Court Case
23	CITY OF LANCASTER;	)	No. BC325201
24	CITY OF LOS ANGELES;)	
25	CITY OF PALMDALE;	)	DECLARATION OF R. LEE
26	LITTLEROCK CREEK IRRIGATION)	)	LEININGER re: UNITED STATES'
27	DISTRICT;	)	JOINDER IN STATE OF
28	PALMDALE WATER DISTRICT;	)	CALIFORNIA'S OBJECTION TO
29	PALM RANCH IRRIGATION DISTRICT;	)	REQUEST FOR JUDICIAL NOTICE
30	QUARTZ HILL WATER DISTRICT;	)	AND UNITED STATES' REQUEST
31	and DOES 1 through 25,000 inclusive;	)	FOR JUDICIAL NOTICE
32)	
33	Defendants.)	
34)	

35 I, R. Lee Leininger, declare as follows:

36 1. I have personal knowledge of the facts below, and if called upon to do so, I could
37 testify competently thereto in a court of law.
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DECLARATION OF R. LEE LEININGER

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2. I am an attorney in good standing licensed to practice law in the State of Colorado. I am a trial attorney employed by the United States Department of Justice, Environment and Natural Resources Division.

3. Attached are documents entered in the case of *United States of America, v. Walker River Irrigation District*, United States District Court for the District of Nevada, Case No. C-125-ECR, and, on appeal, *Walker River Paiute Tribe v. Walker River Irrigation District*, United States Court of Appeals for the Ninth Circuit Court, No. 02-80089.

4. A true and correct copy of the First Amended Counterclaim of the United States of America, is attached to this declaration as Exhibit 1.

5. A true and correct copy of the Order (denying Walker River Paiute Tribe’s petition to appeal the district court’s order denying class action certification), is attached as Exhibit 2.

6. I declare under penalty of perjury under the laws of the State of California that the forgoing is true and correct.

Executed this 13th day of April, 2007 in Denver, CO.

/s/ R. Lee Leininger
R. LEE LEININGER
Trial Attorney

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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, 8th Floor, Denver, Colorado 80294.

On April 13, 2007, I caused the foregoing documents described as **DECLARATION OF R. LEE LEININGER re UNITED STATES’ JOINDER IN STATE OF CALIFORNIA’S OBJECTION TO REQUEST FOR JUDICIAL NOTICE AND UNITED STATES’ REQUEST FOR JUDICIAL NOTICE**, 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 April 13, 2007, at Denver, Colorado.

/S/ _____
Linda C. Shumard
Legal Support Assistant