

1 IGNACIA S. MORENO
Assistant Attorney General
2 Environment and Natural Resources Division

3 R. LEE LEININGER
JAMES J. DUBOIS
4 United States Department of Justice
Environment and Natural Resources Division
5 U.S. Department of Justice
South Terrace, Suite 370
6 999 18th Street
Denver, CO 80202
7 Phone: (303) 844-1364
Fax: (303) 844-1350
8 lee.leininger@usdoj.gov
james.dubois@usdoj.gov
9

EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE SECTION 6103

10 *Attorneys for the United States*

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

13 Coordination Proceeding
14 Special Title (Rule 1550(b))

) Judicial Council Coordination
)
) Proceeding No. 4408

15 **ANTELOPE VALLEY GROUNDWATER**
16 **CASES**

17 Included actions:

18 Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co., et al.
19 Los Angeles County Superior Court, Case No. BC
325 201

) **FEDERAL DEFENDANTS' CASE**
) **MANAGEMENT STATEMENT**

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

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

26 **AND RELATED CROSS ACTIONS**
27
28

1
2 Cross-Defendant United States of America respectfully submits this Case Management
3 Statement in advance of the November 15 Case Management Conference. The United States
4 reiterates its position stated in the United States' October 7, 2011 Case Management Statement:
5 litigation should proceed on determining the correlative rights to ground water, including
6 prescriptive claims to determine the vested rights of parties in the adjudication. As we
7 previously stated, "there has not been a determination of parties' respective water rights in this
8 adjudication" as required by the McCarran Amendment, 43 U.S.C § 666, to maintain jurisdiction
9 over the United States. Federal Defendants' Case Management Conference Statement, filed
10 October 7, 2011, at 4.

11 Mediation with Justice Robie, including last week's conference, has been very useful and
12 beneficial in promoting a settlement of the case. However, it appears that the fundamental basis
13 for a settlement and physical solution - - the allocation of and right to water for all claimants - -
14 is still elusive. While the United States does not object to future settlement conferences (indeed,
15 the United States' claim to a federal reserved water right and use of groundwater in the Basin is
16 amenable to further discussion), proceeding with a Phase IV trial on allocation of rights to water
17 would be the most productive next step.

18 The United States respectfully suggests the Court set a scheduling conference to establish
19 Phase IV pretrial procedures including discovery or other means of disclosure of relevant
20 evidence, and timing of trial. Future conferences with Justice Robie may also be useful in
21 narrowing the scope of trial after the production of discoverable information.

22 Respectfully submitted this 14th day of November 2011.

23
24 s/ R. Lee Leininger
R. LEE LEININGER
25 JAMES J. DUBOIS
United States Department of Justice

26 *Attorneys for the United States*

PROOF OF SERVICE

I, Amber Petrie, 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 November 14, 2011, I caused the foregoing document(s) described as: **FEDERAL DEFENDANTS' CASE MANAGEMENT STATEMENT**, 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 November 14, 2011 at Denver, Colorado.

/s/ Amber Petrie
Amber Petrie
Legal Assistant