

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

LOS ANGELES COUNTY	)	Case No. 1-05-CV-049053
WATERWORKS DISTRICT NO. 40,)	
	)	Judicial Council Coordination Proceeding
Plaintiff,	)	No. 4408
)	
vs.	)	Kern County Superior Court Case No. S-
	)	1500 CV 254348
DIAMOND FARMING COMPANY;)	
BOLTHOUSE PROPERTIES, INC.;	)	Los Angeles County Superior Court Case
CITY OF LANCASTER;	)	No. BC325201
CITY OF LOS ANGELES;)	
CITY OF PALMDALE;)	
LITTLEROCK CREEK IRRIGATION	)	DECLARATION OF COUNSEL IN
DISTRICT;	)	SUPPORT OF EX PARTE
PALMDALE WATER DISTRICT;	)	APPLICATION FOR EXTENSION OF
PALM RANCH IRRIGATION DISTRICT;	)	TIME TO FILE ANSWER OR
QUARTZ HILL WATER DISTRICT;	)	OTHERWISE RESPOND TO
and DOES 1 through 25,000 inclusive;	)	COMPLAINT
)	
Defendants.)	
_____)	

I, R. Lee Leininger, declare as follows:

1. I am an attorney with the United States Department of Justice, Environment and Natural Resources Division, and have been assigned to prepare the United States' answer in this case.

2. An Amendment to Complaint in the above-referenced case was received by the Attorney General of the United States on November 2, 2005. Pursuant to California Code of Civil Procedure §§ 412.20(a)(3) and 415.40, the United States' answer is currently due on or before December 7, 2005.

3. Original complaints in this matter, filed in the Superior Courts of Los Angeles and

Kern counties, were not served on the Attorney General. Nevertheless, counsel for the United States has obtained and reviewed copies of the underlying complaints and the allegation of an adjudication of water rights as well as the request for declaratory and injunctive relief contained therein.

4. To join the United States and its agencies in an adjudication of water rights, Plaintiff must satisfy the requirements of the McCarran Amendment, 43 U.S.C. § 666. The McCarran Amendment gives consent to join the United States as a defendant in any suit for the adjudication of rights to the use of water of a river system or other source. Id.

5. The Amendment to Complaint purports to join as Does numbers 2 and 3, the Edwards Air Force Base and the United States Department of the Air Force, respectfully. Id. at 2. A properly pled McCarran Adjudication, however, joins the United States, not just the Air Force. Therefore, other federal interests in addition to Edwards Air Force base may be affected by this lawsuit.

6. The United States is diligently examining the Antelope Valley area to ascertain what federal interests exist and whether other federal agencies use water from the Antelope Valley groundwater source. This effort is hampered by the lack of a detailed map showing the geographical boundaries of the adjudication and the Antelope Valley groundwater aquifer subject to the adjudication.

7. An extension of time of 60 days, to and including February 6, 2006, to prepare the United States' answer or other response is necessary in order to thoroughly analyze this case, examine the federal government's use of water in the Antelope Valley, and consult with various federal agencies that may be impacted by the adjudication.

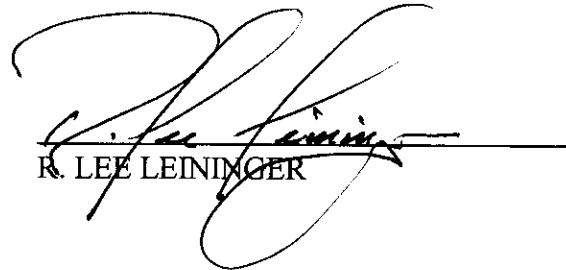
8. The extension will also allow Plaintiff additional time to properly serve the original complaints on the United States Attorney General.

9. On November 18, 2005, I spoke with Plaintiff's counsel, Jeffrey V. Dunn, who informed me that Plaintiff does not oppose the United States' application for a 60-day extension.

10. Notice of the United States' *Ex Parte Application for Extension of Time to Answer or Otherwise Respond to Complaint* was sent via facsimile transmission to the parties or their counsel of record as shown on the attached certificate of service.

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

Executed this 30th day of November, 2005.


R. LEE LEININGER