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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES
10

11 Coordination Proceeding
Special Title (Rule 1550(b))
12

13 **ANTELOPE VALLEY GROUNDWATER
CASES**

14 **Included Actions:**

15 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co.
16 Superior Court of California,
County of Los Angeles, Case No. BC 325 201
17

18 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co.
19 Superior Court of California,
County of Kern, Case No. S-1500-CV-254-348

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
21 Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
22 Riverside, consolidated actions, Case
Nos. RIC 353 840, RIC 344 436, RIC 344 668
23
24

Judicial Council Coordination
Proceeding No. 4408

**U.S. BORAX PRE-HEARING
STATEMENT ON
JURISDICTIONAL BOUNDARIES**

Date: July 24, 2006
Time: 10:00 a.m.
Dept: 1

1 U.S. Borax submits this pre-hearing statement in conjunction with the Declaration of Bruce
2 N. Nelson, P.E., in advance of the hearing currently set for July 24, 2006. At that hearing, the Court
3 will receive testimony to determine jurisdictional boundaries for the service and joinder of parties in
4 the case.

5 One of the central parties to this case, the United States of America, has raised issues with
6 respect to the McCarran Act (43 U.S.C. § 666). Under the McCarran Act, the United States waives
7 its sovereign immunity in a "general adjudication" of all of the rights of various owners to a given
8 water resource. Dugan v. Rank, 372 U.S. 609, 618 (1963). The waiver "is limited to comprehensive
9 adjudications of all of the water rights of various users of a specific water system." Gardner v.
10 Stager, 103 F.3d 886, 888 (9th Cir. 1996). In recognition of this statutory requirement, U.S. Borax
11 anticipates that so long as the McCarran Act is satisfied, then any concerns of U.S. Borax will also be
12 addressed.

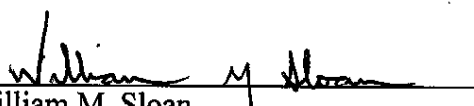
13 Put plainly, U.S. Borax also wishes to assure that this case will result in a "comprehensive
14 adjudication of all of the water rights of various users." This case will likely require a lot of time,
15 effort and expense. No party to this case will benefit if the ultimate resolution may be undermined by
16 a person that should have been joined, but was not. The Declaration of Bruce N. Nelson is submitted
17 with that interest in mind.

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19 Dated: June 28, 2006

Respectfully submitted,

20 MORRISON & FOERSTER LLP

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22 By:


23 William M. Sloan
24 Attorneys for U.S. Borax Inc.
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