

1 SUE ELLEN WOOLDRIDGE  
Assistant Attorney General  
2 Environment and Natural Resources Division

3 R. LEE LEININGER  
United States Department of Justice  
4 Environment and Natural Resources Division  
1961 Stout St., Suite 800  
5 Denver, Colorado 80294  
lee.leininger@usdoj.gov  
6 Phone: 303/844-1364 Fax: 303/844-1350

EXEMPT FROM FILING FEES UNDER  
GOVERNMENT CODE SECTION 6103

7 Attorneys for Federal Defendants

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

10 Coordination Proceeding  
Special Title (Rule 1550(b))

) Judicial Council Coordination  
) Proceeding No. 4408  
)

11 ANTELOPE VALLEY GROUNDWATER CASES

) **UNITED STATES' MOTION FOR**  
) **REVISED ADJUDICATION**  
) **BOUNDARY**

12 Included actions:

13 Los Angeles County Waterworks District No. 40 v.  
Diamond Farming Co., et al.  
Superior Court of California, County of Los Angeles,  
14 Case No. BC 325 201  
Los Angeles County Waterworks District No. 40 v.  
15 Diamond Farming Co., et al.  
Superior Court of California, County of Kern, Case  
16 No. S-1500-CV-254-348  
Wm. Bolthouse Farms, Inc. v. City of Lancaster  
17 Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
18 Superior Court of California, County of Riverside,  
consolidated actions, Case nos. RIC 353 840, RIC  
19 344 436, RIC 344 668

20  
21 The United States moves for an order modifying the jurisdictional boundary of the  
22 adjudication and for a map, approved by the Court, delineating the boundary. In support of this  
23 motion the United States states the following:

24 1. By order dated November 3, 2006, the Court concluded "that the alluvial basin as  
25 described in California Department of Water Resources Bulletin 118-2003 should be the basic  
26 jurisdictional boundary for purposes of this litigation." *Order After Hearing on Jurisdictional*  
*Boundaries*, at 4.

27 2. Pursuant to the Court's November 15 *Order After Case Management Conference*, the  
28

**U.S. Motion for Revised Adjudication Boundary**

1 parties have until December 13 to stipulate to modify the Court's Order setting forth the  
2 jurisdictional boundaries for purposes of establishing the necessary parties to this litigation, i.e.,  
3 to modify the boundary of the alluvial basin.

4 3. Attached as Exhibit 1 is a map showing two lines; 1) the California Department of Water  
5 Resources Bulletin 118-2003 ("DWR Bulletin 118") boundary, and 2) the basin watershed. The  
6 DWR Bulletin 118 boundary was created using the shape file available online from Department  
7 of Water Resources; the watershed boundary was previously submitted to the Court by the  
8 United States during the October 10-12 trial on jurisdictional boundary. *See* attached Exhibit 2,  
9 Declaration of Rick Williams; United States trial exhibit no. 75. *See also* State of California's  
10 Exhibit 1: Boundaries of the Antelope Valley Groundwater Basin (trial exhibit no. 52)(depicting  
11 the DWR Bulletin 118 boundary).

12 4. The DWR Bulletin 118 boundary includes a small valley which appears to have been  
13 erroneously included in the Antelope Valley groundwater basin. The valley is shown on the  
14 DWR Bulletin 118 groundwater basin boundary map, and reproduced and shown on the map  
15 attached as Exhibit 1, as a dendritic pattern located in the south within townships 4N & 5N;  
16 range 12W & 13W. Comparing this small valley area with the basin watershed line shows that  
17 the valley is outside the Antelope Valley watershed. The valley drains southward and is not in  
18 hydrogeologic connection with the Antelope Valley.

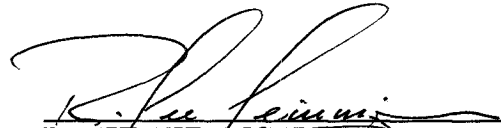
19 5. The United States circulated a map showing this anomalous area to counsel of record in  
20 this case. No parties objected to the elimination of this area from the adjudication. However,  
21 certain parties advocated for a more restrictive boundary and elimination of other areas that are  
22 presently included in the DWR Bulletin 118 boundary. Consequently, the United States was  
23 unable to achieve a stipulated agreement on a revised alluvial basin adjudication boundary.

24 6. Because the parties were unable to arrive at a consensus amended boundary, the United  
25 States now moves for an order adjusting the basic jurisdictional boundary. This request asks the  
26 Court to remove the area identified as part of the Antelope Valley groundwater basin in DWR  
27 Bulletin 118 located in townships 4N & 5N; range 12W & 13W. A map showing the amended  
28

1 DWR Bulletin 118 with the suspect area removed is attached as Exhibit 3. The United States  
2 further asks that the Court approve this map as the basic jurisdictional boundary for purposes of  
3 this litigation.

4 7. The United States moves for this adjustment in the jurisdictional boundary to correct  
5 what appears to be a clear error in DWR Bulletin 118. The United States is not hereby conceding  
6 to the Court's subject matter jurisdiction and reserves all rights to challenge the identification of  
7 the alluvial basin as the proper boundary for a McCarran Amendment general stream  
8 adjudication.

9  
10 Respectfully submitted this 13<sup>th</sup> day of December, 2006.

11  
12   
13 R. LEE LEININGER  
14 Trial attorney  
15 U. S. Department of Justice  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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, 8<sup>th</sup> Floor, Denver, Colorado 80294.

On December 13, 2006, I caused the foregoing documents described as **UNITED STATES' MOTION FOR REVISED ADJUDICATION FOR BOUNDARY**, 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).

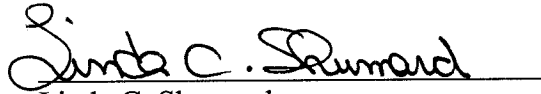
**(Served original to Presiding Judge on December 13, 2006)**

Presiding Judge of the Superior Court of California, County of Los Angeles  
County Courthouse  
111 North Hill Street  
Los Angeles, CA 90012

Chair, Judicial Council of California  
Administrative Office of the Courts  
Attn: Appellate and Trial Court Judicial Services (Civil Case Coordination)  
455 Golden Gate Avenue  
San Francisco, CA 74102-3688

Honorable Jack Komar  
Santa Clara County Superior Court  
191 North First Street, Department 17C  
San Jose, CA 95113

Executed on December 13, 2006, at Denver, Colorado.

A handwritten signature in black ink, reading "Linda C. Shumard", written over a horizontal line.

Linda C. Shumard  
Legal Support Assistant