

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

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3 R. LEE LEININGER
United States Department of Justice
4 Environment and Natural Resources Division
999 18th Street, Suite 945
5 Denver, Colorado 80202
Phone: 303/312-7322 Fax: 303/312-7379

6 Attorneys for Federal Defendants

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **COUNTY OF LOS ANGELES**

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

) Judicial Council Coordination
) Proceeding No. 4408

11 ANTELOPE VALLEY GROUNDWATER CASES

) CASE MANAGEMENT
) STATEMENT OF DEFENDANT
) UNITED STATES

12 Included actions:
Los Angeles County Waterworks District No. 40 v.
13 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

) Date: April 28, 2006
) Time: 10:00 a.m.
) Dept.: 1

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21 Defendant United States of America submits the following case management statement
22 addressing the issues described in the Court's March 24, 2006, MINUTE ORDER AFTER
23 PROCEEDINGS REGARDING: ISSUES CONFERENCE ("Minute Order"). The Minute Order
24 identified the following issues for discussion and/or determination at the April 28, 2006 Case
25 Management Conference:

26 **1. Trial Phase 1:** The Court will set evidentiary hearings, preferably in July 2006 for
27 Trial/Phase 1 (determination of Antelope Valley basin boundaries) and no later than the end of
28 2006 for Trial/Phase 2 (defining the character of the aquifer).

1 **2. Model Pleadings:** Parties shall circulate and post, by April 28, 2006, proposed forms
2 of model pleadings. The Court will review and issue the appropriate orders concerning
3 the model pleadings.

4 **3. Class Certification:** Parties shall respond with suggestions or recommendations to the
5 Court's proposal of certifying a class of defendants.

6 The United States comments as follows:

7 1. Trial Phase 1 : determination of Antelope Valley basin boundaries.

8 The parties' experts met on April 10, 2006 to discuss, *inter alia*, the location of the
9 Antelope Valley groundwater adjudication basin boundary. A stipulation on the boundary
10 location was not reached and the parties have scheduled a second meeting for May 15, 2006.

11 The United States understands that the Court will set trial and pretrial deadlines at the April 28
12 case management conference to resolve outstanding disputes regarding the basin boundary.

13 The United States respectfully requests the Court include in the pretrial schedule an
14 opportunity for dispositive motions on legal issues regarding the boundary. One such legal issue
15 is whether, in order for this adjudication to comply with the McCarran Amendment and effect a
16 waiver of the United States' sovereign immunity, the adjudication boundary must include the
17 entire federal property operated as Edwards Air Force Base, or only the portion of the Base
18 including the groundwater aquifer as shown in United States Geological Survey ("USGS")
19 reports. Wells on the Base that supply groundwater to the military installation are located within
20 and outside the USGS identified aquifer boundary. Further, the water pumped from these wells
21 is used by the Base both within and outside the aquifer boundary. Thus, an issue exists whether
22 the United States' water rights, including its rights based on the implied federal reserved water
23 rights doctrine, can be comprehensively adjudicated if the basin boundary is limited to the
24 groundwater aquifer.

25 2. Trial Phase 2 : defining the character of the aquifer.

26 The United States understands that the Court will discuss the scope of the Phase 2
27 determination of the character of the aquifer. A compilation and sharing of all available
28 hydrogeological data will greatly reduce the time and expense necessary to analyze and, if

1 necessary, litigate issues regarding aquifer characteristics.

2 3. Model Pleadings.

3 The United States received copies of the proposed model pleadings on April 19, but has
4 not had sufficient time to consult with agency counsel and personnel to substantively comment
5 on the drafts. Nonetheless, the United States has concerns about the proposals and will attempt
6 to communicate its concerns to the drafters of the pleadings prior to the April 28 status
7 conference, or we will address the Court with our concerns at the conference.

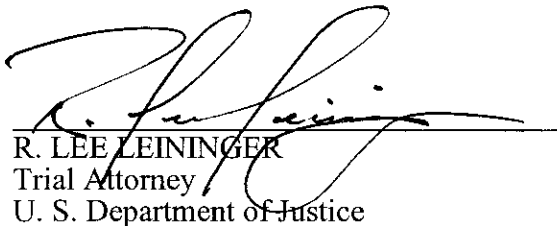
8 4. Class Certification.

9 The United States understands that there will be discussion on identifying water users or
10 a subset of water users with "typical" claims or defenses; identifying representative parties that
11 may fairly and adequately protect a typical water user's interest; and procedures on adjudication
12 of the rights of a class or classes of typical water users through representative counsel.

13 5. Other matters.

14 The United States requests that the Court also take up the issue of the scope and process
15 of joinder of potential water right holders. The legal issue of whether the proposed service and
16 joinder of potential water right holders in the adjudication complies with the McCarran
17 Amendment may be appropriate for dispositive motion

18 Respectfully submitted this 24th day of April, 2006.

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22 R. LEE LEININGER
23 Trial Attorney
24 U. S. Department of Justice
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PROOF OF SERVICE

I, Lori Montano, declare:

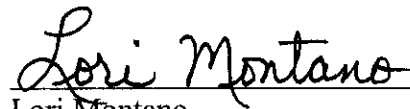
I am a resident of the State of Colorado and over the age of 18 years, and not a party to the within action. My business address is U.S. Department of Justice, Environmental and Natural Resources Section, 999 - 18th St., Suite 945, Denver, Colorado.

On April 24, 2006, I served the foregoing **CASE MANAGEMENT STATEMENT OF DEFENDANT UNITED STATES** on all interested parties.

(By U.S. Mail) On the same date, at my said place of business, said correspondence was sealed and placed for collection and mailing following the usual business practice of my said employer. I am readily familiar with my said employer's business practice for collection and processing of correspondence for mailing with the United States Postal Service, and pursuant to that practice, the correspondence would be deposited with the United States Postal Service, with postage thereon fully prepaid, on the same date at Denver, CO addressed to:

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

(By E-Filing) I posted the document listed above to the Santa Clara County Superior Court Website in regard to the Antelope Valley Groundwater matter in compliance with the Court's electronic posting instructions and the Court's Clarification Order dated October 27, 2005.



Lori Montano

Legal Support Assistant to Lee Leininger