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

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

) Judicial Council Coordination
) Proceeding No. 4408
)

14 **ANTELOPE VALLEY GROUNDWATER**
15 **CASES**

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

16 Included actions:

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

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

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

25 **AND RELATED CROSS ACTIONS**
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Cross-Defendant United States of America respectfully submits this narrative case

1 management statement “with suggestions as to what should be involved in the next phase of
2 trial, in terms of prescription issues, allocation issues, storage issues, return flows, and the
3 like, as well as time estimates for the next phase of trial.” *Minute Order Re: Continuance of*
4 *Trial Setting Conference*, dated March 2, 2012.

5 The parties have been engaged in months of negotiations in an attempt to settle this case.
6 Any eventual settlement must satisfy the McCarran Amendment, 43 U.S.C. § 666, and result in a
7 comprehensive determination of all rights to water. While settlement talks are on-going and may
8 still yield a comprehensive settlement of all rights to water, the United States submits that the
9 next logical phase of trial is the adjudication of the parties’ individual water rights. Certain
10 claims to water may be significantly curtailed or potentially even eliminated if allegations of
11 prescription made by the Cross-Complainants are proven. Accordingly, the United States
12 suggests a Phase IV trial to determine the parties’ correlative water rights to the Basin safe yield,
13 including claims of prescription and defenses of self-help.

14 The United States proposes the following schedule for litigation in Phase IV:

- 15 1. Immediate: Commence written discovery for the purpose of disclosing facts related to
16 the Phase IV trial issues.
- 17 2. September 14, 2012: Exchange of exhibits to be used at trial.
- 18 3. September 21, 2012: Opening trial briefs due.
- 19 4. October 1, 2012: Trial commences.

20 Estimated trial time is four to six weeks.

21 Respectfully submitted this 12th day of March, 2012.

23 /s/
24 R. LEE LEININGER
25 JAMES J. DUBOIS
26 United States Department of Justice
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PROOF OF SERVICE

I, Karmen Miller, 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 March 12, 2012, 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 March 12, 2012 at Denver, Colorado.

/s/ Karmen Miller

Karmen Miller
Paralegal Specialist