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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES**

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

) Judicial Council Coordination
) Proceeding No. 4408

13 **ANTELOPE VALLEY GROUNDWATER**
14 **CASES**

) **FEDERAL DEFENDANTS'**
) **TRIAL SETTING CONFERENCE**
) **STATEMENT**

15 Included actions:

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

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

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

24 **AND RELATED CROSS ACTIONS**
25 _____)
26

27 Pursuant to the *Minute Order*, dated March 13, 2012, cross-defendant United States of
28 America respectfully submits this trial setting conference statement.

1 A tentative settlement allocating the safe yield of the basin groundwater supply was
2 reached by the majority of participants at the April 2 - 3 settlement conference in Sacramento. At
3 the conclusion of the conference, the settling parties acknowledged for the record the tentative
4 agreement and their respective water allocations and rights. The United States stated its
5 concurrence and noted its continuing participation in the case subject to the jurisdictional
6 requirements of McCarran Amendment, 43 U.S.C. § 666, which necessitates a comprehensive
7 determination of rights to water in the water source. Cognizant of the McCarran Amendment's
8 comprehensiveness requirement, the settling parties have agreed to a further settlement
9 conference on April 30 before Justice Robie to complete drafting of settlement terms and
10 conditions.

11 Having attained a tentative settlement, the United States respectfully suggests that,
12 following the April 30 conference, the Court set an evidentiary hearing for parties to confirm or
13 "prove up" their claimed production and beneficial use amounts. Because a procedure to confirm
14 claimed rights has not been established, an orderly procedure will need to be established by the
15 Court. The United States respectfully suggests the Court delay setting a fourth phase of trial and
16 instead order a meet and confer conference of settling parties. The meet and confer may result in
17 agreement on a procedural mechanism which the parties may then present to the Court.

18 Assuming the parties and the Court can agree upon a satisfactory process confirming all
19 claims to water in the Basin, the fourth phase of trial on "proving up" the parties claims can
20 proceed in an orderly fashion.

21 Respectfully submitted this 10th day of April 2012.

22
23 /s/
24 R. LEE LEININGER
25 JAMES J. DUBOIS
26 United States Department of Justice
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PROOF OF SERVICE

I, Amber Petrie, 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 April 10, 2012, I caused the foregoing document(s) described as: **FEDERAL DEFENDANTS' TRIAL SETTING CONFERENCE 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 April 10, 2012 at Denver, Colorado.

/s/ Amber Petrie
Amber Petrie
Legal Assistant