

IGNACIA S. MORENO, Assistant Attorney General
Environment & Natural Resources Division

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LEE LEININGER, Trial Attorney
JAMES DUBOIS, Trial Attorney
United States Department of Justice
Environment and Natural Resources Division
999 18th Street, South Terrace, Suite 370
Denver, Colorado, 80202
Tel: (303) 844-1464
Fax: (303) 844-1350
Email: lee.leininger@usdoj.gov
Email: james.dubois@usdoj.gov

Attorneys for Cross-Defendant United States of America

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

Coordination Proceeding Special Title (Rule 1550 (b)), ANTELOPE VALLEY GROUNDWATER CASES	Judicial Council Coordination Proceeding No. 4408 [Assigned to the Honorable Jack Komar, Judge Santa Clara County Superior Court, Dept. 17] Santa Clara Court Case No. 1-05-CV-049053 NOTICE OF MOTION AND MOTION <i>IN LIMINE</i> TO ESTABLISH THE UNITED STATES' LEGAL ENTITLEMENT TO A FEDERAL RESERVED WATER RIGHT AND TO LIMIT THE SCOPE OF EVIDENCE NECESSARY AT TRIAL Date: May 13, 2013 Time: To be determined Dept.: To be determined Judge: Hon. Jack Komar Filing Date: July 11, 2005 (coordination) Trial Date: May 28, 2013 (Phase IV)
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2 NOTICE OF MOTION AND MOTION *IN LIMINE* TO ESTABLISH THE UNITED STATES'
3 LEGAL ENTITLEMENT TO A FEDERAL RESERVED WATER RIGHT AND TO LIMIT
4 THE SCOPE OF EVIDENCE NECESSARY AT TRIAL

5 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

6 PLEASE TAKE NOTICE that, on May 13, 2013 at 9 a.m. or as soon thereafter as the
7 matter may be heard in a department to be determined of the Superior Court of California,
8 County of Los Angeles, cross-defendant United States of America ("United States") will
9 move the Court for an order establishing the United States' legal right to federal reserved water
10 rights for Edwards Air Force Base ("EAFB") and Plant 42, and the remaining burden of proof
11 related to those rights. The United States files this motion pursuant to Code of Civil Procedure
12 sections 187 and 404.7, California Rules of Court, rules 3.504(c) and 3.1112(f), and the Court's
13 January 17, 2013, First Amendment to Case Management Order for Phase Four Trial. This
14 motion is based on the grounds that the applicable United States Supreme Court decisions and
15 the documents attached to the accompanying Memorandum in Support of Motion in Limine
16 establish that the United States is entitled to federal reservations of ground water from the
17 Antelope Valley Aquifer, for military purposes. As a consequence, the United States seeks:

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20 (1) a ruling on the United States' legal entitlement to a reserved water right for EAFB
21 and Plant 42,
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23 (2) to limit or eliminate the need for evidence at trial related to the volume or location
24 of annual pumping from the Antelope Valley aquifer at the time of the reservations or
25 land acquisitions, and
26 (3) to limit the evidence the United States must produce at trial to
27 (a) proof of federal ownership;
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- 1 (b) demonstration of the military purposes at EAFB and the Plant 42; and
2 (c) a showing of the amount of water necessarily reserved for current and
3 future military purposes.
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5 The United States motion is based upon:

- 6 (1) This Notice of Motion and Motion;
7 (2) The Memorandum of Points and Authorities filed herewith;
8 (3) The Declaration of R. Lee Leininger, and its exhibits, filed herewith;
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11 /s/ R. Lee Leininger
12 R. LEE LEININGER
13 ATTORNEY FOR THE UNITED
14 STATES OF AMERICA
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