

1 JOHN C. CRUDEN,
2 Assistant Attorney General
3 Environment & Natural Resources Division

4 LEE LEININGER, Trial Attorney
5 JAMES DUBOIS, Trial Attorney
6 United States Department of Justice
7 Environment and Natural Resources Division
8 999 18th Street, South Terrace, Suite 370
9 Denver, Colorado, 80202
10 Tel: (303) 844-1464
11 Fax: (303) 844-1350
12 Email: lee.leininger@usdoj.gov
13 Email: james.dubois@usdoj.gov

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14 Attorneys for Cross-Defendant United States of America

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY
GROUNDWATER CASES**

Included Actions:

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Superior Court of California
County of Los Angeles, Case No. BC
325201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Superior Court of California, County of
Kern, Case No. S-1500-CV 254348

Wm. Bolthouse Farms, Inc. v. City of
Lancaster Diamond Farming Co. v. City of
Lancaster Diamond Farming Co. v. Palmdale
Water Dist. Superior Court of California,
County of Riverside, consolidated actions,
Case Nos. RIC 353840, RIC 344436, RIC
344668

Judicial Council Coordination Proceeding
No. 4408

SC Case No. 105CV 049053
Assigned to Hon. Jack Komar

**CROSS-DEFENDANT UNITED STATES'
CASE MANAGEMENT STATEMENT**

DATE: May 15, 2015

TIME: 1:30 p.m.

DEPT: Court-Call Only

1 In compliance with the Court's May 4, 2015 minute order, the United States hereby
2 submits the following Case Management Conference Statement in regard to the Antelope Valley
3 Groundwater Adjudication.

4 **1. Meeting of Stipulating Parties with Non-Stipulating Parties:**

5 Following the May 4, 2015 Case Management Conference, a meet and confer session
6 was held on May 11, 2015, between the settling parties and those parties who have filed
7 objections to the proposed Judgment and Physical Solution. The United States agrees with and
8 adopts the statement in the Joint Case Management Statement, submitted today by Los Angeles
9 County Waterworks District No. 40, describing the outcome of the meet and confer.

10 **2. United States' Statement Regarding Proof to be Submitted During Phase VI Trial.**

11 At the May 4 scheduling hearing, the Court indicated its strong preference not to hear
12 redundant testimony as part of this "Phase VI" hearing. Based on the Court's statements, the
13 United States seeks confirmation that no additional evidence is necessary from the United States
14 with respect to its claims to reserved water rights at the prove-up hearing for the physical solution
15 scheduled to begin on September 28, 2015.

16 The proposed Judgment and Physical Solution includes an allocation to the United States
17 under its claim to a federal reserved water right. The United States included in its List of Potential
18 Witnesses for Phase VI Hearing and its List of Potential Exhibits for Phase VI Hearing (both
19 documents filed April 27, 2015) witnesses and exhibits that are already before the Court, either as
20 part of the Phase IV declarations, or presented as part of the Phase V trial on the federal reserved
21 water rights claims. Specifically, the United States has previously submitted to the Court:

- 22 1. Sworn declarations and documentation of historical water use at Edwards Air Force
23 Base and Air Force Plant 42 submitted in May, 2013 as part of the Phase IV
24 proceedings. These declarations and documents cover water use from 2000-2004 and
25 2011-2012.
- 26 2. Three days of testimony and presentation of evidence during the Phase V hearing
27 establishing the factual basis for the reserved water rights claims, including, but not
28 limited to:

- a. Documents and testimony supporting the creation of Edwards Air Force Base and Air Force Plant 42, and the historical need for and use of water at these facilities extending back over 50 years
- b. Testimony and exhibits demonstrating the beneficial uses to which the water has been placed at Edwards AFB and AF Plant 42.
- c. Documents and expert testimony regarding future water needs at Edwards AFB and AF Plant 42.

3. In addition, the United States has previously submitted extensive briefing in support of the federal reserved water right that is included in the Proposed Judgment and Physical Solution.

The evidence previously presented to, and admitted by, the Court is sufficient to prove-up the provisions of the Proposed Judgment and Physical Solution related to the claims of the United States. Submission of the Phase V exhibits and testimony as part of the Phase VI hearing would be redundant. Notice of the Phase V trial on the United States reserved water rights claims was provided to all parties prior to the 3-day trial. All of the parties who participated at the Phase V trial and actively contested the reserved water right claim, including Bolthouse Farms, Diamond Farming, AGWA, Tejon Ranchcorp and the Wood Class, have settled and stipulated, *inter alia*, to the reserved right provisions in the Proposed Judgment and Physical Solution. All of the non-stipulating or objecting parties to the Proposed Judgment and Physical Solution had notice and an opportunity to be heard on these issues, but none chose to participate in the Phase V trial.

The Court concluded the evidence phase of the Phase V trial on the federal reserved water right on February 19, 2014. The only remaining issue was the scheduling of the submission of post-trial briefs by the parties to assist the Court in its evaluation of the evidence and in reaching a decision. The Court postponed the submission of post-trial briefs in order to enable the parties to focus on renewed settlement discussions, which resulted in the proposed settlement now before the Court. The United States should not have to re-litigate its claims against those parties who chose not to participate during trial on the federal claims. Reopening the Phase V proceedings to re-litigate the reserved water right issue would be untimely and prejudicial to the United States.

1 For purposes of planning for Phase VI trial time and preparation, the United States requests
2 confirmation from the Court that resubmission of the previously presented evidence is redundant
3 and unnecessary for the next phase of hearings.

4
5 RESPECTFULLY SUBMITTED this 13th day of May 2015.

6 /s/ R. Lee Leininger
7 R. LEE LEININGER
8 JAMES J. DuBOIS
9 ATTORNEYS FOR THE UNITED
10 STATES OF AMERICA
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