

1 WAYNE K. LEMIEUX (SBN 43501)  
2 W. KEITH LEMIEUX (SBN 161850)  
3 LEMIEUX & O'NEILL  
4 2393 Townsgate Road, Suite 201  
5 Westlake Village, California 91361  
6 Telephone: (805) 495-4770  
7 Facsimile: (805) 495-2787

8 Attorneys for Defendants/Cross-Complainants

9 LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT  
10 And Cross-Defendants, NORTH EDWARDS WATER DISTRICT and DESERT LAKES COMMUNITY  
11 SERVICES DISTRICT

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **IN AND FOR THE COUNTY OF LOS ANGELES**

14 Coordinated Proceeding  
15 Special Title (Rule 1550(b))

14 **Judicial Council Coordination**  
15 **Proceeding No. 4408**

16 ANTELOPE VALLEY GROUNDWATER  
17 CASES

16 Santa Clara Case No. 1-05-CV-049053  
17 Assigned to the Honorable Jack Komar – Dept. 17

18 Included Actions:

18 **ANSWER OF PALM RANCH IRRIGATION**  
19 **DISTRICT TO CROSS-COMPLAINT OF**  
20 **COUNTY SANITATION DISTRICTS NOS. 14**  
21 **AND 20 OF LOS ANGELES COUNTY**

22 Los Angeles County Waterworks District No. 40  
23 v. Diamond Farming Co. Los Angeles County  
24 Superior Court Case No. BC 325201;

25 Los Angeles County Waterworks District No. 40  
26 v. Diamond Farming Co., Kern County Superior  
27 Court, Case No. S-1500-CV-234348;

28 Wm. Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster v.  
Palmdale Water District, Riverside County  
Superior Court, Consolidated Actions, Case Nos.  
RIC 353840, RIC 344436, RIC 344668

COUNTY SANITATION DISTRICTS NOS. 14  
AND 20 OF LOS ANGELES COUNTY, public  
agencies,

Cross-Complainants and Cross-Defendants,

Vs.

1 LOS ANGELES COUNTY WATERWORKS )  
DISTRICT NO. 40; ROSAMOND )  
2 COMMUNITY SERVICES DISTRICT; )  
PALMDALE WATER DISTRICT; QUARTZ )  
3 HILL WATER DISTRICT; PALM RANCH )  
IRRIGATION DISTRICT; LITTLEROCK )  
4 CREEK IRRIGATION DISTRICT; )  
5 CALIFORNIA WATER SERVICE COMPANY; )  
CITY OF LANCASTER; CITY OF PALMDALE,)

6 Cross-Defendants and Cross-Complainants, )  
7 )

8 AND )

9 DIAMOND FARMING COMPANY; WM. )  
BOLTHOUSE FARMS, INC.; CITY OF LOS )  
10 ANGELES; ANTELOPE VALLEY EAST KERN )  
WATER AGENCY; TEJON RANCH; and DOES )  
11 1 through 25,000, inclusive, )

12 Cross-Defendants. )  
13 )  
14 )

15 PALM RANCH IRRIGATION DISTRICT (“Palm Ranch”) responds to the Cross-Complaint filed  
16 by County Sanitation Districts Nos. 14 and 20 of Los Angeles County (“Sanitation Districts”) as follows:

17 **PRELIMINARY**

18 1. Palm Ranch admits the allegations contained in paragraphs 1 through 41, inclusive, of the  
19 Cross-Complaint are true.

20 2. In response to the allegations contained in paragraph 42, Palm Ranch denies Water Code  
21 Section 1210 provides for the Sanitation Districts’ ownership of discharged treated wastewater as against  
22 Palm Ranch. Except as denied herein, Palm Ranch admits the allegations outlined in paragraph 42 are  
23 true.

24 3. Palm Ranch admits the allegations contained in paragraph 43 of the Cross-Complaint are  
25 true.

26 ///

27 ///

1 **FIRST CAUSE OF ACTION**

2 4. In response to the allegations contained in paragraph 44 of the Cross-Complaint, Palm  
3 Ranch alleges and incorporates by reference, Palm Ranch’s responses to the allegations in paragraphs 1  
4 through 43, inclusive, of the Cross-Complaint.

5 5. Palm Ranch admits the allegations contained in paragraphs 45 through 47, inclusive, of the  
6 Cross-Complaint are true.

7 **SECOND CAUSE OF ACTION**

8 6. In response to the allegations contained in paragraph 48 of the Cross-Complaint, Palm  
9 Ranch alleges and incorporates by reference herein, Palm Ranch’s responses to the allegations in  
10 paragraphs 1 through 47, inclusive, of the Cross-Complaint.

11 7. Palm Ranch admits the allegations contained in paragraphs 49 and 50 of the Cross-  
12 Complaint are true.

13 **THIRD CAUSE OF ACTION**

14 8. In response to the allegations contained in paragraph 51 of the Cross-Complaint, Palm  
15 Ranch alleges and incorporates by reference, responses to paragraphs 1 through 50, inclusive, of the  
16 Cross-Complaint.

17 9. Palm Ranch admits the allegations contained in paragraph 51 through 55 of the Cross-  
18 Complaint are true.

19 **FIRST AFFIRMATIVE DEFENSE**

20 10. Palm Ranch has a right prior and paramount to the rights of Sanitation Districts to pump  
21 the portion of the water percolated into the Basin which has been imported by Palm Ranch through the  
22 State Water Project. This right, sometimes referred to as the “right to recapture return flows,” exists as to  
23 percolating water which can be identified as return flow, regardless of the length of time since the  
24 percolation, regardless of the number of times the water is pumped, and regardless whether the  
25 percolating water is commingled with the waters in the Basin.

26 ///

27 ///

1 **SECOND AFFIRMATIVE DEFENSE**

2 11. Palm Ranch has a prior and paramount right to the rights of Sanitation Districts to  
3 pump the native waters in the Basin because water and water rights belonging to the State of California  
4 within Palm Ranch have been given, dedicated, and set apart for the use and purposes of Littlerock Creek.

5 **THIRD AFFIRMATIVE DEFENSE**

6 12. Palm Ranch has an equal right to the rights of Sanitation Districts to use the native waters  
7 for municipal purposes.

8 **FOURTH AFFIRMATIVE DEFENSE**

9 13. Palm Ranch has an equal right to the rights of the public entity cross-defendants to the  
10 native waters in the Basin by virtue of mutual prescription.

11 **PRAYER**

12 **WHEREFORE**, Palm Ranch Irrigation District prays for the Court to:

- 13 1. Declare Palm Ranch Irrigation District’s water rights as equal or paramount to the water
- 14 rights of Sanitation Districts as set forth in Palm Ranch Irrigation District’s affirmative defenses.
- 15 2. Award Palm Ranch Irrigation District cost of suit.
- 16 3. Award Palm Ranch Irrigation District reasonable attorney fees.
- 17 4. Impose such further relief as the Court deems appropriate.

18 DATED: February 1, 2007.

LEMIEUX & O’NEILL

19  
20 By: \_\_\_\_\_  
21 WAYNE K. LEMIEUX

22 This Answer is deemed verified pursuant to Code of Civil Procedure Section 446.  
23  
24  
25  
26  
27

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, )  
3 ) ss.  
4 COUNTY OF VENTURA )

5 I am employed in the County of Ventura, State of California. I am over the age of 18  
6 and not a party to the within action. My business address is 2393 Townsgate Road, Suite  
7 201, Westlake Village, California 91361.

8 On **February 1, 2007**, I posted the following document(s) to the website  
9 <http://www.scefilng.org>, a dedicated link to the Antelope Valley Groundwater Cases:

10 **ANSWER OF DEFENDANT, PALM RANCH**  
11 **IRRIGATION DISTRICT TO**  
12 **CROSS-COMPLAINT OF**  
13 **COUNTY SANITATION DISTRICTS NOS. 14 AND 20**  
14 **OF LOS ANGELES COUNTY**

13 Honorable Jack Komar 14 Santa Clara County Superior Court 15 191 North First Street, Dept. 17C 16 San Jose, CA 95113	<b>By Mail</b> Tel: 508/882-2286 Fax: 408/882-2293 <a href="mailto:rwalker@scscourt.org">rwalker@scscourt.org</a>
16 Superior Court of California 17 County of Los Angeles 18 Stanley Mosk Courthouse—Dept. 1, Rm 534 111 North Hill Street Los Angeles, CA 90012	<b>Original Document(s) to be filed at this location.</b>

19 I declare under penalty of perjury under the laws of the State of California that the  
20 above is true and correct.

21 Executed on February 1, 2007, in Westlake Village, California.

22  
23  
24 \_\_\_\_\_  
LINDA M. STIEGLER