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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))

) **Judicial Council Coordination**
) **Proceeding No. 4408**

16 **ANTELOPE VALLEY GROUNDWATER**
17 **CASES**

) Santa Clara Case No. 1-05-CV-049053
) [Assigned to the Honorable Jack Komar]

18 Included Actions:

) **ANSWER OF CROSS-DEFENDANT**
) **LITTLEROCK CREEK IRRIGATION**
) **DISTRICT' TO FIRST AMENDED CROSS-**
) **COMPLAINT OF B.J. CALANDRI, ET AL.**

19 Los Angeles County Waterworks District No. 40
20 v. Diamond Farming Co. Los Angeles County
21 Superior Court Case No. BC 325201;

22 Los Angeles County Waterworks District No. 40
23 v. Diamond Farming Co., Kern County Superior
24 Court, Case No. S-1500-CV-234348;

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

_____)
B.J. CALANDRI, et al.,)

) Cross-Complainants,)

25 vs.)

26 LOS ANGELES COUNTY WATER WORKS)
27 DISTRICT NO. 40, et al.)
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Cross-Defendants,)
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Littlerock Creek Irrigation District (herein “Littlerock”) responds to the First Amended Cross-Complaint of B.J. Calandri, et al. (herein collectively, “Calandri”), as follows:

1. Littlerock generally and specifically denies each and every allegation contained in Calandri’s unverified First Amended Cross-Complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

2. Littlerock has a right prior and paramount to the rights of Calandri to pump the portion of the water percolated into the Basin which has been imported by Littlerock through the State Water Project. This right, sometimes referred to as the “right to recapture return flows,” exists as to percolating water which can be identified as return flow regardless of the length of time since the percolation, regardless of the number of times the water is pumped and regardless whether the percolating water is commingled with the waters in the Basin.

SECOND AFFIRMATIVE DEFENSE

3. Littlerock has a right prior and paramount to the rights of Calandri to divert water from streams. Littlerock’s right to divert water from streams was established prior to 1914. This right, sometimes referred to as a “pre-1914 diversion right” or simply a “pre-1914 right,” exists as to waters in the Basin flowing in a known and definite channel. This right exists as long as the water can be identified as the result of a diversion of surface water by Littlerock, regardless of the time since the diversion, regardless of the number of times the water is pumped and regardless whether the diverted water is commingled with the waters in the Basin.

THIRD AFFIRMATIVE DEFENSE

4. Littlerock has a prior and paramount right to the rights of Calandri to pump the native waters in the Basin because water and water rights belonging to the State of California within Littlerock have been given, dedicated, and set apart for the use and purposes of Littlerock.

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FOURTH AFFIRMATIVE DEFENSE

5. Littlerock has an equal right to the rights of Calandri to use the native waters for municipal purposes.

FIFTH AFFIRMATIVE DEFENSE

6. Littlerock has an equal right to the rights of the public entity cross-defendants to the native waters in the Basin by virtue of mutual prescription.

PRAYER

WHEREFORE, Littlerock Creek Irrigation District prays for the Court to:

- 1. Declare Littlerock Creek Irrigation District’s water rights as equal or paramount to the water rights of Calandri as set forth in Littlerock Creek Irrigation District’s affirmative defenses.
- 2. Award Littlerock Creek Irrigation District cost of suit.
- 3. Award Littlerock Creek Irrigation District reasonable attorneys’ fees.
- 4. Impose such further relief as the Court deems appropriate.

DATED: February 1, 2007

LEMIEUX & O'NEILL

/s/

By: _____
WAYNE K. LEMIEUX

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 and not a
6 party to the within action. My business address is 2393 Townsgate Road, Suite 201, Westlake Village,
7 California 91361.

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

10 **ANSWER OF CROSS-DEFENDANT LITTLEROCK CREEK IRRIGATION DISTRICT'**
11 **TO FIRST AMENDED CROSS-COMPLAINT OF B.J. CALANDRI, ET AL.**

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

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

15 /s/

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17 KATHI MIERS
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SERVICE LIST
Antelope Valley Groundwater Cases: Case No. 1: 05-CV-049053

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LCID'S ANSWER TO CROSS-COMPLAINT

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	Court Personnel:	
	Presiding Judge of the Superior Court of California, County of Los Angeles 111 N. Hill Street Los Angeles, CA 90012-3014	CRC Rules 1501(17) and 1540: Coordination Trial Judge
	Honorable Jack Komar Santa Clara County Superior Court 191 North First Street, Dept. 17C San Jose, CA 95113	By Mail Tel; 408/882-2286 Fax: 408/882-2293 rwalker@scscourt.org
	Superior Court of California County of Los Angeles Stanley Mosk Courthouse—Dept. 1, Rm 534 111 North Hill Street Los Angeles, CA 90012	Original Document(s) to be filed at this location.
	*Chair, Judicial Council of California Administrative Office of the Courts Attn: Appellate & Trial Court Judicial Services (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102-3688	CRC Rule 1511: *Serve only when required to be transmitted to Judicial Council.