

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

5 Attorneys for Defendants/Cross-Complainants

6 LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT  
And Cross-Defendants, NORTH EDWARDS WATER DISTRICT and DESERT LAKES COMMUNITY  
7 SERVICES DISTRICT

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

10  
11 Coordinated Proceeding )  
Special Title (Rule 1550(b)) )

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

12 ANTELOPE VALLEY GROUNDWATER )  
13 CASES )

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

14 Included Actions: )

**ANSWER OF PALM RANCH IRRIGATION**  
**DISTRICT TO FIRST AMENDED CROSS-**  
**COMPLAINT OF B.J. CALANDRI, ET AL.**

15 Los Angeles County Waterworks District No. 40 )  
16 v. Diamond Farming Co. Los Angeles County )  
17 Superior Court Case No. BC 325201; )

18 Los Angeles County Waterworks District No. 40 )  
19 v. Diamond Farming Co., Kern County Superior )  
Court, Case No. S-1500-CV-234348; )

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

24 \_\_\_\_\_ )  
B.J. CALANDRI, et al., )

25 Cross-Complainants, )

26 vs. )

27 LOS ANGELES COUNTY WATER WORKS )  
DISTRICT NO. 40, et al. )

1 Cross-Defendants, )  
2 \_\_\_\_\_ )

3  
4 Palm Ranch Irrigation District (herein “Palm Ranch”) responds to the First Amended Cross-  
5 Complaint of B.J. Calandri, et al. (herein collectively, “Calandri”), as follows:

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

8 **AFFIRMATIVE DEFENSES**

9 **FIRST AFFIRMATIVE DEFENSE**

10 2. Palm Ranch has a right prior and paramount to the rights of Calandri to pump the portion  
11 of the water percolated into the Basin which has been imported by Antelope Valley East Kern Water  
12 Agency through the State Water Project and delivered to Palm Ranch. This right, sometimes referred to  
13 as the “right to recapture return flows,” exists as to percolating water which can be identified as return  
14 flow regardless of the length of time since the percolation, regardless of the number of times the water is  
15 pumped and regardless whether the percolating water is commingled with the waters in the Basin.

16 **SECOND AFFIRMATIVE DEFENSE**

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

20 **THIRD AFFIRMATIVE DEFENSE**

21 4. Palm Ranch has an equal right to the rights of Calandri to use the native waters for  
22 municipal purposes.

23 **FOURTH AFFIRMATIVE DEFENSE**

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

26 **PRAYER**

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

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

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: February 1, 2007

LEMIEUX & O'NEILL

/s/

By: \_\_\_\_\_  
WAYNE K. LEMIEUX

**PROOF OF SERVICE**

STATE OF CALIFORNIA, )  
 ) ss.  
COUNTY OF VENTURA )

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

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

**ANSWER OF PALM RANCH IRRIGATION DISTRICT TO FIRST AMENDED CROSS-COMPLAINT OF B.J. CALANDRI, ET AL.**

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

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

/s/

\_\_\_\_\_  
KATHI MIERS

**SERVICE LIST**  
**Antelope Valley Groundwater Cases: Case No. 1: 05-CV-049053**

1		
2		
3		
4	Thomas Bunn, Esq. LAGERLOF, SENEAL, BRADLEY, GOSNEY & KRUSE 301 North Lake Ave., 10 <sup>th</sup> Floor Pasadena, CA 91101-4108	Attorneys for Palmdale Water District and Quartz Hill Water District Tel: 626/793-9400 Fax: 626/793-6900 <a href="mailto:TomBunn@lagerlof.com">TomBunn@lagerlof.com</a>
5		
6		
7	Marvin G. Burns, Esq. Marvin G. Burns, A Law Corporation 9107 Wilshire Blvd., Suite 800 Beverly Hills, CA 90210-5533	Attorneys for George Stevens, Jr., & George C. Stevens, Jr., Trust Tel: 310/278-6500 Fax: 310/203-9608 <a href="mailto:MBurns@lurie-zepeda.com">MBurns@lurie-zepeda.com</a>
8		
9		
10		
11	Edward J. Casey, Esq. WESTON BENSHOOF ROCHEFORT RUBALCAVA MacCUIISH LLP 333 So. Hope St., 16 <sup>th</sup> Floor Los Angeles, CA 90071	Attorneys for Palmdale Hills Property LLC Tel: 213/576-1005 Fax: 213/576-1100 <a href="mailto:ECasey@wbcounsel.com">ECasey@wbcounsel.com</a>
12		
13		
14	Julie A. Conboy, Deputy City Attorney Department of Water and Power 111 North Hope Street P.O. Box 111 Los Angeles, CA 90012	Attorneys for Department of Water & Power  Tel: 213/367-4513 Fax: 213/241-1409 <a href="mailto:Julie.Conboy@ladwp.com">Julie.Conboy@ladwp.com</a>
15		
16		
17	Wm. Matthew Ditzhazy, Esq. CITY OF PALMDALE – Legal Dept. 38300 North Sierra Hwy. Palmdale, CA 93550	Attorney for City of Palmdale Tel: 661/267-5108 Fax: 661/267-5178 <a href="mailto:mditzhazy@cityofpalmdale.org">mditzhazy@cityofpalmdale.org</a>
18		
19		
20	Jeff Dunn, Esq. BEST, BEST & KRIEGER 5 Park Plaza, Suite 1500 Irvine, CA 92614	Attorneys for Los Angeles County Waterworks District No. 40 and Rosamond Community Tel: 949/263-2600 Fax: 949/260-0972 <a href="mailto:Jeff.dunn@bbklaw.com">Jeff.dunn@bbklaw.com</a>
21		
22		
23		
24	Douglas J. Evertz, Esq. STRADLING, YOCCA, CARLSON & RAUTH 660 Newport Center Dr., Suite 1600 Newport Beach, CA 92660-6522	Attorney for City of Lancaster Tel: 949/725-4000 Fax: 949/725-4100 <a href="mailto:Devertz@sycr.com">Devertz@sycr.com</a>
25		
26		
27	Michael T. Fife, Esq. HATCH & PARENT	Attorney for Eugene B. Nebeker on behalf of Nebeker Ranch, Inc., Bob Jones on behalf of R&M Ranch, Inc., Forrest

1	21 East Carrillo Street Santa Barbara, CA 93101	G. Godde and Steve Godde, Gailen Kyle on behalf of Kyle & Kyle Ranch, Inc., and John Calandri on behalf of Calandri/Sonrise Farms, collectively known as the Antelope Valley Groundwater Association ("AGWA") Tel: 805/963-7000 Fax: 805/965-4333 <a href="mailto:Mfife@hatchparent.com">Mfife@hatchparent.com</a>
2		
3		
4		
5		
6	Eric L. Garner, Esq. BEST, BEST & KRIEGER 3750 University Ave., Suite 400 P. O. Box 1028 Riverside, CA 92602-1028	Attorneys for Los Angeles County Waterworks District No. 40 and Rosamond Community Services District Tel: 951/686-1450 Fax: 951/686-3083 <a href="mailto:Eric.garner@bbklaw.com">Eric.garner@bbklaw.com</a>
7		
8		
9		
10	Janet Goldsmith, Esq. KRONICK, MOSKOWITZ, TIEDMANN & GIRARD 400 Capitol Mall, 27 <sup>th</sup> Floor Sacramento, CA 95814-4417	Attorneys for City of Los Angeles Tel: 916/321-4500 Fax: 916/321-4555 <a href="mailto:jgoldsmith@KMTG.com">jgoldsmith@KMTG.com</a>
11		
12		
13	Mark J. Hattam, Esq. ALLEN MATKINS LECK GAMBLE & MALLORY LLP 501 West Broadway, 15 <sup>th</sup> Floor San Diego, CA 921010-3541	Attorneys for SPC Del Sur Ranch LLC Tel: 619/233-1155 Fax: 619/233-1158 <a href="mailto:Mhattam@allenmatkins.com">Mhattam@allenmatkins.com</a>
14		
15		
16	Tammy L. Jones, Esq. WESTON BENSHOOF ROCHEFORT RUBALCAVA MacCUISH LLP 333 S. Hope St., 16 <sup>th</sup> Floor Los Angeles, CA 90071	Attorneys for Palmdale Hills Property LLC Tel: 213/576-1000 Fax: 213/ 576-1100 <a href="mailto:tjones@wbcounsel.com">tjones@wbcounsel.com</a>
17		
18		
19	Bob H. Joyce, Esq. LEBEAU – THELEN 5001 East Commercenter Dr., #300 P. O. Box 12092 Bakersfield, CA 93389-2092	Attorneys for Diamond Farming Co. Tel: 661/325-8962 Fax: 661/325-1127 <a href="mailto:bjoyce@lebeauthelen.com">bjoyce@lebeauthelen.com</a>
20		
21		
22		
23	Steven M. Kennedy, Esq. BRUNICK, McELHANEY & BECKETT 1839 Commercenter West San Bernardino, CA 92408	Attorneys for Antelope Valley East Kern Water Agency Tel: 909/889-8301 Fax: 090/388-1889 <a href="mailto:skennedy@bbmblaw.com">skennedy@bbmblaw.com</a>
24		
25		
26	Scott K. Kuney, Esq. YOUNG WOOLDRIDGE 1800 30 <sup>TH</sup> Street, 4 <sup>th</sup> Floor	Attorneys for Gertrude J. Van Dam and Delmar D. Van Dam Tel: 661/327-9661
27		

**RPID'S ANSWER TO CROSS-COMPLAINT**

1	Bakersfield, CA 93301	Fax: 661/327-0720 <a href="mailto:skuney@youngwooldridge.com">skuney@youngwooldridge.com</a>
2		
3	James L. Markman, Esq. RICHARDS, WATSON & GERSHON	Attorneys for City of Palmdale
4	P. O. Box 1059	Tel: 714/990-0901
5	Brea, CA 92822-1059	Fax: 714/990-6230 <a href="mailto:jmarkman@rwglaw.com">jmarkman@rwglaw.com</a>
6	Dale Murad, Esq. AFLSA/JACE	Attorneys for U. S. Department of the Air Force – Edwards Air Force Base
7	1501 Wilson Blvd., Suite 629	Tel: 703/696-9166
8	Arlington, VA 22209-2403	Fax: 703/696-9184 <a href="mailto:Dale.Murad@pentagon.af.mil">Dale.Murad@pentagon.af.mil</a>
9		
10	Steven R. Orr, Esq. RICHARDS, WATSON & GERSHON	Attorneys for City of Palmdale
11	355 S. Grand Ave., 40 <sup>th</sup> Floor	Tel: 213/626-8484
12	Los Angeles, CA 90071-3101	Fax: 213/626-0078 <a href="mailto:Sorr@rwglaw.com">Sorr@rwglaw.com</a>
13	Jeffrey Robbins, Esq. STRADLING YOCCA CARLSON & RAUTH	Attorneys of City of Lancaster
14	660 Newport Center Drive, Suite 1600	Tel: 949/737-4720
15	Newport Beach, CA 92660	Fax: 916/823-6720 <a href="mailto:JRobbins@sycr.com">JRobbins@sycr.com</a>
16	Christopher M. Sanders, Esq. EILLISON, SCHNEIDER & HARRIS	Attorneys for County Sanitation Districts Nos. 14 and 20 of Los Angeles County
17	2015 "H" Street	Tel: 916/447-2166
18	Sacramento, CA 95814	Fax: 916/447-3512 <a href="mailto:cms@eslawfirm.com">cms@eslawfirm.com</a>
19	Robert B. Schachter, Esq. HITCHCOCK, BOWMAN & SCHACHTER	Attorneys for Guss A. Barks and Peter G. Barks
20	21515 Hawthorne Blvd., Suite 1030	Tel: 310/540-2202
21	Torrance, CA 90503-6579	Fax: 310/540-8734 <a href="mailto:HBSattylaw@aol.com">HBSattylaw@aol.com</a>
22	Loretta Slaton, Esq. Law Office of Loretta Slaton	Attorneys for Air Trust Singaport Limited
23	2294 Via Puerta, Suite O	Tel: 949/587-2832
24	Laguna Hills, CA 92653	Fax: 949/855-1959 <a href="mailto:Lslaton81@aol.com">Lslaton81@aol.com</a>
25	Jon A. Slezak, Esq. IVERSON, YOAKUM, PAPIANO & HATCH	Attorneys for City of Los Angeles, Dept. of Airports
26	624 South Grand Ave., 27 <sup>th</sup> Floor	Tel: 213/624-7444
27	Los Angeles, CA 90017	Fax: 213/629-4563 <a href="mailto:jslesak@lyph.com">jslesak@lyph.com</a>

1		
2	William Sloan, Esq. MORRISON & FOERSTER LLP 425 Market Street San Francisco, CA 94105	Attorneys for U. S. Borax, Inc. Tel: 415/268-6127 Fax: 415/276-7545 <a href="mailto:wsloan@mofo.com">wsloan@mofo.com</a>
3		
4		
5	John Tootle, Esq. CALIFORNIA WATER SERVICE COMPANY 3625 Del Amo Blvd., Suite 350 Torrance, CA 90503	Attorneys for Antelope Valley Water Company Tel: 310/257-1488 x 322 Fax: 310/325-4691 <a href="mailto:jtootle@calwater.com">jtootle@calwater.com</a>
6		
7		
8	Henry Weinstock, Esq. Fred Fudacz, Esq. NOSSAMAN, GUTHNER, KNOX, ELLIOTT, LLP 445 South Figueroa St., 31 <sup>st</sup> Floor Los Angeles, CA 90071	Attorney for Tejon Ranch  Tel: 213/612-7839 Fax: 213/612-7801 <a href="mailto:hweinstock@nossaman.com">hweinstock@nossaman.com</a>
9		
10		
11	Richard G. Zimmer, Esq. CLIFFORD & BROWN 1430 Truxtun Ave., Suite 900 Bakersfield, CA 93301-5230	Attorneys for Wm Bolthouse Farms, Inc. Tel: 661/322-6023 Fax: 661/322-3508 <a href="mailto:rzimmer@clifford-brownlaw.com">rzimmer@clifford-brownlaw.com</a>
12		
13		
14	<b>AG and DOJ:</b>	
15	Michael Crow, Esq. Office of the California Attorney General 1300 "I" Street Sacramento, CA 95814	Parties: State of California; Santa Monica Mountains Conservancy; 50 <sup>th</sup> District Agricultural Association Tel: 916/327-7856 Fax: 916/327-2319 <a href="mailto:Michael.Crow@doj.ca.gov">Michael.Crow@doj.ca.gov</a>
16		
17		
18		
19	Lee Leininger, Esq. U.S. Department of Justice Environmental & Natural Resources Section 999 – 18 <sup>th</sup> Street, Suite 945, North Tower Denver, CO 80202	Parties: United States of America  Tel: 303/312-7322 Fax: 303/312-7379 <a href="mailto:Lee.leininger@usdoj.gov">Lee.leininger@usdoj.gov</a>
20		
21		
22		
23	Debra W. Yang, United States Attorney United States Attorney's Office, Central District of CA 300 North Los Angeles St., Rm 7516, Fed. Bldg. Los Angeles, CA 90012	(email c/o Thom Mozek) Tel: 213/894-4600 Fax: 213/894-2380 <a href="mailto:Thom.Mozek@usdoj.gov">Thom.Mozek@usdoj.gov</a>
24		
25		
26	Robert J. Spagnoletti, Esq. Attorney General for the District of Columbia 441 Fourth St., NW, 6 <sup>th</sup> Floor South Washington, DC 20001	Tel: 202/727-6248 Fax: 202/724-1305 <a href="mailto:Robert.Spagnoletti@dc.gov">Robert.Spagnoletti@dc.gov</a>
27		
28	Answer(PR).Calandri.1stAm.X-Compl.doc	

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

	Robert S. McDonnell, Esq. Attorney General of Virginia 900 East Main Street Richmond, VA 23219	Tel: 804/786-2071 Fax: 804/786-1991 <a href="mailto:mail@oag.state.va.us">mail@oag.state.va.us</a>
	<b>Court Personnel:</b>	
	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	<b>By Mail</b> Tel; 408/882-2286 Fax: 408/882-2293 <a href="mailto:rwalker@scscourt.org">rwalker@scscourt.org</a>
	Superior Court of California County of Los Angeles 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>
	*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.