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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
12 Special Title (Rule 1550(b))

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

13 **ANTELOPE VALLEY GROUNDWATER**
14 **CASES**

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

15 Included Actions:

) **ANSWER OF PALM RANCH IRRIGATION**
) **DISTRICT TO CROSS-COMPLAINT OF**
) **BOLTHOUSE PROPERTIES, LLC**

16 Los Angeles County Waterworks District No. 40
17 v. Diamond Farming Co. Los Angeles County
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.
RIC 353840, RIC 344436, RIC 344668

23 _____)
24 BOLTHOUSE PROPERTIES, LLC,)

25 Cross-Complainant,)

26 Vs.)

27 ROSAMOND COMMUNITY SERVICES)
28 _____)

1 DISTRICT; LOS ANGELES COUNTY)
 2 WATERWORKS DISTRICT NO. 40;)
 3 PALMDALE WATER DISTRICT; CITY OF)
 4 LANCASTER; CITY OF PALMDALE;)
 5 LITTLEROCK CREEK IRRIGATION)
 6 DISTRICT; PALM RANCH IRRIGATION)
 7 DISTRICT; CALIFORNIA WATER SERVICE)
 8 COMPANY; ANTELOPE VALLEY-EAST)
 9 KERN WATER AGENCY; VOUNTY OF)
 10 SANITATION DISTRICTS NOS. 14 AND 20 OF)
 LOS ANGELES COUNTY; and as against each)
 and every party which subsequently files a Cross-)
 Complaint against Bolthouse Properties, LLC; and)
 MOES 1 through 10,000)
 Cross-Defendants.)

11 Palm Ranch Irrigation District (herein “Ralm Ranch”) responds to the unverified Cross-Complaint
 12 of Bolthouse Properties, LLC. (“Bolthouse”), as follows:

13 1. Palm Ranch generally and specifically denies each and every allegation contained in
 14 Bolthouse’s unverified First Amended Cross-Complaint.

15 **AFFIRMATIVE DEFENSES**

16 **FIRST AFFIRMATIVE DEFENSE**

17 2. Palm Ranch has a right prior and paramount to the rights of Bolthouse to pump the portion
 18 of the water percolated into the Basin which has been imported by Antelope Valley East Kern Water
 19 Agency through the State Water Project and delivered to Palm Ranch. This right, sometimes referred to
 20 as the “right to recapture return flows,” exists as to percolating water which can be identified as return
 21 flow regardless of the length of time since the percolation, regardless of the number of times the water is
 22 pumped and regardless whether the percolating water is commingled with the waters in the Basin.
 23

24 **SECOND AFFIRMATIVE DEFENSE**

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

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THIRD AFFIRMATIVE DEFENSE

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

FOURTH AFFIRMATIVE DEFENSE

5. Palm Ranch 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, Palm Ranch Creek Irrigation District prays for the Court to:

- 1. Declare Palm Ranch Creek Irrigation District’s water rights as equal or paramount to the water rights of Bolthouse as set forth in Palm Ranch Creek Irrigation District’s affirmative defenses.
- 2. Award Palm Ranch Creek Irrigation District cost of suit.
- 3. Award Palm Ranch 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

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 CROSS-COMPLAINT OF BOLTHOUSE PROPERTIES, LLC

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

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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.