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6 LITTLEROCK CREEK IRRIGATION DISTRICT  
and PALM RANCH IRRIGATION DISTRICT  
7

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 No. 4408**

12  
13 **ANTELOPE VALLEY GROUNDWATER  
CASES**

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

14 Included Actions:

**ANSWER OF LITTLEROCK CREEK  
IRRIGATION DISTRICT TO CROSS-  
COMPLAINT OF GRIMMWAY  
ENTERPRISES, INC. AND LAPIS LAND  
COMPANY, LLC**

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

17  
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 **AND RELATED CROSS-ACTIONS**  
25 \_\_\_\_\_  
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1 GRIMMWAY ENTERPRISES, INC. and )  
2 LAPIS LAND COMPANY, LLC )

3 Cross-Complainant, )

4 vs. )

5 CALIFORNIA WATER SERVICE COMPANY; )  
6 CITY OF LANCASTER; CITY OF )  
7 PALMDALE; LITTLEROCK CREEK )  
8 IRRIGATION DISTRICT; LOS ANGELES )  
9 COUNTY WATERWORKS DISTRICT NO. 40; )  
10 PALMDALE WATER DISTRICT; ROSAMOND )  
11 COMMUNITY SERVICES DISTRICT; PALM )  
12 RANCH IRRIGATION DISTRICT; QUARTZ )  
13 HILL WATER DISTRICT; PHELAN PINON )  
14 COMMUNITY SERVICES DISTRICT and )  
15 ROES 1-200, inclusive, )

16 Cross-Defendants. )

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Littlerock Creek Irrigation District (hereinafter "Littlerock") hereby responds, for itself and for no other defendant, to the Cross-Complaint of Grimmway Enterprises, Inc. and LAPIS Land Company, LLC (hereinafter "Cross-Complainants") as follows:

1. Littlerock generally and specifically denies each and every allegation contained in Cross-Complainants' cross-complaint.

**AFFIRMATIVE DEFENSES**

**FIRST AFFIRMATIVE DEFENSE**


2. Littlerock has a right prior and paramount to the rights of Cross-Complainants 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.



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DATED: December 8, 2010

LEMIEUX & O'NEILL

By:  \_\_\_\_\_

W. KEITH LEMIEUX  
Attorneys for Cross-Defendant  
LITTLEROCK CREEK IRRIGATION DISTRICT

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 4165 E. Thousand Oaks Blvd., Suite 350, Westlake  
7 Village, California 91362.

8 On **December 9, 2010**, I posted the following document(s) to the website  
9 <http://www.scefilings.org>, a dedicated link to the Antelope Valley Groundwater Cases, and upon which the  
10 parties have agreed this posting constitutes service.

11 **ANSWER OF LITTLEROCK CREEK IRRIGATION DISTRICT TO THE CROSS-**  
12 **COMPLAINT OF GRIMMWAY ENTERPRISES, INC. AND LAPIS LAND COMPANY, LLC.**

13 By electronically serving through <http://www.scefilings.org>, and addressed to all parties appearing  
14 on the <http://www.scefilings.org> electronic service list, the file transmission was reported as complete and  
15 a copy of the <http://www.scefilings.org> Filing/Service Receipt will be maintained with a copy of the  
16 document in our office.

17 I am readily familiar with the business practice for collection and processing of pleadings and  
18 discovery for electronic service with <http://www.scefilings.org>, and that the pleadings and discovery shall  
19 be electronically served this same day in the ordinary course of business.

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

22 Executed on December 9, 2010, in Westlake Village, California.

23   
24 KATHI MIERS

**SERVICE LIST**

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

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