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6 PALM RANCH CREEK IRRIGATION DISTRICT
7 And PALM RANCH IRRIGATION DISTRICT

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

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

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

) **Judicial Council Coordination No. 4408**

12 **ANTELOPE VALLEY GROUNDWATER**
13 **CASES**

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

14 Included Actions:

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

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

23 _____
24 AND RELATED CROSS-ACTIONS
25 _____
26 _____
27 _____
28 _____

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; LITTLE ROCK 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.)

17
18 Palm Ranch Irrigation District (hereinafter "Palm Ranch") hereby responds, for itself and for no
19 other defendant, to the Cross-Complaint of Grimmway Enterprises, Inc. and LAPIS Land Company, LLC
20 (hereinafter "Cross-Complainants") as follows:

21 1. Palm Ranch generally and specifically denies each and every allegation contained in
22 Cross-Complainants' cross-complaint.

23 **AFFIRMATIVE DEFENSES**

24 **FIRST AFFIRMATIVE DEFENSE**

25 2. Palm Ranch has a right prior and paramount to the rights of Cross-Complainants to pump
26 the portion of the water percolated into the Basin which has been imported by Palm Ranch through the
27 State Water Project. This right, sometimes referred to as the "right to recapture return flows," exists as to
28 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.

1 **SECOND AFFIRMATIVE DEFENSE**

2 3. Palm Ranch has a right prior and paramount to the rights of Cross-Complainants to divert
3 water from streams. Palm Ranch's right to divert water from streams was established prior to 1914. This
4 right, sometimes referred to as a "pre-1914 diversion right" or simply a "pre-1914 right," exists as to
5 waters in the Basin flowing in a known and definite channel. This right exists as long as the water can be
6 identified as the result of a diversion of surface water by Palm Ranch, regardless of the time since the
7 diversion, regardless of the number of times the water is pumped and regardless whether the diverted
8 water is commingled with the waters in the Basin.

9 **THIRD AFFIRMATIVE DEFENSE**

10 4. Palm Ranch has a prior and paramount right to the rights of Cross-Complainants to pump
11 the native waters in the Basin because water and water rights belonging to the State of California within
12 Palm Ranch have been given, dedicated, and set apart for the use and purposes of Palm Ranch.

13 **FOURTH AFFIRMATIVE DEFENSE**

14 5. Palm Ranch has an equal right to the rights of Cross-Complainants to use the native waters
15 for municipal purposes.

16 **FIFTH AFFIRMATIVE DEFENSE**

17 6. Palm Ranch has an equal right to the rights of the public entity defendants to the native
18 waters in the Basin by virtue of mutual prescription.

19 **PRAYER**

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

- 21 1. Declare Palm Ranch Irrigation District's water rights as equal or paramount to the water
22 rights of Cross-Complainants as set forth in Palm Ranch Irrigation District's affirmative defenses.
- 23 2. Award Palm Ranch Irrigation District cost of suit.
- 24 3. Award Palm Ranch Irrigation District reasonable attorneys' fees; and
- 25 4. Impose such further relief as the Court deems appropriate.
- 26
- 27

1 DATED: December 8, 2010

LEMIEUX & O'NEIL

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3 By: 

4 W. KEITH LEMIEUX
5 Attorneys for Cross-Defendant
6 PALM RANCH IRRIGATION DISTRICT
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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.scefilng.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 PALM RANCH IRRIGATION DISTRICT TO THE CROSS-COMPLAINT**
12 **OF GRIMMWAY ENTERPRISES, INC. AND LAPIS LAND COMPANY, LLC.**

13 By electronically serving through <http://www.scefilng.org>, and addressed to all parties appearing
14 on the <http://www.scefilng.org> electronic service list, the file transmission was reported as complete and
15 a copy of the <http://www.scefilng.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.scefilng.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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8	Court Personnel:	
9	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
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11	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
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14	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.
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18	*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.
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