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

**Judicial Council Coordination No. 4408**

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

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

) **ANSWER OF LITTLEROCK CREEK**  
) **IRRIGATION DISTRICT TO CROSS-**  
) **COMPLAINT OF CRYSTAL ORGANIC**  
) **FARMS**

14 Included Actions:

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 \_\_\_\_\_ )

1 CRYSTAL ORGANIC FARMS, LLC, )  
 2 )  
 3 Cross-Complainant, )  
 4 )  
 5 vs. )  
 6 )  
 7 CALIFORNIA WATER SERVICE COMPANY; )  
 8 CITY OF LANCASTER; CITY OF )  
 9 PALMDALE; LITTLEROCK CREEK )  
 10 IRRIGATION DISTRICT; LOS ANGELES )  
 11 COUNTY WATERWORKS DISTRICT NO. 40; )  
 12 PALMDALE WATER DISTRICT; ROSAMOND )  
 13 COMMUNITY SERVICES DISTRICT; PALM )  
 14 RANCH IRRIGATION DISTRICT; and )  
 15 QUARTZ HILL WATER DISTRICT; and ROES )  
 16 1-200, inclusive, )  
 17 )  
 18 Cross-Defendants. )  
 19 )  
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13 Littlerock Irrigation District (hereinafter “Littlerock”) hereby responds, for itself and for no other  
 14 defendant, to the Cross-Complaint of Crystal Organic Farms, LLC (hereinafter “Cross-Complainant) as  
 15 follows:

16 1. Littlerock generally and specifically denies each and every allegation contained in Cross-  
 17 Complainant’s cross-complaint.

18 **AFFIRMATIVE DEFENSES**

19 **FIRST AFFIRMATIVE DEFENSE**

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

3. Littlerock has a right prior and paramount to the rights of Cross-Complainant 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 Cross-Complainant 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.

**FOURTH AFFIRMATIVE DEFENSE**

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

**FIFTH AFFIRMATIVE DEFENSE**

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

**PRAYER**

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

- 1. Declare Littlerock Irrigation District’s water rights as equal or paramount to the water rights of Cross-Complainant as set forth in Littlerock Irrigation District’s affirmative defenses.
- 2. Award Littlerock Irrigation District cost of suit.
- 3. Award Littlerock Irrigation District reasonable attorneys’ fees; and

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4. Impose such further relief as the Court deems appropriate.

DATED: November 2, 2007

LEMIEUX & O'NEILL

/s/

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

W. KEITH LEMIEUX

Attorneys for Cross-Defendant

LITTLEROCK CREEK IRRIGATION DISTRICT

**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 **November 2, 2007**, I posted the following document(s) to the website <http://www.scefiling.org>, a dedicated link to the Antelope Valley Groundwater Cases:

**ANSWER OF LITTLEROCK CREEK IRRIGATION DISTRICT TO THE CROSS-COMPLAINT OF CRYSTAL ORGANIC FARMS, LLC**

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

Executed on November 2, 2007, in Westlake Village, California.

\_\_\_\_\_  
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>