

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

8 Attorneys for Defendants

9 PALM RANCH CREEK IRRIGATION DISTRICT AND PALM RANCH IRRIGATION DISTRICT

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

12 Coordinated Proceeding)
13 Special Title (Rule 1550(b)))

Judicial Council Coordination No. 4408

14 **ANTELOPE VALLEY GROUNDWATER**)
15 **CASES**)

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

16 Included Actions:)

ANSWER OF PALM RANCH IRRIGATION
DISTRICT TO CROSS- COMPLAINT OF
CRYSTAL ORGANIC FARMS

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

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

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

28 _____)
AND RELATED CROSS-ACTIONS)
_____))
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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; PALM RANCH 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)
 20)
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 24)
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13 Palm Ranch Irrigation District (hereinafter “Palm Ranch”) hereby responds, for itself and for no
 14 other defendant, to the Cross-Complaint of Crystal Organic Farms, LLC (hereinafter “Cross-
 15 Complainant) as follows:

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

18 **AFFIRMATIVE DEFENSES**

19 **FIRST AFFIRMATIVE DEFENSE**

20 2. Palm Ranch has a right prior and paramount to the rights of Cross-Complainant to pump
 21 the portion of the water percolated into the Basin which has been imported by Palm Ranch through the
 22 State 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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2 **SECOND AFFIRMATIVE DEFENSE**

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

10 **THIRD AFFIRMATIVE DEFENSE**

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

14 **FOURTH AFFIRMATIVE DEFENSE**

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

17 **FIFTH AFFIRMATIVE DEFENSE**

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

20 **PRAYER**

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

- 22 1. Declare Palm Ranch Irrigation District’s water rights as equal or paramount to the water
23 rights of Cross-Complainant as set forth in Palm Ranch Irrigation District’s affirmative defenses.
24 2. Award Palm Ranch Irrigation District cost of suit.
25 3. Award Palm Ranch 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
PALM RANCH 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 PALM RANCH 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.

/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 th Floor Pasadena, CA 91101-4108	Attorneys for Palmdale Water District and Quartz Hill Water District Tel: 626/793-9400 Fax: 626/793-6900 TomBunn@lagerlof.com
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 MBurns@lurie-zepeda.com
8		
9		
10		
11	Edward J. Casey, Esq. WESTON BENSHOOF ROCHEFORT RUBALCAVA MacCUIISH LLP 333 So. Hope St., 16 th Floor Los Angeles, CA 90071	Attorneys for Palmdale Hills Property LLC Tel: 213/576-1005 Fax: 213/576-1100 ECasey@wbcounsel.com
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 Julie.Conboy@ladwp.com
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 mditzhazy@cityofpalmdale.org
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 Jeff.dunn@bbklaw.com
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 Devertz@sycr.com
25		
26		
27		
28	6	

1	Michael T. Fife, Esq. HATCH & PARENT 21 East Carrillo Street Santa Barbara, CA 93101	Attorney for Eugene B. Nebeker on behalf of Nebeker Ranch, Inc., Bob Jones on behalf of R&M Ranch, Inc., Forrest 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 Mfife@hatchparent.com
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 Eric.garner@bbklaw.com
11	Janet Goldsmith, Esq. KRONICK, MOSKOWITZ, TIEDMANN & GIRARD 400 Capitol Mall, 27 th Floor Sacramento, CA 95814-4417	Attorneys for City of Los Angeles Tel: 916/321-4500 Fax: 916/321-4555 jgoldsmith@KMTG.com
14	Mark J. Hattam, Esq. ALLEN MATKINS LECK GAMBLE & MALLORY LLP 501 West Broadway, 15 th Floor San Diego, CA 921010-3541	Attorneys for SPC Del Sur Ranch LLC Tel: 619/233-1155 Fax: 619/233-1158 Mhattam@allenmatkins.com
17	Tammy L. Jones, Esq. WESTON BENSHOOF ROCHEFORT RUBALCAVA MacCUISH LLP 333 S. Hope St., 16 th Floor Los Angeles, CA 90071	Attorneys for Palmdale Hills Property LLC Tel: 213/576-1000 Fax: 213/ 576-1100 tjones@wbcounsel.com
20	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 bjoyce@lebeauthelen.com
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 skennedy@bbmblaw.com

1	Scott K. Kuney, Esq. YOUNG WOOLDRIDGE	Attorneys for Gertrude J. Van Dam and Delmar D. Van Dam
2	1800 30 TH Street, 4 TH Floor	Tel: 661/327-9661
3	Bakersfield, CA 93301	Fax: 661/327-0720 skuney@youngwooldridge.com
4		
5	James L. Markman, Esq. RICHARDS, WATSON & GERSHON	Attorneys for City of Palmdale
6	P. O. Box 1059	Tel: 714/990-0901
7	Brea, CA 92822-1059	Fax: 714/990-6230 jmarkman@rwglaw.com
8	Dale Murad, Esq. AFLSA/JACE	Attorneys for U. S. Department of the Air Force – Edwards Air Force Base
9	1501 Wilson Blvd., Suite 629	Tel: 703/696-9166
10	Arlington, VA 22209-2403	Fax: 703/696-9184 Dale.Murad@pentagon.af.mil
11	Steven R. Orr, Esq. RICHARDS, WATSON & GERSHON	Attorneys for City of Palmdale
12	355 S. Grand Ave., 40 th Floor	Tel: 213/626-8484
13	Los Angeles, CA 90071-3101	Fax: 213/626-0078 Sorr@rwglaw.com
14	Jeffrey Robbins, Esq. STRADLING YOCCA CARLSON & RAUTH	Attorneys of City of Lancaster
15	660 Newport Center Drive, Suite 1600	Tel: 949/737-4720
16	Newport Beach, CA 92660	Fax: 916/823-6720 JRobbins@syocr.com
17	Christopher M. Sanders, Esq. EILLISON, SCHNEIDER & HARRIS	Attorneys for County Sanitation Districts Nos. 14 and 20 of Los Angeles County
18	2015 "H" Street	Tel: 916/447-2166
19	Sacramento, CA 95814	Fax: 916/447-3512 cms@eslawfirm.com
20		
21	Robert B. Schachter, Esq. HITCHCOCK, BOWMAN & SCHACHTER	Attorneys for Guss A. Barks and Peter G. Barks
22	21515 Hawthorne Blvd., Suite 1030	Tel: 310/540-2202
23	Torrance, CA 90503-6579	Fax: 310/540-8734 HBSattylaw@aol.com
24	Loretta Slaton, Esq. Law Office of Loretta Slaton	Attorneys for Air Trust Singapoort Limited
25	2294 Via Puerta, Suite O	Tel: 949/587-2832
26	Laguna Hills, CA 92653	Fax: 949/855-1959 Lslaton81@aol.com
27		
28	- 8 -	

1	Jon A. Slezak, Esq. IVERSON, YOAKUM, PAPIANO & HATCH	Attorneys for City of Los Angeles, Dept. of Airports
2	624 South Grand Ave., 27 th Floor	Tel: 213/624-7444
3	Los Angeles, CA 90017	Fax: 213/629-4563 jslesak@lyph.com
4		
5	William Sloan, Esq. MORRISON & FOERSTER LLP	Attorneys for U. S. Borax, Inc.
6	425 Market Street	Tel: 415/268-6127
7	San Francisco, CA 94105	Fax: 415/276-7545 wsloan@mofo.com
8	John Tootle, Esq. CALIFORNIA WATER SERVICE COMPANY	Attorneys for Antelope Valley Water Company
9	3625 Del Amo Blvd., Suite 350	Tel: 310/257-1488 x 322
10	Torrance, CA 90503	Fax: 310/325-4691 jtootle@calwater.com
11	Henry Weinstock, Esq. Fred Fudacz, Esq.	Attorney for Tejon Ranch
12	NOSSAMAN, GUTHNER, KNOX, ELLIOTT, LLP	Tel: 213/612-7839
13	445 South Figueroa St., 31 st Floor	Fax: 213/612-7801 hweinstock@nossaman.com
14	Los Angeles, CA 90071	
15	Richard G. Zimmer, Esq. CLIFFORD & BROWN	Attorneys for Wm Bolthouse Farms, Inc.
16	1430 Truxtun Ave., Suite 900	Tel: 661/322-6023
17	Bakersfield, CA 93301-5230	Fax: 661/322-3508 rzimmer@clifford-brownlaw.com
18	AG and DOJ:	
19	Michael Crow, Esq. Office of the California Attorney General	Parties: State of California; Santa Monica Mountains Conservancy; 50 th District Agricultural Association
20	1300 "I" Street	Tel: 916/327-7856
21	Sacramento, CA 95814	Fax: 916/327-2319 Michael.Crow@doj.ca.gov
22	Lee Leininger, Esq. U.S. Department of Justice	Parties: United States of America
23	Environmental & Natural Resources Section	Tel: 303/312-7322
24	999 – 18 th Street, Suite 945, North Tower	Fax: 303/312-7379 Lee.leininger@usdoj.gov
25	Denver, CO 80202	
26	Debra W. Yang, United States Attorney United States Attorney's Office, Central District of CA	(email c/o Thom Mozek)
27	300 North Los Angeles St., Rm 7516, Fed. Bldg.	Tel: 213/894-4600
28	Los Angeles, CA 90012	Fax: 213/894-2380 Thom.Mozek@usdoj.gov

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<p>Robert J. Spagnoletti, Esq. Attorney General for the District of Columbia 441 Fourth St., NW, 6th Floor South Washington, DC 20001</p>	<p>Tel: 202/727-6248 Fax: 202/724-1305 Robert.Spagnoetti@dc.gov</p>
<p>Robert S. McDonnell, Esq. Attorney General of Virginia 900 East Main Street Richmond, VA 23219</p>	<p>Tel: 804/786-2071 Fax: 804/786-1991 mail@oag.state.va.us</p>
<p>Court Personnel:</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>By Mail Tel; 408/882-2286 Fax: 408/882-2293 rwalker@scscourt.org</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>Original Document(s) to be filed at this location.</p>
<p>*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</p>	<p>CRC Rule 1511: *Serve only when required to be transmitted to Judicial Council.</p>