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1 years prior to the filing of this cross-complaint.

2  
3 39. The Public Water Suppliers have pumped water from, and/or stored water in the  
4 Antelope Valley Basin, by reasonable extraction means. They have used the Basin and/or its  
5 water for reasonable and beneficial purposes; and they have done so under a claim of right in an  
6 actual, open, notorious, exclusive, continuous, uninterrupted, hostile, adverse use and/or manner  
7 for a period of time of at least five years and before filing this cross-complaint.

8  
9 40. To provide water to the public, the Public Water Suppliers have and claim the  
10 following rights:

11  
12 (A) The right to pump groundwater from the Antelope Valley Groundwater  
13 Basin in an annual amount equal to the highest volume of groundwater extracted by each of the  
14 Public Water Suppliers in any year preceding entry of judgment in this action;

15 (B) The right to pump or authorize others to extract from the Antelope Valley  
16 Groundwater Basin an amount of water equal in quantity to that amount of water previously  
17 purchased by each of the Public Water Suppliers from the Antelope Valley-East Kern Water  
18 Agency; and which has augmented the supply of water in the Basin in any year preceding entry of  
19 judgment in this action.

20 (C) The right to pump or authorize others to extract from the Antelope Valley  
21 Groundwater Basin an amount of water equal in quantity to that amount of water purchased in the  
22 future by each of the Public Water Suppliers from the Antelope Valley-East Kern Water Agency  
23 which augments the supply of water in the Basin; and

24 (D) The right to pump or authorize others to extract from the Antelope Valley  
25 Basin an amount of water equal in quantity to that volume of water injected into the Basin or  
26 placed within the Basin by each of the Public Water Suppliers or on behalf of any of them.

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1 FIRST CAUSE OF ACTION

2 (Declaratory Relief – Prescriptive Rights – Against All Cross-Defendants Except the United  
3 States And Other Public Entity Cross-Defendants)

4 41. The Public Water Suppliers re-allege and incorporate by reference each and all of  
5 the preceding paragraphs as though fully set forth herein.

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7 42. For over fifty years, the California Supreme Court has recognized prescriptive  
8 water rights. The Public Water Suppliers allege that, for more than five years and before the date  
9 of this cross-complaint, they have pumped water from the Basin for reasonable and beneficial  
10 purposes, and done so under a claim of right in an actual, open, notorious, exclusive, continuous,  
11 hostile and adverse manner. The Public Water Suppliers further allege that each cross-defendant  
12 had actual and/or constructive notice of these activities, either of which is sufficient to establish  
13 the Public Water Suppliers' prescriptive rights.

14  
15 43. Public Water Suppliers contend that each cross-defendant's rights to pump water  
16 from the Basin are subordinate to the Public Water Suppliers' prescriptive rights and to the  
17 general welfare of the citizens, inhabitants and customers within the Public Water Suppliers'  
18 respective service areas and/or jurisdictions.

19  
20 44. An actual controversy has arisen between the Public Water Suppliers and cross-  
21 defendants, and each of them. Public Water Suppliers allege, on information and belief, that each  
22 cross-defendant disputes the Public Water Suppliers' contentions, as described in the immediately  
23 preceding paragraph.

24  
25 45. Public Water Suppliers seek a judicial determination as to the correctness of their  
26 contentions and a finding as to the priority and amount of water they and each cross-defendant are  
27 entitled to pump from the Basin.



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1 overlying, appropriative and prescriptive rights to pump water from the Basin.

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**THIRD CAUSE OF ACTION**

**(Declaratory Relief – Physical Solution – Against All Cross-defendants)**

53. The Public Water Suppliers re-allege and incorporate by reference each and all of the preceding paragraphs as though fully set forth herein.

54. Upon information and belief, the Public Water Suppliers allege that cross-defendants, and each of them, claim an interest or right to Basin water, and further claim they can increase their pumping without regard to the rights of the Public Water Suppliers. Unless restrained by order of the court, cross-defendants will continue to take increasing amounts of water from the Basin, causing great and irreparable damage and injury to the Public Water Suppliers and to the Basin. Money damages cannot compensate for the damage and injury to the Basin.

55. The amount of Basin water available to the Public Water Suppliers has been reduced because cross-defendants have extracted, and continue to extract increasingly large amounts of water from the Basin. Unless the court enjoins and restrains cross-defendants, and each of them, the aforementioned conditions will worsen. Consequently, the Basin's groundwater supply will be further depleted, thus reducing the amount of Basin water available to the public.

56. California law makes it the duty of the trial court to consider a "physical solution" to water rights disputes. A physical solution is a common-sense approach to resolving water rights litigation that seeks to satisfy the reasonable and beneficial needs of all parties through augmenting the water supply or other practical measures. The physical solution is a practical way of fulfilling the mandate of the California Constitution (Article X, section 2) that the water resources of the State be put to use to the fullest extent of which they are capable.











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1 constitutes waste, unreasonable use or an unreasonable method of diversion or use within the  
2 meaning of the California Constitution (Article X, section 2). Such uses are thereby unlawful.

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4 79. An actual controversy has arisen between the Public Water Suppliers and cross-  
5 defendants. The Public Water Suppliers allege, on information and belief, that the cross-  
6 defendants dispute their contentions in Paragraphs 1 through 43 of this Cross-Complaint.

7  
8 80. The Public Water Suppliers seek a judicial declaration that cross-defendants have  
9 no right to any unreasonable use, unreasonable methods of use, or waste of water. Cross-  
10 defendants' rights, if any, must be determined based on the reasonable use of water in the  
11 Antelope Valley rather than upon the amount of water actually used.

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13 **EIGHTH CAUSE OF ACTION**

14 **(Declaratory Relief Re Boundaries Of Basin)**

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16 91. The Public Water Suppliers re-allege and incorporate by reference each and all of  
17 the preceding paragraphs as though fully set forth herein.

18 92. An actual controversy has arisen between the Public Water Suppliers and cross-  
19 defendants, and each of them, regarding the actual physical dimensions and description of the  
20 Basin for purposes of determining the parties rights to water located therein. The Public Water  
21 Suppliers allege, on information and belief, that cross-defendants dispute the Public Water  
22 Suppliers' contentions, as set forth in Paragraphs 1 through 38, inclusive, of this cross-complaint.

23 93. The Public Water Suppliers seek a judicial determination as to the correctness of  
24 their contentions and a finding as to the actual physical dimensions and description of the Basin.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, the Public Water Suppliers pray for judgment as follows:

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28 1. Judicial declarations consistent with the Public Water Suppliers' contentions in the

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1 First, Second, Third, Fourth, Fifth, Sixth, Seventh and Eighth Causes of Action in this cross-  
2 complaint;

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4 2. For preliminary and permanent injunctions which prohibit cross-defendants, and  
5 each of them, from taking, wasting or failing to conserve water from the Basin in any manner  
6 which interferes with the rights of the Public Water Suppliers to take water from or store water in  
7 the Basin to meet their reasonable present and future needs;

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9 3. For prejudgment interest as permitted by law;

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11 4. For attorney, appraisal and expert witness fees and costs incurred in this action;  
12 and

13  
14 5. Such other relief as the court deems just and proper.

15 Dated: January 10, 2007

BEST BEST & KRIEGER LLP

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17  
18 By 

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ROSAMOND COMMUNITY SERVICES

DISTRICT and LOS ANGELES

COUNTY WATERWORKS DISTRICT

NO. 40

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