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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SANTA CLARA
10

11 **ANTELOPE VALLEY GROUNDWATER**
12 **CASES:**

13 Included Actions:
14 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co.
Superior Court of California
15 County of Los Angeles, Case No. BC325201
16 Los Angeles County Waterworks District No. 40
v. Diamond Farming Co.
17 Superior Court of California
County of Kern, Case No. S-1500-CV-254-348
18
19 Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
20 Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California
21 County of Riverside, consolidated actions
Case Nos. RIC 353840, RIC 344436,
22 RIC 344668
23

Judicial Council Coordination
Proceeding No. 4408

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar

**VERIFIED ANSWER OF ANAVERDE,
LLC TO PUBLIC WATER SUPPLIERS'
FIRST AMENDED CROSS-COMPLAINT**

24 Anaverde, LLC ("Anaverde") hereby answers the First Amended Cross-Complaint of Public
25 Water Suppliers for Declaratory and Injunctive Relief and Adjudication of Water Rights as follows:

26 1. Anaverde is a Delaware limited liability company doing business in the State of
27 California.
28

1 period of five consecutive years during the alleged prescriptive period; (c) it fails to allege the manner
2 in which Waterworks pumped water from the groundwater basin under a "claim of right"; (d) it fails
3 to allege how defendants received actual or constructive notice of Waterworks' pumping; and (e) it
4 fails to allege that Waterworks gave notice of its pumping defendants' water to defendant, Anaverde,
5 in a manner that satisfies the United States and California Constitutions.

6 **FOURTEENTH AFFIRMATIVE DEFENSE**

7 **(California Constitution Article X, Section 2)**

8 Plaintiffs' methods of water use and storage are unreasonable and wasteful in the arid
9 conditions of the Antelope Valley and thereby violates Article X, Section 2 of the California
10 Constitution. For example, plaintiffs have not made reasonable and diligent efforts to conserve water
11 or to cause its customers to conserve water, and it allows its customers to waste water by using
12 unreasonably large amounts of water per person and per household.

13 **FIFTEENTH AFFIRMATIVE DEFENSE**

14 **(Lack of Authority for Prescription)**

15 Plaintiffs lack the statutory and conditional authority to acquire water rights by prescription.

16 **SIXTEENTH AFFIRMATIVE DEFENSE**

17 **(Reservation of Rights to Amend)**

18 Anaverde does not presently have sufficient knowledge or information on which to form a
19 belief as to whether additional, unstated, affirmative defenses are available. Accordingly, Anaverde
20 hereby reserves the right to assert additional defenses in the event discovery indicates that additional
21 responses would be appropriate.

22
23 WHEREFORE, Anaverde prays for relief as follows:

- 24 1. That Cross-complainants take nothing as against Anaverde by way of the cross
25 complaint;
- 26 2. That if the Court determines that Cross-Complainants are entitled to any relief against
27 Anaverde, that Anaverde be awarded the fair market value of their interest in any
28 property taken by Cross-Complainants;

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- 3. That Anaverde's water rights be determined as prior and paramount to all those claimed by any other parties;
- 4. That Anaverde be awarded attorneys fees;
- 5. That Anaverde be awarded costs of suit; and
- 6. For such other and further relief as the Court deems just.

DATED: June 20, 2007

MALISSA HATHAWAY McKEITH
CLAIRE HERVEY COLLINS
LEWIS BRISBOIS BISGAARD & SMITH LLP

By: 
Malissa Hathaway McKeith
Attorneys for Anaverde LLC

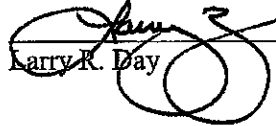
1 VERIFICATION

2 I, LARRY R. DAY, declare as follows:

3 I am Chief Legal Officer Anaverde, LLC, a Delaware limited liability company doing
4 business in California and a party to this action. I have read the foregoing **VERIFIED ANSWER**
5 **OF ANAVERDE, LLC TO PUBLIC WATER SUPPLIERS' FIRST AMENDED CROSS-**
6 **COMPLAINT.** I am informed and believe and, solely on that ground, allege that the matters
7 stated in the foregoing document are true.

8 I declare under penalty of perjury, under the laws of the State of California, that the
9 foregoing is true and correct.

10 Executed this 18th day of June, 2007, at Ontario, California.

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13 Larry R. Day
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