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11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF LOS ANGELES

13  
14 Coordination Proceeding  
Special Title (Rule 1550(b))

Judicial Council Coordination Proceeding No.  
4408

15 **ANTELOPE VALLEY GROUNDWATER**  
16 **CASES**

ASSIGNED FOR ALL PURPOSES TO:  
Judge: Honorable Jack Komar

17 Included Actions:

**CROSS-COMPLAINT OF COUNTY**  
**SANITATION DISTRICTS NOS. 14 AND**  
**20 OF LOS ANGELES COUNTY**

18 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co. 1; Los Angeles  
19 County Waterworks District No. 40 v.  
Diamond Farming Co.; Wm. Bolthouse  
20 Farms, Inc. v. City of Lancaster; Diamond  
Farming Co. v. City of Lancaster; Diamond  
Farming Co. v. Palmdale Water Dist.

General Civil Case  
Trial Date: Not Set

21 COUNTY SANITATION DISTRICTS NOS.  
22 14 AND 20 OF LOS ANGELES COUNTY,  
public agencies,

23  
24 Cross-Complainants and Cross-  
Defendants

25 vs.

26 LOS ANGELES COUNTY WATERWORKS  
27 DISTRICT NO. 40; ROSAMOND  
COMMUNITY SERVICES DISTRICT;  
28 PALMDALE WATER DISTRICT; QUARTZ  
HILL WATER DISTRICT; PALM RANCH

1 IRRIGATION DISTRICT; LITTLEROCK  
2 CREEK IRRIGATION DISTRICT;  
3 CALIFORNIA WATER SERVICE  
4 COMPANY; CITY OF LANCASTER; CITY  
5 OF PALMDALE,

6  
7 Cross-Defendants and Cross-  
8 Complainants

9 And

10 DIAMOND FARMING COMPANY;  
11 WM. BOLTHOUSE FARMS, INC.;  
12 BOLTHOUSE PROPERTIES, INC.;  
13 CITY OF LOS ANGELES; ANTELOPE  
14 VALLEY EAST KERN WATER AGENCY;  
15 TEJON RANCHCORP; And DOES 1 through  
16 25,000 inclusive,

17 Cross-Defendants.

18  
19 Cross-Complainants and Cross-Defendants County Sanitation Districts Nos. 14 and 20 of Los  
20 Angeles County allege as follows:

21  
22 **I. THE PARTIES**

23 1. The County Sanitation Districts of Los Angeles County are independent special  
24 districts that serve, among other things, the wastewater treatment and reclamation needs of Los  
25 Angeles County. The Districts were formed under the authority provided by the County  
26 Sanitation District Act of 1923, Cal. Health & Safety Code §§4700-4857. One of those Districts,  
27 Cross-Complainant and Cross-Defendant County Sanitation District No. 14 of Los Angeles  
28 County, formed on August 31, 1938, is and at all times mentioned was a local agency formed  
under the laws of the State of California. Cross-Complainant and Cross-Defendant, County  
Sanitation District No. 20 of Los Angeles County, formed August 7, 1951, is and at all times  
mentioned was a local agency formed under the laws of the State of California. Cross-  
Complainants and Cross-Defendants County Sanitation District Nos. 14 and 20 of Los Angeles  
County are hereafter collectively referred to as the “Districts.” Under Health and Safety Code §

1 4738, the Districts have the power to bring this action in the name of the Districts.

2           2.           The Districts operate wastewater treatment facilities in the Antelope Valley and  
3 on behalf of their rate paying customers seek to protect the Districts’ rights to retain control over  
4 the disposition of their recycled water and to ensure protection of their rights to pump  
5 groundwater for use on their overlying property. The Districts currently contribute  
6 approximately 21 million gallons per day (“mgd”) (23,000 acre-feet per year) to the water supply  
7 of the Basin, primarily through sale for direct reuse for irrigation purposes and for habitat  
8 maintenance. The Districts intend to pump a portion of the recycled water that has reached the  
9 Basin as part of a water quality remediation program pursuant to orders from the Regional Water  
10 Quality Control Board – Lahontan Region (“RWQCB”).

11           3.           The Districts have funded and continue to fund costly capital improvements and  
12 treatment processes beyond those required by the regulations in order to increase capacity and  
13 make higher quality recycled water available to users in the arid Antelope Valley. The Districts  
14 expect to charge reasonable rates for the sale of this recycled water. The Districts have also  
15 funded initial groundwater extraction and treatment efforts, under orders from the RWQCB, to  
16 remediate problems from past recycled water management activities.

17           4.           The Districts are informed and believe that the Plaintiff, Los Angeles County  
18 Waterworks District No. 40, is a public agency governed by the Los Angeles County Board of  
19 Supervisors and lawfully organized to provide water to the public in a large portion of the  
20 Antelope Valley.

21           5.           The Districts are informed and believe that Diamond Farming Company is a  
22 California corporation doing business in Los Angeles County.

23           6.           The Districts are informed and believe that Wm. Bolthouse Farms, Inc. is a  
24 Michigan corporation doing business in Los Angeles County.

25           7.           The Districts are informed and believe that Bolthouse Properties, Inc. is a  
26 California Corporation doing business in Los Angeles County.

27           8.           The Districts are informed and believe that California Water Service Company  
28 is a California corporation that provides water to customers within Los Angeles County.

1           9.        The Districts are informed and believe that the City of Lancaster is a municipal  
2 corporation situated within Los Angeles County.

3           10.       The Districts are informed and believe that the City of Los Angeles is a  
4 municipal corporation situated within Los Angeles County.

5           11.        The Districts are informed and believe that the City of Palmdale is a municipal  
6 corporation situated within Los Angeles County.

7           12.        The Districts are informed and believe that Littlerock Creek Irrigation District is  
8 a public agency that provides water to consumers within Los Angeles County.

9           13.        The Districts are informed and believe that the Palmdale Water District is a  
10 public agency that provides water to consumers within Los Angeles County.

11          14.        The Districts are informed and believe that the Palm Ranch Irrigation District is  
12 a public agency that provides water to consumers within Los Angeles County.

13          15.        The Districts are informed and believe that the Quartz Hill Water District is a  
14 public agency that provides water to consumers within Los Angeles County.

15          16.        The Districts are informed and believe that the Rosamond Community Services  
16 District is a public agency that provides water to customers within Kern County.

17          17.        The Districts are informed and believe that the United States of America owns  
18 Edwards Air Force Base.

19          18.        The Districts are informed and believe that the Antelope Valley East Kern  
20 Water Agency (“AVEK”) is a public agency that provides imported water to customers within  
21 the Antelope Valley.

22          19.        The Districts are informed and believe that Tejon Ranchcorp is a California  
23 corporation that owns the Tejon Ranch.

24          20.        The Districts are informed and believe that Los Angeles County Waterworks  
25 District No. 40, California Water Service Company, the City of Lancaster, the City of Palmdale,  
26 Littlerock Creek Irrigation District, Palmdale Water District, Palm Ranch Irrigation District,  
27 Quartz Hill Water District, and Rosamond Community Services District (“Municipal Water  
28 Purveyors”) are municipal water purveyors.



1           28.       In 2005, the Lancaster WRP collected and treated an average flow of 12.6  
2 million gallons per day (“mgd”) and made available for reuse an average of 12.3 mgd of  
3 industrial, commercial, and municipal wastewater from a population of approximately 120,000.  
4 The Lancaster WRP provides primary and secondary wastewater treatment; a small portion of  
5 the recycled water also receives tertiary treatment and disinfection. The Lancaster WRP is  
6 located just north of the City of Lancaster in Los Angeles County.

7           29.       The Lancaster WRP produces recycled water that is either retained in storage  
8 reservoirs, conveyed to agricultural areas for irrigation use, or delivered to the Piute Ponds or the  
9 adjacent impoundment areas. Tertiary treated recycled water, approximately 0.2 mgd, is  
10 conveyed to Apollo Lakes Regional County Park.

11          30.       District No. 14 is obligated to maintain Piute Ponds under a three-party Letter  
12 of Agreement with the California Department of Fish and Game and Edwards Air Force Base.  
13 This Letter of Agreement, dated May 6, 1981, requires District No. 14 to discharge effluent from  
14 the Lancaster WRP to Piute Ponds at a rate sufficient to maintain a minimum of 200 wetted acres  
15 of habitat. Neither the ponds nor their extensive marsh-type habitat would exist if it were not for  
16 the discharge of recycled water from the Lancaster WRP.

17          31.       The Regional Water Quality Control Board (“RWQCB”) issued Waste  
18 Discharge Requirements (“WDRs”) for the Lancaster WRP on September 11, 2002 (RWQCB  
19 Order No. R6V-2002-053). The WDRs contain both water reclamation requirements and waste  
20 discharge requirements. The WDRs allow the Lancaster WRP to treat up to 16 mgd.

21          32.       In May 2004, District No. 14 released its Final Lancaster Water Reclamation  
22 Plant 2020 Facilities Plan after public review and comment (the “2020 Plan”). The 2020 Plan  
23 addresses accommodating increasing wastewater flows and fluctuating seasonal demands by  
24 increasing wastewater treatment and storage capacity, purchasing additional agricultural land for  
25 recycled water reuse, and increasing demand for recycled water treated to tertiary standards.

26          33.       District No. 20 owns and operates the Palmdale Water Reclamation Plant  
27 (“Palmdale WRP”), and also owns other certain property located in Los Angeles County and  
28 within the Antelope Valley.

1           34.       In 2005, the Palmdale WRP collected and treated an average flow of 8.4 mgd  
2 and made available for reuse all 8.4 mgd of industrial, commercial, and municipal wastewater  
3 from a population of approximately 100,000. All Palmdale WRP recycled water is provided  
4 primary and secondary treatment, followed by chlorination for disinfection. The Palmdale WRP  
5 is located at two sites in an unincorporated area of the County of Los Angeles adjacent to the  
6 City of Palmdale.

7           35.       The Palmdale WRP currently produces recycled water that is used for irrigation  
8 of crops or recharges the groundwater Basin.

9           36.       The City of Los Angeles World Airports (“LAWA”) is the landowner of the  
10 effluent management site (“EMS”) where the majority of the District No. 20’s recycled water is  
11 applied to land.

12           37.       The Regional Water Quality Control Board (“RWQCB”) issued Waste  
13 Discharge Requirements (“WDRs”) for the Palmdale WRP on June 14, 2000 (RWQCB Order  
14 No. 6-00-57). The waste discharge requirements contain both water reclamation requirements  
15 for various reuse projects and waste discharge requirements for the land application at the EMS.  
16 The WDRs allow the Palmdale WRP to treat up to 15 mgd.

17           38.       Order No. 6-00-57 required District No. 20 to submit a corrective action plan,  
18 an effluent disposal plan, and a farm management plan to investigate and mitigate nitrate levels  
19 in the groundwater underlying the EMS. District No. 20 has submitted and is currently  
20 implementing these plans.

21           39.       On November 12, 2003, the RWQCB issued Cleanup and Abatement Order No.  
22 R6V-2003-056 to further address levels of nitrate in groundwater. Order No. R6V-2003-056  
23 requires District No. 20 to perform cleanup activities (via plume delineation, plume containment  
24 and plume remediation), and to propose and implement abatement actions to ultimately reduce  
25 the amount of nitrogen that may reach groundwater.

26           40.       In October, 2004, the RWQCB issued Cease and Desist Order No. R6V-2004-  
27 039 which requires, among other things, that District No. 20 eliminate land application of  
28 recycled water by October 15, 2008.





1 water at their WRPs, sold the water for non-potable (primarily irrigation) uses,  
2 and a portion of that water has recharged the Basin.

- 3 b. The Districts are informed and on that basis allege that Cross-Defendants have  
4 taken the position that the Districts' recycled water must be fully recharged to the  
5 Basin for pumping by Cross-Defendants without compensation to the Districts.

6 46. The Districts contend that, in accordance with California Water Code section  
7 1210, the Districts' rights to the recycled water are paramount to that of any other entity, until  
8 that water is either sold or abandoned.

9 47. The Districts desire a judicial declaration that the Districts' rights to their  
10 recycled water are paramount to any other entity until that water is either sold or abandoned.

11 **VII. SECOND CAUSE OF ACTION**

12 **(For Declaratory Relief – Storage and Recapture of Water in the Basin – Against All**  
13 **Parties)**

14 48. The Districts allege and incorporate by reference herein allegations in  
15 paragraphs 1 through 47, inclusive.

16 49. An actual controversy has arisen and now exists between the Districts and  
17 Cross-Defendants, as follows:

- 18 a. The Districts contend that their rights to the recycled water are paramount to that  
19 of any other entity, until that water is either sold or abandoned.
- 20 b. The Districts contend that they have a right to store recycled water in the Basin.
- 21 c. The Districts are informed and believe and on that basis allege that there is  
22 available space in the Basin in which to store its treated effluent.
- 23 d. The Districts' recycled water has reached the Basin through various means  
24 including percolation of return flows, and may seek to store recycled water in the  
25 future through the use of recharge basins or other facilities.
- 26 e. Municipal Water Purveyors and AVEK import water into the Basin, and a portion  
27 of that water is water that, after use, goes to the Districts' WRPs. Municipal  
28 Water Purveyors and AVEK claim the sole right to recapture imported water that

1 reaches the Basin after the Districts have treated the water at their WRPs, sold the  
2 water for non-potable (primarily irrigation) uses, and a portion of that water has  
3 recharged the Basin.

4 50. The Districts desire a judicial declaration that the Districts have a right to store  
5 their recycled water in the Basin, a paramount right to credit for their recycled water which  
6 recharged the Basin, and a paramount right to recapture that water.

7 **VIII. THIRD CAUSE OF ACTION**

8 **(For Declaratory Relief – Recycled Water for Nonpotable Uses – Against All Parties)**

9 51. The Districts allege and incorporate by reference herein allegations in  
10 paragraphs 1 through 50, inclusive.

11 52. In California Water Code section 13550 *et seq.*, the California Legislature finds  
12 and declares that the use of potable domestic water for non-potable uses, including industrial and  
13 irrigation uses, is a waste or an unreasonable use of water if recycled water of adequate quality  
14 and at a reasonable price is available, and meets all statutory conditions as determined by the  
15 State Water Resources Control Board.

16 53. The Districts contend that they are now and will in the future make substantial  
17 quantities of recycled water of adequate quality and reasonable price available for non-potable  
18 uses in the Antelope Valley.

19 54. The Districts are informed and believe and on that basis allege that the  
20 availability and use of recycled water directly and significantly affects the Basin and must be  
21 fully taken into account in the adjudication of all rights to water in the Antelope Valley  
22 Groundwater Basin.

23 55. The Districts desire a judicial declaration that the use of recycled water must be  
24 an integral element in any physical solution.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, the Districts pray for Judgment as follows:

- 27 1. For a declaration that the Districts' rights to the recycled water are paramount to any  
28 other entity, until that water is either sold or abandoned;

- 1       2.    For a declaration that the Districts' rights to extract groundwater from the Basin and  
2           put to reasonable and beneficial use on the Districts' properties are paramount to Cross-  
3           Defendants' claims to extract and use groundwater from the Basin for non-overlying  
4           use and that Districts' rights are correlative with all other overlying groundwater rights;
- 5       3.    For a declaration that the Districts have a right to store their recycled water in the  
6           Basin, a paramount right to credit for their recycled water which recharged the Basin,  
7           and a paramount right to recapture that water;
- 8       4.    For a declaration that the use of recycled water must be an integral element in any  
9           physical solution.
- 10      5.    For an injunction restraining Cross-Defendants, and their agents, servants and  
11           employees, and all persons acting under, in concert with, or for them, or anyone acting  
12           through them or on their behalf, from acting in any manner which interferes with the  
13           rights of the Districts to control the disposition of recycled water or to take water from  
14           the Basin to meet their present and future needs or to meet regulatory requirements.
- 15      6.    For this Court to maintain continuing jurisdiction over this controversy to carry out and  
16           enforce the terms of the judgment;
- 17      7.    For costs of suit; and
- 18      8.    For such other relief as the Court deems just and proper.

19  
20 Dated: December 27, 2006

ELLISON, SCHNEIDER & HARRIS L.L.P.

21  
22 By: \_\_\_\_\_  
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1 PROOF OF SERVICE

2 I declare that:

3 I am employed in the County of Sacramento, State of California. I am over the age of  
4 eighteen years and am not a party to the within action. My business address is ELLISON,  
5 SCHNEIDER & HARRIS, L.L.P.; 2015 H Street; Sacramento, California 95814-3109; telephone  
6 (916) 447-2166.

7 On December 27, 2006, I served the County Sanitation Districts' *Cross-Complaint of*  
8 *County Sanitation Districts Nos. 14 and 20 of Los Angeles County* by electronic posting to the  
9 Santa Clara Superior Court E-Filing website,  
10 <http://www.scefiling.org/cases/casehome.jsp?caseId=19> with electronic mail to the parties' email  
11 addresses shown below.

12 I declare under penalty of perjury that the foregoing is true and correct and that this  
13 declaration was executed on December 27, 2006, at Sacramento, California.

14  
15 \_\_\_\_\_  
16 Patty Slomski  
17  
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27 & Kyle Ranch, Inc., and John Calandri on  
28 behalf of Calandri/Sonrise Farms,  
collectively known as the Antelope Valley  
Ground Water Agreement Association  
("AGWA")

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