

COMPARISON OF PLEADINGS:

Rosamond Community Services District and LA Co. Waterworks District No. 40 v. Diamond Farming Co, et al. [CROSS-COMPLAINT OF MUNICIPAL PURVEYORS FOR DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS]

Causes of Actions:

1. Declaratory Relief – Prescriptive Rights – Against all Cross-Defendants Except the U.S. and Other Public Entity Cross-Defendants.

Public Water Suppliers seek a judicial determination as to the correctness of their contentions as an *inter se* finding as to the priority and amount of water they and each cross-defendant are entitled to pump from the Basin.

2. Declaratory Rights – Appropriative Rights – Against all Defendants

The Public Water Suppliers seek a judicial determination as to the Basin's safe yield, the quantity of surplus water available, if any, the correlative overlying rights of each cross-defendant to the safe yield and an *inter se* determination of the rights of persons and/or entities with overlying, appropriative and prescriptive rights to pump water from the Basin.

3. Declaratory Relief – Physical Solution – Against all Cross-Defendants

This Court must determine, impose and retain continuing jurisdiction in order to enforce a physical solution upon the parties who pump water from the Basin, and thereby prevent irreparable injury to the Basin. Available solutions to the Basin problems may include, but are not limited to, the court appointment of a watermaster, and monetary and metering and assessments upon water extraction from the Basin. Such assessments would pay for the purchase, delivery and supplemental supply of water to the Basin.

4. Declaratory Relief – Municipal Priority – Against All Cross-Defendants

The Public Water Suppliers seek a judicial determination as to the correctness of their contentions and to the amount of water the parties may pump from the Basin. The Public Water Suppliers also seek a declaration of their right to pump water from the Basin to meet their reasonable present and future needs, and that such rights are prior and paramount to the rights, if any, of cross-defendants to use Basin water for irrigation purposes.

5. Declaratory Relief – Storage of Imported Water – Against All Cross-Defendants

The Public Water Suppliers seek a judicial determination as to the correctness of their contentions that they may store imported State Project water in the Basin, recapture such imported State Project water, and that they have the sole right to pump or otherwise use such imported State Project water.

6. Declaratory Relief – Recapture of Return Flows From Imported Water Stored in the Basin – Against All Cross-Defendants.

The Public Water Suppliers seek a judicial determination as to the correctness of their contentions, and that they have the sole right to recapture return flows in the Basin, both at present and in the future.

7. Unreasonable Use of Water – Against All Cross-Defendants Except Public Entity Cross-Defendants

The Public Water Suppliers seek a judicial declaration that Cross-Defendants have no right to any unreasonable use, unreasonable methods of use, or waste of water. Cross-Defendants’ rights, if any, must be determined *inter se* based on the reasonable use of water in the Antelope Valley rather than upon the amount of water actually used.

8. Declaratory Relief Re Boundaries of Basin.

The Public Water Suppliers seek a judicial determination as to the correctness of their contentions and an *inter se* finding as to the actual physical dimensions and description of the Basin.

Rebecca Lee Willis v. LA County Waterworks District No. 40, et al. [WILLIS CLASS ACTION] COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF SEEKING ADJUDICATION OF WATER RIGHTS; AND FOR COMPENSATION PURSUANT TO THE TAKINGS CLAUSES OF THE US CONSTITUTION AND THE CONSTITUTION OF THE STATE OF CA. {Note: Fails to name U.S.A.; fails to name California Water Service Company – unless added as a Doe }

Causes of Action:

1. Declaratory Relief Against all Defendants.

Plaintiff and the Class seek a judicial determination that their rights as overlying users are superior to the rights of all non-overlying users.

Plaintiff and the Class further seek a judicial determination as to the priority and amount of water that all parties in interest are entitled to pump from the Basin.

2. Damages Pursuant to the CA Constitution Takings Clause Against All Defendants.

If and to the extent the public entities are granted rights to use the Basin’s groundwater with priority to the rights held by Plaintiff and other overlying landowners, Plaintiff and the Class are entitled to just and fair compensation pursuant to Article 1, Section 19 of the California Constitution.

3. Damages Pursuant to the US Constitution Takings Clause Against All Defendants.

If and to the extent the public entities are granted rights to use the Basin's groundwater with priority to the rights held by Plaintiff and other overlying landowners, Plaintiff and the Class are entitled to just and fair compensation pursuant to Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. Section 1983.

Richard Wood v. LA County Waterworks District No. 40, et al. [WOODS CLASS ACTION COMPLAINT] {Fails to name U.S.A.}

Causes of Action:

1. Declaratory Relief against all Defendants.

Plaintiff and the Class seek a judicial determination that their rights as overlying users are superior to the rights of all non-overlying users and that they have correlative rights vis-à-vis other overlying landowners.

Plaintiff and the Class further seek a judicial determination as to the priority and amount of water that all parties in interest are entitled to pump from the Basin.

By virtue of their property ownership, Plaintiff and the Class hold rights to utilize or derive benefit from the storage capacity of the Basin. Plaintiff and Class seek a judicial determination as to priority and ownership of those rights. In addition, Plaintiff and the Class contend that CA Water Code Section 55370, 22456, and 31040 limit the method, manner and mode by which Appropriators may acquire private property and requires payment of compensation through eminent domain proceedings. Plaintiff and Class seek a declaration of rights with respect to the constitutionality and applications of these Statutes.

2. Quiet Title Against All Defendants.

Plaintiff and the Class herein request a declaration from the Court quieting title to their appurtenant rights to pump and reasonably use groundwater on their land in the future.

3. Damages Pursuant to the CA Constitution Takings Clause Against All Defendant Appropriators.

If and to the extent the public entities are granted rights to use the Basin's groundwater with priority to the rights held by Plaintiff and other overlying landowners, Plaintiff and the Class are entitled to just and fair compensation pursuant to Article 1, Section 19 of the California Constitution for the diminution in fair market value of the real property. If and to the extent the public entities are not granted rights to use the Basin's groundwater with priority to the rights held

by Plaintiff and other overlying landowners, Plaintiff and the Class are entitled to just and fair compensation pursuant Article 1, Section 19 of the California Constitution for wrongful taking of water rights.

4. Damages Pursuant to the US Constitution Takings Clause Against All Defendant Appropriators.

As a direct and proximate result of the acts of the Appropriators, Plaintiff and the Class have suffered injury, loss and damage, including a cloud upon the title to their real property, a reduction in value, and the loss of rights in the future to extract and use groundwater from the Valley.

5. Public and Private Nuisance Against All Defendant Appropriators.

The Appropriators, and each of them, have threatened to and will, unless restrained by this Court, continue to pump groundwater in increasing amounts, and each and every act has been, and will be, without the consent, against the will, and in violation of the rights of Plaintiff and the Class.

As a proximate result of the nuisance created by the Appropriators, and each of them, Plaintiff and the Class have been, and will be, damages in the sum to be proven at trial.

In the maintaining this nuisance, the Appropriators, and each of them are, and have been, acting with full knowledge of the consequences and damage being caused and their conduct is willful, oppressive, malicious and designed to interfere with and take Plaintiff's right to freely access the water supply in its customary manner.

6. Trespass Against All Defendant Appropriators.

Defendants' use of the Basin's water has interfered with and made it more difficult for Plaintiff and the Class to exercise their rights.

7. Conversion Against all Defendant Appropriators.

Defendants wrongfully interfered with Plaintiff's interest in the above-described property by extracting non-surplus water that exceed a safe yield and by claiming priority over overlying landowners to water rights. Defendants conduct was without notice to Plaintiff or the Class.

8. Damages due to Violation of 42 U.S.C. § 1983 Against All Defendants.

Defendants violated Plaintiff's rights guaranteed under the Constitution of the United States, including the due process clauses of the 5th and 14th Amendments and the Takings Clause. These rights include the right not to be deprived of property without due process by persons and entities acting under color of law.

These rights include the right to be free from the use of excessive force by the police.

As the direct and proximate result of Defendants' conduct, and each of them, including Does 1 through 100, and their agents, supervisors, managers and employees, Plaintiff has suffered damages as alleged in this complaint above.

9. Injunctive Relief Against All Defendants.

Unless the Court enjoins or limits Defendants production of water from the Basin, Plaintiff and the Class will suffer irreparable injury in that they will be deprived of their rights to use and enjoy their properties.

Diamond Farming v. City of Lancaster et al.

Kern Co. Case No. 240090 AEW/Riv Co Case No. RIC 344436 (Master)
Filed 10-29-99; amended to correct clerical error to Exhibit A on 11-15-99.

Cause of Action – Quiet Title as to all Defendants

Plaintiff seeks to quiet title to the superior priority of Plaintiff's overlying water right against the claims of each Defendant to a superior or coequal right to extract and use groundwater from The Aquifer for non-overlying use.

Diamond Farming v. City of Lancaster et al.

LA Co. SC Case No.MC011330/Riv Co Case No. 344668/Consolidated 8-11-00 with Riv Co.
Case No. RIC 344436 [Master]
Filed 2-22-00.

Cause of Action – Quiet Title as to all Defendants

Plaintiff seeks to quiet title to the superior priority of Plaintiff's overlying water right against the claims of each Defendant to a superior or coequal right to extract and use groundwater from The Aquifer for non-overlying use.

Wm. Bolthouse Farms, Inc. v. City of Lancaster et al.

Riv Co Case No. 353840/Consolidated 7-25-01 with Riv Co. Case No. RIC 344436 [Master]
Filed 1-25-01; 1st Amended 5-1-01; 2nd Amended 11-14-03/12-3-03

Cause of Action – Quiet Title as to all Defendants

Plaintiff seeks to quiet title to the superior priority of Plaintiff's overlying water right against the claims of each Defendant to a superior or coequal right to extract and use groundwater from The Aquifer for non-overlying use.

LA Co. Waterworks District No. 40 v. Diamond Farming Co, et al

Kern Co. SC Case No. S-1500-CV-254348

Filed 12-1-04; Mtn to Strike/Demurrer filed 12-30-04; Petition for Coordination of Complex Action filed 1-3-05; Mtn to Transfer to Neutral Co. 1-14-05; Transferred to JCCP 4408 6-24-05

[NO COPY OF COMPLAINT FOR CAUSES OF ACTION]

LA Co. Waterworks District No. 40 v. Diamond Farming Co., et al.

LACSC Case No. BC325201; Petition to Coordinate 2-3-05; Mtn to Strike 2-25-05; Demurrer 2-25-05; Ntc of Stay 4-27-05; Ntc of Order Assigning Coordination Trial Judge 7-14-05;

Complaint for Declaratory Relief Only