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8 SUPERIOR COURT, STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

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

13 Included Actions:

14 Los Angeles County Waterworks District
15 No. 40 v. Diamond Farming Co.
Los Angeles County Superior Court
16 Case No. BC 325201
17

18 Los Angeles County Waterworks District
19 No. 40 v. Diamond Farming Co.
Kern County Superior Court
20 Case No. S-1500-CV-254-348

21 Wm. Bolthouse Farms, Inc. v. City of
Lancaster, Diamond Farming Co. v. City
22 of Lancaster, Diamond Farming Co. v.
Palmdale Water Dist.
23 Riverside County Superior court
24 Consolidated acts
25 Case Nos. RIC 353 840m RIC 344 436,
RIC 344 668
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Judicial Council Coordination No. 4408

For filing purposes only:
Santa Clara County Case No.
1-05-CV-049053

**ANSWER TO COMPLAINT AND ALL
CROSS-COMPLAINTS**

1 COMES NOW Defendant/Cross Defendant Arklin Brothers Enterprises who
2 answers the Complaint and all Cross-Complaints which have been filed as of this
3 date, and, more specifically, those of Antelope Valley East-Kern Water Agency,
4 Palmdale Water District & Quartz Hill Water District, Rosamond Community
5 Services District and Waterworks District No. 40 of Los Angeles County.
6 Defendant/Cross Defendant, Arklin Brothers Enterprises, does not intend to
7 participate at trial or other proceedings unless ordered by the Court to do so, but
8 reserves the right to do so upon giving written notice to that effect to the Court and
9 all parties. Defendant/Cross Defendant, Arklin Brothers Enterprises, owns the
10 following properties located in the Antelope Valley:

11 Assessor's Parcel Number 3004-003-007

12 Assessor's Parcel Number 3004-003-008

13 Assessor's Parcel Number 3004-012-011

14 Assessor's Parcel Number 3004-012-015

15 Assessor's Parcel Number 3004-012-016

16 Assessor's Parcel Number 3004-012-017

17 Assessor's Parcel Number 3004-012-018

18 Assessor's Parcel Number 3004-012-019

19 Assessor's Parcel Number 3004-013-012

20 Assessor's Parcel Number 3004-015-011

21 Assessor's Parcel Number 3004-015-020

22 Assessor's Parcel Number 3004-015-045

23 Assessor's Parcel Number 3240-016-006

24 Assessor's Parcel Number 3240-016-007

25 Assessor's Parcel Number 3243-019-001

26 Assessor's Parcel Number 8950-999-060

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1 physical solution seeks a remedy that is in violation of the doctrine of separation of
2 powers set forth in Article 3 section 3 of the California Constitution.

3 **Seventeenth Affirmative Defense**

4 18. Cross-Complainants are barred from asserting their prescriptive claims
5 by operation of law as set forth in Civil Code Sections 1007 and 1214.

6 **Eighteenth Affirmative Defense**

7 19. Each Cross-Complainant is barred from recovery under each and every
8 cause of action contained in the Cross-Complaint by the doctrine of unclean hands
9 and/or unjust enrichment.

10 **Nineteenth Affirmative Defense**

11 20. The cross-Complaint is defective because it fails to name indispensable
12 parties in violation of California Code of Civil Procedure Section 389(a).

13 **Twentieth Affirmative Defense**

14 21. The governmental entity Cross-Complaints are barred from taking,
15 possessing or using Cross-Defendants' property without first paying just
16 compensation.

17 **Twenty-First Affirmative Defense**

18 22. The governmental entity Cross-Complaints are seeking to transfer water
19 right priorities and water usage which will have significant effects on the Antelope
20 Valley Groundwater basin and the Antelope Valley. Said actions are being done
21 without complying with and contrary to the provisions of California's Environmental
22 Quality Act (CEQA) (Pub.Res.C.2100 *et seq.*)

23 **Twenty-Second Affirmative Defense**

24 23. The governmental entity Cross-Complainants seek judicial ratification
25 of a project that has had and will have a significant effect on the Antelope Valley
26 Groundwater Basin and the Antelope Valley that was implemented without
27 providing notice in contravention of provisions of California's Environmental Quality
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1 Act (CEQA) (Pub.Res.C.2100 *et seq.*)

2 **Twenty-Third Affirmative Defense**

3 24. Any imposition by this court of a proposed physical solution that
4 reallocates the water right priorities and water usage within the Antelope Valley will
5 be *ultra vires* as it will be subverting the pre-project legislative requirements and
6 protections of California's Environmental Quality Act (CEQA) (Pub.Res.C.2100 *et*
7 *seq.*).

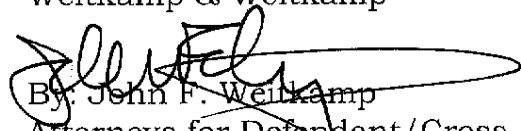
8 **WHEREFORE**, Defendant and Cross-Defendant prays that judgment be
9 entered as follows:

- 10 1. That Plaintiff and Cross-Complainant take nothing by reason of its
11 Complaint or Cross-Complaint;
- 12 2. That the Complaint and Cross-Complaints be dismissed with prejudice;
- 13 3. For Defendant and cross-Defendant's costs incurred herein; and
- 14 4. For such other and further relief as the Court deems just and proper.

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16 Dated: December 15, 2010

Respectfully submitted

Weitkamp & Weitkamp

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19 By: John F. Weitkamp
20 Attorneys for Defendant/Cross-
21 Defendants, Arklin Brothers Enterprises