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10 HEALY ENTERPRISES, INC.

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **IN AND FOR THE COUNTY OF LOS ANGELES**

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

) Judicial Council Coordination
) Proceeding No. 4408

15 ANTELOPE VALLEY GROUNDWATER
16 CASES

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar
) Department 17

17 Including Actions:

18 Los Angeles County Waterworks District No.
19 40 v. Diamond Farming Co.
20 Superior Court of California, County of Los
21 Angeles, Case No. BC 325 201

) **ANSWER OF HEALY ENTERPRISES,**
) **INC. TO CROSS-COMPLAINT OF**
) **MUNICIPAL PURVEYORS FOR**
) **DECLARATORY AND INJUNCTIVE**
) **RELIEF AND ADJUDICATION OF**
) **WATER RIGHTS**

22 Los Angeles County Waterworks District No.
23 40 v. Diamond Farming Co.
24 Superior Court of California, County of Kern,
25 Case No. S-1500-CV-254-348

26 Wm. Bolthouse Farms, Inc. v. City of
27 Lancaster
28 Diamond Farming Co. v. City of Lancaster
Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

ROSAMOND COMMUNITY SERVICES
DISTRICT;
LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40;
PALMDALE WATER DISTRICT;
CITY OF LANCASTER;
CITY OF PALMDALE;
LITTLEROCK CREEK IRRIGATION

1 DISTRICT;
2 PALM RANCH IRRIGATION DISTRICT;
3 QUARTZ HILL DISTRICT; and
4 CALIFORNIA WATER SERVICE
5 COMPANY,

6 Cross-Complainants,

7 vs.

8 DIAMOND FARMING COMPANY;
9 WM. BOLTHOUSE FARMS, INC.;
10 BOLTHOUSE PROPERTIES LLC; ABC
11 WILLIAMS ENTERPRISES LP;
12 ACEH CAPITAL LLC;
13 JACQUELINE ACKERMANN;
14 CENON ADVINCULA;
15 OLIVA M. ADVINCULA;
16 MASHALLAH AFSHAR;
17 ANTONIO U. AGUSTINES;
18 AIRTRUST SINGAPORE PRIVATE
19 LIMITED;
20 MARWAN M. ALDAIS;
21 ALLEN ALEVY;
22 ALLEN ALEVY AND ALEVY FAMILY
23 TRUST;
24 GEORGINE J. ARCHER;
25 GEORGINE J. ARCHER AS TRUSTEE FOR
26 THE GEORGINE J. ARCHER TRUST;
27 A V MATERIALS, INC.;
28 GUSS A. BARKS, JR.;
PETER G. BARKS;
ILDEFONSO S. BAYANI;
NILDA V. BAYANI;
BIG WEST CORP.;
RANDALL Y. BLAYNEY;
MELODY S. BLOOM;
BOLTHOUSE PROPERTIES, INC.;
DAVID L. BOWERS;
RONALD E. BOWERS;
LEROY DANIEL BRONSTON;
MARILYN BURGESS;
LAVERNE C. BURROUGHS;
LAVERNE C. BURROUGHS, TRUSTEE OF
THE BURROUGHS FAMILY
IRREVOCABLE TRUST DATED
AUGUST 1, 1995; BRUCE BURROWS;
JOHN & B. CALANDRI 2001 TRUST;
CALIFORNIA PORTLAND CEMENT
COMPANY;
CALMAT LAND CO.;
MELINDA E. CAMERON;
CASTLE BUTTE DEV CORP.;
CATELLUS DEVELOPMENT
CORPORATION;

1 BONG S. CHANG;
JEANNA Y. CHANG;
2 MOON S. CHANG;
JACOB CHETRIT;
3 FRANK S. CHIODO;
LEE S. CHIOU;
4 M S CHUNG;
CITY OF LOS ANGELES;
5 CAROL K. CLAYPOOL;
CLIFFORD N. CLAYPOOL;
6 W. F. CLUNEN, JR.;
W. F. CLUNEN, JR., AS TRUSTEE FOR
7 THE P C REV INTER VIVOS TRUST;
CONSOLIDATED ROCK PRODUCTS CO.;
8 COUNTY SANITATION DISTRICT NO. 14
OF LOS ANGELES COUNTY;
9 COUNTY SANITATION DISTRICT NO. 20
OF LOS ANGELES COUNTY;
10 RUTH A. CUMMING;
RUTH A. CUMMING, AS TRUSTEE OF
11 THE CUMMING FAMILY TRUST;
CATHARINE M. DAVIS;
12 MILTON S. DAVIS;
DEL SUR RANCH LLC;
13 DIAMOND FARMING COMPANY;
SARKIS DJANIBEKYAN;
14 HONG DONG;
YING X. DONG;
15 DOROTHY DREIER;
GEORGE E. DREIER;
16 EDWARDS AIR FORCE BASE, CA;
MORTEZA M. FOROUGH;
17 MORTEZA M. FOROUGH, AS TRUSTEE
OF THE FOROUGH FAMILY TRUST;
18 LEWIS FREDRICHSEN;
LEWIS FREDRICHSEN, AS TRUSTEE OF
19 THE FREDRICHSEN FAMILY TRUST;
JOAN A. FUNK;
20 EUGENE GABRYCH;
MARIAN GABRYCH;
21 AURORA P. GABUYA;
RODRIGO L. GABUYA;
22 GGF LLC;
GENUS LP;
23 BETTY GLUCKSTEIN;
JOSEPH H. GLUCKSTEIN;
24 FORREST G. GODDE;
FORREST G. GODDE, AS TRUSTEE OF
25 THE FORREST G. GODDE TRUST;
LAWRENCE A. GODDE;
26 LAWRENCE A. GODDE AND GODDE
TRUST;
27 MARIA B. GORRINDO;
MARIA B. GORRINDO, AS TRUSTEE FOR
28 THE M. GORRINDO TRUST;

1 WENDELL G. HANKS;
ANDREAS HAUKE;
2 MARILYN HAUKE;
HEALY ENTERPRISES, INC.;
3 WALTER E. HELMICK;
DONNA L. HIGELMIRE;
4 MICHAEL N. HIGELMIRE;
DAVIS L. AND DIANA D. HINES FAMILY
5 TRUST;
HOOSHPACK DEV INC.;
6 CHI S. HUANG;
SUCHU T. HUANG;
7 JOHN HUI;
HYPERICUM INTERESTS LLC;
8 DARYUSH IRANINEZHAD;
MINOO IRANINEZHAD;
9 ESFANDIAR KADIVAR;
ESFANDIAR KADIVAR, AS TRUSTEE OF
10 THE KADIVAR FAMILY TRUST;
A. DAVID KAGON;
11 A. DAVID KAGON, AS TRUSTEE FOR THE
KAGON TRUST;
12 JACK D. KAHLO;
CHENG LIN KANG;
13 HERBERT KATZ;
HERBERT KATZ, AS TRUSTEE FOR THE
14 KATZ FAMILY TRUST;
MARIANNE KATZ;
15 LILIAN S. KAUFMAN;
LILIAN S. KAUFMAN, AS TRUSTEE FOR
16 THE KAUFMAN FAMILY TRUST;
KAZUKO YOSHIMATSU;
17 BARBARA L. KEYS;
BARBARA L. KEYS, AS TRUSTEE OF THE
18 BARBARA L. KEYS FAMILY TRUST;
BILL H. KIM;
19 ILLY KING;
ILLY KING, AS TRUSTEE OF THE ILLY
20 KING FAMILY TRUST;
KOOTENAI PROPERTIES, INC.;
21 KUTU INVESTMENT CO.;
GAILEN KYLE;
22 GAILEN KYLE, AS TRUSTEE OF THE
KYLE TRUST;
23 JAMES W. KYLE;
JAMES W. KYLE, AS TRUSTEE OF THE
24 KYLE FAMILY TRUST;
JULIA KYLE;
25 WANDA E. KYLE;
FARES A. LAHOUD;
26 EVA LAI;
PAUL LAI;
27 YING WAH;
LAND BUSINESS CORPORATION;
28 RICHARD E. LANDFIELD;

1 RICHARD E. LANDFIELD, AS TRUSTEE
2 OF THE RICHARD E. LANDFIELD TRUST;
3 LAWRENCE CHARLES TRUST;
4 WILLIAM LEWIS;
5 MARY LEWIS;
6 PEI CHI LIN;
7 MAN C. LO;
8 SHIUNG RU LO;
9 LYMAN C. MILES;
10 LYMAN C. MILES, AS TRUSTEE FOR THE
11 MILES FAMILY TRUST;
12 MALLOY FAMILY PARTNERS LP;
13 MISSION BELL RANCH DEVELOPMENT;
14 BARRY S. MUNZ;
15 KATHLEEN M. MUNZ;
16 TERRY A. MUNZ;
17 M. R. NASIR;
18 SOUAD R. NASIR;
19 EUGENE B. NEBEKER;
20 SIMIN C. NEMAN;
21 HENRY NGO;
22 FRANK T. NGUYEN;
23 JUANITA R. NICHOLS;
24 OLIVER NICHOLS;
25 OLIVER NICHOLS, AS TRUSTEE OF THE
26 NICHOLS FAMILY TRUST;
27 OWL PROPERTIES, INC.;
28 PALMDALE HILLS PROPERTY LLC;
NORMAN L. POULSEN;
MARILYN J. PREWOZNIK;
MARILYN J. PREWOZNIK, AS TRUSTEE
OF THE MARILYN J. PREWOZNIK TRUST;
ELIAS QARMOUT;
VICTORIA RAHIMI;
R AND M RANCH, INC.;
PATRICIA A. RECHT;
VERONIKA REINELT;
REINELT ROSENLOECHER CORP. PSP;
PATRICIA J. RIGGINS;
PATRICIA J. RIGGINS, AS TRUSTEE OF
THE RIGGINS FAMILY TRUST;
EDGAR C. RITTER;
PAULA E. RITTER;
PAULA E. RITTER, AS TRUSTEE OF THE
RITTER FAMILY TRUST;
ROMAN CATHOLIC ARCHBISHOP OF
LOS ANGELES;
ROMO LAKE LOS ANGELES
PARTNERSHIP;
ROSEMOUNT EQUITIES LLC SERIES;
ROYAL INVESTORS GROUP;
ROYAL WESTERN PROPERTIES LLC;
OSCAR RUDNICK;
REBECCA RUDNICK;
SANTA MONICA MOUNTAINS

1 CONSERVANCY;
 2 MARYGRACE H. SANTORO;
 3 MARYGRACE H. SANTORO, AS TRUSTEE
 4 FOR THE MARYGRACE H. SANTORO
 5 REV TRUST;
 6 SAN YU ENTERPRISES, INC.;
 7 DANIEL SAPARZEDEH;
 8 HELEN STATHATOS;
 9 SAVAS STATHATOS;
 10 SAVAS STATHATOS, AS TRUSTEE FOR
 11 THE STATHATOS FAMILY TRUST;
 12 SEVEN STAR UNITED LLC;
 13 MARK H. SHAFRON;
 14 ROBERT L. SHAFRON;
 15 KAMRAM S. SHAKIB;
 16 DONNA L. SIMPSON;
 17 GARETH L. SIMPSON;
 18 GARETH L. SIMPSON, AS TRUSTEE OF
 19 THE SIMPSON FAMILY TRUST;
 20 SOARING VISTA PROPERTIES, INC.;
 21 STATE OF CALIFORNIA;
 22 GEORGE C. STEVENS, JR.;
 23 GEORGE C. STEVENS, JR., AS TRUSTEE
 24 OF THE GEORGE C. STEVENS, JR. TRUST;
 25 GEORGE L. STIMSON, JR.;
 26 GEORGE L. STIMSON, JR., AS TRUSTEE
 27 OF THE GEORGE L. STIMSON, JR. TRUST;
 28 TEJON RANCHCORP;
 MARK E. THOMPSON A P C PROFIT
 SHARING PLAN;
 TIERRA BONITA RANCH COMPANY;
 TIONG D. TIU;
 BEVERLY J. TOBIAS;
 BEVERLY J. TOBIAS, AS TRUSTEE OF
 THE TOBIAS FAMILY TRUST;
 JUNG N. TOM;
 WILLIAM BOLTHOUSE FARMS, INC.;
 WILMA D. TRUEBLOOD;
 WILMA D. TRUEBLOOD, AS TRUSTEE OF
 THE TRUEBLOOD FAMILY TRUST;
 UNISON INVESTMENT CO., LLC;
 DELMAR D. VAN DAM;
 GERTRUDE J. VAN DAM;
 KEITH E. WALES;
 E C WHEELER LLC;
 ALEX WODCHIS;
 ELIZABETH WONG;
 MARY WONG;
 MIKE M. WU;
 MIKE M. WU, AS TRUSTEE OF THE WU
 FAMILY TRUST;
 STATE OF CALIFORNIA 50TH DISTRICT
 AND AGRICULTURAL ASSOCIATION;
 THE UNITED STATES OF AMERICA;
 U. S. BORAX, INC.;

1 and ROES 1 through 100,000, inclusive, }
2 Cross-Defendants. }

3
4 Comes now, Cross-Defendant, **Healy Enterprises, Inc.**, (“this Answering Cross-
5 Defendant”), and for itself and for no other, answers the Cross-Complaint (“*Cross Complaint*”)
6 filed by Cross-Complainants, **Rosamond Community Services District** (“Rosamond CSD”),
7 **Los Angeles County Waterworks District No. 40** (“LACWD No. 40”), **Palmdale Water**
8 **District** (“Palmdale WD”), **City Of Lancaster** (“Lancaster”), **City Of Palmdale** (“Palmdale”),
9 **Littlerock Creek Irrigation District** (“Littlerock CID”), **Palm Ranch Irrigation District**
10 (“Palm Ranch ID”), **Quartz Hill District** (“Quartz Hill”), and **California Water Service**
11 **Company** (individually “California WSD” and all collectively “Cross-Complainants”), and
12 admits, denies, and alleges as follows:

13
14 **ANSWER**

15 **Preliminary Statements**

16 **A. LASC Case No. BC325201.** This Answering Cross-Defendant was previously
17 served with a *Complaint for Declaratory and Injunctive Relief and Adjudication of Water Rights*
18 (the “*Complaint*”) that was filed by LACWD No. 40, in Los Angeles County Superior Court
19 Case No. BC325201. Though this Answering Cross-Defendant was thereafter informed by
20 counsel for the LACWD No. 40 that it would be receiving service of an Order re Case
21 Management Dates and Motions in which it would be directed not to answer the aforementioned
22 *Complaint*, the Order that was eventually served on it was unclear in that regard. This
23 Answering Cross-Defendant has now been served with the “Cross-Complaint” in the instant
24 action, to which this Answer is made. To the extent necessary and appropriate, this Answering
25 Cross-Defendant intends this Answer to also constitute an answer to the Complaint.

26 **B. Paragraph 20 Allegations regarding Interconnected Sub-Basins.** Though not
27 alleged in the *Complaint*, Cross-Complainants now allege, in Paragraph 20 of the *Cross-*
28 *Complaint*, that the Antelope Valley Basin is divided into an unspecified number of sub-basins,

1 which Cross-Complainant alleges are "sufficiently hydrologically connected to justify treating
2 them as a single source of water for purposes of adjudicating the parties' water rights." As this
3 Answering Cross-Defendant's response to this specific allegation in Paragraph 20 is sufficiently
4 central to its responses to a number of other allegations in the Cross-Complaint, this Answering
5 Cross-Defendant chooses to preliminarily state its response to that specific allegation at this
6 point. This Answering Cross-Defendant is informed and believes and thereon alleges that some
7 or all of said basins and sub-basins over which this Answering Cross-Defendant owns properties,
8 and the water production facilities as situated, may be, to some presently unknown extent,
9 separate and independent from some or all of the remaining groundwater basins and sub-basins
10 from which Cross-Complainants produce water and in which Cross-Complainants store water.
11 While this Answering Cross-Defendant admits the existence of sub-basins, it lacks sufficient
12 information and belief to enable it to admit or deny the number, physical locations,
13 compositions, dimensions and hydrologic interconnections between and amongst the various
14 sub-basins, and must thereon deny the allegation that the sub-basins are sufficiently
15 hydrologically connected to justify treating them as a single source of water for purposes of
16 adjudicating the parties' water rights. Further, Cross-Complainants have not alleged any facts
17 from which this Answering Cross-Defendant can ascertain the number and location of Cross-
18 Complainants' production facilities, or the production capacities and histories of Cross-
19 Complainants' wells and other production facilities, and must therefore deny that any present,
20 historic or future production from this Answering Cross-Defendant's facilities have, are, or will
21 have, any adverse impacts on Cross-Complainants' abilities to meet their reasonable
22 requirements from their unidentified production facilities. Finally, Cross-Complainants have not
23 alleged any facts from which this Answering Cross-Defendant can ascertain the number,
24 location, characteristics and/or capacity of the sub-basins in which Cross-Complainants allege
25 they have stored imported and other water, as well as the amounts, quality and disposition of the
26 water allegedly stored therein, and must therefore deny that any present, historic or future
27 production from this Answering Cross-Defendant's water production facilities have, are, or will
28 have, any adverse impacts on the waters allegedly stored by some or all of Cross-Complainants

1 in said sub-basins. This Answering Cross-Defendant further intends this response to be
2 applicable to its response to the other paragraphs in the Cross-Complaint, which are dependent,
3 either in whole or in part, upon this allegation in the Cross-Complaint.
4

5 Introduction

6 1. Answering Paragraph 1 of the "Introduction" portion of the preliminary
7 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, this
8 Answering Cross-Defendant acknowledges that the action purports to seek a judicial
9 determination of all rights to groundwater within an area described as the "Antelope Valley
10 Groundwater Basin (the 'Basin')"; and, except therefor, this Answering Cross-Defendant lacks
11 sufficient knowledge or information to form a belief as to the truth of the remaining allegations
12 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and
13 severally, each and every other allegation contained therein.
14

15 Cross-Complainants

16 2. Answering Paragraph 2 of the "Cross-Complainants" portion of the preliminary
17 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
18 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
19 knowledge or information to form a belief as to the truth of the allegations contained in said
20 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
21 every allegation contained therein.

22 3. Answering Paragraph 3 of the "Cross-Complainants" portion of the preliminary
23 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
24 reference to Preliminary Statement B, above, this Answering Cross-Defendant admits the first
25 sentence commencing with the name "Los Angeles" on line 8 of page 8, through the word
26 "Valley" on line 11 of page 8; and, except therefore, this Answering Cross-Defendant lacks
27 sufficient knowledge or information to form a belief as to the truth of the remaining allegations
28

1 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and
2 severally, each and every other allegation contained therein.

3 4. Answering Paragraph 4 of the "Cross-Complainants" portion of the preliminary
4 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
5 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
6 knowledge or information to form a belief as to the truth of the allegations contained in said
7 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
8 every other allegation contained therein.

9 5. Answering Paragraph 5 of the "Cross-Complainants" portion of the preliminary
10 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
11 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
12 knowledge or information to form a belief as to the truth of the allegations contained in said
13 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
14 every other allegation contained therein.

15 6. Answering Paragraph 6 of the "Cross-Complainants" portion of the preliminary
16 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
17 reference to Preliminary Statement B, above, this Answering Cross-Defendant admits the
18 allegations contained therein.

19 7. Answering Paragraph 7 of the "Cross-Complainants" portion of the preliminary
20 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
21 reference to Preliminary Statement B, above, this Answering Cross-Defendant admits the first
22 sentence commencing with the word "The" on line 25 of page 8, through the word "uses" on line
23 27 of page 8; and, except therefore, this Answering Cross-Defendant lacks sufficient knowledge
24 or information to form a belief as to the truth of the remaining allegations contained in said
25 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
26 every other allegation contained therein.

27 8. Answering Paragraph 8 of the "Cross-Complainants" portion of the preliminary
28 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with

1 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
2 knowledge or information to form a belief as to the truth of the allegations contained in said
3 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
4 every other allegation contained therein.

5 9. Answering Paragraph 9 of the "Cross-Complainants" portion of the preliminary
6 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
7 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
8 knowledge or information to form a belief as to the truth of the allegations contained in said
9 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
10 every other allegation contained therein.

11 10. Answering Paragraph 10 of the "Cross-Complainants" portion of the preliminary
12 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
13 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
14 knowledge or information to form a belief as to the truth of the allegations contained in said
15 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
16 every other allegation contained therein.

17 18 Cross-Defendants

19 11. Answering Paragraph 11 of the "Cross-Defendants" portion of the preliminary
20 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
21 reference to Preliminary Statement B, above, this Answering Cross-Defendant admits that it is
22 the fee owner of the real properties (collectively "Cross-Defendant's Properties") described on
23 the attached Exhibit "A", which is incorporated herein, by this reference, and which properties
24 are situated in that portion of the State of California, County of Los Angeles, that is described in
25 Paragraph 19 of the *Cross Complaint*.

26 Further answering said Paragraph 11, this Answering Cross-Defendant admits that it
27 claims some right, title or interest to some of the water in the groundwater basins and/or sub-
28 basins underlying Cross-Defendant's Properties, and to the underflow of the washes to which

1 Cross-Defendant's Properties are riparian, and that it produces water from said groundwater
2 basins and/or sub-basins, and from the underflow of said washes, that it owns the groundwater
3 and wells located on the Cross-Defendant's Properties, and that it owns rights with regard to the
4 water flowing from the California Aqueduct. Further answering said Paragraph 11, this
5 Answering Cross-Defendant lacks sufficient knowledge or information to form a belief as to the
6 truth of the allegations contained in said paragraph as to all named Cross-Defendants save and
7 except this Answering Cross-Defendant, and on that basis, denies, generally and specifically,
8 jointly and severally, each and every other allegation contained therein as to the other named
9 Cross-Defendants.

10 12. Answering Paragraph 12 of the "Cross-Defendants" portion of the preliminary
11 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
12 reference to Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient
13 knowledge or information to form a belief as to the truth of the allegations contained in said
14 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
15 every other allegation contained therein.

16
17 **The United States is a Necessary Party to this Action**

18 13. Answering Paragraph 13 of the "The United States is a Necessary Party to this
19 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
20 file in the instant action, and with reference to Preliminary Statement B, above, this Answering
21 Cross-Defendant lacks sufficient knowledge or information to form a belief as to the truth of the
22 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
23 jointly and severally, each and every other allegation contained therein as to the other named
24 Cross-Defendants.

25 14. Answering Paragraph 14 of the "The United States is a Necessary Party to this
26 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
27 file in the instant action, and with reference to Preliminary Statement B, above, this Answering
28 Cross-Defendant lacks sufficient knowledge or information to form a belief as to the truth of the

1 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
2 jointly and severally, each and every other allegation contained therein as to the other named
3 Cross-Defendants.

4 15. Answering Paragraph 15 of the "The United States is a Necessary Party to this
5 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
6 file in the instant action, and with reference to Preliminary Statement B, above, this Answering
7 Cross-Defendant admits the application of 43 U.S.C. § 666 (the "McCarran Amendment"); and,
8 save and except therefor, lacks sufficient knowledge or information to form a belief as to the
9 truth of the allegations contained in said paragraph, and on that basis, denies, generally and
10 specifically, jointly and severally, each and every other allegation contained therein.

11 16. Answering Paragraph 16 of the "The United States is a Necessary Party to this
12 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
13 file in the instant action, and with reference to Preliminary Statement B, above, this Answering
14 Cross-Defendant admits the application of the McCarran Amendment; and, save and except
15 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
16 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
17 jointly and severally, each and every other allegation contained therein as to the other named
18 Cross-Defendants.

19 17. Answering Paragraph 17 of the "The United States is a Necessary Party to this
20 Action" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
21 file in the instant action, and with reference to Preliminary Statement B, above, this Answering
22 Cross-Defendant admits the application of the McCarran Amendment; and, save and except
23 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
24 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
25 jointly and severally, each and every other allegation contained therein as to the other named
26 Cross-Defendants.

27 ////

28 ////

The History of the Antelope Valley Groundwater Basin

18. Answering Paragraph 18 of "The History of the Antelope Valley Groundwater Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant admits the allegations contained therein.

19. Answering Paragraph 19 of "The History of the Antelope Valley Groundwater Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant admits that the Basin is located in an arid valley in the Mojave Desert, about fifty miles northeast of the City of Los Angeles; and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and every other allegation contained therein.

20. Answering Paragraph 20 of "The History of the Antelope Valley Groundwater Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant admits that the Antelope Valley Groundwater Basin is divided into a number of sub-basins, but lacks sufficient knowledge or information to form a belief as to the truth of the allegations that the sub-basins are "sufficiently hydrologically connected to justify treating them as a single source of water for purposes of adjudicating the parties' water rights," and on that basis, denies, generally and specifically, jointly and severally, each and every other allegation contained therein with respect to that specific allegation. Further answering said Paragraph 20, this Answering Cross-Defendant is informed and believes and thereon alleges that some or all of said basins and sub-basins over which the Cross-Defendant's Properties and water production facilities are situated may be, to some presently unknown extent, separate and independent from some or all of the remaining groundwater basins and sub-basins from which Cross-Complainants produce water and in which Cross-Complainants store water. Further answering said Paragraph 20, this Answering Cross-Defendant lacks sufficient

1 knowledge or information to form a belief as to the physical locations, compositions, dimensions
2 and hydrologic interconnections between and amongst the various sub-basins, and on that basis,
3 denies, generally and specifically, jointly and severally, each and every allegation contained
4 therein with respect to that specific allegation that the sub-basins are sufficiently hydrologically
5 connected to justify treating them as a single source of water for purposes of adjudicating the
6 parties' water rights. Further answering said Paragraph 20, Cross-Complainants have not alleged
7 any facts from which this Answering Cross-Defendant can ascertain the number and location of
8 Cross-Complainants' production facilities, or the production capacities and histories of Cross-
9 Complainants' wells and other water production facilities, and must therefore deny that any
10 present, historic or future production from this Answering Cross-Defendant's facilities have, are,
11 or will have, any adverse impacts on Cross-Complainants' abilities to meet their reasonable
12 water requirements from their unidentified production facilities. Finally, Cross-Complainants
13 have not alleged any facts from which this Answering Cross-Defendant can ascertain the
14 number, location, characteristics and/or capacity of the sub-basins in which Cross-Complainants
15 allege they have stored imported and other water, as well as the amounts, quality and disposition
16 of the water allegedly stored therein, and must therefore deny that any present, historic or future
17 production from this Answering Cross-Defendant's facilities have, are, or will have, any adverse
18 impacts on the waters allegedly stored by some or all of Cross-Complainants in said sub-basins.

19 21. Answering Paragraph 21 of "The History of the Antelope Valley Groundwater
20 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
21 file in the instant action, and with reference to and subject to its denials in Preliminary Statement
22 B, above, this Answering Cross-Defendant states that it lacks sufficient knowledge or
23 information to form a belief as to the truth of the allegations contained in said paragraph, and on
24 that basis, denies, generally and specifically, jointly and severally, each and every other
25 allegation contained therein. Further answering said Paragraph 21, this Answering Cross-
26 Defendant states that the groundwater basin and/or sub-basins under the Cross-Defendant's
27 Properties do not appear to have suffered a destroyed groundwater level equilibrium or a
28

1 systematic long-term decline in groundwater levels and storage, but rather appear to experience
2 seasonal water level fluctuations.

3 22. Answering Paragraph 22 of "The History of the Antelope Valley Groundwater
4 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
5 file in the instant action, and with reference to and subject to its denials in Preliminary Statement
6 B, above, this Answering Cross-Defendant admits that portion of the second sentence in said
7 Paragraph commencing with the word "urbanization" at line 24 through the word "water" at line
8 25, all on page 13; and, save and except therefor, lacks sufficient knowledge or information to
9 form a belief as to the truth of the allegations contained in said paragraph, and on that basis,
10 denies, generally and specifically, jointly and severally, each and every other allegation
11 contained therein.

12 23. Answering Paragraph 23 of "The History of the Antelope Valley Groundwater
13 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
14 file in the instant action, and with reference to and subject to its denials in Preliminary Statement
15 B, above, this Answering Cross-Defendant lacks sufficient knowledge or information to form a
16 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,
17 generally and specifically, jointly and severally, each and every other allegation contained
18 therein.

19 24. Answering Paragraph 24 of "The History of the Antelope Valley Groundwater
20 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
21 file in the instant action, and with reference to and subject to its denials in Preliminary Statement
22 B, above, this Answering Cross-Defendant admits that land subsidence is the general sinking of
23 the Earth's surface and that some of the harmful effects of land subsidence can include a loss of
24 groundwater storage space, cracks and fissures in the Earth's surface and damage to real
25 property; and, save and except therefor, lacks sufficient knowledge or information to form a
26 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,
27 generally and specifically, jointly and severally, each and every other allegation contained
28 therein. Further answering said Paragraph 24, this Answering Cross-Defendant states that the

1 groundwater basin and/or sub-basins under the Cross-Defendant's Properties appear to have
2 suffered no chronic declines in groundwater levels, and said properties appear to have suffered
3 no land subsidence.

4 25. Answering Paragraph 25 of "The History of the Antelope Valley Groundwater
5 Basin" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on
6 file in the instant action, and with reference to and subject to its denials in Preliminary Statement
7 B, above, this Answering Cross-Defendant admits that declining groundwater levels, diminished
8 groundwater storage and land subsidence can damage any groundwater basin; and, save and
9 except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
10 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
11 jointly and severally, each and every other allegation contained therein. Further answering said
12 Paragraph 24, this Answering Cross-Defendant states that the groundwater basin and/or sub-
13 basins under the Cross-Defendant's Properties appear to have suffered no declines in
14 groundwater levels and no diminished groundwater storage, and the Cross-Defendant's
15 Properties appear to have suffered no land subsidence.

16
17 **Public Water Suppliers Supplement and Commingle Their**
18 **Supplemental Supply of Water With Basin Water**

19 26. Answering Paragraph 26 of the "Public Water Suppliers Supplement and
20 Commingle Their Supplemental Supply of Water With Basin Water" portion of the preliminary
21 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
22 reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-
23 Defendant admits that State Project water generally originates in Northern California; and save
24 and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of
25 the allegations contained in said paragraph, and on that basis, denies, generally and specifically,
26 jointly and severally, each and every other allegation contained therein.

27 27. Answering Paragraph 27 of the "Public Water Suppliers Supplement and
28 Commingle Their Supplemental Supply of Water With Basin Water" portion of the preliminary

1 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
2 reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-
3 Defendant lacks sufficient knowledge or information to form a belief as to the truth of the
4 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
5 jointly and severally, each and every other allegation contained therein.

6 28. Answering Paragraph 28 of the "Public Water Suppliers Supplement and
7 Commingle Their Supplemental Supply of Water With Basin Water" portion of the preliminary
8 allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with
9 reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-
10 Defendant lacks sufficient knowledge or information to form a belief as to the truth of the
11 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
12 jointly and severally, each and every other allegation contained therein.

13
14 **The Basin Has Been in a State of Over-Draft for Over Five Years**

15 29. Answering Paragraph 29 of "The Basin Has Been in a State of Over-Draft for
16 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
17 Complainants on file in the instant action, and with reference to and subject to its denials in
18 Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge or
19 information to form a belief as to the truth of the allegations contained in said paragraph, and on
20 that basis, denies, generally and specifically, jointly and severally, each and every other
21 allegation contained therein.

22 30. Answering Paragraph 30 of "The Basin Has Been in a State of Over-Draft for
23 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
24 Complainants on file in the instant action, and with reference to and subject to its denials in
25 Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of said
26 Paragraph, as to this Answering Cross-Defendant alone and no other, commencing with the word
27 "cross-defendants" on line 21 through the word "water" on line 23, all on page 15; and, save and
28 except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the

1 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
2 jointly and severally, each and every other allegation contained therein.

3 31. Answering Paragraph 31 of "The Basin Has Been in a State of Over-Draft for
4 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
5 Complainants on file in the instant action, and with reference to and subject to its denials in
6 Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of said
7 Paragraph, as to this Answering Cross-Defendant alone and no other, commencing with the word
8 "claims" on line 26 through the word "water" on line 27, all on page 15; and, save and except
9 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
10 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
11 jointly and severally, each and every other allegation contained therein.

12 32. Answering Paragraph 32 of "The Basin Has Been in a State of Over-Draft for
13 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
14 Complainants on file in the instant action, and with reference to and subject to its denials in
15 Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge or
16 information to form a belief as to the truth of the allegations contained in said paragraph, and on
17 that basis, denies, generally and specifically, jointly and severally, each and every other
18 allegation contained therein.

19 33. Answering Paragraph 33 of "The Basin Has Been in a State of Over-Draft for
20 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* of Cross-
21 Complainants on file in the instant action, and with reference to and subject to its denials in
22 Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge or
23 information to form a belief as to the truth of the allegations contained in said paragraph, and on
24 that basis, denies, generally and specifically, jointly and severally, each and every other
25 allegation contained therein.

26 ////

27 ////

28 ////

**There is a Dispute Among the Parties Regarding The Extent and
Priority of Their Respective Water Rights**

34. Answering Paragraph 34 of the "There is a Dispute Among the Parties Regarding the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and every other allegation contained therein.

35. Answering Paragraph 35 of the "There is a Dispute Among the Parties Regarding the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of said Paragraph, as to this Answering Cross-Defendant alone and no other, commencing with the word "cross-defendants" on line 18 through the word "water" on line 19, all on page 16; and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and every other allegation contained therein.

36. Answering Paragraph 36 of the "There is a Dispute Among the Parties Regarding the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant admits that public water suppliers generally have appropriative rights to produce water for the public they serve; and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and every other allegation contained therein.

1 37. Answering Paragraph 37 of the "There is a Dispute Among the Parties Regarding
2 the Extent and Priority of Their Respective Water Rights" portion of the preliminary allegations
3 to the *Cross-Complaint* of Cross-Complainants on file in the instant action, and with reference to
4 and subject to its denials in Preliminary Statement B, above, this Answering Cross-Defendant
5 lacks sufficient knowledge or information to form a belief as to the truth of the allegations
6 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and
7 severally, each and every other allegation contained therein.

8 38. Answering Paragraph 38, including subparagraphs A through D, of the "There is a
9 Dispute Among the Parties Regarding the Extent and Priority of Their Respective Water Rights"
10 portion of the preliminary allegations to the *Cross-Complaint* of Cross-Complainants on file in
11 the instant action, and with reference to and subject to its denials in Preliminary Statement B,
12 above, this Answering Cross-Defendant lacks sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,
14 generally and specifically, jointly and severally, each and every other allegation contained
15 therein.

16
17 **First Cause of Action**

18 **(Declaratory Relief – Prescriptive Rights – Against All Cross-Defendants**

19 **Except the United States and Other Public Entity Cross-Defendants)**

20 39. Answering Paragraph 39 of the First Cause of Action of the *Cross-Complaint* of
21 Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges and
22 reincorporates its Preliminary Statements and its answers and allegations to Paragraphs 1 through
23 38, inclusive.

24 40. Answering Paragraph 40 of the First Cause of Action of the *Cross-Complaint* of
25 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
26 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
27 said Paragraph commencing with the word "For" on line 7½ through the word "rights" on line
28 8½, all on page 18; and, save and except therefor, lacks sufficient knowledge or information to

1 form a belief as to the truth of the remaining allegations contained in said paragraph, and on that
2 basis, denies, generally and specifically, jointly and severally, each and every other allegation
3 contained therein.

4 41. Answering Paragraph 41 of the First Cause of Action of the *Cross-Complaint* of
5 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
6 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
7 or information to form a belief as to the truth of the allegations contained therein, and on that
8 basis, denies, generally and specifically, jointly and severally, each and every allegation
9 contained therein.

10 42. Answering Paragraph 42 of the First Cause of Action of the *Cross-Complaint* of
11 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
12 in Preliminary Statement B, above, this Answering Cross-Defendant admits the allegations
13 contained therein.

14 43. Answering Paragraph 43 of the First Cause of Action of the *Cross-Complaint* of
15 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
16 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
17 or information to form a belief as to the truth of the allegations contained therein, and on that
18 basis, denies, generally and specifically, jointly and severally, each and every allegation
19 contained therein.

20 21 **Second Cause of Action**

22 **(Declaratory Relief – Appropriative Rights – Against All Cross-Defendants)**

23 44. Answering Paragraph 44 of the Second Cause of Action of the *Cross-Complaint*
24 of Cross-Complainants on file in the instant action, and with reference to and subject to its
25 denials in Preliminary Statement B, above, this Answering Cross-Defendant realleges and
26 reincorporates its answers and allegations to Paragraphs 1 through 43, inclusive.

27 45. Answering Paragraph 45 of the Second Cause of Action of the *Cross-Complaint*
28 of Cross-Complainants on file in the instant action, and with reference to and subject to its

1 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits that public
2 water suppliers generally have appropriative rights to produce water for the public they serve;
3 and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the
4 truth of the allegations contained therein, and on that basis, denies, generally and specifically,
5 jointly and severally, each and every other allegation contained therein.

6 46. Answering Paragraph 46 of the Second Cause of Action of the *Cross-Complaint*
7 of Cross-Complainants on file in the instant action, and with reference to and subject to its
8 denials in Preliminary Statement B, above, this Answering Cross-Defendant denies, generally
9 and specifically, jointly and severally, each and every allegation contained therein as an
10 oversimplification of the law in California concerning appropriative rights.

11 47. Answering Paragraph 47 of the Second Cause of Action of the *Cross-Complaint*
12 of Cross-Complainants on file in the instant action, and with reference to and subject to its
13 denials in Preliminary Statement B, above, this Answering Cross-Defendant generally admits
14 those portions of said paragraph commencing with the word "safe" on line 11½ through the word
15 "subsidence" on line 15½, all on page 19; and, save and except therefor, lacks sufficient
16 knowledge or information to form a belief as to the truth of the remaining allegations contained
17 in said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each
18 and every other allegation contained therein.

19 48. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*
20 of Cross-Complainants on file in the instant action, and with reference to and subject to its
21 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits that all uses
22 of water in California are subject to the "reasonable and beneficial" requirements of Article X,
23 Section 2 of the *California Constitution* and the Reasonable Use Doctrine; and, save and except
24 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
25 allegations contained therein, and on that basis, denies, generally and specifically, jointly and
26 severally, each and every allegation contained therein.

27 49. Answering Paragraph 49 of the Second Cause of Action of the *Cross-Complaint*
28 of Cross-Complainants on file in the instant action, and with reference to and subject to its

1 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits the
2 allegations contained in the first sentence thereof; and save and except therefor, lacks sufficient
3 knowledge or information to form a belief as to the truth of the remaining allegations contained
4 in said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each
5 and every other allegation contained therein.

6 50. Answering Paragraph 50 of the Second Cause of Action of the *Cross-Complaint*
7 of Cross-Complainants on file in the instant action, and with reference to and subject to its
8 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits the
9 allegations contained therein.

10
11 **Third Cause of Action**

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

13 51. Answering Paragraph 51 of the Third Cause of Action of the *Cross-Complaint* of
14 Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges and
15 reincorporates its answers and allegations to Paragraphs 1 through 50, inclusive.

16 52. Answering Paragraph 52 of the Third Cause of Action of the *Cross-Complaint* of
17 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
18 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
19 said Paragraph commencing with the word “cross-defendants” on line 8½ through the word
20 “pumping” on line 10½, all on page 20, as the allegations relate to this Answering Cross-
21 Defendant alone and to no others; and, save and except therefor, lacks sufficient knowledge or
22 information to form a belief as to the truth of the allegations contained therein, and on that basis,
23 denies, generally and specifically, jointly and severally, each and every allegation contained
24 therein.

25 53. Answering Paragraph 53 of the Third Cause of Action of the *Cross-Complaint* of
26 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
27 in Preliminary Statement B, above, this Answering Cross-Defendant denies, generally and
28 specifically, jointly and severally, each and every allegation contained therein, as the allegations

1 relates to this Answering Cross-Defendant alone and to no others. Further answering said
2 Paragraph 53, this Answering Cross-Defendant lacks sufficient knowledge or information to
3 form a belief as to the truth of the allegations contained therein, and on that basis, denies,
4 generally and specifically, jointly and severally, each and every allegation contained therein.

5 54. Answering Paragraph 54 of the Third Cause of Action of the *Cross-Complaint* of
6 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
7 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
8 said Paragraph commencing with the word "California" on line 22½ through the word "capable"
9 on line 27½, all on page 20, as the allegation relates to this Answering Cross-Defendant alone
10 and to no others, and to the extent that the mechanism of a physical solution has the potential for
11 providing a practical solution if it is properly developed and implemented; and excepting
12 therefore, this Answering Cross-Defendant lacks sufficient knowledge or information to form a
13 belief as to the truth of the allegations contained therein, and on that basis, denies, generally and
14 specifically, jointly and severally, each and every allegation contained therein.

15 55. Answering Paragraph 55 of the Third Cause of Action of the *Cross-Complaint* of
16 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
17 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
18 or information to form a belief as to the truth of the allegations contained therein, and on that
19 basis, denies, generally and specifically, jointly and severally, each and every allegation
20 contained therein. Further answering said Paragraph 55, this Answering Cross-Defendant admits
21 that a physical solution may, but need not, contain the factors identified in said Paragraph 55.

23 **Fourth Cause of Action**

24 **(Declaratory Relief – Municipal Priority – Against All Cross-Defendants)**

25 56. Answering Paragraph 56 of the Fourth Cause of Action of the *Cross-Complaint* of
26 Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges and
27 reincorporates its answers and allegations to Paragraphs 1 through 55, inclusive.
28

1 57. Answering Paragraph 57 of the Fourth Cause of Action of the *Cross-Complaint* of
2 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
3 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
4 said Paragraph commencing with the word "It" on line 17½ through the citation to "*Water Code*
5 § 106" on line 19½, all on page 21; and, save and except therefor, lacks sufficient knowledge or
6 information to form a belief as to the truth of the allegations contained therein, and on that basis,
7 denies, generally and specifically, jointly and severally, each and every allegation contained
8 therein.

9 58. Answering Paragraph 58 of the Fourth Cause of Action of the *Cross-Complaint* of
10 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
11 in Preliminary Statement B, above, this Answering Cross-Defendant admits that the quote is a
12 portion of "*Water Code* § 106.5"; denies that it is the entirety of said Section 106.5; and further
13 denies that it is an accurate reflection of the will and actions of the California Legislature relative
14 to the water rights of a public water supplier.

15 59. Answering Paragraph 59 of the Fourth Cause of Action of the *Cross-Complaint* of
16 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
17 in Preliminary Statement B, above, this Answering Cross-Defendant denies, generally and
18 specifically, jointly and severally, each and every allegation contained therein.

19 60. Answering Paragraph 60 of the Fourth Cause of Action of the *Cross-Complaint* of
20 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
21 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
22 said Paragraph commencing with the word "An" on line 1 through the word "cross-defendants"
23 on lines 1 and 2, all on page 22; and, save and except therefor, lacks sufficient knowledge or
24 information to form a belief as to the truth of the allegations contained therein, and on that basis,
25 denies, generally and specifically, jointly and severally, each and every allegation contained
26 therein.

27 61. Answering Paragraph 61 of the Fourth Cause of Action of the *Cross-Complaint* of
28 Cross-Complainants on file in the instant action, and with reference to and subject to its denials

1 in Preliminary Statement B, above, this Answering Cross-Defendant admits the allegations
2 contained therein.

3
4 **Fifth Cause of Action**

5 **(Declaratory Relief – Storage of Imported Water – Against All Cross-Defendants)**

6 62. Answering Paragraph 62 of the Fifth Cause of Action of the *Cross-Complaint* of
7 Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges and
8 reincorporates its answers and allegations to Paragraphs 1 through 61, inclusive.

9 63. Answering Paragraph 63 of the Fifth Cause of Action of the *Cross-Complaint* of
10 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
11 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
12 said Paragraph commencing with the first word "State" on line 19½ through the word "Basin" on
13 line 20½, all on page 22; and, save and except therefor, lacks sufficient knowledge or
14 information to form a belief as to the truth of the allegations contained therein, and on that basis,
15 denies, generally and specifically, jointly and severally, each and every allegation contained
16 therein.

17 64. Answering Paragraph 64 of the Fifth Cause of Action of the *Cross-Complaint* of
18 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
19 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
20 or information to form a belief as to the truth of the allegations contained therein, and on that
21 basis, denies, generally and specifically, jointly and severally, each and every allegation
22 contained therein.

23 65. Answering Paragraph 65 of the Fifth Cause of Action of the *Cross-Complaint* of
24 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
25 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
26 or information to form a belief as to the truth of the allegations contained therein, and on that
27 basis, denies, generally and specifically, jointly and severally, each and every allegation
28 contained therein.

1 66. Answering Paragraph 66 of the Fifth Cause of Action of the *Cross-Complaint* of
2 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
3 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
4 said Paragraph commencing with the word "An" on line 7 through the word "cross-defendants"
5 on lines 7 and 8, all on page 23; re-alleges and re-incorporates its answers to Paragraphs 1
6 through 39 of the *Cross-Complaint* of Cross-Complainants on file in the instant action; and, save
7 and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of
8 the allegations contained therein, and on that basis, denies, generally and specifically, jointly and
9 severally, each and every allegation contained therein.

10 67. Answering Paragraph 67 of the Fifth Cause of Action of the *Cross-Complaint* of
11 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
12 in Preliminary Statement B, above, this Answering Cross-Defendant admits the allegations
13 contained therein.

14 **Sixth Cause of Action**

15 **(Declaratory Relief – Recapture of Return Flows**

16 **from Imported Water Stored in the Basin – Against All Cross-Defendants)**

17 68. Answering Paragraph 68 of the Sixth Cause of Action of the *Cross-Complaint* of
18 Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges and
19 reincorporates its answers and allegations to Paragraphs 1 through 67, inclusive.

20 69. Answering Paragraph 69 of the Sixth Cause of Action of the *Cross-Complaint* of
21 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
22 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
23 or information to form a belief as to the truth of the allegations contained therein, and on that
24 basis, denies, generally and specifically, jointly and severally, each and every allegation
25 contained therein.

26 70. Answering Paragraph 70 of the Sixth Cause of Action of the *Cross-Complaint* of
27 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
28 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge

1 or information to form a belief as to the truth of the allegations contained therein, and on that
2 basis, denies, generally and specifically, jointly and severally, each and every allegation
3 contained therein.

4 71. Answering Paragraph 71 of the Sixth Cause of Action of the *Cross-Complaint* of
5 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
6 in Preliminary Statement B, above, this Answering Cross-Defendant lacks sufficient knowledge
7 or information to form a belief as to the truth of the allegations contained therein, and on that
8 basis, denies, generally and specifically, jointly and severally, each and every allegation
9 contained therein.

10 72. Answering Paragraph 72 of the Sixth Cause of Action of the *Cross-Complaint* of
11 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
12 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
13 said Paragraph commencing with the word "An" on line 6 through the word "cross-defendants"
14 on lines 6 and 7, all on page 24; re-alleges and re-incorporates its answers to Paragraphs 1
15 through 43 of the *Cross-Complaint* of Cross-Complainants on file in the instant action; and, save
16 and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of
17 the allegations contained therein, and on that basis, denies, generally and specifically, jointly and
18 severally, each and every allegation contained therein.

19 73. Answering Paragraph 73 of the Sixth Cause of Action of the *Cross-Complaint* of
20 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
21 in Preliminary Statement B, above, this Answering Cross-Defendant admits the allegations
22 contained therein.

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1 **Seventh Cause of Action**

2 **(Unreasonable Use of Water – Against All Cross-Defendants**

3 **Except Public Entity Cross-Defendants)**

4 74. Answering Paragraph 74 of the Seventh Cause of Action of the *Cross-Complaint*
5 of Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges
6 and reincorporates its answers and allegations to Paragraphs 1 through 73, inclusive.

7 75. Answering Paragraph 75 of the Seventh Cause of Action of the *Cross-Complaint*
8 of Cross-Complainants on file in the instant action, and with reference to and subject to its
9 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits those
10 portions of said Paragraph commencing with the first word “The” on line 20½ through the word
11 “case” on line 23½, all on page 24; and, save and except therefor, lacks sufficient knowledge or
12 information to form a belief as to the truth of the allegations contained therein, and on that basis,
13 denies, generally and specifically, jointly and severally, each and every allegation contained
14 therein.

15 76. Answering Paragraph 76 of the Seventh Cause of Action of the *Cross-Complaint*
16 of Cross-Complainants on file in the instant action, and with reference to and subject to its
17 denials in Preliminary Statement B, above, this Answering Cross-Defendant denies, generally
18 and specifically, jointly and severally, each and every allegation contained therein, as for itself
19 and for no others; and, save and except therefor, lacks sufficient knowledge or information to
20 form a belief as to the truth of the allegations contained therein as to the other named cross-
21 defendants, and on that basis, denies, generally and specifically, jointly and severally, each and
22 every allegation contained therein.

23 77. Answering Paragraph 77 of the Seventh Cause of Action of the *Cross-Complaint*
24 of Cross-Complainants on file in the instant action, and with reference to and subject to its
25 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits those
26 portions of said Paragraph commencing with the word “An” on line 4 through the word “cross-
27 defendants” on lines 4 and 5, all on page 25; re-alleges and re-incorporates its answers to
28 Paragraphs 1 through 43 of the *Cross-Complaint* of Cross-Complainants on file in the instant

1 action; and, save and except therefor, lacks sufficient knowledge or information to form a belief
2 as to the truth of the allegations contained therein, and on that basis, denies, generally and
3 specifically, jointly and severally, each and every allegation contained therein.

4 78. Answering Paragraph 78 of the Seventh Cause of Action of the *Cross-Complaint*
5 of Cross-Complainants on file in the instant action, and with reference to and subject to its
6 denials in Preliminary Statement B, above, this Answering Cross-Defendant admits the
7 allegations contained therein.

8
9 **Note: There are no paragraphs numbered 79 through 90 in the copies of the *Cross-***
10 ***Complaint* of Cross-Complainants on file in the instant action that were served on this**
11 **Answering Cross-Defendant.**

12
13 **Eighth Cause of Action**

14 **(Declaratory Relief re Boundaries of Basin)**

15 91. Answering Paragraph 91 of the Eighth Cause of Action of the *Cross-Complaint* of
16 Cross-Complainants on file in the instant action, this Answering Cross-Defendant realleges and
17 reincorporates its answers and allegations to Paragraphs 1 through 78, inclusive.

18 92. Answering Paragraph 92 of the Eighth Cause of Action of the *Cross-Complaint* of
19 Cross-Complainants on file in the instant action, and with reference to and subject to its denials
20 in Preliminary Statement B, above, this Answering Cross-Defendant admits those portions of
21 said Paragraph commencing with the word "An" on line 18½ through the word "Basin" on line
22 20½, all on page 25; re-alleges and re-incorporates its answers to Paragraphs 1 through 38 of the
23 *Cross-Complaint* of Cross-Complainants on file in the instant action; and, save and except
24 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
25 allegations contained therein, and on that basis, denies, generally and specifically, jointly and
26 severally, each and every allegation contained therein.

27 93. Answering Paragraph 93 of the Eighth Cause of Action of the *Cross-Complaint* of
28 Cross-Complainants on file in the instant action, and with reference to and subject to its denials

1 in Preliminary Statement B, above, this Answering Cross-Defendant admits the allegations
2 contained therein.

3
4 **AFFIRMATIVE DEFENSES**

5 As and for affirmative defenses to the causes of action purported to be set forth against it
6 in the *Cross-Complaint* of Cross-Complainants on file in the instant action, this Answering
7 Cross-Defendant alleges as follows:

8
9 **FIRST AFFIRMATIVE DEFENSE**

10 (Failure to State Cause of Action)

11 As and for a first, separate and affirmative defense to said *Cross-Complaint*, and each
12 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
13 alleges that the *Cross-Complaint*, and each cause of action thereof, fails to state a cause of action
14 against this Answering Cross-Defendant upon which the Court can grant relief.

15
16 **SECOND AFFIRMATIVE DEFENSE**

17 (Estoppel)

18 As and for a second, separate and affirmative defense to said *Cross-Complaint*, and each
19 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
20 is informed and believes, and on that basis alleges, that Cross-Complainants are estopped from
21 asserting each and every cause of action against this Answering Cross-Defendant by reason of
22 the facts that, there are a number of groundwater basins and sub-basins situated in that portion of
23 the State of California generally described in the *Cross-Complaint* as the Antelope Valley
24 Groundwater Basin; that the physical locations, composition, dimensions and interconnections
25 between and amongst those groundwater basins and sub-basins has not been sufficiently alleged
26 by Cross-Complainants to state a cause of action against this Answering Cross-Defendant; that
27 some or all of said basins and sub-basins over which this Answering Cross-Defendant's
28 Properties and water production facilities are situated may be, to some presently unknown extent,

1 separate and independent from some or all of the remaining groundwater basins and sub-basins;
2 and that Cross-Complainants have failed to specifically identify the locations of each and every
3 of the wells that they allege to have drilled, equipped, operated and maintained.

4
5 **THIRD AFFIRMATIVE DEFENSE**

6 (Reasonable and Beneficial Use)

7 As and for a third, separate and affirmative defense to said *Cross-Complaint*, and each
8 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
9 alleges that Cross-Complainants' use of water, both presently and in the future, is limited by the
10 reasonable and beneficial use limitations set forth in Article X, Section 2 of the *California*
11 *Constitution and Water Code* § 100.

12
13 **FOURTH AFFIRMATIVE DEFENSE**

14 (Riparian Rights)

15 As and for a fourth, separate and affirmative defense to said *Cross-Complaint*, and each
16 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
17 claims contract rights to a take water from any and all riparian water sources on this Answering
18 Cross-Defendant's properties, whether from surface water bodies or the underflow of such water
19 courses as may, from time to time, flow on or traverse this Answering Cross-Defendant's
20 properties; and, to which extent, this Answering Cross-Defendant alleges that Cross-
21 Complainants are barred from the relief sought on each and every cause of action against this
22 Answering Cross-Defendant.

23
24 **FIFTH AFFIRMATIVE DEFENSE**

25 (Contract Rights)

26 As and for a fifth, separate and affirmative defense to said *Cross-Complaint*, and each
27 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
28 claims contract rights to a portion of the water flowing in the California Aqueduct, as it traverses

1 this Answering Cross-Defendant's properties; and, to that extent, this Answering Cross-
2 Defendant alleges that Cross-Complainants are barred from the relief sought on each and every
3 cause of action against this Answering Cross-Defendant.

4
5 **SIXTH AFFIRMATIVE DEFENSE**

6 (Credit for Percolating Water)

7 As and for a sixth, separate and affirmative defense to said *Cross-Complaint*, and each
8 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
9 claims credit for the contract State Water Project water that it receives from the California
10 Aqueduct, as it traverses this Answering Cross-Defendant's properties, which this Answering
11 Cross-Defendants allows to and which does percolate into the groundwater basis and/or sub-
12 basins underlying this Answering Cross-Defendant's properties.

13
14 **SEVENTH AFFIRMATIVE DEFENSE**

15 (Appropriative Rights)

16 As and for a seventh, separate and affirmative defense to said *Cross-Complaint*, and each
17 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
18 claims the appropriative rights to produce water from the basins and sub-basins over which this
19 Answering Cross-Defendant's Properties and water production facilities are situated; and, to the
20 extent that the basins and sub-basins over which Cross-Complainants' water production facilities
21 are situated are separate and independent from the basins and sub-basins over which this
22 Answering Cross-Defendant's Properties and water production facilities are situated, this
23 Answering Cross-Defendant alleges that Cross-Complainants are barred from the relief sought
24 on each and every cause of action against this Answering Cross-Defendant.

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As and for an eighth, separate and affirmative defense to said *Cross-Complaint*, and each cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant alleges that it has permitted rights to extract water from the basins and sub-basins over which this Answering Cross-Defendant's Properties and water production facilities are situated, with the Division of Water Rights of the State Water Resources Control Board for the State of California.

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As and for a ninth, separate and affirmative defense to said *Cross-Complaint*, and each cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant alleges that even if the facts alleged in the *Cross-Complaint* are true, and this Answering Cross-Defendant denies the same, Cross-Complainants have engaged in conduct and activities that they knew or should have known that this Answering Cross-Defendant would, in fact, rely on to its prejudice and detriment, sufficient to constitute a waiver of any claims and demands against this Answering Cross-Defendant; and, accordingly, Cross-Complainants are barred from the relief sought on each and every cause of action against this Answering Cross-Defendant.

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As and for a tenth, separate and affirmative defense to said *Cross-Complaint*, and each cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant is informed and believes and on that basis alleges that Cross-Complainants failed to take reasonable, prudent, and necessary steps to diminish, control and/or mitigate the damages allegedly suffered by Cross-Complainants, if any.

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1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 (Excuse)

3 As and for a fourteenth, separate and affirmative defense to said *Cross-Complaint*, and
4 each cause of action thereof, whether considered separately or apart, this Answering Cross-
5 Defendant alleges that any purported misconduct on its part, which is denied but alleged herein
6 solely for the purpose of asserting this affirmative defense, has been excused by some or all of
7 Cross-Complainants' own misconduct.

8
9 **FIFTEENTH AFFIRMATIVE DEFENSE**

10 (Justification)

11 As and for a fifteenth, separate and affirmative defense to said *Cross-Complaint*, and
12 each cause of action thereof, whether considered separately or apart, this Answering Cross-
13 Defendant alleges that this Answering Cross-Defendant's productions and use of water is and
14 has been justified.

15
16 **SIXTEENTH AFFIRMATIVE DEFENSE**

17 (Good Faith)

18 As and for a sixteenth, separate and affirmative defense to said *Cross-Complaint*, and
19 each cause of action thereof, whether considered separately or apart, this Answering Cross-
20 Defendant alleges a good faith belief that it had the rights to produce and use water it has
21 produced and used.

22
23 **SEVENTEENTH AFFIRMATIVE DEFENSE**

24 (Lack of Good Faith)

25 As and for a seventeenth, separate and affirmative defense to said *Cross-Complaint*, and
26 each cause of action thereof, whether considered separately or apart, this Answering Cross-
27 Defendant alleges that some or all of Cross-Complainants failed to act in good faith and to deal
28

1 fairly with this Answering Cross-Defendant and on that basis, Cross-Complainants are precluded
2 from obtaining some or all of the relief sought in their *Cross-Complaint*.

3
4 **EIGHTEENTH AFFIRMATIVE DEFENSE**

5 (Statute of Limitations)

6 As and for an eighteenth, separate and affirmative defense to said *Cross-Complaint*, and
7 each cause of action thereof, whether considered separately or apart, this Answering Cross-
8 Defendant alleges that Cross-Complainants' claims, and each of them, are barred by the
9 applicable statute of limitation provisions of the *Code of Civil Procedure*.

10
11 **NINETEENTH AFFIRMATIVE DEFENSE**

12 (Additional Affirmative Defenses)

13 As and for a nineteenth, separate and affirmative defense to said *Cross-Complaint*, and
14 each cause of action thereof, whether considered separately or apart, this Answering Cross-
15 Defendant is informed and believes and on that basis alleges that they may have additional
16 affirmative defenses available of which this Answering Cross-Defendant is not fully aware at the
17 present time. This Answering Cross-Defendant reserves the right to assert additional affirmative
18 defenses after the same have been ascertained.

19
20 **WHEREFORE, this Answering Cross-Defendant prays as follows:**

21 1. That Cross-Complainants take nothing by their *Cross-Complaint*, and that it be
22 dismissed with prejudice;

23 2. For attorneys' fees as authorized by law;

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- 3. For costs of suit herein incurred; and
- 4. For such other and further relief as the Court deems just and proper.

Dated: November 6, 2006

GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation

By: 
Michael Duane Davis
Marlene L. Allen-Hammarlund
Attorneys for Cross-Defendant,
Healy Enterprises, Inc.

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VERIFICATION

STATE OF CALIFORNIA

COUNTY OF RIVERSIDE

I have read the foregoing ANSWER OF HEALY ENTERPRISES, INC. TO CROSS-COMPLAINT OF MUNICIPAL PURVEYORS FOR DECLARATORY AND INJUNCTIVE RELIEF AND ADJUDICATION OF WATER RIGHTS and know its contents.

☒ CHECK APPLICABLE PARAGRAPH

☐ I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☐ I am _____ of _____, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason.

☐ I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

☐ The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

☒ I am one of the attorneys for HEALY ENTERPRISES, INC., a party to this action. Such party is absent from the aforesaid county where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on November 7, 2006, at Riverside, California..

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


MICHAEL DUANE DAVIS

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2
3 **PROOF OF SERVICE**
4 **STATE OF CALIFORNIA, COUNTY OF RIVERSIDE**

5 Re: *ANTELOPE VALLEY GROUNDWATER CASES*
6 Los Angeles County Superior Court Judicial Council Coordinated
7 Proceedings No. 4408; Santa Clara County Superior Court Case No. 1-05-CV-049053

8 I am employed in the County of Riverside, State of California. I am over the age of 18
9 years and not a party to the within action; my business address is: 3750 University Avenue,
10 Suite 250, Riverside, CA 92501-3335.

11 On November 13, 2006, I served the foregoing document(s) described as **ANSWER OF**
12 **HEALY ENTERPRISES, INC. TO CROSS-COMPLAINT OF MUNICIPAL**
13 **PURVEYORS FOR DECLARATORY AND INJUNCTIVE RELIEF AND**
14 **ADJUDICATION OF WATER RIGHTS** on the interested parties in this action in the
15 following manner:

16 (X) **BY ELECTRONIC SERVICE** - I posted the document(s) listed above to the
17 Santa Clara County Superior Court website, <http://www.scefiling.org>, in the action of the
18 Antelope Valley Groundwater Cases,

19 (X) **BY MAIL** - I served a true copy of the document(s) listed above in a sealed
20 envelope and placed for collection and mailing following the usual business practice of the
21 Firm. I am "readily familiar" with the Firm's practice of collection and processing
22 correspondence for mailing. Under that practice, it would be deposited with the United States
23 Postal Service with postage thereon fully prepaid at Riverside, California, on the same day in
24 the ordinary course of business, addressed as follows:

25 Honorable Jack Komar
26 Santa Clara County Superior Court
27 191 North First Street, Dept. 17C
28 San Jose, CA 95113

Original Document(s) to be filed at this location:

Superior Court of California
County of Los Angeles
Stanley Mosk Courthouse, Dept. 1, Room 534
111 North Hill Street
Los Angeles, CA 90012

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

Executed on November 13, 2006, at Riverside, California.


TERI D. GALLAGHER