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6 Adams Bennett Investments, LLC.

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF LOS ANGELES**  
10

11 Coordination Proceeding  
Special Title (Rule 1550(b))

) Judicial Council Coordination  
) Proceeding No. 4408

12 ANTELOPE VALLEY GROUNDWATER  
13 CASES

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

14 Including Actions:

15 Los Angeles County Waterworks District No.  
40 v. Diamond Farming Co.  
16 Superior Court of California, County of Los  
Angeles, Case No. BC 325 201

) **ANSWERS OF UNNAMED CROSS-**  
) **DEFENDANT, ADAMS BENNETT**  
) **INVESTMENTS LLC., TO CROSS-**  
) **COMPLAINT OF MUNICIPAL**  
) **PURVEYORS FOR DECLARATORY**  
) **AND INJUNCTIVE RELIEF AND**  
) **ADJUDICATION OF WATER RIGHTS**

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

20 Wm. Bolthouse Farms, Inc. v. City of  
Lancaster  
21 Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
22 Superior Court of California, County of  
Riverside, consolidated actions, Case Nos. RIC  
23 353 840, RIC 344 436, RIC 344 668

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

1 DISTRICT;  
2 PALM RANCH IRRIGATION DISTRICT;  
3 QUARTZ HILL DISTRICT; and  
4 CALIFORNIA WATER SERVICE  
5 COMPANY,  
6  
7 Cross-Complainants,  
8  
9 vs.  
10  
11 DIAMOND FARMING COMPANY;  
12 WM. BOLTHOUSE FARMS, INC.;  
13 BOLTHOUSE PROPERTIES LLC; ABC  
14 WILLIAMS ENTERPRISES LP;  
15 ACEH CAPITAL LLC;  
16 JACQUELINE ACKERMANN;  
17 CENON ADVINCULA;  
18 OLIVA M. ADVINCULA;  
19 MASHALLAH AFSHAR;  
20 ANTONIO U. AGUSTINES;  
21 AIRTRUST SINGAPORE PRIVATE  
22 LIMITED;  
23 MARWAN M. ALDAIS;  
24 ALLEN ALEVY;  
25 ALLEN ALEVY AND ALEVY FAMILY  
26 TRUST;  
27 GEORGINE J. ARCHER;  
28 GEORGINE J. ARCHER AS TRUSTEE FOR  
THE GEORGINE J. ARCHER TRUST;  
A V MATERIALS, INC.;  
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;  
2 JEANNA Y. CHANG;  
3 MOON S. CHANG;  
4 JACOB CHETRIT;  
5 FRANK S. CHIDO;  
6 LEE S. CHIOU;  
7 M S CHUNG;  
8 CITY OF LOS ANGELES;  
9 CAROL K. CLAYPOOL;  
10 CLIFFORD N. CLAYPOOL;  
11 W. F. CLUNEN, JR.;  
12 W. F. CLUNEN, JR., AS TRUSTEE FOR  
13 THE P C REV INTER VIVOS TRUST;  
14 CONSOLIDATED ROCK PRODUCTS CO.;  
15 COUNTY SANITATION DISTRICT NO. 14  
16 OF LOS ANGELES COUNTY;  
17 COUNTY SANITATION DISTRICT NO. 20  
18 OF LOS ANGELES COUNTY;  
19 RUTH A. CUMMING;  
20 RUTH A. CUMMING, AS TRUSTEE OF  
21 THE CUMMING FAMILY TRUST;  
22 CATHARINE M. DAVIS;  
23 MILTON S. DAVIS;  
24 DEL SUR RANCH LLC;  
25 DIAMOND FARMING COMPANY;  
26 SARKIS DJANIBEKYAN;  
27 HONG DONG;  
28 YING X. DONG;  
DOROTHY DREIER;  
GEORGE E. DREIER;  
EDWARDS AIR FORCE BASE, CA;  
MORTEZA M. FOROUGH;  
MORTEZA M. FOROUGH, AS TRUSTEE  
OF THE FOROUGH FAMILY TRUST;  
LEWIS FREDRICHSEN;  
LEWIS FREDRICHSEN, AS TRUSTEE OF  
THE FREDRICHSEN FAMILY TRUST;  
JOAN A. FUNK;  
EUGENE GABRYCH;  
MARIAN GABRYCH;  
AURORA P. GABUYA;  
RODRIGO L. GABUYA;  
GGF LLC;  
GENUS LP;  
BETTY GLUCKSTEIN;  
JOSEPH H. GLUCKSTEIN;  
FORREST G. GODDE;  
FORREST G. GODDE, AS TRUSTEE OF  
THE FORREST G. GODDE TRUST;  
LAWRENCE A. GODDE;  
LAWRENCE A. GODDE AND GODDE  
TRUST;  
MARIA B. GORRINDO;  
MARIA B. GORRINDO, AS TRUSTEE FOR  
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 )  
 OF THE RICHARD E. LANDFIELD TRUST; )  
 2 LAWRENCE CHARLES TRUST; )  
 WILLIAM LEWIS; )  
 3 MARY LEWIS; )  
 PEI CHI LIN; )  
 4 MAN C. LO; )  
 SHIUNG RU LO; )  
 5 LYMAN C. MILES; )  
 LYMAN C. MILES, AS TRUSTEE FOR THE )  
 6 MILES FAMILY TRUST; )  
 MALLOY FAMILY PARTNERS LP; )  
 7 MISSION BELL RANCH DEVELOPMENT; )  
 BARRY S. MUNZ; )  
 8 KATHLEEN M. MUNZ; )  
 TERRY A. MUNZ; )  
 9 M. R. NASIR; )  
 SOUAD R. NASIR; )  
 10 EUGENE B. NEBEKER; )  
 SIMIN C. NEMAN; )  
 11 HENRY NGO; )  
 FRANK T. NGUYEN; )  
 12 JUANITA R. NICHOLS; )  
 OLIVER NICHOLS; )  
 13 OLIVER NICHOLS, AS TRUSTEE OF THE )  
 NICHOLS FAMILY TRUST; )  
 14 OWL PROPERTIES, INC.; )  
 PALMDALE HILLS PROPERTY LLC; )  
 15 NORMAN L. POULSEN; )  
 MARILYN J. PREWOZNIK; )  
 16 MARILYN J. PREWOZNIK, AS TRUSTEE )  
 OF THE MARILYN J. PREWOZNIK TRUST; )  
 17 ELIAS QARMOUT; )  
 VICTORIA RAHIMI; )  
 18 R AND M RANCH, INC.; )  
 PATRICIA A. RECHT; )  
 19 VERONIKA REINELT; )  
 REINELT ROSENLOECHER CORP. PSP; )  
 20 PATRICIA J. RIGGINS; )  
 PATRICIA J. RIGGINS, AS TRUSTEE OF )  
 21 THE RIGGINS FAMILY TRUST; )  
 EDGAR C. RITTER; )  
 22 PAULA E. RITTER; )  
 PAULA E. RITTER, AS TRUSTEE OF THE )  
 23 RITTER FAMILY TRUST; )  
 ROMAN CATHOLIC ARCHBISHOP OF )  
 24 LOS ANGELES; )  
 ROMO LAKE LOS ANGELES )  
 25 PARTNERSHIP; )  
 ROSEMOUNT EQUITIES LLC SERIES; )  
 26 ROYAL INVESTORS GROUP; )  
 ROYAL WESTERN PROPERTIES LLC; )  
 27 OSCAR RUDNICK; )  
 REBECCA RUDNICK; )  
 28 SANTA MONICA MOUNTAINS )

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

1 and ROES 1 through 100,000, inclusive, )  
2 Cross-Defendants. )  
3

4 Comes now, unnamed Cross-Defendant, **Adams Bennett, Investments, LLC** (“this  
5 Answering Cross-Defendant”), and answers the Cross-Complaint (“*Cross Complaint*”) filed by  
6 Cross-Complainants, **Rosamond Community Services District** (“Rosamond CSD”), **Los**  
7 **Angeles County Waterworks District No. 40** (“LACWD No. 40”), **Palmdale Water District**  
8 (“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 for  
12 itself and for no others, admits, denies, and alleges as follows:  
13

14 **ANSWERS**

15 **Preliminary Statements**

16 **A. Submission to Jurisdiction.** This Answering Cross-Defendant has recently  
17 acquired those parcels of real property which are described in Paragraph 11, below, and may be  
18 acquiring others. Though this matter is proceeding *in personam*, this Answering Cross-  
19 Defendant, as the current owner of said real properties, elects to submit itself to the jurisdiction  
20 of this court, notwithstanding that it is an unnamed Cross-Defendant to the *Cross Complaint*.

21 **B. Declination to Join Classes.** This Answering Cross-Defendant is aware of the  
22 existence of the “Willis Class” (un-exercised Overliers) and of the “Wood Class” (producers of  
23 less than twenty-five (25) acre-feet per year). This Answering Cross-Defendant has reviewed the  
24 documents posted to the court web-site and requested a full list of all named parties to both the  
25 Willis Class and Wood Class from both the class counsel and counsel for the Public Water  
26 Suppliers; however, only minimal information has been received. After a thorough review of  
27 that information, this Answering Cross-Defendant has been unable to determine whether the  
28 sellers of the properties have ever been members of either the Willis Class or the Wood Class,

1 specifically with respect to the properties acquired and now owned by this Answering Cross-  
2 Defendant. Accordingly, this Answering Cross-Defendant expressly declines to join either the  
3 Willis Class or the Wood Class, and elects to proceed as if a named Cross-Defendant.

#### 4 5 **Introduction**

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

21 3. Answering Paragraph 3 of the “Cross-Complainants” portion of the preliminary  
22 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
23 admits the first sentence commencing with the name “Los Angeles” on line 8 of page 8, through  
24 the word “Valley” on line 11 of page 8; and, except therefore, this Answering Cross-Defendant  
25 lacks sufficient knowledge or information to form a belief as to the truth of the remaining  
26 allegations contained in said paragraph, and on that basis, denies, generally and specifically,  
27 jointly and severally, each and every other allegation contained therein.



1           4.       Answering Paragraph 4 of the “Cross-Complainants” portion of the preliminary  
2 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
3 lacks sufficient knowledge or information to form a belief as to the truth of the allegations  
4 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and  
5 severally, each and every other allegation contained therein.

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

11          6.       Answering Paragraph 6 of the “Cross-Complainants” portion of the preliminary  
12 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
13 admits the first sentence commencing with the word “The” on line 22 of page 8, through the  
14 name “Los Angeles” on line 22 of page 8; and, except therefore, this Answering Cross-  
15 Defendant lacks sufficient knowledge or information to form a belief as to the truth of the  
16 remaining allegations contained in said paragraph, and on that basis, denies, generally and  
17 specifically, jointly and severally, each and every other allegation contained therein.

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

25          8.       Answering Paragraph 8 of the “Cross-Complainants” portion of the preliminary  
26 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
27 lacks sufficient knowledge or information to form a belief as to the truth of the 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 9. Answering Paragraph 9 of the “Cross-Complainants” portion of the preliminary  
4 allegations to the *Cross-Complaint* on file in the instant action, 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 10. Answering Paragraph 10 of the “Cross-Complainants” portion of the preliminary  
9 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
10 lacks sufficient knowledge or information to form a belief as to the truth of the allegations  
11 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and  
12 severally, each and every other allegation contained therein.

13  
14 **Cross-Defendants**

15 11. Answering Paragraph 11 of the “Cross-Defendants” portion of the preliminary  
16 allegations to the *Cross-Complaint* on file in the instant action, notwithstanding that it is not  
17 named therein, this Answering Cross-Defendant admits that it is the fee owner of the hereinafter-  
18 described real properties (collectively “this Answering Cross-Defendant’s Properties”) that are  
19 situated in that portion of the State of California comprised of portions of the Counties of Los  
20 Angeles and Kern, which is described in Paragraph 19 of the *Cross-Complaint*:

21 Assessor’s Parcel Number: 3024 – 015 – 044;

22 Assessor’s Parcel Number: 3024 – 015 – 009;

23 Assessor’s Parcel Number: 3027 – 013 – 009;

24 Assessor’s Parcel Number: 3027 – 013 – 011;

25 Assessor’s Parcel Number: 3027 – 013 – 017;

26 Assessor’s Parcel Number: 3027 – 013 – 051;

27 Assessor’s Parcel Number: 3042 – 021 – 002;

28 Assessor’s Parcel Number: 3042 – 021 – 003;

1 Assessor's Parcel Number: 3042 – 021 – 006;  
2 Assessor's Parcel Number: 3042 – 021 – 008;  
3 Assessor's Parcel Number: 3042 – 021 – 009;  
4 Assessor's Parcel Number: 3042 – 021 – 019;  
5 Assessor's Parcel Number: 3042 – 021 – 020;  
6 Assessor's Parcel Number: 3042 – 021 – 023;  
7 Assessor's Parcel Number: 3042 – 021 – 024;  
8 Assessor's Parcel Number: 3042 – 021 – 026;  
9 Assessor's Parcel Number: 3042 – 021 – 027;  
10 Assessor's Parcel Number: 3042 – 023 – 001;  
11 Assessor's Parcel Number: 3042 – 023 – 008;  
12 Assessor's Parcel Number: 3042 – 023 – 009;  
13 Assessor's Parcel Number: 3042 – 023 – 011; and  
14 Assessor's Parcel Number: 3042 – 023 – 012.

15 Further Answering said Paragraph 11, this Answering Cross-Defendant admits that it claims  
16 some right, title or interest to some of the water in the groundwater basins and/or sub-basins  
17 underlying Cross-Defendant's Properties, and to the surface and underflow of the washes to  
18 which some of this Answering Cross-Defendant's Properties are riparian, and that it produces  
19 and/or intends to produce water from said groundwater basins and/or sub-basins, and from the  
20 surface and underflow of said washes. Further Answering said Paragraph 11, 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 as to all named Cross-Defendants save and except this  
23 Answering Cross-Defendant, and on that basis, denies, generally and specifically, jointly and  
24 severally, each and every other allegation contained therein as to the other named Cross-  
25 Defendants.

26 12. Answering Paragraph 12 of the "Cross-Defendants" portion of the preliminary  
27 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
28 lacks sufficient knowledge or information to form a belief as to the truth of the allegations

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

5 13. Answering Paragraph 13 of the “The United States is a Necessary Party to this  
6 Action” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant  
7 action, this Answering Cross-Defendant lacks sufficient knowledge or information to form a  
8 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,  
9 generally and specifically, jointly and severally, each and every other allegation contained  
10 therein as to the other named Cross-Defendants.

11 14. Answering Paragraph 14 of the “The United States is a Necessary Party to this  
12 Action” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant  
13 action, this Answering Cross-Defendant lacks sufficient knowledge or information to form a  
14 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,  
15 generally and specifically, jointly and severally, each and every other allegation contained  
16 therein as to the other named Cross-Defendants.

17 15. Answering Paragraph 15 of the “The United States is a Necessary Party to this  
18 Action” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant  
19 action, this Answering Cross-Defendant admits the application of 43 U.S.C. § 666 (the  
20 “McCarran Amendment”); and, save and except therefor, lacks sufficient knowledge or  
21 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
22 that basis, denies, generally and specifically, jointly and severally, each and every other  
23 allegation contained therein.

24 16. Answering Paragraph 16 of the “The United States is a Necessary Party to this  
25 Action” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant  
26 action, this Answering Cross-Defendant admits the application of the McCarran Amendment;  
27 and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the  
28 truth of the allegations contained in said paragraph, and on that basis, denies, generally and

1 specifically, jointly and severally, each and every other allegation contained therein as to the  
2 other named Cross-Defendants.

3 17. Answering Paragraph 17 of the “The United States is a Necessary Party to this  
4 Action” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant  
5 action, this Answering Cross-Defendant admits the application of the McCarran Amendment;  
6 and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the  
7 truth of the allegations contained in said paragraph, and on that basis, denies, generally and  
8 specifically, jointly and severally, each and every other allegation contained therein as to the  
9 other named Cross-Defendants.

10  
11 **The History of the Antelope Valley Groundwater Basin**

12 18. Answering Paragraph 18 of “The History of the Antelope Valley Groundwater  
13 Basin” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
14 this Answering Cross-Defendant admits the allegations contained therein.

15 19. Answering Paragraph 19 of “The History of the Antelope Valley Groundwater  
16 Basin” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
17 admits that the Basin is located in an arid valley in the Mojave Desert, about fifty miles northeast  
18 of the City of Los Angeles; and, save and except therefor, 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 20. Answering Paragraph 20 of “The History of the Antelope Valley Groundwater  
23 Basin” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
24 this Answering Cross-Defendant admits that the Antelope Valley Groundwater Basin is divided  
25 into a number of “sub-basins,” and acknowledges that the court has already determined the  
26 interconnectivity of those sub-basins. Further Answering said Paragraph 20, this Answering  
27 Cross-Defendant lacks sufficient knowledge or information to form a belief as to the physical  
28 locations, compositions, dimensions and hydrologic interconnections between and amongst the

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

18 21. Answering Paragraph 21 of "The History of the Antelope Valley Groundwater  
19 Basin" portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
20 this Answering Cross-Defendant states that it lacks sufficient knowledge or information to form  
21 a belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,  
22 generally and specifically, jointly and severally, each and every other allegation contained  
23 therein. Further Answering said Paragraph 21, this Answering Cross-Defendant states that the  
24 Court has yet to determine the locations and extent to which the groundwater basin and/or sub-  
25 basins have suffered destruction of groundwater level equilibrium or a systematic long-term  
26 decline in groundwater levels and storage.

27 22. Answering Paragraph 22 of "The History of the Antelope Valley Groundwater  
28 Basin" portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,

1 this Answering Cross-Defendant admits that portion of the second sentence in said Paragraph  
2 commencing with the word “urbanization” at line 24 through the word “water” at line 25, all on  
3 page 13; and, save and except therefor, lacks sufficient knowledge or information to form a  
4 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,  
5 generally and specifically, jointly and severally, each and every other allegation contained  
6 therein.

7 23. Answering Paragraph 23 of “The History of the Antelope Valley Groundwater  
8 Basin” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
9 this Answering Cross-Defendant lacks sufficient knowledge or information to form a belief as to  
10 the truth of the allegations contained in said paragraph, and on that basis, denies, generally and  
11 specifically, jointly and severally, each and every other allegation contained therein.

12 24. Answering Paragraph 24 of “The History of the Antelope Valley Groundwater  
13 Basin” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
14 this Answering Cross-Defendant admits that land subsidence is the general sinking of the Earth’s  
15 surface and that some of the harmful effects of land subsidence can include a loss of groundwater  
16 storage space, cracks and fissures in the Earth’s surface and damage to real property; and, save  
17 and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of  
18 the allegations contained in said paragraph, and on that basis, denies, generally and specifically,  
19 jointly and severally, each and every other allegation contained therein. Further Answering said  
20 Paragraph 24, this Answering Cross-Defendant states that the Court has yet to determine the  
21 locations and extent to which the groundwater basin and/or sub-basins have suffered destruction  
22 of groundwater level equilibrium or a systematic long-term decline in groundwater levels and  
23 storage, and to which any properties appear to have suffered land subsidence.

24 25. Answering Paragraph 25 of “The History of the Antelope Valley Groundwater  
25 Basin” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,  
26 this Answering Cross-Defendant admits that declining groundwater levels, diminished  
27 groundwater storage and land subsidence can damage any groundwater basin; 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. Further Answering said  
3 Paragraph 24, this Answering Cross-Defendant states that the Court has yet to determine the  
4 locations and extent to which the groundwater basin and/or sub-basins have suffered destruction  
5 of groundwater level equilibrium or a systematic long-term decline in groundwater levels and  
6 storage, and to which any properties appear to have suffered land subsidence.

7  
8 **Public Water Suppliers Supplement and Commingle Their**  
9 **Supplemental Supply of Water With Basin Water**

10 26. Answering Paragraph 26 of the “Public Water Suppliers Supplement and  
11 Commingle Their Supplemental Supply of Water With Basin Water” portion of the preliminary  
12 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
13 admits that State Project water generally originates in Northern California; and save and except  
14 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the  
15 allegations contained in said paragraph, and on that basis, denies, generally and specifically,  
16 jointly and severally, each and every other allegation contained therein.

17 27. Answering Paragraph 27 of the “Public Water Suppliers Supplement and  
18 Commingle Their Supplemental Supply of Water With Basin Water” portion of the preliminary  
19 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
20 lacks sufficient knowledge or information to form a belief as to the truth of the allegations  
21 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and  
22 severally, each and every other allegation contained therein.

23 28. Answering Paragraph 28 of the “Public Water Suppliers Supplement and  
24 Commingle Their Supplemental Supply of Water With Basin Water” portion of the preliminary  
25 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant  
26 lacks sufficient knowledge or information to form a belief as to the truth of the allegations  
27 contained in said paragraph, and on that basis, denies, generally and specifically, jointly and  
28 severally, each and every other allegation contained therein.



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

2            29.     Answering Paragraph 29 of “The Basin Has Been in a State of Over-Draft for  
3 Over Five Years” portion of the preliminary allegations to the *Cross-Complaint* on file in the  
4 instant action, this Answering Cross-Defendant admits that the court has found the existence of  
5 overdraft during some portion of the past fifty or more years, but has not found the extent of such  
6 overdraft in any specific year or period of years; and on that basis lacks sufficient knowledge or  
7 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
8 that basis, denies, generally and specifically, jointly and severally, each and every other  
9 allegation contained therein.

10           30.     Answering Paragraph 30 of “The Basin Has Been in a State of Over-Draft for  
11 Over Five Years” portion of the preliminary allegations to the *Cross-Complaint* on file in the  
12 instant action, this Answering Cross-Defendant admits those portions of said Paragraph, as to  
13 this Answering Cross-Defendant alone and no other, commencing with the word “cross-  
14 defendant” on line 21 through the word “water” on line 23, all on page 15; 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.

18           31.     Answering Paragraph 31 of “The Basin Has Been in a State of Over-Draft for  
19 Over Five Years” portion of the preliminary allegations to the *Cross-Complaint* on file in the  
20 instant action, this Answering Cross-Defendant admits those portions of said Paragraph, as to  
21 this Answering Cross-Defendant alone and no other, commencing with the word “claim” on line  
22 26 through the word “water” on line 27, all on page 15; and, save and except therefor, lacks  
23 sufficient knowledge or information to form a belief as to the truth of the allegations contained in  
24 said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each  
25 and every other allegation contained therein.

26           32.     Answering Paragraph 32 of “The Basin Has Been in a State of Over-Draft for  
27 Over Five Years” portion of the preliminary allegations to the *Cross-Complaint* on file in the  
28 instant action, this Answering Cross-Defendant lacks sufficient knowledge or information to

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

4 33. Answering Paragraph 33 of “The Basin Has Been in a State of Over-Draft for  
5 Over Five Years” portion of the preliminary allegations to the *Cross-Complaint* on file in the  
6 instant action, this Answering Cross-Defendant lacks sufficient knowledge or information to  
7 form a belief as to the truth of the allegations contained in said paragraph, and on that basis,  
8 denies, generally and specifically, jointly and severally, each and every other allegation  
9 contained therein.

10  
11 **There is a Dispute Among the Parties Regarding The Extent and**  
12 **Priority of Their Respective Water Rights**

13 34. Answering Paragraph 34 of the “There is a Dispute Among the Parties Regarding  
14 the Extent and Priority of Their Respective Water Rights” portion of the preliminary allegations  
15 to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant lacks  
16 sufficient knowledge or information to form a belief as to the truth of the allegations contained in  
17 said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each  
18 and every other allegation contained therein.

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

28 /////

1           36.     Answering Paragraph 36 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* on file in the instant action, this Answering Cross-Defendant admits that  
4 some but not necessarily all of the public water suppliers have appropriative rights to produce  
5 water for the public they serve; and, save and except therefor, lacks sufficient knowledge or  
6 information to form a belief as to the truth of the allegations contained in said paragraph, and on  
7 that basis, denies, generally and specifically, jointly and severally, each and every other  
8 allegation contained therein.

9           37.     Answering Paragraph 37 of the “There is a Dispute Among the Parties Regarding  
10 the Extent and Priority of Their Respective Water Rights” portion of the preliminary allegations  
11 to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant lacks  
12 sufficient knowledge or information to form a belief as to the truth of the allegations contained in  
13 said paragraph, and on that basis, denies, generally and specifically, jointly and severally, each  
14 and every other allegation contained therein.

15           38.     Answering Paragraph 38, including subparagraphs A through E, of the “There is a  
16 Dispute Among the Parties Regarding the Extent and Priority of Their Respective Water Rights”  
17 portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action, this  
18 Answering Cross-Defendant lacks sufficient knowledge or information to form a belief as to the  
19 truth of the allegations contained in said paragraph, and on that basis, denies, generally and  
20 specifically, jointly and severally, each and every other allegation contained therein.

21  
22                               **First Cause of Action**

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

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

25           39.     Answering Paragraph 39 of the First Cause of Action of the *Cross-Complaint* on  
26 file in the instant action, this Answering Cross-Defendant realleges and reincorporates its  
27 Preliminary Statements and its answers and allegations to Paragraphs 1 through 38, inclusive.  
28

1           40.     Answering Paragraph 40 of the First Cause of Action of the *Cross-Complaint* on  
2 file in the instant action, and with reference to and subject to their denials in Preliminary  
3 Statement B above, this Answering Cross-Defendant admits those portions of said Paragraph  
4 commencing with the word “For” on line 7½ through the word “rights” on line 8½, all on page  
5 18; and, save and except therefor, lacks sufficient knowledge or information to form a belief as  
6 to the truth of the remaining allegations contained in said paragraph, and on that basis, denies,  
7 generally and specifically, jointly and severally, each and every other allegation therein.

8           41.     Answering Paragraph 41 of the First Cause of Action of the *Cross-Complaint* on  
9 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
10 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
11 denies, generally and specifically, jointly and severally, each and every allegation contained  
12 therein.

13           42.     Answering Paragraph 42 of the First Cause of Action of the *Cross-Complaint* on  
14 file in the instant action, this Answering Cross-Defendant admits the allegations contained  
15 therein.

16           43.     Answering Paragraph 43 of the First Cause of Action of the *Cross-Complaint* on  
17 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
18 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
19 denies, generally and specifically, jointly and severally, each and every allegation contained  
20 therein.

21  
22                                   **Second Cause of Action**

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

24           44.     Answering Paragraph 44 of the Second Cause of Action of the *Cross-Complaint*  
25 on file in the instant action, this Answering Cross-Defendant realleges and reincorporates its  
26 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 on file in the instant action, this Answering Cross-Defendant admits that some but not

1 necessarily all of the public water suppliers have appropriative rights to produce water for the  
2 public they serve; and, save and except therefor, lacks sufficient knowledge or information to  
3 form a belief as to the truth of the allegations contained in said paragraph, and on that basis,  
4 denies, generally and specifically, jointly and severally, each and every other allegation  
5 contained therein.

6 46. Answering Paragraph 46 of the Second Cause of Action of the *Cross-Complaint*  
7 on file in the instant action, this Answering Cross-Defendant denies, generally and specifically,  
8 jointly and severally, each and every allegation contained therein as an oversimplification of the  
9 law in California concerning appropriative rights.

10 47. Answering Paragraph 47 of the Second Cause of Action of the *Cross-Complaint*  
11 on file in the instant action, this Answering Cross-Defendant generally admits those portions of  
12 said paragraph commencing with the word "safe" on line 11½ through the word "subsidence" on  
13 line 15½, all on page 19; and, save and except therefor, lacks sufficient knowledge or  
14 information to form a belief as to the truth of the remaining 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 48. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*  
18 on file in the instant action, this Answering Cross-Defendant admits that all uses of water in  
19 California are subject to the "reasonable and beneficial" requirements of Article X, Section 2 of  
20 the *California Constitution* and the Reasonable Use Doctrine; and, save and except therefor,  
21 lacks sufficient knowledge or information to form a belief as to the truth of the allegations  
22 contained therein, and on that basis, denies, generally and specifically, jointly and severally, each  
23 and every allegation contained therein.

24 49. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*  
25 on file in the instant action, this Answering Cross-Defendant admits the allegations contained in  
26 the first sentence thereof; and save and except therefor, lacks sufficient knowledge or  
27 information to form a belief as to the truth of the remaining allegations contained in said  
28

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

3 50. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*  
4 on file in the instant action, this Answering Cross-Defendant admits the allegations contained  
5 therein.

6  
7 **Third Cause of Action**

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

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

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

20 53. Answering Paragraph 53 of the Third Cause of Action of the *Cross-Complaint* on  
21 file in the instant action, this Answering Cross-Defendant denies, generally and specifically,  
22 jointly and severally, each and every allegation contained therein, as the allegations relates to this  
23 Answering Cross-Defendant alone and to no others. Further Answering said Paragraph 53, this  
24 Answering Cross-Defendant lacks sufficient knowledge or information to form a belief as to the  
25 truth of the allegations contained therein, and on that basis, denies, generally and specifically,  
26 jointly and severally, each and every allegation contained therein.

27 54. Answering Paragraph 54 of the Third Cause of Action of the *Cross-Complaint* on  
28 file in the instant action, this Answering Cross-Defendant admits those portions of said

1 Paragraph commencing with the word “California” on line 22½ through the word “capable” on  
2 line 27½, all on page 20, as the allegation relates to this Answering Cross-Defendant alone and  
3 to no others, and to the extent that the mechanism of a physical solution has the potential for  
4 providing a practical solution if it is properly developed and implemented; and excepting  
5 therefore, this Answering Cross-Defendant lacks sufficient knowledge or information to form a  
6 belief as to the truth of the allegations contained therein, and on that basis, denies, generally and  
7 specifically, jointly and severally, each and every allegation contained therein.

8 55. Answering Paragraph 55 of the Third Cause of Action of the *Cross-Complaint* on  
9 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
10 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
11 denies, generally and specifically, jointly and severally, each and every allegation contained  
12 therein. Further Answering said Paragraph 55, this Answering Cross-Defendant admits that a  
13 physical solution may, but need not, contain the factors identified in said Paragraph 55.

#### 14 15 **Fourth Cause of Action**

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

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

20 57. Answering Paragraph 57 of the Fourth Cause of Action of the *Cross-Complaint*  
21 on file in the instant action, this Answering Cross-Defendant admits those portions of said  
22 Paragraph commencing with the word “It” on line 17½ through the citation to “*Water Code* §  
23 106” on line 19½, all on page 21; 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 58. Answering Paragraph 58 of the Fourth Cause of Action of the *Cross-Complaint*  
28 on file in the instant action, this Answering Cross-Defendant admits that the quote is a portion of

1 “*Water Code* § 106.5”; denies that it is the entirety of said Section 106.5; and further denies that  
2 it is an accurate reflection of the will and actions of the California Legislature relative to the  
3 water rights of a public water supplier.

4 59. Answering Paragraph 59 of the Fourth Cause of Action of the *Cross-Complaint*  
5 on file in the instant action, this Answering Cross-Defendant denies, generally and specifically,  
6 jointly and severally, each and every allegation contained therein.

7 60. Answering Paragraph 60 of the Fourth Cause of Action of the *Cross-Complaint*  
8 on file in the instant action, this Answering Cross-Defendant admits those portions of said  
9 Paragraph commencing with the word “An” on line 1 through the word “cross-defendants” on  
10 lines 1 and 2, all on page 22; and, save and except therefor, lacks sufficient knowledge or  
11 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
12 denies, generally and specifically, jointly and severally, each and every allegation contained  
13 therein.

14 61. Answering Paragraph 61 of the Fourth Cause of Action of the *Cross-Complaint*  
15 on file in the instant action, this Answering Cross-Defendant admits the allegations contained  
16 therein.

17  
18 **Fifth Cause of Action**

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

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

23 63. Answering Paragraph 63 of the Fifth Cause of Action of the *Cross-Complaint* on  
24 file in the instant action, this Answering Cross-Defendant admits those portions of said  
25 Paragraph commencing with the first word “State” on line 19½ through the word “Basin” on line  
26 20½, all on page 22; and, save and except therefor, lacks sufficient knowledge or information to  
27 form a belief as to the truth of the allegations contained therein, and on that basis, denies,  
28 generally and specifically, jointly and severally, each and every allegation contained therein.



1           64.     Answering Paragraph 64 of the Fifth Cause of Action of the *Cross-Complaint* on  
2 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
3 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
4 denies, generally and specifically, jointly and severally, each and every allegation contained  
5 therein.

6           65.     Answering Paragraph 65 of the Fifth Cause of Action of the *Cross-Complaint* on  
7 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
9 denies, generally and specifically, jointly and severally, each and every allegation contained  
10 therein.

11           66.     Answering Paragraph 66 of the Fifth Cause of Action of the *Cross-Complaint* on  
12 file in the instant action, this Answering Cross-Defendant admits those portions of said  
13 Paragraph commencing with the word “An” on line 8 through the word “cross-defendants” on  
14 lines 7 and 8, all on page 23; re-allege and re-incorporate their answers to Paragraphs 1 through  
15 39 of the *Cross-Complaint* on file in the instant action; and, save and except therefor, lacks  
16 sufficient knowledge or information to form a belief as to the truth of the allegations contained  
17 therein, and on that basis, denies, generally and specifically, jointly and severally, each and every  
18 allegation contained therein.

19           67.     Answering Paragraph 67 of the Fifth Cause of Action of the *Cross-Complaint* on  
20 file in the instant action, this Answering Cross-Defendant admits the allegations contained  
21 therein.

22  
23                               **Sixth Cause of Action**

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

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

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

1           69.     Answering Paragraph 69 of the Sixth Cause of Action of the *Cross-Complaint* on  
2 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
3 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
4 denies, generally and specifically, jointly and severally, each and every allegation contained  
5 therein.

6           70.     Answering Paragraph 70 of the Sixth Cause of Action of the *Cross-Complaint* on  
7 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
8 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
9 denies, generally and specifically, jointly and severally, each and every allegation contained  
10 therein.

11           71.     Answering Paragraph 71 of the Sixth Cause of Action of the *Cross-Complaint* on  
12 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or  
13 information to form a belief as to the truth of the allegations contained therein, and on that basis,  
14 denies, generally and specifically, jointly and severally, each and every allegation contained  
15 therein.

16           72.     Answering Paragraph 72 of the Sixth Cause of Action of the *Cross-Complaint* on  
17 file in the instant action, this Answering Cross-Defendant admits those portions of said  
18 Paragraph commencing with the word “An” on line 6 through the word “cross-defendants” on  
19 lines 6 and 7, all on page 24; re-allege and re-incorporate their answers to Paragraphs 1 through  
20 43 of the *Cross-Complaint* on file in the instant action; and, save and except therefor, lacks  
21 sufficient knowledge or information to form a belief as to the truth of the allegations contained  
22 therein, and on that basis, denies, generally and specifically, jointly and severally, each and every  
23 allegation contained therein.

24           73.     Answering Paragraph 73 of the Sixth Cause of Action of the *Cross-Complaint* on  
25 file in the instant action, this Answering Cross-Defendant admits the allegations contained  
26 therein.

27     /////  
28

**Except Public Entity Cross-Defendants)**

77. Answering Paragraph 77 of the Seventh Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant admits those portions of said Paragraph commencing with the word “An” on line 4 through the word “cross-defendants” on lines 4 and 5, all on page 25; re-allege and re-incorporate their answers to Paragraphs 1 through 43 of the *Cross-Complaint* on file in the instant action; and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis, denies, generally and specifically, jointly and severally, each and every allegation contained therein.

78. Answering Paragraph 78 of the Seventh Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant admits the allegations contained therein.

**Note:** There are no paragraphs numbered 79 through 90 in the copies of the *Cross-Complaint* on file in the instant action.

### **Eighth Cause of Action**

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

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

92. Answering Paragraph 92 of the Eighth Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant acknowledges that the court has determined that the “ legal” Basin boundaries and admits those portions of said Paragraph commencing with the word “An” on line 18½ through the word “Basin” on line 20½, all on page 25; re-allege and re-incorporate their answers to Paragraphs 1 through 38 of the *Cross-Complaint* on file in the instant action; and, save and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and on that basis, denies, generally and specifically, jointly and severally, each and every allegation contained therein.

93. Answering Paragraph 93 of the Eighth Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant admits the allegations contained therein.

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1 **AFFIRMATIVE DEFENSES**

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

5  
6 **FIRST AFFIRMATIVE DEFENSE**

7 (Failure to State Cause of Action)

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

12  
13 **SECOND AFFIRMATIVE DEFENSE**

14 (Estoppel)

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

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As and for a third 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 Cross-Complainants' use of water, both presently and in the future, is limited by the reasonable and beneficial use limitations set forth in Article X, Section 2 of the *California Constitution* and *Water Code* § 100.

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1 Answering Cross-Defendant alleges that Cross-Complainants are barred from the relief sought  
2 on each and every cause of action against this Answering Cross-Defendant.

3  
4 **SIXTH AFFIRMATIVE DEFENSE**

5 (Permitted Rights to Extract)

6 As and for a sixth separate and affirmative defense to said *Cross-Complaint*, and each  
7 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant  
8 alleges that its predecessor(s) may have permitted rights to extract water from the basins and  
9 sub-basins over which this Answering Cross-Defendant' Properties and water production  
10 facilities are situated, with the Division of Water Rights of the State Water Resources Control  
11 Board for the State of California.

12  
13 **SEVENTH AFFIRMATIVE DEFENSE**

14 (Waiver)

15 As and for a seventh 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 alleges that even if the facts alleged in the *Cross-Complaint* are true, and this Answering Cross-  
18 Defendant denies the same, Cross-Complainants have engaged in conduct and activities that it  
19 knew or should have known that this Answering Cross-Defendant would, in fact, rely on to their  
20 prejudice and detriment, sufficient to constitute a waiver of any claims and demands against this  
21 Answering Cross-Defendant; and, accordingly, Cross-Complainants are barred from the relief  
22 sought on each and every cause of action against this Answering Cross-Defendant.

23  
24 **EIGHTH AFFIRMATIVE DEFENSE**

25 (Failure to Mitigate Damages)

26 As and for an eighth 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 is informed and believes and on that basis alleges that Cross-Complainants failed to take

1 reasonable, prudent, and necessary steps to diminish, control and/or mitigate the damages  
2 allegedly suffered by Cross-Complainants, if any.

3  
4 **NINTH AFFIRMATIVE DEFENSE**

5 (Failure to Do Equity)

6 As and for a ninth separate and affirmative defense to said *Cross-Complaint*, and each  
7 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant  
8 is informed and believes and on that basis alleges that Cross-Complainants' ability to obtain  
9 relief as prayed in the *Cross-Complaint* is or may be limited by reason of Cross-Complainants'  
10 failure to do equity in the matters alleged in the *Cross-Complaint* filed herein.

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12 **TENTH AFFIRMATIVE DEFENSE**

13 (Comparative Fault)

14 As and for a tenth separate and affirmative defense to said *Cross-Complaint*, and each  
15 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant  
16 is informed and believes and on that basis alleges that Cross-Complainants failed to exercise  
17 ordinary care, caution and prudence in connection with their water production and the use of  
18 water by their customers; and that Cross-Complainants' lack of care, caution and prudence was  
19 independent of and unrelated to the actions, if any, of this Answering Cross-Defendant; and to  
20 that extent, Cross-Complainants' production and uses are unreasonable and beneficial, and  
21 Cross-Complainants' remedies and recovery, if any, should be proportionately reduced.

22  
23 **ELEVENTH AFFIRMATIVE DEFENSE**

24 (Doctrine of Laches)

25 As and for an eleventh 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 of Cross-Complainants' claims are barred by the doctrine of laches.



1 **TWELFTH AFFIRMATIVE DEFENSE**

2 (Excuse)

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

8  
9 **THIRTEENTH AFFIRMATIVE DEFENSE**

10 (Justification)

11 As and for a thirteenth 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' productions and use of water is and has  
14 been justified.

15  
16 **FOURTEENTH AFFIRMATIVE DEFENSE**

17 (Good Faith)

18 As and for a fourteenth 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 have  
21 produced and used.

22  
23 **FIFTEENTH AFFIRMATIVE DEFENSE**

24 (Lack of Good Faith)

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

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

3  
4 **SIXTEENTH AFFIRMATIVE DEFENSE**

5 (Statute of Limitations)

6 As and for a sixteenth 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 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 (Additional Affirmative Defenses)

13 As and for a seventeenth 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 it may have additional  
16 affirmative defenses available of which this Answering Cross-Defendant are not fully aware at  
17 the present time. This Answering Cross-Defendant reserves the right to assert additional  
18 affirmative defenses after the same have been ascertained.

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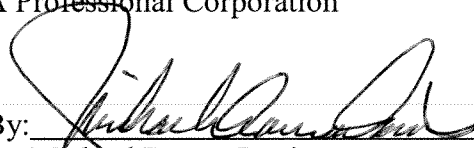
**WHEREFORE, this Answering Cross-Defendant prays as follows:**

1. That Cross-Complainants take nothing by their *Cross-Complaint*, and that it be dismissed with prejudice;
2. For attorneys' fees as authorized by law;
3. For costs of suit herein incurred; and
4. For such other and further relief as the Court deems just and proper.

Dated: August 22, 2011

GRESHAM SAVAGE NOLAN & TILDEN,  
A Professional Corporation

By: \_\_\_\_\_

  
Michael Duane Davis  
Attorneys for unnamed Cross-Defendant,  
Adams Bennett Investments, LLC

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