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6 Abbey, Inc., named herein as ROE 623

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:

) **ANSWER OF CROSS-DEFENDANT**
) **SAINT ANDREW'S ABBEY, INC.,**
) **NAMED HEREIN AS ROE 623**

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

17 Los Angeles County Waterworks District No. 40
18 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
Diamond Farming Co. v. City of Lancaster
21 Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of
22 Riverside, consolidated actions, Case Nos. RIC
353 840, RIC 344 436, RIC 344 668

23
24 ROSAMOND COMMUNITY SERVICES
DISTRICT;
25 LOS ANGELES COUNTY WATERWORKS
DISTRICT NO. 40;
26 PALMDALE WATER DISTRICT;
CITY OF LANCASTER;
27 CITY OF PALMDALE;
LITTLE ROCK CREEK IRRIGATION
28 DISTRICT; PALM RANCH IRRIGATION

1 DISTRICT;
2 QUARTZ HILL DISTRICT; and
3 CALIFORNIA WATER SERVICE COMPANY,

4 Cross-Complainants,

5 vs.

6 DIAMOND FARMING COMPANY;
7 WM. BOLTHOUSE FARMS, INC.;
8 BOLTHOUSE PROPERTIES LLC; ABC
9 WILLIAMS ENTERPRISES LP;
10 ACEH CAPITAL LLC;
11 JACQUELINE ACKERMANN;
12 CENON ADVINCULA;
13 OLIVA M. ADVINCULA;
14 MASHALLAH AFSHAR;
15 ANTONIO U. AGUSTINES;
16 AIRTRUST SINGAPORE PRIVATE LIMITED;
17 MARWAN M. ALDAIS;
18 ALLEN ALEVY;
19 ALLEN ALEVY AND ALEVY FAMILY
20 TRUST;
21 GEORGINE J. ARCHER;
22 GEORGINE J. ARCHER AS TRUSTEE FOR
23 THE GEORGINE J. ARCHER TRUST;
24 A V MATERIALS, INC.;
25 GUSS A. BARKS, JR.;
26 PETER G. BARKS;
27 ILDEFONSO S. BAYANI;
28 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;
BONG S. CHANG;
JEANNA Y. CHANG;
MOON S. CHANG;

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

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

1 WILLIAM LEWIS;
 2 MARY LEWIS;
 3 PEI CHI LIN;
 4 MAN C. LO;
 5 SHIUNG RU LO;
 6 LYMAN C. MILES;
 7 LYMAN C. MILES, AS TRUSTEE FOR THE
 8 MILES FAMILY TRUST;
 9 MALLOY FAMILY PARTNERS LP;
 10 MISSION BELL RANCH DEVELOPMENT;
 11 BARRY S. MUNZ;
 12 KATHLEEN M. MUNZ;
 13 TERRY A. MUNZ;
 14 M. R. NASIR;
 15 SOUAD R. NASIR;
 16 EUGENE B. NEBEKER;
 17 SIMIN C. NEMAN;
 18 HENRY NGO;
 19 FRANK T. NGUYEN;
 20 JUANITA R. NICHOLS;
 21 OLIVER NICHOLS;
 22 OLIVER NICHOLS, AS TRUSTEE OF THE
 23 NICHOLS FAMILY TRUST;
 24 OWL PROPERTIES, INC.;
 25 PALMDALE HILLS PROPERTY LLC;
 26 NORMAN L. POULSEN;
 27 MARILYN J. PREWOZNIK;
 28 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
 CONSERVANCY;
 MARYGRACE H. SANTORO;
 MARYGRACE H. SANTORO, AS TRUSTEE

1 FOR THE MARYGRACE H. SANTORO REV
TRUST;
2 SAN YU ENTERPRISES, INC.;
DANIEL SAPARZEDEH;
3 HELEN STATHATOS;
SAVAS STATHATOS;
4 SAVAS STATHATOS, AS TRUSTEE FOR
THE STATHATOS FAMILY TRUST;
5 SEVEN STAR UNITED LLC;
MARK H. SHAFRON;
6 ROBERT L. SHAFRON;
KAMRAM S. SHAKIB;
7 DONNA L. SIMPSON;
GARETH L. SIMPSON;
8 GARETH L. SIMPSON, AS TRUSTEE OF
THE SIMPSON FAMILY TRUST;
9 SOARING VISTA PROPERTIES, INC.;
STATE OF CALIFORNIA;
10 GEORGE C. STEVENS, JR.;
GEORGE C. STEVENS, JR., AS TRUSTEE OF
11 THE GEORGE C. STEVENS, JR. TRUST;
GEORGE L. STIMSON, JR.;
12 GEORGE L. STIMSON, JR., AS TRUSTEE OF
THE GEORGE L. STIMSON, JR. TRUST;
13 TEJON RANCHCORP;
MARK E. THOMPSON A P C PROFIT
14 SHARING PLAN;
TIERRA BONITA RANCH COMPANY;
15 TIONG D. TIU;
BEVERLY J. TOBIAS;
16 BEVERLY J. TOBIAS, AS TRUSTEE OF THE
TOBIAS FAMILY TRUST;
17 JUNG N. TOM;
WILLIAM BOLTHOUSE FARMS, INC.;
18 WILMA D. TRUEBLOOD;
WILMA D. TRUEBLOOD, AS TRUSTEE OF
19 THE TRUEBLOOD FAMILY TRUST;
UNISON INVESTMENT CO., LLC;
20 DELMAR D. VAN DAM;
GERTRUDE J. VAN DAM;
21 KEITH E. WALES;
E C WHEELER LLC;
22 ALEX WODCHIS;
ELIZABETH WONG;
23 MARY WONG;
MIKE M. WU;
24 MIKE M. WU, AS TRUSTEE OF THE WU
FAMILY TRUST;
25 STATE OF CALIFORNIA 50TH DISTRICT
AND AGRICULTURAL ASSOCIATION;
26 THE UNITED STATES OF AMERICA;
U. S. BORAX, INC.;
27 and ROES 1 through 100,000, inclusive,

28 Cross-Defendants.

1 Comes now Cross-Defendant, **Saint Andrew's Abbey, Inc., a Benedictine Monastery**
2 **of the Congregation of the Annunciation**, sued herein as St. Andrews Abby, Inc. and named
3 herein as ROE 623, ("this Answering Cross-Defendant"), and answers the Cross-Complaint
4 ("*Cross Complaint*") filed by Cross-Complainants, **Rosamond Community Services District**
5 ("**Rosamond CSD**"), **Los Angeles County Waterworks District No. 40** ("**LACWD No. 40**"),
6 **Palmdale Water District** ("**Palmdale WD**"), **City Of Lancaster** ("**Lancaster**"), **City Of**
7 **Palmdale** ("**Palmdale**"), **Littlerock Creek Irrigation District** ("**Littlerock CID**"), **Palm Ranch**
8 **Irrigation District** ("**Palm Ranch ID**"), **Quartz Hill District** ("**Quartz Hill**"), and **California**
9 **Water Service Company** (individually "**California WSC**" and all collectively "**Cross-**
10 **Complainants**"), and for itself and for no others, admits, denies, and alleges as follows:
11

12 **ANSWERS**

13 **Preliminary Statements**

14 **A. Submission to Jurisdiction.** This Answering Cross-Defendant is the owner of the
15 real properties described in Paragraph 11, upon which it operates a Benedictine Monastery of the
16 Congregation of the Annunciation that was re-established from the Priory of Chengtu, China to
17 its present location in 1954, under the parent Abbey of Sint Andries Zevenkerken in Brugge,
18 Belgium, in the Archdiocese of Los Angeles. This Answering Cross-Defendant has been
19 informed that its default has not been entered, although a Request for Entry of Default was filed.
20 Counsel for Cross-Complainants has agreed to remove this Answering Cross-Defendant from the
21 list of parties to be defaulted.

22 **B. Declination to Join Classes.** This Answering Cross-Defendant is aware of the
23 existence of the "Willis Class" (un-exercised Overlyers) and of the "Wood Class" (producers of
24 less than twenty-five (25) acre-feet per year). This Answering Cross-Defendant expressly
25 declines to join either the Willis Class or the Wood Class, and elects to proceed as a named
26 Cross-Defendant.
27
28

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2.

1 5. Answering Paragraph 5 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 6. Answering Paragraph 6 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 admits the first sentence commencing with the word "The" on line 22 of page 8, through the
9 name "Los Angeles" on line 22 of page 8; and, except therefore, this Answering Cross-
10 Defendant lacks sufficient knowledge or information to form a belief as to the truth of the
11 remaining allegations contained in said paragraph, and on that basis, denies, generally and
12 specifically, jointly and severally, each and every other allegation contained therein.

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

20 8. Answering Paragraph 8 of the "Cross-Complainants" portion of the preliminary
21 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant
22 lacks sufficient knowledge or information to form a belief as to the truth of the 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 9. Answering Paragraph 9 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 10. Answering Paragraph 10 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
9 **Cross-Defendants**

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

16 31001 North Valyermo Road [the old Hidden Springs Ranch],
17 Valyermo, CA; Los Angeles County Assessor's Parcel Numbers:
18 3060-008-017, 3060-009-014, 3060-014-006, 3060-016-001, 3060-
19 016-002, 3060-016-012, 3060-018-011, 3060-018-033, 3061-003-
20 004, 3061-004-008, 3061-004-009, 3061-005-015, 3061-005-016,
21 3061-006-004, 3061-006-019, 3061-012-007, 3061-023-002, 3061-
22 023-005, 3061-023-011, 3061-024-001, 3061-024-002, 3061-024-
23 004, 3061-025-003, 3061-025-004, 3061-025-005, 3061-025-007,
24 3061-025-010, 3061-025-011 and 3061-025-017.

25 Further Answering said Paragraph 11, this Answering Cross-Defendant admits that it claims
26 some right, title or interest some of the water in the groundwater basins and/or sub-basins
27 underlying Cross-Defendant's Properties, and to a portion of the surface and underflow of Big
28 Rock Creek, Pallet Creek and the other creeks and washes to which this Answering Cross-

1 Defendant's Properties are and may be riparian, and that it produces and/or intends to produce
2 water from said groundwater basins and/or sub-basins, and from the surface and underflow of
3 said creeks and washes for its reasonable and beneficial uses. Further Answering said Paragraph
4 11, this Answering Cross-Defendant lacks sufficient knowledge or information to form a belief
5 as to the truth of the allegations contained in said paragraph as to all named Cross-Defendants
6 save and except this Answering Cross-Defendant, and on that basis, denies, generally and
7 specifically, jointly and severally, each and every other allegation contained therein as to the
8 other named Cross-Defendants.

9 12. Answering Paragraph 12 of the "Cross-Defendants" portion of the preliminary
10 allegations to the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant
11 lacks sufficient knowledge or information to form a belief as to the truth of the 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 **The United States is a Necessary Party to this Action**

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

22 14. Answering Paragraph 14 of the "The United States is a Necessary Party to this
23 Action" portion of the preliminary allegations to the *Cross-Complaint* on file in the instant
24 action, this Answering Cross-Defendant lacks sufficient knowledge or information to form a
25 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 as to the other named Cross-Defendants.

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

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

15 17. Answering Paragraph 17 of the “The United States is a Necessary Party to this
16 Action” portion of the preliminary allegations to the *Cross-Complaint* on file in the instant
17 action, this Answering Cross-Defendant admits the application of the McCarran Amendment;
18 and, save and except therefor, 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 as to the
21 other named Cross-Defendants.

22
23 **The History of the Antelope Valley Groundwater Basin**

24 18. Answering Paragraph 18 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 the allegations contained therein.

27 19. Answering Paragraph 19 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 admits that the Basin is located in an arid valley in the Mojave Desert, about fifty miles northeast
2 of the City of Los Angeles; and, save and except therefor, lacks sufficient knowledge or
3 information to form a belief as to the truth of the allegations contained in said paragraph, and on
4 that basis, denies, generally and specifically, jointly and severally, each and every other
5 allegation contained therein.

6 20. Answering Paragraph 20 of "The History of the Antelope Valley Groundwater
7 Basin" portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,
8 this Answering Cross-Defendant admits that the Antelope Valley Groundwater Basin is divided
9 into a number of "sub-basins," and acknowledges that the court has already determined the
10 interconnectivity of those sub-basins. Further Answering said Paragraph 20, this Answering
11 Cross-Defendant lacks sufficient knowledge or information to form a belief as to the physical
12 locations, compositions, dimensions and hydrologic interconnections between and amongst the
13 various sub-basins, and on that basis, denies, generally and specifically, jointly and severally,
14 each and every allegation contained therein with respect to that specific allegation that the sub-
15 basins are sufficiently hydrologically connected to justify treating them as a single source of
16 water for purposes of adjudicating the parties' water rights. Further Answering said Paragraph
17 20, Cross-Complainants have not alleged any facts from which this Answering Cross-Defendant
18 can ascertain the number and location of Cross-Complainants' production facilities, or the
19 production capacities and histories of Cross-Complainants wells and other water production
20 facilities, and must therefore denies that any present, historic or future production from this
21 Answering Cross-Defendant's facilities have, are, or will have, any adverse impacts on Cross-
22 Complainants' abilities to meet their reasonable water requirements from their unidentified
23 production facilities. Finally, Cross-Complainants have not alleged any facts from which this
24 Answering Cross-Defendant can ascertain the number, location, characteristics and/or capacity
25 of the sub-basins in which Cross-Complainants allege they have stored imported and other water,
26 as well as the amounts, quality and disposition of the water allegedly stored therein, and must
27 therefore deny that any present, historic or future production from this Answering Cross-
28

1 Defendant's facilities have, are, or will have, any adverse impacts on the waters allegedly stored
2 by some or all of Cross-Complainants in said sub-basins.

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

12 22. Answering Paragraph 22 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 portion of the second sentence in said Paragraph
15 commencing with the word "urbanization" at line 24 through the word "water" at line 25, all on
16 page 13; and, save and except therefor, lacks sufficient knowledge or information to form a
17 belief as to the truth of the allegations contained in said paragraph, and on that basis, denies,
18 generally and specifically, jointly and severally, each and every other allegation contained
19 therein.

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

25 24. Answering Paragraph 24 of "The History of the Antelope Valley Groundwater
26 Basin" portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,
27 this Answering Cross-Defendant admits that land subsidence is the general sinking of the Earth's
28 surface and that some of the harmful effects of land subsidence can include a loss of groundwater

1 storage space, cracks and fissures in the Earth's surface and damage to real property; and, save
2 and except therefor, lacks sufficient knowledge or information to form a belief as to the truth of
3 the allegations contained in said paragraph, and on that basis, denies, generally and specifically,
4 jointly and severally, each and every other allegation contained therein. Further Answering said
5 Paragraph 24, this Answering Cross-Defendant states that the Court has yet to determine the
6 locations and extent to which the groundwater basin and/or sub-basins have suffered destruction
7 of groundwater level equilibrium or a systematic long-term decline in groundwater levels and
8 storage, and to which any properties appear to have suffered land subsidence.

9 25. Answering Paragraph 25 of "The History of the Antelope Valley Groundwater
10 Basin" portion of the preliminary allegations to the *Cross-Complaint* on file in the instant action,
11 this Answering Cross-Defendant admits that declining groundwater levels, diminished
12 groundwater storage and land subsidence can damage any groundwater basin; and, save and
13 except therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
14 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
15 jointly and severally, each and every other allegation contained therein. Further Answering said
16 Paragraph 24, this Answering Cross-Defendant states that the Court has yet to determine the
17 locations and extent to which the groundwater basin and/or sub-basins have suffered destruction
18 of groundwater level equilibrium or a systematic long-term decline in groundwater levels and
19 storage, and to which any properties appear to have suffered land subsidence.

20
21 **Public Water Suppliers Supplement and Commingle Their**
22 **Supplemental Supply of Water With Basin Water**

23 26. Answering Paragraph 26 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 admits that State Project water generally originates in Northern California; and save and except
27 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
28

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

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

15
16 **The Basin Has Been in a State of Over-Draft for Over Five Years**

17 29. Answering Paragraph 29 of "The Basin Has Been in a State of Over-Draft for
18 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* on file in the
19 instant action, this Answering Cross-Defendant admits that the court has found the existence of
20 overdraft during some portion of the past fifty or more years, but has not found the extent of such
21 overdraft in any specific location, year or period of years; and on that basis lacks sufficient
22 knowledge or information to form a belief as to the truth of the allegations contained in said
23 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
24 every other allegation contained therein.

25 30. Answering Paragraph 30 of "The Basin Has Been in a State of Over-Draft for
26 Over Five Years" portion of the preliminary allegations to the *Cross-Complaint* on file in the
27 instant action, this Answering Cross-Defendant admits those portions of said Paragraph, as to
28 this Answering Cross-Defendant alone and no other, commencing with the word "cross-

1 defendant” on line 21 through the word “water” on line 23, all on page 15; and, save and except
2 therefor, lacks sufficient knowledge or information to form a belief as to the truth of the
3 allegations contained in said paragraph, and on that basis, denies, generally and specifically,
4 jointly and severally, each and every other allegation contained therein.

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

13 32. Answering Paragraph 32 of “The Basin Has Been in a State of Over-Draft for
14 Over Five Years” portion of the preliminary allegations to the *Cross-Complaint* on file in the
15 instant action, this Answering Cross-Defendant lacks sufficient knowledge or information to
16 form a belief as to the truth of the allegations contained in said paragraph, and on that basis,
17 denies, generally and specifically, jointly and severally, each and every other allegation
18 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* on file in the
21 instant action, this Answering Cross-Defendant lacks sufficient knowledge or information to
22 form a belief as to the truth of the allegations contained in said paragraph, and on that basis,
23 denies, generally and specifically, jointly and severally, each and every other allegation
24 contained therein.

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**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* on file in the instant action, 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* on file in the instant action, 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* on file in the instant action, this Answering Cross-Defendant admits that some but not necessarily all of the public water suppliers 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.

37. Answering Paragraph 37 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* on file in the instant action, this Answering Cross-Defendant lacks

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

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

10
11 **First Cause of Action**

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

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

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

17 40. Answering Paragraph 40 of the First Cause of Action of the *Cross-Complaint* on
18 file in the instant action, and with reference to and subject to their denials in Preliminary
19 Statement B above, this Answering Cross-Defendant admits those portions of said Paragraph
20 commencing with the word "For" on line 7½ through the word "rights" on line 8½, all on page
21 18; and, save and except therefor, lacks sufficient knowledge or information to form a belief as
22 to the truth of the remaining allegations contained in said paragraph, and on that basis, denies,
23 generally and specifically, jointly and severally, each and every other allegation therein.

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

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

43. Answering Paragraph 43 of the First Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant 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.

Second Cause of Action

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

44. Answering Paragraph 44 of the Second 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 43, inclusive.

45. Answering Paragraph 45 of the Second Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant admits that some but not necessarily all of the public water suppliers 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.

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

47. Answering Paragraph 47 of the Second Cause of Action of the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant generally admits those portions of said paragraph commencing with the word “safe” on line 11½ through the word “subsidence” on

1 line 15½, all on page 19; and, save and except therefor, lacks sufficient knowledge or
2 information to form a belief as to the truth of the remaining 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 48. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*
6 on file in the instant action, this Answering Cross-Defendant admits that all uses of water in
7 California are subject to the "reasonable and beneficial" requirements of Article X, Section 2 of
8 the *California Constitution* and the Reasonable Use Doctrine; and, save and except therefor,
9 lacks sufficient knowledge or information to form a belief as to the truth of the allegations
10 contained therein, and on that basis, denies, generally and specifically, jointly and severally, each
11 and every allegation contained therein.

12 49. Answering Paragraph 48 of the Second Cause of Action of the *Cross-Complaint*
13 on file in the instant action, this Answering Cross-Defendant admits the allegations contained in
14 the first sentence thereof; and save and except therefor, lacks sufficient knowledge or
15 information to form a belief as to the truth of the remaining allegations contained in said
16 paragraph, and on that basis, denies, generally and specifically, jointly and severally, each and
17 every other allegation contained therein.

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

21 22 Third Cause of Action

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

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

27 52. Answering Paragraph 52 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 "cross-defendants" on line 8½ through the word
2 "pumping" on line 10½, all on page 20, as the allegations relates to this Answering Cross-
3 Defendant alone and to no others; and, save and except therefor, lacks sufficient knowledge or
4 information to form a belief as to the truth of the allegations contained therein, and on that basis,
5 denies, generally and specifically, jointly and severally, each and every allegation contained
6 therein.

7 53. Answering Paragraph 53 of the Third Cause of Action of the *Cross-Complaint* on
8 file in the instant action, this Answering Cross-Defendant denies, generally and specifically,
9 jointly and severally, each and every allegation contained therein, as the allegations relates to this
10 Answering Cross-Defendant alone and to no others. Further Answering said Paragraph 53, this
11 Answering Cross-Defendant lacks sufficient knowledge or information to form a belief as to the
12 truth of the allegations contained therein, and on that basis, denies, generally and specifically,
13 jointly and severally, each and every allegation contained therein.

14 54. Answering Paragraph 54 of the Third Cause of Action of the *Cross-Complaint* on
15 file in the instant action, this Answering Cross-Defendant admits those portions of said
16 Paragraph commencing with the word "California" on line 22½ through the word "capable" on
17 line 27½, all on page 20, as the allegation relates to this Answering Cross-Defendant alone and
18 to no others, and to the extent that the mechanism of a physical solution has the potential for
19 providing a practical solution if it is properly developed and implemented; and excepting
20 therefore, this Answering Cross-Defendant lacks sufficient knowledge or information to form a
21 belief as to the truth of the allegations contained therein, and on that basis, denies, generally and
22 specifically, jointly and severally, each and every allegation contained therein.

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

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

4
5 **Fifth Cause of Action**

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

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

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

16 64. Answering Paragraph 64 of the Fifth 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 65. Answering Paragraph 65 of the Fifth Cause of Action of the *Cross-Complaint* on
22 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or
23 information to form a belief as to the truth of the allegations contained therein, and on that basis,
24 denies, generally and specifically, jointly and severally, each and every allegation contained
25 therein.

26 66. Answering Paragraph 66 of the Fifth Cause of Action of the *Cross-Complaint* on
27 file in the instant action, this Answering Cross-Defendant admits those portions of said
28 Paragraph commencing with the word “An” on line 8 through the word “cross-defendants” on

1 lines 7 and 8, all on page 23; re-allege and re-incorporate their answers to Paragraphs 1 through
2 39 of the *Cross-Complaint* on file in the instant action; and, save and except therefor, lacks
3 sufficient knowledge or information to form a belief as to the truth of the allegations contained
4 therein, and on that basis, denies, generally and specifically, jointly and severally, each and every
5 allegation contained therein.

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

9
10 **Sixth Cause of Action**

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

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

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

16 69. Answering Paragraph 69 of the Sixth 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 70. Answering Paragraph 70 of the Sixth Cause of Action of the *Cross-Complaint* on
22 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or
23 information to form a belief as to the truth of the allegations contained therein, and on that basis,
24 denies, generally and specifically, jointly and severally, each and every allegation contained
25 therein.

26 71. Answering Paragraph 71 of the Sixth Cause of Action of the *Cross-Complaint* on
27 file in the instant action, this Answering Cross-Defendant lacks sufficient knowledge or
28 information to form a belief as to the truth of the allegations contained therein, and on that basis,

1 denies, generally and specifically, jointly and severally, each and every allegation contained
2 therein.

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

11 73. Answering Paragraph 73 of the Sixth Cause of Action of the *Cross-Complaint* on
12 file in the instant action, this Answering Cross-Defendant admits the allegations contained
13 therein.
14

15 **Seventh Cause of Action**

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

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

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

21 75. Answering Paragraph 75 of the Seventh Cause of Action of the *Cross-Complaint*
22 on file in the instant action, this Answering Cross-Defendant admits those portions of said
23 Paragraph commencing with the first word "The" on line 20½ through the word "case" on line
24 23½, all on page 24; and, save and except therefor, lacks sufficient knowledge or information to
25 form a belief as to the truth of the allegations contained therein, and on that basis, denies,
26 generally and specifically, jointly and severally, each and every allegation contained therein.

27 76. Answering Paragraph 76 of the Seventh Cause of Action of the *Cross-Complaint*
28 on file in the instant action, this Answering Cross-Defendant denies, generally and specifically,

1 jointly and severally, each and every allegation contained therein, as for themselves and for no
2 others; and, save and except therefor, lacks sufficient knowledge or information to form a belief
3 as to the truth of the allegations contained therein as to the other named cross-defendants, and on
4 that basis, denies, generally and specifically, jointly and severally, each and every allegation
5 contained therein.

6 77. Answering Paragraph 77 of the Seventh Cause of Action of the *Cross-Complaint*
7 on file in the instant action, this Answering Cross-Defendant admits those portions of said
8 Paragraph commencing with the word "An" on line 4 through the word "cross-defendants" on
9 lines 4 and 5, all on page 25; re-allege and re-incorporate their answers to Paragraphs 1 through
10 43 of the *Cross-Complaint* on file in the instant action; and, save and except therefor, lacks
11 sufficient knowledge or information to form a belief as to the truth of the allegations contained
12 therein, and on that basis, denies, generally and specifically, jointly and severally, each and every
13 allegation contained therein.

14 78. Answering Paragraph 78 of the Seventh 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 **Note: There are no paragraphs numbered 79 through 90 in the copies of the *Cross-***
19 ***Complaint* on file in the instant action.**

20
21 **Eighth Cause of Action**

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

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

26 92. Answering Paragraph 92 of the Eighth Cause of Action of the *Cross-Complaint*
27 on file in the instant action, this Answering Cross-Defendant acknowledges that the court has
28 determined that the "legal" Basin boundaries and admits those portions of said Paragraph

1 commencing with the word "An" on line 18½ through the word "Basin" on line 20½, all on page
2 25; re-allege and re-incorporate their answers to Paragraphs 1 through 38 of the *Cross-Complaint*
3 on file in the instant action; and, save and except therefor, lacks sufficient knowledge or
4 information to form a belief as to the truth of the allegations contained therein, and on that basis,
5 denies, generally and specifically, jointly and severally, each and every allegation contained
6 therein.

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

10 AFFIRMATIVE DEFENSES

11
12 As and for affirmative defenses to the causes of action purported to be set forth against it
13 in the *Cross-Complaint* on file in the instant action, this Answering Cross-Defendant alleges as
14 follows:

15 FIRST AFFIRMATIVE DEFENSE

16 (Failure to State Cause of Action)

17
18 As and for a first 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 alleges that the *Cross-Complaint*, and each cause of action thereof, fails to state a cause of action
21 against this Answering Cross-Defendant upon which the Court can grant relief.

22 SECOND AFFIRMATIVE DEFENSE

23 (Estoppel)

24
25 As and for a second 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 is informed and believes, and on that basis alleges, that Cross-Complainants are estopped from
28 asserting each and every cause of action against this Answering Cross-Defendant by reason of

1 the facts that, there are a number of groundwater basins and sub-basins situated in that portion of
2 the State of California generally described in the *Cross-Complaint* as the Antelope Valley
3 Groundwater Basin; that the physical locations, composition, dimensions and interconnections
4 between and amongst those groundwater basins and sub-basins has not been sufficiently alleged
5 by Cross-Complainants to state a cause of action against this Answering Cross-Defendant; that
6 some or all of said basins and sub-basins over which this Answering Cross-Defendant's
7 Properties, and water production facilities are situated may be, to some presently unknown
8 extent, separate and independent from some or all of the remaining groundwater basins and sub-
9 basins; and that Cross-Complainants have failed to specifically identify the locations of each and
10 every of the wells that it alleges to have drilled, equipped, operated and maintained.

11 12 THIRD AFFIRMATIVE DEFENSE

13 (Reasonable and Beneficial Use)

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

19 20 FOURTH AFFIRMATIVE DEFENSE

21 (Riparian Rights)

22 As and for a fourth separate and affirmative defense to said *Cross-Complaint*, and each
23 cause of action thereof, whether considered separately or apart, this Answering Cross-Defendant
24 claims riparian rights to the surface and underflow of the Big Rock Creek, Pallet Creek and other
25 creeks and washes to which this Answering Cross-Defendant's Properties are or may be riparian,
26 consistent with the provisions of *Water Code* § 101; and that some or all of said production is
27 from the underflow of the Big Rock Creek, Pallet Creek and other creeks and washes; and to that
28

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

3
4 **FIFTH AFFIRMATIVE DEFENSE**

5 (Appropriative Rights)

6 As and for a fifth 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 claims the appropriative rights to produce water from the basins and sub-basins over which this
9 Answering Cross-Defendant's Properties and water production facilities are situated; and, to the
10 extent that the basins and sub-basins over which Cross-Complainants' water production facilities
11 are situated are separate and independent from the basins and sub-basins over which this
12 Answering Cross-Defendant's Properties and water production facilities are situated, this
13 Answering Cross-Defendant alleges that Cross-Complainants are barred from the relief sought
14 on each and every cause of action against this Answering Cross-Defendant.

15
16 **SIXTH AFFIRMATIVE DEFENSE**

17 (Permitted Rights to Extract)

18 As and for a sixth 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 alleges that its predecessor(s) may have established and/or permitted rights to extract water from
21 the basins and sub-basins over which this Answering Cross-Defendant's Properties and water
22 production facilities are situated.

23
24 **SEVENTH AFFIRMATIVE DEFENSE**

25 (Waiver)

26 As and for a seventh 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 alleges that even if the facts alleged in the *Cross-Complaint* are true, and this Answering Cross-

1 Defendant denies the same, Cross-Complainants have engaged in conduct and activities that it
2 knew or should have known that this Answering Cross-Defendant would, in fact, rely on to their
3 prejudice and detriment, sufficient to constitute a waiver of any claims and demands against this
4 Answering Cross-Defendant; and, accordingly, Cross-Complainants are barred from the relief
5 sought on each and every cause of action against this Answering Cross-Defendant.

6 7 **EIGHTH AFFIRMATIVE DEFENSE**

8 (Failure to Mitigate Damages)

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

14 15 **NINTH AFFIRMATIVE DEFENSE**

16 (Failure to Do Equity)

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

22 23 **TENTH AFFIRMATIVE DEFENSE**

24 (Comparative Fault)

25 As and for a tenth 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 is informed and believes and on that basis alleges that Cross-Complainants failed to exercise
28 ordinary care, caution and prudence in connection with their water production and the use of

1 water by their customers; and that Cross-Complainants' lack of care, caution and prudence was
2 independent of and unrelated to the actions, if any, of this Answering Cross-Defendant; and to
3 that extent, Cross-Complainants' production and uses are unreasonable and beneficial, and
4 Cross-Complainants' remedies and recovery, if any, should be proportionately reduced.

5 6 **ELEVENTH AFFIRMATIVE DEFENSE**

7 (Doctrine of Laches)

8 As and for an eleventh separate and affirmative defense to said *Cross-Complaint*, and
9 each cause of action thereof, whether considered separately or apart, this Answering Cross-
10 Defendant alleges that some of Cross-Complainants' claims are barred by the doctrine of laches.

11 12 **TWELFTH AFFIRMATIVE DEFENSE**

13 (Excuse)

14 As and for a twelfth 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 alleges that any purported misconduct on their part, which is denied but alleged herein solely for
17 the purpose of asserting this affirmative defense, has been excused by some or all of Cross-
18 Complainants' own misconduct.

19 20 **THIRTEENTH AFFIRMATIVE DEFENSE**

21 (Justification)

22 As and for a thirteenth separate and affirmative defense to said *Cross-Complaint*, and
23 each cause of action thereof, whether considered separately or apart, this Answering Cross-
24 Defendant alleges that this Answering Cross-Defendant's productions and use of water is and
25 has been justified.

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1 the present time. This Answering Cross-Defendant reserves the right to assert additional
2 affirmative defenses after the same have been ascertained.

3
4 **WHEREFORE, this Answering Cross-Defendant prays as follows:**

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

10
11 Dated: March__8, 2012

GRESHAM SAVAGE NOLAN & TILDEN,
A Professional Corporation

12
13 By: 

14 Michael Duane Davis
15 Marlene L. Allen-Hammarlund
16 Attorneys for Cross-Defendant, Saint Andrew's
17 Abbey, Inc., named herein as ROE 623
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