

CARLSMITH BALL LLP  
Allan J. Graf (SBN 057148)  
444 South Flower Street  
9th Floor  
Los Angeles, CA 90071-2901  
Telephone: 213.955.1200  
Facsimile: 213.623.0032  
Email: agraf@carlsmith.com

Attorneys for the Leslie Property (Doc no. 107 per  
Amendment to Complaint)

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

**ANTELOPE VALLEY  
GROUNDWATER CASES**

Included Actions:

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

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

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

Judicial Council Coordination No. 4408

For Filing purpose only:  
Santa Clara County Case No. 1-05-CV-049053

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

The "Leslie Property", which is designated as Doe Defendant no. 107 in the Amendment to Complaint of plaintiff Los Angeles County Water Works District No. 40, hereby answers the Complaint and all Cross-Complaints which have been filed as of this date, specifically those of Antelope Valley East-Kern Water Agency, Palmdale Water District & Quartz Hill Water District, Rosamond Community Services District and Waterworks District No. 40 of Los Angeles County.

1 The "Leslie Property" does not intend to participate at trial or other proceedings unless ordered by  
2 the Court to do so, but reserves the right to do so upon giving written notice to that effect to the  
3 Court and all parties. The "Leslie Property" is 104 acres located at the intersection of 238th  
4 Street and Avenue X in the Antelope Valley, APN 3088-001-005.

5 **GENERAL DENIAL**

6 1. Pursuant to Code of Civil Procedure section 43 1.30(d), Defendant and Cross-  
7 Defendant hereby generally denies each and every allegation set forth in the Complaint and  
8 Cross-Complaint, and the whole thereof, and further denies that Plaintiff and Cross-Complainant  
9 are entitled to any relief against Defendant and Cross-Defendant.

10 **AFFIRMATIVE DEFENSES**

11 **First Affirmative Defense**

12 (Failure to State a Cause of Action)

13 2. The Complaint and Cross-Complaint and every purported cause of action  
14 contained therein fail to allege facts sufficient to constitute a cause of action against Defendant  
15 and Cross-Defendant.

16 **Second Affirmative Defense**

17 (Statute of Limitation)

18 3. Each and every cause of action contained in the Complaint and Cross-Complaint  
19 is barred, in whole or in part, by the applicable statutes of limitation, including, but not limited to,  
20 sections 318, 319, 321, 338, and 343 of the California Code of Civil Procedure.

21 **Third Affirmative Defense**

22 (Laches)

23 4. The Complaint and Cross-Complaint, and each and every cause of action  
24 contained therein, is barred by the doctrine of laches.

25 **Fourth Affirmative Defense**

26 (Estoppels)

27 5. The Complaint and Cross-Complaint, and each and every cause of action  
28 contained therein, is barred by the doctrine of estoppel.

1 **Fifth Affirmative Defense**

2 (Waiver)

3 6. The Complaint and Cross-Complaint, and each and every cause of action  
4 contained therein, is barred by the doctrine of waiver.

5 **Sixth Affirmative Defense**

6 (Self-Help)

7 7. Defendant and Cross-Defendant has, by virtue of the doctrine of self-help,  
8 preserved its paramount overlying right to extract groundwater by continuing, during all  
9 timesrelevant hereto, to extract groundwater and put it to reasonable and beneficial use on its  
10 property (California Constitution Article X, Section 2).

11 **Seventh Affirmative Defense**

12 (California Constitution Article X, Section 2)

13 8. Plaintiff and Cross-Complainant's methods of water use and storage are  
14 unreasonable and wasteful in the arid conditions of the Antelope Valley and thereby violate  
15 Article X, Section 2 of the California Constitution.

16 **Eighth Affirmative Defense**

17 (Additional Defenses)

18 9. The Complaint and Cross-Complaint do not state their allegations with sufficient  
19 clarity to enable defendant and cross-defendant to determine what additional defenses may exist  
20 to Plaintiff and Cross-Complainant's causes of action. Defendant and Cross-defendant therefore  
21 reserve the right to assert all other defenses which may pertain to the Complaint and Cross  
22 Complaint.

23 **Ninth Affirmative Defense**

24 10. The prescriptive claims asserted by governmental entity Cross-Complainants are  
25 *ultra vires* and exceed the statutory authority by which each entity may acquire property as set  
26 forth in Water Code sections 22456, 31040 and 55370.

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1                                   **Tenth Affirmative Defense**

2           11.     The prescriptive claims asserted by governmental entity Cross-Complainants are  
3     barred by the provisions of Article 1 Section 19 of the California Constitution.

4                                   **Eleventh Affirmative Defense**

5           12.     The prescriptive claims asserted by governmental entity Cross-Complainants are  
6     barred by the provisions of the 5th Amendment to the United States Constitution as applied to the  
7     states under the 14th Amendment of the United States Constitution.

8                                   **Twelfth Affirmative Defense**

9           13.     Cross-Complainants' prescriptive claims are barred due to their failure to take  
10    affirmative steps that were reasonably calculated and intended to inform each overlying  
11    landowner of cross-complainants' adverse and hostile claim as required by the due process clause  
12    of the 5th and 14th Amendments of the United States Constitution.

13                                  **Thirteenth Affirmative Defense**

14           14.     The prescriptive claims asserted by governmental entity Cross-Complainants are  
15    barred by the provisions of Article 1 Section 7 of the California Constitution.

16                                  **Fourteenth Affirmative Defense**

17           15.     The prescriptive claims asserted by governmental entity cross-Complainants are  
18    barred by the provisions of the 14th Amendment to the United States Constitution.

19                                  **Fifteenth Affirmative Defense**

20           16.     The governmental entity-Cross-Complainants were permissively pumping at all  
21    times.

22                                  **Sixteenth Affirmative Defense**

23           17.     The request for the court to use its injunctive powers to impose a physical solution  
24    seeks a remedy that is in violation of the doctrine of separation of powers set forth in Article  
25    section 3 of the California Constitution.

26                                  **Seventeenth Affirmative Defense**

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

1 **Eighteenth Affirmative Defense**

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

5 **Nineteenth Affirmative Defense**

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

8 **Twentieth Affirmative Defense**

9 21. The governmental entity Cross-Complainants are barred from taking, possessing  
10 or using cross-defendants' property without first paying just compensation.

11 **Twenty-first Affirmative Defense**

12 22. The governmental entity Cross-Complainants are seeking to transfer water right  
13 priorities and water usage which will have significant effects on the Antelope Valley  
14 Groundwater basin and the Antelope Valley. Said actions are being done without complying with  
15 and contrary to the provisions of California's Environmental Quality Act (CEQA)  
16 (Pub.Res.C. 100 *et seq.*).

17 **Twenty-second Affirmative Defense**

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

22 **Twenty-third Affirmative Defense**

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

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1           **WHEREFORE**, Defendant and Cross-defendant prays that judgment be entered as  
2 follows:

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

8 Dated: December 26, 2006

CARLSMITH BALL LLP


9  
10 By: 

Allan J. Graf  
Carlsmith Ball, LLP  
Attorneys for Defendant and Cross-  
Defendant "The Leslie Property"

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## ANSWER TO COMPLAINT

Executed on December 26, 2006, at Los Angeles, California.

  
Carolina Salas