

1 H. Jess Senecal (CSB #026826)
Thomas S. Bunn III (CSB #89502)
2 LAGERLOF, SENEAL, BRADLEY, GOSNEY & KRUSE, LLP
301 N. Lake Avenue, 10th Floor
3 Pasadena, CA 91101-4108
Telephone: (626) 793-9400
4 Facsimile: (626) 793-5900

**EXEMPT FROM FILING FEES UNDER
GOVERNMENT CODE § 6103**

5 Attorneys for Palmdale Water District and
Quartz Hill Water District
6
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**
10

11 Coordination Proceeding
Special Title (Rule 1550(b))
12

Judicial Council Coordination Proceeding
No. 4408

13 **ANTELOPE VALLEY GROUNDWATER
CASES**
14

Santa Clara Case No. 1-05-CV-049053
Assigned to The Honorable Jack Komar, Dept. 17

15 Palmdale Water District and Quartz Hill Water
District,
16

17 Cross-Complainants,
18

19 vs.
20

**CROSS-COMPLAINT OF PALMDALE
WATER DISTRICT AND QUARTZ HILL
WATER DISTRICT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

21 Los Angeles County Waterworks District No. 40,
Rosamond Community Services District,
22 Diamond Farming Company, a corporation; Wm.
Bolthouse Farms, Inc., a corporation; Bolthouse
Properties, Inc., California Water Service
23 Company, City of Lancaster, City of Los Angeles,
City of Palmdale, Littlerock Creek Irrigation
District, Palm Ranch Irrigation District, Edwards
24 Air Force Base, California; United States
Department of The Air Force, ABC Williams
25 Enterprises LP, Airtrust Singapore Private
Limited, Marwan M. Aldais, Allen Alevy, Allen
26 Alevy and Alevy Family Trust, A V Materials,
Inc., Guss A. Barks, Jr., Peter G. Barks, Ildefonso
27 S. Bayani, Nilda V. Bayani, Randall Y. Blayney,
28 Melody S. Bloom, David L. Bowers, Ronald E.

1 Bowers, Bruce Burrows, B.J. Calandri, John
2 Calandri, John Calandri, John Calandri as Trustee
3 of the John and B.J. Calandri 2001 Trust,
4 California Portland Cement Company, Calmat
5 Land Co., Melinda E. Cameron, Catellus
6 Development Corporation, Bong S. Chang, Jeanna
7 Y. Chang, Moon S. Chang, Jacob Chetrit, Frank S.
8 Chiodo, Lee S. Chiou, M S Chung, Carol K.
9 Claypool, C.C. Thelma Cole, J. Cole, J. Cole as
10 Trustee for the T.J. Cole Trust, Consolidated Rock
11 Products Co., County Sanitation District No. 14,
12 County Sanitation District No. 20, Ruth A.
13 Cumming, Ruth A. Cumming as Trustee of the
14 Cumming Family Trust, Catharine M. Davis,
15 Milton S. Davis, Del Sur Ranch LLC, Sarkis
16 Djanibekyan, Hong Dong, Ying X Dong, Dorothy
17 Dreier, George E. Dreier, Morteza M. Foroughi,
18 Morteza M. Foroughi as Trustee of the Foroughi
19 Family Trust, Lewis Fredrichsen, Aurora P.
20 Gabuya, Rodrigo L. Gabuya, GGF LLC, Betty
21 Gluckstein, Joseph H. Gluckstein, Morris
22 Gluckstein, Rose Gluckstein, Frank G. Godde,
23 Forrest G. Godde as Trustee of the Forrest G.
24 Godde Trust, Lawrence A. Godde, Lawrence A.
25 Godde, Lawrence A. Godde and Godde Trust, L.
26 Gorrindo, Maria B. Gorrindo, Maria B. Gorrindo
27 as Trustee for the M. Gorrindo Trust, Roland N.
28 Grubb, Roland N. Grubb and Grubb Family Trust,
Andreas Hauke, Marilyn Hauke, Healy
Enterprises, Inc., Walter E. Helmick, Donna L.
Higelmire, Michael N. Higelmire, Hines Family
Trust, Hooshpack Dev Inc., Chi S. Huang, Suchu
T. Huang, Hypericum Interests LLC, Daryush
Iraninezhad, Esfandiar Kadivar, Esfandiar Kadivar
as Trustee of the Kadivar Family Trust, A. David
Kagon, A. David Kagon as Trustee for the Kagon
Trust, Cheng Lin Kang, Herbert Katz, Herbert
Katz as Trustee for the Katz Family Trust,
Marianne Katz, Lilian S. Kaufman, Lilian S.
Kaufman as Trustee for the Lilian S. Kaufman
Trust, Kazuko Yoshimatsu, Billy H. Kim,
Kootenai Properties, Inc., Gailen Kyle, Gailen
Kyle as Trustee of the Kyle Trust, James W. Kyle,
James W. Kyle as Trustee of the Kyle Family
Trust, Julia Kyle, Wanda E. Kyle, Fares A.

1 Lahoud, Ying Wah Lam, Land Business
2 Corporation, Lawrence Charles Trust, Leslie
3 Property, Light Andrew & Youngnam, Man C.
4 Lo, Shiung Ru Lo, Lyman C. Miles, Lyman C.
5 Miles as Trustee for the Miles Family Trust,
6 Malloy Family Partners LP, Mission Bell Ranch
7 Development, Barry S. Munz, Kathleen M. Munz,
8 Terry A. Munz, M.R. Nasir, Eugene B. Nebeker,
9 Simin C. Newman, Henry Ngo, Frank T. Nguyen,
10 Juanita R. Nichols, Oliver Nichols, Oliver Nichols
11 as Trustee of the Nichols Family Trust, Owl
12 Properties, Inc., Norman L. Poulsen, Elias
13 Qarmout, Victoria Rahimi, R and M Ranch,
14 Veronika Reinelt, Reinelt Rosenloecher Corp.
15 PSP, Patricia J. Riggins, Patricia J. Riggins as
16 Trustee of the Riggins Family Trust, Edgar C.
17 Ritter, Paula E. Ritter, Paula E. Ritter as Trustee
18 of the Ritter Family Trust, Romo Lake Los
19 Angeles Partnership, Rosemount Equities LLC
20 Series, Royal Investors Group, Royal Western
21 Properties LLC, Santa Monica Mountains
22 Conservancy, San Yu Enterprises, Inc., Daniel
23 Saparzadeh, Helen Stathatos, Savas Stathatos,
24 Savas Stathatos as Trustee for the Stathatos
25 Family Trust, Martin Schwartz, Martin Schwartz
26 as Trustee of the Burroughs IRR Family Trust,
27 Seven Star United LLC, Mark H. Shafron, Robert
28 L. Shafron, Kamram S. Shakib, Donna L.
Simpson, Gareth L. Simpson, Gareth L. Simpson
as Trustee of the Simpson Family Trust, Soaring
Vista Properties, Inc., Maurice H. Stans, State of
California, George C. Stevens, Jr., George C.
Stevens, Jr. as Trustee of the George C. Stevens,
Jr. Trust, George L. Stimson, Jr., George L.
Stimson, Jr. as Trustee of the George L. Stimson,
Jr. Trust, Tejon Ranchcorp, Tierra Bonita Ranch
Company, Tiong D. Tiu, Beverly J. Tobias,
Beverly J. Tobias as Trustee of the Tobias Family
Trust, Jung N. Tom, Sheng Tom, Wilma D.
Trueblood, Wilma D. Trueblood as Trustee of the
Trueblood Family Trust, Unison Investment Co.,
LLC, Delmar D. Van Dam, Gertrude J. Van Dam,
Keith E. Wales, E C Wheeler LLC, WM
Bolthouse Farms, Inc., Alex Wodchis, Elizabeth
Wong, Mary Wong, Mike M. Wu, Mike M. Wu as

1 Trustee of the Wu Family Trust, State of
2 California 50th District and Agricultural
3 Association, and Does 1 through 25,000,

4 Cross-Defendants.

5
6 Cross Complainants Palmdale Water District and Quartz Hill Water District (“Districts”) allege:

7 1. Palmdale Water District is an irrigation district organized and operating under Division
8 11 of the California Water Code. Quartz Hill Water District is a county water district organized and
9 operating under Division 12 of the California Water Code. Districts extract groundwater from the
10 Lancaster Sub-basin of the Antelope Valley Groundwater Basin for delivery to their customers.

11 2. Districts do not know the true names or capacities of the cross defendants sued herein as
12 DOES 1 through 25,000.

13 3. On information and belief, each cross defendant either owns land overlying the Antelope
14 Valley Groundwater Basin, extracts groundwater from the Antelope Valley Groundwater Basin, or
15 claims a right to extract groundwater from the Antelope Valley Groundwater Basin.

16 4. The Antelope Valley Groundwater Basin (“Basin”) is located in the Antelope Valley, a
17 topographically closed basin in the western part of the Mojave Desert, about 50 miles northeast of Los
18 Angeles. The Basin is about 940 square miles and is separated from the northern part of Antelope Valley
19 by faults and low-lying hills. A map showing the approximate location of the Basin is attached as
20 Exhibit A. The Basin has been divided by various researchers into sub-basins; however, according to the
21 Districts’ information and belief, the sub-basins are sufficiently hydrologically connected as to justify
22 treating them as a single source of groundwater for purposes of determining groundwater rights.

23 5. For many years, Districts have produced groundwater from the Basin and distributed the
24 water through their waterworks systems to their customers for reasonable and beneficial uses. Districts’
25 production of groundwater from the Basin has been open, notorious and under claim of right, hostile to
26 any rights of other parties and has continued for a period of more than five consecutive years, during
27 which time, Districts are informed and believes, there existed a period of five consecutive years during
28

which the Basin was in a state of overdraft and during which cross defendants had notice of the overdraft. By reason of their historical production of groundwater, Districts have acquired appropriative and prescriptive rights to produce groundwater from the Basin, in an amount according to proof.

6. Districts purchase water imported from outside the watershed, and distribute the purchased water through the Districts' waterworks systems to their customers. After use by the customers for irrigation, domestic, municipal and industrial uses, a portion of these imported waters percolates into the ground and commingles with the percolating ground waters contained in the Basin and thereby augments the natural supply of water in the Basin. Districts have a right to extract from the Basin an amount of water equal to the portion of the water imported by Districts from outside the watershed that augments the supply of water in the Basin.

7. Districts have a right to store water in the Basin and to extract the stored water for later use.

8. Districts' water rights as described above are equal or superior in priority to those of any cross defendant.

FIRST CAUSE OF ACTION

(Declaratory Relief)

9. Districts incorporate by reference the allegations of paragraphs 1 through 8 above.

10. An actual controversy has arisen between Districts and each of the cross defendants as to the nature, extent, and priority of each party's right to produce groundwater from and store water in the Basin. Districts' contentions are as set forth above. On information and belief, cross-defendants dispute these contentions.

11. A controversy also exists concerning physical facts of the Basin such as basin boundaries, degree of separation between sub-basins, and safe yield. Districts' contentions are as set forth above. On information and belief, cross-defendants dispute these contentions.

1 **SECOND CAUSE OF ACTION**

2 **(Injunction)**

3 12. Districts incorporate by reference the allegations of paragraphs 1 through 8 above.

4 13. On information and belief, each cross defendant produces or threatens to produce more
5 water from the Basin than it has a right to produce. This production in excess of rights interferes with the
6 rights of Districts to produce groundwater as set forth above.

7 14. On information and belief, the total production of groundwater from the Basin exceeds
8 the safe yield of the Basin, and the Basin is in overdraft.

9 15. It is necessary and appropriate for the court to exercise and retain continuing jurisdiction
10 to develop and enforce a physical solution that protects, manages, conserves, and adjudicates
11 groundwater supplies in the Basin. Such a physical solution may include restrictions on groundwater
12 production, reasonable monetary assessments on groundwater extractions and for supplemental water
13 supplies, prohibitions against wasteful and excessive use of water by cross defendants and their
14 customers in violation of Article X, Section 2 of the California Constitution, mandatory conservation
15 measures, a groundwater monitoring and reporting program assessment of costs to remediate land
16 subsidence and groundwater contamination, and the appointment of a Watermaster to administer and
17 enforce the judgments and order of the court.

18 16. Unless such a physical solution is ordered, Districts will suffer irreparable harm in that
19 the supply of groundwater will become depleted and other undesirable effects such as subsidence will
20 occur.

21 17. Districts lack an adequate remedy at law.
22

23 **WHEREFORE**, Districts pray:

24 1. For a declaration of the nature, extent and priority of the parties' rights to produce
25 groundwater from the Antelope Valley Basin, and the physical facts of the basin such as basin
26 boundaries, degree of separation between sub-basins, and safe yield.

27 2. For an injunction prohibiting cross defendants from interfering with the rights of the
28 Districts to produce groundwater from the Basin.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. For a physical solution as described in paragraph 16 above.
4. For costs of suit.
5. For such other relief as the court deems just and proper.

Dated: November 28, 2005

LAGERLOF, SENEAL, BRADLEY,
GOSNEY & KRUSE, LLP

By: _____
Thomas S. Bunn III
Attorneys for Palmdale Water District
and Quartz Hill Water District

1 **PROOF OF SERVICE**

2
3 I am employed in the County of Los Angeles, State of California. I am over the age of 18 years,
4 and am not a party to the within action; my business address is 301 North Lake Avenue, 10th Floor,
Pasadena, California 91101-4108.

5 On November 28, 2005, I served the document, described as **CROSS-COMPLAINT OF**
6 **PALMDALE WATER DISTRICT AND QUARTZ HILL WATER DISTRICT FOR DECLARATORY AND**
7 **INJUNCTIVE RELIEF** on the interested parties in this action by placing true copies thereof enclosed in
sealed envelopes addressed as follows:

8 **[SEE ATTACHED PROOF OF SERVICE LIST]**

9 **X** (BY REGULAR MAIL) As follows: I am "readily familiar" with the firm's practice of
10 collection and processing correspondence for mailing. Under that practice it would be deposited
11 with the U.S. Postal Service on that same day with postage thereon fully prepaid at Pasadena,
12 California in the ordinary course of business. I am aware that on motion of party served, service
is presumed invalid if postal cancellation date or postage meter date is more than one day after
date of deposit for mailing in affidavit.

13 **X** (VIA ELECTRONIC MAIL) BY SANTA CLARA SUPERIOR COURT E-FILING IN
14 COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER
15 27, 2005.

16 — (VIA FACSIMILE) On ***, I caused the above-referenced document(s) to be transmitted via
17 facsimile to the offices of the addressee(s) as follows: A true and correct copy of the
transmission report indicating transmission without error is attached hereto.

18 — (BY FEDERAL EXPRESS) I caused such envelope(s) to be delivered by air courier, with next
19 day service.

20 — (BY PERSONAL SERVICE) I delivered such envelope(s) by hand to the offices of the
addressee(s).

21 **X** (STATE) I declare under penalty of perjury under the laws of the State of California that the
22 above is true and correct.

23 — (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at
24 whose direction the service was made.

25 EXECUTED at Pasadena, California on November 28, 2005.

26
27
28

Barbara J. Parker
Declarant

1 **PROOF OF SERVICE LIST**

2 **Via Regular Mail**

3 Chair, Judicial Council of California
4 Administrative Office of the Courts
5 Attn.: Appellate & Trial Court Judicial Services
6 (Civil Case Coordination)
7 455 Golden Gate Avenue
8 San Francisco, CA 94102-3688

7 **Via E-File**

8 Honorable Jack Komar
9 Santa Clara County Superior Court of California
10 191 North First Street, Department 17C
11 San Jose, CA 95113

12 Michael T. Fife, Esq.
13 Bradley J. Herrema, Esq.
14 HATCH & PARENT, A Law Corporation
15 21 East Carrillo Street
16 Santa Barbara, CA 93101
17 (805) 963-7000; Fax (805) 965-4333
18 Addresses for electronic service:
19 mfife@hatchparent.com
20 afavia@hatchparent.com

Attorneys for Antelope Valley Ground
Water Agreement Association ("AGWA")

21 Eric L. Garner, Esq.
22 Jeffrey V. Dunn, Esq.
23 Jill N. Willis, Esq.
24 BEST, BEST & KREIGER LLP
25 3750 UNIVERSITY Avenue, Suite 400
26 P.O. Box 1028
27 Riverside, CA 92502-1028
28 (951) 686-1450; Fax (951) 682-3083
Addresses for electronic service:
ELGarner@bbklaw.com
jeffrey.dunn@bbklaw.com

Attorneys for Los Angeles County Waterworks
District No. 40 and for Rosamond Community
Services District

24 Douglas J. Evertz, Esq.
25 STRADLING, YOCCA, CARLSON & RAUCH
26 660 Newport Center Drive, Suite 1600
27 Newport Beach, CA 92660-6522
28 (949) 725-4000; fax (949) 725-4100
Address for electronic service:
devertz@sycr.com

Attorneys for City of Lancaster

1 John Toole, Esq.
CALIFORNIA WATER SERVICE COMPANY
2 3625 Del Amo Boulevard, Suite 350
3 Torrance, CA 90503
(310) 257-1488; Fax (310) 257-4654
4 Address for electronic service:
5 jtoole@calwater.com

Attorneys for Antelope Valley Water Company

6 Richard G. Zimmer, Esq.
CLIFFORD & BROWN
7 1430 Truxton Avenue, Suite 900
8 Bakersfield, CA 93301
(661) 322-6023; Fax (661) 322-3508
9 Address for electronic service:
10 rzimmer@clifford-brownlaw.com

Attorneys for WM Bolthouse Farms

11 Bob H. Joyce, Esq.
12 Dave R. Lampe, Esq.
Andrew Sheffield, Esq.
13 LEBEAU • THELEN, LLP
14 5001 East Commercenter Drive, Suite 300
P.O. Box 12092
15 Bakersfield, CA 93389-2092
(661) 325-8962; Fax (661) 325-1127
16 Addresses for electronic service:
17 bjoyce@lebeauthelen.com
DLuis@lebeauthelen.com

Attorneys for Diamond Farming Company

18 James L. Markman, Esq.
19 Steve Orr, Esq.
20 RICHARDS, WATSON & GERSHON
P.O. Box 1059
21 Brea, CA 92822-1059
(714) 990-0901; Fax (714) 990-2308
22 Addresses for electronic service:
23 jmarkman@rwglaw.com
sorr@rwglaw.com

Attorneys for City of Palmdale

24 Janet Goldsmith, Esq.
25 KRONICK, MOSKOWITZ, TIEDEMANN & GIRARD
26 400 Capital Mall, 27th Floor
Sacramento, CA 95814-4417
27 Fax (916) 321-4555
28 Address for electronic service:
jgoldsmith@kmtg.com

Attorneys for City of Los Angeles

1 John Slezak, Esq.
2 IVERSON, YOAKUM, PAPIANO & HATCH
3 One Wilshire Boulevard, 27th Floor
4 624 South Grand Avenue
5 Los Angeles, CA 90017
6 (213) 624-7444; Fax (213) 629-4563
7 Address for electronic service:
8 Jslezak@iyph.com

Attorneys for Los Angeles Department of Water
and Power

6 Julie A. Conboy, Esq.
7 Deputy City Attorney
8 Department of Water and Power
9 111 North Hope Street
10 P.O. Box 111
11 Los Angeles, CA 90012
12 (213) 367-4513; Fax (213) 241-1416
13 Address for electronic service:
14 Julie.Conboy@ladwp.com

Attorneys for Los Angeles Department of Water
and Power

12 Henry Weinstock, Esq.
13 Fred Fudacz, Esq.
14 NOSSAMAN, GUTHNER, KNOX, ELLIOTT, LLP
15 445 South Figueroa Street, 31st Floor
16 Los Angeles, CA 90071
17 (213) 612-7839; Fax (213) 612-7801
18 Addresses for electronic service:
19 hweinstock@nossaman.com
20 ffudacz@nossaman.com

Attorneys for Tejon Ranch