

JAN 25 2001

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A Professional Corporation
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Bakersfield, CA 93301-5230
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Attorneys for Plaintiff

Hearing	Date	Time	Dept.
NFS	3/27/01	—	—
STATUS CONF	7/30/01	8:30	3

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ~~LOS ANGELES~~

* * *

WM. BOLTHOUSE FARMS, INC.,
a Michigan corporation,

Plaintiff,

vs.

CITY OF LANCASTER, ANTELOPE VALLEY
WATER COMPANY, PALMDALE WATER DISTRICT,
PALM RANCH IRRIGATION DISTRICT, QUARTZ
HILL WATER DISTRICT, ROSAMOND COMMUNITY
SERVICE DISTRICT, MOJAVE PUBLIC UTILITY
DISTRICT, LITTLE ROCK IRRIGATION
DISTRICT, LOS ANGELES COUNTY WATER WORKS
DISTRICT NO. 37, LOS ANGELES COUNTY
WATER WORKS DISTRICT NO. 40, DOES 1
through 200, Inclusive and All Persons
Unknown, Claiming Any Legal or Equitable
Right, Title, Estate, Lien, or Interest
in the Property described in the
Complaint Adverse to Plaintiff's Title
or, any Cloud upon Plaintiff's Title
Thereeto,

Defendants.

CASE NO.

RIC353840

COMPLAINT TO
QUIET TITLE

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1 FIRST CAUSE OF ACTION

2 (FOR QUIET TITLE AGAINST ALL DEFENDANTS)

3 1. Plaintiff Wm. Bollhouse Farms, Inc., is, and at all times
4 mentioned herein was, a Michigan corporation authorized to do
5 business in the State of California.

6 2. Plaintiff owns in fee that certain real property (the
7 Property) in Los Angeles County, California, in or about the
8 unincorporated towns of Palmdale, and Lancaster, identified as
9 Assessor's Parcels Nos. 3376-026-002 thru 33, 3378-005-01, 3384-
10 017-001, 3384-017-002 and 3384-017-003, 3384-018-001, 3384-018-002,
11 3384-018-003 and 3384-018-004, 3150-015-003, 3150-015-004 and
12 3150-015-006, 3384-016-013 and 3384-016-014, and more particularly
13 described in Exhibit "A", attached hereto and incorporated herein
14 by this reference.

15 3. The entire Property overlies a body of percolating
16 groundwater (hereinafter called "The Aquifer"), the extent of which
17 is unknown to plaintiff.

18 4. Defendant City of Lancaster (Lancaster) is, and at all
19 times herein mentioned was, a municipal corporation. Lancaster
20 provides municipal water service to customers within its
21 boundaries.

22 5. Defendants Antelope Valley Water Company, Palmdale Water
23 District, Palm Ranch Irrigation District, Quartz Hill Water
24 District, Rosamond Community Service District, and Mojave Public
25 Utility District, Little Rock Irrigation District, and County Water
26 Works District - City of Lancaster (the Water Companies) are

1 purveyors of water to customers in portions of Los Angeles County.

2 6. Plaintiff is ignorant of the true names and capacities,
3 whether individual, corporate, governmental, or otherwise, of the
4 Defendants named in this complaint as All Persons Unknown, Claiming
5 Any Legal Or Equitable Right, Title, Estate, Lien, Or Interest In
6 The Property Described In This Complaint Adverse To Plaintiff's
7 Title, Or Any Cloud Upon Plaintiff's Title Thereto, and therefore
8 sues these Defendants by so naming them, pursuant to California
9 Code of Civil Procedure sections 762.020 and 762.060. These
10 Defendants are all persons, except those Defendants specifically
11 named in this complaint (including any of those Defendants who have
12 been fictitiously named in this complaint as Does 1-200, who are
13 subsequently identified through amendment of the complaint) who
14 claim that they have water rights to extract groundwater from The
15 Aquifer for use (1) on property that does not overlie The Aquifer,
16 and/or (2) on property that that person does not own, and/or (3)
17 for some other non-overlying use superior to, or coequal with, the
18 overlying rights of plaintiff to extract groundwater from The
19 Aquifer and put it to reasonable and beneficial use on plaintiff's
20 property described below. Plaintiff seeks a binding and conclusive
21 judgment against all of these unknown persons pursuant to
22 California Code of Civil Procedure section 764.030.

23 7. Plaintiff is ignorant of the true names and capacities,
24 whether individual, corporate, governmental, or otherwise, of the
25 Defendants named in this complaint as Does 1-200, inclusive, and
26 therefore sues these Defendants by these fictitious names.

1 Plaintiff will amend this complaint to allege the fictitiously-
2 named Defendants' names and capacities when ascertained.

3 8. The case of Diamond Farming Company v. Palmdale Water
4 District, et al. Case Number 344668 and Diamond Farming Company v.
5 City of Lancaster, et al. Case Number 344436, were heretofore
6 consolidated into Case Number 344436 in the Riverside Superior
7 Court by stipulation of all the parties to avoid duplication of
8 effort, waste of judicial resources and the possibility of
9 inconsistent judgments. Plaintiff in this action will be seeking a
10 Stipulation which it is informed and believes should be accepted,
11 to consolidate this case with the Diamond Farming actions for all
12 purposes.

13 9. By virtue of the location of the Property overlying
14 groundwater in The Aquifer, plaintiff holds an overlying water
15 right to groundwater from The Aquifer, entitling plaintiff to
16 extract groundwater from The Aquifer and to put the water to
17 reasonable and beneficial use on the Property (Plaintiff's
18 overlying water right).

19 10. Plaintiff is informed and believes, and on the basis of
20 such information and belief alleges, that each of the defendants
21 currently extracts groundwater from The Aquifer for use on property
22 not overlying The Aquifer, for use on property that the defendant
23 does not own, and/or for some other non-overlying use.

24 11. Any reasonable and beneficial overlying use of
25 groundwater is superior in right to any non-overlying use.

26 Therefore, plaintiff's overlying water right is superior to any

1 rights defendants may have to take groundwater from The Aquifer for
2 non-overlying use.

3 12. Plaintiff is informed and believes, and on the basis of
4 such information and belief alleges, that each defendant claims
5 that it has water rights to extract groundwater from The Aquifer
6 for non-overlying use that are superior to, or coequal with,
7 plaintiff's overlying water right, based on a claim of prescription
8 or other claim in law or equity.

9 13. Plaintiff is informed and believes, and on the basis of
10 such information and belief alleges, that the claim of each
11 defendant to superior or coequal rights to extract and use
12 groundwater from The Aquifer is without basis in law.

13 14. The quantity of superior or coequal rights that each
14 defendant claims is unknown to plaintiff.

15 15. Plaintiff seeks to quiet title to the superior priority
16 of plaintiff's overlying water right against the claims of each
17 defendant to a superior or coequal right to extract and use
18 groundwater from The Aquifer for non-overlying use.

19 16. The determination is sought as of the date of filing of
20 this complaint.

21 WHEREFORE, plaintiff prays for judgment against defendants,
22 and each of them, as follows:

23 1. For a determination that plaintiff's present and future
24 right to extract groundwater from The Aquifer and put it to
25 reasonable and beneficial use on the Property is superior in
26 priority to any rights of each of the defendants to extract and use

1 groundwater, other than for reasonable and beneficial overlying use
2 upon any land such defendant owns which overlies The Aquifer;

3 2. For a determination that plaintiff retains the full
4 range of remedies available to secure and protect plaintiff's
5 overlying water right;


6 3. For an award of reasonable attorney's fees and costs of
7 suit; and

8 4. For such other and further relief as the court deems
9 just and proper.

10 DATED: January 25th, 2001

11 CLIFFORD & BROWN

12
13
14 By

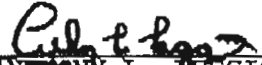

15 RICHARD G. ZIMMER
16 Attorneys for Plaintiff
17 WM. BOLTHOUSE FARMS, INC.,
18 a Michigan corporation
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VERIFICATION TO COMPLAINT

I, ANTHONY L. LEGGIO, am the attorney representing the Plaintiff in the above-entitled action. The plaintiff is absent from Kern County and is unable to verify. In accordance with California Code of Civil Procedure §446, I have read the foregoing Complaint to Quiet Title and know the contents thereof. The same is true of my own knowledge, except as to those matters to be stated on information and belief, and as to those matters, I believe it to be true.

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

EXECUTED this 25 day of January, 2001, at Bakersfield, California.


ANTHONY L. LEGGIO

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)		TELEPHONE NO.	FOR COURT USE ONLY	
CLIFFORD AND BROWN 1430 TRUXTUN AVENUE SUITE 900 BAKERSFIELD CA 93301		322-6023	FILED SUPERIOR COURT OF RIVERSIDE COUNTY FEB 13 2001 I. SIRACUSA	
ATTORNEY FOR (NAME)		Ref. No. or File No.		
Insert name of court and name of judicial district and branch court, if any.				
RIVERSIDE SUPERIOR COURT 4050 MAIN ST. RIVERSIDE, CA. 92501				
SHORT TITLE OF CASE:				
WM. BOLTHOUSE V. CITY				
036727	DATE:	TIME:	DEPT./DIV.	CASE NUMBER: 353840

PROOF OF SERVICE

1. AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED COPIES OF THE:

SUMMONS; COMPLAINT; NOTICE OF MOTION AND TRIAL DEPT. ASSIGNMENT
AND STIPULATION TO CONSOLIDATE RELATED ACTIONS

2. a. PARTY SERVED: LOS ANGELES COUNTY WATER WORKS
DISTRICT NO. 40
- b. PERSON SERVED: MICHAEL SANCHEZ TITLE: AUTH TO ACCEPT
- c. ADDRESS: 900 S. FREMONT AVENUE
10TH FLOOR
ALHAMBRA CA 91803
3. I SERVED THE PARTY NAMED IN ITEM 2
- a. BY PERSONALLY DELIVERING THE COPIES ON 01/31/01 AT 2:50 PM

4. THE "NOTICE TO THE PERSON SERVED" WAS COMPLETED AS FOLLOWS:

ON BEHALF OF: LOS ANGELES COUNTY WATER WORKS
DISTRICT NO. 40
UNDER OTHER: A PUBLIC ENTITY (CCP 416.50)

5. PERSON SERVING: JACQUELYN LOVEJOY FEE FOR SERVICE:\$ 50.00
CONFORMS TO JUDICIAL COUNCIL FORM #982 (a) (23)

2020 17th STREET
BAKERSFIELD, CALIFORNIA 93301
(805) 634-9071 • FAX (805) 634-9621



**NIGHTHAWK
PROCESS SERVICE**
"LICENSED & BONDED"
P.O. BOX 1923
BAKERSFIELD, CA 93303

- d. Registered California process server
(1) ☒ Employee or independent contractor
(2) Registration No. 110
(3) County: Kern

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

Date: February 2, 2001

SIGNATURE