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Government Code § 6103

Attorneys for
Antelope Valley Watermaster

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

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

**ANTELOPE VALLEY
GROUNDWATER CASES**

AND ALL RELATED ACTIONS

Judicial Council Coordination
Proceeding No. 4408

LASC Case No.: BC 325201

Santa Clara Court Case No. 1-05-CV-049053

Assigned for all purposes to:
Hon. Jack Komar

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF ANTELOPE VALLEY
WATERMASTER'S REPLY IN SUPPORT
OF MOTION FOR MONETARY,
DECLARATORY AND INJUNCTIVE
RELIEF AGAINST ANNETTE MOORE
AND BENNIE E. MOORE**

*[Filed concurrently with Reply in support of
Motion]*

Hearing:

Date: March 28, 2025

Time: 9:00 a.m.

Dept: By Courtcall

1 In accordance with Evidence Code Sections 452 and 453, and Rule of Court 3.1306(c), the
2 Antelope Valley Watermaster (“Watermaster”) respectfully requests that the Court take judicial
3 notice of the following documents¹ in support of the Watermaster’s Reply in support of Motion for
4 Monetary, Declaratory and Injunctive Relief:

5 1. Letter filed by Respondents Annette Moore and Bennie E. Moore (collectively,
6 “Respondents”) in the above-captioned action on August 11, 2014 under Dkt. No. 9089. Judicial
7 notice of this document is warranted under Evidence Code sections 452(d) and 453, and Rule of
8 Court 3.1306, because it is a record of a court of this state. A true and correct copy of this document
9 is attached hereto as **Exhibit A**.

10 2. Letter filed by Respondents in the above-captioned action on September 3, 2014
11 under Dkt. No. 9214. Judicial notice of this document is warranted under Evidence Code sections
12 452(d) and 453, and Rule of Court 3.1306, because it is a record of a court of this state. A true and
13 correct copy of this document is attached hereto as **Exhibit B**.

14 3. Answer filed by Respondents in the above-captioned action on September 3, 2014
15 under Dkt. No. 9215. Judicial notice of this document is warranted under Evidence Code sections
16 452(d) and 453, and Rule of Court 3.1306, because it is a record of a court of this state. A true and
17 correct copy of this document is attached hereto as **Exhibit C**.

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27 ¹ The Court should note that, although the documents attached hereto are not stamped filed by
28 the Clerk of Court, they were obtained from the only available source for pleading filed in this case,
i.e., the Glotrans portal for the Antelope Valley adjudication available at
<https://www.avwatermaster.org/>.

4. Cross-Complaint filed by Respondents in the above-captioned action on September 3, 2014 under Dkt. No. 9216. Judicial notice of this document is warranted under Evidence Code sections 452(d) and 453, and Rule of Court 3.1306, because it is a record of a court of this state. A true and correct copy of this document is attached hereto as **Exhibit D**.

Respectfully submitted,

Dated: March 21, 2025

PRICE, POSTEL & PARMA LLP

By: CRAIG A. PARTON
CAMERON GOODMAN
JEFF F. TCHAKAROV
Attorneys for
Antelope Valley Watermaster

Exhibit A

Antelope Valley – Adjudication


Attn: Rowena Walker

August 4, 2014

To whom it may concern:

Honorable Jack C. Komar, and various parties known as the Antelope Valley. Our names are Bennie E. Moore and Annette Moore. We returned home on July 8th and found what we believe to be a summons from a law firm, Best Best and Krieger . We have owned our property for approximately 17 years. This has been our dream to have family farm and business. We are the third owners since it was sold by Southern Pacific Land Company. We were given all rights and privileges that Southern Pacific Land Company had. We have talked to Union Pacific Railroad-Land Company, whom is the owners of Southern Pacific Railroad and Land Company now. We were told by Union Pacific Railroad that we have one of the very few land deeds that were sold with all mineral and water rights because of the Rail Road Acts. Of the U.S. Supreme counts. We further believe that very little if any of our water comes from the aquifer, but from the foothills of the Sierra Pelona Mountains, San Gabriel Mountains and some through the San Andreas Fault. We boarder the mountains and feel we should not be considered in the basin. Please look at exhibit B. There are six pages that come with this letter. We have four water wells, domestic and irrigation. We would be considered as a large pumper. Being in the small pumper's class would not have given us enough water for the needs we have. We were never told about the Farmers lawsuit-big pumper club, although we are members of the Farm Bureau, I Bennie E. Moore am on the board of the FSA (Farm Service Administration). There has not been any talk of the adjudication law suit for large or small pumpers. We have twenty-eight plus acres. Our APN is 3278-019-017. Our address is 24715 West Avenue C-15, Lancaster CA 93536. We have first water rights before all.

Thank You,


Bennie E. Moore and Annette Moore

Email: bmostractors@aol.com

Home Phone Number: 661-724-9277

Cell Number: 661-492-6150

Mailing Address:

48141 Three Points Rd

Lake Hughes, Ca 93532

Exhibit B

(Antelope Valley – Adjudication)

Attn: Rowena Walker

August 4, 2014

To whom it may concern:

Honorable Jack C. Komar, and various parties known as the Antelope Valley. Our names are Bennie E. Moore and Annette Moore. We returned home on July 8th and found what we believe to be a summons from a law firm, Best Best and Krieger . We have owned our property for approximately 17 years. This has been our dream to have family farm and business. We are the third owners since it was sold by Southern Pacific Land Company. We were given all rights and privileges that Southern Pacific Land Company had. We have talked to Union Pacific Railroad-Land Company, whom is the owners of Southern Pacific Railroad and Land Company now. We were told by Union Pacific Railroad that we have one of the very few land deeds that were sold with all mineral and water rights because of the Rail Road Acts. Of the U.S. Supreme counts. We further believe that very little if any of our water comes from the aquifer, but from the foothills of the Sierra Pelona Mountains, San Gabriel Mountains and some through the San Andreas Fault. We boarder the mountains and feel we should not be considered in the basin. Please look at exhibit B. There are six pages that come with this letter. We have four water wells, domestic and irrigation. We would be considered as a large pumper, Being in the small pumper's class would not have given us enough water for the needs we have. We were never told about the Farmers lawsuit-big pumper club, although we are members of the Farm Bureau, I Bennie E. Moore am on the board of the FSA (Farm Service Administration). There has not been any talk of the adjudication law suit for large or small pumpers. We have twenty-eight plus acres. Our APN is 3278-019-017. Our address is 24715 West Avenue C-15, Lancaster CA 93536. We have first water rights before all.

Thank You,


Annette Moore
Bennie E. Moore and Annette Moore

Email: bmostractors@aol.com

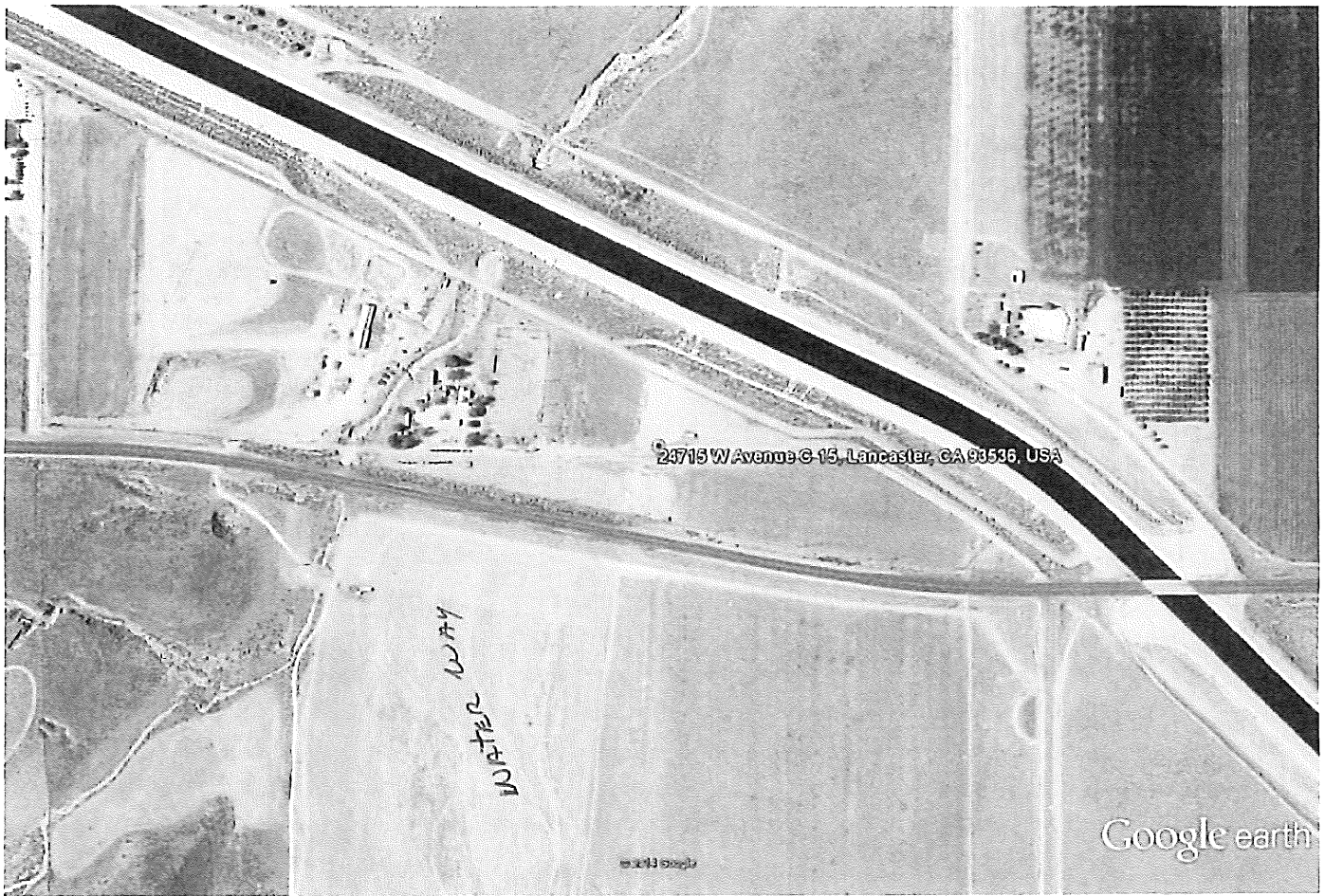
Home Phone Number: 661-724-9277

Cell Number: 661-492-6150

Mailing Address:

48141 Three Points Rd

Lake Hughes, Ca 93532



Google earth

feet
meters

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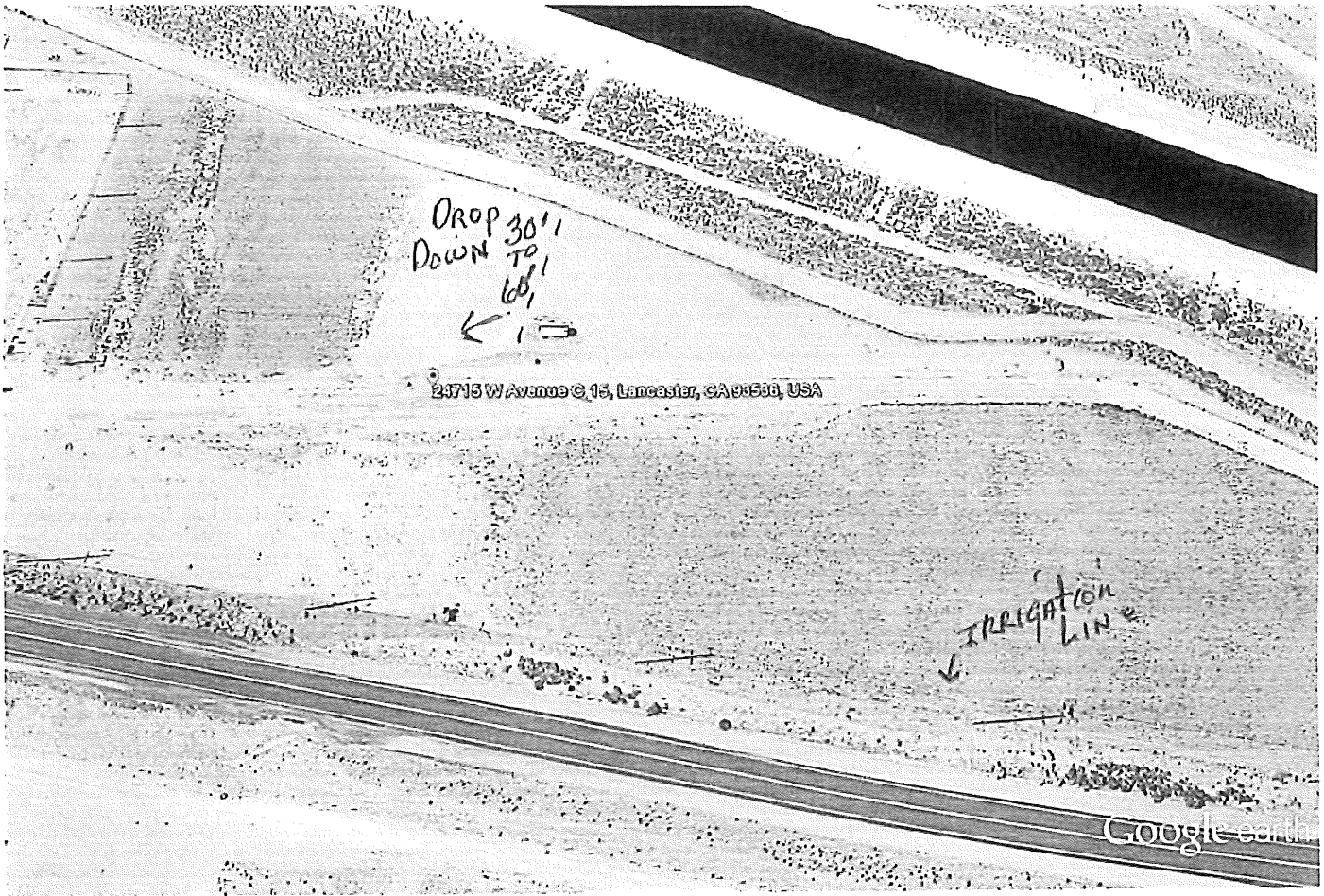
Exhibit B

24825 W. AVE D
LANCASTER CA. 93536

BENNIE AND ANNETTE MOORE.

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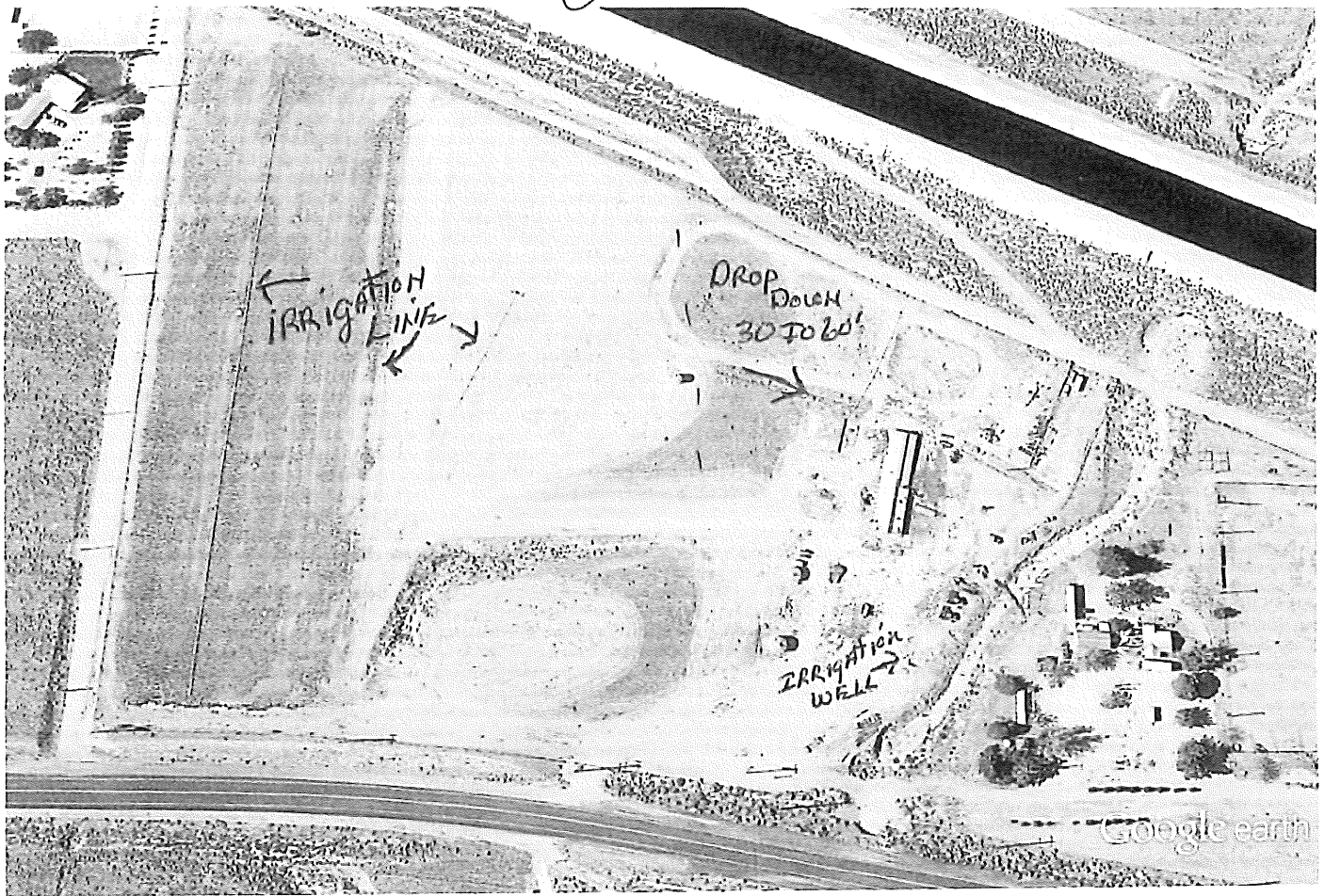
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Exhibit B

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IV



Google earth

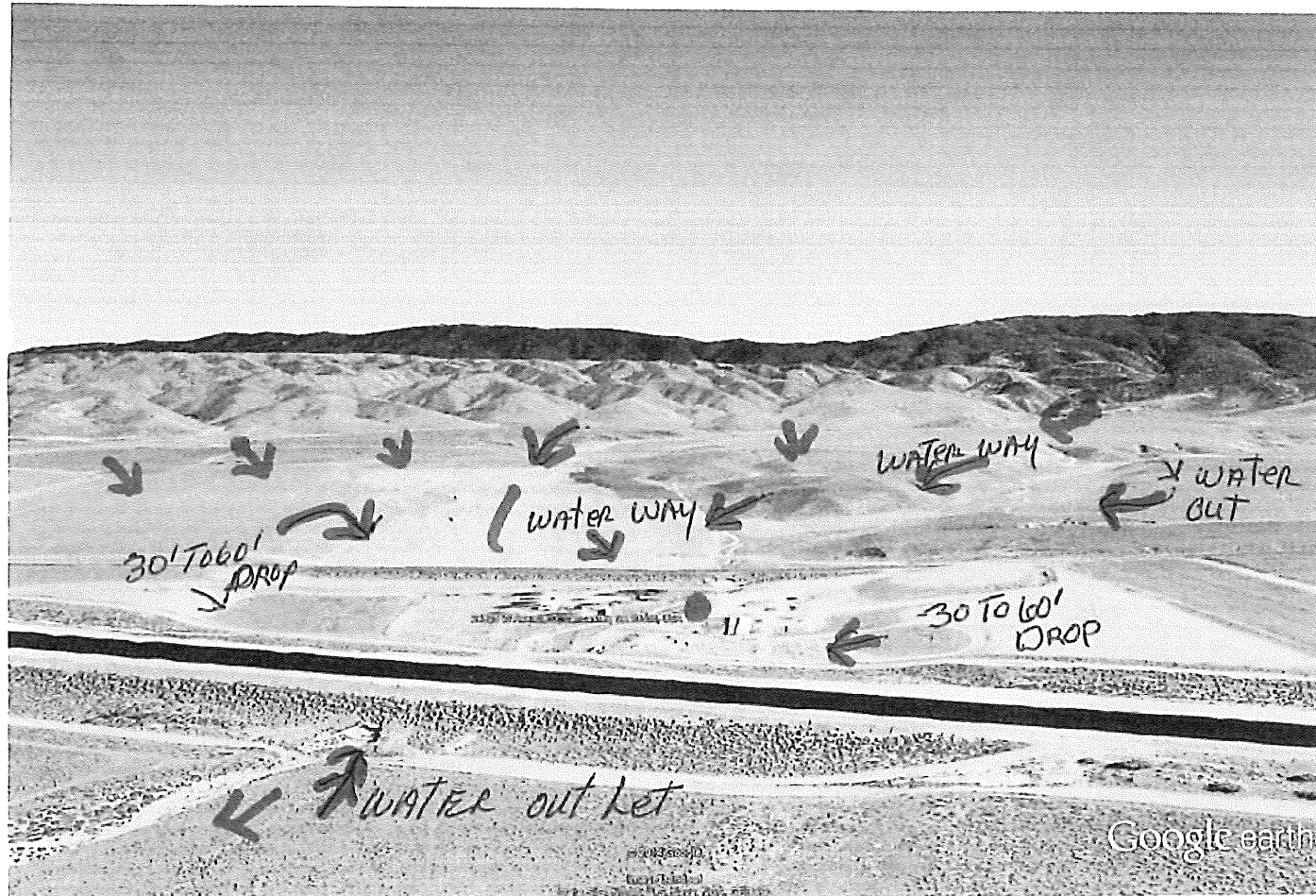
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Exhibit B

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Google earth

feet 400
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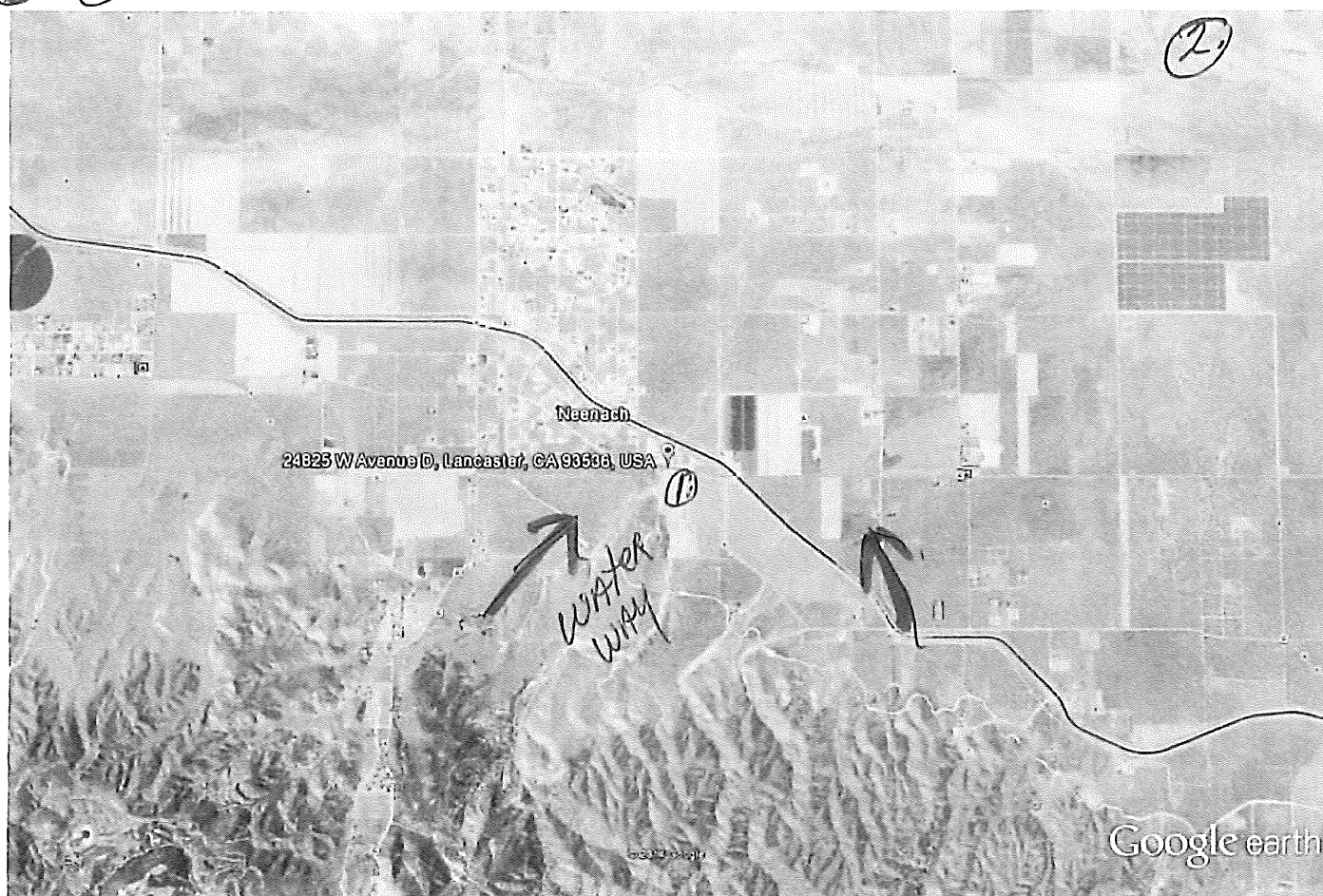
EXHIBIT B

24825 W. AVE. D

FIRST SETTLERS in the Valley
THEY know what they were
doing, this is where the water is.

BENNETT AND ANNETTE MOORE

④



Google earth

miles 4
km 6

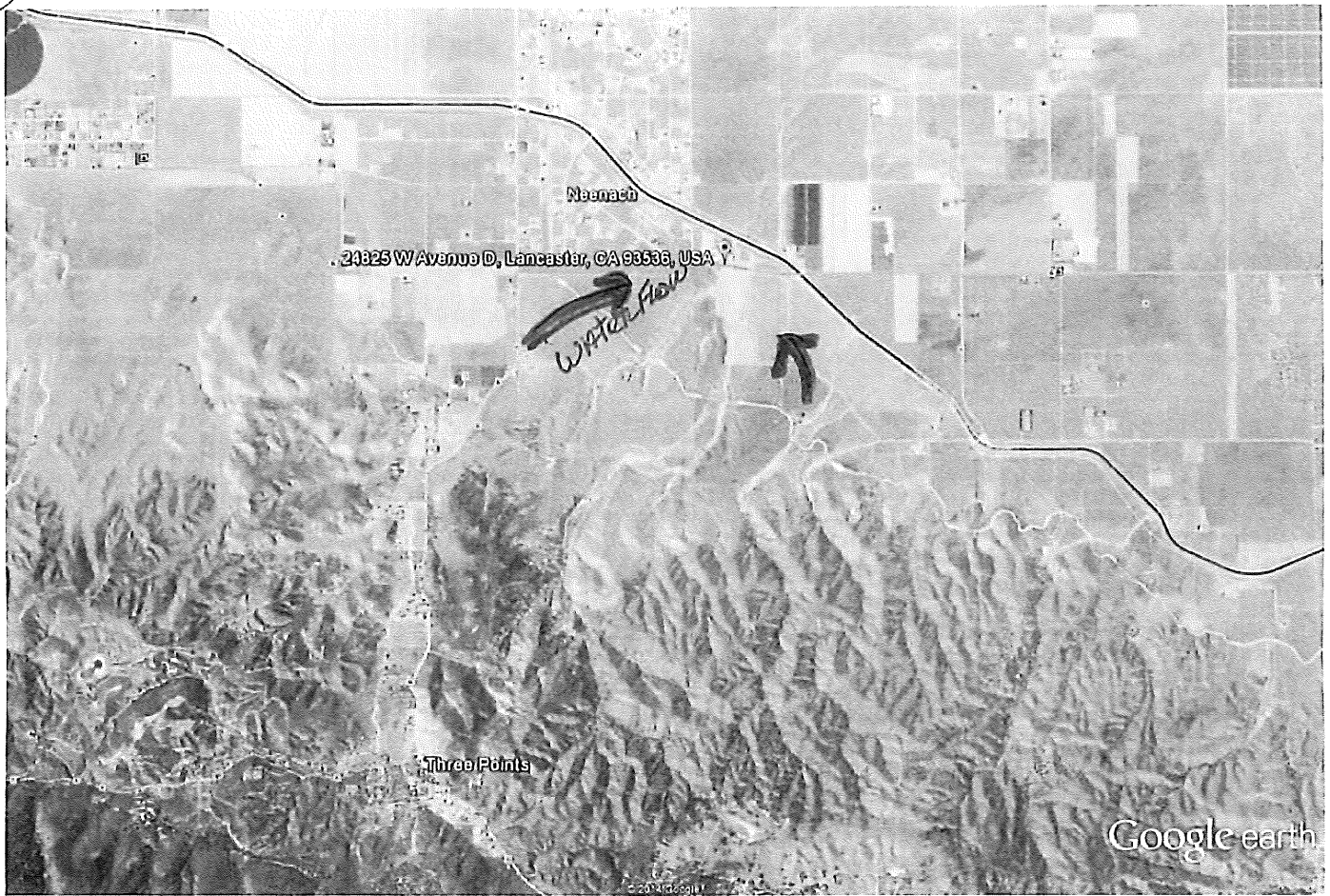
Exhibit B

24825 W. AVE D
LANCASTER CA. 93536

As you can see the water ways
From the Foot Hills. This is the
Reason the Setlers moved to
this location First. The Terrain
Ran Just Right to Resieve water;
From springs, snow on Hills, and the
Sandra Fault. The water at
Location 1, is not the water From
Location 2, Also the Elevation
is of grate different. This can
Be proven by a simple Test.

Bennie Moore
Annette Moore

(A) (S)



Google earth

miles
km



Exhibit B

BENNIE AND ANNETTE MOORE

Exhibit C

1 Bennie E. Moore
2 Annette Moore
3 48141 N. 3 Points Road
4 Lake Hughes, CA 93532
5 email bmostractors@aol.com
6 661-724-9277
7 661-724-9277 Fax

8 Bennie E. Moore & Annette Moore,, in propria persona
9 Cross-defendants and Cross-Complainants.

10 *****

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13
14 FOR THE COUNTY OF LOS ANGELES

15 ANTELOPE VALLEY GROUNDWATER
16 CASES

17) Judicial Council Coordination Proceeding
18) No. 4408

19 Included Actions:

20)
21) **Santa Clara Case NO. 1-05-CV-049053**
22) Assigned to The Honorable Jack Komar

23 Los Angeles County Waterworks District No.
24 40 v. Diamond Farming Co. Superior Court of
25 California County of Los Angeles, Case No.
26 BC 325 201 Los Angeles County Waterworks
27 District No. 40 v. Diamond Farming Co.
28 Superior Court of California, County of Kern,
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. Superior
Court of California, County of Riverside,
consolidated actions., Case No. RIC 353 840,
RIC 344 436, RIC 344 668,

29)
30) **ANSWER TO THE COMPLAINT AND ALL**
31) **CROSS-COMPLAINANTS**

32 Bennie E. Moore & Annette Moore

33 **Cross-Complainants,**

34 vs.

35 Los Angeles County Waterworks District No.
36 40, Palmdale Water District, The City of
37 Palmdale, City of Lancaster, Littlerock Creek
38 Irrigation District, Palm Ranch Irrigation
39 District, Quartz Hill Water District, California
40 Water Service Company, Rosamond
41 Community Services District, Antelope Valley
42 East Kern Water District, County Sanitation
43 Districts Nos. 14 and 20, DOES 1 through
44 100;

1
2 **Cross-Defendants.** }

3
4 Bennie E. Moore & Annette Moore hereby answer the Complaint and all
5 Cross-Complaints' 1 which have been filed as of the date of filing this Answer,
6 specifically this of the Antelope Valley East-Kern Water Agency, City of
7 Palmdale, Palmdale Water District & Quartz Hill Water District, Rosamond
8 Community Services District and Waterworks District No. 40 of Los Angeles
9 County.
10
11
12

13 **GENERAL DENIAL**

- 14 1. Pursuant to Code of Civil Procedure section 431.30(d), Cross Defendants hereby
15 generally deny each and every allegation set forth in any of the Complaints or
16 Cross-Complaints¹, and the whole thereof, and further deny that Complainants or
17 Cross-Complainants are entitled to any relief against Cross-Defendants.
18

19 **AFFIRMATIVE DEFENSES**

20 **First Affirmative Defense**

21 (Failure to State a Cause of Action)

- 22 2. The Cross-Complaints and every purported cause of action contained therein fail
23 to allege sufficient to constitute a cause of action against Cross-Defendants.
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28 ¹ Neither Bennie E. Moore, nor Annette Moore have been named in any of the Complaints.

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1 **Seventh Affirmative Defense**

2 (California Constitution Article X, Section 2)

3 8. Cross-Complainants methods of water use and storage are unreasonable
4 and wasteful in the arid conditions of the Antelope Valley and thereby
5 violate Article X, section 2 of the California Constitution.



19 **24825 West Avenue D, Lancaster, CA from 11727 feet including 171 sold as of**
20 **5.24.2013**

21 **Eighth Affirmative Defense**

22 (Additional Defenses)

23 9. The Cross-Complaints do not state their allegations with sufficient clarity to
24 enable Cross-Defendants to determine what additional defenses may exist to Cross-Complainants
25 cause of action. Cross-Defendants therefore reserve the right to assert all other defenses which
26 may pertain to the Cross-Complainant.

1 **Ninth Affirmative Defense**

2 10. The prescriptive claims asserted by governmental entity Cross-Complainants are
3 *ultra vires* and exceed the statutory authority by which each entity may acquire property as set
4 forth in Water Code section 22456, 31040 and 55370.
5

6 **Tenth Affirmative Defense**

7 11. The prescriptive claims asserted by governmental entity Cross-Complainants are
8 barred by the provisions of Article I Section 19 of the California Constitution.
9 //

10 **Eleventh Affirmative Defense**

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

15 **Twelfth Affirmative Defense**

16 13. Cross-Complainants prescriptive claims are barred due to their failure to take
17 affirmative steps that were reasonably calculated and intended to inform each overlying
18 landowner of Cross-Complainants' adverse and hostile claim as required by the due process
19 clause of the 5th and 14th Amendment of the United States Constitution.
20
21

22 **Thirteenth Affirmative Defense**

23 14. The prescriptive claims asserted by governmental entity Cross-Complaints are
24 barred by the provisions of Article I Section 7 of the California Constitution.
25

26 **Fourteenth Affirmative Defense**

27 15. The prescriptive claims asserted by governmental entity Cross-Complainants are
28 barred by the provisions of the 5th and/or 14th Amendments to the United States Constitution.

1
2 **Fifteenth Affirmative Defense**

3 16. The governmental entity Cross-Complainants were permissively pumping at all
4 times.

5
6 **Sixteenth Affirmative Defense**

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

9
10 **Seventeenth Affirmative Defense**

11 18. Each Cross-Complainant is barred from recovery under each and every cause of
12 action contained in the Cross-Complainants by the doctrine of unclean hands and/or unjust
13 enrichment.

14
15
16 **Eighteenth Affirmative Defense**

17 19. The Cross-Complainants are defective because it fails to name indispensable
18 parties in violation of California Code of Civil Procedure Section 389 (a).

19
20 **Nineteenth Affirmative Defense**

21 20. The governmental entity Cross-Complainants are barred from taking, possessing
22 or using Cross-Defendants' property without first paying just compensation (United States
23 Constitution, Amendment 5; Article I Section 19 of the California Constitution; California Code
24 of Civil Procedure Section 1263.0109a)).

25
26 **Twentieth Affirmative Defense**

27 21. The governmental entity Cross-Complainants are seeking to transfer water right
28 priorities and water usage which will have significant effect on Antelope Valley Groundwater

1 basin and the Antelope Valley. Said actions are being done without complying with and contrary
2 to the provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).
3

4 **Twenty- First Affirmative Defense**

5 22. The governmental entity Cross-Complainants seek judicial ratification of a project
6 that has had and will have a significant effect on the Antelope Valley Groundwater Basin and the
7 Antelope Valley that was implemented without providing notice in contravention of the
8 provisions of California's Environmental Quality Act (CEQA) (Pub.Res.C. 2100 *et seq.*).
9

10 **Twenty- Second Affirmative Defense**

11 23. The thirty acres, known as 24715 West Avenue C-15 or 24825 West Avenue D,
12 Lancaster, CA 93536 is owned by these cross-defendants, who are fee owners of said property,
13 including all oil, gas, mineral and water rights without reservation – deeded by the United States
14 of America in fee simple to Southern Pacific Railroad (aka, Union Rail Road) who then deeded
15 the property to the first settlers, Eddie Bittick and Bertha Bittick, then to H.W. Hunter, and then
16 to Bennie E. Moore and Annette Moore.

17 At the time Southern Pacific Railroad (aka, Union Rail Road) deeded the property, they
18 had won a lawsuit against the federal government declaring Southern Pacific Railroad (aka,
19 Union Rail Road) had received title without reservation, in fee simple, with full mineral and
20 water rights.

21 **Twenty-Third Affirmative Defense**

22 24. The thirty acres, known as 24715 West Avenue C-15 or 24825 West Avenue D,
23 Lancaster, CA 93536 is or should be outside of the basin sought to be adjudicated here.

24 **Twenty- Fourth Affirmative Defense**

25 25. The thirty acres, known as 24715 West Avenue C-15 or 24825 West Avenue D,
26 Lancaster, CA 93536 is also has riparian rights as a natural drainage course, thirty feet lower
27 than the surrounding properties. Said riparian rights have established the thirty acres, known as
28

1 24715 West Avenue C-15 or 24825 West Avenue D, Lancaster, CA 93536 as superior to all
2 other downstream users.

3 **Twenty-Fifth Affirmative Defense**

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

6 **Twenty-Sixth Affirmative Defense**

7 27. Any imposition by this court of a proposed physical solution that reallocates the
8 water right priorities and water usage within the Antelope Valley or within Quail Valley will be
9 *ultra vires* as it will be subverting the pre-project legislative requirements and protections of
10 California's Environmental Quality Act (CEQA) (Public Resource Code sections 2100 et. seq.).
11 known as 24715 West Avenue C-15 or 24825 West Avenue D, Lancaster, CA 93536 is or should
12 be outside of the basin sought to be adjudicated here.

13
14 WHEREFORE, Cross-Defendants pray that judgment be entered as follows:

- 15 1. That Complainants and Cross-Complainants take nothing by reason of their
16 Cross-Complaints;
- 17 2. That the Complaints and Cross-Complaints be dismissed with prejudice;
- 18 3. For Cross-Defendants costs incurred herein;
- 19 4. For Attorney's fee pursuant to 42 USC, 1988; and
- 20 5. For such other and further relief as the Court deems just and proper.

21 Dated: August __, 2014

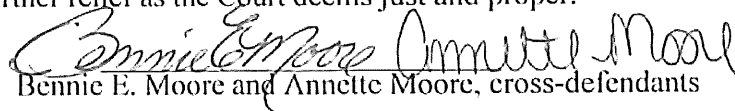

Bennie E. Moore and Annette Moore, cross-defendants

Exhibit D

1 Bennie E. Moore
Annette Moore
2 48141 N. 3 Points Road
Lake Hughes, CA 93532
3 email bmostractors@aol.com
661-724-9277
4 661-724-9277 Fax

5 Bennie E. Moore & Annette Moore,, in propria persona
Cross-defendants and Cross-Complainants.

6 *****

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 ANTELOPE VALLEY GROUNDWATER) Judicial Council Coordination Proceeding
CASES) No. 4408

11 Included Actions:

) **Santa Clara Case NO. 1-05-CV-049053**
) Assigned to The Honorable Jack Komar

12 Los Angeles County Waterworks District No.)
13 40 v. Diamond Farming Co. Superior Court of)
California County of Los Angeles, Case No.)
14 BC 325 201 Los Angeles County Waterworks)
District No. 40 v. Diamond Farming Co.)
15 Superior Court of California, County of Kern,)
Case No. S-1500-CV-254-348 Wm. Bolthouse)
16 Farms, Inc., v. City of Lancaster Diamond)
Farming Co. v. City of Lancaster Diamond)
17 Farming Co. v. Palmdale Water Dist. Superior)
Court of California, County of Riverside,)
18 consolidated actions., Case No. RIC 353 840,)
RIC 344 436, RIC 344 668,)

19
20 Bennie E. Moore & Annette Moore, in propria
persona

21 **Cross-Complainants,**

22 vs.

23 Los Angeles County Waterworks District No.)
24 40, Palmdale Water District. The City of)
Palmdale, City of Lancaster, Littlerock Creek)
25 Irrigation District, Palm Ranch Irrigation)
District, Quartz Hill Water District, California)
26 Water Service Company, Rosamond)
Community Services District, Antelope Valley)
27 East Kern Water District, County Sanitation)
28 Districts Nos. 14 and 20, ROES 1 to1000;

1 (aka, Union Rail Road) who then deeded the property to the first settlers, Eddie Bittick and
2 Bertha Bittick, then to H.W. Hunter, and then to Bennie E. Moore and Annette Moore.



16 (24825 West Avenue D, Lancaster, CA 93536 as depicted by Google Earth on May 24,
17 2013 from 4299 feet above sea level (elevation 2951).

19 At the time Southern Pacific Railroad (aka, Union Rail Road) deeded the property, they
20 had won a lawsuit against the federal government declaring Southern Pacific Railroad (aka,
21 Union Rail Road) had received title without reservation, in fee simple, with full mineral and
22 water rights.

23 3. Cross-Complainants are informed and believe and thereon allege that the Los
24 Angeles County Waterworks District No. 40 is a public agency which extracts water from and
25 provides water to customers located within the geographical boundaries of the Basin.

26 4. Cross-Complainants are informed and believe the thereon allege that Palmdale
27 Water District is a public agency which extracts water from and provides water to customers
28 located within the geographical boundaries of the Basin.

1 5. Cross-Complainants are informed and believe and thereon allege that The City of
2 Palmdale is a municipal corporation located in the County of Los Angeles.

3 6. Cross-Complainants are informed and believe and thereon allege that the city of
4 Lancaster is a municipal corporation located within the County of Los Angeles, and within the
5 geographic boundaries of the Basin.

6 7. Cross-Complainants are informed and believe and thereon allege that Littlerock
7 Creek Irrigation District is a public agency which provides water to customers located within the
8 geographic boundaries of the Basin and which extracts water from the Basin.

9 8. Cross-Complainants are informed and believe and thereon allege the Palm Ranch
10 Irrigation District is a public agency which provides water to customers located within the
11 geographic boundaries of the Basin and which extracts water from the Basin.

12
13 9. Cross-Complainants are informed and believe and thereon allege the Quartz Hill
14 Water District is a public agency which provides water to customers located within the
15 geographic boundaries of the Basin and which extracts water from the Basin.

16
17 10. Cross-Complainants are informed and believe and thereon allege that California
18 Water Service Company is a California corporation which provides water to customers located
19 within the geographic boundaries of the Basin and which extracts water from the Basin.

20
21 11. Cross-Complainants are informed and believe and thereon allege that Rosamond
22 Community Services District is a public agency which provides water to customers located
23 within the geographic boundaries of the Basin and which extracts water from the Basin.

24
25 12. Cross-Complainants are informed and believe and thereon allege that Antelope
26 Valley East Kern Water District ("AVEK") is a public agency which provides imported water to
27 customers located within the geographic boundaries of the Basin.

13. Cross-Complainants are informed and believe and thereon allege that County Sanitation Districts Nos. 14 and 20 of Los Angeles County (“Sanitation Districts”) are independent special districts that serve, among other things, the wastewater treatment and reclamation needs of Los Angeles County.

14. Cross-Complainants are presently unaware of whether other parties in the adjudication assert claims adverse to Cross-Complainants rights as overlaying landowners or whether there are parties not involved in the adjudication who may assert claims adverse to Cross-Complainants. Cross- Defendants Does 1-100 include any party, other than the Cross-Defendants specifically named herein, who assert claim adverse to Cross-Complainants rights as overlaying landowners. Since Cross-Complainants are unaware of the true names and identities of Does 1-100, Cross-Complainants hereby sue them by such fictitious names and will seek leave to amend this Cross-Complaint to add their true names and capacities when they are ascertained.

FACTUAL ALLEGATIONS

15. The Antelope Valley is a topographically closed watershed in the Western part of the Mojave Desert, about 50 miles northeast of Los Angeles. Dry lake beds have formed at the 'bottom' of the Valley which are currently used as runways by Edwards Air Force Base. Also contained in the Valley is a large alluvial groundwater basin ("Basin").

16. The Antelope Valley is situated at a cross-roads of major water supply infrastructure that serves the entire Los Angeles area: the East Branch of the State Water Project runs along the entire Southern side of the Valley and the Los Angeles aqueduct runs along the Northeast side of the Valley.

The thirty acres, known as 24715 Avenue C-15 or 24825 West Avenue D, Lancaster, CA 93536 also has riparian rights as a natural drainage course, thirty to sixty feet lower than the surrounding properties. Said riparian rights have established the thirty acres, known as 24715

1 Avenue C-15 or 24825 West Avenue D, Lancaster, CA 93536 as superior to all other
2 downstream users.
3

4 17. The Basin contains a large amount of vacated underground space which can be
5 used for the storage of water. Cross-Complainants are informed and believe that there is as much
6 as eight million acre-feet of available storage capacity in the Basin. Utilization of this storage
7 capacity will be an essential component to the resolution of the water supply issues in the
8 adjudication. This storage capacity, in combination with the ready access to water transportation
9 infrastructure, also presents the risk that the resources of the Antelope Valley could be used to
10 serve interests outside the Valley in a manner that does not contribute to a solution to the
11 problems of the Valley.
12

13 **CONTROVERSY**

14

15 18. Cross-Complainants are informed and believe, and thereon allege, that there are
16 conflicting claims of rights to the water resources of the Valley, including the water storage
17 capacity of the Basin.
18
19
20

21 **FIRST CAUSE OF ACTION**

22 **(Declaratory Relief Water Rights Against All Cross-Defendants)**

23

24 19. Cross-Complainants re-allege and incorporate by reference each and all of the
25 preceding paragraphs as though fully set forth herein.
26

27 20. An actual controversy has arisen between Cross-Complainants and each of the
28 Cross-Defendants as to the nature, extent, and priority of each party's right to produce

1 groundwater from the Basin. As overlying and riparian landowners, Cross-Complainants allege
2 that their water rights are superior in priority to those of any Cross-Defendants.

3
4 21. On information and belief, Cross-Complainants believe that Cross-Defendants
5 dispute these contentions.

6
7 22. Cross-Complainants seek a declaration and judicial determination as to the
8 validity of their contentions set forth herein, the amount of Basin water to which party is entitled
9 to produce from the Basin and the priority and character of each party's respective rights.

10
11 **SECOND CAUSE OF ACTION**

12 **(Damages Trespass Against All Cross-Defendants Except Sanitation Districts)**

13
14 23. Cross-Complainants re-allege and incorporate by reference each and all of the
15 preceding paragraphs as though fully set forth herein.

16
17 24. On information and belief, each Cross-Defendant alleges that it produces or
18 threatens to produce more water from the Basin than it has a right to produce. Cross-Defendants
19 allege that this production forms the basis for claims of prescriptive rights. To the extent Cross-
20 Defendants fail to prove any element of their claim for prescriptive rights, and to the extent that
21 the alleged production in excess of rights actually occurred, this alleged production of water
22 constitutes a trespass against Cross-Complainants, compensable under the 5th and 14th
23 amendments to the United States Constitution, as well as Civil Code section 52.1.

24
25 25. On information and belief, Cross-Complainants believe that Cross-Defendants
26 dispute these contentions.

1 26. Cross-Complainants request the Court to award monetary damages to compensate
2 for any that may have occurred to Cross-Complainants by Cross-Defendants' trespass in an
3 amount to be determined at trial.
4

5 **THIRD CUASE OF ACTION**
6

7 **(Damages 42 USC § 1983/Taking Against All Cross-Defendants Except Sanitation**
8 **Districts)**
9

10 27. Cross-Complainants re-allege and incorporate by reference each and all of the
11 preceding paragraphs as though fully set forth herein.
12

13 28. On information and belief, each Cross-Defendant alleges that it produces or
14 threatens to produce more water from the Basin than it has a right to produce. Cross-Defendants
15 allege that this production forms the basis for claims of prescriptive rights. To the extent Cross-
16 Defendants fail to prove any element of their claim for prescriptive rights, this alleged
17 production of water constitutes an invasion of Cross-Complainants property interests and is
18 therefore a taking in violation of the Fifth Amendment to the United States constitution.
19

20 29. Every person who, under color of any custom or usage, subjects or causes to be
21 subjected any citizen of the United States to the deprivation of any rights or privileges secured by
22 the Constitution and laws, shall be liable to the party injured in the law. (42 USC § 1983.)
23

24 30. On information and belief, Cross-Complainants believe that Cross-Defendants
25 dispute these contentions.
26
27
28

1 31. Cross-Complainants request the Court to award monetary damages, including
2 attorney's fees, to compensate for any past injury that may have occurred to Cross-
3 Complainants by Cross-Defendants' taking in an amount to be determined at trial.
4

5 **FOURTH CAUSE OF ACTION**
6

7 **(Injunctive Relief Water Rights Against All Cross-Defendants Except Sanitation Districts)**
8

9 32. Cross-Complainants re-allege and incorporate by reference each and all of the
10 preceding paragraphs as though fully set forth herein.
11

12 33. Each Cross-Defendant alleges that it produces or threatens to produce more water
13 from the Basin than it has the right to produce. If allowed to continue, this production in excess
14 of rights will interfere with the right of Cross-Complainants to produce groundwater and will
15 cause injury to Cross-Complainants.
16

17 34. Cross-Complainants have no adequate remedy at law.
18

19 35. On information and belief, Cross-Complainants believe that Cross-Defendants
20 dispute these contentions.
21

22 36. Unless the Court orders that Cross-Defendants cease production of water in
23 excess of their rights, Cross-Complainants will suffer irreparable harm in that the supply of
24 groundwater will become depleted and other undesirable effects will occur.
25

26 **FIFTH CAUSE OF ACTION**
27
28

1 37. Cross-Complainants re-allege and incorporate by reference each and all of the
2 preceding paragraphs as though fully set fourth herein.

3
4 38. An actual controversy has arisen between Cross-Complainants and each of the
5 Cross-defendants as to the priority of each party's right to receive imported water. Agriculture
6 has a long history of water resources use in the Antelope Valley, and the economy of the
7 Antelope Valley is intimately tied to and dependant on agriculture. It has only been with
8 relatively recent increases in municipal demand that the water resources problems of the
9 Antelope Valley have resulted in litigation.

10
11 39. The use of imported water will be a necessity to alleviate the stress on the
12 groundwater Basin. The Court has broad equitable powers under Article X, section 2, to fashion
13 a physical solution for the Antelope Valley that ameliorates impacts associated with the loss of
14 common law water right priorities. If the Court finds that any overlying landowner has lost any
15 portion of its water rights, then one element of the physical solution should be to recognize a
16 priority right of those parties to receive and purchase imported water.

17
18 40. Basin on information and belief, Cross-Complainants believe that Cross-
19 Defendants dispute these contentions.

20
21 41. Cross-Complainants seek a declaration and judicial determination as to the
22 validity of their contentions set forth herein.

23
24 **SIXTH CAUSE OF ACTION**

25
26 42. Cross-Complainants re-allege and incorporate by reference each and all of the
27 preceding paragraphs as though fully set forth herein.

1 43. As an element of their claim for perspective rights, Cross-Defendants allege that
2 their pumping from the Basin is wrongful.

3
4 44. Cross-Complainants seek a judicial determination that any imported water
5 purchased by Cross-Defendants for recharge into the Basin for any purpose, either through direct
6 recharge or through return flows, must first be used to offset Cross-Defendants wrongful
7 pumping from the Basin. Cross-Complainants seek a further judicial declaration that any
8 imported water that has heretofore been purchased by Cross-Defendants and recharged in to the
9 Basin wither through direct recharge or through return flows, must be considered as an offset
10 against any past wrongful pumping by Cross-Defendants from the Basin.

11
12 45. Based on information and belief, Cross-Complainants believe that Cross-
13 Defendants dispute these contentions.

14
15 46. Cross-Complainants seek a declaration and judicial determination as to the
16 validity of their contentions set forth herein.

17
18
19
20
21
22
23 **SEVENTH CAUSE OF ACTION**

24
25 **(Declaratory Relief Waste/ Nuisance Against All Cross-Defendants)**

26
27 47. Cross-Complainants re-allege and incorporate by reference each and all of the
28 preceding paragraphs as though fully set forth herein.

48. The Antelope Valley is a closed hydrologic region. While infrastructure exists to import water to the Valley, there is no infrastructure to export wastes from the Valley. These wastes are primarily the sewage that is the result of the water use of customers of Cross-Defendants. It is an unavoidable feature of the nature of the water use of Cross-Defendants that such wastes will be produced.



49. Based on information and belief, to the extent that wastewater services are provided by entities other than the water service providers, officials from these water service providers compose the governing bodies of the waste disposal entities.

50. Disposal of this waste in to the groundwater Basin has resulted in degradation of groundwater quality and threatens to impair the ability to use portions of the Basin for water supply and storage purposes. Based on information and belief, Cross-Complainants believe that the waste disposal entities allege that there is no way to handle the wastes from the Cross-Defendants except disposal into the Basin.

51. Based on information and belief, Cross-Complainants believe that Cross-Defendants dispute these contentions.

52. Cross-Complainants seek a judicial determination that Cross-Defendants use of water results in an unavoidable degradation of Basin, which, if allowed to continue, will one day render the Basin unusable and that therefore this use constitutes a continuing nuisance and waste in violation of Article X, section 2 of the California Constitution.

EIGHTH CAUSE OF ACTION

(Injunctive Relief Waste Against All Defendants)

53. Cross-Complainants re-allege and incorporate by reference each and all of the preceding paragraphs as though fully set forth herein.

54. Based on information and belief, each Cross-Defendant disposes or allows to be disposed wastewater which is a result of its water use to the detriment of the Basin. On information and belief, Cross-Defendants intend to increase the amount of wastewater that they dispose or allow to be disposed into the Basin. This disposal interferes with the right of Cross-Complainants to produce groundwater.

55. Cross-Complainants have no adequate remedy at law.

56. On information and belief, Cross-Complainants believe that Cross- Defendants dispute these contentions.

57. Unless the Court orders that Cross-Defendants cease disposing of wastewater into the groundwater Basin, Cross-Complainants will suffer irreparable injury because their use of the groundwater Basin for water supply and for water storage purposes will be impaired.

1 **NINTH CAUSE OF ACTION**

2
3 **(Declaratory Relief Waste Against All Cross-Defendants Except Sanitation Districts)**

4
5 58. Cross-Complainants re-allege and incorporate by reference each and all of the
6 preceding paragraphs as though fully set forth herein.
7

8 59. On information and belief, the Cross-Defendants intend to pump and sell water
9 primarily for domestic use. On information and belief, most of this water will be used for outside
10 landscape irrigation. On information and belief, the landscape features irrigated with this water
11 will be non-native plant species unsuited to the arid conditions of the Antelope Valley.
12

13 60. On information and belief, Cross-Complainants believe that Cross-Defendants
14 dispute these contentions.
15

16 61. Cross-Complainants seek a judicial determination that Cross-Defendants use of
17 water in this manner constitutes waste under Article X, section 2 of the California Constitution.
18

19 **TENTH CAUSE OF ACTION**

20
21 **(Declaratory Relief Physical Solution Against All Cross-Defendants)**

22
23 62. Cross-Complainants re-allege and incorporate by reference each and all of the
24 preceding paragraphs as though fully set forth herein.
25

26 63. In order to prevent irreparable injury to Cross-Complainants and other parties, it
27 is necessary and appropriate that the Court exercise and retain continuing jurisdiction to develop
28

1 and enforce a physical solution that protects, manages and conserves the water resources of the
2 Antelope Valley.

3
4 64. The physical solutions for the Valley should include the appointment of a
5 Watermaster that is representative of all interests in the Valley, including landowners. The
6 physical solution should include the establishment of a water transfer program that will permit
7 the transferability of Basin pumping rights between any Basin users.

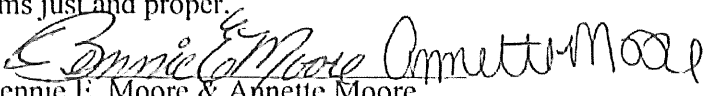
8
9 65. If the physical solution involves groundwater banking, then the physical solution
10 must ensure that the benefits of such banking will be used for the benefit of the Antelope Valley
11 and will be spread equitably amongst all interests in the Valley with proper recognition given to
12 the priority rights of overlying landowners.

13 **Prayer for Relief**

14
15 WHEREFORE, Cross-Complainants pray for judgment as follows:

- 16 1. Judicial declarations consistent with Cross-Complainants' contentions in the First,
17 Fifth, Sixth, Seventh, Ninth and Tenth Causes of Action in this Cross-Complaint.
18 2. Judicial award of damages, including punitive damages, consistent with Cross-
19 Complainants' contentions in the Second and Third Causes of Action in this
20 Cross-Complaint.
21 3. For preliminary and permanent injunctions consistent with the Fourth and Eighth
22 Causes of Action in this Cross-Complaint.
23 4. For prejudgment interests as permitted by law.
24 5. For Attorney, appraisal, and expert witness fees and costs incurred in this action.
25 6. For such relief as the Court deems just and proper.

26 Dated: August __, 2014

27 
Bennie E. Moore & Annette Moore,
28 Cross-defendants and Cross-Complainants, in
propria persona

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA

I am employed in the County of Santa Barbara, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 200 East Carrillo Street, Fourth Floor, Santa Barbara, California 93101.

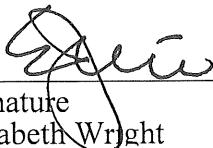
On March 21, 2025, I served the foregoing document described **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF MOTION FOR MONETARY, DEFCLARATORY AND INJUNCTIVE RELIEF AGAINST ANNETTE MOORE AND BENNIE E. MOORE** on all interested parties in this action by placing the original and/or true copy.

☒ **BY ELECTRONIC SERVICE:** I posted the document(s) listed above to the Santa Clara County Superior Court Website @ www.scefilings.org and Glotrans website in the action of the Antelope Valley Groundwater Cases.

☒ (*STATE*) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ (*FEDERAL*) I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on March 21, 2025, at Santa Barbara, California.



Signature
Elizabeth Wright