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Attorneys for Defendant/Cross-Defendant
Littlerock Creek Irrigation District

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

Coordinated Proceeding
Special Title (Rule 1550(b))

) **Judicial Council Coordination**
) **Proceeding No. 4408**
)

ANTELOPE VALLEY GROUNDWATER
CASES

) Santa Clara Case No. 1-05-CV-049053
) Assigned to the Honorable Jack Komar – Dept. 17
)

Included Actions:

) **ANSWER OF CROSS-DEFENDANT**
) **LITTLEROCK CREEK IRRIGATION**
) **DISTRICT TO CROSS-COMPLAINTS OF**
) **PALMDALE WATER DISTRICT AND**
) **QUARTZ HILL WATER DISTRICT**
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Los Angeles County Waterworks District No. 40
v. Diamond Farming Co. Los Angeles County
Superior Court Case No. BC 325201;

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Los Angeles County Waterworks District No. 40
v. Diamond Farming Co., Kern County Superior
Court, Case No. S-1500-CV-234348;

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Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster v.
Palmdale Water District, Riverside County
Superior Court, Consolidated Actions, Case Nos.
RIC 353840, RIC 344436, RIC 344668

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AND RELATED CROSS-ACTIONS

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1 Cross-defendant, LITTLE ROCK CREEK IRRIGATION DISTRICT, (hereinafter "Littlerock
2 Creek"), responds to the allegations of the Cross-Complaint for Declaratory and Injunctive Relief filed by
3 Palmdale Water District ("Palmdale") and Quartz Hill Water District ("Quartz Hill"), as follows:

4 **PRELIMINARY**

5 1. The allegations contained in paragraph 1 through 4, inclusive, of the Cross-Complaint are
6 true.

7 2. In response to the allegations contained in paragraph 5 of the Cross-Complaint, Littlerock
8 Creek denies Palmdale and Quartz Hill have acquired prescriptive rights as against Palm Ranch. Except
9 as denied herein, Littlerock Creek admits the remaining allegations of paragraph 5 of the Cross-
10 Complaint.

11 3. In response to the allegations contained in paragraph 6 of the Cross-Complaint, Littlerock
12 Creek denies Quartz Hill has imported water from outside the watershed and denies Quartz Hill has the
13 right to pump return flow from water it imports. Except as denied herein, Littlerock Creek admits the
14 remaining allegations of paragraph 6 of the Cross-Complaint.

15 4. The allegations contained in paragraph 7 of the Cross-Complaint are true.

16 5. The allegations contained in paragraph 8 are not true.

17 **FIRST CAUSE OF ACTION**

18 6. In response to the allegations contained in paragraph 9 of the Cross-Complaint, Littlerock
19 Creek alleges and incorporates by reference Littlerock Creek's responses to paragraphs 1 through 8,
20 inclusive, of the cross-complaint.

21 7. Littlerock Creek admits the allegations contained in paragraphs 10 and 11 of the Cross-
22 Complaint are true.

23 **SECOND CAUSE OF ACTION**

24 8. In response to the allegations contained in paragraph 12 of the Cross-Complaint, Littlerock
25 Creek alleges and incorporates by reference Littlerock Creek's responses to the allegations in paragraphs 1
26 through 8, inclusive, of the Cross-Complaint.

1 9. Littlerock Creek lacks sufficient information or belief to respond to the allegations of
2 paragraphs 13, 16 and 17 of the Cross-Complaint and on the basis of such lack of information and belief,
3 denies the allegations contained therein.

4 10. Littlerock Creek admits the allegations contained in paragraphs 14 and 15 of the Cross-
5 Complaint are true.

6 **FIRST AFFIRMATIVE DEFENSE**

7 11. Littlerock Creek has a right prior and paramount to the rights of Palmdale and Quartz Hill
8 to pump the portion of the water percolated into the Basin which has been imported by Littlerock Creek
9 through the State Water Project. This right, sometimes referred to as the“right to recapture return flows,”
10 exists as to percolating water which can be identified as return flow, regardless of the length of time since
11 the percolation, regardless of the number of times the water is pumped, and regardless of whether the
12 percolating water is commingled with the waters in the Basin.

13 **SECOND AFFIRMATIVE DEFENSE**

14 12. Littlerock Creek has a prior and paramount right to the rights of Palmdale and Quartz Hill
15 to pump the native waters in the Basin because water and water rights belonging to the State of California
16 within Littlerock Creek have been given, dedicated, and set apart for the use and purposes of Littlerock
17 Creek.

18 **THIRD AFFIRMATIVE DEFENSE**

19 13. Littlerock Creek has an equal right to the rights of Palmdale and Quartz Hill to use the
20 native waters for municipal purposes.

21 **FOURTH AFFIRMATIVE DEFENSE**

22 14. Littlerock Creek has an equal right to the rights of the public entity cross-defendants to the
23 native waters in the Basin by virtue of mutual prescription.

24 **PRAYER**

25 **WHEREFORE,** Littlerock Creek Irrigation District prays for the Court to:

26 1. Declare Littlerock Creek Irrigation District's water rights as equal or paramount to the
27 water rights of Palmdale and Quartz Hill.

2. Award Littlerock Creek Irrigation District costs of suit.
3. Award Littlerock Creek Irrigation District reasonable attorney fees.
4. Impose such further relief as the Court deems appropriate.

DATED: October 11, 2006

LEMIEUX & O'NEILL

By:
WAYNE K. LEMIEUX
Attorney for Cross-Defendant
LITTLEROCK CREEK IRRIGATION DISTRICT

This Answer is deemed verified pursuant to Code of Civil Procedure Section 446.

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I am employed in the County of Ventura, State of California. I am over the age of 18 and not a party to the within action. My business address is 2393 Townsgate Road, Suite 201, Westlake Village, California 91361.

On **October 11, 2006**, I posted the following document(s) to the website <http://www.scefilng.org>, a dedicated link to the Antelope Valley Groundwater Cases:

**OF CROSS-DEFENDANT, LITTLEROCK CREEK
IRRIGATION DISTRICT,
TO CROSS-COMPLAINTS OF
PALMDALE WATER DISTRICT AND
QUARTZ HILL WATER DISTRICT**

Honorable Jack Komar Santa Clara County Superior Court 191 North First Street, Dept. 17C San Jose, CA 95113	By Mail Tel: 508/882-2286 Fax: 408/882-2293 rwalker@scscourt.org
Superior Court of California County of Los Angeles Stanley Mosk Courthouse—Dept. 1, Rm 534 111 North Hill Street Los Angeles, CA 90012	Original Document(s) to be filed at this location.

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

Executed on October 11, 2006, in Westlake Village, California.

LINDA M. STIEGLER