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Attorneys for Defendant/Cross-Defendant
Palm Ranch 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 PALM**
) **RANCH 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, PALM RANCH IRRIGATION DISTRICT, (hereinafter 'Palm Ranch'), responds
2 to the allegations of the Cross-Complaint for Declaratory and Injunctive Relief filed by Palmdale Water
3 District ('Palmdale') and Quartz Hill Water District ('Quartz Hill'), as follows:

4 **PRELIMINARY**

5 1. The allegations contained in paragraphs 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, Palm
8 Ranch denies Palmdale and Quartz Hill have acquired prescriptive rights as against Palm Ranch. Except
9 as denied herein, Palm Ranch admits the remaining allegations of paragraph 5 of the Cross-Complaint.

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

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

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

16 **FIRST CAUSE OF ACTION**

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

20 7. Palm Ranch admits the allegations contained in paragraphs 10 and 11 of the Cross-
21 Complaint are true.

22 **SECOND CAUSE OF ACTION**

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

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

10. The allegations contained in paragraphs 14 and 15 of the Cross-Complaint are true.

FIRST AFFIRMATIVE DEFENSE

11. Palm Ranch has a right prior and paramount to the rights of Palmdale and Quartz Hill to pump the portion of the water percolated into the Basin which has been imported by Antelope Valley East Kern Water Agency through the State Water Project and delivered to Palm Ranch. This right, sometimes referred to as the “right to recapture return flows,” exists as to percolating water which can be identified as return flow, regardless of the length of time since the percolation, regardless of the number of times the water is pumped, and regardless of whether the percolating water is commingled with the waters in the Basin.

SECOND AFFIRMATIVE DEFENSE

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

THIRD AFFIRMATIVE DEFENSE

13. Palm Ranch has an equal right to the rights of Palmdale and Quartz Hill to use the native waters for municipal purposes.

FOURTH AFFIRMATIVE DEFENSE

14. Palm Ranch has an equal right to the rights of the public entity cross-defendants to the native waters in the Basin by virtue of mutual prescription.

PRAAYER

WHEREFORE, Palm Ranch Irrigation District prays for the Court to:

1. Declare Palm Ranch Irrigation District's water rights as equal or paramount to the water rights of Palmdale and Quartz Hill.

2. Award Palm Ranch Irrigation District costs of suit.

3. Award Palm Ranch 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
PALM RANCH IRRIGATION DISTRICT

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

STATE OF CALIFORNIA,)
) ss.
COUNTY OF VENTURA)

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:

Honorable Jack Komar
Santa Clara County Superior Court
191 North First Street, Dept. 17C
San Jose, CA 95113

Superior Court of California
County of Los Angeles
Stanley Mosk Courthouse—Dept. 1, Rm 534
111 North Hill Street
Los Angeles, CA 90012

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

ANSWER OF PALM RANCH IRR. DST. TO PALMDALE & QUARTZ HILL CROSS-COMPLAINT