1	WAYNE K. LEMIEUX (SBN. 43501)	
2	W. KEITH LEMIEUX (SBN. 161850) LEMIEUX & O'NEILL	
3	2393 Townsgate Road, Suite 201 Westlake Village, California 91361	
4	Telephone: (805) 495-4770	
5	Facsimile: (805) 495-2787	
6	Attorneys for Defendant/Cross-Defendant Palm Ranch Irrigation District	
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8	SUDEDIOD COUDT OF TH	IE STATE OF CALIFORNIA
9		
10	IN AND FOR THE COU	INTY OF LOS ANGELES
11	Coordinated Proceeding	Judicial Council Coordination
12	Special Title (Rule 1550(b))	Proceeding No. 4408
13	ANTELOPE VALLEY GROUNDWATER CASES	Santa Clara Case No. 1-05-CV-049053 Assigned to the Honorable Jack Komar – Dept. 17
14	Included Actions:	
15		ANSWER OF CROSS-DEFENDANT PALM
16	Los Angeles County Waterworks District No. 40 ) v. Diamond Farming Co. Los Angeles County	RANCH IRRIGATION DISTRICT TO CROSS-COMPLAINTS OF PALMDALE
17	Superior Court Case No. BC 325201;	WATER DISTRICT AND QUARTZ HILL WATER DISTRICT
18	Los Angeles County Waterworks District No. 40 v. Diamond Farming Co., Kern County Superior	
19	Court, Case No. S-1500-CV-234348;	
20	Wm. Bolthouse Farms, Inc. v. City of Lancaster	
21	Diamond Farming Co. v. City of Lancaster v.   )     Palmdale Water District, Riverside County   )	
22	Superior Court, Consolidated Actions, Case Nos. RIC 353840, RIC 344436, RIC 344668	
23		
24	AND RELATED CROSS-ACTIONS	
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	ANOWER OF PALIVI KAINCH IKK. DS1. 10 PAL	MDALE & QUARTZ HILL CROSS-COMPLAINT

1	Cros	s-defendant, PALM RANCH IRRIGATION DISTRICT, (hereinafter'Palm Ranch), responds
2	-	tions of the Cross-Complaint for Declaratory and Injunctive Relief filed by Palmdale Water
3	District (Pal	mdale') 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 denie	s Palmdale and Quartz Hill have acquired prescriptive rights as against Palm Ranch. Except
9	as denied he	rein, 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 denie	s Quartz Hill has imported water from outside the watershed and denies Quartz Hill has the
12	right to pum	p return flow from water it imports. Except as denied herein, Palm Ranch admits the
13	remaining al	legations 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 allege	es 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 a	re true.
22		SECOND CAUSE OF ACTION
23	8.	In response to the allegations contained in paragraph 12 of the Cross-Complaint, Palm
24	Ranch allege	es and incorporates by reference Palm Ranch's responses to the allegations in paragraphs 1
25	through 8, ir	clusive, of the Cross-Complaint.
26	///	
27	///	
28	LC-PR\Pldg\AnsX	-Compl.Palmdale.PR – 2 –
		VER OF PALM RANCH IRR. DST. TO PALMDALE & QUARTZ HILL CROSS-COMPLAINT

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

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## 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 12 Basin.

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## 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.

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# 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.

# PRAYER

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

26 rights of Palmdale and Quartz Hill.

#### 2. Award Palm Ranch Irrigation District costs of suit.

28 LC-PR\Pldg\AnsX-Compl.Palmdale.PR - 3 -

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

1	3. Award Palm Ranch	Irrigation District reasonable attorney fees.
2	4. Impose such further	relief as the Court deems appropriate.
3	DATED: Ootobor 11, 2006	LEMIEUV & CNEH I
4	DATED: October 11, 2006	LEMIEUX & O'NEILL
5		By:
6		WAYNE K. LEMIEUX Attorney for Cross-Defendant
7		PALM RANCH IRRIGATION DISTRICT
8	This Answer is deemed veri	fied pursuant to Code of Civil Procedure Section 446.
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	ANSWER OF PALM RANCH	IRR. DST. TO PALMDALE & QUARTZ HILL CROSS-COMPLAINT

	PROOF	OF SERVICE
STATE OF CA	ALIFORNIA, )	
COLUMN	) ss.	
COUNTY OF	VENTURA )	
		ara, State of California. I am over the age of 1 siness address is 2393 Townsgate Road, Suite
-	e Village, California 91361.	siness address is 2595 Townsgate Road, Suite
,		
		llowing document(s) to the website the Antelope Valley Groundwater Cases:
ANSWER OF CROSS-DEFENDANT, PALM RANCH		
		ON DISTRICT, OMPLAINTS OF
TO CROSS-COMPLAINTS OF PALMDALE WATER DISTRICT AND		
	QUARTZ HILL	WATER DISTRICT
Hananahla Iaal	- Komon	Dr. Mail
Honorable Jack Santa Clara Co		<b>By Mail</b> Tel: 508/882-2286
Santa Clara Co 191 North First	ounty Superior Court t Street, Dept. 17C	Tel: 508/882-2286 Fax: 408/882-2293
Santa Clara Co	ounty Superior Court t Street, Dept. 17C	Tel: 508/882-2286
Santa Clara Co 191 North First	ounty Superior Court t Street, Dept. 17C 95113	Tel: 508/882-2286 Fax: 408/882-2293
Santa Clara Co 191 North First San Jose, CA S Superior Court County of Los A	ounty Superior Court t Street, Dept. 17C 95113 of California Angeles	Tel: 508/882-2286 Fax: 408/882-2293 <u>rwalker@scscourt.org</u>
Santa Clara Co 191 North First San Jose, CA Superior Court County of Los A Stanley Mosk (	ounty Superior Court t Street, Dept. 17C 95113 of California Angeles Courthouse—Dept. 1, Rm 534	Tel: 508/882-2286 Fax: 408/882-2293 <u>rwalker@scscourt.org</u> Original Document(s) to be filed at this
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