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LITTLEROCK CREEK IRRIGATION DISTRICT, PALM RANCH IRRIGATION DISTRICT
And Cross-Defendants, NORTH EDWARDS WATER DISTRICT and DESERT LAKES COMMUNITY
SERVICES 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]
)

Included Actions:

Los Angeles County Waterworks District No. 40
v. Diamond Farming Co. Los Angeles County
Superior Court Case No. BC 325201;

) **ANSWER OF LITTLEROCK CREEK**
) **IRRIGATION DISTRICT TO CROSS-**
) **COMPLAINT OF BOLTHOUSE**
) **PROPERTIES, LLC**
)

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

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

BOLTHOUSE PROPERTIES, LLC,

Cross-Complainant,

Vs.

ROSAMOND COMMUNITY SERVICES

1 DISTRICT; LOS ANGELES COUNTY)
2 WATERWORKS DISTRICT NO. 40;)
3 PALMDALE WATER DISTRICT; CITY OF)
4 LANCASTER; CITY OF PALMDALE;)
5 LITTLOCK CREEK IRRIGATION)
6 DISTRICT; PALM RANCH IRRIGATION)
7 DISTRICT; CALIFORNIA WATER SERVICE)
8 COMPANY; ANTELOPE VALLEY-EAST)
9 KERN WATER AGENCY; VOUNTY OF)
10 SANITATION DISTRICTS NOS. 14 AND 20 OF)
11 LOS ANGELES COUNTY; and as against each)
12 and every party which subsequently files a Cross-)
13 Complaint against Bolthouse Properties, LLC; and)
14 MOES 1 through 10,000)
15)
16 Cross-Defendants.)
17)
18)
19)
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27)
28)

11 Littlerock Creek Irrigation District (herein "Littlerock") responds to the unverified Cross-
12 Complaint of Bolthouse Properties, LLC. ("Bolthouse"), as follows:

13 1. Littlerock generally and specifically denies each and every allegation contained in
14 Bolthouse's unverified First Amended Cross-Complaint.

15
16 **AFFIRMATIVE DEFENSES**

17 **FIRST AFFIRMATIVE DEFENSE**

18 2. Littlerock has a right prior and paramount to the rights of Bolthouse to pump the portion of
19 the water percolated into the Basin which has been imported by Littlerock through the State Water
20 Project. This right, sometimes referred to as the "right to recapture return flows," exists as to percolating
21 water which can be identified as return flow regardless of the length of time since the percolation,
22 regardless of the number of times the water is pumped and regardless whether the percolating water is
23 commingled with the waters in the Basin.

24 **SECOND AFFIRMATIVE DEFENSE**

25 3. Littlerock has a right prior and paramount to the rights of Bolthouse to divert water from
26 streams. Littlerock's right to divert water from streams was established prior to 1914. This right,
27 sometimes referred to as a "pre-1914 diversion right" or simply a "pre-1914 right," exists as to waters in
28

1 the Basin flowing in a known and definite channel. This right exists as long as the water can be identified
2 as the result of a diversion of surface water by Littlerock, regardless of the time since the diversion,
3 regardless of the number of times the water is pumped and regardless whether the diverted water is
4 commingled with the waters in the Basin.

5 **THIRD AFFIRMATIVE DEFENSE**

6 4. Littlerock has a prior and paramount right to the rights of Bolthouse to pump the native
7 waters in the Basin because water and water rights belonging to the State of California within Littlerock
8 have been given, dedicated, and set apart for the use and purposes of Littlerock.

9 **FOURTH AFFIRMATIVE DEFENSE**

10 5. Littlerock has an equal right to the rights of Bolthouse to use the native waters for
11 municipal purposes.

12 **FIFTH AFFIRMATIVE DEFENSE**

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

15 **PRAYER**

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

- 17 1. Declare Littlerock Creek Irrigation District's water rights as equal or paramount to the
18 water rights of Bolthouse as set forth in Littlerock Creek Irrigation District's affirmative defenses.
- 19 2. Award Littlerock Creek Irrigation District cost of suit.
- 20 3. Award Littlerock Creek Irrigation District reasonable attorneys' fees.
- 21 4. Impose such further relief as the Court deems appropriate.

22
23 DATED: February 1, 2007

LEMIEUX & O'NEILL

24 /s/

25 By: _____
26 WAYNE K. LEMIEUX

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA,)
3) ss.
4 COUNTY OF VENTURA)

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

7 On **February 1, 2007**, I posted the following document(s) to the website <http://www.scefilling.org>,
8 a dedicated link to the Antelope Valley Groundwater Cases:

9 **ANSWER OF LITTLEROCK CREEK IRRIGATION DISTRICT TO CROSS-
10 COMPLAINT OF BOLTHOUSE PROPERTIES, LLC**

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

12 Executed on February 1, 2007, in Westlake Village, California.

13
14
15 /s/

16 _____
KATHI MIERS
17
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25
26
27

SERVICE LIST
Antelope Valley Groundwater Cases: Case No. 1: 05-CV-049053

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12	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.
14		
15	*Chair, Judicial Council of California Administrative Office of the Courts Attn: Appellate & Trial Court Judicial Services (Civil Case Coordination) 455 Golden Gate Avenue San Francisco, CA 94102-3688	CRC Rule 1511: *Serve only when required to be transmitted to Judicial Council.