

WAYNE K. LEMIEUX (SBN 43501)  
W. KEITH LEMIEUX (SBN 161850)  
LEMIEUX & O'NEILL  
2393 Townsgate Road, Suite 201  
Westlake Village, California 91361  
Telephone: (805) 495-4770  
Facsimile: (805) 495-2787

Attorneys for Defendants/Cross-Complainants

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 – Dept. 17  
)

Included Actions:

) **ANSWER OF LITTLEROCK CREEK**  
) **IRRIGATION DISTRICT TO CROSS-**  
) **COMPLAINT OF A.V. UNITED MUTUAL**  
) **GROUP AGAINST PURVEYORS**  
)

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

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

AND RELATED CROSS-ACTIONS

WHITE FENCE FARMS MUTUAL WATER  
CO., INC.; EL DORADO MUTUAL WATER  
CO.; WEST SIDE PARK MUTUAL WATER

1 CO.; SHADOW ACRES MUTUAL WATER )  
2 CO.; ANTELOPE PARK MUTUA WATER CO.; )  
3 AVERYDALE MUTUAL WATER CO.; )  
4 SUNDALE MUTUAL WATER CO.; )  
5 EVERGREEN MUTUAL WATER CO.; AQUA )  
6 J. MUTUAL WATER CO.; BLEIGH FLAT )  
7 MUTUAL WATER CO.; COLORADO )  
8 MUTUAL WATER CO.; SUNNYSIDE FARMS )  
9 MUTUAL WATER CO.; collectively known as )  
10 A.V. UNITED MUTUAL GROUP, )

11 Cross-Complainants, )

12 vs. )

13 CALIFORNIA WATER SERVICE COMPANY; )  
14 CITY OF LANCASTER; CITY OF )  
15 PALMDALE; LITTLEROCK CREEK )  
16 IRRIGATION DISTRICT; LOS ANGELES )  
17 COUNTY WATER WORKS DISTRICT NO. 40; )  
18 PALMDALE WATER DISTRICT; PALM )  
19 RANCH IRRIGATION DISTRICT; QUARTZ )  
20 HILL WATER DISTRICT; and ZOES 1 through )  
21 200, inclusive, )

22 Cross-Defendants. )

23 Littlerock Creek Irrigation District (“Littlerock”) hereby responds, for itself, and for no other  
24 defendant, to the unverified cross-complaint of A.V. United Mutual Group, as follows:

25 1. Littlerock generally and specifically deny each and every allegation contained in A.V.  
26 United Mutual Group’s unverified cross-complaint.

## 27 **AFFIRMATIVE DEFENSES**

### 28 **FIRST AFFIRMATIVE DEFENSE**

1 2. Littlerock has a right prior and paramount to the rights of A.V. United Mutual Group to  
2 pump the portion of the water percolated into the Basin which has been imported by Littlerock through  
3 the State Water Project. This right, sometimes referred to as the “right to recapture return flows,” exists  
4 as to percolating water which can be identified as return flow regardless of the length of time since the

1 percolation, regardless of the number of times the water is pumped and regardless whether the percolating  
2 water is commingled with the waters in the Basin.

### 4 **SECOND AFFIRMATIVE DEFENSE**

5 3. Littlerock has a right prior and paramount to the rights of A.V. United Mutual Group to  
6 divert water from streams. Littlerock's rights to divert water from streams were established prior to 1914.  
7 These rights, sometimes referred to as "pre-1914 diversion rights" or simply a "pre-1914 rights," exist as  
8 to waters in the Basin flowing in a known and definite channel. The rights exist as long as the water can  
9 be identified as the result of a diversion of surface water by Littlerock, regardless of the time since the  
10 diversion, regardless of the number of times the water is pumped and regardless whether the diverted  
11 water is commingled with the waters in the Basin.

### 13 **THIRD AFFIRMATIVE DEFENSE**

14 4. Littlerock has a prior and paramount right to the rights of A.V. United Mutual Group to  
15 pump the native waters in the Basin because water and water rights belonging to the State of California  
16 within Littlerock has been given, dedicated, and set apart for the use and purposes of Littlerock.

### 18 **FOURTH AFFIRMATIVE DEFENSE**

19 5. Littlerock has an equal right to the rights of A.V. United Mutual Group to use the native  
20 waters for municipal purposes.

### 22 **FIFTH AFFIRMATIVE DEFENSE**

23 6. Littlerock has an equal right to the rights of the public entity defendants to the native  
24 waters in the Basin by virtue of mutual prescription.

1 **PRAYER**

2 **WHEREFORE**, Littlerock prays for the Court to:

- 3 1. Declare Littlerock's water rights as equal or paramount to the water rights of A.V. United  
4 Mutual Group as set forth in Littlerock's affirmative defenses.
- 5 2. Award Littlerock cost of suit.
- 6 3. Award Littlerock reasonable attorneys' fees.
- 7 4. Impose such further relief as the Court deems appropriate.

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10 DATED: May 10, 2007

LEMIEUX & O'NEILL

11 *Wayne K. Lemieux*

12 By: \_\_\_\_\_  
13 WAYNE K. LEMIEUX

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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 **May 10, 2007**, I posted the following document(s) to the website <http://www.scefiling.org>, a  
8 dedicated link to the Antelope Valley Groundwater Cases:

9 **ANSWER OF LITTLEROCK CREEK IRRIGATION DISTRICT TO CROSS-COMPLAINT OF**  
10 **A.V. UNITED MUTUAL GROUP AGAINST PURVEYORS**

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 May 10, 2007, in Westlake Village, California.

13  
14 *Kathi Miers*

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16 KATHI MIERS  
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**SERVICE LIST**  
**Antelope Valley Groundwater Cases: Case No. 1: 05-CV-049053**

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|  |   |   |
|  | Thomas Bunn, Esq.<br>LAGERLOF, SENEAL, BRADLEY, GOSNEY & KRUSE<br>301 North Lake Ave., 10 <sup>th</sup> Floor<br>Pasadena, CA 91101-4108        | Attorneys for Palmdale Water District and<br>Quartz Hill Water District<br>Tel: 626/793-9400<br>Fax: 626/793-6900<br><a href="mailto:TomBunn@lagerlof.com">TomBunn@lagerlof.com</a>               |
|  |   |   |
|  | Marvin G. Burns, Esq.<br>Marvin G. Burns, A Law Corporation<br>9107 Wilshire Blvd., Suite 800<br>Beverly Hills, CA 90210-5533                   | Attorneys for George Stevens, Jr., &<br>George C. Stevens, Jr., Trust<br>Tel: 310/278-6500<br>Fax: 310/203-9608<br><a href="mailto:MBurns@lurie-zepeda.com">MBurns@lurie-zepeda.com</a>           |
|  |   |   |
|  | Edward J. Casey, Esq.<br>WESTON BENSHOOF ROCHEFORT RUBALCAVA MacCUIISH LLP<br>333 So. Hope St., 16 <sup>th</sup> Floor<br>Los Angeles, CA 90071 | Attorneys for Palmdale Hills Property LLC<br>Tel: 213/576-1005<br>Fax: 213/576-1100<br><a href="mailto:ECasey@wbcounsel.com">ECasey@wbcounsel.com</a>   |
|  |   |   |
|  | Julie A. Conboy, Deputy City Attorney<br>Department of Water and Power<br>111 North Hope Street<br>P.O. Box 111<br>Los Angeles, CA 90012        | Attorneys for Department of Water & Power<br><br>Tel: 213/367-4513<br>Fax: 213/241-1409<br><a href="mailto:Julie.Conboy@ladwp.com">Julie.Conboy@ladwp.com</a>                                     |
|  |   |   |
|  | Wm. Matthew Ditzhazy, Esq.<br>CITY OF PALMDALE – Legal Dept.<br>38300 North Sierra Hwy.<br>Palmdale, CA 93550                                   | Attorney for City of Palmdale<br>Tel: 661/267-5108<br>Fax: 661/267-5178<br><a href="mailto:mditzhazy@cityofpalmdale.org">mditzhazy@cityofpalmdale.org</a>   |
|  |   |   |
|  | Jeff Dunn, Esq.<br>BEST, BEST & KRIEGER<br>5 Park Plaza, Suite 1500<br>Irvine, CA 92614   | Attorneys for Los Angeles County Waterworks<br>District No. 40 and Rosamond Community<br>Tel: 949/263-2600<br>Fax: 949/260-0972<br><a href="mailto:Jeff.dunn@bbklaw.com">Jeff.dunn@bbklaw.com</a> |
|  |   |   |
|  | Douglas J. Evertz, Esq.<br>STRADLING, YOCCA, CARLSON & RAUTH<br>660 Newport Center Dr., Suite 1600<br>Newport Beach, CA 92660-6522              | Attorney for City of Lancaster<br>Tel: 949/725-4000<br>Fax: 949/725-4100<br><a href="mailto:Devertz@sycr.com">Devertz@sycr.com</a>  |
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|----|---|--|
| 1  | Michael T. Fife, Esq.<br>HATCH & PARENT<br>21 East Carrillo Street<br>Santa Barbara, CA 93101   | Attorney for Eugene B. Nebeker on behalf of Nebeker Ranch, Inc., Bob Jones on behalf of R&M Ranch, Inc., Forrest G. Godde and Steve Godde, Gailen Kyle on behalf of Kyle & Kyle Ranch, Inc., and John Calandri on behalf of Calandri/Sonrise Farms, collectively known as the Antelope Valley Groundwater Association ("AGWA")<br>Tel: 805/963-7000<br>Fax: 805/965-4333<br><a href="mailto:Mfife@hatchparent.com">Mfife@hatchparent.com</a> |
| 6  | Eric L. Garner, Esq.<br>BEST, BEST & KRIEGER<br>3750 University Ave., Suite 400<br>P. O. Box 1028<br>Riverside, CA 92602-1028                 | Attorneys for Los Angeles County Waterworks District No. 40 and Rosamond Community Services District<br>Tel: 951/686-1450<br>Fax: 951/686-3083<br><a href="mailto:Eric.garner@bbklaw.com">Eric.garner@bbklaw.com</a>   |
| 11 | Janet Goldsmith, Esq.<br>KRONICK, MOSKOWITZ, TIEDMANN & GIRARD<br>400 Capitol Mall, 27 <sup>th</sup> Floor<br>Sacramento, CA 95814-4417       | Attorneys for City of Los Angeles<br>Tel: 916/321-4500<br>Fax: 916/321-4555<br><a href="mailto:jgoldsmith@KMTG.com">jgoldsmith@KMTG.com</a>  |
| 14 | Mark J. Hattam, Esq.<br>ALLEN MATKINS LECK GAMBLE & MALLORY LLP<br>501 West Broadway, 15 <sup>th</sup> Floor<br>San Diego, CA 921010-3541     | Attorneys for SPC Del Sur Ranch LLC<br>Tel: 619/233-1155<br>Fax: 619/233-1158<br><a href="mailto:Mhattam@allenmatkins.com">Mhattam@allenmatkins.com</a>  |
| 17 | Tammy L. Jones, Esq.<br>WESTON BENSHOOF ROCHEFORT RUBALCAVA MacCUIISH LLP<br>333 S. Hope St., 16 <sup>th</sup> Floor<br>Los Angeles, CA 90071 | Attorneys for Palmdale Hills Property LLC<br>Tel: 213/576-1000<br>Fax: 213/ 576-1100<br><a href="mailto:tjones@wbcounsel.com">tjones@wbcounsel.com</a>   |
| 20 | Bob H. Joyce, Esq.<br>LEBEAU – THELEN<br>5001 East Commercenter Dr., #300<br>P. O. Box 12092<br>Bakersfield, CA 93389-2092                    | Attorneys for Diamond Farming Co.<br>Tel: 661/325-8962<br>Fax: 661/325-1127<br><a href="mailto:bjoyce@lebeauthelen.com">bjoyce@lebeauthelen.com</a>  |
| 24 | Steven M. Kennedy, Esq.<br>BRUNICK, McELHANEY & BECKETT<br>1839 Commercenter West<br>San Bernardino, CA 92408                                 | Attorneys for Antelope Valley East Kern Water Agency<br>Tel: 909/889-8301<br>Fax: 090/388-1889<br><a href="mailto:skennedy@bbmblaw.com">skennedy@bbmblaw.com</a>   |

|    |  |   |
|----|--|---|
| 1  | Scott K. Kuney, Esq.<br>YOUNG WOOLDRIDGE                     | Attorneys for Gertrude J. Van Dam and Delmar D. Van Dam   |
| 2  | 1800 30 <sup>TH</sup> Street, 4 <sup>th</sup> Floor          | Tel: 661/327-9661   |
| 3  | Bakersfield, CA 93301  | Fax: 661/327-0720<br><a href="mailto:skuney@youngwooldridge.com">skuney@youngwooldridge.com</a> |
| 4  |  |   |
| 5  | James L. Markman, Esq.<br>RICHARDS, WATSON & GERSHON         | Attorneys for City of Palmdale  |
| 6  | P. O. Box 1059   | Tel: 714/990-0901   |
| 7  | Brea, CA 92822-1059  | Fax: 714/990-6230<br><a href="mailto:jmarkman@rwglaw.com">jmarkman@rwglaw.com</a>               |
| 8  | Dale Murad, Esq.<br>AFLSA/JACE                               | Attorneys for U. S. Department of the Air Force – Edwards Air Force Base                        |
| 9  | 1501 Wilson Blvd., Suite 629                                 | Tel: 703/696-9166   |
| 10 | Arlington, VA 22209-2403                                     | Fax: 703/696-9184<br><a href="mailto:Dale.Murad@pentagon.af.mil">Dale.Murad@pentagon.af.mil</a> |
| 11 | Steven R. Orr, Esq.<br>RICHARDS, WATSON & GERSHON            | Attorneys for City of Palmdale  |
| 12 | 355 S. Grand Ave., 40 <sup>th</sup> Floor                    | Tel: 213/626-8484   |
| 13 | Los Angeles, CA 90071-3101                                   | Fax: 213/626-0078<br><a href="mailto:Sorr@rwglaw.com">Sorr@rwglaw.com</a>                       |
| 14 | Jeffrey Robbins, Esq.<br>STRADLING YOCCA CARLSON & RAUTH     | Attorneys of City of Lancaster  |
| 15 | 660 Newport Center Drive, Suite 1600                         | Tel: 949/737-4720   |
| 16 | Newport Beach, CA 92660                                      | Fax: 916/823-6720<br><a href="mailto:JRobbins@sycr.com">JRobbins@sycr.com</a>                   |
| 17 | Christopher M. Sanders, Esq.<br>EILLISON, SCHNEIDER & HARRIS | Attorneys for County Sanitation Districts Nos. 14 and 20 of Los Angeles County                  |
| 18 | 2015 "H" Street  | Tel: 916/447-2166   |
| 19 | Sacramento, CA 95814   | Fax: 916/447-3512<br><a href="mailto:cms@eslawfirm.com">cms@eslawfirm.com</a>                   |
| 20 |  |   |
| 21 | Robert B. Schachter, Esq.<br>HITCHCOCK, BOWMAN & SCHACHTER   | Attorneys for Guss A. Barks and Peter G. Barks  |
| 22 | 21515 Hawthorne Blvd., Suite 1030                            | Tel: 310/540-2202   |
| 23 | Torrance, CA 90503-6579                                      | Fax: 310/540-8734<br><a href="mailto:HBSattylaw@aol.com">HBSattylaw@aol.com</a>                 |
| 24 | Loretta Slaton, Esq.<br>Law Office of Loretta Slaton         | Attorneys for Air Trust Singaport Limited   |
| 25 | 2294 Via Puerta, Suite O                                     | Tel: 949/587-2832   |
| 26 | Laguna Hills, CA 92653                                       | Fax: 949/855-1959<br><a href="mailto:Lslaton81@aol.com">Lslaton81@aol.com</a>                   |
| 27 |  |   |



|    |   |  |
|----|---|--|
| 1  | Jon A. Slezak, Esq.<br>IVERSON, YOAKUM, PAPIANO & HATCH<br>624 South Grand Ave., 27 <sup>th</sup> Floor<br>Los Angeles, CA 90017  | Attorneys for City of Los Angeles, Dept. of<br>Airports<br>Tel: 213/624-7444<br>Fax: 213/629-4563<br><a href="mailto:jslesak@lyph.com">jslesak@lyph.com</a>  |
| 4  |   |  |
| 5  | William Sloan, Esq.<br>MORRISON & FOERSTER LLP<br>425 Market Street<br>San Francisco, CA 94105  | Attorneys for U. S. Borax, Inc.<br>Tel: 415/268-6127<br>Fax: 415/276-7545<br><a href="mailto:wsloan@mofo.com">wsloan@mofo.com</a>  |
| 7  |   |  |
| 8  | John Tootle, Esq.<br>CALIFORNIA WATER SERVICE COMPANY<br>3625 Del Amo Blvd., Suite 350<br>Torrance, CA 90503  | Attorneys for Antelope Valley Water Company<br>Tel: 310/257-1488 x 322<br>Fax: 310/325-4691<br><a href="mailto:jtootle@calwater.com">jtootle@calwater.com</a>  |
| 10 |   |  |
| 11 | Henry Weinstock, Esq.<br>Fred Fudacz, Esq.<br>NOSSAMAN, GUTHNER, KNOX, ELLIOTT, LLP<br>445 South Figueroa St., 31 <sup>st</sup> Floor<br>Los Angeles, CA 90071              | Attorney for Tejon Ranch<br><br>Tel: 213/612-7839<br>Fax: 213/612-7801<br><a href="mailto:hweinstock@nossaman.com">hweinstock@nossaman.com</a>   |
| 14 |   |  |
| 15 | Richard G. Zimmer, Esq.<br>CLIFFORD & BROWN<br>1430 Truxtun Ave., Suite 900<br>Bakersfield, CA 93301-5230   | Attorneys for Wm Bolthouse Farms, Inc.<br>Tel: 661/322-6023<br>Fax: 661/322-3508<br><a href="mailto:rzimmer@clifford-brownlaw.com">rzimmer@clifford-brownlaw.com</a>   |
| 16 |   |  |
| 17 | <b>AG and DOJ:</b>  |  |
| 18 | Michael Crow, Esq.<br>Office of the California Attorney General<br>1300 "I" Street<br>Sacramento, CA 95814  | Parties: State of California; Santa Monica<br>Mountains Conservancy; 50 <sup>th</sup> District<br>Agricultural Association<br>Tel: 916/327-7856<br>Fax: 916/327-2319<br><a href="mailto:Michael.Crow@doj.ca.gov">Michael.Crow@doj.ca.gov</a> |
| 21 |   |  |
| 22 | Lee Leininger, Esq.<br>U.S. Department of Justice<br>Environmental & Natural Resources Section<br>999 – 18 <sup>th</sup> Street, Suite 945, North Tower<br>Denver, CO 80202 | Parties: United States of America<br><br>Tel: 303/312-7322<br>Fax: 303/312-7379<br><a href="mailto:Lee.leininger@usdoj.gov">Lee.leininger@usdoj.gov</a>  |
| 25 |   |  |
| 26 | Debra W. Yang, United States Attorney<br>United States Attorney's Office, Central District of CA<br>300 North Los Angeles St., Rm 7516, Fed. Bldg.<br>Los Angeles, CA 90012 | (email c/o Thom Mozek)<br>Tel: 213/894-4600<br>Fax: 213/894-2380<br><a href="mailto:Thom.Mozek@usdoj.gov">Thom.Mozek@usdoj.gov</a>   |
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| 28 | - 9 -   |  |

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|----|---|--|
| 1  |   |  |
| 2  | Robert J. Spagnoletti, Esq.<br>Attorney General for the District of Columbia<br>441 Fourth St., NW, 6 <sup>th</sup> Floor South<br>Washington, DC 20001   | Tel: 202/727-6248<br>Fax: 202/724-1305<br><a href="mailto:Robert.Spagnoetti@dc.gov">Robert.Spagnoetti@dc.gov</a>           |
| 4  |   |  |
| 5  | Robert S. McDonnell, Esq.<br>Attorney General of Virginia<br>900 East Main Street<br>Richmond, VA 23219   | Tel: 804/786-2071<br>Fax: 804/786-1991<br><a href="mailto:mail@oag.state.va.us">mail@oag.state.va.us</a>                   |
| 7  |   |  |
| 8  | <b>Court Personnel:</b>   |  |
| 9  | Presiding Judge of the Superior Court of<br>California, County of Los Angeles<br>111 N. Hill Street<br>Los Angeles, CA 90012-3014   | CRC Rules 1501(17) and 1540:<br>Coordination Trial Judge   |
| 11 |   |  |
| 12 | Honorable Jack Komar<br>Santa Clara County Superior Court<br>191 North First Street, Dept. 17C<br>San Jose, CA 95113  | <b>By Mail</b><br>Tel: 408/882-2286<br>Fax: 408/882-2293<br><a href="mailto:rwalker@scscourt.org">rwalker@scscourt.org</a> |
| 14 |   |  |
| 15 | Superior Court of California<br>County of Los Angeles<br>Stanley Mosk Courthouse—Dept. 1, Rm 534<br>111 North Hill Street<br>Los Angeles, CA 90012  | <b>Original Document(s) to be filed at this location.</b>  |
| 17 |   |  |
| 18 | *Chair, Judicial Council of California<br>Administrative Office of the Courts<br>Attn: Appellate & Trial Court Judicial Services<br>(Civil Case Coordination)<br>455 Golden Gate Avenue<br>San Francisco, CA 94102-3688 | CRC Rule 1511: *Serve only when required to<br>be transmitted to Judicial Council.   |