

1 CO.; SHADOW ACRES MUTUAL WATER)
2 CO.; ANTELOPE PARK MUTUAL WATER)
3 CO.; AVERYDALE MUTUAL WATER CO.;)
4 SUNDALÉ 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.; LAND PROJECTS)
10 MUTUAL WATER CO., and TIERRA BONITA)
11 MUTUAL WATER CO., collectively known as)
12 **A.V. UNITED MUTUAL GROUP,**)

13 Cross-Complainants,)

14 vs.)

15 CALIFORNIA WATER SERVICE COMPANY;)
16 CITY OF LANCASTER; CITY OF)
17 PALMDALE; LITTLEROCK CREEK)
18 IRRIGATION DISTRICT; LOS ANGELES)
19 COUNTY WATER WORKS DISTRICT NO. 40;)
20 PALMDALE WATER DISTRICT; PALM)
21 RANCH IRRIGATION DISTRICT; QUARTZ)
22 HILL WATER DISTRICT; and ZOES 1 through)
23 200, inclusive,)

24 Cross-Defendants.)

25 Littlerock Creek Irrigation District (“Littlerock”) hereby responds, for itself, and for no other
26 defendant, to the unverified cross-complaint of Tierra Bonita Mutual Water Co., as a member of the A.V.
27 United Mutual Group, as follows:

28 1. Littlerock generally and specifically deny each and every allegation contained in Tierra
Bonita Mutual Water Co.’s unverified cross-complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

2. Littlerock has a right prior and paramount to the rights of Tierra Bonita Mutual Water Co.
to pump the portion of the water percolated into the Basin which has been imported by Littlerock through
the State Water Project. This right, sometimes referred to as the “right to recapture return flows,” exists

1 as to percolating water which can be identified as return flow regardless of the length of time since the
2 percolation, regardless of the number of times the water is pumped and regardless whether the percolating
3 water is commingled with the waters in the Basin.

4 5 **SECOND AFFIRMATIVE DEFENSE**

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

13 14 **THIRD AFFIRMATIVE DEFENSE**

15 4. Littlerock has a prior and paramount right to the rights of Tierra Bonita Mutual Water Co.
16 to pump the native waters in the Basin because water and water rights belonging to the State of California
17 within Littlerock has been given, dedicated, and set apart for the use and purposes of Littlerock.

18 19 **FOURTH AFFIRMATIVE DEFENSE**

20 5. Littlerock has an equal right to the rights of Tierra Bonita Mutual Water Co. to use the
21 native waters for municipal purposes.

22 23 **FIFTH AFFIRMATIVE DEFENSE**

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

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2 **PRAYER**

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

- 4 1. Declare Littlerock's water rights as equal or paramount to the water rights of Tierra Bonita
5 Mutual Water Co. as set forth in Littlerock's affirmative defenses.
6 2. Award Littlerock cost of suit.
7 3. Award Littlerock reasonable attorneys' fees.
8 4. Impose such further relief as the Court deems appropriate.
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10 DATED: August 1, 2007

LEMIEUX & O'NEILL

11
12 /s/
13 By: _____
14 W. KEITH 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 **August 1, 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 **TIERRA BONITA MUTUAL WATER COMPANY, AS A MEMBER OF 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
12 and correct.

13 Executed on August 1, 2007, in Westlake Village, California.

14 *Kathi Miers*

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

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12	Honorable Jack Komar Santa Clara County Superior Court 191 North First Street, Dept. 17C San Jose, CA 95113	By Mail Tel; 408/882-2286 Fax: 408/882-2293 rwalker@scscourt.org
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15	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.
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18	*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.