

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. LAND PROJECTS)
10 MUTUAL WATER CO., collectively known as)
11 **A.V. UNITED MUTUAL GROUP,**)
12)

13 Cross-Complainants,)
14)

15 vs.)
16)

17 CALIFORNIA WATER SERVICE COMPANY;)
18 CITY OF LANCASTER; CITY OF)
19 PALMDALE; LITTLEROCK CREEK)
20 IRRIGATION DISTRICT; LOS ANGELES)
21 COUNTY WATER WORKS DISTRICT NO. 40;)
22 PALMDALE WATER DISTRICT; PALM)
23 RANCH IRRIGATION DISTRICT; QUARTZ)
24 HILL WATER DISTRICT; and ZOES 1 through)
25 200, inclusive,)
26)

27 Cross-Defendants.)
28)

18 Palm Ranch Irrigation District (“Palm Ranch”) hereby responds, for itself, and for no other
19 defendant, to the unverified cross-complaint of Land Projects Mutual Water Co., as a member of the A.V.
20 United Mutual Group, as follows:

21 1. Palm Ranch generally and specifically deny each and every allegation contained in Land
22 Projects Mutual Water Co’s unverified cross-complaint.

23 **AFFIRMATIVE DEFENSES**

24 **FIRST AFFIRMATIVE DEFENSE**

25 2. Palm Ranch has a right prior and paramount to the rights of Land Projects Mutual Water
26 Co. to pump the portion of the water percolated into the Basin which has been imported by Palm Ranch
27

1 through the State Water Project. This right, sometimes referred to as the “right to recapture return flows,”
2 exists as to percolating water which can be identified as return flow regardless of the length of time since
3 the percolation, regardless of the number of times the water is pumped and regardless whether the
4 percolating water is commingled with the waters in the Basin.

5 **SECOND AFFIRMATIVE DEFENSE**

6 3. Palm Ranch has a prior and paramount right to the rights of Land Projects Mutual Water
7 Co. to pump the native waters in the Basin because water and water rights belonging to the State of
8 California within Palm Ranch has been given, dedicated, and set apart for the use and purposes of Palm
9 Ranch.

10 **FOURTH AFFIRMATIVE DEFENSE**

11 4. Palm Ranch has an equal right to the rights of Land Projects Mutual Water Co. to use the
12 native waters for municipal purposes.

13 **FIFTH AFFIRMATIVE DEFENSE**

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

16 **PRAYER**

17 **WHEREFORE**, Palm Ranch prays for the Court to:

- 18 1. Declare Palm Ranch’s water rights as equal or paramount to the water rights of Land
19 Projects Mutual Water Co. as set forth in Palm Ranch’s affirmative defenses.
- 20 2. Award Palm Ranch cost of suit.
- 21 3. Award Palm Ranch reasonable attorneys’ fees.
- 22 4. Impose such further relief as the Court deems appropriate.

23 DATED: August 1, 2007

LEMIEUX & O’NEILL

24 /S/

25 By: _____
26 W. KEITH 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 **August 1, 2007**, I posted the following document(s) to the website <http://www.scefilling.org>, a
8 dedicated link to the Antelope Valley Groundwater Cases:

9 **ANSWER OF PALM RANCH IRRIGATION DISTRICT TO CROSS-COMPLAINT OF**
10 **LAND PROJECTS MUTUAL WATER COMPANY, AS A MEMBER OF A.V. UNITED**
11 **MUTUAL GROUP AGAINST PURVEYORS**

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

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

14
15 /s/

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

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17		
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.