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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 – Dept. 17  
)

Included Actions:

) **ANSWER OF LITTLEROCK CREEK**  
) **IRRIGATION DISTRICT TO CROSS-**  
) **COMPLAINT OF LAND PROJECTS**  
) **MUTUAL WATER COMPANY, AS A**  
) **MEMBER 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 MUTUAL WATER )  
3 CO.; 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 Cross-Complainants, )

13 vs. )

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

23 Cross-Defendants. )  
24 \_\_\_\_\_ )

25 Littlerock Creek Irrigation District (“Littlerock”) hereby responds, for itself, and for no other  
26 defendant, to the unverified cross-complaint of Land Projects 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 Land  
Projects Mutual Water Co.’s unverified cross-complaint.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

2. Littlerock has a right prior and paramount to the rights of Land Projects 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.

#### 5 **SECOND AFFIRMATIVE DEFENSE**

6 3. Littlerock has a right prior and paramount to the rights of Land Projects 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.

#### 14 **THIRD AFFIRMATIVE DEFENSE**

15 4. Littlerock has a prior and paramount right to the rights of Land Projects 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.

#### 19 **FOURTH AFFIRMATIVE DEFENSE**

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

#### 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.

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 Land Projects  
4 Mutual Water Co. 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: August 1, 2007

LEMIEUX & O'NEILL

11 /S/

12 By: \_\_\_\_\_

13 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.scefilling.org>, a  
8 dedicated link to the Antelope Valley Groundwater Cases:

9 **ANSWER OF LITTLEROCK CREEK 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 United State of America that the above is  
true and correct.

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

14 /s/  
15

16 \_\_\_\_\_  
KATHI MIERS  
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**SERVICE LIST**

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

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15	Los Angeles, CA 90012-3014	
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21	County of Los Angeles	
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23	111 North Hill Street	
24	Los Angeles, CA 90012	
25	*Chair, Judicial Council of California	CRC Rule 1511: *Serve only when required to be transmitted to Judicial Council.
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