

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Defendant, BOLTHOUSE PROPERTIES, LLC hereby
3 demurs to the Complaint for Declaratory and Injunctive Relief and Adjudication of Water Rights
4 of Plaintiff, Los Angeles County Waterworks District No. 40, as follows:

5 **DEMURRER TO THE FIRST CAUSE OF ACTION**

- 6 1. The First Cause of Action, “For Declaratory Relief – Prescriptive Rights –
7 Against all Defendants Except Public Entity Defendants,” fails to state facts
8 sufficient to constitute a cause of action. (Cal. Code of Civ. Proc. § 430.10(e).)
9 2. The First Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

10 **DEMURRER TO THE SECOND CAUSE OF ACTION**

- 11 1. The Second Cause of Action, “For Declaratory Relief – Appropriative Rights –
12 Against All Defendants,” fails to state facts sufficient to constitute a cause of
13 action. (Cal. Code of Civ. Proc. § 430.10(e).)
14 2. The Second Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

15 **DEMURRER TO THE THIRD CAUSE OF ACTION**

- 16 1. The Third Cause of Action, “For Declaratory Relief – Physical Solution – Against
17 All Defendants,” fails to state facts sufficient to constitute a cause of action. (Cal.
18 Code of Civ. Proc. § 430.10(e).)
19 2. The Third Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

20 **DEMURRER TO THE FOURTH CAUSE OF ACTION**

- 21 1. The Fourth Cause of Action, “For Declaratory Relief – Municipal Priority –
22 Against All Defendants,” fails to state facts sufficient to constitute a cause of
23 action. (Cal. Code of Civ. Proc. § 430.10(e).)
24 2. The Fourth Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

25 **DEMURRER TO THE FIFTH CAUSE OF ACTION**

- 26 1. The Fifth Cause of Action, “Declaratory Relief – Storage of Imported Water in
27 the Basin – Against All Defendants,” fails to state facts sufficient to constitute a
28 cause of action. (Cal. Code of Civ. Proc. § 430.10(e).)

2. The Fifth Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

DEMURRER TO THE SIXTH CAUSE OF ACTION

1. The Sixth Cause of Action, "Declaratory Relief – Recapture of Return Flows From Imported Water Stored in The Basin – Against All Defendants," fails to state facts sufficient to state a cause of action. (Cal. Code of Civ. Proc. § 430.10(e).)
2. The Sixth Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

DEMURRER TO THE SEVENTH CAUSE OF ACTION

1. The Seventh Cause of action, "Unreasonable Use of Water – Against all Defendants Except Public Entity Defendants," fails to state facts sufficient to state a cause of action. (Cal. Code of Civ. Proc. § 430.10(e).)
2. The Seventh Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)


DEMURRER TO THE EIGHTH CAUSE OF ACTION

1. The Eighth Cause of Action, "Unreasonable Use of Water – Against Defendants Diamond Farming and Bolthouse Properties, Inc.," fails to state facts sufficient to state a cause of action. (Cal. Code of Civ. Proc. § 430.10(e).)
3. The Eighth Cause of Action is uncertain. (Cal. Code of Civ. Proc. § 430.10(f).)

DATED: October 27, 2005

CLIFFORD & BROWN

By:



RICHARD G. ZIMMER, ESQ.
T. MARK SMITH, ESQ.
Attorneys for plaintiff/defendant,
W. M. BOLTHOUSE FARMS, INC.