

ORIGINAL FILED

FEB 22 2000

**LOS ANGELES
SUPERIOR COURT**

BOB H. JOYCE (SBN 84607)
KERRY L. LOCKHART (SBN 182690)
LAW OFFICES OF
LEBEAU, THELEN, LAMPE, MCINTOSH & CREAR, LLP
5001 East Commercenter Drive, #300
Post Office Box 12092
Bakersfield, California 93389-2092
(805) 325-8962; Fax (805) 325-1127

Attorneys for Plaintiff
DIAMOND FARMING COMPANY, a California corporation

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, NORTH DISTRICT - LANCASTER**

DIAMOND FARMING COMPANY, a California
corporation,

Plaintiff,

vs.

PALMDALE WATER DISTRICT, PALM RANCH
IRRIGATION DISTRICT, QUARTZ HILL WATER
DISTRICT, ROSAMOND COMMUNITY SERVICE
DISTRICT, MOJAVE PUBLIC UTILITY
DISTRICT, ANTELOPE VALLEY WATER
COMPANY, LITTLE ROCK IRRIGATION
DISTRICT, COUNTY WATER WORKS
DISTRICT - CITY OF LANCASTER, CITY OF
LANCASTER, DOES 1 THROUGH 200,
INCLUSIVE, AND ALL PERSONS UNKNOWN,
CLAIMING ANY LEGAL OR EQUITABLE
RIGHT, TITLE, ESTATE, LIEN, OR INTEREST
IN THE PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S TITLE,
OR, ANY CLOUD UPON PLAINTIFF'S TITLE
THERE TO,

Defendants.

CASE NO.: **HC011330**
COMPLAINT TO QUIET TITLE

FIRST CAUSE OF ACTION

(FOR QUIET TITLE AGAINST ALL DEFENDANTS)

1. Plaintiff Diamond Farming Company is, and at all times herein mentioned was,
a California corporation.

1 2. Plaintiff owns in fee that certain real property (the Property) situated in Los
2 Angeles County, California, commonly referred to as Kotchian Ranch, and more particularly
3 described in Exhibit A, attached hereto and incorporated herein by this reference. The Property
4 is approximately 420 acres in area.

5 3. The entire Property overlies a body of percolating groundwater (hereinafter called
6 "The Aquifer"), the extent of which is unknown to plaintiff.

7 4. Defendants Palmdale Water District, Palm Ranch Irrigation District, Quartz Hill
8 Water District, Rosamond Community Service District, Mojave Public Utility District, Antelope
9 Valley Water Company, Little Rock Irrigation District, and County Water Works District - City
10 of Lancaster (the "Water Companies") are purveyors of water to customers in portions of Kern
11 County and Los Angeles County.

12 5. Defendant City of Lancaster ("Lancaster") is, and at all times herein mentioned
13 was, a municipal corporation. Lancaster provides municipal water service to customers within
14 its boundaries.

15 6. Plaintiff is ignorant of the true names and capacities, whether individual,
16 corporate, governmental, or otherwise, of the Defendants named in this complaint as All Persons
17 Unknown, Claiming Any Legal Or Equitable Right, Title, Estate, Lien, Or Interest In The
18 Property Described In This Complaint Adverse To Plaintiff's Title, Or Any Cloud Upon
19 Plaintiff's Title Thereto, and therefore sues these Defendants by so naming them, pursuant to
20 *California Code of Civil Procedure* sections 762.020 and 762.060. These Defendants are all
21 persons, except those Defendants specifically named in this complaint (including any of those
22 Defendants who have been fictitiously named in this complaint as Does 1-200, who are
23 subsequently identified through amendment of the complaint) who claim that they have water
24 rights to extract groundwater from The Aquifer for use (1) on property that does not overlie
25 The Aquifer, and/or (2) on property that that person does not own, and/or (3) for some other
26 non-overlying use superior to, or coequal with, the overlying rights of plaintiff to extract
27 groundwater from The Aquifer and put it to reasonable and beneficial use on plaintiff's property
28

described below. Plaintiff seeks a binding and conclusive judgment against all of these unknown persons pursuant to *California Code of Civil Procedure* section 764.030.

7. Plaintiff is ignorant of the true names and capacities, whether individual, corporate, governmental, or otherwise, of the Defendants named in this complaint as Does 1-200, inclusive, and therefore sues these Defendants by these fictitious names. Plaintiff will amend this complaint to allege the fictitiously-named Defendants' names and capacities when ascertained.

8. By virtue of the location of the Property overlying groundwater in The Aquifer, plaintiff holds an overlying water right to groundwater from The Aquifer, entitling to plaintiff to extract groundwater from The Aquifer and to put the water to reasonable and beneficial use on the Property (Plaintiff's overlying water right).

9. Plaintiff is informed and believes, and on the basis of such information and belief alleges, that each of the defendants currently extracts groundwater from The Aquifer for use on property not overlying The Aquifer, for use on property that the defendant does not own, and/or for some other non-overlying use.

10. Any reasonable and beneficial overlying use of groundwater is superior in right to any non-overlying use. Therefore, plaintiff's overlying water right is superior to any rights defendants may have to take groundwater from The Aquifer for non-overlying use.

11. Plaintiff is informed and believes, and on the basis of such information and belief alleges, that each defendant claims that it has water rights to extract groundwater from The Aquifer for non-overlying use that are superior to, or coequal with, plaintiff's overlying water right, based on a claim of prescription or other claim in law or equity.

12. Plaintiff is informed and believes, and on the basis of such information and belief alleges, that the claim of each defendant to superior or coequal rights to extract and use groundwater from The Aquifer is without basis in law.

13. The quantity of superior or coequal rights that each defendant claims is unknown to plaintiff.

1 14. Plaintiff seeks to quiet title to the superior priority of plaintiff's overlying water
2 right against the claims of each defendant to a superior or coequal right to extract and use
3 groundwater from The Aquifer for non-overlying use.

4 15. The determination is sought as of the date of filing of this complaint.

5 WHEREFORE, plaintiff prays for judgment against defendants, and each of them, as
6 follows:

7 1. For a determination that plaintiff's present and future right to extract groundwater
8 from The Aquifer and put it to reasonable and beneficial use on the Property is superior in
9 priority to any rights of each of the defendants to extract and use groundwater, other than for
10 reasonable and beneficial overlying use upon any land such defendant owns which overlies The
11 Aquifer;

12 2. For a determination that plaintiff retains the full range of remedies available to
13 secure and protect plaintiff's overlying water right;

14 3. For an award of reasonable attorney's fees and costs of suit; and

15 4. For such other and further relief as the court deems just and proper.

16 Dated: February 18, 2000

LeBEAU, THELEN, LAMPE,
McINTOSH & CREAR, LLP

17
18
19 By:


BOB H. JOYCE, ESQ.
Attorneys for Plaintiff
DIAMOND FARMING COMPANY,
a California corporation

20
21
22 KLL:etc

(Diamond.Complaint Quiet Title.wpd)02/00
23
24
25
26
27
28

Diamond Farming Company vs.
Palmdale Water District, etc., et al.

EXHIBIT "A"

The parcels, located in the County of Los Angeles, State of California, are described as follows:

PARCEL 1

The west one-half of the west one-half of Section 30, Township 7 North, Range 10 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the official plat thereof.

Except therefrom the southwest one-quarter of the southwest one-quarter of said Section 30.

Also except therefrom an undivided one-sixteenth interest in and to all coal, oil, gas and other mineral deposits lying beneath the northwest one-quarter of the southwest one-quarter of said Section 30, as reserved by the State of California in patent recorded on January 3, 1928 in Book 7780 page 151, of Official Records as Instrument No. 664.

PARCEL 2

The east one-half of the northwest one-quarter and the west one-half of the northeast one-quarter of Section 30, Township 7 North, Range 10 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the official plat thereof.

As shown on the Certificate of Compliance recorded August 18, 1989 as Instrument No. 89-1333368, Official Records.

PARCEL 3

The east one-half of the southwest one-quarter and the west one-half of the southeast one-quarter of Section 30, Township 7 North, Range 10 West, San Bernardino Meridian, in the County of Los Angeles, State of California, according to the official plat thereof.

As shown on the Certificate of Compliance recorded August 18, 1989 as Instrument No. 89-1333369, Official Records.

Except therefrom an undivided one-sixteenth interest in and to all coal, oil, gas and other mineral deposits lying beneath the southeast one-quarter of the southwest one-quarter of said Section 30, as reserved by the State of California in patent recorded on December 31, 1924 in Book 3564 Page 217, Official Records as Instrument No. 993.

Also except therefrom an undivided one-sixteenth interest in and to all coal, oil, gas and other mineral deposits lying beneath the northeast one-quarter of the southwest one-quarter of said Section 30, as reserved by the State of California in patent recorded on January 3, 1928 in Book 7780, Page 151 of Official Records as Instrument No. 664.

Except therefrom as to Lot 1, in the southwest quarter of said Section 30, 50 percent of all oil, gas, minerals and other hydrocarbon substances lying in and under said land, as reserved by Alexander M. McCrea and Maude E. McCrea, his wife, in Deed recorded August 9, 1941 in Book 18678 Page 72, Official Records.

VERIFICATION TO COMPLAINT

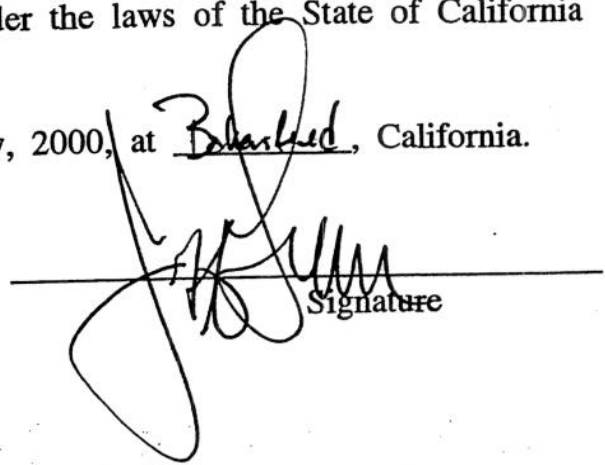
I, JEFFREY A. GREEN, am an authorized agent of the Plaintiff in the above-entitled action. I have read the foregoing **First Amended and Supplemental Complaint to Quiet Title** and know the contents thereof. The same is true of my own knowledge, except as to those matters which are therein stated on information and belief, and as to those matters, I believe it to be true.

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

EXECUTED this 10th day of February, 2000, at Bakersfield, California.

JEFFREY A. GREEN

Type or Print Name


Signature