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5 Attorneys for Palmdale Water District and  
Quartz Hill Water District  
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**  
10

11 RICHARD A. WOOD, an individual on behalf of  
12 himself andf all others similarly situated,

13 Plaintiff,

14 v.

15 LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40, *et al.*,

16 Defendants.  
17

Case No.:BC391869

**ANSWER BY PALMDALE WATER  
DISTRICT AND QUARTZ HILL WATER  
DISTRICT**

18 Defendants Palmdale Water District and Quartz Hill Water District (“Districts”) answer the  
19 complaint as follows. Each District answers for itself and for no other defendant, and the use of the  
20 word “Districts” to refer to both Districts is a matter of readability and convenience and is not  
21 intended to imply a joint answer.  
22

- 23 1. Districts generally deny the allegations of the complaint.  
24

25 **FIRST AFFIRMATIVE DEFENSE**

26 **(Failure to State a Cause of Action)**

- 27 2. Plaintiff has failed to state facts sufficient to state a cause of action against Districts.  
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1                                   **SECOND AFFIRMATIVE DEFENSE**

2                                   **(Non-Interference)**

3           3.       On information and belief, Districts' water production does not interfere in any way with  
4 the claimed water rights of Plaintiff and the Class.

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6                                   **THIRD AFFIRMATIVE DEFENSE**

7                                   **(Consent, Waiver, Estoppel, Laches)**

8           4.       On information and belief, Plaintiff and the Class and their predecessors have been aware  
9 for many years of the Districts' production of groundwater, and of Districts' spending significant  
10 amounts of public money, time and resources to develop the facilities necessary to extract the  
11 groundwater and deliver it to their customers, in reliance on their right to extract groundwater. Plaintiff  
12 and the Class, by their silence and inaction, have acquiesced to the Districts' extraction of groundwater.  
13 Plaintiff and the Class have unreasonably delayed commencement of this action to the prejudice of  
14 Districts.

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16                                   **FOURTH AFFIRMATIVE DEFENSE**

17                                   **(Civil Code, Section 1007)**

18           5.       The relief sought by Plaintiff is barred by Civil Code, Section 1007.

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20                                   **FIFTH AFFIRMATIVE DEFENSE**

21                                   **(Statute of Limitations)**

22           6.       Plaintiff and the Class are barred from relief by the provisions of one or more of sections  
23 318, 319, 321, 338, or 343 of the Code of Civil Procedure.

24  
25                                   **SIXTH AFFIRMATIVE DEFENSE**

26                                   **(Failure to Join Necessary Parties)**

27           7.       Plaintiff has failed to join indispensable and necessary parties, namely other landowners  
28 and water producers within the Antelope Valley Basin.

1 **SEVENTH AFFIRMATIVE DEFENSE**

2 **(Stream Rights)**

3 8. Palmdale Water District has a license to divert water from Little Rock Creek, which is  
4 one of the sources of water to the Basin. Its right to continue to divert water from Little Rock Creek is  
5 superior in priority to the rights claimed by Plaintiff and the Class.

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7 **EIGHTH AFFIRMATIVE DEFENSE**

8 **(Right to recapture imported water)**

9 9. Districts purchase water imported from outside the watershed, and distribute the  
10 purchased water through the Districts' waterworks systems to their customers. After use by the  
11 customers for irrigation, domestic, municipal and industrial uses, a portion of these imported waters  
12 percolates into the ground and commingles with the percolating ground waters contained in the Basin  
13 and thereby augments the natural supply of water in the Basin.

14 10. Districts have a right to extract from the Basin an amount of water equal to the portion of  
15 the water imported by Districts from outside the watershed that augments the supply of water in the  
16 Basin. This right is superior in priority to the rights claimed by Plaintiff and the Class.

17  
18 **NINTH AFFIRMATIVE DEFENSE**

19 **(Appropriative/Prescriptive Rights)**

20 11. For many years, Districts have produced groundwater from the Basin and distributed the  
21 water through their waterworks systems to their customers for reasonable and beneficial uses. Districts'  
22 production of groundwater from the Basin has been open, notorious and under claim of right, hostile to  
23 any rights of Plaintiff and the Class and has continued for a period of more than five consecutive years,  
24 during which time, Districts are informed and believe, there existed a period of five consecutive years  
25 during which the Basin was in a state of overdraft.

26 12. By reason of their historical production of groundwater, Districts have acquired an  
27 appropriative or prescriptive right to groundwater that is equal or superior in priority to that of the  
28 Plaintiff and the Class.

1 **TENTH AFFIRMATIVE DEFENSE**

2 **(Dedication to Public Use)**

3 13. All the groundwater extracted by Districts from the Basin is devoted to the public use of  
4 distributing the same through their waterworks systems for irrigation, domestic, municipal, and  
5 industrial uses by the Districts' customers.

6 14. As a result of this dedication to public use, Plaintiff and the Class cannot obtain any  
7 judicial relief that will in any way restrain or prevent Districts from exercising their rights to extract  
8 groundwater from the Basin.

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10 **ELEVENTH AFFIRMATIVE DEFENSE**

11 **(Physical Solution)**

12 15. In the event of the imposition of a physical solution or some form of declaratory relief,  
13 due regard must be given to the water rights of the Districts.

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15 **TWELFTH AFFIRMATIVE DEFENSE**

16 **(Hardship)**

17 16. Any injunction against the Districts' production of groundwater will cause undue  
18 hardship to the Districts and their customers.

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20 **THIRTEENTH AFFIRMATIVE DEFENSE**

21 **(Tort Claims Act)**

22 17. Plaintiff has failed to comply with the Tort Claims Act, Government Code sections 900 et  
23 seq.

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1 **FOURTEENTH AFFIRMATIVE DEFENSE**

2 **(Incorporation by Reference)**

3 18. As permitted by the Court's Appearance Form, Districts incorporate by reference each  
4 affirmative defense to the Plaintiff and the Class filed by any other defendant or cross-defendant,  
5 whether its answer is filed before or after the filing of this answer.  
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7 Dated: June 17, 2008

LAGERLOF, SENEAL, GOSNEY & KRUSE, LLP

8  
9 By: Thomas S. Bunn III  
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12 and Quartz Hill Water District  
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