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9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 Coordination Proceeding
12 Special Title (Rule 1550(b))

Judicial Council Coordination
Proceeding No. 4408

13 ANTELOPE VALLEY GROUNDWATER
CASES

Assigned to The Honorable
Jack Komar

14 Included Actions:

15 Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co.
16 Superior Court of California County of Los Angeles,
Case No. BC 325 201

**ANSWER OF STATE OF
CALIFORNIA, SANTA
MONICA MOUNTAINS
CONSERVANCY AND STATE
OF CALIFORNIA 50TH
DISTRICT AGRICULTURAL
ASSOCIATION TO ALL
CROSS-COMPLAINTS NOT
PREVIOUSLY ANSWERED**

17 Los Angeles County Waterworks District No. 40 v.
Diamond Farming Co.
18 Superior Court of California, County of Kern,
Case No. S-1500-CV-254-348

20 Wm. Bolthouse Farms, Inc. v. City of Lancaster
Diamond Farming Co. v. City of Lancaster
21 Diamond Farming Co. v. Palmdale Water Dist.
Superior Court of California, County of Riverside,
22 consolidated Actions, Case Nos. RIC 353 840, RIC 344
436, RIC 344 668

23
24 AND RELATED ACTIONS.
25

26 Defendants State of California and its agencies owning land overlying the Antelope Valley
27 Groundwater Basin or pumping water from the Antelope Valley Groundwater Basin, and the Santa
28 Monica Mountains Conservancy, and the State of California 50th District Agricultural Association

1 ("State defendants") hereby answer the Cross-complaint filed by the Antelope Valley-East Kern
2 Water Agency and any and all other Cross-complaints asserting claims against State defendants that
3 State defendants have not previously answered and all Cross-complaints filed hereafter that assert
4 claims against State defendants.

5 **ANSWER**

6 1. Pursuant to Code of Civil Procedure section 431.30(d), State defendants hereby
7 generally deny each and every allegation contained in all Cross-complaints, and the whole thereof,
8 and further deny that Cross-complainants are entitled to any relief against State defendants.

9 **AFFIRMATIVE DEFENSES**

10 **FIRST AFFIRMATIVE DEFENSE**
11 **(Failure to State a Cause of Action)**

12 2. The Cross-complaints, and each and every cause of action alleged therein, fail
13 to state facts sufficient to state a cause of action against the State defendants, or any of them.

14 **SECOND AFFIRMATIVE DEFENSE**
15 **(Civil Code Section 1007)**

16 3. The relief sought by Cross-complainants against State defendants is barred
17 Civil Code Section 1007. There can be no prescription against State defendants' water rights.
18 Civil Code section 1007 also prevents other parties from obtaining rights against the State or these
19 State defendants by asserting intervention of public use.

20 **THIRD AFFIRMATIVE DEFENSE**
21 **(Uncertainty)**

22 4. The Cross-complaints are uncertain and defective in that they have failed to
23 describe with specificity the groundwater basin or aquifer or aquifers or pertinent sub-basins, if
24 any, from which Cross-complainants and Cross-defendants are extracting, or claim the right to
25 extract, groundwater.

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1 **FOURTH AFFIRMATIVE DEFENSE**
2 **(Failure to Join Necessary and Indispensable Parties)**

3 5. Cross-complainants have failed to join indispensable and necessary parties,
4 namely other overlying landowners and parties extracting groundwater from the Antelope Valley
5 Groundwater Basin.

6 **FIFTH AFFIRMATIVE DEFENSE**
7 **(Statute of Limitations)**

8 6. The Cross-complaints are barred by applicable statutes of limitations,
9 including but not limited to sections 318, 319, 321, 338, and 343 of the California Code of Civil
10 Procedure.

11 **SIXTH AFFIRMATIVE DEFENSE**
12 **(Overlying Rights)**

13 7. State defendants, and each of them, are owners of property overlying the
14 Antelope Valley Groundwater Basin and thus hold overlying rights to the native water of the
15 Basin. These rights are prior and paramount to the rights claimed by Cross-complainants.

16 **SEVENTH AFFIRMATIVE DEFENSE**
17 **(Right to Recapture Imported Water)**

18 8. One or more of State defendants import water from outside the Basin. They
19 have a prior and paramount right to such imported water and the return flows from it.

20 **EIGHTH AFFIRMATIVE DEFENSE**
21 **(Dedication to Public Use)**

22 9. All the groundwater extracted from the Antelope Valley Groundwater Basin
23 by State defendants is devoted to public use. Therefore, Cross-complainants cannot obtain relief
24 that would in any way restrain or interfere with State Defendant's rights to pump or extract such
25 water.

26 **NINTH AFFIRMATIVE DEFENSE**
27 **(Water Code section 106)**

28 10. Part of the water extracted from the Antelope Valley Groundwater Basin by

1 State defendants is used for domestic purposes. State defendants are entitled to any priority
2 granted by Water Code section 106.

3 **TENTH AFFIRMATIVE DEFENSE**
4 **(Laches)**

5 11. The Cross-complaints, and each and every cause of action therein, are barred
6 by the doctrine of laches.

7 **ELEVENTH AFFIRMATIVE DEFENSE**
8 **(Waiver)**

9 12. The Cross-complaints, and each and every cause of action therein, are barred
10 by the doctrine of waiver.

11 **TWELFTH AFFIRMATIVE DEFENSE**
12 **(Estoppel)**

13 13. The Cross-complaints, and each and every cause of action therein, are barred
14 by the doctrine of estoppel.

15 **THIRTEENTH AFFIRMATIVE DEFENSE**
16 **(Public Trust)**

17 14. The State of California holds certain natural resources in trust for the benefit
18 of the people pursuant to the Public Trust Doctrine.

19 **FOURTEENTH AFFIRMATIVE DEFENSE**
20 **(Additional Defenses Unknown at this Time)**

21 15. State defendants own multiple properties overlying the Antelope Valley
22 Groundwater Basin and presently have insufficient knowledge or information upon which to form
23 a belief as to whether they may have additional, as yet unstated, affirmative defenses. State
24 defendants reserve the right to assert additional defenses in the event that discovery indicates they
25 would be appropriate.

26 WHEREFORE, State defendants pray that:

- 27 1. Cross-complainants take nothing by the cross-complaints;
28 2. That the Cross-complaints be dismissed; or in the alternative that judgment be awarded

1 declaring that State defendants' water rights are prior and paramount to those of Cross-
2 complainants and all other parties;

3 3. For State defendants' attorneys fees and expert witness fees;

4 4. For State defendants' costs of suit incurred herein; and

5 5. For such other relief as the court deems just and proper.

6 Dated: March 8, 2007

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Respectfully submitted,

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BILL LOCKYER

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Attorney General of the State of California

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DANIEL L. SIEGEL

Supervising Deputy Attorney General

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MICHAEL L. CROW

Deputy Attorney General

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VIRGINIA A. CAHILL

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Deputy Attorney General

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Attorneys for State of California, Santa
Monica Mountains Conservancy, and State of
California 50th District Agricultural
Association.

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DECLARATION OF SERVICE

CASE: **ANTELOPE VALLEY GROUNDWATER CASES,
LOS ANGELES COUNTY SUPERIOR COURT
JUDICIAL COUNCIL COORDINATED PROCEEDINGS NO. 4408**

I, declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1300 I Street, P.O. Box 944255, Sacramento, California 94244-2550.

On March 8, I served the
**ANSWER OF STATE OF CALIFORNIA, SANTA MONICA MOUNTAINS
CONSERVANCY AND STATE OF CALIFORNIA 50TH DISTRICT AGRICULTURAL
ASSOCIATION TO ALL CROSS-COMPLAINTS NOT PREVIOUSLY ANSWERED.**

- X Posting the document(s) listed above to the Santa Clara County Superior Court web site in regard to the Antelope Valley Groundwater matter on February 13, 2007.
- X by placing a true copy of the document(s) listed above in a sealed envelope with postage thereon fully prepaid using the overnight courier, Golden State Overnight Courier Service, addressed as follows:

(served original via over night courier to Presiding Judge on March 8, 2007)

Presiding Judge of the Superior Court of California, County of Los Angeles
County Courthouse
111 North Hill Street
Los Angeles, CA 90012-3014

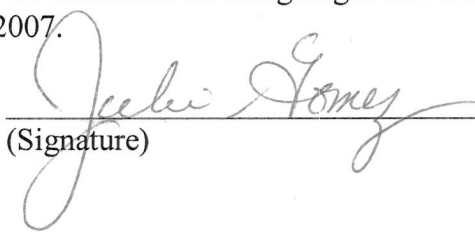
Chair, Judicial Council of California
Administrative office of the Courts
Attn: Appellate and Trial Court Judicial Services (Civil Case Coordination)
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Honorable Jack Komar
Santa Clara County Superior Court
191 North First Street, Department 17C
San Jose, Ca 95113

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 8, 2007.

Declarant

Julie Gomez



(Signature)