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SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

Coordination Proceeding
Special Title (Rule 1550(b))

**ANTELOPE VALLEY GROUNDWATER
CASES**

Included Actions:

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

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

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

Judicial Council Coordination Proceeding No.
4408

ASSIGNED FOR ALL PURPOSES TO:
Judge: Honorable Jack Komar

**ANSWER OF COUNTY SANITATION
DISTRICTS NOS. 14 AND 20 OF LOS
ANGELES COUNTY TO CROSS-
COMPLAINT OF TEJON RANCHCORP,
ANTELOPE VALLEY GROUNDWATER
AGREEMENT ASSOCIATION AND ALL
SUBSEQUENTLY FILED CROSS-
COMPLAINTS**

1 Cross-defendants, County Sanitation District Nos. 14 and 20 of Los Angeles County
2 (hereafter "Districts"), hereby answers the cross-complaint of Tejon Ranchcorp, the Antelope
3 Valley Groundwater Agreement Association, and all cross-complaints hereafter filed that name
4 either or both of the Districts as a cross-defendant.

5
6 **GENERAL DENIAL**
7

8 1. Pursuant to Code of Civil Procedure section 431.30(d), Cross-defendants hereby
9 generally deny each and every allegation set forth in the Cross-Complaint, and the whole thereof,
10 and further deny that Cross-Complainant is entitled to any relief against Cross-defendant.

11
12 **AFFIRMATIVE DEFENSES**
13

14 **FIRST AFFIRMATIVE DEFENSE**

15 2. The Cross-Complaint and every purported cause of action therein fail to allege facts
16 sufficient to constitute a cause of action against the Districts.

17
18 **SECOND AFFIRMATIVE DEFENSE**

19 3. The Cross-Complaint, and each and every cause of action therein, are barred by the
20 doctrine of waiver.

21
22 **THIRD AFFIRMATIVE DEFENSE**

23 4. The Cross-Complaint, and each and every cause of action therein, are barred by the
24 doctrine of laches.

25
26 **FOURTH AFFIRMATIVE DEFENSE**

27 5. The Cross-Complaint, and each and every cause of action therein, are barred by the
28 doctrine of estoppel.

1 **FIFTH AFFIRMATIVE DEFENSE**

2 6. The Districts have a paramount right against all other parties, in accordance with
3 California Water Code section 1210, to the recycled water produced by the Districts' water
4 reclamation plants. This right shall remain in effect until this right is sold or the water
5 abandoned.

6
7 **SIXTH AFFIRMATIVE DEFENSE**

8 7. The Districts have a right to extract groundwater from the Basin for reasonable and
9 beneficial use on the Districts' properties, and this right is prior and paramount to Public Water
10 Suppliers' claims to extract and use groundwater from the Basin for non-overlying
11 (appropriative) use and is correlative with all other overlying groundwater rights.

12
13 **SEVENTH AFFIRMATIVE DEFENSE**

14 8. The Districts' recycled water has reached the Basin through various means including
15 percolation of return flows, and may seek to store recycled water in the future through the use of
16 recharge basins or other facilities. The Districts have a right to store this water in the Basin, a
17 paramount right against all other parties to this water, and a paramount right against all other
18 parties to recapture this water or an equivalent amount.

19
20 **EIGHTH AFFIRMATIVE DEFENSE**

21 9. In California Water Code section 13550, et seq., the California Legislature finds and
22 declares that the use of potable domestic water for nonpotable uses, including industrial and
23 irrigation uses, is a waste or an unreasonable use of water if recycled water of adequate quality
24 and at a reasonable price is available, and meets all statutory conditions as determined by the
25 State Water Resources Control Board. The Districts contend that they are now and will in the
26 future make substantial quantities of recycled water of adequate quality and reasonable price
27 available for nonpotable uses in the Antelope Valley. The Districts are informed and believe and
28 on that basis allege that the availability and use of recycled water directly and significantly

1 affects the Basin and must be fully taken into account in the adjudication of all rights to water in
2 the Antelope Valley Groundwater Basin.

3
4 **NINTH AFFIRMATIVE DEFENSE**

5 10. The Districts have, pursuant to the doctrine of “self help,” preserved their right to extract
6 groundwater from the Basin by pumping groundwater during all relevant time periods for
7 reasonable and beneficial use on the Districts’ properties.

8
9 **TENTH AFFIRMATIVE DEFENSE**

10 11. The Cross-Complaint and each cause of action alleged therein, in whole or part, are
11 barred by the applicable statutes of limitation, including but not limited to section 318, 319, 321,
12 337, 338, 339, 342 and 343 of the Code of Civil Procedure.

13
14 **ELEVENTH AFFIRMATIVE DEFENSE**

15 12. The Cross-Complaint and each cause of action alleged therein are barred by the failure to
16 join indispensable and necessary parties.

17
18 **TWELFTH AFFIRMATIVE DEFENSE**

19 13. All the groundwater extracted by the Districts from the Basin is devoted to public use.
20 As a result of this dedication to public use, the Cross-Complainant cannot obtain any judicial
21 relief that will in any way restrain or prevent the Districts from exercising their rights to extract
22 groundwater from the Basin.

23
24 **THIRTEENTH AFFIRMATIVE DEFENSE**

25 14. The Districts reserve the right to assert additional defenses or to amend this Answer as
26 may be appropriate.

27 **PRAYER**

28 WHEREFORE, Districts pray for Judgment as follows:

1. For a declaration that the Districts' rights to the recycled water are paramount to any other entity, until that water right is sold or the water abandoned;
2. For a declaration that the Districts' rights to extract groundwater from the Basin for reasonable and beneficial use on the Districts' properties are correlative with all other overlying groundwater rights;
3. For a declaration that the Districts have a right to store their recycled water in the Basin, a paramount right to credit for their recycled water which recharged the Basin, and a paramount right to recapture that water;
4. For a declaration that the use of recycled water must be an integral element in any physical solution and that the use of potable domestic water for non-potable uses is an unreasonable use of water;
5. For an injunction restraining Cross-complainants, and their agents, servants and employees, and all persons acting under, in concert with, or for them, or anyone acting through them or on their behalf, from acting in any manner which interferes with the rights of the Districts to control the disposition of recycled water or to take water from the Basin to meet their present and future needs or to meet regulatory requirements;
6. For this Court to maintain continuing jurisdiction over this controversy to carry out and enforce the terms of the judgment;
7. For costs of suit; and
8. For such other relief as the Court deems just and proper.

Dated: March 2, 2007

ELLISON, SCHNEIDER & HARRIS L.L.P.

By: _____
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I am employed in the County of Sacramento, State of California. I am over the age of eighteen years and am not a party to the within action. My business address is ELLISON, SCHNEIDER & HARRIS, L.L.P.; 2015 H Street; Sacramento, California 95814-3109; telephone (916) 447-2166.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on March 2, 2007, at Sacramento, California.

Answer to Cross-Complaint