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8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES**  
11

12  
13 **ANTELOPE VALLEY**  
14 **GROUNDWATER CASES**

15 Included Actions:

16 Los Angeles County Waterworks District  
No. 40 v. Diamond Farming Co.  
Los Angeles County Superior Court  
17 Case No. BC 325201

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

20 Wm. Bolthouse Farms, Inc. V. City of  
21 Lancaster, Diamond Farming Co. V. City of  
Lancaster , Diamond Farming Co. V.  
22 Palmdale Water Dist.  
Riverside County Superior Court  
23 Consolidated actions  
Case Nos. RIC 353 840, RIC 344 436, RIC  
24 344 668

) Judicial Council Coordination NO. 4408  
)

) For filing purposes only:  
) Santa Clara County Case No. 1-05-CV-  
049053

) Assigned to The Honorable Jack Komar

) Answer to Complaint and All Cross-  
Complaints

1 I hereby answer the Complaint and all Cross-Complaints which have been filed as of this  
2 date, specifically those of Antelope Valley East-Kern Water Agency, Palmdale Water District &  
3 Quartz Hill Water District, Rosamond Community Services District and Awaterworks District No.  
4 40 of Los Angeles County. I do not intend to participate at trial or other proceedings unless ordered  
5 by the Court to do so, but I reserve the right to do so upon giving written notice to that effect to the  
6 Court and all parties. I own the following property(ies) located in the Antelope Valley:

7 39800 Country Club Drive  
8 Palmdale, CA 93551-2970

APN : 3005 003 026 07 000

9 **GENERAL DENIAL**

10 1. Pursuant to Code of Civil Procedure section 431.30(d), Defendant and Cross-Defendant  
11 hereby generally denies each and every allegation set forth in the Complaint and Cross-Complaint,  
12 and the whole thereof, and further denies that Plaintiff and Cross-Complainant are entitled to any  
13 relief against Defendant and Cross-Defendant.

14 **AFFIRMATIVE DEFENSES**

15 **First Affirmative Defense**

16 (Failure to State a Cause of Action)

17 2. The Complaint and Cross-Complaint and every purported cause of action contained therein  
18 fail to allege facts sufficient to constitute a cause of action against Defendant and Cross-Defendant.

19 **Second Affirmative Defense**

20 (Statute of Limitation)

21 3. Each and every cause of action contained in the Complaint and Cross-Complaint is barred,  
22 in whole or in part, by the applicable statutes of limitation, including, but not limited to, sections  
23 318, 319, 321, 338, and 343 of the California Code of Civil Procedure.

24  
25 **Third Affirmative Defense**

26 (Laches)

27 4. The Complaint and Cross-Complaint, and each and every cause of action contained therein,

1 is barred by the doctrine of laches.

2 **Fourth Affirmative Defense**

3 (Estoppel)

4 5. The Complaint and Cross-Complaint, ad each and every cause of action contained therein,  
5 is barred by the doctrine of estoppel.

6 **Fifth Affirmative Defense**

7 (Waiver)

8 6. The Complaint and Cross-Complaint, and each and every cause of action contained therein,  
9 is barred by the doctrine and waiver.

10 **Sixth Affirmative Defense**

11 (Self-Help)

12 7. Defendant and Cross-Defendant has, by virtue of he doctrine of self-help, preserved its  
13 paramount overlying right to extract groundwater by continuing, during all times relevant hereto, to  
14 extract groundwater and put it to reasonable and beneficial use on its property.

15 **Seventh Affirmative Defense**

16 (California Constitution Article X, Section 2)

17 8. Plaintiff and Cross-Complainant's methods of water use and storage are unreasonable and  
18 wasteful in the arid conditions fo the Antelope Valley and thereby violate Article X, Section 2 of the  
19 California Constitution.

20 **Eighth Affirmative Defense**

21 (Additional Defenses)

22 9. The Complaint and Cross-Complaint do not state their allegations with sufficient clarity to  
23 enable defendant and cross-defendant to determine what additional defenses may exist to Plaintiff  
24 and Cross-Complainant's causes of action. Defendant and Cross-defendant therefore reserve the  
25 right to assert all other defenses which may pertain to the Complaint and Cross- Complaint.

26 **Ninth Affirmative Defense**

27 10. The prescriptive claims asserted by governmental entity Cross-Complainants are *ultra*

1 *vires* and exceed the statutory authority by which each entity may acquire property as set forth in  
2 Water Code sections 22456, 31040 and 55370.

3 **Tenth Affirmative Defense**

4 11. The prescriptive claims asserted by governmental entity Cross-Complainants are barred by  
5 the provisions of Article 1 Section 19 of the California Constitution.

6 **Eleventh Affirmative Defense**

7 12. The prescriptive claims asserted by governmental entity Cross-Complainants are barred by  
8 the provisions of the 5<sup>th</sup> Amendment to the United States Constitution as applied to the states under  
9 the 14<sup>th</sup> Amendment of the United States Constitution.

10 **Twelfth Affirmative Defense**

11 13. Cross-Complainants' prescriptive claims are barred due to their failure to take affirmative  
12 steps that were reasonably calculated and intended to inform each overlying landowner of cross-  
13 complainants' adverse and hostile claim as required by the due process clause of the 5<sup>th</sup> and 14<sup>th</sup>  
14 Amendments of the United States Constitution.

15 **Thirteenth Affirmative Defense**

16 14. The prescriptive claims asserted by governmental entity Cross-Complainants are barred by  
17 the provisions of Article 1 Section 7 of the California Constitution.

18 **Fourteenth Affirmative Defense**

19 15. The prescriptive claims asserted by governmental entity Cross-Complainants are barred by  
20 the provisions of the 14<sup>th</sup> Amendment to the United States Constitution.

21 **Fifteenth Affirmative Defense**

22 16. The governmental entity Cross-Complainants were permissively pumping at all times.

23 **Sixteenth Affirmative Defense**

24 17. The request for the court to use its injunctive powers to impose a physical solution seeks  
25 a remedy that is in violation of the doctrine of separation of powers set forth in Article 3 section 3  
26 of the California Constitution.

1                                   **Seventeenth Affirmative Defense**

2           18.   Cross-Complainants are barred from asserting their prescriptive claims by operation of law  
3 as set forth in Civil Code sections 1007 and 1214.

4                                   **Eighteenth Affirmative Defense**

5           19.   Each Cross-Complainant is barred from recovery under each and every cause of action  
6 contained in the Cross-Complaint by the doctrine of unclean hands and/or unjust enrichment.

7                                   **Nineteenth Affirmative Defense**

8           20.   The Cross-Complaint is defective because it fails to name indispensable parties in  
9 violation of California Code of Civil Procedure Section 389(a).

10                                  **Twentieth Affirmative Defense**

11           21.   The governmental entity Cross-Complainants are barred from taking, possessing or using  
12 cross-defendants' property without first paying just compensation.

13                                  **Twenty-First Affirmative Defense**

14           22.   The governmental entity Cross-Complainants are seeking to transfer water right priorities  
15 and water usage which will have significant effects on the Antelope Valley Groundwater basin and  
16 the Antelope Valley. Said actions are being done without complying with and contrary to the  
17 provisions of California's Environmental Quality Act (CEQA) (Pub. Res.C. 2100 *et seq.*).

18                                  **Twenty-Second Affirmative Defense**

19           23.   The governmental entity Cross-Complainants seek judicial ratification of a project that has  
20 had and will have a significant effect on the Antelope Valley Groundwater Basin and the Antelope  
21 Valley that was implemented without providing notice in contravention of the provisions of  
22 California's Environmental Quality Act (CEQA)(Pub.Res.C. 2100 *et seq.*).

23                                  **Twenty-Third Affirmative Defense**

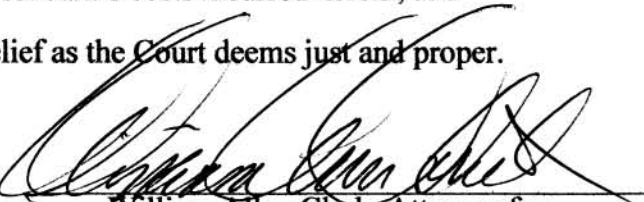
24           24.   Any imposition by this court of a proposed physical solution that reallocates the water right  
25 priorities and water usage within the Antelope Valley will be *ultra vires* as it will be subverting the  
26 pre-project legislative requirements and protections of California's Environmental Quality Act  
27 (CEQA) (Pub.Res.C.2100 *et seq.*).

1       **WHEREFORE**, Defendant and Cross-defendant prays that judgment be entered as follows;

- 2       1.   That Plaintiff and Cross-Complainant take nothing by reason of its Complaint or Cross-
- 3 Complaint;
- 4       2.   That the Complaint and Cross-Complaints be dismissed with prejudice;
- 5       3.   For Defendant and Cross-Defendant's costs incurred herein; and
- 6       4.   For such other and further relief as the Court deems just and proper.

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8 Dated: Feb. 6, , 2008

  
William Allen Clark, Attorney for  
ANTELOPE VALLEY COUNTRY CLUB  
IMPROVEMENT COMPANY