

1                                   **Third Affirmative Defense**

2                                   (Laches)

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

5                                   **Fourth Affirmative Defense**

6                                   (Estoppel)

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

9                                   **Fifth Affirmative Defense**

10                                  (Waiver)

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

13                                  **Sixth Affirmative Defense**

14                                  (Self-Help)

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

18                                  **Seventh Affirmative Defense**

19                                  (California Constitution Article X, Section 2)

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

23                                  **Eighth Affirmative Defense**

24                                  (Additional Defenses)

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