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and WM. BOLTHOUSE FARMS, INC.  
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8 SUPERIOR COURT OF CALIFORNIA  
9 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

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11 COORDINATION PROCEEDING  
SPECIAL TITLE (Rule 1550(b))

12 ANTELOPE VALLEY GROUNDWATER  
13 CASES

14 INCLUDED ACTIONS:

15 LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40 v. DIAMOND FARMING  
16 COMPANY, et al.,  
Los Angeles Superior Court Case No. BC325201

17 LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40 v. DIAMOND FARMING  
18 COMPANY, et al.,  
19 Kern County Superior Court Case No. S-1500-  
CV-254348

20 DIAMOND FARMING COMPANY, and W.M.  
21 BOLTHOUSE FARMS, INC., v. CITY OF  
LANCASTER, et al.,  
22 Riverside Superior Court Case No. RIC 344436  
[c/w case no. RIC 344668 and 353840]  
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24 AND RELATED ACTIONS.  
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JUDICIAL COUNCIL COORDINATION PROCEEDING  
No. 4408

CASE NO. 1-05-CV-049053  
*Action Filed: October 26, 2005*

**BOLTHOUSE PROPOSED CHANGES TO  
[PROPOSED] STATEMENT OF DECISION  
FOR TRIAL RELATED TO PHELAN  
PIÑON HILLS COMMUNITY SERVICES  
DISTRICT**

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that BOLTHOUSE PROPERTIES, LLC and WM. BOLTHOUSE  
3 FARMS, INC. (“BOLTHOUSE”) hereby request the following modifications to the [Proposed]  
4 Statement of Decision for the reasons stated below.

5 Page 7, lines 22 – 25 should be amended as follows:

6 “Based on Mr. Harder’s testimony, the Court also finds that groundwater  
7 from the Butte subbasin is a source of groundwater recharge for the Lancaster  
8 basin Area of Adjudication, and that groundwater pumping in the Butte subbasin  
9 could lower the groundwater level and reverse the flow of the groundwater from  
10 the Lancaster subbasin to the Butte subbasin.

11 This language should be removed because the trial related to Phelan Piñon Hills Community  
12 Services District related solely to the issue of whether Phelan Piñon Hills proved any groundwater  
13 right. The stricken language above could have an unintended effect on broader issues related to  
14 whether **any** pumping in the Butte subbasin could lower the groundwater levels and reverse the flow  
15 of groundwater from the Lancaster subbasin to the Butte subbasin. This issue was not set for trial and  
16 could implicate groundwater rights of other parties in the Butte subbasin.

17 Page 8, lines 19 – 20, this proposed language should be amended as follows:

18 “The Court recognizes that while overdraft and native safe yield of the  
19 Adjudication Area were determined in Phase 3 trial...”

20 Page 8, lines 22 – 26 and page 9, line 1, should be amended as follows:

21 ~~The Court fully expects a trial and/or hearings on the parties’ reasonable~~  
22 ~~and beneficial water use at a later date and that Phelan Piñon Hills can participate~~  
23 ~~in those proceedings. To the extent the Court determines that a certain amount of~~  
24 ~~water use is not reasonable or beneficial, Phelan Piñon Hills can then bring a~~  
25 ~~motion to determine whether surplus water exists once unreasonable and non-~~  
26 ~~beneficial uses are deducted from the comparison of groundwater demand and~~  
27 ~~groundwater supply. Phelan Piñon Hills failed to prove that any surplus water~~  
28 exists in the Area of Adjudication. To the extent Phelan Piñon Hills can, in the

1 future, prove surplus water is available for appropriation, Phelan Piñon Hills is  
2 free to do so under the continuing jurisdiction of the Court.

3 DATED: December 22, 2014

Respectfully submitted,

4 CLIFFORD & BROWN

5  
6 By 

RICHARD G. ZIMMER, ESQ.

T. MARK SMITH, ESQ.

Attorneys for BOLTHOUSE PROPERTIES, LLC  
and WM. BOLTHOUSE FARMS, INC.

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**PROOF OF SERVICE (C.C.P. §1013a, 2015.5)**  
*Antelope Valley Groundwater Cases*  
*Judicial Counsel Coordination Proceeding No. 4408*  
*Santa Clara County Superior Court Case No. 1-05-CV-049053*

I am employed in the County of Kern, State of California. I am over the age of 18 and not a party to the within action; my business address is 1430 Truxtun Avenue, Suite 900, Bakersfield, CA 93301.

On December 22, 2014, I served the foregoing document(s) entitled:

**BOLTHOUSE PROPOSED CHANGES TO [PROPOSED] STATEMENT OF  
DECISION FOR TRIAL RELATED TO PHELAN PINION HILLS COMMUNITY  
SERVICES DISTRICT**

by posting the document listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter. All parties listed on the Santa Clara Superior Court in regard to the Antelope Valley Groundwater Matter are hereby incorporated within by this reference.

X BY SANTA CLARA SUPERIOR COURT E-FILING IN COMPLEX LITIGATION PURSUANT TO CLARIFICATION ORDER DATED OCTOBER 27, 2005.

Executed on December 22, 2014, at Bakersfield, California.

X (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

— (Federal) I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

  
\_\_\_\_\_  
SUE HAYS  
{2455-2}