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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

16 ANTELOPE VALLEY GROUNDWATER
17 CASES

18 Included Actions:

19 Los Angeles County Waterworks District No.
40 v. Diamond Farming Co., Superior Court of
20 California, County of Los Angeles, Case No.
BC 325201;

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

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

26 RICHARD WOOD, on behalf of himself and
27 all other similarly situated v. A.V. Materials,
Inc., et al., Superior Court of California,
28 County of Los Angeles, Case No. BC509546.

EXEMPT FROM FILING FEES
UNDER GOVERNMENT CODE
SECTION 6103

Judicial Council Coordination Proceeding
No. 4408

CLASS ACTION

Santa Clara Case No. 1-05-CV-049053
Assigned to the Honorable Jack Komar

PUBLIC WATER SUPPLIERS'
EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF SHELDON R. BLUM
IN SUPPORT OF BLUM TRUST'S
MOTION FOR SUMMARY
JUDGMENT/ADJUDICATION;
[PROPOSED] ORDER RE
EVIDENTIARY OBJECTIONS TO THE
DECLARATION OF SHELDON R. BLUM

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Los Angeles County Waterworks District No. 40, City of Palmdale, City of Lancaster, Rosamond Community Services District, Littlerock Creek Irrigation District, Palm Ranch Irrigation District, Desert Lake Community Services District, North Edwards Water District, Llano Del Rio Water Company, Llano Mutual Water Company, Big Rock Mutual Water Company, Quartz Hill Water District, and California Water Service Company (collectively, "Public Water Suppliers") hereby submit their Objections to the Declaration of Sheldon R. Blum submitted by Blum Trust in support of its Motion for Summary Adjudication.

Objection No.	Material Objected to:	Grounds for Objection:	Ruling on the Objection:
1.	¶2: "Since 1985, up to present, Sheldon Blum/BLUM TRUST, (hereinafter "BLUM TRUST"), was and still is, an overlying landowner in the Antelope Valley Basin of 150 acres of farmland located in the City of Lancaster, County of Los Angeles, CA, identified by APNs and acreage, as follows: (1) <u>3384-009-001= 80+/-Acs.</u> ; (2) <u>3384-009-006= 39+/-Acs.</u> ; (3) <u>3384-020-012=10+/-Acs.</u> ; (4) <u>3384- 020-013=10+/-Acs.</u> ; and (5) <u>3262-016-011=10+/- Acs.</u> "	(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].) (c) Hearsay. (Evid. Code § 1200.) (d) Improper opinion testimony. (Evid. Code § 800.) (e) States legal conclusion. (Evid. Code §310.)	Sustained: _____ Overruled: _____
2.	¶3: "its location with respect to the Basin's underlying percolating water, without which the overlying lands would have little value"	(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153]	Sustained: _____ Overruled: _____

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		<p>["[A]]legations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].)</p> <p>(c) Improper opinion testimony. (Evid. Code § 800.)</p>	
3.	<p>¶4: "Each year BLUM TRUST paid the Los Angeles County Annual Property Tax Bills on the above-described parcels which included a 'Special Water' assessment."</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p> <p>(c) Vague as to "Special Water assessment."</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
4.	<p>¶5: "There are three (3) water wells on BLUM TRUST's farmland located on <u>APNs 3384-009-001 = 80+/- Acs.; & (2) 3384-009-006 = 39 +/- Acs.</u> The BLUM TRUST water wells were illustrated by Lessee BOLTHOUSE FARMS on its 'MAP OF BLUM PARCEL'."</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]]legations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
5.	<p>¶6: "On or about August 6, 2007, I requested and received via fax from the California Dept. of Water Resources Southern District, two (2) Water Well Index Cards recorded on file which identify that the water wells were drilled in 1932 & 1948, on BLUM TRUST's farmland, by its farming owner/predecessor, T.D. KYLE."</p>	<p>(a) Hearsay. (Evid. Code § 1200.)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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<p>6.</p>	<p>¶7: “the parcels overly the basin and have correlative rights with other overlying landowners free of replenishment assessment from the native safe yield.”</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code § 310.)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>7.</p>	<p>¶8: “have all groundwater pumped for the beneficial use of BLUM TRUST’s farmland”</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(d) States legal conclusion. (Evid. Code § 310.)</p> <p>(e) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusory assertions with respect to undisputed facts, and do not give rise to a triable</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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		factual issue so as to defeat the motion for summary judgment”].)	
8.	¶8: “The groundwater was to be pumped from servicing BLUM TRUST’s existing three (3) water wells and/or if agreed, pumped from BOLTHOUSE FARMS’ adjacent parcel(s) water well(s) and delivered onto the BLUM TRUST leased parcels. Lessee was to conduct its farming operation in conformity with good agriculture operations and comply with all State and Federal laws. A Modification Lease Agreement was also executed between Lessor and Lessee on or about May 17, 2004, which extended the lease term through 12/31/2009.”	(a) Hearsay. (Evid. Code § 1200.) (b) States legal conclusion. (Evid. Code §310.)	Sustained: <hr/> Overruled: <hr/>
9.	¶9: “The agriculture lease & modification agreement were for eight (8) consecutive years (id. 1/1/2002- 12/31/2009), and cited the effect of the Antelope Valley groundwater governmental issues and adjudication, and the impact on water well pumping and water rights which may affect the amount and cost of available groundwater for the subject property. (See Exhibit List Ex. 1, Pg. 15, Section 22. Water Adjudication). In recognition of the need for the groundwater pumping to belong to the BLUM TRUST farmland under any California allocation system, all lease covenants and agreements were deemed to be covenants running with the BLUM TRUST farmland, and shall inure to the benefit of and be binding upon the successors in interest of the parties. (See Exhibit List Ex. 1, Pg. 14 & 15).”	(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].) (c) Hearsay. (Evid. Code § 1200.) (d) Improper opinion testimony. (Evid. Code § 800.) (e) States legal conclusion. (Evid. Code §310.) (f) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (g) Inappropriate conclusory assertion (<i>Parker v. Twentieth</i>	Sustained: <hr/> Overruled: <hr/>

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		<i>Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)	
10.	¶10: “In lieu of servicing BLUM TRUST’s three (3) water wells, BOLTHOUSE FARMS elected to construct an underground pipeline delivery system from its adjacent parcels’ water wells and route it underneath the city streets of Ave. J & 70th St. E. onto the BLUM TRUST’s farmland. These water wells were designated by BOLTHOUSE FARMS as LAID 13-3, located on APN 3384-008002 at Ave. J & 75th St. E., and AVOL 14-3N; & AVOL 14-3S located on APN 3384-004-004 at Ave. J & 65th St. E.”	(a) Lack of foundation. (Evid. Code §§ 401 and 403.)	Sustained: _____ Overruled: _____
11.	¶11: “This information was confirmed to me by BOLTHOUSE FARMS’ counsel Mr. Richard Zimmer’s via email dated 11/30/11, a true and correct copy of which is attached and marked Exhibit “3”, to the Exhibit List.”	(a) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (b) Hearsay. (Evid. Code § 1200.)	Sustained: _____ Overruled: _____
12.	¶12: “This information was also communicated to me by BOLTHOUSE FARMS Ag. Properties/Legal Manager Michael W. Kovacevich via email dated 11/16/2009, in which he identifies Ave. J and 75th Street E., from where the routed irrigation pipes were cut on BLUM TRUST’S leased farmland, at the expiration of the lease. Attached to Mr. Kovacevich’s email were photographs and an illustrated BLUM-MAP diagram dated November 11, 2009. True and correct copies of Mr.	(a) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (b) Hearsay. (Evid. Code § 1200.)	Sustained: _____ Overruled: _____

1		Kovacevich's email and Diagram are collectively attached and marked Exhibit "4", to the Exhibit List."		
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3	13.	¶13: "Additionally helpful to the location of BOLTHOUSE FARMS' Place of Diversion' onto the BLUM TRUST's 'Place of Use' parcels, are excerpts from the deposition of BOLTHOUSE FARMS' designated "Person Most Knowledgeable" Irrigation Equipment Manager DANIEL WILKE taken on February 6, 2013, under C.C.P. §2025.230. Mr. WILKE testified that during the 2002-2009, lease term BOLTHOUSE FARMS' water well(s) designated as AVOL 14-3, NORTH and/or 14-3 SOUTH, located on Ave. J & 65 St. E were pumped onto the BLUM TRUST parcels. Mr. Wilke further testified that he was not aware whether LAID 13-3 water well located at or near Ave. J. & 75 St. E., was used to deliver groundwater to the BLUM TRUST parcels. True and correct excerpt pages from Mr. Wilke's deposition are attached and marked Exhibit "5" to the Exhibit List."	(a) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].) (b) Hearsay. (Evid. Code § 1200.) (c) Inadmissible secondary evidence. (Evid. Code § 1521(b).)	Sustained: <hr/> Overruled: <hr/>
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18	14.	¶14: "An Ariel View Photographs of BLUM TRUST's farmland depicting its 3 water wells, and approximate location of BOLTHOUSE FARMS' designated wells: AVOL 14-3N; AVOL 14-3S; & LAID 13-3 are attached and marked Exhibit "6" to the Exhibit List."	(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Lack of Authentication (Evid. Code §1401.)	Sustained: <hr/> Overruled: <hr/>
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24	15.	¶15: "In accordance with the parties lease agreement, Lessee BOLTHOUSE FARMS' acted on behalf of Lessor BLUM TRUST in securing City Permits to construct and route its groundwater pipeline system onto the leased BLUM TRUST farmland. In addition, Lessee	(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit	Sustained: <hr/> Overruled: <hr/>
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	<p>filed Annual Notice(s) of Groundwater Extraction & Diversion' Forms with the CA Water Resources Control Board, Division of Water Rights, depicting the applied groundwater on the BLUM TRUST farmland.”</p>	<p>must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code §310.)</p> <p>(f) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p>	
<p>16.</p>	<p>¶17: “The groundwater would have been pumped from water wells AVOL 14-3N and/or AVOL 14-3S.”</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusory assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>17.</p>	<p>¶18: “In accordance with the Agriculture Lease Agreement, Lessor BLUM TRUST and Lessee BOLTHOUSE FARMS' farming operation represents a valid exercise of overlying production rights in conformity</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232,</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

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	<p>with good agriculture farming standards and practices, and in compliance with all applicable State and Federal laws. (See Exhibit List, Ex. "1" Section 2 "Purpose For Which Premises Are To Be Used)."</p>	<p>237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code §310.)</p> <p>(f) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 ["conclusory assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment"].)</p>	<hr/>
<p>18.</p>	<p>¶19: "BLUM TRUST's overlying groundwater production rights are evidentiary supported and verified by BOLTHOUSE ENTITIES Business Records and Declarations filed in this action. (See Request For Judicial Notice Ex. "C" & "D")."</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code §310.)</p> <p>(f) Inappropriate conclusory</p>	<p>Sustained:</p> <hr/> <p>Overruled:</p> <hr/>

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		<p>assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 ["conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment"].)</p>	
<p>19.</p>	<p>¶20: "BLUM TRUST's groundwater production rights are measured by its 'Place of Use' methodology arising out of the Agriculture Lease 'Farming Unit with BOLTHOUSE FARMS, with reference to crop season Years 2004-2005, when 'Onions' were irrigated on 118 acres of BLUM TRUST's farmland. (See Request For Judicial Notice, Exhibits "E", "F" 13:9-14; "J" 1:22-26; & "K"2:3-28, 3:1-3)."</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].) (c) Hearsay. (Evid. Code § 1200.) (d) Improper opinion testimony. (Evid. Code § 800.) (e) States legal conclusion. (Evid. Code §310.) (f) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (g) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 ["conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment"].)</p>	<p>Sustained: _____ Overruled: _____</p>
<p>20.</p>	<p>¶21: "During the Phase 3 Trial testimony of PUBLIC WATER</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p>	<p>Sustained:</p>

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	<p>SUPPLIERS' introduced into evidence through the testimony of Expert Witness Mr. Joseph Scalmanini, an Exhibit 58 "Summary of Applied Crop Water Duties, Antelope Valley Area of Adjudication". A similar document entitled Summary Expert Report Appendix D-3: Table 4 Applied Crop Duties & Irrigation Efficiency Values was used in Phase 4 Trial discovery. In accordance with the expert witness Declaration of Ali Shahroody, P.E., expert witness Mr. Joseph Scalmanini's testimonial chart introduced as Exhibit 58 during Phase 3 Trial, the applied water duties for 'Onions' during BLUM TRUST's crop season Years 2004-2005, computes at 531 Ac. Ft. Per Year. (118 Acres Irrigated x 4.5 Applied Water For Onions). (See Declaration of Ali Shahroody & Request For Judicial Notice, Ex. "E")."</p>	<p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p> <p>(f) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 ["conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment"]).</p>	<p>Overruled:</p>
<p>21.</p>	<p>¶22: "On December 20, 2007, Cross-Defendant BLUM TRUST voluntarily answered and electronically served on all parties a response to the PUBLIC WATER SUPPLIERS' Complaint / Cross-Complaint For Declaratory And Injunctive Relief And Adjudication of Water Rights. The First through Seventh Causes of Action were denied as to their alleged prescriptive rights, appropriative rights, Municipal rights and any other water right as having priority over BLUM TRUST's overlying rights, or otherwise that BLUM's rights are subordinate as oppose to co-</p>	<p>(a) Hearsay. (Evid. Code § 1200.)</p> <p>(b) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p>	<p>Sustained:</p> <p>Overruled:</p>

1		equal. The response also asserted 31 Affirmative Defenses.”	
2	22.	¶23: “On December 20, 2007, BLUM TRUST concurrently filed in these coordinated proceedings a Complaint/Cross-Complaint against BOLTHOUSE FARMS, and BOLTHOUSE PROPERTIES, LLC, (hereinafter collectively "BOLTHOUSE ENTITIES"), bearing Superior Court of Santa Clara County Case No. 1-05-CV-049053. BLUM TRUST alleged various causes of actions against the BOLTHOUSE ENTITIES, including Breach of Agriculture Lease Agreement/Modification Agreement arising out of the parties 'Farming Unit', and sought the recovery of all groundwater production allocation rights for the leased 'Place of Use' farmland during the lease term.”	(a) Hearsay. (Evid. Code § 1200.) (b) Inadmissible secondary evidence. (Evid. Code § 1521(b).)
3			Sustained: _____
4			Overruled: _____
5	23.	¶24: “The BLUM TRUST action was subsequently severed by Stipulation & Court Order and proceeded as an independent companion case to the Antelope Valley Basin Adjudication action. . . . Special Interrogatory No. 92 requested to quote the lease language which authorized the BOLTHOUSE ENTITIES to delivery groundwater onto the BLUM TRUST farmland from its adjacent parcel.”	(a) Hearsay. (Evid. Code § 1200.) (b) Inadmissible secondary evidence. (Evid. Code § 1521(b).)
6			Sustained: _____
7			Overruled: _____
8	24.	¶25: “On May 9, 2008, BOLTHOUSE PROPERTIES, President Anthony L. Leggio provided a verified Response To BLUM TRUST's Inter. No. 92, declaring "WM. BOLTHOUSE FARMS, INC lease water rights regarding the SUBJECT PROPERTY are set forth in the lease agreement and are contractual in nature. BOLTHOUSE PROPERTIES, LLC does not have any leasehold	(a) Hearsay. (Evid. Code § 1200.) (b) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (c) States legal conclusion. (Evid. Code §310.) (d) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970)
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	or contractual water rights relationship with BLUM.”	3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)	
25.	¶26: “On or about December 16, 2008, the BLUM TRUST and BOLTHOUSE ENTITIES settled the above-stated action under BLUM TRUST's express 'reservation of rights' to contend in the Basin adjudication that the volume of groundwater pumped by BOLTHOUSE FARMS and its sublessees in undertaking its/their farming operations was for the beneficial use of the BLUM TRUST's farmland during the lease term, and that such pumping should be allocated and credited to BLUM TRUST's farmland under any California water priority allocation system.”	(a) Hearsay. (Evid. Code § 1200.) (b) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (c) States legal conclusion. (Evid. Code §310.)	Sustained: _____ Overruled: _____
26.	¶27: “Ms. Saiki's Declaration stated that "BOLTHOUSE FARMS is not claiming any groundwater rights in this action.".”	(a) Hearsay. (Evid. Code § 1200.) (b) Inadmissible secondary evidence. (Evid. Code § 1521(b).)	Sustained: _____ Overruled: _____
27.	¶28: “Based on: (1) The terms of the Agriculture Lease Agreement that all covenant's and agreements run with the land, (2) BOLTHOUSE ENTITIES verified discovery response that it leased BLUM TRUST's water rights, and (3) General Counsel for BOLTHOUSE FARMS' declaration of relinquishing its water rights in this action, it is now unjust, highly prejudicial and inconsistent for the BOLTHOUSE ENTITIES to now contest or contradict BLUM TRUST's groundwater	(a) States legal conclusion. (Evid. Code §310.) (b) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)	Sustained: _____ Overruled: _____

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	production rights acquired during the 8 year lease term.”		
28.	¶29: “BLUM TRUST's production rights are not in conflict with nor duplicative to any of the groundwater production claims of 'successor in interest' BOLTHOUSE PROPERTIES. BOLTHOUSE PROPERTIES calculated its pumping on crop farming involving different parcels during Years 2011-2012. BLUM TRUST's production claims for Overlying Landowners have not been factored within the 85% of the Overlying Landowners' Basin allocation under the Proposed Global Stipulation For Entry of Interlocutory Judgment & Physical Solution Agreement. BLUM TRUST is not among the settling parties. (See Request For Judicial Notice, Ex. "M").”	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code §310.)</p> <p>(f) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p> <p>(g) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)</p> <p>(h) inadmissible settlement communication (Evid. Code § 1152.)</p>	<p>Sustained:</p> <hr/> <p>Overruled:</p> <hr/>
29.	¶30: “On or about May 23, 2013, BLUM TRUST and all of the PUBLIC WATER SUPPLIERS executed and e-filed a Stipulation to introduce in a later phase evidence to support water usage in years other than 2011 and	<p>(a) Hearsay. (Evid. Code § 1200.)</p> <p>(b) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p>	<p>Sustained:</p> <hr/> <p>Overruled:</p>

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	2012.”		
30.	¶32: “BLUM TRUST has also suffered a severe legal injury and hardship because of the damage to its three (3) water wells which has resulted in involuntary and compelled disuse. At the expiration of the lease agreement BOLTHOUSE FARMS agreed to weld a steel plate at each water well opening to secure access to avoid damage. Instead, BLUM TRUST’s 3 water well openings were not steel plate welded by BOLTHOUSE FARMS, but rather capped and left unsecure resulting in someone causing each well opening to be filled with debris, rocks and dirt.”	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code §310.)</p> <p>(f) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p> <p>(g) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)</p>	<p>Sustained:</p> <hr/> <p>Overruled:</p> <hr/>
31.	¶33: “BLUM TRUST has been unable to lease its approximate 120 acres of farmland to a farmer because: (1) BLUM TRUST’s 3 water wells require substantial repair at a significant expense; (2) The groundwater allocation entitlement for the BLUM TRUST parcels remain uncertain and unreasonably rejected by the	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit</p>	<p>Sustained:</p> <hr/> <p>Overruled:</p> <hr/>

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	<p>settling overlying landowners and Public Water Suppliers in this Antelope Valley Basin adjudication, (See Request For Judicial Notice, Ex. "M"), and (3) There exists a cost prohibitive economic risk for a farmer to farm the parcels under a 3 to 5 year lease term without assurance of annual water production rights in times of overdraft and cut back under the CA water priority groundwater allocation system."</p>	<p>must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony. (Evid. Code § 800.)</p> <p>(e) States legal conclusion. (Evid. Code §310.)</p> <p>(f) Inadmissible secondary evidence. (Evid. Code § 1521(b).)</p> <p>(g) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)</p> <p>(h) inadmissible settlement communication (Evid. Code § 1152.)</p>	
<p>32.</p>	<p>¶34: “Since this action is now coming to a conclusion, in September and October, 2014, I have been notified by an agriculture realtor that 2 Antelope Valley farmers are interested in leasing BLUM TRUST's 119 acres of farmland. The lease would be subject to being awarded groundwater allocation production right for the parcels in times of overdraft and cutback, and servicing the water wells. Based on the foregoing, upon award by this court of BLUM TRUST's annual production entitlement, BLUM TRUST's legal injury and financial hardship would be resolved so that the subject water</p>	<p>(a) Irrelevant. (Evid. Code § 350.)</p> <p>(b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] [“[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court.”].)</p> <p>(c) Hearsay. (Evid. Code § 1200.)</p> <p>(d) Improper opinion testimony.</p>	<p>Sustained:</p> <hr/> <p>Overruled:</p> <hr/>

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	<p>wells can be restored on the parcels to fully functional pumping capacity for irrigating 'Onions' without prejudice or loss of production rights."</p>	<p>(Evid. Code § 800.) (e) States legal conclusion. (Evid. Code §310.) (f) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (g) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 ["conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment"].)</p>	
<p>33.</p>	<p>¶35: "BLUM TRUST seeks to preserve its groundwater production allocation rights on its 120 acres in the Basin adjudication computed annually at 531 Ac. Ft., in times of overdraft and cutback under the California water priority allocation system. In addition, BLUM TRUST seeks to preserve its overly/correlative 'present and prospective' water rights for the beneficial use of its dormant 30 acres from the Basin's native safe yield, free of replacement assessment."</p>	<p>(a) States legal conclusion. (Evid. Code §310.) (b) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 ["conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment"].)</p>	<p>Sustained: _____ Overruled: _____</p>
<p>34.</p>	<p>¶36: "In awarding judgment to BLUM TRUST, it is necessary that either BOLTHOUSE FARMS offset its groundwater allocated production share by 531 Ac. Ft., or otherwise all Overlying Landowners equally reduce their pro-rata allocated share under their proposed Global Stipulation, so that BLUM TRUST is properly allocated its annual Ac. Ft. entitlement in times of overdraft and cutback under the CA water priority allocation system."</p>	<p>(a) Lack of foundation. (Evid. Code §§ 401 and 403.) (b) Speculation and lack of personal knowledge. (Evid. Code § 702; <i>Ware v. Stafford</i> (1962) 206 Cal.App.2d 232, 237-238 [24 Cal.Rptr. 153] ["[A]llegations in an affidavit must show facts and circumstances from which the ultimate facts sought to be proved may be deduced by the court."].) (c) Improper opinion testimony.</p>	<p>Sustained: _____ Overruled: _____</p>

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		(Evid. Code § 800.) (d) States legal conclusion. (Evid. Code §310.) (e) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)	
35.	¶37: “BLUM TRUST was not been sued as a party Defendant and/or Cross-Defendant in the Richard Woods Class Action vs. Los Angeles County Waterworks District No. 40, et al. BLUM TRUST is also similarly situated as an overlying landowner to the Woods' Class members, as well as similarly situated as an overlying landowner with the Willis Class members in regards to its dormant parcels. Furthermore, there has been no direct or significant benefit(s) or any value to BLUM TRUST derived from the Woods Class' attorney services or costs, which were not independently accomplished by BLUM TRUST's counsel against the PUBLIC WATER SUPPLIERS in this action. Since BLUM TRUST made a voluntary appearance in this action, as counsel for BLUM TRUST, I have not received any attorney fees for my services.”	(a) Hearsay. (Evid. Code § 1200.) (b) Improper opinion testimony. (Evid. Code § 800.) (c) States legal conclusion. (Evid. Code §310.) (d) Inadmissible secondary evidence. (Evid. Code § 1521(b).) (e) Inappropriate conclusory assertion (<i>Parker v. Twentieth Century-Fox Film Corp.</i> (1970) 3 Cal. 3d 176, 184 [“conclusionary assertions with respect to undisputed facts, and do not give rise to a triable factual issue so as to defeat the motion for summary judgment”].)	Sustained: _____ Overruled: _____
36.	¶38: “On August 11 & 12, 2014, a Case Status Conference was held before the Hon. Jack Komar, during which I was granted permission to file a motion for summary judgment and in the alternative, a motion for summary adjudication on behalf	(a) Hearsay. (Evid. Code § 1200.) (b) States legal conclusion. (Evid. Code §310.)	Sustained: _____ Overruled: _____

LAW OFFICES OF
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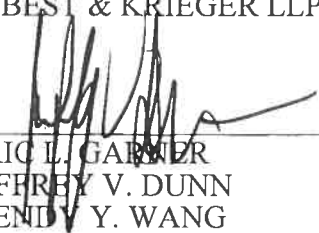
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of BLUM TRUST.”

Dated: December 8, 2014

BEST BEST & KRIEGER LLP

By


ERIC L. GARNER
JEFFREY V. DUNN
WENDY Y. WANG
Attorneys for LOS ANGELES COUNTY
WATERWORKS DISTRICT NO. 40

ORDER

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT

PROOF OF SERVICE

I, Kerry V. Keefe, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is Best Best & Krieger LLP, 18101 Von Karman Avenue, Suite 1000, Irvine, California 92712. On December 8, 2014, I served the within document(s):

PUBLIC WATER SUPPLIERS' EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SHELDON R. BLUM IN SUPPORT OF BLUM TRUST'S MOTION FOR SUMMARY JUDGMENT/ADJUDICATION; [PROPOSED] ORDER RE EVIDENTIARY OBJECTIONS TO THE DECLARATION OF SHELDON R. BLUM

- by posting the document(s) listed above to the Santa Clara County Superior Court website in regard to the Antelope Valley Groundwater matter.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by causing personal delivery by ASAP Corporate Services of the document(s) listed above to the person(s) at the address(es) set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

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

Executed on December 8, 2014, at Irvine, California.


Kerry V. Keefe

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