

# **EXHIBIT “2”**

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 IN AND FOR THE COUNTY OF LOS ANGELES

3  
4  
5 Coordinated Proceedings )Judicial Council  
6 Special Title )Coordination  
7 {Rule 1550 (b)} )Proceeding No. 4408  
8 )  
9 ANTELOPE VALLEY )  
10 GROUNDWATER CASES )  
11 )  
12 Included Actions: )Santa Clara  
13 )Case No.  
14 Los Angles County )1-05-CV-049053  
15 Waterworks District )  
16 No. 40 v Diamond Farming )  
17 Co., et al., )  
18 )  
19 Defendants. )  
20 )

21 DEPOSITION OF DANIEL WILKE  
22 Wednesday, February 6, 2013  
23 Bakersfield, California

24 Reported by: ANNETTE R. HUGHES-NORFOLK, CSR No. 10048

25 ATKINSON-BAKER, INC.  
COURT REPORTERS  
(800) 288-3376

File No.: A602846

1 Deposition of DANIEL WILKE, the witness, taken on  
2 behalf of the Claimant Blum Trust, on Wednesday,  
3 February 6, 2013, 10:07 a.m., at Park Plaza Executive  
4 Offices, 1801 Oak Street, Bakersfield, California,  
5 before Annette R. Hughes-Norfolk, CSR No. 10048,  
6 pursuant to Notice of Taking Deposition.

7

8

APPEARANCES

9

10

11 For Defendants/Witness: Clifford & Brown  
12 By: RICHARD ZIMMER  
13 Attorney at Law  
14 1430 Truxtun Avenue, Suite 900  
15 Bakersfield, California 93301  
16 661-322-6023

14

15

16

17

For Defendant: Wm. Bolthouse Farms, Inc.,  
General Counsel  
By: TRACY SAIKI  
Attorney at Law  
7200 E. Brundage Lane  
Bakersfield, California 93307  
661-366-7209

18

19

20

21

For Claimant: Law Offices of Sheldon Blum  
By: SHELDON R. BLUM  
Attorney at Law  
2242 Camden Avenue  
Suite 201  
San Jose, California 95124  
408-377-7320

22

23

24

25

Also Present: Bob West, Videographer

1 THE WITNESS: Well -- 10:11

2 MR. ZIMMER: -- since that would be getting 10:11

3 into conversations between he and his attorneys. 10:11

4 BY MR. BLUM: 10:11

5 Q. Did -- 10:11

6 MR. ZIMMER: So I'm not sure it's relevant to 10:11

7 anything either. So maybe we could -- 10:11

8 BY MR. BLUM: 10:11

9 Q. Did you have an opportunity to meet with 10:11

10 Mr. Zimmer and discuss your role today? 10:11

11 A. Yes. 10:11

12 Q. Okay. You understand that you were 10:11

13 designated by William Bolthouse Farms, Inc., and 10:11

14 Bolthouse Properties, LLC, as the person most 10:11

15 knowledgeable regarding the amount and duration of 10:11

16 groundwater used on the Blum Trust parcels? 10:11

17 A. Yes. 10:12

18 Q. Are you also aware that you were designated 10:12

19 as the most knowledgeable person as to the parcel from 10:12

20 where the water well was used to pump groundwater onto 10:12

21 the Blum Trust prop- -- properties? 10:12

22 MR. ZIMMER: That's not correct, Counsel. 10:12

23 First of all, there hasn't been a Deposition Notice 10:12

24 severed as a PMK deposition, which sets forth the scope 10:12

25 of the deposition. He is being presented, as you 10:12

1 correctly articulated in the first comment you made, as 10:12  
2 the person most knowledgeable for Bolthouse, regarding 10:12  
3 the amount of water used on the Blum Trust property 10:12  
4 land and what that water was used for. And that's all 10:12  
5 he's being designated for. 10:12  
6 BY MR. BLUM: 10:12  
7 Q. Okay. But you're also aware as to the 10:12  
8 location of the water well in which the property -- 10:12  
9 the -- the pumping occurred? 10:12  
10 Is that true, Mr. Wilke? Are you familiar 10:12  
11 with the location of the water well from where the 10:12  
12 pumping occurred? 10:12  
13 A. Yes. 10:12  
14 Q. Okay. Did -- did you review any documents in 10:13  
15 preparation for your testimony today? 10:13  
16 A. Yes. 10:13  
17 Q. What documents did you review? 10:13  
18 A. The -- my deca- -- what I submitted. 10:13  
19 MR. ZIMMER: Declarations. 10:13  
20 THE WITNESS: Declarations. 10:13  
21 MR. BLUM: Declarations. 10:13  
22 Q. Anything else? 10:13  
23 A. No. 10:13  
24 (Whereupon, Deposition Exhibit 1 was marked 10:13  
25 for identification.) 10:13

1 Q. Was the green circle that you used to 12:05  
2 identify the well the Avol 14-3 that you're referring 12:05  
3 to in your Declaration? 12:05  
4 MR. ZIMMER: Which one? That's vague. He 12:05  
5 already said there were two wells. One was not 12:06  
6 visible -- 12:06  
7 THE WITNESS: There's two -- 12:06  
8 MR. ZIMMER: -- on the map. 12:06  
9 THE WITNESS: -- wells on that ranch. 12:06  
10 BY MR. BLUM: 12:06  
11 Q. Which well was used? Was it 14-3 north or 12:06  
12 14-3 south? 12:06  
13 MR. ZIMMER: That assumes it was only one 12:06  
14 well and not both. 12:06  
15 BY MR. BLUM: 12:06  
16 Q. Or was it both? 12:06  
17 A. It could have been both. 12:06  
18 Q. Okay. Now, you -- Bolt- -- William Bolthouse 12:06  
19 Farms identifies Avol 14-3 as 14-3 north and 14-3 12:06  
20 south; is that true? 12:06  
21 A. In reference to -- 12:06  
22 Q. The designation of the well. 12:06  
23 A. Yes. 12:06  
24 Q. Okay. Is it your testimony, then, that 12:06  
25 between chart -- as I'm looking at chart -- your -- 12:07

1 MR. BLUM: -- and 2005. 12:09

2 MR. ZIMMER: It assumes it -- it 12:09

3 assumes it -- can you ask the question again? 12:09

4 MR. BLUM: Okay. 12:09

5 Q. Between 2002 and 2005 were either 14-3 south 12:09

6 or 14-3 north used for some other purpose outside the 12:09

7 Blum Trust parcels? 12:10

8 MR. ZIMMER: That was asked and answered. He 12:10

9 said "yes." 12:10

10 BY MR. BLUM: 12:10

11 Q. Okay. Which of those two wells were used for 12:10

12 some other purpose between 2002 and 2005? 12:10

13 MR. ZIMMER: That assumes there was just one 12:10

14 or the other and not both. 12:10

15 MR. BLUM: He could say "both." 12:10

16 THE WITNESS: I can't say specifically. 12:10

17 BY MR. BLUM: 12:10

18 Q. What were either those two used for, if you 12:10

19 recall, outside of the Blum Trust parcels between the 12:10

20 2002 and 2005 years? 12:10

21 A. To irrigate other crops. 12:10

22 Q. Where? 12:10

23 A. I couldn't say specifically. 12:10

24 Q. Are you guessing by saying to -- to irrigate 12:10

25 some other crops? 12:10

1 Q. -- between 2002 and 2005? 12:11

2 MR. ZIMMER: That was asked and answered. He 12:11

3 said to irrigate other properties. 12:11

4 MR. BLUM: Well, I'm asking him if he 12:11

5 specifically remembers. 12:11

6 MR. ZIMMER: Remembers what? 12:11

7 MR. BLUM: What parcels they were used for. 12:11

8 MR. ZIMMER: And that was asked and answered. 12:12

9 He said "No." 12:12

10 MR. BLUM: Well, let him testify himself. 12:12

11 THE WITNESS: I did. 12:12

12 MR. ZIMMER: He did. That's why I'm 12:12

13 objecting. 12:12

14 MR. BLUM: All right. 12:12

15 Q. In 2007, which -- which well was used to 12:12

16 irrigate the Blum Trust parcels? 12:12

17 MR. ZIMMER: What year, Counsel? 12:12

18 MR. BLUM: 2007. 12:12

19 THE WITNESS: I don't know. 12:12

20 BY MR. BLUM: 12:12

21 Q. Was -- you don't know if it was the north 12:12

22 well or the south well of -- of the Avol or both? 12:12

23 A. No. 12:12

24 Q. Okay. 12:12

25 MR. ZIMMER: Counsel, any time you want to 12:12



1 Q. Yeah, north or south. 01:03

2 A. That's not the -- it's not 13, 3. 01:03

3 Q. Oh, 14 -- I'm sorry. Did I say 13, 3? 01:03

4 Let me rephrase the question. At any time 01:03

5 during the course of the lease term were there any 01:03

6 other wells used by William Bolthouse Farms to irrigate 01:03

7 its crops on the Blum Trust leased parcels other than 01:03

8 Avol 14-3 north or south? 01:03

9 MR. ZIMMER: To his knowledge. 01:03

10 BY MR. BLUM: 01:03

11 Q. To your knowledge. 01:03

12 A. Not that I'm aware of. 01:03

13 Q. Okay. Now, did you at any time ever update 01:03

14 your Declaration, Exhibit 6? 01:04

15 THE REPORTER: Exhibit 5, I believe. 6 is 01:04

16 the map. 01:04

17 MR. BLUM: I'm sorry. Exhibit 5. 01:04

18 Q. Did you at any time ever update your 01:04

19 Declaration? 01:04

20 A. Yes. 01:04

21 Q. Okay. Why did you update your Declaration? 01:04

22 A. I don't recall the exact reason. I'd have to 01:04

23 look at the update. 01:04

24 Q. Who asked you to update your Declaration? 01:04

25 MR. ZIMMER: It's vague as to which 01:04

1 Q. Do you know whether William Bolthouse Farms 02:42  
2 laid pipeline underneath Avenue J onto the Blum Trust 02:42  
3 parcel from the Laid 13-3 well? 02:43  
4 A. Under which avenue? I'm sorry. 02:43  
5 Q. Avenue J. 02:43  
6 A. It's possible. I don't recall -- 02:43  
7 Q. Okay. Thank you. 02:43  
8 A. -- if there was one there or not. 02:43  
9 Q. Okay. Thank you. Did you ever learn that 02:43  
10 Blum Trust parce- -- Blum Trust filed a lawsuit against 02:43  
11 William Bolthouse Farms in connection with the lease 02:43  
12 agreement? 02:43  
13 MR. ZIMMER: Relevance? Who cares -- has 02:43  
14 anything to do with the issues here about how much 02:43  
15 water was used on your property. 02:43  
16 THE WITNESS: In -- in relationship to, like, 02:43  
17 what? I don't -- 02:43  
18 BY MR. BLUM: 02:43  
19 Q. Did you ever learn that Blum Trust par- -- 02:43  
20 trust -- that the -- Blum Trust filed a lawsuit against 02:43  
21 William Bolthouse Farms in connection with the 02:44  
22 irrigation and well usage that delivered onto the Blum 02:44  
23 Trust parcels? 02:44  
24 MR. ZIMMER: It's a compound question. 02:44  
25 Whether they filed -- 02:44