

RICHARD G. ZIMMER - SBN 107263
T. MARK SMITH - SBN 162370
CLIFFORD & BROWN
A Professional Corporation
Attorneys at Law
Bank of America Building
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
(661) 322-6023

Attorneys for Bolthouse Properties, LLC and
Wm. Bolthouse Farms, Inc.,

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SANTA CLARA

*** * ***

COORDINATION PROCEEDING) Judicial Council Coordination Proceeding
SPECIAL TITLE (Rule 1550(b))) No. 4408

ANTELOPE VALLEY GROUNDWATER) CASE NO. 1-05-CV-409053
CASES) *Trial Date: 02/11/13*

INCLUDED ACTIONS:

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

**ADDENDUM TO DECLARATION OF
ANTHONY L. LEGGIO IN LIEU OF
DEPOSITION TESTIMONY FOR
PHASE 4 TRIAL**

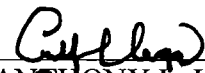
LOS ANGELES COUNTY)
WATERWORKS DISTRICT NO. 40 v.)
DIAMOND FARMING COMPANY, et al.,)
Kern County Superior Court Case No. S-)
1500-CV-254348)

DIAMOND FARMING COMPANY, and)
W.M. BOLTHOUSE FARMS, INC., v.)
CITY OF LANCASTER, et al.,)
Riverside Superior Court)
Case No. RIC 344436 [c/w case no. RIC)
344668 and 353840])

1 In addition to the information previously provided in the Declaration of Anthony L.
2 Leggio in Lieu of Deposition Testimony for Phase 4 Trial, Bolthouse Properties, LLC,
3 contends that a groundwater right is a usufructuary right which is flexible in nature based upon
4 the type of crops grown on the property or based upon any other reasonable use of the property.
5 Any potential current use must be adjusted to reflect and accommodate use of the property to
6 grow crops requiring more water, eg. alfalfa, and to accommodate other reasonable uses of
7 groundwater on the property which may require more water than was used most recently.
8 Failure to adjust current use to allow production as needed would significantly affect the value
9 of the property and deprive Bolthouse Properties, LLC the substantial value of these properties
10 by limiting activities on such properties to a particular crop activity. Accordingly, Bolthouse
11 Properties, LLC's current water use claim is based upon a flexible amount and in no event
12 lower than the amount necessary for growing any crop on property owned by Bolthouse
13 Properties, LLC or based upon any other reasonable use of such water.

14 I declare under penalty of perjury under the laws of the State of California that the
15 foregoing is true and correct. Executed this 26th day of March, 2013, at Bakersfield,
16 California.

17
18 By:


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

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

8 On **March 26, 2013**, I served the foregoing document(s) entitled:

9 **ADDENDUM TO DECLARATION OF ANTHONY L. LEGGIO IN LIEU OF**
10 **DEPOSITION TESTIMONY FOR PHASE 4 TRIAL**

11 by placing the true copies thereof enclosed in sealed envelopes addressed as
12 stated on the attached mailing list.

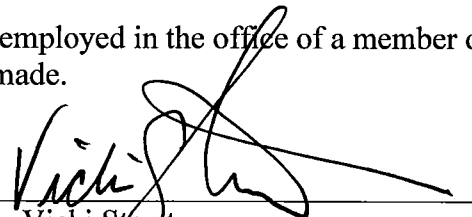
13 by placing the original, a true copy thereof, enclosed in a sealed envelope
14 addressed as follows:

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

17 Executed on **March 26, 2013**, at Bakersfield, California.

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

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

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Vicki Street
2455-2