

# **EXHIBIT “2”**

**TO STIPULATION RE: GROUNDWATER PUMPING AND WATER USE  
BY BOLTHOUSE PROPERTIES, LLC**

1 **RICHARD G. ZIMMER - SBN 107263**  
2 **T. MARK SMITH - SBN 162370**  
3 **CLIFFORD & BROWN**  
4 **A Professional Corporation**  
5 **Attorneys at Law**  
6 **Bank of America Building**  
7 **1430 Truxtun Avenue, Suite 900**  
8 **Bakersfield, CA 93301-5230**  
9 **(661) 322-6023**

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

12 **SUPERIOR COURT OF CALIFORNIA**

13 **COUNTY OF SANTA CLARA**

14 \* \* \*

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

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

19 INCLUDED ACTIONS:

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

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

25 LOS ANGELES COUNTY )  
26 WATERWORKS DISTRICT NO. 40 v. )  
27 DIAMOND FARMING COMPANY, et al., )  
28 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 26<sup>th</sup> day of March, 2013, at Bakersfield,  
16 California.

17  
18 By:   
19 ANTHONY L. LEGGIO  
20  
21  
22  
23  
24  
25  
26  
27  
28

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.

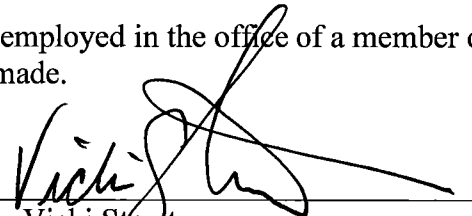
13 by placing the original, a true copy thereof, enclosed in a sealed envelope  
14 addressed as follows:

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.

22  
23  
24  
25  
26  
27  
28  
  
Vicki Street  
2455-2

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
ELECTRONIC FILING - WWW.SCEFILING.ORG

c/o Glotrans  
2915 McClure Street  
Oakland, CA94609  
TEL: (510) 208-4775  
FAX: (510) 465-7348  
EMAIL: Info@Glotrans.com

THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SANTA CLARA

Coordination Proceeding Special Title (Rule  
1550(b)) ANTELOPE VALLEY GROUNDWATER CASES  
(JCCP 4408) Included Actions: Los Angeles  
County Waterworks District No. 40

Plaintiff,

vs.

Diamond Farming Co. Superior Court of  
California County of Los Angeles, Case No.  
BC 325 201 Los Angeles County Waterworks  
District No. 40 v. Diamond Farming Co.  
Superior Court of California, County of  
Kern, Case No. S-1500-CV-254-348 Wm.  
Bolthouse Farms, Inc. v. City of Lancaster  
Diamond Farming Co. v. City of Lancaster  
Diamond Farming Co. v. Palmdale Water Dist.  
Superior Court of California, County of  
Riverside, consolidated actions, Case Nos.  
RIC 353 840, RIC 344 436, RIC 344 668

Defendant.

) Antelope Valley Groundwater Cases (JCCP  
) 4408)

) Lead Case No. 1-05-CV-049053

) Hon. Jack Komar

AND RELATED ACTIONS

) **PROOF OF SERVICE**  
) **Electronic Proof of Service**

I am employed in the County of Alameda, State of California.

I am over the age of 18 and not a party to the within action; my business address is 2915 McClure  
Street, Oakland, CA 94609.

The documents described on page 2 of this Electronic Proof of Service were submitted via the  
worldwide web on Tue. March 26, 2013 at 4:05 PM PDT and served by electronic mail notification.

I have reviewed the Court's Order Concerning Electronic Filing and Service of Pleading Documents and  
am readily familiar with the contents of said Order. Under the terms of said Order, I certify the above-described  
document's electronic service in the following manner:

The document was electronically filed on the Court's website, <http://www.scefiling.org>, on Tue. March  
26, 2013 at 4:05 PM PDT

Upon approval of the document by the Court, an electronic mail message was transmitted to all parties  
on the electronic service list maintained for this case. The message identified the document and provided  
instructions for accessing the document on the worldwide web.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and

correct. Executed on March 26, 2013 at Oakland, California.

Dated: March 26, 2013

For WWW.SCEFILING.ORG

Andy Jamieson

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA  
ELECTRONIC FILING SYSTEM - WWW.SCEFILING.ORG

Electronic Proof of Service  
Page 2

Document(s) submitted by Richard G. Zimmer of Clifford & Brown on Tue. March 26, 2013 at 4:05 PM PDT

1. Declaration: Addendum to Declaration of Anthony L. Leggio in Lieu of Deposition Testimony for Phase 4 Trial