

RICHARD G. ZIMMER, ESQ. - SBN 107263
T. MARK SMITH, ESQ. - SBN 162370
CLIFFORD & BROWN
A Professional Corporation
Attorneys at Law
Bank of America Building
1430 Truxtun Avenue, Suite 900
Bakersfield, CA 93301-5230
Tel: (661) 322-6023 Fax: (661) 322-3508

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

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES – CENTRAL DISTRICT

* * *

COORDINATION PROCEEDING
SPECIAL TITLE (Rule 1550(b))

ANTELOPE VALLEY GROUNDWATER
CASES

INCLUDED ACTIONS:

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

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]

AND RELATED ACTIONS.

////

////

////

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 

7 RICHARD G. ZIMMER, ESQ.

8 T. MARK SMITH, ESQ.

9 Attorneys for BOLTHOUSE PROPERTIES, LLC
10 and WM. BOLTHOUSE FARMS, INC.
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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**

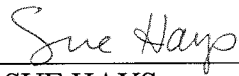
by posting the document listed above to the Santa Clara Superior Court website in regard to the Antelope Valley Groundwater Matter. All parties listed on the Santa Clara Superior Court in regard to the Antelope Valley Groundwater Matter are hereby incorporated within by this reference.

X BY SANTA CLARA SUPERIOR COURT E-FILED 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}