

Steven R. Orr
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January 11, 2013

Honorable Jack Komar
Judge of the Superior Court
161 North First Street, Department 17
San Jose, California 95113

Re: Antelope Valley Groundwater Adjudication

Dear Judge Komar:

The Public Water Suppliers respectfully request to meet and confer, under the supervision of the Court, with regard to Bolthouse Properties' responses to the Court-ordered Phase 4 discovery:

Subject Discovery from Court-Ordered Discovery:

I. For All Parties Claiming an Overlying Right ...

1. For each parcel of land the responding party owns or occupies or otherwise controls in the Antelope Valley Adjudication Area, please state with particularity the following information:
 - (I) The crop type, if any, grown on the parcel during each of the calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

Bolthouse Properties' Response:

"Subject to and without waiving the foregoing objections, there was insufficient time to compile this information."

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Issue:

This information should be provided as it is relevant to the issues to be determined in the Phase 4 trial, including assisting in confirming claimed groundwater production by allowing comparison to crop duties.

2. For each parcel of land the responding party owns or occupies or otherwise controls in the Antelope Valley Adjudication Area, please state with particularity the following information:
 - (D) How, if at all, the lease or other written agreement allocated credits for the groundwater produced by the lessee.

Bolthouse Properties' Response:

“Subject to and without waiving the foregoing objections, question unclear.”

Issue:

There is nothing unclear about the Court's inquiry. As to leased land, Bolthouse Properties should explain whether it, as lessee, is entitled to credits for the groundwater produced on land it leases, or whether its lessor retains the overlying right and the resulting entitlement to credits for groundwater produced from that land.

2. For each parcel of land the responding party owns or occupies or otherwise controls in the Antelope Valley Adjudication Area, please state with particularity the following information:
 - (E) How much, if any, groundwater was produced by the lessee and delivered to another parcel. If so, the Kern County Treasurer Tax Collector's "Assessor Tax Number" or the Los Angeles County Office of the

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Assessor “Assessor’s Identification Number” of the parcel for the year(s) in which such groundwater was produced and delivered.

Bolthouse Properties’ Response:

“Subject to and without waiving the foregoing objections, question unclear; insufficient time to evaluate or respond.”

Issue:

There is nothing unclear about the question. It calls for the disclosure of information readily available to Bolthouse Properties.

2. For each parcel of land the responding party owns or occupies or otherwise controls in the Antelope Valley Adjudication Area, please state with particularity the following information:
 - (F) If known, the use(s) to which groundwater was put on the leased parcel for calendar years 2011 and 2012.

Bolthouse Properties’ Response:

“Subject to and without waiving the foregoing objections, question unclear; insufficient time to evaluate or respond.”

Issue:

There is nothing unclear about the question. It calls for the disclosure of information readily available to Bolthouse Properties.

3. For all parcels of land identified in response to Request No. 1 above, please state with particularity the following information:

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- (A) All materials constituting the responding party's prima facie showing of the amount of groundwater produced from each parcel of land owned or controlled by the responding party in calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.
- (B) All materials constituting the responding party's prima facie showing of the use(s) to which the responding party put each parcel of land controlled by the responding party in calendar years 2011 and 2012.
- (C) At the responding party's election, any additional materials that will assist the Court in determining the amount of groundwater produced from each parcel of land by the responding party in any or all calendar years 2000, 2001, 2002, 2003, 2004, 2011 and 2012.

Bolthouse Properties' Response [Same for (A), (B) and (C) and Subject to Quoted Objection and Reservation Below]:

Page 4, lines 9-17: "Underlying documents are voluminous and cannot practically be attached or posted in the short time allowed. The information provided is only what could be obtained within the time provided and is not intended to be a complete discussion of all matters related to its pumping or pumping rights, nor is the declaration or production of materials intended to provide all available documents, nor in any respect any prima facie showing of any issue, real or imagined, given the objections set forth above ..."

- (A) "Subject to and without waiving the foregoing objections, 'prima facie,' unclear, not intended as 'prima facie' response. Without waiving and reserving the objections, see Schedule attached as Exhibit 'C' which is based upon

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Bolthouse Farms’ meter records and well test information.”

- (B) “Subject to and without waiving the foregoing objections, ‘prima facie,’ unclear, not intended as ‘prima facie’ response. Without waiving and reserving the objections, the property has been used for general agricultural purposes for growing row crops.”
- (C) “Subject to and without waiving the foregoing objections, ‘prima facie,’ unclear, not intended as ‘prima facie’ response. Without waiving and reserving the objections, we are in the process of gathering additional materials.”

Issue:

The term “prima facie” is not unclear. Bolthouse Properties only produces charts summarizing its responses, and does not produce any of the supporting materials, while at the same time, attempts to reserve its right to produce voluminous other materials at some undetermined time closer to the time of trial. Bolthouse Properties should produce the responsive materials.

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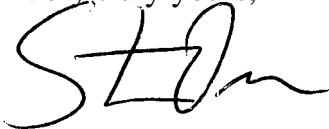
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Bolthouse Properties and AGWA's Objections to Deposition Notices (and Joinders Thereto)

The Public Water Suppliers will respond to the numerous objections concerning oral discovery pursuant to the Case Management Order for the Phase 4 Trial, during the "meet and confer."

Very truly yours,

A handwritten signature in black ink, appearing to read "S. Orr", with a stylized flourish at the end.

Steven R. Orr