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

Coordinated Proceedings
Special Title {Rule 1550 (b)}

Judicial Council Coordination Proceeding
No. 4408

**ANTELOPE VALLEY GROUNDWATER
CASES**

Santa Clara Case No. 1-05-CV-049053
Assigned to Hon. Jack Komar

Included Actions:

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.

**DECLARATION OF SHELDON BLUM TRUSTEE
FOR BLUM TRUST IN LIEU OF DEPOSITION
TESTIMONY FOR PHASE 4 TRIAL**

Los Angeles County Superior Court
Case No. BC 325 201

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.

Kern County Superior Court
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. City of
Palmdale Water District.

Riverside County Superior Court
Consolidated Action Nos. RIC 344 840,
RIC 344 436, RIC 344 668
Defendants.

DECLARATION

I, SHELDON R. BLUM, declare:

1. I am the Trustee for the BLUM TRUST, a party to this action. In lieu of deposition testimony for the Phase 4 Trial, I am providing this declaration. This declaration applies only to the categories I have filled in. The items deleted or stated as "N/A" from the draft Form Declaration do not apply to me. I have personal knowledge of each fact herein and would testify competently thereto under oath.

Property Ownership and Parcel Size

2. BLUM TRUST owns property that overlies the Antelope Valley Area of Adjudication as decided by this Court. The land is in Los Angeles County and is identified by the following APNs: (1) 3384-009-001; (2) 3384-009-006; (3) 3384-020-012; (4) 3384-020-013; & (5) 3262-016-011.

3. BLUM TRUST claims groundwater rights as to the properties listed in the above-stated Paragraph 2.

4. For each APNs identified above, the total acreage by parcel is as follows: (1) 3384-009-001 = 79 Acs.; (2) 3384-009-006 = 39 Acs.; (3) 3384-020-012 = 10 Acs.; (4) 3384-020-013 = 10 Acs.; & (5) 3262-016-011 = 10 Acs.

5. For each APN/APNs identified above, BLUM TRUST owned the property during the following time-period: 1985, up through present date.

6. The following are all individuals/entities appearing on the title for the above identified APN/APNs from January 1, 2000, to present: BLUM TRUST.

7. For each individual/entity identified in Paragraph 6, that individual/entity appeared on the title during the following time: Sheldon R. Blum from 1985 - 1998; & BLUM TRUST from 1998 - 2013.

Leases

8. WM. BOLTHOUSE FARMS, INC., leased property that the BLUM TRUST owns and that overlies the Antelope Valley Area of Adjudication as decided by this court and identified by the following APNs: 3384-009-001; & 3384-009-006. True and correct copies of the BLUM TRUST's APN Plot Map and Well Map are collectively attached hereto, as Exhibit "A", and incorporated herein.

9. The total acreage by parcel is : 3384-009-001 = 79 Acs., and 3384-009-006 = 40 Acs.

10. The property is not currently leased to anyone.

11. The property was leased on the following dates to Lessee Wm. BOLTHOUSE FARMS, INC from August 2, 2001, up through December 31, 2009.

12. The Agriculture Lease Agreement dated August 2, 2001, and Modification Of Lease dated May 17, 2004, between Lessor BLUM TRUST and Lessee Wm. BOLTHOUSE FARMS, INC provided that all of the covenants and agreements herein contained shall be deemed to be covenants running with the land and shall inure to the benefit of and be binding of and be binding upon the successors in interest of the parties hereto. Furthermore, the lease expressly referenced the Antelope Valley Groundwater Adjudication and its impact on well pumping throughout the Antelope Valley. In this regard, under the lease terms BLUM TRUST preserves and retains all water rights from all groundwater pumped and used by Lessee Wm. BOLTHOUSE Farms, INC on the BLUM TRUST's leased parcels. True and correct copies of the Lease Agreement dated August 2, 2001, and Modification Of Lease dated May 17, 2004, are collectively attached collectively as Exhibit "B", and incorporated herein.

It is noteworthy that Wm. BOLTHOUSE FARMS, INC and BOLTHOUSE PROPERTIES, LLC provided verified responses to BLUM TRUST's First Set Of Special Interrogatories, Set One, wherein

1 they each admitted that the parties Lease Agreement does not allocate any groundwater rights to
2 Lessee Wm. BOLTHOUSE FARMS, INC., nor do they make such a contention. Rather, the
3 BOLTHOUSE Entities admit that Lessee Wm. BOLTHOUSE FARMS, INC., only leases BLUM
4 TRUST's water rights arising out its farming operations on the leased parcels. True and correct
5 copies of the BLUM TRUST's subject interrogatory questions and BOLTHOUSE Entities responses
6 thereto, are collectively attached as Exhibit "C", and incorporated herein.

8 13. N/A. (See above stated Paragraph 8).

9 14. N/A. (See above stated Paragraph 9).

10 15. The Lease Agreement dated August 2, 2001, and/or Modification Of Lease dated May 17,
11 2004, does **NOT** provide that Wm. BOLTHOUSE FARMS, INC. and/or BOLTHOUSE PROPERTIES,
12 LLC, may claim any groundwater rights from the use of groundwater pumped from or delivered onto
13 the BLUM TRUST's leased parcels, whatsoever. (See above stated Paragraph 12).

14 16. Despite the BOLTHOUSE Entities above stated discovery responses, and representations
15 to this court that no such groundwater claims are being made, the BLUM TRUST has just learned
16 that BOLTHOUSE PROPERTIES, LLC, now claims groundwater rights arising out of Lessee Wm.
17 BOLTHOUSE FARMS, INC's farming operations conducted on Lessor BLUM TRUST's leased
18 parcels. Lessor BLUM TRUST has also learned that Lessee Wm. BOLTHOUSE FARMS, INC., is
19 not claiming any groundwater rights in this action.

20 17. BLUM TRUST claims groundwater rights only from BOLTHOUSE PROPERTIES, LLC's
21 water wells used by Lessee Wm. BOLTHOUSE FARMS, INC., to irrigate its crops on Lessor BLUM
22 TRUST's leased parcels during the lease term from January 1, 2002, through December 31, 2009.
23 True and correct copies of BOLTHOUSE PROPERTIES, LLC's APNs 3384-004-004; & 3384-008-
24

1 020 Plot Maps where water wells AVOL 14-3N; AVOL 14-3S; & LAID 13-3, are located and used to
2 pump groundwater onto the BLUM TRUST leased parcels, are attached collectively as Exhibit "D",
3 and incorporated herein.

4 18. To the best of my knowledge, only BOLTHOUSE PROPERTIES, LLC claims groundwater
5 rights arising from Lessee Wm. BOLTHOUSE FARMS, INC., farming operations on Lessor BLUM
6 TRUST's leased parcels. (See above-stated Paragraph 16).
7

8 **Water Meter Records**

9 19. BOLTHOUSE PROPERTIES, LLC measures groundwater production on the above-
10 referenced properties by 'Pump Hours Metered'. Exhibit "E", identifies BOLTHOUSE PROPERTIES,
11 LLC's 'Pump Hours Meter Log' for designated wells AVOL 14-3N; AVOL 14-3S; and LAID 13-3, that
12 were used to pump groundwater onto the BLUM TRUST leased parcels, for the years 2005 - 2009.
13 True and correct redacted copies of Exhibit "E", (i.e. Attached as Exhibits "E-1 & E-2" to Declaration
14 of Anthony L. Leggio Declaration in Lieu of Deposition Testimony for Phase 4 Trial dated January 30,
15 2013), are attached collectively, and incorporated herein.
16

17 20. Exhibit "F" sets forth the total yearly 'Groundwater Production of Acre Feet' for each of the
18 above identified metered water wells for the years 2002 - 2009. A true and correct redacted copy of
19 Exhibit "F", (i.e. Attached as Exhibit "F" to *supra* Declaration of Anthony L. Leggio), is attached hereto
20 and incorporated herein. These same groundwater production amounts were also identified by
21 Lessee Wm. BOLTHOUSE FARMS, INC., in its 'Annual Notice of Groundwater Extraction' Forms
22 filed with the California State Water Resources Control Board for the years 2002 - 2009.
23

24 **State Water Project Purchases**

25 21. N/A

1 22. N/A

2 **Pump Tests/Electrical Records**

3 23. N/A

4 24. N/A

5 25. N/A

6 26. N/A

7 27. N/A

8 **Pump Tests/Diesel Records**

9 28. N/A

10 29. N/A

11 30. N/A

12 31. N/A

13 32. N/A

14 **Crop Duties and Irrigated Acres**

15
16
17 33. BLUM TRUST obtained from Wm. BOLTHOUSE FARMS, INC's Irrigation Equipment
18 Manager Daniel Wilke, a chart entitled "Blum Ranch Water Use" dated August 10, 2012, which
19 identifies crop duties and irrigated acres from 2000 - 2009. The subject document does not apply the
20 same "Applied Crop Water Duties and Irrigation Efficiency Values" for 'Carrots' and 'Onions' as the
21 Summary Expert Report, Appendix D-3; Table 4, attached as Exhibit "G", and incorporated herein.

22 34. The revised "Blum Ranch Water Use" chart which applies the same Summary Expert
23 Report's irrigation efficiency values for 'Carrots' and 'Onions' for the years 2000 - 2009, is attached
24 as Exhibit "H", and incorporated herein.
25

Other Sources of Water

35. N/A

Use of Water (Complete for APN. If water for used for multiple purposes, identify the amount of

water for each use.

36. N/A

37. N/A

38. Based on my investigation, information and belief, Wm. BOLTHOUSE FARMS used 1,005 Acre Feet of water pumped from its adjacent parcel APN 3384-008-020, using LAID 13-3 well (i.e. Exhibits "E", & "F" Well No. 8), onto the BLUM TRUST leased APNS 3384-009-001, and 3384-009-006 parcels to irrigate 117 acres of Carrots in 2002. Whereas, the BOLTHOUSE Entities claim that the water wells used to pump groundwater onto the BLUM TRUST parcels came from its adjacent parcel APN 3384-004-004 either the north and/or south wells designated as AVOL 14-3N well, recorded at 1,010 acre feet and/or the AVOL 14-3N well, recorded at 891 acre feet to irrigate 117 acres of Carrots in 2002. (i.e. Exhibit "E" & "F", Well Nos. 1 & 2).

The BOLTHOUSE Entities designated water wells are also in conflict with counsel Mr. Richard Zimmer's email to me dated November 30, 2011, which identifies both LAID 13-3 & AVOL 14-3 water wells used on the BLUM TRUST parcels. A true and correct copy of Mr. Zimmer's email is attached as Exhibit "I", and incorporated herein.

39. Based on my investigation, information and belief, Wm. BOLTHOUSE FARMS, INC used 545 Acre Feet of water pumped from APN 3384-008-020, using LAI D 13-3 well (i.e. Exhibits "E" & "F", Well No. 8), to irrigate 117 acres of Carrots on the BLUM TRUST leased APNS 3384-009-001, and 3384-009-006 parcels in 2003. Whereas, the BOLTHOUSE Entities claim that the water wells

1 used to pump groundwater onto the BLUM TRUST parcels came from its adjacent parcel APN 3384-
2 004-004 either the north and/or south wells designated as AVOL 14-3N well, recorded at 891 acre
3 feet and/or the AVOL 14-3S well recorded at 381 acre feet to irrigate 117 acres of Carrots in 2003.
4 (i.e. Exhibits "E" & "F", Well Nos. 1 & 2).

5
6 40. BOLTHOUSE Entities claim to have used the water wells from its adjacent parcel APN
7 3384-004-004 either the north and/or south wells designated as AVOL 14-3N well, recorded at 995
8 acre feet and/or AVOL 14-3S well recorded at 397 acre feet to irrigate 117 acres of Onions on the
9 BLUM TRUST parcels in 2004. (i.e. Exhibits "E" & "F", Well Nos. 1 & 2).

10 41. BOLTHOUSE Entities claim to have used the water wells from its adjacent parcel APN
11 3384-004-004 either the north and/or south wells designated as AVOL 14-3N well recorded at 1,116
12 acre feet and/or AVOL 14-3S well recorded at 223 acre feet to irrigate 117 acres of Onions on the
13 BLUM TRUST parcels in 2005. (i.e Exhibits "E" & "F", Well Nos. 1 & 2).

14
15 42. BOLTHOUSE Entities claim that the BLUM TRUST parcels were 'Fallow' in 2006.

16 43. BOLTHOUSE Entities claim to have used the water wells from its adjacent parcel APN
17 3384-004-004 either the north and/or south wells designated as AVOL 14-3N well recorded at 684
18 acre feet and/or AVOL 14-3S well recorded at 381 acre feet to irrigate 90 acres of Carrots on the
19 BLUM TRUST parcels in 2007. (i.e Exhibits "E" & "F", Well Nos. 1 & 2).

20 44. BOLTHOUSE Entities claim to have used the water wells from its adjacent parcel APN
21 3384-004-004 either the north and/or south wells designated as AVOL 14-3N well recorded at 665
22 acre feet and/or AVOL 14-3S well recorded at 95 acre feet to irrigate 90.20 acres of Carrots on the
23 BLUM TRUST parcels in 2008. (i.e. Exhibits "E" & "F", Well Nos. 1 & 2).

24
25 45. BOLTHOUSE Entities claim to have used the water wells from its adjacent parcel APN 3384-

004-004, designated as AVOL 14-3N well recorded at 669 acre feet to irrigate 89.40 acres of Carrots on the BLUM TRUST parcels in 2009. (i.e. Exhibits "E" & "F" Well Nos. 1).

46. BLUM TRUST did not use any groundwater on APNs 3384-009-001 and/or 3384-009-006 in 2011, as the parcels were 'Fallow'.

47. BLUM TRUST did not use any groundwater on APNs 3384-009-001 and/or 3384-009-006 in 2012, as the parcels were 'Fallow'.

48. Other than what is declared herein above, BLUM TRUST did not produce or use any other groundwater within the Antelope Valley Area of Adjudication for 2000-2004, 2011, and 2012.

I declare under penalty of perjury under the laws of the State of Californiaa that the foregoing is true and correct. Executed this 8th day of February 2013, at San Jose, California.



SHELDON R. BLUM

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