

EXHIBIT “5”

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF LOS ANGELES
3

4 Coordinated Proceedings)Judicial Council
5 Special Title)Coordination
6 {Rule 1550 (b)})Proceeding No. 4408
7 ANTELOPE VALLEY)
8 GROUNDWATER CASES)
9 Included Actions:)Santa Clara
10 Los Angles County)Case No.
11 Waterworks District)1-05-CV-049053
12 No. 40 v Diamond Farming)
13 Co., et al.,)
14 Defendants.)
15

16 DEPOSITION OF DANIEL WILKE

17 Wednesday, February 6, 2013

18 Bakersfield, California
19
20

21 Reported by: ANNETTE R. HUGHES-NORFOLK, CSR No. 10048
22

23 ATKINSON-BAKER, INC.
24 COURT REPORTERS
(800) 288-3376

25 File No.: A602846

1 THE WITNESS: Well -- 10:11

2 MR. ZIMMER: -- since that would be getting 10:11

3 into conversations between he and his attorneys. 10:11

4 BY MR. BLUM: 10:11

5 Q. Did -- 10:11

6 MR. ZIMMER: So I'm not sure it's relevant to 10:11

7 anything either. So maybe we could -- 10:11

8 BY MR. BLUM: 10:11

9 Q. Did you have an opportunity to meet with 10:11

10 Mr. Zimmer and discuss your role today? 10:11

11 A. Yes. 10:11

12 Q. Okay. You understand that you were 10:11

13 designated by William Bolthouse Farms, Inc., and 10:11

14 Bolthouse Properties, LLC, as the person most 10:11

15 knowledgeable regarding the amount and duration of 10:11

16 groundwater used on the Blum Trust parcels? 10:11

17 A. Yes. 10:12

18 Q. Are you also aware that you were designated 10:12

19 as the most knowledgeable person as to the parcel from 10:12

20 where the water well was used to pump groundwater onto 10:12

21 the Blum Trust prop- -- properties? 10:12

22 MR. ZIMMER: That's not correct, Counsel. 10:12

23 First of all, there hasn't been a Deposition Notice 10:12

24 severed as a PMK deposition, which sets forth the scope 10:12

25 of the deposition. He is being presented, as you 10:12

1 correctly articulated in the first comment you made, as 10:12
2 the person most knowledgeable for Bolthouse, regarding 10:12
3 the amount of water used on the Blum Trust property 10:12
4 land and what that water was used for. And that's all 10:12
5 he's being designated for. 10:12
6 BY MR. BLUM: 10:12
7 Q. Okay. But you're also aware as to the 10:12
8 location of the water well in which the property -- 10:12
9 the -- the pumping occurred? 10:12
10 Is that true, Mr. Wilke? Are you familiar 10:12
11 with the location of the water well from where the 10:12
12 pumping occurred? 10:12
13 A. Yes. 10:12
14 Q. Okay. Did -- did you review any documents in 10:13
15 preparation for your testimony today? 10:13
16 A. Yes. 10:13
17 Q. What documents did you review? 10:13
18 A. The -- my deca- -- what I submitted. 10:13
19 MR. ZIMMER: Declarations. 10:13
20 THE WITNESS: Declarations. 10:13
21 MR. BLUM: Declarations. 10:13
22 Q. Anything else? 10:13
23 A. No. 10:13
24 (Whereupon, Deposition Exhibit 1 was marked 10:13
25 for identification.) 10:13

1 use. 12:04

2 Q. Okay. Now, could you read -- it says, "The 12:04

3 amount of wat-" -- under Line -- under paragraph four, 12:04

4 could you read that to me? 12:04

5 A. "The amount of water used on Blum property"? 12:04

6 Q. Yes. 12:04

7 A. The entire paragraph? 12:04

8 Q. Well, you identified the water used on the 12:04

9 Blum property from the well of -- from the well of 12:04

10 Avol 14.3. 12:04

11 MR. ZIMMER: 14-3. 12:04

12 MR. BLUM: 14-3. 12:04

13 THE WITNESS: Yes. 12:04

14 BY MR. BLUM: 12:04

15 Q. Where's the Avol 14-3 well located? 12:04

16 A. On the Avol -- or Avol field. 12:05

17 Q. Where is that street location? 12:05

18 A. It's the -- East Avenue J -- north of East 12:05

19 Avenue J, west of -- what is that? -- 65th Street East. 12:05

20 MR. BLUM: Okay. And -- and I should 12:05

21 identify the map -- the Google, I guess, map that we 12:05

22 have up on that board as Exhibit 6. 12:05

23 (Whereupon, Deposition Exhibit 6 was marked 12:05

24 for identification.) 12:05

25 BY MR. BLUM: 12:05

1 Q. Was the green circle that you used to 12:05
2 identify the well the Avol 14-3 that you're referring 12:05
3 to in your Declaration? 12:05
4 MR. ZIMMER: Which one? That's vague. He 12:05
5 already said there were two wells. One was not 12:06
6 visible -- 12:06
7 THE WITNESS: There's two -- 12:06
8 MR. ZIMMER: -- on the map. 12:06
9 THE WITNESS: -- wells on that ranch. 12:06
10 BY MR. BLUM: 12:06
11 Q. Which well was used? Was it 14-3 north or 12:06
12 14-3 south? 12:06
13 MR. ZIMMER: That assumes it was only one 12:06
14 well and not both. 12:06
15 BY MR. BLUM: 12:06
16 Q. Or was it both? 12:06
17 A. It could have been both. 12:06
18 Q. Okay. Now, you -- Bolt- -- William Bolthouse 12:06
19 Farms identifies Avol 14-3 as 14-3 north and 14-3 12:06
20 south; is that true? 12:06
21 A. In reference to -- 12:06
22 Q. The designation of the well. 12:06
23 A. Yes. 12:06
24 Q. Okay. Is it your testimony, then, that 12:06
25 between chart -- as I'm looking at chart -- your -- 12:07

1	MR. BLUM: -- and 2005.	12:09
2	MR. ZIMMER: It assumes it -- it	12:09
3	assumes it -- can you ask the question again?	12:09
4	MR. BLUM: Okay.	12:09
5	Q. Between 2002 and 2005 were either 14-3 south	12:09
6	or 14-3 north used for some other purpose outside the	12:09
7	Blum Trust parcels?	12:10
8	MR. ZIMMER: That was asked and answered. He	12:10
9	said "yes."	12:10
10	BY MR. BLUM:	12:10
11	Q. Okay. Which of those two wells were used for	12:10
12	some other purpose between 2002 and 2005?	12:10
13	MR. ZIMMER: That assumes there was just one	12:10
14	or the other and not both.	12:10
15	MR. BLUM: He could say "both."	12:10
16	THE WITNESS: I can't say specifically.	12:10
17	BY MR. BLUM:	12:10
18	Q. What were either those two used for, if you	12:10
19	recall, outside of the Blum Trust parcels between the	12:10
20	2002 and 2005 years?	12:10
21	A. To irrigate other crops.	12:10
22	Q. Where?	12:10
23	A. I couldn't say specifically.	12:10
24	Q. Are you guessing by saying to -- to irrigate	12:10
25	some other crops?	12:10

1 Q. -- between 2002 and 2005? 12:11

2 MR. ZIMMER: That was asked and answered. He 12:11

3 said to irrigate other properties. 12:11

4 MR. BLUM: Well, I'm asking him if he 12:11

5 specifically remembers. 12:11

6 MR. ZIMMER: Remembers what? 12:11

7 MR. BLUM: What parcels they were used for. 12:11

8 MR. ZIMMER: And that was asked and answered. 12:12

9 He said "No." 12:12

10 MR. BLUM: Well, let him testify himself. 12:12

11 THE WITNESS: I did. 12:12

12 MR. ZIMMER: He did. That's why I'm 12:12

13 objecting. 12:12

14 MR. BLUM: All right. 12:12

15 Q. In 2007, which -- which well was used to 12:12

16 irrigate the Blum Trust parcels? 12:12

17 MR. ZIMMER: What year, Counsel? 12:12

18 MR. BLUM: 2007. 12:12

19 THE WITNESS: I don't know. 12:12

20 BY MR. BLUM: 12:12

21 Q. Was -- you don't know if it was the north 12:12

22 well or the south well of -- of the Avol or both? 12:12

23 A. No. 12:12

24 Q. Okay. 12:12

25 MR. ZIMMER: Counsel, any time you want to 12:12

1	Q. Yeah, north or south.	01:03
2	A. That's not the -- it's not 13, 3.	01:03
3	Q. Oh, 14 -- I'm sorry. Did I say 13, 3?	01:03
4	Let me rephrase the question. At any time	01:03
5	during the course of the lease term were there any	01:03
6	other wells used by William Bolthouse Farms to irrigate	01:03
7	its crops on the Blum Trust leased parcels other than	01:03
8	Avol 14-3 north or south?	01:03
9	MR. ZIMMER: To his knowledge.	01:03
10	BY MR. BLUM:	01:03
11	Q. To your knowledge.	01:03
12	A. Not that I'm aware of.	01:03
13	Q. Okay. Now, did you at any time ever update	01:03
14	your Declaration, Exhibit 6?	01:04
15	THE REPORTER: Exhibit 5, I believe. 6 is	01:04
16	the map.	01:04
17	MR. BLUM: I'm sorry. Exhibit 5.	01:04
18	Q. Did you at any time ever update your	01:04
19	Declaration?	01:04
20	A. Yes.	01:04
21	Q. Okay. Why did you update your Declaration?	01:04
22	A. I don't recall the exact reason. I'd have to	01:04
23	look at the update.	01:04
24	Q. Who asked you to update your Declaration?	01:04
25	MR. ZIMMER: It's vague as to which	01:04

1	A. Specifically?	01:54
2	Q. Yes. You can stand up and point.	01:54
3	A. At 70th Street East and East Avenue J.	01:54
4	Q. And that's right across the street from the	01:54
5	Blum Trust parcel; isn't that true?	01:54
6	A. Just north of it.	01:54
7	Q. Okay. Show me where the well is located, the	01:54
8	Laid 13-3 well.	01:54
9	A. Approximately?	01:54
10	Q. Yes. And you can use a sticky of -- the red	01:54
11	one.	01:54
12	And that's before 75th Street East; correct?	01:54
13	A. I -- it may -- it's -- I couldn't say with	01:55
14	certainty. It's close to it.	01:55
15	Q. Okay. Do you know what APN number that is?	01:55
16	A. Not offhand, no.	01:55
17	Q. How -- how many wells does -- does Laid 14 --	01:55
18	13-3 comprise?	01:55
19	A. One.	01:55
20	Q. I'm going to show you a plot map and it has	01:55
21	two APN numbers. 3384008001 and 3384-008-020. It's in	01:55
22	my handwriting. But is that reflective of where the	01:55
23	Laid ranch or the -- the Laid wells are located?	01:56
24	A. 170th Street, East Avenue J.	01:56
25	MR. ZIMMER: Hold on a second. Just for the	01:56

1	Q. Do you know whether William Bolthouse Farms	02:42
2	laid pipeline underneath Avenue J onto the Blum Trust	02:42
3	parcel from the Laid 13-3 well?	02:43
4	A. Under which avenue? I'm sorry.	02:43
5	Q. Avenue J.	02:43
6	A. It's possible. I don't recall --	02:43
7	Q. Okay. Thank you.	02:43
8	A. -- if there was one there or not.	02:43
9	Q. Okay. Thank you. Did you ever learn that	02:43
10	Blum Trust parce- -- Blum Trust filed a lawsuit against	02:43
11	William Bolthouse Farms in connection with the lease	02:43
12	agreement?	02:43
13	MR. ZIMMER: Relevance? Who cares -- has	02:43
14	anything to do with the issues here about how much	02:43
15	water was used on your property.	02:43
16	THE WITNESS: In -- in relationship to, like,	02:43
17	what? I don't --	02:43
18	BY MR. BLUM:	02:43
19	Q. Did you ever learn that Blum Trust par- --	02:43
20	trust -- that the -- Blum Trust filed a lawsuit against	02:43
21	William Bolthouse Farms in connection with the	02:44
22	irrigation and well usage that delivered onto the Blum	02:44
23	Trust parcels?	02:44
24	MR. ZIMMER: It's a compound question.	02:44
25	Whether they filed --	02:44