

**LAW OFFICES OF
SHELDON R. BLUM**

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SAN JOSE, CALIFORNIA 95124
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Attorney for . BLUM TRUST

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES - CENTRAL DISTRICT**

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:

) **DECLARATION OF SHELDON BLUM IN
) SUPPORT OF BLUM TRUST'S REPLY
) BRIEF FOR MOTION FOR SUMMARY
) JUDGMENT/SUMMARY ADJUDICATION**

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Los Angeles County Superior Court
Case No. BC 325 201

) Hearing Date: January 22, 2015
) Time: 10:00 a.m.

Los Angeles County Waterworks District
No. 40 v. Diamond Farming Co.
Kern County Superior Court
Case No. S-1500-CV-254-348

) San Jose Dept. No.: TBD
) Judge: Hon. Jack Komar

Wm. Bolthouse Farms, Inc., v. City of
Lancaster; Diamond Farming Co. v. City of
Lancaster; Diamond Farming Co. v. City of
Palmdate Water District.
Riverside County Superior Court
Consolidated Action Nos. RIC 344 840,
RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS.

1

Declaration of Sheldon Blum In Support of Blum Trust's Reply Brief For Motion for Summary
Judgment/Summary Adjudication

1 I, Sheldon R. Blum, declare as follows:

2 1. I am an attorney duly licensed to practice law before all courts of the State of
3 California, with my principal law office located at 2242 Camden Avenue, Suite 201, San Jose,
4 CA 95124. I am the attorney of record for BLUM TRUST in this action. The following facts
5 are within my personal knowledge, and if called as a witness herein, I can and will
6 competently testify thereto.
7

8 2. Attached as Exhibit "12" is a true and correct copy of the **Further Updated Declaration**
9 **of Dan Wilke Regarding Water Use on Blum Property** dated September 6, 2012, which was
10 marked as Ex. "11" to Mr. Wike's February 6, 2013, deposition transcript.

11 I declare under penalty of perjury under the laws of the state of California that the
12 foregoing is true and correct.

13 Executed on December 17, 2014, at San Jose, California.

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15 
16 Sheldon R. Blum, Esq.
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EXHIBIT “12”

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 Wm. Bolthouse Farms, Inc.,

11 SUPERIOR COURT OF CALIFORNIA

12 COUNTY OF SANTA CLARA

13 * * *

14 COORDINATION PROCEEDING

15 SPECIAL TITLE (Rule 1550(b))

) Judicial Council Coordination Proceeding

) No. 4408

16 ANTELOPE VALLEY GROUNDWATER

17 CASES

) CASE NO. 1-05-CV-409053

18 INCLUDED ACTIONS:

19 LOS ANGELES COUNTY

20 WATERWORKS DISTRICT NO. 40 v.

21 DIAMOND FARMING COMPANY, et al.,

22 Los Angeles Superior Court Case No.

23 BC325201

) **FURTHER UPDATED DECLARATION
OF DAN WILKE REGARDING WATER
USE ON BLUM PROPERTY**

24 LOS ANGELES COUNTY

25 WATERWORKS DISTRICT NO. 40 v.

26 DIAMOND FARMING COMPANY, et al.,

27 Kern County Superior Court Case No. S-

28 1500-CV-254348

29 DIAMOND FARMING COMPANY, and

30 W.M. BOLTHOUSE FARMS, INC., v.

31 CITY OF LANCASTER, et al.,

32 Riverside Superior Court

33 Case No. RIC 344436 [c/w case no. RIC

34 344668 and 353840]

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1 I, DAN WILKE, declare:

2 1. I am the Irrigation Equipment Manager for Wm. Bolthouse Farms, Inc. I have
3 been employed in this capacity since 2000. Part of my duties is to determine water usage on
4 particular properties.

5 2. I previously was asked to estimate the amount of water usage on the Blum
6 property. I prepared estimates of water use on the Blum property during the time period from
7 2000 to 2007 as set forth on Exhibit "A" which is attached hereto and herein incorporated by
8 reference. After receiving further information regarding the termination date for the lease, I
9 also prepared an estimate of water usage on the Blum Property for 2008 and 2009 which has
10 been added to Exhibit "A."

11 **Method of Calculation**

12 3. For a particular year, the crop was determined along with the number of
13 irrigated acres by referring to Planting Schedules. The amount of water estimated to grow the
14 crop, based upon the method of irrigation, was then multiplied by the number of irrigated acres
15 to reach the total acre feet applied. For example, in 2002, carrots were grown on 117 irrigated
16 acres. The amount of water estimated to grow the carrots was 3.5 acre feet. 117 irrigated acres
17 x 3.5 acre feet = 409.5 acre feet used. I previously was unable to locate the Planting Schedules
18 for 2000 to 2005. However, I thereafter located a copy of what I believe to be a correct copy of
19 the planting schedule. The cropping schedule shows crops grown on Mr. Blum's property up
20 through the corrected lease termination date in or around 2009.

21 **Amount of Water Used on Blum Property**

22 4. The water used on Mr. Blum's property was taken from wells on AVOL 14-3,
23 either the south and/or north wells, on adjacent property because the well on Mr. Blum's
24 property was not serviceable. The APN number for the AVOL property is 3384-004-004. A
25 true and correct copy of the Notices of Extraction for the AVOL 14-3 wells, north and south.
26 Only a portion of the water pumped from the AVOL 14-3 wells was used on Mr. Blum's
27 property. Based upon my investigation and information and belief, no water was used on Mr.

1 Blum's property from the Laid 13-3 well. In 2002, 2003, 2004 and 2005, carrots and/or onions
2 were grown on Mr. Blum's property with an estimated water use of 3.5 acre feet. The total
3 amount of water in acre feet used for each one of these years was 409.5 acre feet. The average
4 water use per year for the five (5) year period from 2000 to 2004, was 245.7 acre feet (1,228.5
5 acre feet \div 5 = 245.7 acre feet average per year).

6 5. The water usage on Mr. Blum's property reflected on Exhibit "A" is true and
7 accurate to the best of my knowledge.

8 If called as a witness in this matter, I could testify to the above based upon personal
9 knowledge and based upon information and belief as a result of my position as Irrigation
10 Equipment Manager, and as to such matters I believe them to be true.

11 Executed under penalty of perjury on this 06 day of September, 2012, at Bakersfield,
12 California.

13 
14 DAN WILKE

EXHIBIT “A”

Date of Report: August 10, 2012

Report by: Daniel Wilke

Forwarded by: Michael Kovacevich

Contact for Mike K Phone: (661) 342-0615

Email: mikek@bolthouse.com

Address:

WM Bolthouse Farms, Inc.

7200 East Brundage Lane

Bakersfield, CA 93307-3016

Blum Ranch Water Usage

Year	Crop	Acres Irrigated	Ac. Ft. Applied	Total Ac. Ft.	Total Gallons
1999	No Record				
2000	No Record				
2001	Fallow				
2002	Carrots	117	3.50	409.5	133,435,984.50
2003	Carrots	117	3.50	409.5	133,435,984.50
2004	Onions	117	3.50	409.5	133,435,984.50
2005	Onions	117	3.50	409.5	133,435,984.50
2006	Fallow				
2007	Carrots	90	3.15	283.5	92,378,758.50
Previously Reported		558	17.15	1,921.50	626,122,696.50
2008	Onions	90.20	3.50	315.70	102,871,160.70
2009	Carrots	89.40	3.15	281.61	91,762,900.11
Updated Totals		737.60	23.80	2,518.81	820,756,757.31

Note: There are 325,851 gallons in one acre-foot of water

325,851.00 | 2,518.81 total acre-feet used during time period on Blum parcel
gallons in one | 820,756,757.31 total gallons
acre-foot of water