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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 R. BLUM,
TRUSTEE, IN SUPPORT OF BLUM
TRUST'S OVERLYING PRODUCTION
RIGHTS FOR PROVE-UP TRIAL**

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

) Trail Dates: 9/28/2015 - 10/16/2015
) Hearing 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

) LA Rm. No.: 222
) 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
Palmdale Water District.
Riverside County Superior Court
Consolidated Action Nos. RIC 344 840,
RIC 344 436, RIC 344 668

AND RELATED CROSS-ACTIONS.

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

2 1. I am the Trustee of the 1998 Sheldon R. Blum Family Trust (hereinafter "BLUM
3 TRUST"), and an attorney duly licensed to practice law before all courts of the State of
4 California, and attorney of record for the BLUM TRUST. This declaration is made in support
5 of Cross-Defendant BLUM TRUST's overlying landowner production rights in the Antelope
6 Valley basin, in accordance with the [Proposed] Judgment and Physical Solution filed with
7 the court on March 4, 2015, in which BLUM TRUST is a settling party. The following facts
8 are within my personal knowledge, and if called as a witness, I can and will competently
9 testify thereto.
10

11 2. Since 1985, up to present, Sheldon R. Blum/BLUM TRUST, was and still is, an
12 overlying landowner of approximately 120 acres of farmland located at Ave. J and 70th to 75th St.
13 East in the City of Lancaster, County of Los Angeles, CA, identified by APN and acreage, as
14 follows: (1) 3384-009-001= 80+/-Acs.; (2) 3384-009-006= 39+/-Acs. The BLUM TRUST parcels
15 are contiguously located and beneficially used for irrigation of agriculture crops, including carrots
16 and onions. True and correct certified copies of the Trust Transfer Deeds filed on November 4,
17 1998, in the Los Angeles County California Recorder's Office, are collectively marked and
18 attached as Ex. 'BLUM TRUST-1', herein.
19

20 3. The California Dept. of Water Resources, Southern District records two (2) BLUM
21 TRUST Well Index Cards listed under State Well Nos. 07N/11W-24C015 for parcel APN: 3384-
22 009-001, and 07N/11W-24F015 for parcel APN: 3384-0090-006. There is also a 3rd water well on
23 the parcel, however the Well Index Card is not available. True and correct copies of the California
24 Dept. of Water Resources Affidavit which identifies the BLUM TRUST Well Index Cards, Plot Map,
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1 & Water Well locations on the BLUM TRUST parcels, are collectively marked and attached as Ex.
2 'BLUM TRUST-2', herein.

3 4. In addition, since 1985 to present, Sheldon R. Blum/BLUM TRUST was and still is, an
4 overlying landowner of approximately 30 acres of land located in the Antelope Valley under APNs
5 3384-020-012 = 10+/- Acs.; & 3384-020-013 = 10+/- Acs at Ave. J and 77th to 80th St. East, and
6 3262-016-011 = 10+/- Acs at Ave. C and 97th St. West, Lancaster CA. These parcels do not have
7 water wells on the property, however BLUM TRUST shares correlative rights in the basin with
8 other overlying landowners. Declarant claims the unexercised right to produce and use
9 groundwater with regard to these parcels. True and correct certified copies of these Trust
10 Transfer Deeds filed on November 4, 1998, in the Los Angeles County California Recorder's
11 Office, are collectively marked and attached as Ex. 'BLUM TRUST-3', herein.

12 13 5. From August 2, 2001 up through December 31, 2009, BLUM TRUST as Lessor, and
14 WM. BOLTHOUSE FARMS, INC, as Lessee, (hereinafter BOLTHOUSE FARMS), conducted
15 farming operations for the reasonable and beneficial use of BLUM TRUST's farmland on APNs:
16 3384-009-001 = 80+/- Acs. and 3384-009-006 = 39 +/- Acs., in which onions and carrots were
17 irrigated, in conformity with Antelope Valley agriculture farming standards and practices.

18 19 6. As a settling party to the settlement agreement known as the 'Stipulation for Judgment
20 and Physical Solution', Declarant claims the right to produce and use groundwater for the
21 reasonable and beneficial use of BLUM TRUST's 118 acres of farmland identified in above
22 Paragraph 2, to grow carrots and onions in the annual amount of 50 Ac. Ft. The manner and
23 method of determining the amount of groundwater produced for the farmland was measured in
24 acre feet utilizing the same applied crop water duties and efficiency values which was admitted
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into evidence during the Phase 3 Trial, and propounded discovery for the Phase 4 Trial, as follows:

| <u>Year</u> | <u>Crop</u> | <u>Applied Water Duty</u> | <u>Total Production Ac. Ft.</u> |
|-------------|-------------|---------------------------|---------------------------------|
| A. 2000 | Fallow | | |
| B. 2001 | Fallow | | |
| C. 2002 | Carrots | 3.9 x 118 Acs. = | 460.20 |
| D. 2003 | Carrots | 3.9 x 118 Acs. = | 460.20 |
| E. 2004 | Onions | 4.5 x 118 Acs. = | 531 |
| F. 2005 | Onions | 4.5 x 118 Acs. = | 531 |
| G. 2006 | Fallow | | |
| H. 2007 | Carrots | 3.9 x 90 Acs. = | 315 |
| I. 2008 | Onions | 4.5 x 90 Acs. = | 405 |
| J. 2009 | Carrots | 3.9 x 90 Acs. = | 315 |
| K. 2011 | Fallow | | |
| L. 2012 | Fallow | | |

7. BLUM TRUST's annual overlying production right in the compromised sum of 50 Ac. Ft., is supported by BOLTHOUSE PROPERTIES, LLC's President Anthony L. Leggio's Addendum To Declaration Of Anthony L. Leggio In Lieu Of Deposition Testimony For Phase 4 Trial dated May 13, 2013, which attached Exhibit P-1. Mr. Leggio's Exhibit P-1 'Crop Rotation' identifies 118 irrigated acres of BLUM TRUST's farmland which were beneficially used to grow carrots and/or onions in Years 2002, 2003, 2004 & 2005. Furthermore, in 2008 & 2009, 90 irrigated acres of BLUM TRUST's farmland were used to grow onions and carrots on its farmland.

1 8. During the Phase 4 Trial on May 29, & 30, 2013, the Amended Declaration of Mr.
2 Anthony L. Leggio which included, Ex. P-1, was marked for identification as '4-BOLTHOUSE-1',
3 and admitted into evidence. True and correct copies of Mr. Leggio's Addendum Declaration with
4 Ex. P-1; Applied Crop Water Duties & Irrigation Efficiency Values Chart; and Judge Jack Komar's
5 Minute Orders dated 5/29/13 & 5/30/13, are collectively marked and attached as Ex. 'BLUM
6 TRUST-4', herein. Mr. Leggio is scheduled to be a witness at trial.


8 9. Likewise, BLUM TRUST's annual production right in the compromised sum of 50 Ac.
9 Ft., was established by BOLTHOUSE FARMS' Irrigation Manager Mr. Daniel Wilke's "Further
10 Updated Declaration of Dan Wilke Regarding Water Use on Blum Property" dated September 6,
11 2012, with attached Exhibit "A" entitled 'BLUM RANCH WATER USAGE'. Mr. Wilke's Exhibit "A"
12 declares that in 2002 & 2003, 2004, 2005, & 2007, carrots and/or onions were irrigated on
13 approximately 117 Acres of BLUM TRUST's farmland. In 2008 & 2009, 90 irrigated acres of
14 BLUM TRUST'S farmland were used to grow carrots and onions. Mr. Wilke's crop water duty
15 values were less than the above Ex. BT-4, Crop Water Duty & Irrigation Efficiency Value Chart.
16 True and correct copies of Mr. Wilke's Further Updated Declaration with Ex. "A", are marked
17 and attached as Ex. 'BLUM TRUST-5', herein. Mr. Wilke is scheduled to be a witness at trial.

19 10. On May 18, 2003 I took five (5) panoramic photographs depicting 118 irrigated acres
20 of carrots beneficially grown on BLUM TRUST's farmland, identified in above Paragraphs 2.
21 True and correct copies of the photographs are collectively marked and attached as Ex. 'BLUM
22 TRUST-6', herein.

23 11. On behalf of BLUM TRUST, on or about May 23, 2013, the PUBLIC WATER
24 SUPPLIERS and I executed a Stipulation to introduce in a later phase evidence to support

1 BLUM TRUST's water usage in years other than 2011 and 2012. A true and correct copy of the
2 e-filed Stipulation is marked and attached as Ex. 'BLUM TRUST-7', herein.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed on September 21, 2015, at San Jose, California.

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6 
7 Sheldon R. Blum, Trustee/Esq.
8 For Cross-Defendant BLUM TRUST
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