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Attorneys for Plaintiff and Cross-Defendant
CALIFORNIA AMERICAN WATER

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MONTEREY

CALIFORNIA AMERICAN WATER,

Plaintiff,

vs.

CITY OF SEASIDE; CITY OF
MONTEREY; CITY OF SAND CITY;
CITY OF DEL REY OAKS; SECURITY
NATIONAL GUARANTY, INC.;
GRANITE ROCK COMPANY, INC.;
D.B.O. DEVELOPMENT COMPANY NO.
27, INC.; MURIEL E. CALABRESE 1987
TRUST; ALDERWOODS GROUP
(CALIFORNIA), INC.; PASADERA
COUNTRY CLUB, LLC; LAGUNA SECA
RESORT, INC; BISHOP MC INTOSH &
MC INTOSH, a general partnership; THE
YORK SCHOOL, INC.; and DOES 1
through 1,000, Inclusive,

Defendants.

MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT,

Intervenor.

MONTEREY COUNTY WATER
RESOURCES AGENCY,

Intervenor.

AND RELATED CROSS-ACTIONS

//

Case No. M66343

**JUNE 2007 REPORT ON STATUS OF
IMPLEMENTATION OF THE
SEASIDE BASIN MONITORING AND
MANAGEMENT PROGRAM**

(Assigned to Hon. Roger D. Randall, Ret.)

1 On February 9, 2007, this Court approved the Seaside Groundwater Basin Monitoring
2 and Management Program ("MMP") and further ordered the Watermaster to submit reports
3 regarding implementation of the MMP no later than March 13 and June 11, 2007. California
4 American Water ("California American"), on behalf of the Seaside Groundwater Basin
5 Watermaster Committee, timely submitted the March 13, 2007 report ("March Report"). Now
6 California American submits this June Report on Status of the Implementation of the Seaside
7 Basin Monitoring and Management Program in compliance with the Court's order.¹

8 A. Quarterly Water Testing

9 In April 2007, the Monterey Peninsula Water Management District ("MPWMD")
10 presented Watermaster with the report summarizing water quality testing for winter 2007, which
11 is attached hereto as Exhibit A. The winter 2007 water quality report indicates no presence of
12 seawater intrusion in the Seaside Basin aquifers.

13 B. Construction of Additional Monitoring Wells

14 The February 9, 2007 order of the Court mandates that "[n]o later than June 11, 2007,
15 Watermaster shall report to the Court that consultants implementing the MMP have designated
16 and identified the sites for drilling the groundwater monitoring wells required by the MMP."
17 Progress on this item was first described in the March Report. Since the March Report,
18 Watermaster consultants have been working on permitting issues associated with: (1) obtaining
19 the right-of-way to drill wells on property owned by the California Division of State Parks
20 ("State Parks"); and (2) performing the environmental review necessary to obtain permits from
21 State Parks, Monterey County and the California Coastal Commission. The March Report
22 estimated that these permitting issues would be resolved by mid-May 2007. As described in the
23 memorandum attached hereto as Exhibit B, minor setbacks in the permitting schedule have
24 extended the estimated date when well drilling will commence until July 2007. Overall, there
25 has been significant cooperation between State Parks, the Coastal Commission and the
26 Watermaster consultant. Martin Feeney, the consultant responsible for constructing the
27

28 ¹ This report was reviewed and approved by the Watermaster at its meeting on June 6, 2007.

1 additional monitoring wells, estimates that once drilling commences all wells will be installed
2 within one month.

3 C. Consultant Contracts to Implement the MMP

4 Working with its Technical Advisory Committee ("TAC"), Watermaster awarded three
5 contracts to consultants responsible for implementing the MMP. Watermaster has now executed
6 contracts with MPWMD, RBF Consulting, Inc., and Monterey County Water Resources Agency,
7 and work is underway to fulfill the mandates of the MMP. The contracts themselves are
8 voluminous, and so they will not be attached to this June Report. At the Court's request, we will
9 provide copies of the contracts.

10 D. Hiring of Technical Project Manager

11 The technical nature of the discussions involving the three MMP contracts prompted the
12 Watermaster executive officer to request that Watermaster approve hiring an in-house consultant
13 with pertinent engineering expertise. Watermaster approved this request, and interviews were
14 held during May 2007 for the position of "Watermaster Technical Project Manager" ("TPM").
15 This position reports directly to the Watermaster executive officer and Watermaster board, and
16 serves as an in-house resource for managing outside consultants.

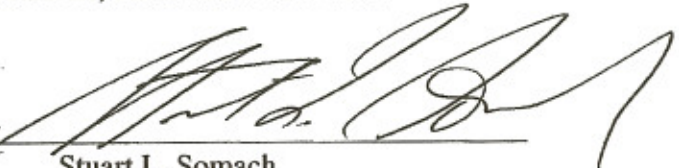
17 Ultimately Robert Jaques was hired as the TPM. Mr. Jaques brings considerable
18 relevant experience to the job position, as he was formerly employed for 29 years as an engineer
19 with the Monterey Regional Water Pollution Control Agency ("MRWPCA"). Mr. Jaques
20 retired in 2005 as the MRWPCA Director of Engineering Planning and Technology. Through
21 his work at MRWPCA, Mr. Jaques became familiar with most of the parties to the Adjudication
22 and many of the key issues.

23 Respectfully submitted,

24 SOMACH, SIMMONS & DUNN

25
26 Dated: June 7, 2007

27 By

28 
Stuart L. Somach

Attorneys for California American Water

EXHIBIT A



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

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MONTEREY, CA 93942-0085 • (831) 658-5600
FAX (831) 644-9560 • <http://www.mpwmd.dsf.ca.us>

SEASIDE BASIN WATERMASTER MEMORANDUM 2007-02

Date: April 11, 2007
To: Seaside Basin Watermaster
From: Joe Oliver, PG, CHg, Senior Hydrogeologist
Tom Lindberg, Associate Hydrologist
Subject: Results of Quarterly Ground Water Quality Samples Collected in Winter 2007 from MPWMD Seaside Ground Water Basin Coastal Monitor Wells

Summary

This memorandum transmits and summarizes quarterly ground water quality data collected in Winter 2007 by the Monterey Peninsula Water Management District (MPWMD or District) from its network of Seaside Ground Water Basin coastal monitor wells. This information is being provided to the Seaside Basin Watermaster Board for information purposes, and is in compliance with the monitoring protocols described in the Watermaster's *Seaside Basin Monitoring and Management Program* (revised September 5, 2006), which was prepared in response to the March 27, 2006 court decision in the Seaside Basin adjudication case. The chemical data from the Winter 2007 sampling of the District's existing coastal "sentinel" monitor wells do not indicate evidence of seawater intrusion at these locations in the Seaside Basin.

MPWMD Seaside Basin Coastal Monitor Well Network

The District initiated a ground water quality monitoring program in the coastal area of the Seaside Basin in 1990, and the network has been expanded since that time. The water quality data collected from the monitor wells are utilized for the purposes of: (1) characterizing the chemical nature of the ground water, (2) establishing long-term ground water quality trends, and (3) monitoring of seawater intrusion potential into the Seaside Basin. The chemical data reported herein provide information about present water quality conditions in the coastal portion of the basin, and serve as background water quality data for comparison in future studies. The District collects ground water quality data *annually* in the Fall from its network of 12 monitor wells at 6 separate sites in and near the coastal area of the Seaside Basin. In addition to this annual sampling, the District is currently collecting *quarterly* samples from the six monitor wells that are part of this network, which are located at the 3 sites closest to the coastline. These sites,

described herein as the "MPWMD coastal sentinel wells", are shown on **Figure 1**. At each of these 3 sites, a "shallow" and "deep" monitor well have been installed (either in separate boreholes or as multiple completions in a single borehole), generally corresponding to well completions within the two principal aquifer units in the Seaside Basin, known as the Paso Robles Formation (QTp) and Santa Margarita Sandstone (Tsm), respectively. The Pliocene/Pleistocene-Age QTp is a continental formation comprised of a fluvial mix of clay, silt, sand and gravel, deposited as ancestral valley fill sediments. The Miocene-Age Tsm is a marine and brackish-marine, fine- to coarse-grained arkosic sandstone, which overlies the shales of the Monterey Formation. The monitor wells are constructed of 2-inch PVC casing, with screens isolated in sand "packages" within each aquifer unit. The aquifer units are separated from each other in the wells by cement strata isolation seals.

Water Sample Collection

Water sample collection is accomplished by "air-lift" pumping. The method utilizes a 3/4-inch PVC dedicated airline in the well, which is coupled to an air compressor. The wellhead configuration is fashioned after that shown in **Figure 2**. Due to the small diameter of the monitor wells, the well casing is used as the "eductor" pipe, rather than a separate eductor pipe inside the well. Through experience, it has been determined that acceptable pumping results can be achieved if the bottom of the airline is placed at a depth that gives approximately 50 percent pumping submergence (i.e., the ratio of the length of the airline below the pumping water level to the total length of the airline). The air-lift method can be inappropriate for certain water quality constituents due to chemistry changes brought about by air entrainment in the purged water; however, it is considered appropriate for the suite of inorganic constituents that are currently analyzed from the collected samples.

The volume of water removed from each well prior to sampling is generally three casing volumes, consistent with standard sampling protocol. Sampling is supplemented by field measurement of several indicator parameters that are collected during pumping, which ensures that water quality has stabilized prior to sample collection. Once the samples are collected, they are taken to a State-certified laboratory for analysis.

Winter 2007 Quarter Water Quality Results

Water chemistry analytical results for the quarterly ground water samples collected from the District's six existing coastal "sentinel" monitor wells on January 30, 2007, are provided in **Table 1**. For comparison, the analytical results from the previous sampling of these same wells in Fall 2006 are provided in **Table 2**. Note that **Table 2** also includes the chemical data for six additional monitor wells that are sampled annually from locations that are farther from the coastline.

The chemical data from the depth intervals sampled at these monitor wells do not indicate evidence of water quality changes indicative of seawater intrusion at these locations in the coastal area of the Seaside Basin. Additional descriptions of the ground water quality results from the District's Seaside Basin coastal monitor wells can be found in *MPWMD Seaside Basin*

MPWMD Seaside Basin Watermaster Memorandum 2007-02

April 11, 2007

Page 3

Watermaster Memorandum 2007-01, as well as *MPWMD Technical Memorandum 97-02*. Both of these documents are available at the District office for review.

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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
SEASIDE BASIN COASTAL GROUND WATER QUALITY
MONITOR WELL LOCATIONS - JANUARY 30, 2007

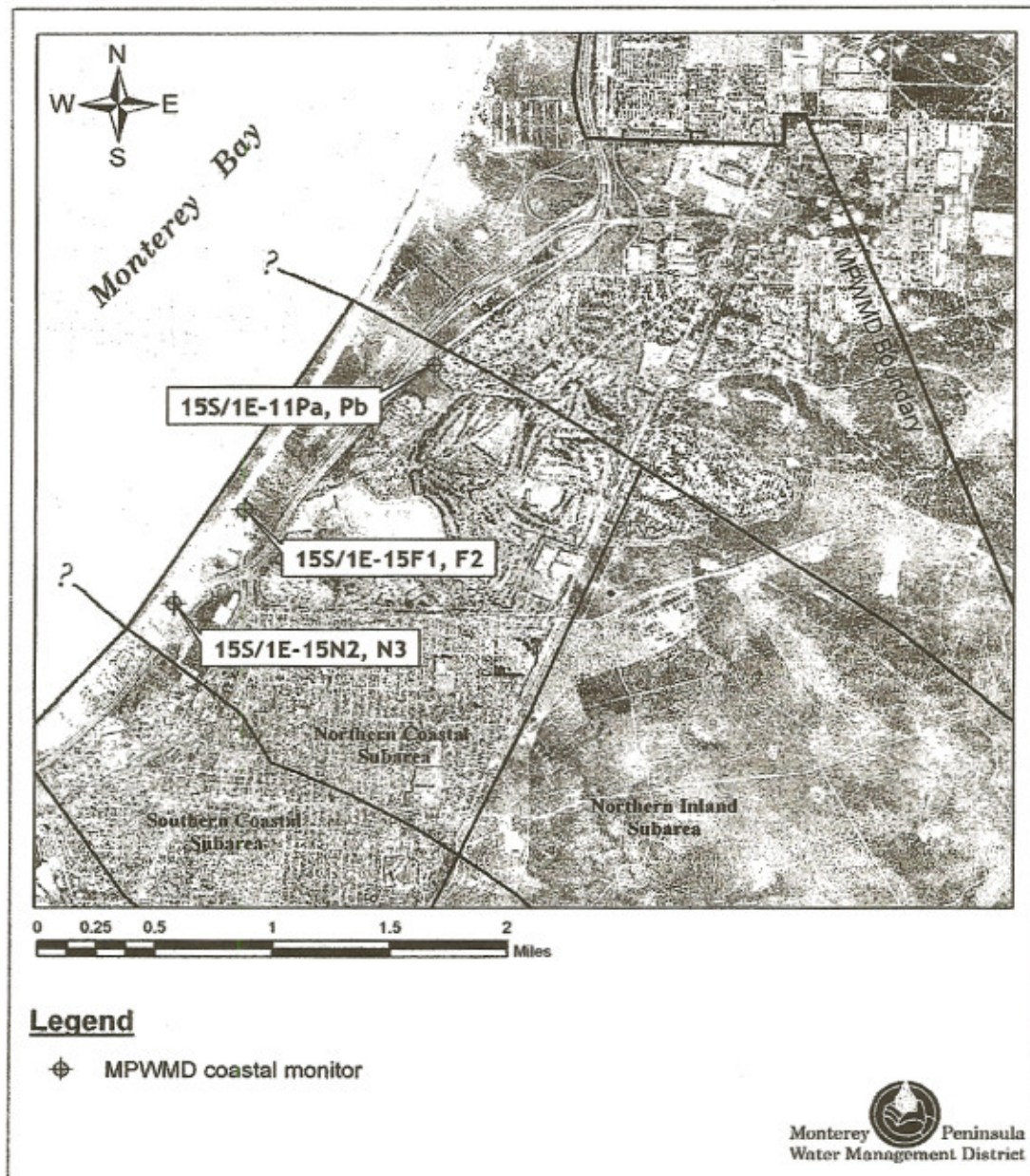


Figure 1. MPWMD Seaside Basin Coastal "Sentinel" Monitor Well Locations.

Ground Water Quality Monitoring Results

Tables

Table 1

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

GROUND WATER QUALITY MONITORING RESULTS

Seaside Basin Sample Collection Date: January 30, 2007

Units are milligrams per liter unless otherwise noted.

Water Quality Constituent	Specific Conductance (micromhos/cm)	Total Alkalinity (as CaCO ₃)	pH	Chloride	Sulfate	Ammonia Nitrogen (as NH ₃)	Nitrate Nitrogen (as NO ₃)	Nitrate (as NO ₃ -N)	Total Organic Carbon	Calcium	Sodium	Magnesium	Potassium	Iron	Manganese	Orthophosphate
Drinking Water Standard (1)	900 1000 2200 (2)	NA	NA	250 500 600 (2)	250 500 800 (2)	NA	45	NA	NA	NA	NA	NA	NA	0.3	0.05	NA
Sampling Location																
15S/1E-15N3 (shal)	325	69	8.1	47	18	0.07	<1	<0.05	0.26	19	38	5	3.5	<0.10	0.031	<0.05
15S/1E-15N2 (deep)	1005	238	8.2	150	45	0.09	<1	<0.05	0.45	80	102	15	4.6	<0.10	0.072	<0.05
15S/1E-15F1 (shal)	311	69	8.1	47	11	<0.05	4	0.97	0.41	20	33	5	2.2	<0.10	<0.02	<0.05
15S/1E-15F2 (deep)	993	224	7.9	152	43	0.10	<1	<0.05	0.65	83	105	16	4.9	0.199	0.101	<0.05
15S/1E-11Pa (shal)	323	62	8.1	56	13	<0.05	1	0.14	0.35	23	33	4	3.6	<0.10	<0.02	<0.05
15S/1E-11Pb (deep)	433	82	8.2	71	15	<0.05	1	0.14	0.29	28	50	3	3.4	<0.10	<0.02	<0.05

Water Quality Constituent	Total Dissolved Solids	Hardness (as CaCO ₃)	Boron	Bromide	Fluoride
Drinking Water Standard (1)	NA	NA	NA	NA	NA
Sampling Location					
15S/1E-15N3 (shal)	234	68	0.24	0.15	0.15
15S/1E-15N2 (deep)	581	262	0.26	0.44	0.25
15S/1E-15F1 (shal)	198	71	0.12	0.15	<0.10
15S/1E-15F2 (deep)	576	273	0.20	0.43	0.28
15S/1E-11Pa (shal)	232	74	0.18	0.18	<0.10
15S/1E-11Pb (deep)	262	82	0.18	0.22	0.12

NOTES:

- (1) Maximum contaminant levels are from California Domestic Water Quality and Monitoring Regulations, Title 22, 1977.
 (2) The three values listed for certain constituents refer to the "recommended" level, the "upper" level, and "short-term use" level, respectively.

Table 2

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

GROUND WATER QUALITY MONITORING RESULTS

Seaside Basin Sample Collection Date: October 24 and October 25, 2006

Units are milligrams per liter unless otherwise noted.

Water Quality Constituent	Specific Conductance (micromhos/cm)	Total Alkalinity (as CaCO ₃)	pH	Chloride	Sulfate	Ammonia Nitrogen (as NH ₃)	Nitrate Nitrogen (as NO ₃)	Total Organic Carbon	Calcium	Sodium	Magnesium	Potassium	Iron	Manganese	Orthophosphate	Boron
Drinking Water Standard (1)	600 1500 2200 (2)	NA	NA	250 500 600 (2)	250 500 600 (2)	NA	45	NA	NA	NA	NA	NA	0.3	0.05	NA	NA
Sampling Location																
15S/1E-15N3 (shal)	320	72	7.8	46	17	0.06	<1	<0.20	17	39	4.8	3.8	<0.10	<0.0005	0.04	0.39
15S/1E-15N2 (deep)	950	240	8.2	155	45	0.09	<1	<0.20	73	105	16	5.0	<0.10	0.051	<0.03	0.29
15S/1E-23Ca (shal)	800	212	8.3	106	37	<0.05	6	0.35	68	79	17	4.4	1.080	0.077	<0.03	0.29
15S/1E-23Cb (deep)	1280	318	8.2	181	89	0.47	<1	0.84	107	132	26	7.1	0.169	0.026	<0.03	0.58
15S/1E-15F1 (shal)	300	68	7.8	46	10	<0.05	4	<0.20	19	33	5.6	2.5	<0.10	<0.0005	<0.03	0.32
15S/1E-15F2 (deep)	960	246	7.7	150	42	0.08	<1	0.27	77	109	18	5.4	0.541	0.085	<0.03	0.34
15S/1E-15K5 (shal)	330	68	7.9	50	10	<0.05	3	<0.20	20	39	6.2	2.9	2.390	0.068	<0.03	0.28
15S/1E-15K4 (deep)	790	208	8.2	109	35	<0.05	<1	<0.20	57	93	12	4.2	0.216	0.092	<0.03	0.33
15S/1E-11Pa (shal)	330	64	7.8	56	12	<0.05	<1	0.42	22	34	4.5	4.1	<0.10	<0.0005	0.04	0.28
15S/1E-11Pb (deep)	420	92	7.9	70	14	<0.05	<1	0.31	26	53	3.7	3.7	<0.10	<0.0005	<0.03	0.31
15S/1E-12Fa (shal)	350	76	7.9	53	19	<0.05	<1	<0.20	22	40	5.7	2.2	<0.10	<0.0005	<0.03	0.23
15S/1E-12Fc (deep)	360	78	7.8	55	17	<0.05	<1	<0.20	22	40	5.5	2.8	<0.10	0.034	<0.03	0.32

NOTES:

(1) Maximum contaminant levels are from California Domestic Water Quality and Monitoring Regulations, Title 22, 1977.

(2) The three values listed for certain constituents refer to the "recommended" level, the "upper" level, and "short-term use" level, respectively.

EXHIBIT B



Denise Duffy & Associates, Inc.

PLANNING AND ENVIRONMENTAL CONSULTING

MEMORANDUM

Date: May 15, 2007
To: Martin Feeney
From: Alison Imamura/Denise Duffy, Denise Duffy & Associates, Inc.
Subject: Schedule Delays for the Seaside (Sentinel) Groundwater Basin Monitoring Well Project

Message: Denise Duffy & Associates (DD&A) is currently under contract with you to provide CEQA, permitting, and biological services for the above-referenced Project. You recently requested documentation of reasons for schedule delays. The following are the primary reasons for the delay.

- **Focused botanical survey.** DD&A conducted a focused survey for listed plants at the well sites for inclusion in the permitting/environmental documentation. Due to the late wet weather, this year's blooming season occurred slightly later than usual. In addition, in estimating the original schedule, DD&A had assumed conducting the flowering survey immediately prior to construction (rather than including it in the environmental documentation for submittal to California State Parks and Coastal Commission). This inclusion is expected to expedite review and approval of the associated permits due to the lack of significant environmental impacts and ability to implement the project with minimal environmental restrictions.
- **Determination of appropriate CEQA process and lead agency.** In developing the initial schedule, DD&A had assumed that the project was exempt from CEQA (under CEQA Guidelines section 15304 or 15306) with the lead agency being State Parks. Consultation with various project team personnel, including the Watermaster Attorney, was necessary to confirm the most appropriate and efficient process and lead agency for the purposes of CEQA.
- **Permitting Authority Timing.** As with many projects where the project proponent is not the permitting authority, the permitting authority is typically not required to act within a specified period of time. The time required by the California State Parks and California Coastal Commission for project review and consideration could only be estimated at the initiation of a project.

I hope this information meets your needs. Please contact one of us if you have any questions or require additional information.

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947 Cass Street, Suite 5
Monterey, CA 93940

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PROOF OF SERVICE

I am employed in the County of Sacramento; my business address is Hall of Justice Building, 813 Sixth Street, Third Floor, Sacramento, California; I am over the age of 18 years and not a party to the foregoing action.

On June 7, 2007, I served a true and correct copy of

**JUNE 2007 REPORT ON STATUS OF IMPLEMENTATION OF
THE SEASIDE BASIN MONITORING AND MANAGEMENT PROGRAM**

X (by mail) on all parties in said action listed below, in accordance with Code of Civil Procedure §1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Somach, Simmons & Dunn, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Sacramento, California.

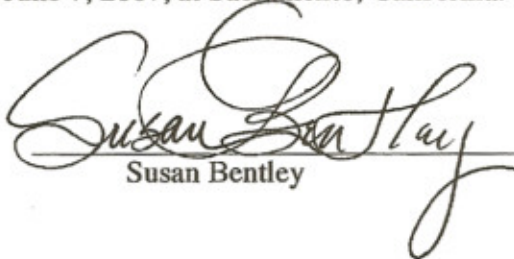
SEE ATTACHED SERVICE LIST

X (by e-mail) to the persons at the email addresses set forth on the attached E-Mail Service List.

___ (by personal delivery) by personally delivering a true copy thereof to the person and at the address set forth below:

___ (by facsimile transmission) to the person at the address and phone number set forth below:

I declare under penalty of perjury that the foregoing is true and correct under the laws of the State of California. Executed on June 7, 2007, at Sacramento, California.


Susan Bentley

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