

RUSSELL M. MGLOTHLIN (State Bar No. 208826)
BROWNSTEIN HYATT FARBER SCHRECK, LLP
21 East Carrillo Street
Santa Barbara, CA 93101
Telephone: (805) 963-7000
Facsimile: (805) 965-4333

Attorneys for Defendant, CITY OF SEASIDE

FILED

DEC 22 2008

CONNIE MAZZEI
CLERK OF THE SUPERIOR COURT
E. Catania DEPUTY
E. CATANIA

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF MONTEREY**

CALIFORNIA AMERICAN WATER,

Plaintiff,

vs.

CITY OF SEASIDE, et al.,

Defendants.

Case No. M66343

Assigned for All Purposes to the
Honorable Roger D. Randall (Ret.)

**PROPOSED ORDER GRANTING
WATERMASTER'S
MOTION TO AMEND**

Date: December 12, 2008
Time: 1:30 p.m.
Dept: 16, 1st Floor

MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT,

Intervenor,

MONTEREY COUNTY WATER
RESOURCES AGENCY,

Intervenor,

AND RELATED CROSS-ACTION.

[Proposed] ORDER

Pursuant to the court's continuing jurisdiction set forth in Section III.O.1.a of the final
decision issued in this action, having read, reviewed and considered all pleadings filed in support

1 and in response, if any, to the motion, including all declarations attached thereto and the argument of
2 counsel, and good cause appearing therefore,

3 **IT IS ORDERED, ADJUDGED AND DECREED** that the Judgment in *California*
4 *American Water v. City of Seaside et al.* (Superior Ct. Monterey County, 2006, No. M66343)
5 (Seaside Basin Judgment) shall be amended as follows:

6 The text in paragraph 2 of Section III.B.3.e shall read:

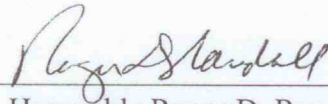
7 Any of the aforementioned Parties, except the County of Monterey,
8 may choose to change all or a portion of their Alternative Production
9 Allocation to the Standard Production Allocation method set forth in
10 Section III.B.2 and shall be entitled to all of the privileges associated
11 with said Production Allocation as set forth herein (e.g. transferability,
12 Storage rights, and Carryover rights). A Party choosing to change to
13 the Standard Production Allocation (or a portion of their Alternative
14 Production Allocation to Standard Production Allocation) shall do so
15 by filing a declaration with the Court, and serving said declaration on
16 all other parties. Once a Party chooses to change all or a portion of
17 their Alternative Production Allocation to the Standard Production
18 Allocation method set forth in Section III.B.2, that Party shall not be
19 allowed to thereafter again choose to participate in the Alternative
20 Production Allocation as to that portion so transferred. The Parties
21 under the Standard Production Allocation shall not be allowed at any
22 time to change from the Standard Production Allocation to the
23 Alternative Production Allocation.

24 Watermaster is further ordered to provide a written response to the Court on or before
25 January 30, 2008 concerning the following matters addressed in the Watermaster's 2008 Annual
26 Report:

- 27 • Page 6. Explain whether the Watermaster anticipates any material challenges in
28 obtaining: (1) a "Use Agreement" with the U.S. Army in 2009 for conversion of one
of the Army's existing wells in the area north of the Northern Coastal Subarea to a
monitoring well for Watermaster's use; and (2) construction of a new monitoring
well in 2009 in the inland area near the northern basin boundary. To the extent
Watermaster identifies any material challenges in this respect, explain Watermaster's
plans to overcome such challenges.

- Page 8. Identify the specific technical, political, and socio-economic complexities that delayed the completion of the Seawater Intrusion Response Plan, and the specific schedule that Watermaster anticipates to finalize and adopt the SIRP as soon as practically feasible.
- Page 9. Explain why the Watermaster believes that increased chloride levels detected in the deep Ord Terrace well and the SBWM-4 well are not the result of seawater intrusion.
- Page 10. Explain whether subsidence is a likely result of the dewatering of the deep aquifer in the Coastal Sub-area.

Date: December 20, 2008



Honorable Roger D. Randall (Ret.)

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF)
SANTA BARBARA)

I am employed by Hatch & Parent, A Law Corporation in the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action; my business address is: 21 East Carrillo Street, Santa Barbara, California 93101. On December 18, 2008, I served the within documents:

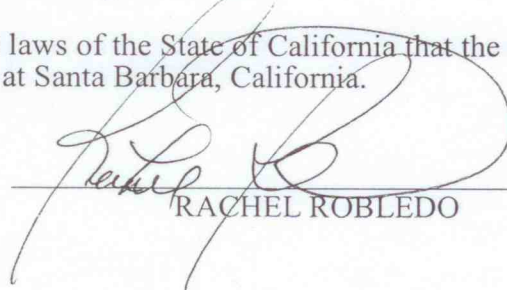
PROPOSED ORDER GRANTING WATERMASTER'S MOTION TO AMEND

- ☐ By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Barbara, addressed as set forth below.
- ☐ By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, (with billing directed to sender) picked up by or delivered to an overnight delivery service in Santa Barbara, California, addressed as set forth below.
- ☐ By personally sending a true copy via e-mail to the parties at the e-mail addresses listed on the attached Service List, on the date below.
- ☐ By sending a true copy of the above document to the parties as set forth on the service list at the fax numbers indicated. The facsimile machine used complied with CRC Rule 2003(3), and the transmission was reported as complete and without error. Pursuant to CRC Rule 2005(i), a transmission confirmation report was properly issued by the transmitting facsimile machine, stating the time and date of such transmission.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on December 18, 2008, at Santa Barbara, California.



RACHEL ROBLEDO

SERVICE LIST

JUDGE'S COPY

CALIFORNIA AMERICAN WATER

Judge Roger D. Randall
Carrie L. Gleeson
Tim Miller
303 H. Street, Suite 250
Chula Vista, California 91910

Telephone No: (619) 409-7726
Facsimile No: (619) 409-7701
carrie.gleeson@amwater.com
tim.miller@amwater.com

CITY OF SEASIDE

Donald G. Freeman, Esq.
Law Office of Perry & Freeman
P.O. Box 805
Carmel, CA 93921-0805

Telephone No: (831) 624-5339
Facsimile No. (831) 624-5839
klglegal@hotmail.com

CITY OF MONTEREY

Deborah Mall, Esq.
Monterey City Attorney
City Hall
399 Madison Streets
Monterey, CA 93940

Telephone No: (831) 646-3915
Facsimile No. (831) 373-1634
mall@ci.Monterey.ca.us

CITY OF SAND CITY

James G. Heisinger, Jr., Esq.
Heisinger, Buck & Morris
P.O. Box 5427
Carmel, CA 93921-5427

Telephone No: (831) 624-3891
Facsimile No. (831) 625-0145
jim@carmellaw.com

CITY OF DEL REY OAKS

Robert Wellington, Esq.
Wellington Law Offices
857 Cass Street, Suite D
Monterey, CA 93940

Telephone No: (831) 373-8733
Facsimile No. (831) 373-7106
attys@wellingtonlaw.com

1 Brian Finegan, Esq.
Law Office of Brian Finegan
2 P.O. Box 2058
Salinas, CA 93902

3 Telephone No: (831) 757-3641
4 Facsimile No. (831) 757-9329
5 brian@bfinegan.com

6 David C. Sweigert, Esq.
Fenton & Keller
7 2801 Monterey Salinas Highway
P.O. Box 791
8 Monterey, California 93940-0791

9 Telephone No. (831) 373-1241 Ext: 202
Facsimile No. (831) 373-7219
10 dsweigert@fentonkeller.com
11 rscholl@fentonkeller.com

12 John M. Garrick, Esq.
Larson Garrick & Lightfoot LLP
US Bank Tower
13 633 West Fifth Street, Suite 1750
Los Angeles, CA 90017

14 Telephone No: (213) 404-4100
15 Facsimile No: (213) 404-4123
16 jgarrick@lgl-law.com

17 Robert A. Goodin, Esq.
James D. Squeri, Esq.
Anne Hayes Hartman, Esq.
18 Goodin, MacBride, Squeri, Ritchie & Day
505 Sansome Street, Suite 900
19 San Francisco, CA 94111

20 Telephone No: (415) 398-4321
Fax No. (415) 398-4321
21 jsqueri@goodinmacbride.com
ahartman@goodinmacbride.com
22 rgoodin@goodinmacbride.com

23 David Laredo, Esq.
24 DeLay & Laredo
606 Forest Avenue
25 Pacific Grove, CA 93950

26 Telephone No: (831) 646-1502
Facsimile No. (831) 646-0377
27 dave@laredolaw.net
28

GRANITE ROCK COMPANY

D.B.O. DEVELOPMENT COMPANY NO. 27

ALDERWOOD GROUP, INC. dba MISSION MEMORIAL PARK

PASADERA COUNTRY CLUB, LLC

MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

1 J. Terry Schwartz, Esq.
2 Craig A. Parton, Esq.
3 Price, Postel & Parma LLP
200 East Carrillo Street, 4th Floor
Santa Barbara, CA 93010

4 Telephone No: (805) 962-0011
5 Facsimile No. (805) 965-3978
6 jts@ppplaw.com
cap@ppplaw.com

7 Kevin M. O'Brien, Esq.
8 Steven P. Saxton, Esq.
9 Downey Brand LLP
555 Capitol Mall, 10th Floor
Sacramento, CA 95814-4684

10 Telephone No: (916) 444-1000
11 Facsimile No. (916) 444-2100
kobrien@downeybrand.com
ssaxton@downeybrand.com

12 Janet K. Goldsmith, Esq.
13 Eric N. Robinson, Esq.
14 Kronick, Moskovitz, Tiedemann & Gurrard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4416

15 Telephone No: (916) 321-4500 Ext: 5754
16 Facsimile No: (916) 321-4555
erobinson@kmtg.com

17 Elizabeth Gianola
18 Horan, Lloyd, Karachale, Dyer,
19 Schwartz, Law & Cook
499 Van Buren Street
20 P.O. Box 3350
Monterey, CA 93942-3350

21 Telephone No: (831) 373-4131
22 Facsimile No. (831) 373-8302
gianola@horanlegal.com

24 Thomas D. Roth, Esq.
25 Law Office of Thomas D. Roth
26 One Market Street, Spear Tower, Suite #3600
San Francisco, CA 94105

27 Telephone No: (415) 293-7684
28 Facsimile No: (415) 435-2086
Rothlaw1@comcast.net

**MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT**

**MONTEREY COUNTY WATER
RESOURCES AGENCY**

BISHOP, McINTOSH & McINTOSH

YORK SCHOOL, INC.

SECURITY NATIONAL GUARANTY, INC.

1 Charles J. McKee, Esq.
2 Irvin Grant, Esq.
3 Office of County Counsel, County of Monterey
4 168 West Alisal Street, 3rd Floor
5 Salinas, CA 93901-2680

6 Telephone No: (831) 755-5045
7 Facsimile No. (831) 755-5283
8 leclered@co.monterey.ca.us
9 coatsir@co.monterey.ca.us
10 mckeecj@co.monterey.ca.us

11 Dewey Evans
12 Watermaster Executive Officer
13 2600 Garden Road, Suite 228
14 Monterey, California 93940

15 Telephone No: (831) 641-0113
16 Facsimile No:
17 watermasterseaside@sbcglobal.net.

COUNTY OF MONTEREY**WATERMASTER EXECUTIVE OFFICER**