

SUPERIOR COURT OF CALIFORNIA, COUNTY OF MONTEREY

<p>California American Water, Plaintiff</p> <p>vs.</p> <p>City of Seaside, et al, Defendant</p>	<p style="text-align: center;">Minute Order</p> <p>Clerk: Erika Catania</p> <p>Date: February 19, 2010</p>
	<p>Case No. M66343</p>

The Court has received and read the responses from the Watermaster and the City of Seaside to its January 6, 2010 minute order regarding the 2009 Annual Report. After due consideration of the responses it makes the following orders:

- 1) The Court will not allow a stay of enforcement of replenishment assessments against the City of Seaside in advance of the securing of replenishment water, per paragraph 4 of the MOU between the City and SGBW. Neither will it allow a stay of assessments thereafter to the extent that the assessment may exceed the amount of water obtained from MCWD. Obviously, replenishment water obtained from MCWD should offset, on a unit for unit bases, future replenishment assessments. While its empathetic to the financial problems faced by the City, as Seaside indicates in its response such problems cannot determine the manner in which the Decision is implemented.
- 2) Concerning the issue of the double RA on Operating Yield Overproduction, the Court reiterates its statement in the Minute Order of January 6, 2010: The OYO assessment is to be assessed in addition to the base assessment for production in excess of NSY. The additional assessment, of course, only impacts that portion of usage exceeding the Operating Yield allotment. The amount of the OYO assessment is to be determined by the Watermaster, and might be the same as or different from the base RA. The example cited by the City involving delivery of desalinated or treated water fails to consider the provisions of the decision as a whole.
- 3) The Court has read the reply of the Watermaster regarding monitoring of the sentinel wells on a semi-annual basis, and will allow semi-annual monitoring, with the caveat that any significant change detected by semi-annual induction logging be immediately reported to the Court.

The Court does not believe it is necessary to schedule a hearing on these matters at this time. Counsel for the Watermaster is directed to prepare an order reflecting these decisions by the Court.//

CERTIFICATE OF MAILING

C.C.P. SEC. 1013a

I do hereby certify that I am not a party to the within stated cause and that on

FEB 23 2010

I deposited true and correct copies of the following document:

Minute Order of February 19, 2010

in sealed envelopes with postage thereon fully prepaid, in the mail at Salinas, California 93901,
directed to each of the following named persons at their respective addresses, as hereinafter set forth:

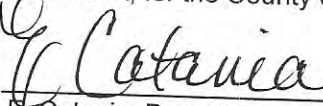
SEE ATTACHED SERVICE LIST

Dated:

FEB 23 2010

CONNIE MAZZEI, Clerk of the
Superior Court, for the County of Monterey

By


E. Catania, Deputy