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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF MONTEREY

10 CALIFORNIA AMERICAN WATER,

11 Plaintiff,

12 vs.

13 CITY OF SEASIDE, et al.,

14 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

17 MONTEREY PENINSULA WATER
18 MANAGEMENT DISTRICT,

19 Intervenor,

20 MONTEREY COUNTY WATER
21 RESOURCES AGENCY,

22 Intervenor,

23 AND RELATED CROSS-ACTION.
24

25 [Proposed] ORDER

26 Pursuant to the court's continuing jurisdiction set forth in Section III.O.1.a of the final
27 decision issued in this action, having read, reviewed and considered all pleadings filed in support
28

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.

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

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

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- 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 ____, 2008

Honorable Roger D. Randall (Ret.)

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PROOF OF SERVICE

STATE OF CALIFORNIA)
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COUNTY OF)
SANTA BARBARA)

ss

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

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JUDGE'S COPY

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