

1 James G. Heisinger, Jr. (SBN 90729)
HEISINGER, BUCK & MORRIS
2 P. O. Box 5427
Carmel, CA 93921
3 Telephone: (831) 624-3891
Facsimile: (831) 625-0145

*Exempt from Filing Fees per
Government Code Section 6103*

4 Attorney for Defendant
5 City of Sand City

6
7
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA,**
9 **COUNTY OF MONTEREY**

11) Case No.: M 66343
12 CALIFORNIA-AMERICAN WATER,

13 Plaintiff,

14 :vs.

15 CITY OF SEASIDE, et al.

16 Defendants.

17) **NOTICE OF CITY OF SAND CITY'S**
18) **NON-OPPOSITION TO SEASIDE BASIN**
19) **WATERMASTER'S MOTION TO**
20) **AMEND AND RESTATE THE DECISION**

Date: December 12, 2008

Time: 1:30 p.m.

Dept: 16

18 MONTEREY PENINSULA WATER
19 MANAGEMENT DISTRICT,

20 Intervenor.

21 MONTEREY COUNTY WATER
22 RESOURCES AGENCY,

23 Interventor.

24 AND RELATED CROSS-ACTIONS.

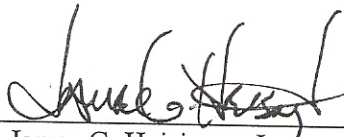
25 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

26 CITY OF SAND CITY has reviewed the Motion filed by the City of Seaside on behalf of the
27 Seaside Basin Watermaster on or about November 15, 2008. The Motion to Amend and Restate the
28 Decision in the above-captioned matter seeks to remove the three-year limitation upon the conversion of

1 Alternative Production Allowance ("APA") to Standard Production Allowance {"SPA"}, and instead
2 allow conversion of APA to SPA in perpetuity, provided that once converted, the new SPA could not be
3 returned to APA. The City of Sand City does not oppose the granting of this Motion, and hereby files this
4 Notice of Non-Opposition.

5 Dated: November 26, 2008.

HEISINGER, BUCK & MORRIS

8
9 By: 
10 James G. Heisinger, Jr.
11 Attorney for Defendant, City of Sand City

6
7
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

**California American Water v. City of Seaside, et al.
Monterey County Superior Court Case No. M 66343**

I, the undersigned, declare:

I am employed in the City of Carmel, County of Monterey, California; I am over the age of eighteen years and not a party to the within action. My business address is Post Office Box 5427, Carmel, California 93921.

On November 26, 2008, I served, in the manner indicated below, the within:

NOTICE OF CITY OF SAND CITY'S NON-OPPOSITION TO SEASIDE BASIN WATERMASTER'S MOTION TO AMEND AND RESTATE THE DECISION on the interested parties in said action by placing a true copy thereof, enclosed in a sealed envelope, addressed as follows:

SEE ATTACHED MAILING LIST

 X (By X REGULAR EXPRESS MAIL) I caused such envelopes with postage thereon fully prepaid to be placed in the U.S. mail at Carmel, California. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

 (By FACSIMILE) I caused such copies to be sent via facsimile transmission to the person(s) and/or place(s) of business at the fax numbers listed on the attached mailing list. The facsimile machine used complies with California Rules of Court, Rule 2003(3), and no error was reported by the machine.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 26, 2008, at Carmel, California.


Susan L. Sory

SERVICE LIST

California American Water v. City of Seaside, et al. - Case No. M66343

CALIFORNIA AMERICAN WATER:

Carrie L. Gleeson
Tim Miller
303 H Street, Suite 250
Chula Vista, CA 91910

CITY OF SEASIDE:

Russell McGlothlin
Brownstein Hyatt Farber Schreck
21 E. Carillo Street
Santa Barbara, CA 93101-2782

CITY OF SEASIDE:

Donald Gary Freeman
Perry & Freeman
P. O. Box 805
Carmel, CA 93921-0805

CITY OF DEL REY OAKS:

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

SECURITY NATIONAL GUARANTY,
INC.

Thomas D. Roth
Law Offices of Thomas D. Roth
One Market, Spear Tower, #3600
San Francisco, CA 94105

MONTEREY PENINSULA WATER
MANAGEMENT DISTRICT:

Joseph Terry Schwartz
Craig A. Parton
Price, Postel & Parma
P. O. Box 99
Santa Barbara, CA 93101

MPWMD

David Laredo
DeLay & Laredo
606 Forest Avenue
Pacific Grove, CA 93950

CITY OF MONTEREY

Deborah Mall
City Attorney's Office
City Hall – Madison & Pacific Sts.
Monterey, CA 93940

BISHOP, McINTOSH
& McINTOSH

Eric N. Robinson
Kronick, Moskowitz, Tiedemann &
Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4416

LAGUNA SECA RESORT, INC.

Eric N. Robinson
Kronick, Moskowitz, Tiedemann &
Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814-4416

D.B.O. DEVELOPMENT COMPANY:

David C. Sweigert
Fenton & Keller
P. O. Box 791
Monterey, CA 93940-0-791

PASADERA COUNTRY CLUB, LLC:

Vidhya Prabhakaren
Goodin, MacBride, Squeri, et al.
505 San Some Street, Suite 900
San Francisco, CA 94111

PASADERA COUNTRY CLUB:

Anne Hayes Hartman
Goodind, MacBride, Squeri, et al.
505 Sansome Street, #900
San Francisco, CA 94111

THE YORK SCHOOL:

Elizabeth C. Gianola
Horan, Lloyd, Karachale, Dyer,
Schwartz, Law & Cook
499 Van Buren Street
P. O. Box 3350
Monterey, CA 93942\3350

COUNTY OF MONTEREY

Irven L. Grant
Deputy County Counsel
County of Monterey
168 W. Alisal St., 3rd Floor
Salinas, CA 93901-2680

GRANITE ROCK CO:

Brian Finegan
Law Offices of Brian Finegan
P. O. Box 2058
Salinas, CA 93902

ALDERWOODS GROUP:

Mark A. Pearson
John M. Garrick
Iverson, Yoakum, Papiano & Hatch
633 W. Fifth St., #1750
Los Angeles, CA 90017

MONTEREY COUNTY WATER
RESOURCES AGENCY:

Kevin O'Brien
Downey, Brand, Seymour & Rohwer
555 Capitol Mall, 10th Floor
Sacramento, CA 95814-4686

WATERMASTER EXECUTIVE
OFFICER

Dewey Evans
Watermaster Executive Officer
2600 Garden Road, Suite 228
Monterey, CA 93940