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CALIFORNIA AMERICAN WATER
7

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

10 CALIFORNIA AMERICAN WATER,)
11)

12 Plaintiff,)

13 vs.)

14 CITY OF SEASIDE; CITY OF)
MONTEREY; CITY OF SAND CITY;)
15 CITY OF DEL REY OAKS; SECURITY)
NATIONAL GUARANTY, INC.;)
16 GRANITE ROCK COMPANY, INC.;)
D.B.O. DEVELOPMENT COMPANY NO.)
17 27, INC.; MURIEL E. CALABRESE 1987)
TRUST; ALDERWOODS GROUP)
18 (CALIFORNIA), INC.; PASADERA)
COUNTRY CLUB, LLC; LAGUNA SECA)
19 RESORT, INC; BISHOP MC INTOSH &)
MC INTOSH, a general partnership; THE)
20 YORK SCHOOL, INC.; and DOES 1)
through 1,000, Inclusive,)

21 Defendants.)
22)

23 MONTEREY PENINSULA WATER)
MANAGEMENT DISTRICT,)

24 Intervenor.)

25 MONTEREY COUNTY WATER)
RESOURCES AGENCY,)

26 Intervenor.)

27 AND RELATED CROSS-ACTIONS)
28)

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Case No. M66343

**WATERMASTER RESPONSE TO
NOVEMBER 26, 2007 MINUTE ORDER**

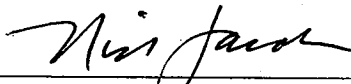
(Assigned to Hon. Roger D. Randall, Ret.)

1 By order dated November 26, 2007, this Court ordered the Seaside Basin Watermaster
2 to provide supplemental information regarding deficiencies in the Watermaster's 2007 Annual
3 Report, and to present a specific plan of action to cure those deficiencies, no later than February
4 28, 2008. Attached hereto is the Watermaster's response to the Court's order.

5 Respectfully submitted,

6 SOMACH, SIMMONS & DUNN

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8 Dated: February 26, 2008

9 By 
Nicholas A. Jacobs

10 Attorneys for California American Water
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1 PROOF OF SERVICE

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

5 On February 26, 2008, I served a true and correct copy of

6 **WATERMASTER RESPONSE TO NOVEMBER 26, 2007 MINUTE ORDER**

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

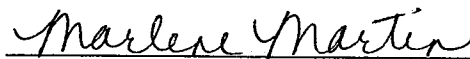
13 SEE ATTACHED SERVICE LIST

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

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

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

20 I declare under penalty of perjury that the foregoing is true and correct under the laws of
21 the State of California. Executed on February 26, 2008, at Sacramento, California.

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23 Marlene Martin

SERVICE LIST

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Honorable Roger D. Randall

JUDGE'S COPY

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Watermaster Executive Officer

Report to the Court Responding to November 26, 2007 Minute Order

The Seaside Basin Watermaster submits the following report in response to the Order of the Court dated November 26, 2007.

The Court's Minute Order reads as follows:

The Court has received and read the 2007 Watermaster Report for the Seaside Groundwater Basin. It notes that Attachment 9, Page 10 of the report summarizes: "Existing provisions in the court-approved Seaside Basin Monitoring and Management Program (SBMMP) require certain groundwater-level and groundwater-quality data collection and reporting from Watermaster member production wells for incorporation into the Watermaster's consolidated groundwater-resources database. It appears that at least some of the required data collections have not been conducted by Watermaster members as prescribed in the SBMMP. If these required data had been available they would have significantly benefited the groundwater-level quality analyses recently undertaken as part of the Phase I implementation of the SBMP."

The Annual Report references the Joe Oliver report (Attachment 9) at page 6, and states: "The Watermaster Board approved Fiscal Year 2008 Budgets that will fund implementation of all of these recommendations, so the enhanced monitoring well network will be put into place during Water Year 2008."

To ensure full implementation of the judgment the Court now orders that Watermaster provide supplemental information regarding the deficiencies noted above, and present a specific plan of action to cure those deficiencies, no later than February 28, 2008.

Following development of a proposed specific action plan by the Watermaster Technical Advisory Committee during the month of December, 2007, at its January 16, 2008 meeting the Watermaster Board of Directors took the following actions regarding the Court's Order:

1. Adopted the Specific Action Plan contained in Exhibit A.
2. Authorized the issuance of the "Notice of Request for Well Water Data" (Notice) requesting that the groundwater-level and groundwater-quality data be provided to the Watermaster as required by the SBMMP. This Notice is contained in Exhibit B.
3. Authorized staff to prepare and execute a contract for a not-to-exceed amount of \$17,460 with the Monterey Peninsula Water Management District (MPWMD) to collect well data for well owners/operators who wish to have the Watermaster provide this service. A copy of this contract is contained in Exhibit C.

The progress and current status of each of the elements of the Specific Action Plan are summarized below:

1. *Identify all of the wells that are required by the Court's March 27, 2006 Order to obtain and submit water level and water quality data.*
Status: This element has been completed.
Work Remaining: None.

2. *Not later than January 31, 2008, notify each of these well owners/operators of their obligations to provide this data to the Watermaster, and require that they promptly begin providing this data. Require that a response to this notification be provided to the Watermaster within 10 days of the date it is received by a well owner/operator.*

Status: This element has been completed. The due date for responses to this Notice to Well Owners was set as January 31, 2008.

Work Remaining: Evaluate the responses as they are received. Attachment 3 to this agenda transmittal is a table showing the status of responses received from each well owner to whom the Notice to Well Owners was sent.

The Board directed staff to include in the Notice to Well Owners language giving well owners the opportunity to describe any extenuating circumstances which they felt would justify exempting them from providing the required data. At its meeting of February 13 the TAC reviewed the exemption requests that were received and made a determination as to whether any exemptions should be granted. These determinations are contained in Attachment 3. Letters are being sent to each well owner that requested an exemption notifying them of the TAC's decision regarding their request.

If a well owner stated his desire to provide the required data himself, the well owner was sent a notice requiring that the data be provided not later than Thursday, February 21. This will provide time for the Watermaster to either incorporate that data into its response to the Court (which is due by February 28, 2008), or provide an explanation why it has not been incorporated and when it will be.

If a well owner wished to have the Watermaster obtain the data at the well owner's expense, direction has been provided to MPWMD to collect the data under their contract to perform this work (see element 3 below).

3. *Issue a contract to MPWMD to obtain water level and/or water quality data from those well owners/operators who wish to pay the Watermaster to obtain this data for their wells.*

Status: The Board authorized staff at its last meeting to proceed with this element. A contract for this purpose has been prepared and sent to MPWMD. This contract was executed February 6, 2008. Staff has provided direction to MPWMD to collect the required data from any well owners who stated their desire to have the Watermaster perform this work at the well owner's expense.

Work Remaining: MPWMD will be collecting this data over the next several weeks.

4. *Include the water level and water quality data from all of these wells in the comprehensive database which the Watermaster uses to help it to manage the Seaside Basin.*

Status: The database is available for inputting of this data by staff as soon as it is received. Training on use of the database was held on Monday February 11, 2008 for Watermaster and MPWMD staff who will be involved in data input to the database.

Work Remaining: Input the data as it is received, and use the database as a basin management tool.

5. *Initiate appropriate action to obtain the required data from any well owner/operator that does not provide this data after being notified by the Watermaster under Action 2 above.*

Status: As noted in the agenda materials on this matter at the Board's January 16, 2008 meeting, legal counsel should take the lead in pursuing this element.

Work Remaining: Discussion with legal counsel has been initiated and follow-up action will be taken as soon as a proper course of action is decided upon between the Watermaster CEO and legal counsel. Watermaster intends to move the Court for authority to enforce well data reporting requirements.

6. *Submit this Specific Action Plan, along with a report on the results of Actions 1 through 4 above, to the Court not later than February 25, 2008.*

Status: Preparation of these materials has been completed. The draft report was presented to the TAC for its review and input at its February 13, 2008 meeting. It is contained in Attachment 4 to this agenda transmittal.

Work Remaining: The technical and administrative portions of the report were prepared by Watermaster staff with input from the TAC. The report was updated as more responses were received from well owners, and as direction was received from legal counsel. Legal counsel will submit the report to the Court.

7. *On an ongoing basis, continue to monitor the receipt of the required water level and water quality data to ensure that such data is received on time and in the proper format for use in the Watermaster's database.*

Status: This work will commence as soon as the initial data has been compiled and the response to the Court has been submitted.

Work Remaining: This is an ongoing element that will continue indefinitely.

Subsequent to the taking of these actions, the Watermaster sent out Notices to well owners/operators pursuant to Specific Action Plan item 2 in Exhibit A.

Exhibit D contains the listing of all active and inactive production well owners/operators in the Seaside Basin. Those well owners/operators to whom this Notice was sent were those identified with either an "N" or a "?" in either of the columns titled "Monthly Water Level Data Being Collected?" and "Annual Water Quality Data Being Collected?" A designation of "N" indicates that the data was not being collected. A designation of "?" indicates that the Watermaster was uncertain as to whether or not the data was being collected.

Exhibit E contains a listing of all of the responses received from each of the well owners/operators to whom the Notice was sent. It also indicates:

- (1) Which well owners/operators have provided the required data
- (2) Which well owners/operators are in the process of providing that data
- (3) Which well owners/operators will reimburse the Watermaster for obtaining the data
- (4) Which well owners/operators requested an exemption from the data collection requirements (for those well owners/operators requesting an exemption, Exhibit E also indicates what the Technical Advisory Committee's decision was with regard to those requests), and

(5) Which well owners/operators did not respond to the Notice

In summary the Watermaster has taken strong and positive steps to acquire the necessary data, and will pursue this, with the Court's assistance as requested above, to completion as rapidly as possible.

Exhibit A

Specific Action Plan In Response to Court Order Dated November 26, 2007

In accordance with the Schedule shown below, the Watermaster will carry out the following actions in order to cure the deficiencies cited in the Court's Minute Order dated November 26, 2007:

1. Identify all of the wells that are required by the Court's March 27, 2006 Order to obtain and submit water level and water quality data.
2. Not later than January 31, 2008, notify each of these well owners/operators of their obligations to provide this data to the Watermaster, and require that they promptly begin providing this data. Require that a response to this notification be provided to the Watermaster within 10 days of the date it is received by a well owner/operator.
3. Issue a contract to MPWMD to obtain water level and/or water quality data from those well owners/operators who wish to pay the Watermaster to obtain this data for their wells.
4. Include the water level and water quality data from all of these wells in the comprehensive database which the Watermaster uses to help it to manage the Seaside Basin.
5. Initiate appropriate action to obtain the required data from any well owner/operator that does not provide this data after being notified by the Watermaster under Action 2 above.
6. Submit this Specific Action Plan, along with a report on the results of Actions 1 through 4 above, to the Court not later than February 25, 2008.
7. On an ongoing basis, continue to monitor the receipt of the required water level and water quality data to ensure that such data is received on time and in the proper format for use in the Watermaster's database.

