

BROWNSTEIN, HYATT, FARBER, SCHRECK  
21 East Carrillo Street  
Santa Barbara, CA 93101

1 RUSSELL M. MGLOTHLIN (State Bar No. 208826)  
2 BROWNSTEIN HYATT FARBER SCHRECK, LLP  
3 21 East Carrillo Street  
4 Santa Barbara, CA 93101  
5 Telephone: (805) 963-7000  
6 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

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.

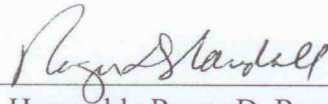
24 Watermaster is further ordered to provide a written response to the Court on or before  
25 January 30, 2008 concerning the following matters addressed in the Watermaster's 2008 Annual  
26 Report:

- 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.

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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 20, 2008



Honorable Roger D. Randall (Ret.)

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**PROOF OF SERVICE**

STATE OF CALIFORNIA     )  
  )  
COUNTY OF                    )     ss  
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:

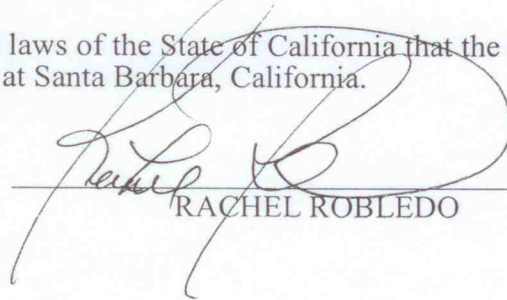
**PROPOSED ORDER GRANTING WATERMASTER'S MOTION TO AMEND**

- 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.

  
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RACHEL ROBLEDO

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SERVICE LIST

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

**JUDGE'S COPY**  
**CALIFORNIA AMERICAN WATER**

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 SEASIDE**

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 MONTEREY**

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 SAND CITY**

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

**CITY OF DEL REY OAKS**

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

5 Telephone No: (831) 757-3641  
6 Facsimile No. (831) 757-9329  
7 [brian@bfinegan.com](mailto:brian@bfinegan.com)

8 David C. Sweigert, Esq.  
9 Fenton & Keller  
10 2801 Monterey Salinas Highway  
11 P.O. Box 791  
12 Monterey, California 93940-0791

13 Telephone No. (831) 373-1241 Ext: 202  
14 Facsimile No. (831) 373-7219  
15 [dsweigert@fentonkeller.com](mailto:dsweigert@fentonkeller.com)  
16 [rscholl@fentonkeller.com](mailto:rscholl@fentonkeller.com)

17 John M. Garrick, Esq.  
18 Larson Garrick & Lightfoot LLP  
19 US Bank Tower  
20 633 West Fifth Street, Suite 1750  
21 Los Angeles, CA 90017

22 Telephone No: (213) 404-4100  
23 Facsimile No: (213) 404-4123  
24 [jgarrick@lgl-law.com](mailto:jgarrick@lgl-law.com)

25 Robert A. Goodin, Esq.  
26 James D. Squeri, Esq.  
27 Anne Hayes Hartman, Esq.  
28 Goodin, MacBride, Squeri, Ritchie & Day  
505 Sansome Street, Suite 900  
San Francisco, CA 94111

Telephone No: (415) 398-4321  
Fax No. (415) 398-4321  
[jsqueri@goodinmacbride.com](mailto:jsqueri@goodinmacbride.com)  
[ahartman@goodinmacbride.com](mailto:ahartman@goodinmacbride.com)  
[rgoodin@goodinmacbride.com](mailto:rgoodin@goodinmacbride.com)

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

Telephone No: (831) 646-1502  
Facsimile No. (831) 646-0377  
[dave@laredolaw.net](mailto:dave@laredolaw.net)

**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

**MONTEREY PENINSULA WATER  
MANAGEMENT DISTRICT**

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

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

**MONTEREY COUNTY WATER  
RESOURCES AGENCY**

12 Telephone No: (916) 444-1000  
13 Facsimile No. (916) 444-2100  
14 [kobrien@downeybrand.com](mailto:kobrien@downeybrand.com)  
15 [ssaxton@downeybrand.com](mailto:ssaxton@downeybrand.com)

**BISHOP, McINTOSH & McINTOSH**

16 Janet K. Goldsmith, Esq.  
17 Eric N. Robinson, Esq.  
18 Kronick, Moskovitz, Tiedemann & Gurrard  
19 400 Capitol Mall, 27<sup>th</sup> Floor  
20 Sacramento, CA 95814-4416

21 Telephone No: (916) 321-4500 Ext: 5754  
22 Facsimile No: (916) 321-4555  
23 [erobinson@kmtg.com](mailto:erobinson@kmtg.com)

**YORK SCHOOL, INC.**

24 Elizabeth Gianola  
25 Horan, Lloyd, Karachale, Dyer,  
26 Schwartz, Law & Cook  
27 499 Van Buren Street  
28 P.O. Box 3350  
Monterey, CA 93942-3350

Telephone No: (831) 373-4131  
Facsimile No. (831) 373-8302  
[gianola@horanlegal.com](mailto:gianola@horanlegal.com)

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

**SECURITY NATIONAL GUARANTY, INC.**

Telephone No: (415) 293-7684  
Facsimile No: (415) 435-2086  
[Rothlaw1@comcast.net](mailto:Rothlaw1@comcast.net)

1  
2  
3  
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26  
27  
28

Charles J. McKee, Esq.  
Irvin Grant, Esq.  
Office of County Counsel, County of Monterey  
168 West Alisal Street, 3<sup>rd</sup> Floor  
Salinas, CA 93901-2680

**COUNTY OF MONTEREY**

Telephone No: (831) 755-5045  
Facsimile No. (831) 755-5283  
[leclered@co.monterey.ca.us](mailto:leclered@co.monterey.ca.us)  
[coatsir@co.monterey.ca.us](mailto:coatsir@co.monterey.ca.us)  
[mckeejc@co.monterey.ca.us](mailto:mckeejc@co.monterey.ca.us)

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

**WATERMASTER EXECUTIVE OFFICER**

Telephone No: (831) 641-0113  
Facsimile No:  
[watermasterseaside@sbcglobal.net](mailto:watermasterseaside@sbcglobal.net).