

HAND  
DELIVERED

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RECEIVED

DEC 17 2005

MPWMD

5 Attorneys for Petitioners and Plaintiffs  
Save Our Carmel River, Patricia Bernardi,  
and The Open Monterey Project  
6

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF MONTEREY

9  
10 SAVE OUR CARMEL RIVER (SOCR);  
PATRICIA BERNARDI; and  
11 THE OPEN MONTEREY PROJECT,

M72601  
Case No. M-72601  
Petition filed October 25, 2004

12 Petitioners,

[Proposed]

13 v.

PEREMPTORY WRIT OF MANDATE  
AFTER APPEAL

14 MONTEREY PENINSULA WATER  
MANAGEMENT DISTRICT; BOARD OF  
15 DIRECTORS OF THE MONTEREY  
PENINSULA WATER MANAGEMENT  
DISTRICT; CITY OF MONTEREY,  
16 and DOES 1 - 100,

17 Respondents.  
/

18  
19 CALIFORNIA-AMERICAN WATER  
COMPANY, FOURSOME  
20 DEVELOPMENT COMPANY, and  
DOES 101 - 500,

21 Real Parties in Interest.  
/

22  
23 TO THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT AND TO THE  
24 BOARD OF DIRECTORS OF THE MONTEREY PENINSULA WATER MANAGEMENT  
25 DISTRICT:

26 WHEREAS, Judgment having been entered by the Superior Court in this action  
27 on June 27, 2005, denying the petition for writ of mandate, and  
28

1           WHEREAS, the Sixth District Court of Appeal having reversed that order on June  
2 23, 2006, and directing that an order granting the writ of mandate be issued from the  
3 Superior Court, and

4           WHEREAS, the Superior Court has entered a Judgment After Appeal directing  
5 the issuance of a peremptory writ of mandate,

6           WHEREFORE, YOU ARE HEREBY ORDERED AND DIRECTED immediately  
7 on receipt of this writ to vacate all approvals of the water use credit transfer from  
8 Assessor's Parcel number 001-016-015 on Foam Street to the City of Monterey, as  
9 further described in the October 18, 2004 action by the Board of Directors, including  
10 any permits or entitlements for that transfer project, and to vacate the approval of a  
11 Class 2 CEQA exemption, Guidelines § 15302, for that project. The Board of Directors  
12 is ordered not to take any further action to approve the water use credit transfer without  
13 the consideration of adverse impacts and "the cumulative impacts of other transfers"  
14 (MPWMD Rule 28-B.1), including consideration of the relevant evidence from which to  
15 make an informed decision, in accordance with the decision of the Court of Appeal in  
16 this matter. The Class 2 CEQA exemption (Guidelines § 15302) is not to be used for  
17 this transfer project. The Board of Directors is ordered not to take any further action to  
18 approve the project without (1) the preparation, circulation, and consideration under  
19 CEQA of a legally adequate environmental determination with regard to the impacts,  
20 including cumulative impacts, of the project, and (2) compliance with regard to the  
21 District's rules, especially rule 28-B.1, which requires the Board of Directors to consider  
22 "the impacts of the [transfer] application under consideration, as well as the cumulative  
23 impacts of other transfers, on the water supply."  
24

25  
26           The return date on the writ shall be within 90 days subject to extension by the  
27 Court upon a showing of good cause.  
28

1 TO THE CITY OF MONTEREY:

2 WHEREAS, Judgment having been entered by the Superior Court in this action  
3 on June 27, 2005, denying the petition for writ of mandate, and

4 WHEREAS, the Sixth District Court of Appeal having reversed that order on June  
5 23, 2006, and directing that an order granting the writ of mandate be issued from the  
6 Superior Court, and

7 WHEREAS, the Superior Court has entered a Judgment After Appeal directing  
8 the issuance of a peremptory writ of mandate,

9 WHEREFORE, YOU ARE HEREBY ORDERED AND DIRECTED immediately  
10 on receipt of this writ to vacate all approvals of the water use credit transfer from  
11 Assessor's Parcel number 001-016-015 on Foam Street to the City of Monterey, as  
12 further described in the City's Notice of Exemption dated September 27, 2004. The  
13 City is further ordered not to take any further action to approve the water use credit  
14 transfer based on a Class 2 CEQA exemption (Guidelines § 15302).  
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16

17 The return date on the writ shall be within 90 days subject to extension by the  
18 Court upon a showing of good cause.


19 Witness the Honorable Robert O'Farrell, Judge of the Superior Court.

20 ATTEST my hand and seal of this Court on this \_\_\_ day of \_\_\_\_\_, 2006.

21  
22 OCT 16 2006

23 Lisa Galdos, Clerk



24  
25  Deputy  
26 APRILL CAMPBELL