

Submitted by applicant at 8/16/10  
Board meeting  
Item #

**FILED**

AUG 11 2010

CONNIE MAZZEI  
CLERK OF THE SUPERIOR COURT  
~~J. CEDILLO~~ DEPUTY

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8 SECURITY NATIONAL GUARANTY, INC.

9 SUPERIOR COURT OF STATE OF CALIFORNIA

10 COUNTY OF MONTEREY

11 CALIFORNIA AMERICAN WATER,

12 Plaintiff,

13 v.

14 CITY OF SEASIDE et al.,

15 Defendants.

Case No. M66343

**ORDER AFTER EX PARTE HEARING**

Date: July 30, 2010

Time: 2:30 p.m.

Department: Telephonic

Assigned for all purposes to the  
Honorable Roger D. Randall (Ret.)

16 MONTEREY PENINSULA WATER  
17 MANAGEMENT DISTRICT

18 Intervenor.

19 Security National Guaranty, Inc.'s ("SNG") Ex Parte Motion to Enforce the Court's May  
20 11, 2009 Order and Ex Parte Application for an Order to Show Cause re Contempt came on for  
21 hearing before this Court on July 30, 2010 at 2:30 p.m. Russell McGlothlin present on behalf  
22 of the City of Seaside, James Heisinger, Jr. present on behalf of City of Sand City, David  
23 Laredo present on behalf of Monterey Peninsula Water Management District, Sheri Damon  
24 present on behalf of Security National Guaranty, Inc. and Tim Miller present on behalf of  
25 California American Water.

26 Having read the motion, the points and authorities, the declarations and documents filed by  
27 the Parties, the records and pleadings herein, and having heard argument of counsel, the Court  
28


1 hereby grants relief as follows.

2 The Court hereby reminds the MPWMD of the finding of the Court of Appeal of the Sixth  
3 Appellate District with regard to the limited function that the Board has with respect to this  
4 matter and that it only has the right to require an accounting of water that is used to assure that  
5 no Carmel River water is being used for that purpose.

6 The Court hereby further reminds the MPWMD of the finding of this Court on May 11,  
7 2009 that no environmental review may be made regarding the use of Seaside Basin water and  
8 that commingling of water from two sources does not result in any environmental impacts.

9  
10 **NOW THEREFORE IT IS HEREBY ORDERED:**

- 11 1. MONTEREY PENINSULA WATER MANAGEMENT DISTRICT (MPWMD) is  
12 ordered to set aside its March 2009 denial of the SNG/Cal Am application for a water  
13 distribution permit at its hearing on August 16, 2010;
- 14 2. MPWMD is ordered to render its final decision on the SNG/Cal Am application on  
15 August 16, 2010 based solely on the record before it at the close of the public hearing  
16 on July 19, 2010. No new evidence may be considered.
- 17 3. MPWMD is ordered to make return to this Court on or before August 23, 2010  
18 reporting its final decision and findings on the SNG/Cal Am application for a water  
19 distribution permit.
- 20 4. SNG's Ex Parte Application for an Order to Show Cause is denied as premature. .
- 21 5. The court declines to rule on SNG's request for an order approving the Front Loading  
22 Agreement, and removing the Front Loading Agreement from MPWMD review. It is  
23 inappropriate to address these issues at an Ex Parte hearing.
- 24 6. Each party is to bear their own attorneys' fees and costs.

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26   
27 **Honorable ROGER D. RANDALL**  
28 **Judge of the Superior Court**