

**FILED**

OCT 08 2019

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MONTEREY

CLERK OF THE SUPERIOR COURT  
*Alina Oliver*  
DEPUTY

Case No.: 19CV003305

Alina Oliver

MARINA COAST WATER DISTRICT,

Petitioner,

vs.

COUNTY OF MONTEREY, et al,

Respondent.

ORDER RE: PETITIONER'S  
REQUEST FOR STAY AND MOTION  
FOR PRELIMINARY INJUNCTION

The request for stay and motion for preliminary injunction filed by petitioner Marina Coast Water District ("Petitioner") came on for hearing before the Court on October 4, 2019 at 10:00am in Department 4. The matter having been submitted, the Court orders as follows:

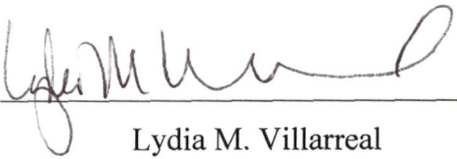
The motion for preliminary injunction is DENIED without prejudice.

As for the request for a brief stay on the operation of the Monterey County Board of Supervisors' order approving a combined development permit for the desalination plant component of the Monterey Peninsula Water Supply Project, it is GRANTED IN PART. Respondent California American Water ("Cal-Am") shall be stayed from engaging in any physical construction of the desalination plant and from making any further changes to the land. Cal-Am may, however, continue to obtain permits needed for the plant's construction. This stay shall remain in effect until **November 19, 2019 at 9:00am Department 13**, at which time the parties are to appear and advise the Court of the California Coastal Commission's decision regarding Cal-Am's appeal of the Marina Planning Commission's denial of its request for permits to construct the slant wells needed to source water for the desalination plant. At that time, the Court will make a determination as to whether the stay should be lifted or if it should continue.

The Court finds a brief stay is appropriate in light of the current uncertainty around whether there is even a source of water for the desalination plant. Further, the Court is satisfied a brief stay on physical construction of the plant until November 19, 2019 would not be against the public interest. Though Cal-Am argued in its opposition papers that a stay could prevent it from

1 meeting the annual milestones set forth in the State Water Board's cease-and-desist order  
2 ("CDO"), Order No. WR 2016-0016, which could result in a 1,000 acre-feet per year reduction  
3 in its withdrawals from the Carmel River, it also represented at the hearing that it has already met  
4 the CDO's September 30, 2019 milestone. Thus, it does not appear Cal-Am will be subject to  
5 any imminent reductions in its withdrawals from the Carmel River and it is not otherwise  
6 apparent a brief stay on the physical construction of the desalination plant will harm the public  
7 interest.

8  
9 Date: *October 8, 2019*

  
Lydia M. Villarreal

Judge of the Superior Court

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**CERTIFICATE OF MAILING**  
(Code of Civil Procedure Section 1013a)

I do hereby certify that I am employed in the County of Monterey. I am over the age of eighteen years and not a party to the within stated cause. I placed true and correct copies of the **ORDER RE: PETITIONER'S REQUEST FOR STAY AND MOTION FOR PRELIMINARY INJUNCTION** for collection and mailing this date following our ordinary business practices. I am readily familiar with the Court's practices for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Services in Monterey, California, in a sealed envelope with postage fully prepaid. The names and addresses of each person to whom notice was mailed is as follows:

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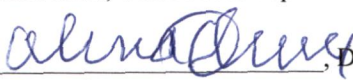
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Date: **OCT 09 2019**

Chris Ruhl, Clerk of the Superior Court,

  
Alina Oliver, Deputy Clerk

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