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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA**

SANTA MARIA VALLEY WATER)
CONSERVATION DISTRICT)
)
) Plaintiff,)
) vs.)
)
) CITY OF SANTA MARIA, et al.,)
)
) Defendants)

Santa Maria Groundwater Litigation
Lead Case No. **1-97-CV770214**
[Consolidated With Case Numbers:
CV784900 CV784921 CV784926
CV785509 CV785511 CV785515
CV785522 CV785936 CV786971
CV787150 CV787151 CV787152
CV790597 CV790599 CV790803
CV 790741
San Luis Obispo County Superior Court
CV790597 CV790599 CV790803]
Assigned For All Purposes To Judge Komar

AND RELATED CROSS-ACTIONS)
CONSOLIDATED FOR ALL PURPOSES)
_____)

**LOG OBJECTION TO NOTICE OF
FILING 2008 ANNUAL MONITORING
REPORT FOR NORTHERN CITIES
MANAGEMENT AREA**
[C.C.P. §916]

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the LANDOWNER GROUP ("LOG") objects to
Northern Cities Management Area Notice of Filing 2008 Annual Monitoring Report on

1 the grounds that the Judgment in the above-referenced case, currently on appeal in
2 Appellate Case Nos. H032750 and H033544, stays proceedings in the trial court
3 related to matters embraced within such judgment, and that such stay divests the Court
4 of jurisdiction to hear, approve, make findings and/or rule on matters embraced within
5 such judgment on appeal and prohibits parties to the Judgment from moving forward
6 with, seeking approval of, presenting evidence regarding, and/or in any other way
7 conducting activities embraced or affected by, or in any way related to, the
8 Groundwater Monitoring Provisions and Management Area Monitoring Programs
9 contained in the Stipulation (June 30, 2005 Version).
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12 *Code of Civil Procedure*, Section 916 provides as follows:

13 “(a) Except as provided in Sections 917.1 to 917.9,
14 inclusive, and in Section 116.810, the **perfecting of**
15 **an appeal stays proceedings in the trial court**
16 **upon the judgment or order appealed from or**
17 **upon the matters embraced therein or affected**
18 **thereby**, including enforcement of the judgment or
19 order, but the trial court may proceed upon any other
20 matter embraced in the action and not affected by the
21 judgment or order.” (Emphasis added.)

22 The Judgment in the above entitled matter provides as follows:

23 “5. The **Groundwater Monitoring Provisions**
24 **and Management Area Monitoring Programs**
25 **contained in the Stipulation**, including Sections
26 IV(D) (All Management Areas); V(B) (Santa Maria
27 Management Area), VI (C) (Northern Cities
28 Management Area); and VII(1) (Northern Cities
Management Area), inclusive, are independently
adopted by the court as necessary to manage water
production in the basin and **are incorporated herein**
and made terms of this Judgment. The Non-
Stipulating Parties shall participate in, and be
bound by, the applicable Management Area
Monitoring Program. Each Non-Stipulating Party

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also shall monitor their water production, maintain records thereof, and make the data available to the court or its designee as may be required by subsequent order of the court.”

LOG has appealed the judgment. LOG contends on appeal that the Stipulation and Monitoring Program cannot bind LOG since LOG did not sign the Stipulation. Further, LOG contends on appeal that the Court had no power to impose a physical solution binding LOG. The physical solution which the Court ordered binding on LOG is the Monitoring Program contained in the Stipulation. Accordingly, all actions by the Stipulating Parties and/or the Court related to the Monitoring Program are stayed as a matter of law by the appeal. This Court has no jurisdiction to proceed with and/or approve the Monitoring Program or to allow parties to the Judgment to do so.

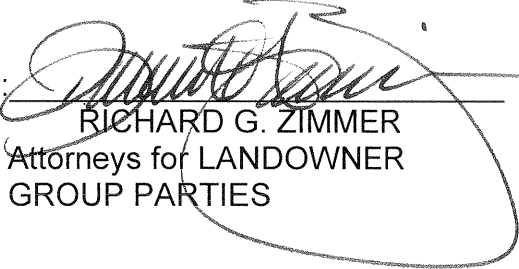
Code of Civil Procedure, Section 916 requires a stay pending appeal to preserve the status quo between the parties. LOG objects to Northern Cities Management Area Technical Group from moving forward with, seeking approval of, presenting evidence regarding, and/or in any other way conducting activities embraced or affected by, or in any way related to, the Groundwater Monitoring Provisions and Management Area Monitoring Programs contained in the Stipulation (June 30, 2005 Version), given the fact that the judgment provides that LOG “shall participate in and be bound by the applicable Management Area Monitoring Program.” LOG further objects to this Court in any way hearing, considering evidence, approving, ruling upon, making findings, and/or making orders in any way related to the judgment, monitoring program and/or stipulation based upon *Code of Civil Procedure*, Section 916 and the stay pending appeal other than ordering the parties to refrain from moving forward with the Monitoring Program contained in the Stipulation and incorporated into the Judgment.

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LOG requests that the Court dismiss the Northern Cities Management Area's Notice of Filing 2008 Annual Monitoring Report. LOG further requests that the Court order the Northern Cities and its attorneys to refrain from taking any action regarding the Management Area Monitoring Programs.

DATED: May 11, 2009

CLIFFORD & BROWN

By: 
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GROUP PARTIES