



FILED
San Francisco County Superior Court

NOV 18 2015

CLERK OF THE COURT
BY: [Signature] Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

SAN DIEGO COUNTY WATER
AUTHORITY,

Plaintiff/Petitioner,

vs.

METROPOLITAN WATER DIST. OF
SOUTHERN CALIFORNIA, et al.

Defendants/Respondents.

Case No. CFP-10-510830
Case No. CFP-12-512466

MEMORANDUM ORDER ON FORM OF
WRIT

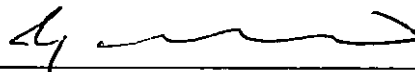
On October 30, 2015 I issued an order on among other things the proposed forms of a writ and judgment. The parties have now provided me their views in filings dated November 16, 2015.

I note again (as I have on the record before) that Met does nothing to suggest specific wording, content to object to that proposed by San Diego. Some of those objections, as I relate below, are worthy; but I must note that despite its repeated requests for specific wording which it would contend is consistent with the Statements of Decision, and despite the multiple opportunities it has been afforded, it has declined to offer anything. See e.g. Braunig Decl. dated November 16, 2015.

I comment on the parties' position regarding the proposed writ (the paragraph numbers refer to the writ as proposed in the November 16 filings, not the final version I signed today).

1 Paragraph 2: I have modified the language slightly, but the point as suggested by San Diego
2 remains valid regarding ownership of the conveyance systems; the language reflects the fact that
3 as of the date of the writ Met does not own the SWP. Of course, as Met argues in its November
4 16 objections, this is based on the record before me—but of course there is nothing else I might
5 have relied on. Paragraph 3: I have deleted this because it is conceivable that future wheeling
6 agreements might require a blend of water as an expressly bargained-for consideration; in which
7 case the blending would not be gratuitous. Paragraph 4: I have modified the last sentence in
8 response to Met's objection that San Diego's language had the causal vector aimed in the wrong
9 direction. Paragraphs 5, 6: I agree with Met that these are not useful in this context. The law on
10 discouraging wheeling, to allow wheeling (§ 5), and procedures under which rates must be set (§
11 6) is not refined or elucidated in the proposed language.
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16 Dated: November 19, 2015



17 _____
18 Curtis E.A. Karnow
19 Judge Of The Superior Court
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CERTIFICATE OF ELECTRONIC SERVICE
(CCP 1010.6(6) & CRC 2.260(g))

I, DANIAL LEMIRE, a Deputy Clerk of the Superior Court of the County of San Francisco, certify that I am not a party to the within action.

On **NOV 18 2015**, I electronically served THE ATTACHED DOCUMENT via File & ServeXpress on the recipients designated on the Transaction Receipt located on the File & ServeXpress website.

Dated:

NOV 18 2015

T. Michael Yuen, Clerk

By: 

DANIAL LEMIRE, Deputy Clerk