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12 Receiver

13 UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,
 17
 18 Plaintiff,
 19 v.
 20 ALISAL WATER CORPORATION, et al.,
 21 Defendants.

Case No. C97-20099 JF(EAI)

**ORDER GRANTING *EX PARTE*
 APPLICATION FOR ORDER MODIFYING
 MARCH 27, 2009 ORDER (1) GRANTING
 THE RECEIVER’S APPLICATION FOR
 AUTHORITY TO RETAIN CERTAIN
 FUNDS TO PAY MONTHLY OPERATION
 AND MAINTENANCE EXPENSES,
 INSURANCE AND WELL REMOVAL
 COSTS FOR THE SAN JERARDO WATER
 SYSTEM; (2) DIRECTING PAYMENT OF
 THE RECEIVER’S STATUS REPORTS
 FOR THE PERIOD 11/1/07 – 4/30/08 AND
 11/1/06-10/31/07; AND (3) DENYING AS
 MOOT THE RECEIVER’S *EX PARTE*
 APPLICATION FOR AN ADDITIONAL
 \$5,000 TO PAY OPERATING AND
 MAINTENANCE EXPENSES FOR THE
 SAN JERARDO WATER SYSTEM**

22
 23 Based upon the Receiver’s *Ex Parte* Application for Order Modifying March 27, 2009
 24 Order (1) Granting The Receiver’s Application for Authority to Retain Certain Funds to Pay
 25 Monthly Operation and Maintenance Expenses, Insurance, and Well Removal Costs for the San
 26 Jerardo Water System; (2) Directing Payment of the Receiver’s Expenses and Costs Itemized in
 27 the Receiver’s Status Reports for the Periods 11/1/06 – 10/31/08; and (3) Denying as Moot the
 28

1 Receiver's Ex Parte Application for an Additional \$5,000 to Pay Operating and Maintenance
2 Expenses for the San Jerardo Water System, ("Ex Parte Application") of Receiver John W.
3 Richardson, and good cause appearing therefor, it is

4 ORDERED as follows:

- 5 1. The Receiver's Ex Parte Application is approved.
- 6 2. The Order (1) Granting The Receiver's Application for Authority to Retain Certain
7 Funds to Pay Monthly Operation and Maintenance Expenses, Insurance, and Well Removal Costs
8 for the San Jerardo Water System; (2) Directing Payment of the Receiver's Expenses and Costs
9 Itemized in the Receiver's Status Reports for the Periods 11/1/06 – 10/31/08; and (3) Denying as
10 Moot the Receiver's Ex Parte Application for an Additional \$5,000 to Pay Operating and
11 Maintenance Expenses for the San Jerardo Water System entered by the Court on March 27, 2009
12 is amended as follows:

13 a. Page 4, lines 14-15 is revised to state: ". . . the Court has authorized the
14 Receiver to retain a total of \$13,000 from the original \$151,000 to cover basic operational
15 expenses. That leaves approximately \$138,000 in remaining sale proceeds."

16 b. Page 8, lines 24-26 is revised to state: ". . . Accordingly, the Court will
17 grant the Receiver's motion for leave to retain \$100,000 of the remaining \$138,000, those monies
18 to be used for operational and maintenance expenses, and will direct the Receiver to disburse
19 \$38,000 to Defendants.

20 c. Page 9, lines 16-17 is revised to state: "The Receiver's motion for leave to
21 retain \$100,000 from the remaining sale proceeds is GRANTED as set forth above. The Receiver
22 shall remit to Defendants the remaining \$38,000 in sale proceeds within thirty days of the date of
23 this Order;"

24 DATED: 4/23/09 _____


UNITED STATES DISTRICT COURT JUDGE