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Mr. Paul Murphey
Division of Water Rights
State Water Resources Control Board
Post Office Box 2000
Sacramento, Ca. 95812

COMMENTS ON DEIR FOR JAMES J. HILL III, EL SUR RANCH IRRIGATION APPLICATION NO. 30166 FROM BIG SUR RIVER UNDERFLOW, OCT.'09.

Dear Mr. Murphey:

My family and I have lived on the Big Sur River since 1977 when we purchased a parcel with about 1600' adjacent to the Big Sur River. We have enjoyed the river at a mere inch or two in depth - 1977 - and at flood stage, almost yearly, when it enters our road. Why have riparian diverters been omitted from your diverter chart Table 5-1 on page 5-3? The scouring and drawdown of the river can be seen from the campgrounds at Pfeiffer State Park and from the River Inn Resort most easily which is across from our home. See enclosed picture of son Bob and friend fly fishing. I have a look out the window real time hydrology report daily as I see the river flowing four to five feet below the tree line that once was its bank in 1977. The trees are similar to a bath tub ring but remind us of the good fishing days. I walk across the Clear Ridge Road bridge daily to retrieve my newspaper and pause to look for fish. None. No more sea birds flying up river for an easy pick snack either.

PROJECT OVERVIEW

Correction. The 150 year old ranch historically watered by Mother Nature or the Three Springs area behind ranch headquarters as per agreement of Frances Molera with The Nature Conservancy 10 Feb. 1965, Monterey County Recorder Reel: 396, Page 866, wherein it was noted that water supplied Molera ranching north of the Big Sur River, west side of Hwy. 1. 100 years of history here. Why does Hill need to appropriate ANY water. In 1984 the Ranch had a well at the Little Sur River, at the Dairy Barn, at Morro Field west of Hwy. 1 and in Swiss Canyon. See enclosed p.94 of Larry Seeman Associates, DEIR for El Sur Ranch Dedication and Development Agreement with County of Monterey, Ordinance 3030 of Nov. 13, 1984.

Page 1-2 . Second paragraph states POU is existing irrigated pasture north of the Park and West of Highway 1. However, above cited Development Agreement with Monterey County signed by Hill in 1984 states at page 94 there are several wells on land near the mouth of the Big Sur River...."for the use of El Sur Ranch, one of which produces about 2,000 GPM and the other about 250 GPM".

At p 95 of the LSA report and DEIR for County of Monterey Agreement 3030, which Hill signed Nov. 13, 1984, states:

"Site 8 would receive its domestic and fire protection water supply from an existing well in the Molera grazing area to be deeded to the ranch. This well supplies 1200-2200 gpm....An additional backup well supplying 20 gpm would be available should the need arise."

Site 8 is a 100 room hotel complex with restaurants and auxiliary uses to be built north of the mouth of river wells and irrigated pastures.

DENY APPLICATION. HILL DECEPTIVE AS TO USE AND PLACE.

PROJECT DESCRIPTION

At 2-2 paragraph 3 . Correct. A permittee CAN apply to the SWRCB to change the place of use or purpose stated in the permit application. See page 5 of SWRCB Guide to Ca. Water Right Appropriations and confirmed by email to me by SWRCB staff. An error and deception unworthy of the SWRCB as it is responsible for this DEIR.

2-14 admits the Ranch can vary its irrigation needs by reducing herd size.- paragraph 1. This should be implemented immediately to size of first 100 years of ranching without irrigation.

We locals know the Ranch has not only 7,000 acres with numerous pasture areas but also twenty springs and seeps. Ranch water has often closed our Old Cost Road. In fact a sign on Hwy. 1 at road entrance states Not Passable in Wet Weather.

2-15, Table 2-1 provides yearly Ranch unpermitted, illegal, diversion quantities. These years coincide almost 100 % with fish and habitat decline. No fishing for our kids. This chart alone with F & G numbers should be enough evidence Ranch is destroying the River from which it seeks large diversions.

2-18 as to Water Availability . Answer should be not enough. Hill expects the Big Sur River to serve his irrigation needs, his development needs at Site 8 hotel but declines to factor in riparian users and

needs of the damaged river flora and fauna nor a restoration plan on a dramatically down drawn river. Chart 5-1. page 5-3.

The Ranch has shown no concern for anything or anybody during its pump-career, even pumping during low water years of 1977 and 1997 as admitted at 2-22 and 2-24. This flagrant self-destructing act alone should be enough to DENY HILL'S APPLICATION as they admit that controlling irrigation is beyond their control because of limited available labor. 2-20. Where are plans for drought years ranching? Where are professionally trained hydrologists needed to monitor wells? Hill has shown no interest in mitigation . He continues to pump illegally in any quantities.

DENY APPLICATION. HILL SHOWS NO AWARENESS HE IS KILLING OFF OUR ENDANGERED AND THREATENED SPECIES, WILDLIFE HABITAT, COLD AND WARM WATER HABITATS, SPAWNING REPRODUCTION, SPORT FISHING, CONTACT AND NON CONTACT WATER SPORTS, GROUND RECHARGE AND RIPARIAN CORRIDORS. F-1 OF THIS DEIR.

I believe estuarine health and riparian corridor borders, ground recharge should remain your primary concerns.

4.1-5. Comparing damage done by the pumps in the past with the damage they could do in the future is ludicrous. Legal or illegal, Hill pushes the limits of belief. Can we trust this man?

The SWRCB can use its powers to order Hill and El Sur Ranch to stop pumping at once and order a ten year cease and then study the Protected River and State Park Trust obligations after the ecosystem has been given the opportunity to restore itself.

30166 is an application to deceive the Board, the Public and maybe even itself. Hill has destroyed the ecosystems the SWRCB, Molera State Park, Protected Big Sur River Management Plan were created to protect.

Many locals believe Hill wants the Big Sur River water so that he save the ecosystem and estuary of the Little Sur River for the good fishing of the guests at his El Sur Inn and Conference Center at Site 8 in his development plan as noted above, on the coast at False Point Sur.

Since we moved here in '77, it's been catch and release and since the 90's going, going gone , dear river. Is it truly impossible to determine the

total water available and total currently diverted? In this space world?

PLEASE STOP THE ILLEGAL PUMPING AT ONCE. PLEASE PULL THE DECEPTIVE APPLICATION. PLEASE ORDER HILL TO ATTEND ECOLOGY CLASSES AT CSUMP TO ATONE FOR HIS YEARS OF NEGLECTING ENVIRONMENTAL NEEDS AND ILLEGAL PUMPIN