



Linda S. Adams
*Acting Secretary for
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State Water Resources Control Board

Executive Office

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Edmund G. Brown Jr.
Governor

March 30, 2011

Enclosed Service List

WATER RIGHT HEARING ON APPLICATION 30166: RULING ON MR. HILL'S REQUEST FOR RECONSIDERATION OF DENIAL OF MOTION FOR ADDITIONAL TIME

On February 23, 2011, the applicant, Mr. James J. Hill III, requested additional time to present a case-in-chief and for a pre-hearing conference in the hearing on water right Application 30166 (El Sur Ranch). By letter dated March 3, 2011, I denied Mr. Hill's request. On March 17, 2011, Mr. Hill requested reconsideration of the denial of his request. Mr. Hill's request for reconsideration is denied.

As a preliminary matter, Mr. Hill states that because his request for reconsideration relates to a procedural matter, he does not believe that his request should be governed by the regulations relating to reconsideration of orders following evidentiary hearings, but that it is a matter wholly within the discretion of the Hearing Officer. (See Wat. Code, § 1122 et seq., and Cal. Code Regs., tit. 23, § 768 et seq. [governing reconsideration of water right decisions and orders].) We need not decide whether the statutory and regulatory provisions governing reconsideration apply to Mr. Hill's request. Instead, because Mr. Hill's request neither is intended to serve as a formal petition for reconsideration nor meets the statutory and regulatory requirements governing a petition for reconsideration, we will not treat it as such. We will address his request in this ruling.

Mr. Hill seeks additional time to present direct testimony regarding technical analyses and studies. Although Mr. Hill expects to provide complete written testimony, he believes that the information may be more easily conveyed and understood by all of the participants through an oral presentation. Nonetheless, given that the hearing officers, the hearing staff, and the hearing participants will be able to refer to the written testimony in the record prior to the hearing, we will deny the request for reconsideration in an effort to proceed expeditiously with the conduct of the hearing. If, after reviewing the written testimony and exhibits, we have questions or believe that additional explanation would be helpful, we will address the matter at the hearing. Any additional time that the hearing officers or hearing staff spend in asking questions or soliciting additional information about the technical testimony or exhibits will not be counted against the applicant's 2-hour total allotment of time for his case-in-chief.

If you have any questions about this letter, please contact Erin Mahaney, Senior Staff Counsel, at (916) 341-5187 or emahaney@waterboards.ca.gov.

Sincerely,



Tam M. Doduc
Hearing Officer

Enclosure

cc: Charles R. Hoppin, Chairman
State Water Resources Control Board
1101 I Street
Sacramento, CA 95814

**HEARING REGARDING WATER RIGHT APPLICATION 30166 FILED BY EL SUR RANCH
(BIG SUR RIVER) – MONTEREY COUNTY**

**SCHEDULED TO COMMENCE ON
JUNE 16, 2011**

**SERVICE LIST
(March 1, 2011)**

PARTICIPANTS TO BE SERVED WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS. (Note: The participants listed below agreed to accept electronic service, pursuant to the rules specified in the hearing notice.)

<p>EL SUR RANCH c/o Janet Goldsmith & Tom Berliner Kronick, Moskovitz, Tiedmann & Girard 400 Capitol Mall, 27th Floor Sacramento, CA 95814 jgoldsmith@kmtg.com tberliner@duanemorris.com (916) 321-4500</p>	<p>CALIFORNIA DEPARTMENT OF FISH & GAME c/o Kevin Takei & Chandra Ferrari 1416 Ninth Street, 12th Floor Sacramento, CA 95814 KTakei@DFG.ca.gov CFerrari@DFG.ca.gov (916) 653-3715</p>
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<p>WERNER MOTZEL c/o Alexander Hubbard Hubbard & Hubbard, LLP 400 Camino Aguajito Monterey, CA 93940 AFHUBB@aol.com (831) 372-7571</p>	<p>LORRI LOCKWOOD P.O. Box 264 Big Sur, CA 93920 lorribigsur@aol.com (831) 667-2564</p>
<p>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE c/o Michael Jackson P.O. Box 207 Quincy, CA 95971 mjatty@sbcglobal.net (530) 283-1007</p>	<p>CARMEL RIVER STEELHEAD ASSOCIATION c/o/ Brian LeNeve P.O. Box 1012 Carmel, CA 93921 bjleneve@att.net (831) 624-8497</p>

THE FOLLOWING ARE INTERESTED PARTIES WHO WILL PARTICIPATE BY POLICY STATEMENT ONLY. IT IS NOT NECESSARY TO SERVE THEM WITH WRITTEN TESTIMONY, EXHIBITS AND OTHER DOCUMENTS.

<p>CALIFORNIA STATE PARKS Kenneth Gray 2211 Garden Road Monterey, CA 93940 kgray@parks.ca.gov (831) 649-2862</p>	<p>CAL FIRE Richard Hutchinson 2221 Garden Road Monterey, CA 93940 Rick.hutchison@fire.ca.gov (831) 333-2600</p>
<p>CALIFORNIA CATTLEMEN'S ASSOCIATION Justin Oldfield 1221 H Street Sacramento, CA 95814 Justin@calcattlemen.org (916) 444-0845</p>	<p>FRIENDS OF THE RIVER Steve Evans 1418 20th Street, Suite 100 Sacramento, CA 95811 sevans@friendsoftheriver.org (916) 442-3155 ext 221</p>
<p>VENTANA WILDERNESS ALLIANCE Tom Hopkins P.O. Box 506 Santa Cruz, CA 95061 tom@ventanawild.org (831) 429-9010</p>	<p>MONTEREY COUNTY CATTLEMEN'S ASSOCIATION Aaron Johnson 295 South Main Street, Suite 600 Salinas, CA 93901 Aaron@johnsonmoncrief.com (831) 759-0900</p>

<p>MONTEREY COASTKEEPER Steve Shimek 475 Washington Street, Suite A Monterey, CA 93940 exec@montereycoastkeeper.org (831) 646-8837 ext 114</p>	<p>BIG SUR RIVER INN Alan Perlmutter Highway One at Pheneger Creek Big Sur, CA 93920 alan@bigsurriverinn.com (831) 667-1250</p>
<p>NATIONAL MARINE FISHERIES SERVICE David Hines & Devin Best David.Hines@noaa.gov Devin.Best@noaa.gov (707) 578-8553</p>	<p>Dr. Peter Raimondi Department of Ecology & Evolutionary Biology, Long Marine Lab University of California Santa Cruz Santa Cruz, CA 95060 raimondi@biology.ucsc.edu (831) 459-5674</p>
<p>Frank Pinney P.O. Box 683 Big Sur, CA 93920 frank@pinneyconstruction.com (831) 667-2584</p>	<p>Kirstin Gafill 48460 Highway 1 Big Sur, CA 93920 Kgafill@nepenthebigsur.com (831) 667-2354</p>
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