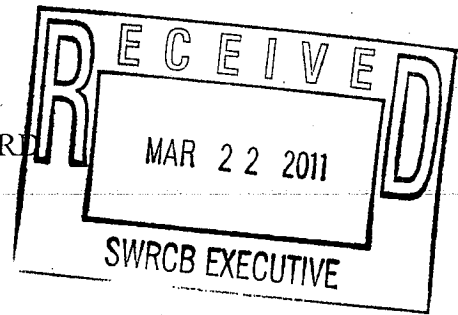


1 JANET K. GOLDSMITH, State Bar No. 065959
jgoldsmith@kmtg.com
2 DANIELLE R. TEETERS, State Bar No. 210056
dteeters@kmtg.com
3 STANLEY C. POWELL, State Bar No. 254057
spowell@kmtg.com
4 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation
5 400 Capitol Mall, 27th Floor
Sacramento, California 95814
6 Telephone: (916) 321-4500
Facsimile: (916) 321-4555
7

8 Attorneys for Applicant James J. Hill III
9



10 BEFORE THE
11 STATE WATER RESOURCES CONTROL BOARD
12

13 IN THE MATTER OF WATER RIGHT
14 APPLICATION NO. 30166 OF JAMES
15 J. HILL, III
16

17 APPLICANT'S REQUEST FOR
18 RECONSIDERATION OF MOTION /
19 REQUEST FOR EXPANDED
20 ALLOTMENT OF TIME TO PRESENT
21 CASE-IN-CHIEF

22 I. INTRODUCTION
23

24 On March 3, 2011, this Board denied the Applicant, James J. Hill III's request for
25 additional time to present his case-in-chief, in this water rights matter. The Applicant hereby
26 seeks reconsideration of the denial of his request. Because the request for reconsideration relates
27 strictly to a procedural matter, Applicant does not believe it should be governed by the
28 regulations relating to reconsideration of orders following evidentiary hearings (23 CCR 768 et
seq.) but is a matter wholly within the discretion of the Hearing Officer.

As mentioned in the initial motion, the testimony of experts Paul Horton, Chuck Hanson
and Neil Allen covers numerous technical studies and areas of inquiry. Data from those studies
continues to be gathered and analyzed, most with substantial input from protestant California
Department of Fish and Game ("DFG"). By way of example, the analysis and data collected

1 from 2006 and 2007 are attached to this request in CD form to show the breadth and technical
2 complexities of the reports. The attached CD represents only a fraction of the studies and
3 analyses actually completed; summarizing that exceptionally technical material, together with the
4 data and analyses from earlier seasons of work, in 20 minutes is likely to prove next to
5 impossible. Although the written testimony will be complete, the material may be more easily
6 conveyed and understood by all participants in oral form. Allowing more time for the experts to
7 provide oral explanation of their analyses and findings will give all Board members, Board staff
8 and other parties the opportunity to fully understand and consider the evidence and for the Board
9 to reach an informed decision.

10 II. FACTS SUPPORTING GOOD CAUSE

11 The prior motion set forth the facts supporting good cause to allow the Applicant more
12 time to present his case-in-chief. As those facts are already part of the record, they will not be
13 reiterated here, but instead are incorporated as if fully set forth.

14 The technical studies and analyses provided by the Applicant's retained experts focus on
15 the main question of what effects, if any, the pumping of irrigation water by the El Sur Ranch has
16 on the Big Sur River, its fishery, habitat etc. The experts worked with Department of Fish and
17 Game scientists to focus their studies on DFG's concerns. The result of that combined effort is
18 found in the technical studies, analyses and numerous reports of the retained experts. The CD
19 attached to this motion covers only one volume of the three-volume (three separate years) of
20 study of the river, irrigation pumping, and fishery habitat.

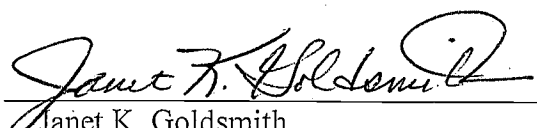
21 The Hearing Officers, Board staff and other parties will need to fully understand the most
22 germane studies and analyses available that reflect the condition of the relevant area of the Big
23 Sur River. For many, the reality is that due to other time commitments or lack of technical
24 background in hydrology, biology or agricultural practices, the oral presentations will be their
25 only meaningful opportunity to gain an understanding of the technical data and for others their
26 only realistic chance to hear the evidence at all.

27 Based on the foregoing facts and discussion, Mr. Hill respectfully requests the Board
28 reconsider its denial of his motion for additional time.

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Dated: March 17, 2011

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

By: 
Janet K. Goldsmith
Attorneys for James J. Hill, III

1 PROOF OF SERVICE

2 I, Lorraine Lippolis, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On March 18, 2011 I served a
6 copy of the within document(s):

7 APPLICANT'S MOTION / REQUEST FOR EXPANDED ALLOTMENT OF TIME TO
8 PRESENT CASE-IN-CHIEF and REQUEST FOR PRE-HEARING CONFERENCE and
9 NOTICE OF INTENT TO APPEAR

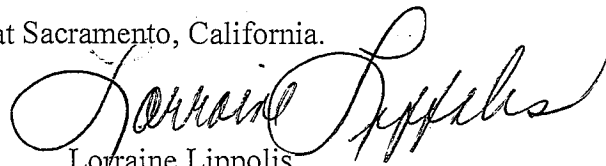
- 10 by transmitting via facsimile the document(s) listed above to the fax number(s) set
11 forth below on this date before 5:00 p.m.
- 12 by placing the document(s) listed above in a sealed envelope with postage thereon
13 fully prepaid, the United States mail at Sacramento, California addressed as set
14 forth below.
- 15 by placing the document(s) listed above in a sealed Delivery Service envelope and
16 affixing a pre-paid air bill, and causing the envelope to be delivered to a Delivery
17 Service agent for delivery.
- 18 by transmitting via e-mail or electronic transmission the document(s) listed above
19 to the person(s) at the e-mail address(es) set forth below.

20 *SEE ATTACHED*

21 I am readily familiar with the firm's practice of collection and processing correspondence
22 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
23 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
24 motion of the party served, service is presumed invalid if postal cancellation date or postage
25 meter date is more than one day after date of deposit for mailing in affidavit.

26 I declare under penalty of perjury under the laws of the State of California that the above
27 is true and correct.

28 Executed on March 18, 2011, at Sacramento, California.


Lorraine Lippolis

1 SERVICE LIST

2

3

4

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

5

6

7

Tam M. Doduc, Hearing Officer
State Water Resources Control Board
1101 I Street
Sacramento, CA 95814

8

9

10

11

Paul Murphey, Project Manager
State Water Resources Control Board
1101 I Street
Sacramento, CA 95814

12

13

Erin Mahiny
State Water Resources Control Board
1101 I Street
Sacramento, CA 95814

14

15

16

Kevin Takei
Chandra Ferrari
California Department of Fish & Game
1419 9th Street, 12th Floor
Sacramento, CA 95814

17

18

19

Michael Jackson
California Sportfishing Protection Alliance
P.O. Box 207
Quincy, CA 95971

20

21

Brian Johnson
Trout Unlimited
2239 5th Street
Berkeley, CA 94710

22

23

24

Adam Lazar
Center for Biological Diversity
& Ventana Wilderness Alliance
351 California Street #600
San Francisco, CA 94104

25

26

27

Alexander Hubbard
Werner Motzel
Hubbard & Hubbard
400 Camino Aguajito
Monterey, CA 93940

28

966141.1 8896.2

1 Lori Lockwood
2 P.O. Box 264
3 Big Sur, CA 93920

4 Brian LeNeve
5 Carmel River Steelhead Association
6 P.O. Box 1012
7 Carmel, CA 93921

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