

1 Thomas M. Berliner (SBN 83256)
2 Jolie-Anne S. Ansley (SBN 221526)
3 B. Alexandra Jones (SBN 317838)
4 **DUANE MORRIS LLP**
5 One Market Plaza, Spear Tower, Suite 2200
6 San Francisco, CA 94105-1127
7 Telephone: +1 415 957 3000
8 Fax: +1 415 957 3001
9 E-mail: tmberliner@duanemorris.com
10 jsansley@duanemorris.com
11 bajones@duanemorris.com

12 Attorneys for Applicant
13 EL SUR RANCH/JAMES J. HILL, III

14 CALIFORNIA STATE WATER RESOURCES CONTROL BOARD
15 ADMINISTRATIVE HEARINGS OFFICE

16 In the Matter of Application 30166 of El Sur
17 Ranch/James J. Hill, III for a permit to appropriate
18 water from the Big Sur River in Monterey County

19 **APPLICANT EL SUR RANCH'S**
20 **PETITION TO AMEND**
21 **APPLICATION 30166 (FIFTH**
22 **AMENDMENT)**

23 Hearing Officer: Nicole L. Kuenzi

24 Applicant El Sur Ranch/James J. Hill, III (collectively "Applicant" or "El Sur Ranch")
25 submits the following petition to amend Application 30166 pursuant to the Administrative Hearings
26 Office's ("AHO") February 28, 2023 Status Conference Ruling and Notice of Status Conference.
27 The amendments to Application 30166 are for the purposes of conforming Application 30166 to the
28 terms of the Settlement Agreement reached between the California Department of Fish and Wildlife
("CDFW") and El Sur Ranch, jointly submitted to the State Water Resources Control Board on April
15, 2019. The terms of the Settlement Agreement were also agreed to, as a result of good faith
negotiations, by the NGO parties including the California Sportfishing Protection Alliance, et al,
Trout Unlimited, and Carmel River Steelhead Association ("NGOs"); however, the NGOs have not
yet been added to the written Settlement Agreement.¹ The amendments also provide terms for the

¹ In a conference call on September 13, 2022, between counsel for El Sur Ranch, Thomas M. Berliner, and NGO representatives, the NGO representatives agreed their negotiations were conducted in good faith with the intent to bind the parties to the issues addressed by the Settlement

1 resolution of two outstanding issues identified in the Settlement Agreement as unresolved.²

2 This fifth amendment to Application 30166 seeks the following two changes: (1) diversion
3 to storage in an off-stream storage reservoir to be constructed by Applicant on Applicant’s property;
4 and (2) a revision to the place of use to compensate for the loss of cultivated pasture acreage due to
5 the construction of the off-stream reservoir. (Water Code § 1701.) El Sur Ranch submits this fifth
6 amendment to Application 30166 on an amended application form, attached hereto as **Exhibit A**,
7 which includes the information requested in a Petition for Change form.³

8 El Sur Ranch does not request any changes to the current points of diversion on the Big Sur
9 River, the quantity of water diverted, the season of diversion, or the purpose of use. The proposed
10 changes will not, in effect, initiate a new right or cause injury to any other legal user of water. (23
11 Cal. Code Regs. § 791(a).)

12 **I. INTRODUCTION AND RELEVANT BACKGROUND FACTS**

13 The State Water Resources Control Board’s (“Water Board”) decision on Application 30166
14 will decide the fate of the historic El Sur Ranch (“ESR” or the “Ranch”), which has pumped from
15 the underflow of the Big Sur River for over 60 years (now over 70 years). (I RT 83:3-20 [Asmus];
16 ESR-11 [Hill], at 2-3.) The El Sur Ranch currently diverts from two wells, the “old well” installed
17 in approximately 1950 and the “new well” placed in operation in 1984. (ESR-11 [Hill], at 3.) These
18 long-standing points of diversion are at the bottom of the Big Sur River watershed – approximately
19 1300’ from the ocean – and downstream of all other points of diversion. (SWRCB-2 [Draft
20 Environmental Impact Report (DEIR)], at 2-6, pdf 26.)

21 The current proceeding began with the submittal of Application 30166 in 1992 for a permit
22 to appropriate water from the Big Sur River. The filing of the application was necessitated by a
23 report issued by the Water Board concluding that the wells were pumping underflow of the Big Sur
24 River. Several protests were filed to the original Application. Since its initial filing, Application
25 Agreement and the referral to the Water Board of the issues not resolved.

26 ² In 2019, a third unresolved issue was identified in Section 6.b. of the Settlement Agreement
27 concerning Bypass Reset, which the parties subsequently resolved.

28 ³ The attached fifth amendment to Application 30166 highlights proposed changes using a blue font.

1 30166 has been amended four times in November and December of 2005, October 2006 and June
2 2011. An extensive public hearing was held by the Water Board in June and July of 2011, and
3 closing briefs were filed in September of 2011.

4 From 2011 to 2019, El Sur Ranch and CDFW engaged in extensive settlement negotiations,
5 well over 15 meetings, that involved CDFW's counsel Kevin Takei and, on many occasions, CDFW
6 Director Chuck Bonham. This time period encompassed drought conditions in 2014 and 2015 and
7 the release of proposed instream flow requirements for the Big Sur River in 2016. During this time
8 period, El Sur Ranch and CDFW periodically provided updates, typically jointly, on the status of
9 negotiations, including on May 20, 2016, June 22, 2016, December 27 and 29, 2016, February 16,
10 2017, March 23, 2017, April 3, 2017, June 20 and 21, 2017, December 15, 2017, January 31, 2019,
11 February 26, 2019, March 14, 2019 and April 15, 2019.

12 On January 31, 2019, El Sur Ranch and CDFW jointly updated the Water Board on the status
13 of settlement and reported that the parties had successfully negotiated a resolution of many issues
14 and that the parties would submit unresolved remaining issues to the Water Board for assistance with
15 resolution. CDFW and El Sur Ranch reported that they were in the process of finalizing a settlement
16 agreement, providing details on the issues resolved, and the intention to meet and confer on specific
17 issues with other parties to the proceedings. El Sur Ranch and CDFW also noted that El Sur Ranch,
18 as a measure of good faith, had already been implementing for the past four years best management
19 practices agreed to as part of the settlement as well as an interim bypass cut off at 10 cfs and a
20 complete cut-off on Memorial Day and Labor Day weekends. Subsequently, El Sur Ranch and
21 CDFW shared the written settlement terms with the other hearing participants on March 1, 2019 and
22 conducted a meet and confer meeting with those parties on April 4, 2019.

23 On April 15, 2019, CDFW and El Sur Ranch submitted a Joint Hearing Management
24 Conference Statement and Hearing Management Plan to the Water Board. As part of this pleading,
25 CDFW and El Sur Ranch submitted a Settlement Agreement, as Exhibit C, that resolved most of the
26 outstanding issues, and represented that unresolved issues identified in the Settlement Agreement
27 were submitted for resolution to the Water Board. The parties both requested that "[t]he State Water
28 Board accept the Settlement Agreement terms subject to its jurisdiction without material

1 modification.” (April 15, 2019 Hearing Management Plan, p. 3.) As part of the Hearing
2 Management Plan, Exhibit B, the CDFW and El Sur Ranch jointly identified the specific issues upon
3 which the record should be reopened, the facts to which both parties could stipulate, and identified
4 the areas of fact and law that remained in dispute. (Hearing Management Plan, Ex. B.)

5 **A. 2019 Settlement Agreement Terms**

6 In summary, the Settlement Agreement generally includes the following main provisions:

- 7 • El Sur Ranch agrees not to pump from its two wells during such times as the flow
8 level in the River as measured at USGS gage 11143000 falls below the following
9 benchmark levels ("Bypass"): November 1-April 30 Bypass 75 cfs (if flows drop
10 below 75 cfs, the Bypass is reduced to 55 cfs, subject to specified terms); May
11 Bypass 55 cfs; June 1-October 31 Bypass 23-17 cfs.
- 12 • A 5.84 cfs maximum instantaneous pumping rate, year round, and a 30-day average
13 pumping rate of 5.34 cfs year round.
- 14 • Maximum annual diversion 1320 af, not to exceed 1087 af on a 20-year rolling
15 average with the water year defined as October 1-September 30.
- 16 • Conference year provisions under critical conditions.
- 17 • Flow monitoring and reporting requirements.
- 18 • Construction of an off-stream reservoir on Applicant’s property with replacement
19 pasture to be developed on the north side of existing irrigated pasture.
- 20 • Specified interim bypass flows until the reservoir is built and in operation.
- 21 • Specified conditions regarding water use and land management.

22 More specific and important details can be found in Exhibit C to the April 15, 2019 Joint
23 Hearing Management Conference Statement and Hearing Management Plan.

24 The Settlement Agreement also identified three unresolved issues that the CDFW and El Sur
25 Ranch proposed to submit to the Water Board for resolution. One of these issues, Bypass Reset for
26 the November-April time period, identified in Section 6.b. of the Settlement Agreement, was
27 subsequently resolved through an agreement that when the Bypass Flow is at 55 cfs and should
28 flows exceed 75 cfs for five consecutive days, then the 55 cfs Bypass would reset to 75 cfs.

Since at least 2015, El Sur Ranch has continued to perform its agreement to the settlement
terms resolved with CDFW pending finalization of the Settlement Agreement.

Through the fifth amendment to Application 30166, El Sur Ranch seeks to conform

1 Application 30166 to the terms of the 2019 Settlement Agreement with CDFW, as well as to propose
2 terms to resolve the remaining two outstanding issues.

3 **B. Referral to the Administrative Hearings Office**

4 On December 9, 2021, the Deputy Director for the Division of Water Rights recommended
5 assignment of Application 30166 for further proceedings, including, if necessary, a supplemental
6 adjudicative hearing to the AHO to assist in the efficient resolution of the pending water right
7 application. In the December 9, 2021 referral memorandum, the Deputy Director noted that
8 Applicant El Sur Ranch and CDFW had reached a settlement agreement dated April 15, 2019 that
9 settles most but not all of the issues in dispute between CDFW and the Applicant. On December 9,
10 2021, the Executive Director of the Water Board assigned Application 30166 to the AHO for further
11 proceedings. In a Status Conference Ruling dated September 23, 2022, the AHO directed the
12 Applicant to circulate a draft fifth amendment of Application 30166 to parties to the AHO
13 proceeding that reflects Applicant's current proposed project by November 1, 2022. Parties to the
14 AHO proceeding were given an opportunity to file comments by January 6, 2022, pursuant to a
15 Status Conference Ruling dated October 17, 2022. Finally, in a Status Conference Ruling dated
16 February 28, 2023, the AHO directed Applicant to submit the proposed fifth amendment of
17 Application 30166 and a change petition to the Division of Water Rights by March 3, 2023.

18 **II. DESCRIPTION OF PROPOSED CHANGES**

19 In accordance with the Settlement Agreement, a new off-stream storage reservoir is proposed
20 to allow for storage of diversions for beneficial use (withdrawal) for irrigation purposes. The
21 existing distribution system will be connected to the proposed off-stream reservoir located on the
22 Applicant's land to the Northwest of the Big Sur River. The only excavation, grading, or
23 construction activity proposed for this project would be for the off-stream storage reservoir, the
24 pipeline connections to and from the off-stream storage reservoir and pipeline extension to the
25 existing irrigation system, all of which will occur on Applicant's property.

26 The current proposed gross place of use for irrigation purposes includes 292 acres and 246
27 net irrigated acres. This acreage is consistent with the initial application filing and does not
28 constitute an increase in either the gross or the net place of use. The additional pasture area located

1 to the northwest of the place of use is proposed in this application amendment to account for the
2 current irrigated pasture being lost to accommodate the off-stream storage reservoir.

3 **III. PROPOSED CHANGES TO APPLICATION 30166 WILL NOT INITIATE A NEW**
4 **WATER RIGHT OR CAUSE INJURY TO ANY OTHER LEGAL USER OF WATER.**

5 Water Code § 1701 and 23 Code of Regulations § 791(a) allow a change in a point of
6 diversion, place of use or purpose of use stated in an application, provided that the petitioner
7 established that neither will in effect initiate a new water right nor injury any other legal user of
8 water.

9 Typically, a proposed change may result in the creation of a new right if it increases the
10 quantity of water diverted, increasing the seasons of diversion or using a different source of water.
11 (*See In the Matter of Petition For Reconsideration of Division of Water Rights Refusal To Accept*
12 *Protest By United States Marine Corps Base, Camp Pendleton Against City of Santa Cruz*
13 *Regarding Petitions For Change Under License 9847 (Application 17913) and Permits 16123 And*
14 *16601 (Applications 22318 and 23710, Respectively), 2009 WL 6648173, at *3–5; In The Matter of*
15 *Applications 31487 and 31488 Filed by the United States Bureau Of Reclamation, and Petitions to*
16 *Change License 3723 (Application 5169) of Washoe County Water Conservation District, License*
17 *4196 (Application 9247) of Truckee Meadows Water Authority, and Permit 11605 (Application*
18 *15673) And License 10180 (Application 18006) of The United States Bureau Of Reclamation*
19 *Truckee River Watershed, 2012 WL 5494093, at *22; Johnson Rancho County Water District v.*
20 *State Water Rights Board (1965) 235 Cal.App.2d 863, 879; 23 Cal. Code Regs § 699.)*

21 Here, the proposed changes to Application 30166 do not seek to change the source of the
22 water diverted, increase the rates of diversion, increase the total annual amount of diversion or
23 change the season of diversion. The fifth amendment of Application 30166 instead incorporates
24 additional diversion limits agreed to in the Settlement Agreement through the incorporation of
25 bypass flows, among other provisions. The proposed changes to add off-stream storage and a
26 revision to the place of use are all contemplated within the change provisions of Water Code § 1701,
27 and will not create a new water right or cause injury to any other legal user of water.

28 Further, the El Sur Ranch, as shown by the Water Board’s Draft EIR is the most downstream

1 diverter in the Big Sur River watershed. As such, its diversions can have no impact on the
2 diversions of other – upstream – water users, and none was demonstrated during the evidentiary
3 hearing in 2011.

4 **IV. CONCLUSION**

5 For the foregoing reasons, and as supported by the attached Fifth Amended Application
6 30166, the record in the current proceeding and any further supplemental information requested by
7 the AHO and Water Board, El Sur Ranch requests that its petition for change to submit a fifth
8 amendment to Application 30166 be granted.

9
10
11 Dated: March 3, 2023

DUANE MORRIS LLP

12
13 By: 

14 Thomas M. Berliner
15 Jolie-Anne S. Ansley
16 B. Alexandra Jones

17 Attorneys for Applicant EL SUR RANCH/JAMES
18 J. HILL, III
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EXHIBIT A

**TYPE OR PRINT
IN BLACK INK**
(For instructions, see
booklet: "How to File an
Application to
Appropriate Water in
California")



California Environmental Protection Agency

State Water Resources Control Board
Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Tel: (916) 341-5300 Fax: (916) 341-5400

www.waterboards.ca.gov/waterrights

APPLICATION NO. 30166
5th Amendment

APPLICATION TO APPROPRIATE WATER

1. APPLICANT/AGENT

	APPLICANT	ASSIGNED AGENT (if any)
Name	James J. Hill III	Thomas M. Berliner
		Duane Morris LLP
Mailing Address	PO Box 1588	One Market Plaza, Spear Tower, Suite 2200
City, State & Zip	Monterey, CA 93940	San Francisco, Ca 94105-1127
Telephone	408-624-2719	415-957-3333
Fax		415-520-5835
E-mail		TMBerliner@duanemorris.com

2. OWNERSHIP INFORMATION (Please check type of ownership.)

- Sole Owner Limited Liability Company (LLC) General Partnership*
 Limited Partnership* Business Trust Husband/Wife Co-Ownership
 Corporation Joint Venture Other _____

*Please identify the names, addresses and phone numbers of all partners.

For continuation, see Attachment No. 2

3. PROJECT DESCRIPTION (Provide a detailed description of your project, including, but not limited to, type of construction activity, area to be graded or excavated, and how the water will be used.) Add additional pages if needed and check box below and label as an attachment.

Application A30166 was filed on or about July 27, 1992 to appropriate water from the Big Sur River (referred to herein as "Project"). This amendment provides the following revised project description to reflect the Project as it is envisioned today and includes the settlement terms and conditions reached between the California Department of Fish and Wildlife ("CDFW") and El Sur Ranch and jointly submitted to the State Water Resource Control Board. This description is intended to replace the project description in the original application and/or subsequent amendments. (Note: The settlement was also negotiated with the non-governmental organization parties to the proceeding and they concurred with the version submitted to the SWRCB in 2019 as well as with the subsequently agreed to provision concerning the adjustments to winter bypass flows between 75 cfs and 55 cfs.)

The Project, as amended, involves appropriation of water from the Big Sur River for direct diversion and/or off-stream storage for irrigation purposes. The points of diversion (PODs) for this Project consist of two existing groundwater wells. One well (POD#1) is within easements reserved by the El Sur Ranch ownership from land gifted to the State of California and now comprising part of Andrew Molera State Park. Another well (POD#2) is located within easements over Andrew Molera State Park affirmatively granted to the El Sur Ranch ownership by the State of California with the approval of the Department of Parks and Recreation. A prior determination by the State Water Resource Control Board classified these two points of diversion (groundwater wells; POD #1, POD#2, as shown on the Attachment 1. Project

Location, PODs, and POU for Application 30166 (Map 1 of 3)) as diverting water from the underflow of the Big Sur River. Continued diversions from the existing PODs have occurred since approximately 1950-1951 for the “old well” (POD#1) and since 1984 for the “new well” (POD#2), for delivery within the existing distribution system for pasture irrigation. Prior to approximately 1950-1951, water was diverted off the river by periodic construction of “summer” or “In-river” dams.

A new off-stream storage reservoir is proposed to allow for storage of these diversions for beneficial use (withdrawal) for irrigation purposes. The existing distribution system will be connected to the proposed off-stream reservoir located on the Applicant’s land to the Northwest of the Big Sur River. The only excavation, grading, or construction activity proposed for this project would be for the off-stream storage reservoir, the pipeline connections to and from the off-stream storage reservoir and pipeline extension from the existing irrigation system, all of which will occur on Applicant’s property. Attachment 1. Proposed Off-stream Storage Reservoir for Application 30166 (Map 2 of 3) and Proposed Reservoir – Section A-A for Application 30166 (Map 3 of 3) includes the location for the proposed off-stream storage reservoir and additional information required by 23 Cal. Code Regs. §717.

The proposed place of use for irrigation purposes includes 246 net irrigable acres within a total pasture size of 292 acres. This acreage is consistent with the initial application filing, and subsequent amendments, and does not constitute an increase in the place of use (as shown on Attachment 1. Project Location, POU and PODs for A30166 (Map 1 of 3)). The replacement pasture area located to the northwest of the place of use is proposed in this application amendment to replace the current irrigated pasture being lost to accommodate the off-stream storage reservoir.

For continuation, see Attachment No. Attachment 1. Maps 1 through 3

4. PURPOSE OF USE, DIVERSION/STORAGE AMOUNT AND SEASON

a. PURPOSE OF USE (irrigation, domestic, etc.)	DIRECT DIVERSION				STORAGE		
	AMOUNT		SEASON OF DIVERSION		AMOUNT	SEASON OF COLLECTION	
	Rate (cfs or gpd)*	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)	Acre-feet per annum	Beginning date (month & day)	Ending date (month & day)
Irrigation	5.84 cfs	1,320	01/01	12/31	810	01/01	12/31
	Total afa	1,320	Total afa		810		

See Attachment No. 2

- b. Total combined amount taken by direct diversion and storage during any one year will be 1,320 acre-feet. Not to exceed 1,087 AF on a 20-year rolling average. The year is measured October 1-September 30.
- c. Reservoir storage is: onstream offstream underground (If underground storage, attach Underground Storage Form.)
- d. County in which diversion is located: Monterey in which water will be used: Monterey

5. SOURCES AND POINTS OF DIVERSION/REDIVERSION

- a. Sources and Points of Diversion (POD)/Points of Rediversion (PORD):
 - POD / PORD #1 Big Sur River (Underflow) _____ tributary to the Pacific Ocean _____ thence _____
 - POD / PORD #2 Big Sur River (Underflow) _____ tributary to the Pacific Ocean _____ thence _____

If needed, attach additional pages, check box below and label attachment

See Attachment No. 1. Maps 1 and 2.

b. State Planar and Public Land Survey Coordinate Description: (Projected to Lot 1 of El Sur Rancho)

POD/ POD#	CALIFORNIA COORDINATES (NAD 83)	ZONE	POINT IS WITHIN (40-acre subdivision)	SECTION (see note)	TOWN- SHIP	RANGE	BASE AND MERIDIAN
POD#1	5719360.33 E 1999206.23 N	4 US feet	SE ¼ of NW¼	16	19 S	01 E	Mount Diablo
POD#2	5719830.32 E 1998982.44 N	4 US feet	SE ¼ of NW ¼	16	19 S	01 E	Mount Diablo
<p><i>Note: Section lines projected from GIS data. Since property was a land grant (El Sur Rancho) prior to California statehood, the area has not been sectionalized as part of a public land survey.</i></p>							

If needed, attach additional pages, check box below and label attachment

See Attachment No. 1. Maps 1 and 2.

c. Name of the post office most often used by those living near the proposed point(s) of diversion:
47500 Highway 1, Big Sur, CA 93920-9998

6. WATER AVAILABILITY

a. Have you attached a water availability analysis for this project? YES NO
 If NO, provide sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation: If needed, attach additional pages, check box below and label attachment.

See Attachment No. 2

b. Is your project located on a stream system declared to be fully appropriated by the State Water Resources Control Board (State Water Board) during your proposed season of diversion?
 YES NO

d. In an average year, does the stream dry up at any point downstream of your project? YES NO
 If YES, during which months? Jan Feb Mar Apr May Jun Jul Aug Sep Oct
 Nov Dec

What alternate sources of water are available if a portion of your requested diversion season must be excluded because water is not available for appropriation? (e.g., percolating groundwater, purchased water, etc.) If needed, attach additional pages, check box below and label attachment

No other water supply source is available

See Attachment No. N/A

7. PLACE OF USE

a. See Attachment No. 2

USE IS WITHIN (40-acre subdivision)	SECTION*	TOWNSHIP	RANGE	BASE & MERIDIAN	IF IRRIGATED	
					Acres	Presently cultivated?
See Attachment No. 2				Mt. Diablo		<input type="checkbox"/> YES <input type="checkbox"/> NO
				Mt. Diablo		<input type="checkbox"/> YES <input type="checkbox"/> NO
				Mt. Diablo		<input type="checkbox"/> YES <input type="checkbox"/> NO
				Mt. Diablo		<input type="checkbox"/> YES <input type="checkbox"/> NO
				Mt. Diablo		<input type="checkbox"/> YES <input type="checkbox"/> NO
				Mt. Diablo		<input type="checkbox"/> YES <input type="checkbox"/> NO
Total Acres:						

*Please indicate if section is projected with a "(P)" following the section number.

See Attachment No. 2 Please provide the Assessor's Parcel Number(s) for the place of use:
Monterey County 159-011-008

8. PROJECT SCHEDULE

Project is: proposed, partially complete or complete (Year completed - _____).

Extent of completion: PODs 1 and 2, and conveyance (pipeline) system to divert subterranean surface water supplies from the Big Sur River to irrigation system is complete and have been in use for many decades. Extension of the irrigation and distribution system to irrigate lands in the place of use can be accomplished in about two years.

Estimated amount of time in years it will take for construction of off-stream reservoir to be completed: It is anticipated that it will take a minimum of 5 years to obtain other required permits, plus additional time to build reservoir and associated modifications, as well as install monitoring agreed to in the Settlement Agreement. Estimated amount of time in years it will take for water to be put to full beneficial use: The

water diverted by the current points of diversion has been and continues to be used beneficially since the 1950-1951. It is anticipated that full beneficial use will be shown within 10 years of projected implementation to perfect the water right permit, once received.

9. JUSTIFICATION OF AMOUNTS REQUESTED

a. IRRIGATION: Maximum area to be irrigated in any one year: 246 of 292 acres.

CROP	ACRES	METHOD OF IRRIGATION (sprinklers, flooding, etc.)	WATER USE (Acre-foot/Yr.)	SEASON OF WATER USE	
				Beginning date (month & day)	Ending date (month & day)
Improved pasture	292	Border strip irrigation system	1,320	01/01	12/31

See Attachment No. **1. Maps 1 and 2**

b. DOMESTIC: Number of residences to be served: _____ Separately owned?
 YES NO Number of people to be served: _____ Estimated daily use per person is: _____ gallons per day Area of domestic lawns and gardens: _____ square feet
 Incidental domestic uses: _____
 (dust control area, number and kind of domestic animals, etc.)

c. STOCKWATERING: Kind of stock: _____ Maximum number: _____
 Describe type of operation: _____
 (feedlot, dairy, range, etc.)

d. RECREATIONAL: Type of recreation: Fishing Swimming Boating Other

e. MUNICIPAL:

POPULATION List for 5-year periods until use is completed		MAXIMUM MONTH		ANNUAL USE		
Period	Population **	Average daily use (gallons per capita)	Rate of diversion (cfs)	Average daily use (gallons per capita)	Acre-foot (per capita)	Total (acre-feet)
Present						

See Attachment No. N/A

** Population source: California Department of Finance

Month of maximum use during year: _____
 Month of minimum use during year: _____

f. HEAT CONTROL: Area to be heat controlled: _____ net acres
 Type of crops protected: _____
 Rate at which water is applied to use: _____ gpm per acre
 Heat protection season will begin _____ and end _____
 (month and day) (month and day)

g. FROST PROTECTION: Area to be frost protected: _____ net acres
 Type of crops protected: _____
 Rate at which water is applied to use: _____ gpm per acre

The frost protection season will begin _____ and end _____.
(month and day) (month and day)

h. INDUSTRIAL: Type of industry: _____

Basis for determination of amount of water needed:

i. MINING: Name of the claim _____ Patented Unpatented
 Nature of the mine: _____ Mineral(s) to be mined: _____
 Type of milling or processing: _____

After use, the water will be discharged into _____ (watercourse)
 in _____ 1/4 of _____ 1/4 of Section _____, T _____, R _____, _____ B. & M.

j. POWER: Total head to be utilized: _____ feet
 Maximum flow through the penstock: _____ cfs Maximum theoretical horsepower capable of
 being generated by the works (cfs x fall ÷ 8.8): _____
 Electrical capacity (hp x 0.746 x efficiency): _____ kilowatts at: _____ % efficiency

After use, the water will be discharged into _____ (watercourse)
 in _____ 1/4 of _____ 1/4 of Section _____, T _____, R _____, _____ B&M. FERC No.: _____

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: List specific species and
 habitat type that will be preserved or enhanced: _____

l. OTHER: Describe use: _____
 Basis for determination of amount of water needed: _____

10. DIVERSION AND DISTRIBUTION METHOD

a. Diversion will be by gravity by means of: _____
(dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)

b. Diversion will be by pumping from: PODs 1 and 2
(sump, offset well, channel, reservoir, etc)

Pump discharge rate: 5.84 cfs cfs or gpd Horsepower: 100 w/VFD (New well) 60 (Old well)

Pump Efficiency POD 1: 59-63% POD 2: 42-74%;(subject to update)

c. Conduit from diversion point to first lateral or to offstream storage reservoir:

CONDUIT (pipe or channel)	MATERIAL (type of pipe or channel lining; indicate if pipe is buried or not)	CROSS-SECTION (pipe diameter, or ditch depth and top and bottom width) (inches or feet)	LENGTH (feet)	TOTAL LIFT OR FALL		CAPACITY (cfs, gpd or gpm)
				feet	+ or -	
Pipe	PVC	16"	1,800	50	15	5.84 cfs
Pipe	Cement	16"	600	150	15	5.84 cfs

See Attachment No. N/A

d. Storage reservoirs: (For underground storage, complete and attach underground storage form

RESERVOIR NAME OR NUMBER	DAM				RESERVOIR		
	Vertical height from downstream toe of slope to spillway level (feet)	Construction material	Length (feet)	Freeboard: dam height above spillway crest (feet)	Surface area when full (acres)	Capacity (acre-feet)	Maximum water depth (feet)
Reservoir 1	26 ft	earth	4,500 ft	3 ft	20	404	23 ft

See Attachment No. N/A

e. Outlet pipe: Complete for storage reservoirs having a capacity of 10 acre-feet or more.

RESERVOIR NAME OR NUMBER	OUTLET PIPE				
	Diameter in inches	Length in feet	Fall: Vertical distance between entrance and exit of outlet pipe in feet	Head: Vertical distance from spillway to entrance of outlet pipe in feet	Dead Storage: Storage below entrance of outlet pipe in acre-feet
Reservoir 1	16 in	500 ft	none	23 ft	none

See Attachment No. **N/A**

e. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to off-stream storage will be 5.84 cfs. Diversion to offstream storage will be made by:

- Pumping Gravity

11. CONSERVATION AND MONITORING

a. What methods will you use to conserve water? Explain.

Under the proposed water right application, the irrigation system would continue to be operated as it has in the past, with the timing, order or irrigation, extent of irrigation to the various pastures, and frequency determined by the irrigator. This application will continue to use best management practices to irrigate the property and will continue to utilize the following practices:

- adjustment of irrigation timing and duration would be made in response to precipitation and other climatic conditions, including wind, temperature, humidity, solar radiation;
- frequency of irrigation of each field would be adjusted according to soil conditions and topography (e.g., certain fields have more porous soil and, therefore, needs shorter, higher-velocity flows than other fields);
- adjustment of duration and timing of irrigation set would be made taking into account factors such as grazing stages, or the mix of grasses and legumes present within the pasture;
- adjustment of diversion would be made based on salinity readings at the pumps (e.g., water quality exceeding 1.0 mmhos/cm may occasionally be pumped from the Old Well in the future);
- Minimize controlled discharge of tailwater to ocean and/or optimize reuse of tailwater;

b. How will you monitor your diversion to be sure you are within the limits of your water right and you are not wasting water? Weir Meter Periodic sampling Other (describe)

12. RIGHT OF ACCESS

a. Does the applicant own all the land where the water will be diverted, transported and used?

- YES NO

If NO, I do do not have a recorded easement or written authorization allowing me access.

b. List the names and mailing addresses of all affected landowners and state what steps are being taken to obtain access:

See Attachment Nos. **2 and 3**.

13. EXISTING WATER RIGHTS AND RELATED FILINGS

- a. Do you claim an existing right for the use of all or part of the water sought by this application?
 YES NO
 If YES, please specify: Riparian Pre-1914 Registration Permit License
 Percolating groundwater Adjudicated Other (specify) Notice of Claim of Water Right, January 14, 1905 in Volume A of Water Rights, pages 216 to 217, Monterey County Records, for 5,000 miner inches of water
- b. For each existing right claimed, state the source, year of first use, purpose, season and location of the point of diversion (to within quarter-quarter section). Include number of registration, permit, license, or statement of water diversion and use, if applicable.
1) Riparian, Big Sur River, irrigation, 01/01 to 12/31, POD #1 and POD#2, S016353, S016354
2) Notice of Claim of Right: Big Sur River, 1905, irrigation, 01/01 to 12/31

See Attachment No. N/A

- c. List any related applications, registrations, permits, or licenses located in the proposed place of use or that utilize the same point(s) of diversion.
C005002 Tailwater Recovery Pool

See Attachment No. N/A

14. OTHER SOURCES OF WATER

Are you presently using, or do you intend to use, purchased water or water supplied by contract in connection with this project? Yes No If yes, please explain: _____

15. MAP REQUIREMENTS

The Division cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the quarter/quarter, section, township, range, and meridian of (1) the proposed points of diversion and (2) the place of use. A copy of a U.S.G.S. quadrangle/topographic map of your project area is preferred, and can be obtained from sporting goods stores or through the Internet at <http://topomaps.usgs.gov>. A certified engineering map is required when (1) appropriating more than three cubic feet per second by direct diversion, (2) constructing a dam which will be under the jurisdiction of the Division of Safety of Dams, (3) creating a reservoir with a surface area in excess of ten acres or (4) appropriating more than 1,000 acre-feet per annum by underground storage. See the instruction booklet for more information.

See Attachment No. 1. Maps 1 to 3

ENVIRONMENTAL INFORMATION

Note: Before a water right permit may be issued for your project, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared for your project, a determination must be made of who is responsible for its preparation. If the State Water Board is determined to be responsible for preparing the CEQA document, the applicant will be required to pay all costs associated with the environmental evaluation and preparation of the required documents. Please answer the following questions to the best of your ability and submit with this application any studies that have been conducted regarding the environmental evaluation of your project.

See "Joint Hearing Management Conference Statement and Hearing Management Plan" dated April 15, 2019 for agreement with CDFW, available on the State Board website at https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/elsur_ranch/docs/esr_041519plan.pdf

18. ENVIRONMENTAL DOCUMENT

- a. Has any California public agency prepared an environmental document for your project?
 YES NO State Board completed Final Environmental Impact Report dated May 18, 2001 with State Clearinghouse Number 2006061011. See State Board website https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/elsur_ranch/
 - b. If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency: _____
 - c. If NO, check the appropriate box and explain below, if necessary:
 - The applicant is a California public agency and will be preparing the environmental document.*
 - I expect that the State Water Board will be preparing the environmental document.**
 - I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency: _____
- Exempt from CEQA according to Executive Order B39-17.
- See Attachment No. N/A

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights and proof of payment of the State Clearinghouse filing fee. Processing of your application cannot be completed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the applicant and at the applicant's expense under the direction of the State Water Board, Division of Water Rights.

19. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation? YES NO
 If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

 See Attachment No. N/A
- b. Will a waste discharge permit be required for your project? YES NO
 Person contacted: _____ Date of contact: _____
- c. What method of treatment and disposal will be used? _____

 See Attachment No. N/A

20. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area?
 YES NO If YES, explain:

 See Attachment No. N/A

21. ENVIRONMENTAL SETTING

Attach **two complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.
- See Attachment No. 4* *Note that the existing points of diversion are water wells which are not located on the banks of the Big Sur River. Additional photographs of the Big Sur River and the El Sur Ranch are part of the record submitted in the 2011 evidentiary hearing.

SUBMITTAL FEES

Calculate your application filing fee using the “Water Right Fee Schedule Summary” that was enclosed in the application packet. The “Water Right Fee Schedule Summary” can also be viewed at the Division of Water Rights’ website (www.waterrights.ca.gov).

A check for the application filing fee, payable to the “Division of Water Rights” and an \$850 check for the Streamflow Protection Standards review fee [Pub. Resources Code § 10005(a)], payable to the “California Department of Fish and Game,” must accompany this application. All applicable fees are required at the time of filing. If the application fees are not received, your application will not be accepted and will be returned to you. Please check the fee schedule for any fee changes prior to submitting the application.

DECLARATION AND SIGNATURE

I declare under penalty of perjury that all information provided is true and correct to the best of my knowledge and belief. I authorize my agent, if I have designated one above, to act on my behalf regarding this water right application.

 _____ Signature of Applicant	 _____ Title or Relationship	 _____ Date
--	--	--

_____ Signature of Co-Applicant (if any)	_____ Title or Relationship	_____ Date
---	--------------------------------	---------------

Applications that are not completely filled out and/or do not have the appropriate fees will not be accepted. In the event that the Division has to return the application because it is incomplete, a portion of the application submittal fee will be charged for the initial review.

“APPLICATION TO APPROPRIATE WATER” CHECKLIST

Before you submit your application, be sure to:

- Answer each question completely.
- Number, label and include all necessary attachments.
- Include a legible map that meets the requirements discussed in the instruction booklet.
- Include the Water Availability Analysis or sufficient information to demonstrate that there is reasonable likelihood that unappropriated water is available for the proposed appropriation.
- Include two complete sets of color photographs of the project site.
- Enclose a check for the required fee, payable to the Division of Water Rights.
- Enclose an \$850 check for the Streamflow Protection Standards review fee, payable to the Department of Fish and Game.
- Sign and date the application.

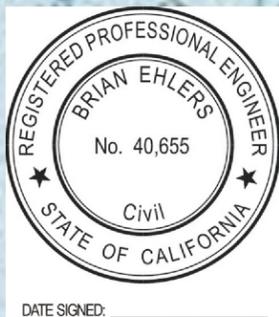
Send the original and one copy of the entire application to:

Attachment 1 – Project Maps

Project Location, PODs, and POU for A30166 (Map 1 of 3)

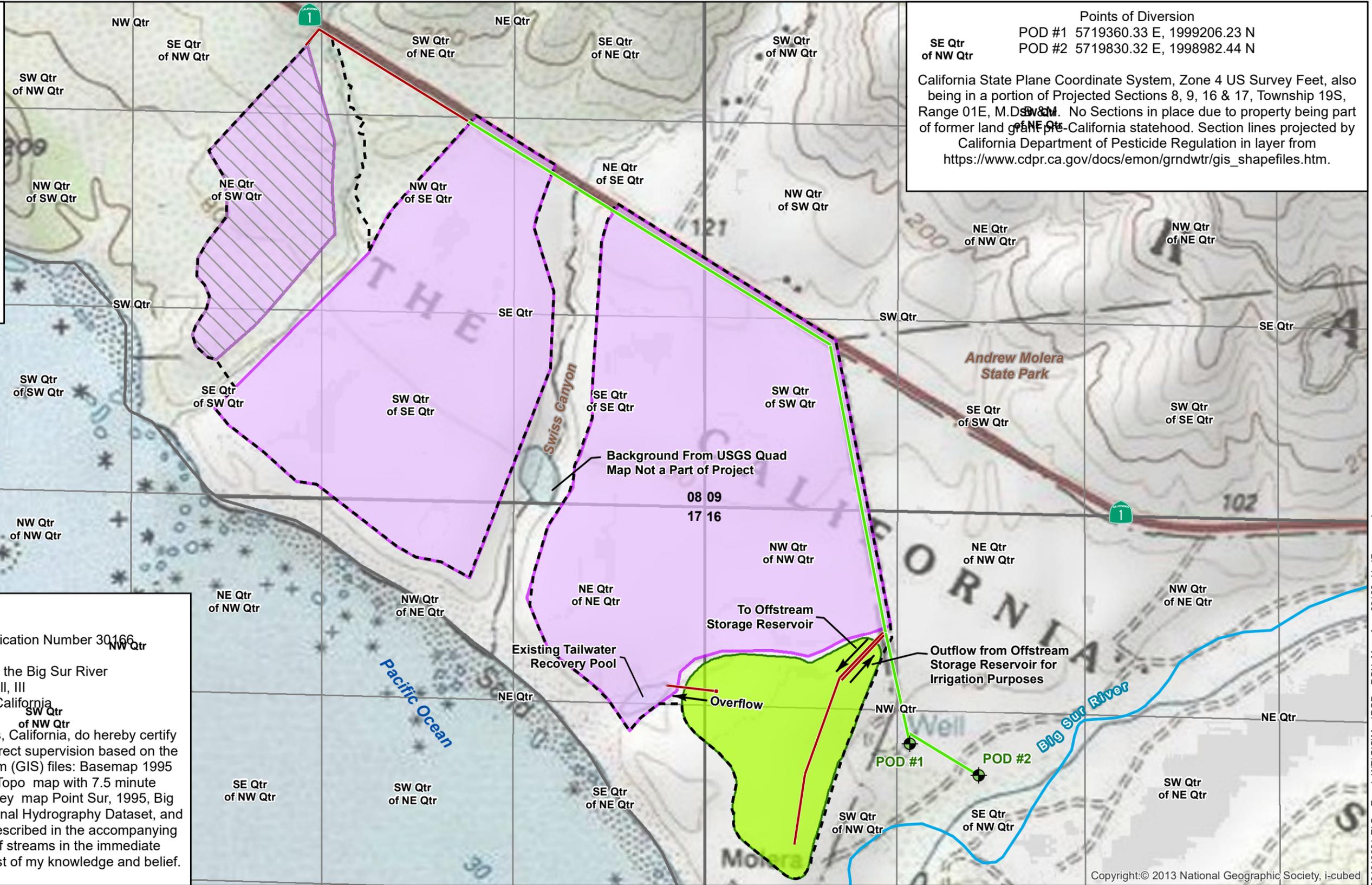
Proposed Offstream Reservoir for A30166 (Map 2 of 3)

Proposed Reservoir – Section A-A for Application A30166 (Map 3 of 3)



Points of Diversion
 POD #1 5719360.33 E, 1999206.23 N
 POD #2 5719830.32 E, 1998982.44 N

California State Plane Coordinate System, Zone 4 US Survey Feet, also being in a portion of Projected Sections 8, 9, 16 & 17, Township 19S, Range 01E, M.D.S. No Sections in place due to property being part of former land of pre-California statehood. Section lines projected by California Department of Pesticide Regulation in layer from https://www.cdpr.ca.gov/docs/emon/grndwtr/gis_shapefiles.htm.



Map 1 of 3
 to accompany Water Rights Application Number 30166
 For
 Appropriation of Water From the Big Sur River
 By James J. Hill, III
 Monterey County, California

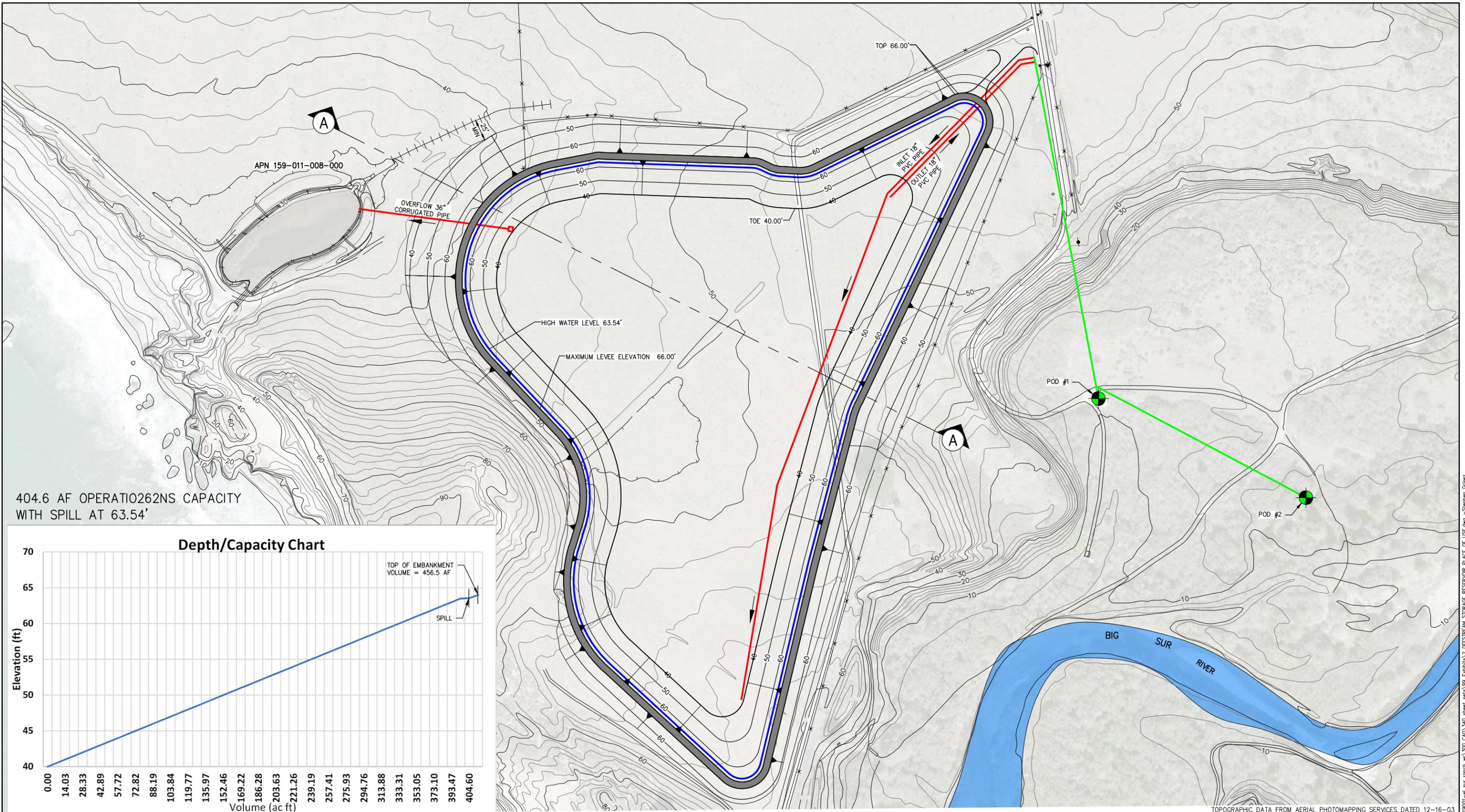
I, Brian Ehlers of 455 Fir Avenue, Clovis, California, do hereby certify that this map was prepared under my direct supervision based on the following geographic information system (GIS) files: Basemap 1995 digital elevation model by ESRI US Topo map with 7.5 minute quadrangles from U.S. Geological Survey map Point Sur, 1995, Big Sur, 1995; Stream alignments from National Hydrography Dataset, and that it correctly represents the project described in the accompanying application, and shows the location of streams in the immediate vicinity, and is true and correct to the best of my knowledge and belief.

- Existing Point of Diversion
- Proposed Conveyance System
- Existing Conveyance System
- Place of Use
- Place of Use for Irrigation
- Replacement Pasture Area Due To Lost Pasture From Reservoir
- Offstream Storage Reservoir

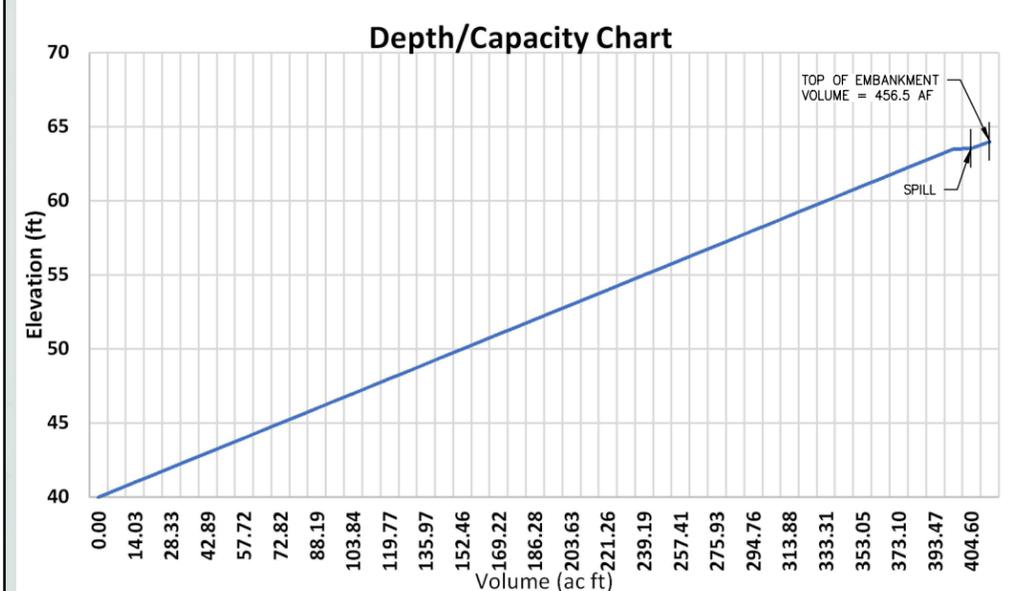
**Project Location, PODs,
 and POU Map for
 Application 30166**
Map 1 of 3
 James J. Hill, III/EI Sur Ranch

3-3-2023

3/3/2023 : G:\Horan_Lloyd-2946294619001-EI Sur Ranch WR\GIS\Map\PODs_POU_Map_App_30166_11x17_rev.mxd



404.6 AF OPERATIO262NS CAPACITY WITH SPILL AT 63.54'



TOPOGRAPHIC DATA FROM AERIAL PHOTOMAPPING SERVICES DATED 12-16-03

- Existing Point of Diversion
- Existing Distribution System
- Proposed Distribution System

I, BRIAN EHLERS, OF 455 W. FIR AVENUE, CLOVIS, CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY IMMEDIATE SUPERVISION ON 3-3-2023 AND THAT IT CORRECTLY REPRESENTS THE PROJECT DESCRIBED IN THE ACCOMPANYING APPLICATION AND SHOWS THE LOCATION OF STREAMS AND DITCHES IN THE IMMEDIATE VICINITY.

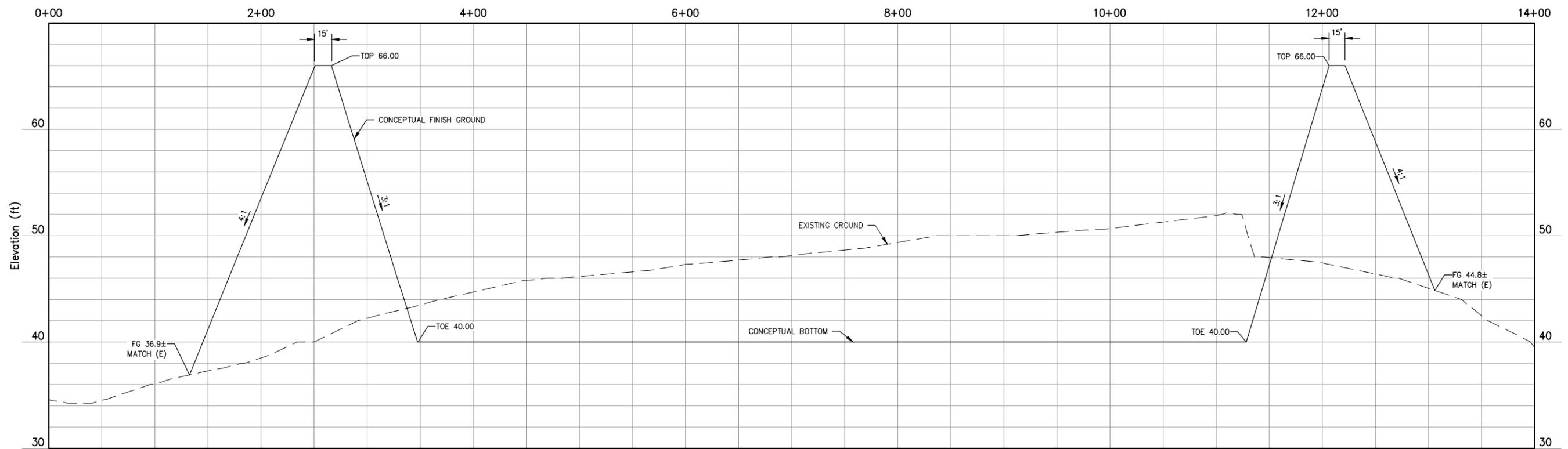
3-3-2023

**Proposed Offstream Reservoir
for Application 30166**

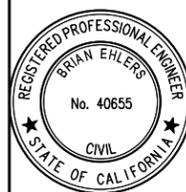
Map 2 of 3

James J. Hill, III/EI Sur Ranch

3/7/2023 3:34 PM at:\Voron\Ioyd-2946\294619001-11 sur ranch w\300 CAD\340 sheet sets\99 Exhibits\2 OFFSTREAM STORAGE RESERVOIR PLACE OF USE.dwg -Stephen Grisez



TOPOGRAPHIC DATA FROM AERIAL PHOTOMAPPING SERVICES DATED 12-16-03



I, BRIAN EHLERS, OF 455 W. FIR AVENUE, CLOVIS, CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP WAS PREPARED UNDER MY IMMEDIATE SUPERVISION ON 3-3-2023 AND THAT IT CORRECTLY REPRESENTS THE PROJECT DESCRIBED IN THE ACCOMPANYING APPLICATION AND SHOWS THE LOCATION OF STREAMS AND DITCHES IN THE IMMEDIATE VICINITY.

3-3-2023

**Proposed Offstream Reservoir Section
A-A for Application 30166**

Map 3 of 3

James J. Hill, III/EI Sur Ranch

3/1/2023 3:34 PM at:\vioran\lloyd-2946\294619001-el sur ranch w\300 CAD\340 sheet sets\99_Exhibits\3 CONCEPTUAL RESERVOIR PROFILE.dwg -Stephen Grasz

Attachment 2 – Supplemental Information to
Water Right Application 30166

Item 4 – Purpose of Use, Diversion/Storage Amount and Season

The following information is provided in support **Item 4– Purpose of Use, Diversion/Storage Amount and Season** of water right application A30166.

The proposed maximum diversion rate is 5.84 cfs. However, the diversion rate for a 30-day running average will continue to be limited to 5.34 cfs. While this is the requirement regarding the diversion from the wells, it is recognized that due to potential limitation on pumping from the wells in the summer, pumping water to storage and reregulation of supplies will be required to allow for continued irrigation of the pasture. To this end, construction and operation of an off-stream storage reservoir is proposed to allow for surface water to be pumped each year to allow for the agreed upon terms including a reduction in pumping of wells in the summer months. The proposed off-stream storage reservoir will provide up to 404 acre-feet of storage capacity. It is anticipated that the reservoir could be cycled through twice per year, thereby storing (based on holding water for at least 30 days) up to approximately 810 acre feet.

Diversion Limits and Monthly Limitations:

El Sur Ranch (ESR) agrees to not pump or to reduce the rate of pumping, as applicable, from its two wells (existing PODs) that divert water from what ESR states is the subterranean flow of the Big Sur River and what CDFW states is the Big Sur River (without supporting either party's characterization, this document refers to both characterizations as the "River"), during such times as the flow level of the surface expression of the River, as measured at the USGS gage 11143000 (the "Upper Gage"), falls below the benchmark levels set forth below. The benchmark levels are referred to as the Bypass. River flow will be measured on a daily mean and that information may be accessed on the website provided by the USGS for the Upper Gage here:

https://nwis.waterdata.usgs.gov/ca/nwis/dv?cb_00010=on&cb_00060=on&format=html&site_no=11143000&referred_module=sw&period=&begin_date=2017-03-05&end_date=2018-0305.

- a. From November 1- April 30 - The Bypass shall be at 75 cfs. The parties also agree that when flows are below 75 cfs for 14 consecutive days then on the 15th day a 55 cfs Bypass would apply. If the flows thereafter exceed 75 cfs for 5 consecutive days, the Bypass flow shall be increased back to 75 cfs subject to the prior statement.
- b. From May 1- May 31 – The Bypass flow shall be 55 cfs
- c. From June 1 – October 31 - If the flow recedes to 23 cfs, the parties agree that pumping may continue after the flow drops below 23 cfs so long as the pumping rate is reduced and there is a complete cessation of pumping when flow is 17 cfs. The rate of step down will be as follows:
 - a. Flow from 23 cfs to 21 cfs – pumping rate of 4.8 cfs
 - b. Flow from <21 cfs to 19 cfs – pumping rate of 4.0 cfs
 - c. Flow from <19 cfs to 18 cfs – Pumping rate between 3.6 and 2.0 cfs
- d. No pumping from wells commencing on Friday night at 5:00 pm until Monday at 5:00 pm on Memorial Day and Labor Day weekends and from July 3 at 5:00 pm until July 5 at 5 am.

A Conference Year (CY) occurs in a critically dry year that was preceded by a normal year or dry year in which there were at least three months of reduced diversions (reduced diversions for a portion of a month resulting in an inability for ESR to complete an irrigation cycle based upon direct diversion for use) due to application of the bypass flow requirements. In a CY, the parties agree to examine the condition of the river, whether or not passage exists and under what conditions, the presence or absence of steelhead seeking passage between habitat units in the river and lagoon within the zone of influence of the pumps, and to determine if a program could be implemented that will permit limited pumping sufficient to keep the pasture alive, prevent the creation of dust conditions and protect against the growth of noxious weeds and the occurrence of invasive plants. In a CY, pumping would occur from POD#1 (referred to as "Old Well") only,

unless conditions exist at times when use of the POD#2 (referred to as the “New Well”) would not have a material impact on River flows needed for the fishery purposes set forth.

In addition to the bypass rates, there would be a seasonal limitation of 676 acre-feet of water that may be diverted during the period from July 1 through October 31, inclusive each year. The limitation also includes a Monthly maximum of 203 acre-feet in any calendar month from July through October 31, in addition to the limit on the diversion rate to 5.34 cfs on a 30-day running average. The Applicant recognizes that it would be a rare circumstance in a season that pumping would be available during the timeframe of July through October 31, but occasional summer or fall storms do occur at levels that would permit pumping by the Applicant.

Item 6–Water Availability

The following information is provided in support **Item 6– Water Availability** of the 5th amended water right application A30166.

A Water Availability Analysis was previously prepared and submitted to the SWRCB and is included as Section 4.2 and Appendix D of the Draft Environmental Impact Report (DEIR) dated October 8, 2009 and State Clearinghouse Number 2006061011. See the State Board website https://www.waterboards.ca.gov/waterrights/water_issues/programs/hearings/elsur_ranch/ for the Water Availability Analysis.

Item 7–Place of Use

The following information is provided in support **Item 7– Place of Use** of water right application A30166.

Table 7.1 - Monterey County APNs and Projected Section Locations for Place of Use

APN(s)	USE IS WITHIN (40-acre subdivision*)	SECTION*	TOWNSHIP*	RANGE*	BASE & MERIDIAN	IF IRRIGATED	
						Approximate Acres**	Presently cultivated?
159-011-008	NE ¼ of SW ¼	8	19 S	01 E	Mt. Diablo	22.68	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
159-011-008	SE ¼ of NW ¼	8	19 S	01 E	Mt. Diablo	3.6	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
159-011-008	NW ¼ of SE ¼	8	19 S	01 E	Mt. Diablo	7.3	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
159-011-008	SE ¼ of SW ¼	8	19 S	01 E	Mt. Diablo	5.7	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
159-011-008	SE ¼ of SW ¼	8	19 S	01 E	Mt. Diablo	11.7	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	NW ¼ of SE ¼	8	19 S	01 E	Mt. Diablo	25.2	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	NE ¼ of SE ¼	8	19 S	01 E	Mt. Diablo	15.3	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	SE ¼ of SE ¼	8	19 S	01 E	Mt. Diablo	28.3	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	SW ¼ of SE ¼	8	19 S	01 E	Mt. Diablo	38.9	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	SW ¼ of NE ¼	8	19 S	01 E	Mt. Diablo	1.9	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	SW ¼ of SW ¼	9	19 S	01 E	Mt. Diablo	30.0	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	NW ¼ of SW ¼	9	19 S	01 E	Mt. Diablo	3.2	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	NE ¼ of NE ¼	17	19 S	01 E	Mt. Diablo	33.0	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	NW ¼ of NW ¼	16	19 S	01 E	Mt. Diablo	37.8	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	SW ¼ of NW ¼	16	19 S	01 E	Mt. Diablo	18.5	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

APN(s)	USE IS WITHIN (40-acre subdivision*)	SECTION*	TOWNSHIP*	RANGE*	BASE & MERIDIAN	IF IRRIGATED	
						Approximate Acres**	Presently cultivated?
159-011-008	NW ¼ of NE ¼	17	19 S	01 E	Mt. Diablo	7.7	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
159-011-008	SE ¼ of NE ¼	17	19 S	01 E	Mt. Diablo	1.3	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<i>Subtotal (presently cultivated)</i>			292.0	
Approximate Total Acres Irrigated:						245.0	

*No sections are in place due to property being part of a land grant pre-statehood, a portion of Lot 1 of the El Sur Rancho. Section lines projected from California Department of Pesticide Regulation layer from https://www.cdpr.ca.gov/docs/emon/grndwtr/gis_shapefiles.htm

**Areas approximated by GIS boundaries overlaid on NAIP 2018 aerial imagery.

Item 12 – Right of Access

The following information is provided in support **Item 12– Right of Access** of water right application A30166.

The Gift Deed dated December 21, 1971 and the Corrected Gift Deed dated November 11, 1974 between Cortland T. Hill and Marion Hill and the State of California (POD#1).

The Agreement and Grant of Easement between Andrew Molera State Park and C.T. Hill Estate granting an easement for the purpose of developing, operating and maintaining a water well (POD #2) located on Andrew Molera State Park.

See Attachment 3.

Item 15 – Mapping Requirements

Project maps are included as **Attachment 1**.

Item 17 – State/Federal Permits and Requirements

The following information is provided in support **Item 17.b– State/Federal Permits and Requirements** of water right application A30166.

17b– For each agency from which a permit is required, provide the following information

Agency	Permit Type	Person(s) Contacted	Contact Date	Telephone No.
County of Monterey	Combined Development Permit	Anna Quenga; Development review Committee	3/08/22 (DRC meeting date on application PLN2220017)	831-755-5175 Direct

- **County of Monterey** – The County has permitting jurisdiction to assure that the improvements are consistent with County requirements. The Coastal Commission has appellate jurisdiction.

Attachment 3

Gift Deed and Corrected Gift Deed between C.T. Hill and M. Hill and the State
of California

Agreement and Grant of Easement between Andrew Molera State Park and
C.T. Hill Estate

When Recorded Mail To

State of California
Department of General Services
Property Acquisition Division
915 Capitol Mall, Room 110
Sacramento, California 95814

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GIFT DEED

Agency: Parks and Recreation
Project: Andrew Molera State Park
Parcel: 1369 and 1370

CORTLANDT T. HILL and MARION HILL, husband and wife, hereby GRANT to THE STATE OF CALIFORNIA, the following described real property in the County of Monterey, State of California:

PARCEL 1:

An undivided one quarter interest in and to all that lot, piece or parcel of land being a subdivision of the El Sur Rancho, County of Monterey, State of California more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

PARCEL 2:

An interest in a portion of Lot 11 of Rancho El Sur, as said lot and said Rancho are shown on a map entitled "Map of Partition of El Sur Rancho" filed in Book One of Outside Lands at Page 8, Monterey County Records, more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

DATED: 12/20/71

S/Cortlandt T. Hill
CORTLANDT T. HILL

S/Marion Hill
MARION HILL

STATE OF CALIFORNIA
COUNTY OF MONTEREY

On _____, before me, _____ a Notary Public, in and for County and said State, personally appeared _____ known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My commission expires _____

Notary Public in and for said
County and State

PARCEL 1:

An undivided 1/4 interest in and to all that certain Lot, Piece or Parcel of land being a portion of the El Sur Rancho, but sometimes called Rancho Del Sur, and in the County of Monterey, State of California, containing 12.04 acres, more or less, and designated as "reserved for a landing", on a certain map entitled, "MAP OF THE PARTITION OF THE EL SUR RANCHO, Monterey County, Calif., surveyed by J.H. Garber, June and July, 1891", which said map is attached to the deed by Encarnacion Vallejo de Cooper, Amelia Cooper de Molera and Anna Cooper de Wohler, as the Parties of the First Part, to J.B.H. Cooper, as the Party of the Second Part, dated the 21st day of September A.D. 1891, and recorded in the office of the County Recorder of the said County of Monterey, on the 9th day of October A.D. 1891, in Volume 32 of Deeds, at Page 360, Monterey County Records, and also shown on Map filed March 21, 1892 in Volume 1 of Outside Lands at Page 8, Records of said County.

PARCEL 2:

A portion of Lot 11 of Rancho El Sur, as said lot and said Rancho are shown on a map entitled "MAP OF PARTITION OF EL SUR RANCHO" filed in Book One of Outside Lands at Page 8, Monterey County Records, particularly described as follows:

Beginning at a 1-inch iron pipe monument shown on a map entitled "Survey of Landing Reservation" dated May-August 1940 on file in the office of Monterey County Surveyors, Inc., as marking the Northwest corner of that certain 12.04 acre tract called "Landing Reservation" on the first mentioned "MAP OF PARTITION OF EL SUR RANCHO"; thence from said point of beginning along the Westerly line of said "Landing Reservation" South 17° 17' 22" West, 478.06 feet to a 1-inch iron pipe monument shown on the aforementioned "Survey of Landing Reservation"; thence leaving said Westerly line North 14° 01' 18" East, 1143.26 feet to a 3/4 inch iron pipe monument with a standard 2 1/2 inch Division of Beaches and Parks brass cap, from which a nail in a 40" cypress tree bears North 68° 01' 29" West, 2.00 feet; thence North 20° 11' 43" East, 1025.87 feet to a 3/4 inch iron pipe monument with a standard 2 1/2 inch Division of Beaches and Parks brass cap in the line between Lot 11 and Lot IV of Rancho El Sur as said lots and said Rancho are shown on said first mentioned map. (Book 1 O.L. Page 8) thence along the line between said lots the following three courses:

1. South 11° 13' 19" East, 863.88 feet at 390.00 feet a 3 inch by 3 inch wood post scribed "L 11" L IV" (described as a 4-inch by 4-inch stake in the deed to Cortlandt T. Hill recorded February 9, 1955, in Book 1588, Page 410, Official Records of Monterey County, and shown on the aforementioned map entitled "Survey of Landing Reservation")
2. South 6° 12' 41" West, 621.72 feet
3. South 25° 27' 41" West, 220.87 feet to a point in the Northerly boundary of said "Landing Reservation"; thence along the Northerly boundary of said "Landing Reservation" North 84° 18' 39" West, 497.42 feet to the point of beginning.

(The basis of bearing for this description is the centerline of State Highway MON-56-F between Station 422+15.74 E.C. and Station 495+69.85 B.C., IB. North 58° 57' West as shown on the Division of Highways R/W map.)

Grantor reserves from this Grant of Interest in said Parcel 2 only the right to continue the existing private agricultural/cattle operation, subject to necessary changes of location and replacement of equipment as may, from time to time, be required in future years.

EXHIBIT "A"

Exhibit "A" attached and incorporated in Gift Deed to State of California by Cortlandt T. Hill and Marion Hill 12/21/71 re El Sur Ranch Property.

417-8-49
3/26/75

REL 967 REC 553

6 69506

MINISTERIAL REQUEST

When Recorded Mail To:
State of California
Department of General Services
Property Acquisition Division
911 Capitol Mall, Room 110
Sacramento, California 95834

STATE OF CALIFORNIA
MAR 26 9 09 AM '75
OFFICE OF RECORDER
COUNTY OF MONTEREY
SALINAS, CALIFORNIA

REL 967 REC 553

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONNECTED GIFT DEED Agency: Parks and Recreation
Project: Andrew Holera State Park
Parcel: 1369 and 1370

CORLANDT T. HILL and MALTON HILL, husband and wife, hereby GIFT to
THE STATE OF CALIFORNIA, the following described real property in the
County of Monterey, State of California:

PARCEL 1:

An undivided one quarter interest in and to all that lot,
piece or parcel of land being a subdivision of the El Sur
Rancho, County of Monterey, State of California more
particularly described in Exhibit "A" attached hereto and
incorporated herein by reference.

PARCEL 2:

An interest in a portion of Lot 11 of Rancho El Sur, as
said lot and said Rancho are shown on a map entitled
"Map of Partition of El Sur Rancho" filed in Book One
of Outside Lands or Page 8, Monterey County Records,
more particularly described in Exhibit "A" attached
hereto and incorporated herein by reference.

DATED: NOV 11 1974

CORLANDT T. HILL

Malton Hill
MALTON HILL

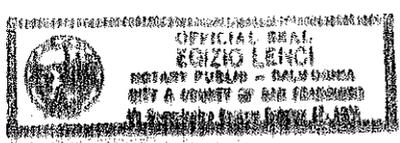
STATE OF CALIFORNIA
COUNTY OF ~~SAN FRANCISCO~~ SAN FRANCISCO

On 11-11-74, before me, *Edizio Lenzi*, a Notary
Public, in and for County and said State, personally appeared *Malton Hill*
Hill known to me to be the person whose name is subscribed to
the within instrument, and acknowledged to me that he executed the same.

My commission expires:

Notary Public in and for said County
and State

Edizio Lenzi



6 0876

PARCEL 1:

An undivided 1/4 interest in and to all that certain Lot, Piece or Parcel of land being a portion of the El Sur Rancho, but sometimes called Rancho Del Sur, and in the County of Monterey, State of California, containing 12.04 acres, more or less, and designated as "reserved for a landing", on a certain map entitled, "MAP OF THE PARTITION OF THE EL SUR RANCHO, Monterey County, Calif., surveyed by J. H. Garber, June and July, 1891", which said map is attached to the deed by Encarnacion Vallajo de Cooper, Amelia Cooper de Molera and Anna Cooper de Wohler, as the Parties of the First Part, to J. B. H. Cooper, as the Party of the Second Part, dated the 21st day of September A.D. 1891, and recorded in the office of the County Recorder of the said County of Monterey, on the 9th day of October A.D. 1891, in Volume 32 of Deeds, at Page 360, Monterey County Records, and also shown on Map filed March 21, 1892 in Volume 1 of Outside Lands at Page 8, Records of said County.

PARCEL 2:

A portion of Lot 11 of Rancho El Sur, as said lot and said Rancho are shown on a map entitled "MAP OF PARTITION OF EL SUR RANCHO" filed in Book One of Outside Lands at Page 8, Monterey County Records, particularly described as follows:

Beginning at a 1-inch iron pipe monument shown on a map entitled "Survey of Landing Reservation" dated May-August 1940 on file in the office of Monterey County Surveyors, Inc., as marking the Northwest corner of that certain 12.04 acre tract called "Landing Reservation" on the first mentioned "MAP OF PARTITION OF EL SUR RANCHO"; thence from said point of beginning along the Westerly line of said "Landing Reservation" South 17° 17' 22" West, 478.06 feet to a 1-inch iron pipe monument shown on the aforementioned "Survey of Landing Reservation"; thence leaving said Westerly line North 14° 01' 18" East, 1143.26 feet to a 3/4 inch iron pipe monument with a standard 2 1/2 inch Division of Beaches and Parks brass cap, from which a nail in a 40" cypress tree bears North 68° 01' 29" West, 2.00 feet; thence North 20° 11' 43" East, 1025.87 feet to a 3/4 inch iron pipe monument with a standard 2 1/2 inch Division of Beaches and Parks brass cap in the line between Lot 11 and Lot IV of Rancho El Sur as said lots and said Rancho are shown on said first mentioned map (Book 1 O.L. Page 8) thence along the line between said lots the following three courses:

1. South 11° 13' 19" East, 863.88 feet at 390.00 feet a 3 inch by 3 inch wood post scribed "L 11" L IV" (described as a 4-inch by 4-inch stake in the deed to Cortlandt T. Hill recorded February 9, 1955, in Book 1588, Page 410, Official Records of Monterey County, and shown on the aforementioned map entitled "Survey of Landing Reservation")
2. South 6° 12' 41" West, 621.72 feet
3. South 25° 27' 41" West, 220.87 feet to a point in the Northerly boundary of said "Landing Reservation"; thence along the Northerly boundary of said "Landing Reservation" North 84° 18' 39" West, 497.42 feet to the point of beginning.

(The basis of bearing for this description is the centerline of State Highway MN-56-F between Station 442+15.74 E.C. and Station 495+69.85 E.C., IE, North 58° 57' West as shown on the division of Highways R/W map.)

11 00 C TV ST 4/1/1940

REEL 967 PAGE 555

TOGETHER WITH all of the grantors' right, title and interest in and to all water and water rights whether surface or subsurface or any other kind including all appurtenant water and water rights and all water rights incidental to the real property herein described or used on or in connection therewith and all other pertinent rights and easements pertaining to said real property;

RESERVING from said Parcel 2 all existing water wells and appurtenances together with the right to take water therefrom;

ALSO RESERVING from said Parcel 2 a non-exclusive easement for all existing water pipelines and appurtenances, together with the right of ingress and egress thereto and the right to repair, replace and maintain said pipelines and appurtenances.

This deed is executed as a corrective deed for the purpose of revising the reservation of rights in the grantors from those erroneously stated on the original deed dated December 21, 1971 and recorded on June 9, 1972 on Reel 776, Pages 1137 and following, to correctly state the reservation actually intended by the grantors.

EXHIBIT "A"

Exhibit "A" attached and incorporated in Gift Deeds to State of California by Cortlandt T. Hill and Marion Hill dated 10/30/74 and 11/11/74, re El Sur Ranch Property.

Hill, Cortlandt & Marion

CERTIFICATE OF ACCEPTANCE

The Department of Parks and Recreation, on behalf of the State of California pursuant to Section 5005-5006 of the Public Resources Code, hereby accepts the conveyance by Deeds dated executed by Cortlandt T. Hill and Marion Hill, husband and wife, to the State of California, and in accordance with the provisions of Section 27281 of the Government Code, consent to the recordation thereof.

MAR 12 1975
(Date)

DEPARTMENT OF PARKS AND RECREATION
William Penn Hott, Jr., Director

Robert Meyer
CHIEF Deputy Director

The Department of Finance consents to, and approves, the acquisition of the interests herein conveyed by the within Deeds dated executed by Cortlandt T. Hill and Marion Hill, husband and wife.

MARCH 25, 1975
(Date)

DEPARTMENT OF FINANCE

BY *E. J. Beach*

END OF DOCUMENT

WHEN EMBOSSED THIS IS CERTIFIED TO BE A TRUE COPY OF THE RECORDS OF THE MONTEREY COUNTY RECORDS OFFICE.
ERNEST A. MAGGINI, RECORDER
BY *Mary Georgalos* DEPUTY
Mary Georgalos APR 24 1980

Hill, Cortlandt & Marion

AGREEMENT AND GRANT OF EASEMENT

Andrew Molera State Park

(Water Well)

(C. T. Hill Estate)

THIS AGREEMENT, made and entered by and between the State of California, acting through the Director of General Services with the approval of the Department of Parks and Recreation, hereinafter called "State", and the Cortland T. Hill 1974 Revocable Trust hereinafter called "Grantee".

W I T N E S S E T H:

State, acting through the Department of General Services, pursuant to the provisions of Section 14666 of the Government Code, does hereby grant unto Grantee an easement for the purpose of developing, operating, and maintaining a water well and pump station, underground water line, and underground electric line in, over, under, upon, and across a portion of Andrew Molera State Park in Monterey County, said easement to consist of a strip of land 10 feet in width, being 5 feet on each side of the center line, and said well site to be a square, ten feet on each side. The description of said easement and well site being attached hereto as Exhibit "A" and by this reference made a part hereof.

State also grants a temporary easement for construction purposes over and across land owned by State in order to reach the herein referred to well site and easement, said temporary easement to be used for construction purposes only. Said temporary easement shall be twenty feet on each side of the said above mentioned permanent easement. Said temporary easement

shall be for construction purposes only and shall terminate at end of the construction period but not later than six (6) months after the date construction commences. Grantee agrees to exercise such temporary easement in such a manner as to cause the least damage to existing foilage possible.. The rights herein granted shall not in any way diminish or affect the water rights of the State and do not preclude the State from exercising its right to the groundwater supply for State purposes on said park unit.

This grant is made and accepted upon the following terms and conditions:

1. This grant is subject to all valid and existing contracts, leases, licenses, encumbrances, and claims of title which may affect said property and the use of the word "grant" herein shall not be construed as a covenant against the exercise of any thereof.

2. Grantee hereby waives all claims and recourse against the State of California, its agencies, officers, agents and employees for loss or damage to persons or property arising from, growing out of, or in any way connected with or incident to this agreement. Grantee agrees to indemnify, save harmless, and defend the State of California, its agencies, officers, agents and employees against any and all claims, demands, or causes of action that may be brought against the State of California, its agencies, officers, agents, and employees arising out of, or in any way connected with or incident to the use or occupancy of said premises by the Grantee or the

exercise of the rights and privileges herein granted.

3. State expressly reserves the right to the use of said property in any manner, provided such use does not unreasonably interfere with the use of the easement herein granted.

4. State expressly reserves the right to require grantee, at the expense of State, to remove and relocate the well, pump station, and all underground water and power lines placed by Grantee within the easement upon determination by State that said improvements interfere with future development of State property. Grantee agrees that within 180 days after written notice from State of such determination by State and demand for removal and relocate said improvements, Grantee shall remove and relocate said improvements to a feasible location on the property of the State, and State shall furnish Grantee with a good and sufficient easement and well site of similar capacity in such new location, and Grantee thereupon shall reconvey to State the easement herein granted.

5. In the event that for any reason beyond the control of Grantee the well contemplated by this Agreement fails to produce adequate quality water for the needs of Grantee, then the Grantee may install and operate a water well, an underground submersible pump station, and underground water line, and underground power line at the easement and well site described in Exhibit "B" attached hereto and by this reference made a part hereof. The easement shall consist of a strip of land 10 feet in width and being 5 feet on each side of the

center line. The water line and power supply route shall follow the shortest possible path between the well site and the Grantee's 1955 El Sur Irrigation Well. Grantee shall furnish the State with plans and specification of the water well, the underground, submersible pump station, and the underground power and water lines. Construction and installation of the water well and appurtenant facilities shall be conditioned upon a finding by the Director of the Department of Parks and Recreation that the plans and specifications are consistent with the park purposes of Andrew Molera State Park. However, the Director shall not arbitrarily or capriciously reject any reasonable plans and specifications submitted by Grantee. The construction and operation of the water well and appurtenant facilities shall otherwise comply with all provisions of this agreement. In the event that the Grantee installs and operates a water well and appurtenant facilities at the well site described in Exhibit "B" as provided in this article, the Grantee shall reconvey to the State the easement described in Exhibit "A" and shall restore all affected State Park property to the same state and condition it was in prior to the entry of Grantee upon the property, at Grantee's expense.

6. This agreement and the rights and privileges herein given Grantee, shall terminate in the event that Grantee shall fail for a continuous period of one year to utilize the rights privileges herein granted.

7. In the event of the termination of this Agreement, Grantee shall, at Grantee's own expense, when requested in

writing to do so by State, remove all property and equipment by or for Grantee upon the said premises, and restore said premises as nearly as possible to the same state and condition they were in prior to the entry of Grantee upon said premises; but if Grantee shall fail so to do within 60 days after the aforesaid request is given, State may do so, all at the cost and expense of Grantee to be paid by Grantee on demand.

Upon termination of the rights herein granted, Grantee shall execute and deliver to State within 30 days, a good and sufficient quitclaim deed to the rights arising hereunder.

8. This agreement shall not, nor shall any interest therein or thereunder, be assigned, mortgaged, hypothecated, or transferred by Grantee whether voluntarily or involuntarily or by operation of law, nor shall Grantee let or sublet, or grant any licenses or permits with respect to the use and occupancy of the said premises or any portion thereof, without the written consent of State being first had and obtained. The State shall not arbitrarily or capriciously withhold such consent. However, such consent need not be obtained if the agreement or interest therein is transferred to any person for the maintenance and use of said water well for agricultural purposes.

9. Grantee is further given the right of reasonable ingress to and egress from the easement hereby granted, provided, however, that existing roads and trails shall be utilized for such purpose whenever reasonably possible and further provided that if such road or trail is not available, Grantee shall secure the consent of the State Park Area Manager as to the route or

routes to be followed for the purpose of such ingress and egress. Such right of ingress and egress shall at all times be exercised in a manner which will cause the least damage to the property of State.

10. Upon completion of any work to be performed by Grantee, Grantee shall restore the surface of the easement to a condition satisfactory to State, including, without limitation, reasonable reseeding and other rehabilitation efforts.

11. Grantee, in the exercise of the rights herein granted, shall at all times comply with all applicable laws and lawful regulations, including such rules and regulations for the State Park System now in effect or hereafter adopted. The Grantee shall further comply in all respects with any development permit requirements of the California Coastal Act (Cal.Pub.Res. Code, Section 30000 et seq.) and all requirements of the California Environmental Quality Act (Cal.Pub.Res. Code, Section 21000 et seq.)

12. In the event that Grantee shall at any time be in default in respect to any of the covenants, matters, or things to be kept, done, or performed hereunder, then in that event, State may at its option declare this Agreement and all rights of Grantee hereunder forfeited and terminated, provided, however, before any forfeiture shall be declared hereunder by reason of default as aforesaid, State shall cause to be given to Grantee a written notice specifying the particulars wherein Grantee is in default and demanding performance in accordance with the terms of this Agreement. If, within 90 days after such notice is given,

Grantee shall fully comply therewith or in good faith shall have commenced the work necessary to comply therewith and henceforth shall diligently prosecute such work to completion, no forfeiture by reason of Grantee to comply with such notice State may then declare and effect a forfeiture by reason of the default therein specified.

13. Grantee shall conduct its activities under this Agreement in such a way as not to create a nuisance, and notwithstanding the provisions of Paragraph 12 hereof, in the event of a violation of this covenant by Grantee, State, at its option, may forthwith terminate this Agreement and all rights of Grantee hereunder.

14. Any notice, demand, or request required or authorized by this Agreement to be given or made to or upon Grantee shall be deemed properly given or made if delivered by certified mail, postage prepaid, to James J. Hill, III; P.O. Box 1588,
Monterey, CA 93940

15. That the premises shall be used only for the purposes specified above.

16. All costs of the installation and operation and maintenance of said facilities will be borne by Grantee.

17. All structures which house pumps, motors, and controls shall be constructed in such manner as to be no higher than five feet above ground level and said structures to be no larger than five feet on each side. Such structures shall be housed in a steel cover and shall be painted in such way as to be inobtrusive as possible. Grantee further agrees to plant

shrubs, foilage, et cetera, as selected by State, as will best screen said structures.

18. Grantee shall monitor the water quality from water samples taken at said well site to determine water salinity. The conductivity of said water samples shall be monitored and should the conductivity read a value of 1.00 milli mho per centimeter, further analysis shall be performed to determine if said water exceeds the chloride concentration of 250 mg per liter. Records of these tests shall be forwarded for review every 90 days to the Area Manager, c/o Park Ranger, Pfeiffer Big Sur State Park, Big Sur, California 93920.

19. In the event that the chloride concentration in said well site exceeds the chloride concentration of 250 mg per liter, the State may require Grantee to terminate pumping until such time as the chloride concentration in the well is reduced to the above mentioned levels.

20. Grantee shall not utilize Park property for storage of material or equipment.

21. Grantee shall furnish the State with plans and specifications describing the pump station, motor, power supply, controls, and water and power lines, and the methods for their installation and construction.

22. The water line and power supply route shall be placed within the confines of the easement described in Exhibit "A" in such manner as to be no more than six feet apart and shall connect with the existing pipeline and water supply line right-of-way and Grantee's existing 1955 El Sur Irrigation Well.

The water line and power supply route shall follow the shortest possible path consistent with existing vegetation between the proposed well and the Grantee's 1955 El Sur Irrigation Well easement and shall be buried a minimum of 24 inches below existing ground level.

23. In consideration for the rights hereinabove granted, the Grantee agrees to dismiss with prejudice the action filed on March 3, 1980, in the case of Gaylord W. Glarner, et al. vs. The State of California, et al., No. 75913, Superior Court of Monterey County, and to otherwise waive any further legal claims arising from the July 24, 1972 and February 26, 1975 temporary use permits issued by the California Department of Parks and Recreation to Mr. Cortlandt T. Hill at such time that Grantee has obtained all permits for the well and appurtenant facilities described in Exhibit A as may be required by the California Coastal Act (Cal.Pub.Res.Code, Section 30000 et seq.) or within one year of the date that Grantee has signed this agreement, whichever date is the earliest.

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IN WITNESS WHEREOF, the parties have executed this instrument upon the dates hereinbelow appearing.

DATED: September 1, 1982

GRANTEE
C. T. HILL ESTATE
Gaylord W. Garner
executor
By *James J. Keller*

DATED: JUL 14 1982

STATE OF CALIFORNIA
DEPARTMENT OF GENERAL SERVICES

By *Thomas F. Sherman*

DATED: 4/26/82

DEPARTMENT OF PARKS AND RECREATION

By *Rue Porter*

RASMUSSEN LAND SURVEYING

704-C Forest Avenue
Pacific Grove, CA 93950
(408) 375-7240

May
Apr. 7, 1982
Rev. June 29, 1982

191 - W. Shaw, #204-C
Fresno, California 93704
(209) 227-9936

E X H I B I T A

EASEMENT FOR WATER-WELL PUMP STATION
AND APPURTENANT WATER LINE
Andrew Molera State Park, California

A strip of land 10 feet in width being five (5) feet on each side of the following described centerline, together with a temporary right-of-way for construction purposes being 20 feet on each side of and contiguous with said 10-foot strip of land:

Beginning at a point on the easterly boundary of that certain parcel of land described as "Parcel 2" in "Corrected Gift Deed" from Cortlandt T. Hill and Marion Hill, husband and wife, to the State of California, dated November 11, 1974 and recorded March 26, 1975 in Reel 967 of Official Records of the County of Monterey, State of California, at Page 553 therein, distant along said boundary S. 11° 13' 19" E., 758.79 feet from the most easterly corner of said parcel of land, which corner is marked by a 2" iron pipe monument with a standard 2-1/2 inch Division of Beaches and Parks brass cap; thence,

(1) S. 85° 42' 55" E. 324.28 feet; thence

(2) S. 35° 15' 10" E., 251.39 feet, to a point hereby designated "W-1" for use hereinafter in description of a Water Well Easement.

ALSO, a strip of land 10 feet in width being five feet on each side of the following described centerline, together with a temporary right-of-way for construction purposes being 20 feet on each side of and contiguous with said 10-foot strip of land:

Beginning at said same described point on the easterly boundary of said parcel of land distant 758.79 feet from said most easterly corner thereof; thence

(1) N. 85° 42' 55" W., 9 feet, more or less, to the irrigation water supply line now existing in the ground and running through said parcel of land.

ALSO, easement for well site described as follows:

Beginning at said point hereinbefore designated "W-1"; thence

(1) N. 54° 44' 50" E., 5.00 feet; thence

(2) S. 35° 15' 10" E., 10.00 feet; thence

(3) S. 54° 44' 50" W., 10.00 feet; thence

(4) N. 35° 15' 10" W., 10.00 feet; thence

(5) N. 54° 44' 50" E., 5.00 feet, to the Point of Beginning.

RASMUSSEN LAND SURVEYIN

704-C Forest Avenue
Pacific Grove, CA 93950
(408) 375-7240

May
Apr. 7, 1982
Rev. June 29, 1982

191 - W. Shaw, #204 C
Fresno, California 93704
(209) 227-9936

E X H I B I T B

EASEMENT FOR WATER-WELL PUMP STATION
AND APPURTENANT WATER LINE
Andrew Molera State Park, California

A strip of land 10 feet in width being five (5) feet on each side of the following described centerline, together with a temporary right-of-way for construction purposes being 20 feet on each side of and contiguous with said 10-foot strip of land:

Beginning at a point on the easterly boundary of that certain parcel of land described as "Parcel 2" in "Corrected Gift Deed" from Cortlandt T. Hill and Marion Hill, husband and wife, to the State of California, dated November 11, 1974 and recorded March 26, 1975 in Reel 967 of Official Records of the County of Monterey, State of California, at Page 553 therein, distant along said boundary S. $11^{\circ} 13' 19''$ E., 693.34 feet from the most easterly corner of said parcel of land, which corner is marked by a 2" iron pipe monument with a standard 2-1/2 inch Division of Beaches and Parks brass cap; thence,

(1) N. $63^{\circ} 24' 30''$ E., 404.75 feet, to a point hereby designated "W-2" for use hereinafter in description of a Water Well Easement.

ALSO, a strip of land 10 feet in width being five feet on each side of the following described centerline, together with a temporary right-of-way for construction purposes being 20 feet on each side of and contiguous with said 10-foot strip of land;

Beginning at said same described point on the easterly boundary of said parcel of land distant 693.34 feet from said most easterly corner thereof; thence

(1) S. S. $63^{\circ} 24' 30''$ W., 9 feet, more or less, to the irrigation supply line now existing in the ground and running through said parcel of land.

ALSO, easement for well site described as follows:

Beginning at said point hereinbefore designated "W-2"; thence

(1) N. $26^{\circ} 35' 30''$ W., 5.00 feet; thence

(2) N. $63^{\circ} 24' 30''$ E., 10.00 feet; thence

(3) S. $26^{\circ} 35' 30''$ E., 10.00 feet; thence

(4) S. $63^{\circ} 24' 30''$ W., 10.00 feet; thence

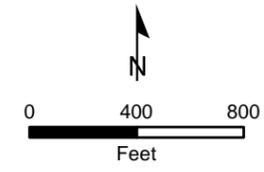
(5) N. $26^{\circ} 35' 30''$ W., 5.00 feet, to the Point of Beginning.

Attachment 4 – Environmental Setting
Site Visit May 1, 2020
(except where noted)

SET ONE



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



10 Photo Location (Number ID and Direction)

3-3-2023

Project Photo Locations

James J. Hill, III/El Sur Ranch



1 - Point of Diversion 1



2 - Point of Diversion 2



3 - Looking Downstream on Big Sur River towards the Lagoon in the Vicinity of Points of Diversion.



4 - Looking Upstream on Big Sur River at Point Further Upstream in the Vicinity of Points of Diversion



5



6

Views of Proposed Reservoir Site
(to right of property fence in above photo #5)



7



8 - Existing Tailwater Recovery Pool
(Dec. 2022)



9 - Spillway to Ocean at Existing Tailwater Recovery Pool



10 - Proposed New Pasture



11 - Looking South of Existing Pasture at Morro Ditch



12 - Crossing of Existing Drainage with New Conveyance Pipeline (New pipeline will cross existing drainage along fence line, underground but above existing culvert.)

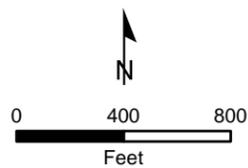


13 - Ranch Southern Boundary in Location of Existing Pipeline Conveyance and Proposed Pipeline Conveyance

SET TWO



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community



10 Photo Location (Number ID and Direction)

3-3-2023

Project Photo Locations

James J. Hill, III/El Sur Ranch



1 - Point of Diversion 1



2 - Point of Diversion 2



3 - Looking Downstream on Big Sur River towards the Lagoon in the Vicinity of Points of Diversion.



4 - Looking Upstream on Big Sur River at Point Further Upstream in the Vicinity of Points of Diversion



5



6

Views of Proposed Reservoir Site
(to right of property fence in above photo #5)



7



8 - Existing Tailwater Recovery Pool
(Dec. 2022)



9 - Spillway to Ocean at Existing Tailwater Recovery Pool



10 - Proposed New Pasture



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12 - Crossing of Existing Drainage with New Conveyance Pipeline (New pipeline will cross existing drainage along fence line, underground but above existing culvert.)



13 - Ranch Southern Boundary in Location of Existing Pipeline Conveyance and Proposed Pipeline Conveyance

1 **PROOF OF SERVICE**

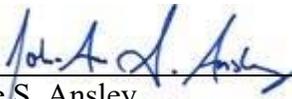
2 I am a citizen of the United States, over the age of 18 years, and not a party to interested in
3 the cause. I am an employee of Duane Morris LLP and my business address is One Market, Spear
4 Tower, Suite 2200, San Francisco, California 94105. I am readily familiar with this firm’s practices
5 for collecting and processing correspondence for mailing with the United States Postal Service and
6 for transmitting documents by FedEx, fax, email, messenger and other modes. On the date stated
7 below, I served the following documents:

8 **APPLICANT EL SUR RANCH’S PETITION TO AMEND**
9 **APPLICATION 30166 (FIFTH AMENDMENT)**

10 **BY ELECTRONIC SERVICE:** I caused the document(s) to be sent to the person(s)
11 at the e-mail addresses listed below. I did not receive, within a reasonable time after
12 the transmission, any electronic message or other indication that the transmission was
13 unsuccessful.

14 **SEE ATTACHED AHO SERVICE LIST**

15 I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct. Executed on March 3, 2023, at San Francisco, California.

17 
18 _____
19 Jolie-Anne S. Ansley

SERVICE LIST
Updated February 28, 2023

By e-mail only

EL SUR RANCH / JAMES J. HILL III
Mr. Thomas M. Berliner
Ms. Jolie-Anne S. Ansley
Ms. Alexandra Jones
Duane Morris LLP
One Market Plaza, Suite 2200
San Francisco, CA 94105-1127
tberliner@duanemorris.com
jsansley@duanemorris.com
bajones@duanemorris.com

EL SUR RANCH / JAMES J. HILL III
Mr. Mark A. Blum
Horan Lloyd
2635 Carmel Rancho Blvd, Suite 200
Carmel, CA 93923
mblum@horanlegal.com

TROUT UNLIMITED
Mr. Brian Johnson
5950 Doyle St., Suite 2
Emeryville, CA 94608
bjohnson@tu.org

CALIFORNIA DEPARTMENT OF FISH &
WILDLIFE
Ms. Kathleen Miller
P.O. Box 944209
Sacramento, CA 94244-2090
Kathleen.Miller@wildlife.ca.gov

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE/CENTER FOR
BIOLOGICAL DIVERSITY & VENTANA
WILDERNESS ALLIANCE
Mr. Peter J. Broderick, on behalf of John
Buse
Center for Biological Diversity
1212 Broadway, Suite 800
Oakland, CA 94612
pbroderick@biologicaldiversity.org
jbuse@biologicaldiversity.org

CALIFORNIA SPORTFISHING
PROTECTION ALLIANCE
Mr. Chris Shutes
1608 Francisco St.
Berkeley, CA 94703
blancapaloma@msn.com

CARMEL RIVER STEELHEAD
ASSOCIATION
Mr. Brian LeNeve
P.O. Box 1183
Monterey, CA 93942
brian@brianleneve.com

CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION
Mr. Stephen Bachman
2211 Garden Road
Monterey, CA 93940
stephen.bachman@parks.ca.gov

CALIFORNIA DEPARTMENT OF PARKS
AND RECREATION
Emma Siverson
P.O. Box 942896
Sacramento, CA 94296-0001
Emma.Siverson@parks.ca.gov

CALIFORNIA CATTLEMEN'S
ASSOCIATION
Mr. Justin Oldfield
1221 H Street
Sacramento, CA 95814
Justin@calcattlemen.org

VENTANA WILDERNESS ALLIANCE
Mr. Tom Hopkins
P.O. Box 506
Santa Cruz, CA 95061
tom.hopkins@ventanawild.org

CAL FIRE
Mr. Richard Hutchison
2221 Garden Road
Monterey, CA 93940
Rick.hutchison@fire.ca.gov

FRIENDS OF THE RIVER
Mr. Steve Evans
1418 20th Street, Suite 100
Sacramento, CA 95811
sevans@friendsoftheriver.org

MONTEREY WATERKEEPER
Ms. Chelsea Tu
P.O. Box 855
Seaside, CA 93955
chelsea@montereywaterkeeper.org

BIG SUR RIVER INN
Mr. Alan Perlmutter
P.O. Box 460
Big Sur, CA 93920
sandperl28@gmail.com

NATIONAL MARINE FISHERIES SERVICE
Joel Casagrande and Mandy Ingham
2885 Mission St.
Santa Cruz, CA 95060
Joel.Casagrande@noaa.gov
Mandy.Ingham@noaa.gov

DEPARTMENT OF ECOLOGY &
EVOLUTIONARY BIOLOGY,
LONG MARINE LAB
UNIVERSITY OF CALIFORNIA SANTA
CRUZ

Dr. Peter Raimondi
Santa Cruz, CA 95060
raimondi@biology.ucsc.edu

CENTRAL COAST LIGHTHOUSE
KEEPERS

Mr. John O'Neil
P.O. Box 223014
Carmel, CA 93922
johnoneil@montereybay.com

Mr. Butch Kronlund
48280 Highway 1
Big Sur, CA 39320
bpkronlund@aol.com

Mr. Kirk Gafill
48460 Highway 1
Big Sur, CA 93920
kgafill@nepenthebigsur.com

Administrative Hearings Office
adminhrgoffice@waterboards.ca.gov