

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

6 Attorneys for Applicant James J. Hill III
7
8

9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

DECLARATION OF DANIELLE R.
TEETERS IN SUPPORT OF APPLICANT
JAMES J. HILL, III'S OPPOSITION TO
THE DEPARTMENT OF FISH AND
GAME'S MOTION TO QUASH AND
PROTECTIVE ORDER

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16
17 I, DANIELLE R. TEETERS, declare:

18
19 1. I am an attorney duly licensed to practice in all courts of the State of California. I
20 am an attorney employed by the law firm of Kronick, Moskovitz, Tiedemann & Girard
21 ("KMTG"). My firm represents James J. Hill, III in the above captioned water rights matter
22 before the State Water Resources Control Board. I have personal knowledge of the information
23 set forth herein below, unless noted as based on information and belief, all of which is true and
24 correct of my own personal knowledge, and if called upon to testify, I can and will competently
25 testify thereto.

26 2. On December 28, 2010, my firm sent a Public Records Act ("PRA") request to the
27 California Department of Fish and Game ("DFG"). A true and correct copy of the PRA request is
28 attached hereto as Exhibit A.

1 3. On December 29, 2010, DFG employee Megan Pennick responded to the PRA
2 request acknowledging receipt by the Department. KMTG shareholder Janet Goldsmith
3 responded requesting copies and confirming payment therefore. A true and correct copy of the
4 acknowledging email by Ms. Pennick and response by Janet Goldsmith is attached hereto as
5 Exhibit B.

6 4. On March 2, 2011, I sent an email to DFG employee Megan Pennick regarding the
7 PRA of December 28, 2011 as no documents responsive to the request had been produced. A
8 copy of the email was also sent to DFG staff counsel Kevin Takei and staff counsel Chandra
9 Ferrari. A true and correct copy of the email sent to Ms. Pennick is attached hereto as Exhibit C.

10 5. On March 16, 18, 28, 29, and May 2, 2011 I received electronic mail from DFG
11 counsel Kevin Takei regarding the December 2010 PRA request and documents provided
12 pursuant thereto. Each email either attached documents or explained that documents would be
13 produced. A true and correct copy of each email is attached hereto as Exhibit D.

14 6. On May 14, 2011, I received electronic mail from DFG Counsel Chandra Ferrari
15 regarding data collection sites for DFG's wetted perimeter study/analysis. On May 16, 2011, I
16 received a second email from Ms. Ferrari regarding the email she sent on May 14, 2011
17 acknowledging that the some of the attachments to the email could not be opened. A true and
18 correct copy of the May14, 2011 and May 16, 2011 emails from Ms. Ferrari are attached hereto
19 as Exhibit E.

20 7. On May 11, 2011, I noticed the depositions of current and former DFG scientists
21 Kit Custis, Debra Hillyard and Robert Titus. My assistant served the notices on the parties
22 enumerated on the service list. A true and correct copy of the deposition notices and proof of
23 service is attached hereto as Exhibit F.

24 8. On May 14, 2011, realizing that the deposition notices were not served on
25 interested parties California Sportfishing Protection Alliance ("CSPA") and the Carmel River
26 Steelhead Association ("CRSA"). At that time I served CSPA and CRSA with the deposition
27 notices and filed and served an amended proof of service with the complete service list on the
28 State Board and the other interested parties. A true and correct copy of the proof of service to

971743.1 8896.2

1 CSPA and CRSA and the amended proof of service and complete service list are attached hereto
2 as Exhibit G.

3 I declare under penalty of perjury under the laws of the States of California that the
4 forgoing is true and correct, and that this declaration is executed on May 18, 2011, at Sacramento,
5 California.

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8 By:  _____
9 Danielle R. Teeters
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EXHIBIT A



JANET K. GOLDSMITH
jgoldsmith@kmtg.com

(916) 321-4500
jgoldsmith@kmtg.com

December 28, 2010

VIA E-MAIL AND U.S.P.S.

Kristine Van Keuren
Department of Fish & Game
1416 Ninth Street, Suite 1341
P.O. Box 944209
Sacramento, CA 95814

John McCamman, Director
Department of Fish & Game
1416 Ninth Street, Suite 1341
Sacramento, CA 95814

Chandra Ferrari, Counsel
Department of Fish & Game
1416 Ninth Street, Suite 1341
P.O. Box 944209
Sacramento, CA 95814

Re: Public Record Act Request

Dear Ms. Van Keuren, Ms. Ferrari and Mr. McCamman:

Pursuant to the California Public Records Act (Chapter 3.5 of Division 7 of Title 1 of the California Government Code), I request a complete copy of the reports/plans/data ("reports") set forth below, including any public records in the possession or control of the Department of Fish and Game ("Department") containing the documents that were collected or used in the reports:

1. "Study Plan: Habitat and Instream Flow Relationships for Steelhead in the Big Sur River, Monterey County September 2009."
2. "Stream Cross-Sectional Data collected during 1992-1995 juvenile steelhead habitat surveys of the Big Sur River by the Department."

The reports were referenced in correspondence dated December 23, 2010, entitled "Protest Dismissal, Interim Minimum Bypass Low Requirements for Juvenile Steelhead Rearing, El Sur Ranch Water Right Permit Application No. 30166, Big Sur River, Monterey County," from Jeffrey R. Single, Ph.D., Regional Manager, to El Sur Ranch representatives. A copy of the correspondence is attached hereto for your convenience.

Additionally, I request the following:

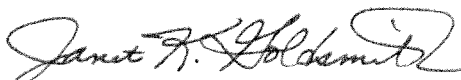
- All documents, including but not limited to all emails, data, surveys, studies, measurements and analyses, reports, plans, photographs, spreadsheets, graphs, field notes, presentation, meeting notes and agendas, task force meeting agendas and notes, and any public records pertaining to or used to formulate the Department's proposed interim bypass flow requirements, including the wetted perimeter analysis and estimate of potential upstream losses as referenced in the attached correspondence.
- All documents, including, but not limited to, all emails, data, surveys, studies, measurements and analyses, reports, plans, photographs, spreadsheets, graphs, field notes, presentation, meeting notes and agendas, task force meeting agendas and notes, and any public records relied on, produced, and/or gathered by the Department of Fish and Game related or pertaining to the El Sur Ranch Water Right Permit Application No. 30166, Big Sur River, Monterey County, excepting all documents already produced in our prior Public Records Act requests dated January 13, 2010 and April 20, 2010

The scope of this request includes the above-referenced documents, all drafts of such documents, all emails, data, surveys, studies, measurements and analyses, maps, photographs, spreadsheets, graphs, field notes and presentations, task force agendas and meeting notes, and/or other public records of the Department containing information responsive to this request that has not already been provided in response to our previous requests dated January 13, 2010 and April 20, 2010.

Please provide records responsive to this request in electronic format (such as electronic portable document format (or "pdf"), excel spreadsheet), where such format exists. Thank you very much for your prompt reply to this request.

Sincerely,

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Professional Corporation



Janet K. Goldsmith

JKG/11
959300.1 8896.2

EXHIBIT B

Teeters, Danielle R.

From: Goldsmith, Janet K.
Sent: Wednesday, December 29, 2010 1:31 PM
To: 'Megan Penick'
Cc: Goldsmith, Janet K.; Teeters, Danielle R.
Subject: RE: PRA #10-12-368

Ms. Penick,

I will want copies of the documents that are responsive to PRA#10-12-368. When the documents have been assembled, please let me know the charge and I will have a check made out to the Department of Fish and Game. Thank you for your efforts.

Mr. Jeff Single and Mr. Rob Titus of your department may already have assembled many if not most of the responsive documents; it may shorten your response time if you inquire of them first.

Thank you for your efforts in responding. If you have any questions, please call me or Danielle Teeters of my office for clarification.

Janet K. Goldsmith
Kronick, Moskovitz, Tiedemann & Girard, P.C.
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
t: 916 321-4500
f: 916 321-4555
e: jgoldsmith@kmtg.com

-----Original Message-----

From: Megan Penick [mailto:MPENICK@dfg.ca.gov]
Sent: Wednesday, December 29, 2010 1:25 PM
To: Goldsmith, Janet K.
Subject: PRA #10-12-368

December 29, 2010

Re: Public Records Act Request No. 10-12-368

Dear Ms. Goldsmith:

This letter is in response to your Public Records Act (PRA) request dated December 28, 2010 and received by the Department of Fish and Game on December 29, 2010 seeking copies of records relating to El Sur Ranch and Steelhead Fish.

The Department has determined it will comply with your request by providing you copies of all responsive documents that are not exempt from disclosure. After the Department has located and assembled any non-exempt responsive documents, we will contact you to make arrangements for delivering the documents to you.

Please note that the Department charges a photocopying fee of \$.15 per page, in addition to shipping and handling costs. The Department does not have a policy that allows us to waive or reduce these fees and costs. If you would like copies of any documents, we will identify the total amount that must be paid to the Department before we send you copies of the documents you have requested. Documents located in response to your request can always be reviewed at the location where they are held without charge.

If you have any questions regarding this matter or would like to know the status of your request, please contact me at mpenick@dfg.ca.gov.

Sincerely,

Megan Penick
Public Records Act Officer

EXHIBIT C

Teeters, Danielle R.

From: Teeters, Danielle R.
Sent: Wednesday, March 02, 2011 4:37 PM
To: 'Megan Penick '
Cc: Goldsmith, Janet K.; 'Berliner, Thomas M.'; 'Mark Blum'; 'KTakei@dfg.ca.gov'; 'CFerrari@dfg.ca.gov'; 'kvankeuren@dfg.ca.gov'
Subject: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application
Attachments: PRA Request to DFG 12.28.2010.pdf

Ms. Penick: We submitted a Public Records Act request on December 28, 2010, as set forth below. For your convenience, I have attached a copy of the request to this correspondence. We received the below communication from you a day later with the assigned number listed in the subject line above - PRA# 10-12-368. I am writing because we never received notice that the documents were compiled and ready for inspection or production.

Under Government Code § 6253(c), an estimated date and time as to when the records would be made available is to be included in correspondence responding to the request. In accordance with your December 29, 2010 response, it was determined that the records requested would be made available for inspection/produced, however, no estimate as to the production date was provided. Moreover, § 6253(b) requires that a state or local agency shall make requested records "promptly available," excepting those determined to be exempt. As it has been more than 60 days since we made the request, it cannot be said that the still outstanding documents were made available for inspection "promptly," or in a reasonable amount of time.

The requested documents are related to the El Sur Ranch Water Rights Application No. 30166 which is scheduled for hearing on June 16 and 17, 2011. So that we may prepare for the hearing, we request that the documents be made available as soon as possible. Please provide us with a date when the documents responsive to the request will be available for inspection or production, or if the documents are available now, please identify the total amount of copying fees so that we may provide a check for the fees without further delay. Thank you.

Best regards,

Danielle Teeters

<p>Danielle R. Teeters Attorney at Law</p>		 E-Mail  V-Card www.kmfd.com		
<p>400 Capitol Mall, 27th Floor Sacramento, CA 95814</p>		<p>T: 916.321.4500 F: 916.321.4555</p>		
<p>Shared Vision. Innovative Legal Solutions. Successful Clients.</p>				

The information contained in this E-mail is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this E-mail in error, please delete this message from your computer and immediately notify the sender. Thank you.

Ms. Penick,

I will want copies of the documents that are responsive to PRA#10-12-368. When the documents have been assembled, please let me know the charge and I will have a check made out to the Department of Fish and Game. Thank you for your efforts.

5/17/2011

Mr. Jeff Single and Mr. Rob Titus of your department may already have assembled many if not most of the responsive documents; it may shorten your response time if you inquire of them first.

Thank you for your efforts in responding. If you have any questions, please call me or Danielle Teeters of my office for clarification.

Janet K. Goldsmith

Kronick, Moskovitz, Tiedemann & Girard, P.C.

400 Capitol Mall, 27th Floor

Sacramento, CA 95814

t: 916 321-4500

f: 916 321-4555

e: jgoldsmith@kmtg.com

-----Original Message-----

From: Megan Penick [<mailto:MPENICK@dfg.ca.gov>]

Sent: Wednesday, December 29, 2010 1:25 PM

To: Goldsmith, Janet K.

Subject: PRA #10-12-368

December 29, 2010

Re: Public Records Act Request No. 10-12-368

Dear Ms. Goldsmith:

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If you have any questions regarding this matter or would like to know the status of your request, please

5/17/2011

contact me at mpenick@dfg.ca.gov.

Sincerely,

Megan Penick

Public Records Act Officer

EXHIBIT D

Teeters, Danielle R.

From: Kevin Takei [KTAKEI@dfg.ca.gov]
Sent: Wednesday, March 16, 2011 1:55 PM
To: Teeters, Danielle R.
Subject: Re: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Hi Danielle,

I just spoke to Janet Goldsmith about the PRA to find out what is still wanted under this request. Janet mentioned a need for page 3 from a document we discussed, any new measurements since the last PRA, and updated information about a new gauge. Is there any other specific information that you are seeking?

Kevin Takei
Staff Counsel
California Department of Fish and Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Direct: (916) 653-3715
Fax: (916) 654-3805

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>>> "Teeters, Danielle R." <DTeeters@kmtg.com> Wednesday, March 02, 2011 4:36 PM >>>

Ms. Penick: We submitted a Public Records Act request on December 28, 2010, as set forth below. For your convenience, I have attached a copy of the request to this correspondence. We received the below communication from you a day later with the assigned number listed in the subject line above - PRA# 10-12-368. I am writing because we never received notice that the documents were compiled and ready for inspection or production.

Under Government Code § 6253(c), an estimated date and time as to when the records would be made available is to be included in correspondence responding to the request. In accordance with your December 29, 2010 response, it was determined that the records requested would be made available for inspection/produced, however, no estimate as to the production date was provided. Moreover, § 6253(b) requires that a state or local agency shall make requested records "promptly available," excepting those determined to be exempt. As it has been more than 60 days since we made the request, it cannot be said that the still outstanding documents were made available for inspection "promptly," or in a reasonable amount of time.

The requested documents are related to the El Sur Ranch Water Rights Application No. 30166 which is scheduled for hearing on June 16 and 17, 2011. So that we may prepare for the hearing, we request that the documents be made available as soon as possible. Please provide us with a date when the documents responsive to the request will be available for inspection or production, or if the documents are available now, please identify the total amount of copying fees so that we may provide a check for the fees without further delay. Thank you.

Best regards,

Danielle Teeters

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Ms. Penick,

I will want copies of the documents that are responsive to PRA#10-12-368. When the documents have been assembled, please let me know the charge and I will have a check made out to the Department of Fish and Game. Thank you for your efforts.

Mr. Jeff Single and Mr. Rob Titus of your department may already have assembled many if not most of the responsive documents; it may shorten your response time if you inquire of them first.

Thank you for your efforts in responding. If you have any questions, please call me or Danielle Teeters of my office for clarification.

Janet K. Goldsmith

Kronick, Moskovitz, Tiedemann & Girard, P.C.

400 Capitol Mall, 27th Floor

Sacramento, CA 95814

t: 916 321-4500

f: 916 321-4555

e: jgoldsmith@kmtg.com

-----Original Message-----

From: Megan Penick [mailto:MPENICK@dfg.ca.gov <mailto:MPENICK@dfg.ca.gov>]

Sent: Wednesday, December 29, 2010 1:25 PM

To: Goldsmith, Janet K.

Subject: PRA #10-12-368

December 29, 2010

Re: Public Records Act Request No. 10-12-368

Dear Ms. Goldsmith:

This letter is in response to your Public Records Act (PRA) request dated December 28, 2010 and received by the Department of Fish and Game on December 29, 2010 seeking copies of records relating to El Sur Ranch and Steelhead Fish.

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the documents you have requested. Documents located in response to your request can always be reviewed at the location where they are held without charge.

If you have any questions regarding this matter or would like to know the status of your request, please contact me at mpenick@dfg.ca.gov.

Sincerely,

Megan Penick

Public Records Act Officer

Teeters, Danielle R.

From: Kevin Takei [KTAKEI@dfg.ca.gov]
Sent: Friday, March 18, 2011 2:47 PM
To: Teeters, Danielle R.
Cc: Goldsmith, Janet K.
Subject: Re: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Attachments: BigSurStudyPlan_Final.pdf; Titus Big Sur Update Memo_1994.pdf



BigSurStudyPlan_ Titus Big Sur
Final.pdf (443... pdate Memo_1994

Hi Danielle:

The following list of records is what we understand you are seeking under the PRA as clarified by my conversations with Janet Goldsmith and yourself. Following each record is its status. Please let me know if you seek additional records.

1. Study Plan: Habitat and Instream Flow Relationships for Steelhead in the Big Sur River, Monterey County, September 2009. STATUS: attached.
2. Stream Cross-Sectional Data collected during 1992-1995 juvenile steelhead habitat surveys of the Big Sur River by the Department. STATUS: The Department provided your firm the raw data last year. The data are also included in the photocopied field notes for the electrofishing surveys which were also provided to your firm last year.
3. Memo to Ken Grey, from DFG signed by Rob Titus, re: Progress on Big Sur Steelhead habitat use study and related work (August 3, 1994). STATUS: attached.
4. New information that the Department developed since providing the last batch of records. STATUS: The only new data/record is a wetted perimeter study that is being finalized. Jeff Single has communicated with Tom Berliner about the document. Please understand that the Department will discuss the wetted perimeter study during the Board hearing and as a result any restriction associated with documents presented pursuant to negotiations should not apply to the wetted perimeter study.

Kevin Takei
Staff Counsel
California Department of Fish and Game
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Direct: (916) 653-3715
Fax: (916) 654-3805

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Best regards,

Danielle Teeters

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Thank you for your efforts in responding. If you have any questions, please call me or Danielle Teeters of my office for clarification.

Janet K. Goldsmith

Kronick, Moskovitz, Tiedemann & Girard, P.C.

400 Capitol Mall, 27th Floor

Sacramento, CA 95814

t: 916 321-4500

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e: jgoldsmith@kmtg.com

-----Original Message-----

From: Megan Penick [mailto:MPENICK@dfg.ca.gov <mailto:MPENICK@dfg.ca.gov>]

Sent: Wednesday, December 29, 2010 1:25 PM

To: Goldsmith, Janet K.

Subject: PRA #10-12-368

December 29, 2010

Re: Public Records Act Request No. 10-12-368

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If you have any questions regarding this matter or would like to know the status of your request, please contact me at mpenick@dfg.ca.gov.

Sincerely,

Megan Penick

Public Records Act Officer

Teeters, Danielle R.

From: Kevin Takei [KTAKEI@dfg.ca.gov]
Sent: Monday, March 28, 2011 11:36 AM
To: Teeters, Danielle R.
Cc: Thomas M. Berliner; Goldsmith, Janet K.
Subject: RE: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Attachments: BSR_Wetted_Perimeter_PRA.xls



BSR_Wetted_Perimeter_PRA.xls (...)

Hi Danielle:

Attached is the data for the wetted perimeter study.

Kevin

>>> "Teeters, Danielle R." <DTeeters@kmtg.com> Friday, March 18, 2011 4:15 PM >>>

Kevin: Thanks for getting back to me. As to number 4 in your email, while I expect that the Department will discuss the wetted perimeter study during the Board hearing, as we have specifically requested the study and all supporting data, I would also expect the Department to provide us with the information requested in the PRA at the first opportunity it becomes available, including the data supporting the wetted perimeter study. While we appreciate that the Department is in the process of its own analysis of the data, we have asked only for the raw data itself, which should be available under the PRA. As the wetted perimeter "study" is now being finalized, surely the supporting data has already been collected, and can be provided under our last request.

Danielle

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To: Teeters, Danielle R.
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2. Stream Cross-Sectional Data collected during 1992-1995 juvenile steelhead habitat surveys of the Big Sur River by the Department.

STATUS: The Department provided your firm the raw data last year. The data are also included in the photocopied field notes for the electrofishing surveys which were also provided to your firm last year.

3. Memo to Ken Grey, from DFG signed by Rob Titus, re: Progress on Big Sur Steelhead habitat use study and related work (August 3, 1994).

STATUS: attached.

4. New information that the Department developed since providing the last batch of records. STATUS: The only new data/record is a wetted perimeter study that is being finalized. Jeff Single has communicated with Tom Berliner about the document. Please understand that the Department will discuss the wetted perimeter study during the Board hearing and as a result any restriction associated with documents presented pursuant to negotiations should not apply to the wetted perimeter study.

Kevin Takei
Staff Counsel
California Department of Fish and Game
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
Direct: (916) 653-3715
Fax: (916) 654-3805

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>>> "Teeters, Danielle R." <DTeeters@kmtg.com> Wednesday, March 02, 2011 4:36 PM >>>

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Best regards,

Danielle Teeters

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Thank you for your efforts in responding. If you have any questions, please call me or Danielle Teeters of my office for clarification.

Janet K. Goldsmith

Kronick, Moskovitz, Tiedemann & Girard, P.C.

400 Capitol Mall, 27th Floor

Sacramento, CA 95814

t: 916 321-4500

f: 916 321-4555

e: jgoldsmith@kmtg.com

-----Original Message-----

From: Megan Penick [mailto:MPENICK@dfg.ca.gov <mailto:MPENICK@dfg.ca.gov>]

Sent: Wednesday, December 29, 2010 1:25 PM

To: Goldsmith, Janet K.

Subject: PRA #10-12-368

December 29, 2010

Re: Public Records Act Request No. 10-12-368

Dear Ms. Goldsmith:

This letter is in response to your Public Records Act (PRA) request dated December 28, 2010 and received by the Department of Fish and Game on December 29, 2010 seeking copies of records relating to El Sur Ranch and Steelhead Fish.

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the documents you have requested. Documents located in response to your request can always be reviewed at the location where they are held without charge.

If you have any questions regarding this matter or would like to know the status of your request, please contact me at mpenick@dfg.ca.gov.

Sincerely,

Megan Penick

Public Records Act Officer

Teeters, Danielle R.

From: Kevin Takei [KTAKEI@dfg.ca.gov]
Sent: Tuesday, March 29, 2011 2:21 PM
To: Teeters, Danielle R.
Cc: Thomas M. Berliner; Mark Blum; Goldsmith, Janet K.
Subject: RE: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Attachments: Wetted Perimeter Study Sites_DFG_28Mar11.pdf



Wetted Perimeter
Study Sites_D...

I think the attached is what you are looking for. Also, it is my understanding that a map is being prepared but not yet ready.

-Kevin

>>> "Teeters, Danielle R." <DTeeters@kmtg.com> Monday, March 28, 2011
2:56 PM >>>

Kevin: This response is incomplete. It is missing the key that explains where the sites are located that go with this data. For example where is unit number 7 located . . . ? Could you please send me the key as soon as possible? If you have any questions please give me a call. Thanks.

Best regards,

Danielle

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Sent: Monday, March 28, 2011 11:36 AM
To: Teeters, Danielle R.
Cc: Thomas M. Berliner; Goldsmith, Janet K.
Subject: RE: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Hi Danielle:

Attached is the data for the wetted perimeter study.

Kevin

>>> "Teeters, Danielle R." <DTeeters@kmtg.com> Friday, March 18, 2011
4:15 PM >>>

Kevin: Thanks for getting back to me. As to number 4 in your email, while I expect that the Department will discuss the wetted perimeter study during the Board hearing, as we have specifically requested the study and all supporting data, I would also expect the Department to provide us with the information requested in the PRA at the first opportunity it becomes available, including the data supporting the wetted perimeter

study. While we appreciate that the Department is in the process of its own analysis of the data, we have asked only for the raw data itself, which should be available under the PRA. As the wetted perimeter "study" is now being finalized, surely the supporting data has already been collected, and can be provided under our last request.

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Cc: Goldsmith, Janet K.
Subject: Re: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Hi Danielle:

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1. Study Plan: Habitat and Instream Flow Relationships for Steelhead in the Big Sur River, Monterey County, September 2009. STATUS: attached.
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Kevin Takei
Staff Counsel
California Department of Fish and Game
1416 Ninth Street, 12th Floor
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Direct: (916) 653-3715
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Sincerely,

Megan Penick

Public Records Act Officer

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From: Kevin Takei [KTAKEI@dfg.ca.gov]
Sent: Monday, May 02, 2011 1:57 PM
To: Teeters, Danielle R.
Cc: Chandra Ferrari; Jolie-Anne S. Ansley; Thomas M. Berliner; Mark Blum; Goldsmith, Janet K.
Subject: RE: PRA #10-12-368 - Related to the El Sur Ranch Water Rights Application

Hi Danielle:

A map is still in the works. We'll send you a copy whenever it is completed.

-Kevin

>>> "Teeters, Danielle R." <DTeeters@kmtg.com> Monday, May 02, 2011
11:42 AM >>>

Kevin: In your March 29 email below, you indicated that a map of the wetted perimeter data collection sites was being prepared. Please forward the map you refer to in your email and any other map that illustrates the location of the wetted perimeter study sites and data collection sites. Thanks.

-Danielle

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Subject: PRA #10-12-368

December 29, 2010

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Sincerely,

Megan Penick

Public Records Act Officer

EXHIBIT E

Teeters, Danielle R.

From: Chandra Ferrari [CFERRARI@dfg.ca.gov]
Sent: Saturday, May 14, 2011 8:21 PM
To: Teeters, Danielle R.
Subject: Fwd: Re: El sur map

Attachments: Wetted Perimeter Study Sites_DFG_28Mar11.pdf; Big Sur Map Template.jpg;
Big_Sur_GPS_pts_Trimble.prj; Big_Sur_GPS_pts_Trimble.kml;
Big_Sur_GPS_pts_Trimble.sbn; Big_Sur_GPS_pts_Trimble.sbx;
Big_Sur_GPS_pts_Trimble.shp; Big_Sur_GPS_pts_Trimble.shx; dBase 3 database



Wetted Perimeter Study Sites_D...
Big Sur Map Template.jpg (202...
Big_Sur_GPS_pts_Trimble.prj (2...
Big_Sur_GPS_pts_Trimble.kml (4...
Big_Sur_GPS_pts_Trimble.sbn (3...
Big_Sur_GPS_pts_Trimble.sbx (1...
Big_Sur_GPS_pts_Trimble.shp (5...



Big_Sur_GPS_pts_Trimble.shx (2...
Big_Sur_GPS_pts_Trimble.dbf (2...

Ms. Teeters,

Please find the following attached:

1. The listing of wetted perimeter study sites (Table 1 from the report), which ESR has already been provided.
2. A jpeg of the map template provided by Robert Holmes, which is in the study plan for the PHABSIM study.
3. The so-called shape files that provide coordinates for several of the sites and related information to approximate the location of some of the other sites.

ESR has been provided photocopies (on two occasions) of field notes that contain other descriptive information of the sites.

Chandra Ferrari, Staff Counsel
CA Dept. of Fish & Game
1416 9th Street, Suite 1341
Sacramento, CA 95814
cferrari@dfg.ca.gov
Phone 916.654.3819
Fax 916.651.7643

Teeters, Danielle R.

From: Chandra Ferrari [CFERRARI@dfg.ca.gov]
Sent: Monday, May 16, 2011 11:48 AM
To: Teeters, Danielle R.
Subject: El Sur

Ms. Teeters,

I received your message this morning. I will get in touch with you this afternoon. I am trying to figure out the problem with the files. Mine will not open at this point either. I will try to send in a different format. Thanks.

Chandra Ferrari, Staff Counsel
CA Dept. of Fish & Game
1416 9th Street, Suite 1341
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cferrari@dfg.ca.gov
Phone 916.654.3819
Fax 916.651.7643

EXHIBIT F

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

7 Attorneys for Applicant James J. Hill III
8

9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

NOTICE OF DEPOSITION OF KIT
CUSTIS AND REQUEST FOR
PRODUCTION OF DOCUMENTS

15
16 TO PROTESTANT DEPARTMENT OF FISH AND GAME AND ITS ATTORNEY(S) OF
17 RECORD:

18 PLEASE TAKE NOTICE that pursuant to Water Code section 1100, Government
19 Code sections 11450.10 and 11450.20, California Code of Civil Procedure section 2025.010 et
20 seq., and the procedures and practices of the State Water Resources Control Board, the deposition
21 of **KIT CUSTIS** will be taken by the Applicant James J. Hill III (“Applicant”) in the above
22 entitled matter, upon oral examination before a certified shorthand reporter of the State of
23 California as follows:

24
25 DATE: May 25, 2011
26 TIME: 10:00 a.m.
27 LOCATION: Kronick Moskovitz Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
28 916/321-4500

1 Said deposition will commence at the above date and time, and continue from day to day
2 thereafter, Sundays and holidays excepted, until completed. The Applicant reserves the right to
3 record this deposition by videotape.

4 **DOCUMENT REQUEST**

5 NOTICE IS FURTHER GIVEN that the above-described deponent shall bring and
6 produce at the deposition, at the time and place set out above, the following listed writings and
7 other things identified below.

8 **DEFINITIONS**

9 As used herein, the following terms have the meaning and significance set forth
10 below, unless otherwise specifically indicated:

11 1. **DOCUMENT.** The terms "**DOCUMENT**" or "**DOCUMENTS**" shall
12 mean and include all written, recorded, or graphic materials, however produced or reproduced,
13 whether or not privileged, pertaining in any way to the subject matter of this action, including, but
14 not limited to, any and all originals, copies or drafts or any and all of the following: records;
15 notes; summaries; schedules; drawings; sketches; diaries; reports; memoranda of telephone or in-
16 person conversations by or with any person, or other memoranda; letters; facsimiles, or cables
17 received; electronic mail and voice mail messages, drafts, originals or copies of letters, tapes,
18 transcripts or recordings; photographs, pictures of films; or other graphic, recorded written
19 material of whatever nature and other "writings" of any kind.

20 2. **POSSESSION, CUSTODY OR CONTROL.** Each request extends to
21 any documents in the **POSSESSION, CUSTODY OR CONTROL** of the Protestant,
22 Department of Fish and Game. The document is deemed to be in Protestant's **POSSESSION,**
23 **CUSTODY OR CONTROL**, if it is in the Protestant's physical custody., or if it is in the
24 physical custody of any other person and Protestant (a) owns such document in whole or in part;
25 (b) has a right by contract, statute or otherwise to use, inspect, examine or copy such document on
26 any terms; (c) has an understanding, express or implied, that Protestant may use, inspect, examine
27 or copy such document on any terms; or (d) has, as a practical matter, been able to use, inspect,
28 examine or copy such document when Protestant has sought to do so. Such document shall

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1 include, without limitation, documents that are in the custody of Protestant's agents, employees or
2 representatives.

3 3. **YOU, YOUR.** The terms "**YOU**" and "**YOUR**" refer to Protestant
4 Department of Fish and Game employee/contractor/retired annuitant Kit Custis.

5 4. If any requested **DOCUMENT** or thing cannot be produced in full, it shall
6 be produced to the extent possible, indicating what **DOCUMENT** or portion of **DOCUMENTS**
7 are being withheld and the reason such **DOCUMENTS** are being withheld.

8 5. **DOCUMENTS** attached to each other should not be separated.

9 6. **DOCUMENTS** not otherwise responsive to this Request shall be produced
10 if such **DOCUMENTS** support, refer to, relate to, or explain the **DOCUMENTS** which are
11 called for by this Request, or if such **DOCUMENTS** are attached to **DOCUMENTS** called for
12 by this Request.

13 **DOCUMENTS TO BE PRODUCED**

14 1. All **DOCUMENTS** utilized or relied on to create, formulate or prepare
15 your written testimony, conclusions, reports and/or opinions in this matter.

16 Dated: May 11, 2011

17 KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
18 A Law Corporation

19 By: 

20 Janet K. Goldsmith
21 Danielle R. Teeters
22 Attorneys for James J. Hill
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PROOF OF SERVICE

I, Sherry Ramirez, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 11, 2011, I served a copy of the within document(s):

NOTICE OF DEPOSITION OF KIT CUSTIS AND REQUEST FOR PRODUCTION OF DOCUMENTS

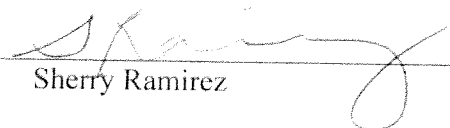
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Sacramento, California addressed as set forth below.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

SEE ATTACHED

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

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

Executed on May 11, 2011, at Sacramento, California.



Sherry Ramirez

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SERVICE LIST

<p>PAPER COPIES Division of Water Rights State Water Resources Control Board Attention: Paul Murphy P.O. Box 2000 Sacramento, CA 95812-2000</p>	<p>CALIFORNIA DEPARTMENT OF FISH & GAME c/o Kevin Takei & Chandra Ferrari 1416 Ninth Street, 12th Floor Sacramento, CA 95814 KTakei@DFG.ca.gov CFerrari@DFG.ca.gov (916) 653-3715</p>
<p>ELECTRONIC COPIES Email: wrhearing@waterboards.ca.gov</p>	
<p>TROUT UNLIMITED c/o Brian Johnson 2239 5th Street Berkeley, CA 94710 bjohnson@tu.org (510) 528-4772</p>	<p>CENTER FOR BIOLOGICAL DIVERSITY & VENTANTA WILDERNESS ALLIANCE c/o Adam Lazar 351 California Street, #600 San Francisco, CA 94104 alazar@biologicaldiversity.org (415) 436-9683</p>
<p>WALTER MOTZEL c/o Alexander Hubbard Hubbard & Hubbard, LLP 400 Camino Aguajito Monterey, CA 93940 AFHUBB@aol.com (831) 372-7571</p>	<p>LORI LOCKWOOD P.O. Box 264 Big Sur, CA 93920 loribigsure@aol.com (831) 667-2564</p>

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

Attorneys for Applicant James J. Hill III

7
8
9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

NOTICE OF DEPOSITION OF DEBRA
HILLYARD AND REQUEST FOR
PRODUCTION OF DOCUMENTS

15
16 TO PROTESTANT DEPARTMENT OF FISH AND GAME AND ITS ATTORNEY (S) OF
17 RECORD:

18 PLEASE TAKE NOTICE that pursuant to Water Code section 1100, Government
19 Code sections 11450.10 and 11450.20, California Code of Civil Procedure section 2025.010 et
20 seq., and the procedures and practices of the State Water Resources Control Board, the deposition
21 of **DEBRA HILLYARD** will be taken by the Applicant James J. Hill III ("Applicant") in the
22 above entitled matter, upon oral examination before a certified shorthand reporter of the State of
23 California as follows:

24
25 DATE: June 1, 2011
26 TIME: 10:00 a.m.
27 LOCATION: Kronick Moskowitz Tiedemann & Girard
28 400 Capitol Mall, 27th Floor
Sacramento, CA 95814
916/321-4500

1 Said deposition will commence at the above date and time, and continue from day to day
2 thereafter, Sundays and holidays excepted, until completed. The Applicant reserves the right to
3 record this deposition by videotape.

4 **DOCUMENT REQUEST**

5 NOTICE IS FURTHER GIVEN that the above-described deponent shall bring and
6 produce at the deposition, at the time and place set out above, the following listed writings and
7 other things identified below.

8 **DEFINITIONS**

9 As used herein, the following terms have the meaning and significance set forth
10 below, unless otherwise specifically indicated:

11 1. **DOCUMENT.** The terms "**DOCUMENT**" or "**DOCUMENTS**" shall
12 mean and include all written, recorded, or graphic materials, however produced or reproduced,
13 whether or not privileged, pertaining in any way to the subject matter of this action, including, but
14 not limited to, any and all originals, copies or drafts or any and all of the following: records;
15 written testimonies; drafts; notes; summaries; schedules; drawings; sketches; diaries; reports;
16 memoranda of telephone or in-person conversations by or with any person, or other memoranda;
17 letters; facsimiles, or cables received; electronic mail and voice mail messages, drafts, originals or
18 copies of letters, tapes, transcripts or recordings; photographs, pictures of films; or other graphic,
19 recorded written material of whatever nature and other "writings" of any kind.

20 2. **POSSESSION, CUSTODY OR CONTROL.** Each request extends to
21 any documents in the **POSSESSION, CUSTODY OR CONTROL** of the Protestant,
22 Department of Fish and Game; and/or the Deponent. The document is deemed to be in Deponent
23 and/or Protestant's **POSSESSION, CUSTODY OR CONTROL**, if it is in the Deponent and/or
24 Protestant's physical custody., or if it is in the physical custody of any other person and Deponent
25 and/or Protestant (a) owns such document in whole or in part; (b) has a right by contract, statute
26 or otherwise to use, inspect, examine or copy such document on any terms; (c) has an
27 understanding, express or implied, that Deponent and/or Protestant may use, inspect, examine or
28 copy such document on any terms; or (d) has, as a practical matter, been able to use, inspect,

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- 2 -

1 examine or copy such document when Deponent and/or Protestant has sought to do so. Such
2 document shall include, without limitation, documents that are in the custody of Deponent and/or
3 Protestant's agents, employees or representatives.

4 3. **YOU, YOUR.** The terms "YOU" and "YOUR" refer to Protestant
5 Department of Fish and Game employee Debra Hillyard.

6 4. If any requested **DOCUMENT** or thing cannot be produced in full, it shall
7 be produced to the extent possible, indicating what **DOCUMENT** or portion of **DOCUMENTS**
8 are being withheld and the reason such **DOCUMENTS** are being withheld.

9 5. **DOCUMENTS** attached to each other should not be separated.


10 6. **DOCUMENTS** not otherwise responsive to this Request shall be produced
11 if such **DOCUMENTS** support, refer to, relate to, or explain the **DOCUMENTS** which are
12 called for by this Request, or if such **DOCUMENTS** are attached to **DOCUMENTS** called for
13 by this Request.

14 **DOCUMENTS TO BE PRODUCED**

15 1. All **DOCUMENTS** utilized or relied on to create, formulate or prepare
16 your conclusions, reports and/or opinions in this matter.

17 Dated: May 11, 2011

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

19
20 By: 
21 Janet K. Goldsmith
22 Danielle R. Teeters
23 Attorneys for James J. Hill
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PROOF OF SERVICE

I, Sherry Ramirez, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 11, 2011, I served a copy of the within document(s):

NOTICE OF DEPOSITION OF DEBRA HILLYARD AND REQUEST FOR PRODUCTION OF DOCUMENTS

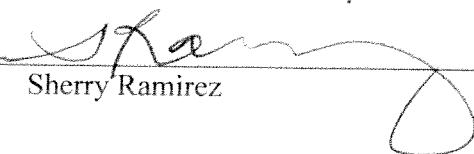
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Sacramento, California addressed as set forth below.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

SEE ATTACHED

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

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

Executed on May 11, 2011, at Sacramento, California.



Sherry Ramirez

SERVICE LIST

PAPER COPIES

Division of Water Rights
State Water Resources Control Board
Attention: Paul Murphy
P.O. Box 2000
Sacramento, CA 95812-2000

CALIFORNIA DEPARTMENT OF FISH &
GAME
c/o Kevin Takei & Chandra Ferrari
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
KTakei@DFG.ca.gov
CFerrari@DFG.ca.gov
(916) 653-3715

ELECTRONIC COPIES

Email: wrhearing@waterboards.ca.gov

TROUT UNLIMITED

c/o Brian Johnson
2239 5th Street
Berkeley, CA 94710
bjohnson@tu.org
(510) 528-4772

CENTER FOR BIOLOGICAL DIVERSITY &
VENTANTA WILDERNESS ALLIANCE
c/o Adam Lazar
351 California Street, #600
San Francisco, CA 94104
alazar@biologicaldiversity.org
(415) 436-9683

WALTER MOTZEL

c/o Alexander Hubbard
Hubbard & Hubbard, LLP
400 Camino Aguajito
Monterey, CA 93940
AFHUBB@aol.com
(831) 372-7571

LORI LOCKWOOD
P.O. Box 264
Big Sur, CA 93920
loribigsure@aol.com
(831) 667-2564

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

7 Attorneys for Applicant James J. Hill III
8

9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

NOTICE OF DEPOSITION OF ROBERT
G. TITUS AND REQUEST FOR
PRODUCTION OF DOCUMENTS

15
16 TO PROTESTANT DEPARTMENT OF FISH AND GAME AND ITS ATTORNEY (S) OF
17 RECORD:

18 PLEASE TAKE NOTICE that pursuant to Water Code section 1100, Government
19 Code sections 11450.10 and 11450.20, California Code of Civil Procedure section 2025.010 et
20 seq., and the procedures and practices of the State Water Resources Control Board, the deposition
21 of **ROBERT G. TITUS** will be taken by the Applicant James J. Hill III ("Applicant") in the
22 above entitled matter, upon oral examination before a certified shorthand reporter of the State of
23 California as follows:

24 DATE: June 2, 2011
25 TIME: 10:00 a.m.
26 LOCATION: Kronick Moskovitz Tiedemann & Girard
27 400 Capitol Mall, 27th Floor
Sacramento, CA 95814
28 916/321-4500

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1 Said deposition will commence at the above date and time, and continue from day to day
2 thereafter, Sundays and holidays excepted, until completed. The Applicant reserves the right to
3 record this deposition by videotape.

4 **DOCUMENT REQUEST**

5 NOTICE IS FURTHER GIVEN that the above-described Deponent shall bring
6 and produce at the deposition, at the time and place set out above, the following listed writings
7 and other things identified below.

8 **DEFINITIONS**

9 As used herein, the following terms have the meaning and significance set forth
10 below, unless otherwise specifically indicated:

11 1. **DOCUMENT.** The terms "**DOCUMENT**" or "**DOCUMENTS**" shall
12 mean and include all written, recorded, or graphic materials, however produced or reproduced,
13 whether or not privileged, pertaining in any way to the subject matter of this action, including, but
14 not limited to, any and all originals, copies or drafts or any and all of the following: records;
15 written testimonies; drafts; notes; summaries; schedules; drawings; sketches; diaries; reports;
16 memoranda of telephone or in-person conversations by or with any person, or other memoranda;
17 letters; facsimiles, or cables received; electronic mail and voice mail messages; drafts, originals or
18 copies of letters, tapes, transcripts or recordings; photographs, pictures of films; or other graphic,
19 recorded written material of whatever nature and other "writings" of any kind.

20 2. **POSSESSION, CUSTODY OR CONTROL.** Each request extends to
21 any documents in the **POSSESSION, CUSTODY OR CONTROL** of the Protestant,
22 Department of Fish and Game; and or the Deponent. The document is deemed to be in
23 Deponent's and/or Protestant's **POSSESSION, CUSTODY OR CONTROL**, if it is in the
24 Protestant's physical custody., or if it is in the physical custody of any other person and Protestant
25 (a) owns such document in whole or in part; (b) has a right by contract, statute or otherwise to
26 use, inspect, examine or copy such document on any terms; (c) has an understanding, express or
27 implied, that Deponent and/or Protestant may use, inspect, examine or copy such document on
28 any terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy such

1 document when Deponent and/or Protestant has sought to do so. Such document shall include,
2 without limitation, documents that are in the custody of Deponent and/or Protestant's agents,
3 employees or representatives.

4 3. **YOU, YOUR.** The terms "YOU" and "YOUR" refer to Protestant
5 Department of Fish and Game employee Robert G. Titus.

6 4. If any requested **DOCUMENT** or thing cannot be produced in full, it shall
7 be produced to the extent possible, indicating what **DOCUMENT** or portion of **DOCUMENTS**
8 are being withheld and the reason such **DOCUMENTS** are being withheld.

9 5. **DOCUMENTS** attached to each other should not be separated.


10 6. **DOCUMENTS** not otherwise responsive to this Request shall be produced
11 if such **DOCUMENTS** support, refer to, relate to, or explain the **DOCUMENTS** which are
12 called for by this Request, or if such **DOCUMENTS** are attached to **DOCUMENTS** called for
13 by this Request.

14 **DOCUMENTS TO BE PRODUCED**

15 1. All **DOCUMENTS** utilized or relied on to create, formulate or prepare
16 your written testimony, conclusions, reports and/or opinions in this matter.

17 Dated: May 11, 2011

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

19
20 By: 
21 Janet K. Goldsmith
22 Danielle R. Teeters
23 Attorneys for James J. Hill
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PROOF OF SERVICE

I, Sherry Ramirez, declare:

I am a citizen of the United States and employed in Sacramento County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 11, 2011, I served a copy of the within document(s):

NOTICE OF DEPOSITION OF ROB TITUS AND REQUEST FOR PRODUCTION OF DOCUMENTS

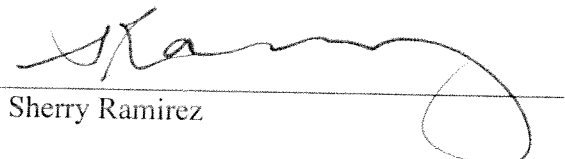
- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Sacramento, California addressed as set forth below.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

SEE ATTACHED

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

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

Executed on May 11, 2011, at Sacramento, California.



Sherry Ramirez

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SERVICE LIST

<p>PAPER COPIES Division of Water Rights State Water Resources Control Board Attention: Paul Murphy P.O. Box 2000 Sacramento, CA 95812-2000</p>	<p>CALIFORNIA DEPARTMENT OF FISH & GAME c/o Kevin Takei & Chandra Ferrari 1416 Ninth Street, 12th Floor Sacramento, CA 95814 KTakei@DFG.ca.gov CFerrari@DFG.ca.gov (916) 653-3715</p>
<p>ELECTRONIC COPIES Email: wrhearing@waterboards.ca.gov</p>	
<p>TROUT UNLIMITED c/o Brian Johnson 2239 5th Street Berkeley, CA 94710 bjohnson@tu.org (510) 528-4772</p>	<p>CENTER FOR BIOLOGICAL DIVERSITY & VENTANTA WILDERNESS ALLIANCE c/o Adam Lazar 351 California Street, #600 San Francisco, CA 94104 alazar@biologicaldiversity.org (415) 436-9683</p>
<p>WALTER MOTZEL c/o Alexander Hubbard Hubbard & Hubbard, LLP 400 Camino Aguajito Monterey, CA 93940 AFHUBB@aol.com (831) 372-7571</p>	<p>LORI LOCKWOOD P.O. Box 264 Big Sur, CA 93920 loribigsure@aol.com (831) 667-2564</p>

EXHIBIT G

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

7 Attorneys for Applicant James J. Hill III
8

9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

NOTICE OF DEPOSITION OF KIT
CUSTIS AND REQUEST FOR
PRODUCTION OF DOCUMENTS

15
16 TO PROTESTANT DEPARTMENT OF FISH AND GAME AND ITS ATTORNEY(S) OF
17 RECORD:

18 PLEASE TAKE NOTICE that pursuant to Water Code section 1100, Government
19 Code sections 11450.10 and 11450.20, California Code of Civil Procedure section 2025.010 et
20 seq., and the procedures and practices of the State Water Resources Control Board, the deposition
21 of **KIT CUSTIS** will be taken by the Applicant James J. Hill III (“Applicant”) in the above
22 entitled matter, upon oral examination before a certified shorthand reporter of the State of
23 California as follows:
24

25 DATE: May 25, 2011
26 TIME: 10:00 a.m.
27 LOCATION: Kronick Moskovitz Tiedemann & Girard
400 Capitol Mall, 27th Floor
Sacramento, CA 95814
28 916/321-4500

971110.1 8896.2

- 1 -

NOTICE OF DEPOSITION OF KIT CUSTIS AND REQUEST FOR PRODUCTION OF DOCUMENTS

1 Said deposition will commence at the above date and time, and continue from day to day
2 thereafter, Sundays and holidays excepted, until completed. The Applicant reserves the right to
3 record this deposition by videotape.

4 DOCUMENT REQUEST

5 NOTICE IS FURTHER GIVEN that the above-described deponent shall bring and
6 produce at the deposition, at the time and place set out above, the following listed writings and
7 other things identified below.

8 DEFINITIONS

9 As used herein, the following terms have the meaning and significance set forth
10 below, unless otherwise specifically indicated:

11 1. **DOCUMENT.** The terms "**DOCUMENT**" or "**DOCUMENTS**" shall
12 mean and include all written, recorded, or graphic materials, however produced or reproduced,
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15 notes; summaries; schedules; drawings; sketches; diaries; reports; memoranda of telephone or in-
16 person conversations by or with any person, or other memoranda; letters; facsimiles, or cables
17 received; electronic mail and voice mail messages, drafts, originals or copies of letters, tapes,
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19 material of whatever nature and other "writings" of any kind.

20 2. **POSSESSION, CUSTODY OR CONTROL.** Each request extends to
21 any documents in the **POSSESSION, CUSTODY OR CONTROL** of the Protestant,
22 Department of Fish and Game. The document is deemed to be in Protestant's **POSSESSION,**
23 **CUSTODY OR CONTROL**, if it is in the Protestant's physical custody., or if it is in the
24 physical custody of any other person and Protestant (a) owns such document in whole or in part;
25 (b) has a right by contract, statute or otherwise to use, inspect, examine or copy such document on
26 any terms; (c) has an understanding, express or implied, that Protestant may use, inspect, examine
27 or copy such document on any terms; or (d) has, as a practical matter, been able to use, inspect,
28 examine or copy such document when Protestant has sought to do so. Such document shall

1 AMENDED PROOF OF SERVICE

2 I, Danielle Teeters, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 11, 2011, and May 14,
6 2011, I served a copy of the within document(s):

7 **NOTICE OF DEPOSITION OF KIT CUSTIS AND REQUEST FOR
8 PRODUCTION OF DOCUMENTS**

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

19 *SEE ATTACHED*

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

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

27 Executed on May 14, 2011, at Sacramento, California.

28 

Danielle R. Teeters

AMENDED SERVICE LIST

<p>1</p> <p>2 PAPER COPIES</p> <p>3 Division of Water Rights</p> <p>4 State Water Resources Control Board</p> <p>5 Attention: Paul Murphy</p> <p>6 P.O. Box 2000</p> <p>7 Sacramento, CA 95812-2000</p> <p>8</p> <p>9 ELECTRONIC COPIES</p> <p>10 Email: wrhearing@waterboards.ca.gov</p> <p>11 Served Via U.S. Mail and Electronic Mail on</p> <p>12 May 16, 2011</p>	<p>CALIFORNIA DEPARTMENT OF FISH & GAME</p> <p>c/o Kevin Takei & Chandra Ferrari</p> <p>1416 Ninth Street, 12th Floor</p> <p>Sacramento, CA 95814</p> <p>KTakei@DFG.ca.gov</p> <p>CFerrari@DFG.ca.gov</p> <p>(916) 653-3715</p> <p>Served Via U.S. Mail and Electronic Mail on</p> <p>May 16, 2011</p>
<p>9 TROUT UNLIMITED</p> <p>10 c/o Brian Johnson</p> <p>11 2239 5th Street</p> <p>12 Berkeley, CA 94710</p> <p>13 bjohnson@tu.org</p> <p>14 (510) 528-4772</p> <p>15 Served Via U.S. Mail and Electronic Mail on</p> <p>16 May 16, 2011</p>	<p>CENTER FOR BIOLOGICAL DIVERSITY & VENTANTA WILDERNESS ALLIANCE</p> <p>c/o Adam Lazar</p> <p>351 California Street, #600</p> <p>San Francisco, CA 94104</p> <p>alazar@biologicaldiversity.org</p> <p>(415) 436-9683</p> <p>Served Via U.S. Mail and Electronic Mail on</p> <p>May 16, 2011</p>
<p>14 WALTER MOTZEL</p> <p>15 c/o Alexander Hubbard</p> <p>16 Hubbard & Hubbard, LLP</p> <p>17 400 Camino Aguajito</p> <p>18 Monterey, CA 93940</p> <p>19 AFHUBB@aol.com</p> <p>20 (831) 372-7571</p> <p>21 Served Via U.S. Mail and Electronic Mail on</p> <p>22 May 16, 2011</p>	<p>LORI LOCKWOOD</p> <p>P.O. Box 264</p> <p>Big Sur, CA 93920</p> <p>loribigsure@aol.com</p> <p>(831) 667-2564</p> <p>Served Via U.S. Mail and Electronic Mail on</p> <p>May 16, 2011</p>
<p>19 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE</p> <p>20 c/o Michael Jackson</p> <p>21 P.O. Box 207</p> <p>22 Quincy, CA 95971</p> <p>23 mjatty@sbcglobal.net</p> <p>24 (530) 283-1007</p> <p>25 Served Via U.S. Mail and Electronic Mail on</p> <p>26 May 16, 2011</p>	<p>CARMEL RIVER STEELHEAD ASSOCIATION</p> <p>c/o Brian LeNeve</p> <p>P.O. Box 1012</p> <p>Carmel, CA93921</p> <p>bjleneve@att.net</p> <p>Served Via U.S. Mail and Electronic Mail on</p> <p>May 16, 2011</p>

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

7 Attorneys for Applicant James J. Hill III
8

9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

NOTICE OF DEPOSITION OF DEBRA
HILLYARD AND REQUEST FOR
PRODUCTION OF DOCUMENTS

15
16 TO PROTESTANT DEPARTMENT OF FISH AND GAME AND ITS ATTORNEY (S) OF
17 RECORD:

18 PLEASE TAKE NOTICE that pursuant to Water Code section 1100, Government
19 Code sections 11450.10 and 11450.20, California Code of Civil Procedure section 2025.010 et
20 seq., and the procedures and practices of the State Water Resources Control Board, the deposition
21 of **DEBRA HILLYARD** will be taken by the Applicant James J. Hill III ("Applicant") in the
22 above entitled matter, upon oral examination before a certified shorthand reporter of the State of
23 California as follows:

24
25 DATE: June 1, 2011
26 TIME: 10:00 a.m.
27 LOCATION: Kronick Moskowitz Tiedemann & Girard
28 400 Capitol Mall, 27th Floor
Sacramento, CA 95814
916/321-4500

1 Said deposition will commence at the above date and time, and continue from day to day
2 thereafter, Sundays and holidays excepted, until completed. The Applicant reserves the right to
3 record this deposition by videotape.

4 **DOCUMENT REQUEST**

5 NOTICE IS FURTHER GIVEN that the above-described deponent shall bring and
6 produce at the deposition, at the time and place set out above, the following listed writings and
7 other things identified below.

8 **DEFINITIONS**

9 As used herein, the following terms have the meaning and significance set forth
10 below, unless otherwise specifically indicated:

11 1. **DOCUMENT.** The terms "**DOCUMENT**" or "**DOCUMENTS**" shall
12 mean and include all written, recorded, or graphic materials, however produced or reproduced,
13 whether or not privileged, pertaining in any way to the subject matter of this action, including, but
14 not limited to, any and all originals, copies or drafts or any and all of the following: records;
15 written testimonies; drafts; notes; summaries; schedules; drawings; sketches; diaries; reports;
16 memoranda of telephone or in-person conversations by or with any person, or other memoranda;
17 letters; facsimiles, or cables received; electronic mail and voice mail messages, drafts, originals or
18 copies of letters, tapes, transcripts or recordings; photographs, pictures of films; or other graphic,
19 recorded written material of whatever nature and other "writings" of any kind.

20 2. **POSSESSION, CUSTODY OR CONTROL.** Each request extends to
21 any documents in the **POSSESSION, CUSTODY OR CONTROL** of the Protestant,
22 Department of Fish and Game; and/or the Deponent. The document is deemed to be in Deponent
23 and/or Protestant's **POSSESSION, CUSTODY OR CONTROL**, if it is in the Deponent and/or
24 Protestant's physical custody., or if it is in the physical custody of any other person and Deponent
25 and/or Protestant (a) owns such document in whole or in part; (b) has a right by contract, statute
26 or otherwise to use, inspect, examine or copy such document on any terms; (c) has an
27 understanding, express or implied, that Deponent and/or Protestant may use, inspect, examine or
28 copy such document on any terms; or (d) has, as a practical matter, been able to use, inspect,

971112.1 8896.2

1 examine or copy such document when Deponent and/or Protestant has sought to do so. Such
2 document shall include, without limitation, documents that are in the custody of Deponent and/or
3 Protestant's agents, employees or representatives.

4 3. **YOU, YOUR.** The terms "**YOU**" and "**YOUR**" refer to Protestant
5 Department of Fish and Game employee Debra Hillyard.

6 4. If any requested **DOCUMENT** or thing cannot be produced in full, it shall
7 be produced to the extent possible, indicating what **DOCUMENT** or portion of **DOCUMENTS**
8 are being withheld and the reason such **DOCUMENTS** are being withheld.

9 5. **DOCUMENTS** attached to each other should not be separated.

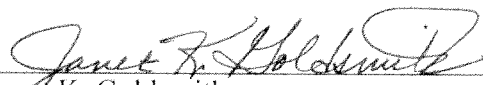
10 6. **DOCUMENTS** not otherwise responsive to this Request shall be produced
11 if such **DOCUMENTS** support, refer to, relate to, or explain the **DOCUMENTS** which are
12 called for by this Request, or if such **DOCUMENTS** are attached to **DOCUMENTS** called for
13 by this Request.

14 **DOCUMENTS TO BE PRODUCED**

15 1. All **DOCUMENTS** utilized or relied on to create, formulate or prepare
16 your conclusions, reports and/or opinions in this matter.

17 Dated: May 11, 2011

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

18
19
20 By: 
21 Janet K. Goldsmith
22 Danielle R. Teeters
23 Attorneys for James J. Hill
24
25
26
27
28

1 AMENDED PROOF OF SERVICE

2 I, Danielle Teeters, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 11, 2011, and May 14,
6 2011, I served a copy of the within document(s):

7 **NOTICE OF DEPOSITION OF DEBRA HILLYARD AND REQUEST FOR
8 PRODUCTION OF DOCUMENTS**

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

19 *SEE ATTACHED*

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

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

27 Executed on May 14, 2011 at Sacramento, California.

28 

Danielle R. Teeters

AMENDED SERVICE LIST

<p>1</p> <p>2 PAPER COPIES</p> <p>3 Division of Water Rights</p> <p>4 State Water Resources Control Board</p> <p>5 Attention: Paul Murphy</p> <p>6 P.O. Box 2000</p> <p>7 Sacramento, CA 95812-2000</p> <p>8</p> <p>9 ELECTRONIC COPIES</p> <p>10 Email: wrhearing@waterboards.ca.gov</p> <p>11 Served Via U.S. Mail and Electronic Mail on</p> <p>12 May 16, 2011</p>	<p>CALIFORNIA DEPARTMENT OF FISH & GAME c/o Kevin Takei & Chandra Ferrari 1416 Ninth Street, 12th Floor Sacramento, CA 95814 KTakei@DFG.ca.gov CFerrari@DFG.ca.gov (916) 653-3715 Served Via U.S. Mail and Electronic Mail on May 16, 2011</p>
<p>9 TROUT UNLIMITED</p> <p>10 c/o Brian Johnson</p> <p>11 2239 5th Street</p> <p>12 Berkeley, CA 94710</p> <p>13 bjohnson@tu.org</p> <p>14 (510) 528-4772</p> <p>15 Served Via U.S. Mail and Electronic Mail on</p> <p>16 May 16, 2011</p>	<p>CENTER FOR BIOLOGICAL DIVERSITY & VENTANTA WILDERNESS ALLIANCE c/o Adam Lazar 351 California Street, #600 San Francisco, CA 94104 alazar@biologicaldiversity.org (415) 436-9683 Served Via U.S. Mail and Electronic Mail on May 16, 2011</p>
<p>14 WALTER MOTZEL</p> <p>15 c/o Alexander Hubbard</p> <p>16 Hubbard & Hubbard, LLP</p> <p>17 400 Camino Aguajito</p> <p>18 Monterey, CA 93940</p> <p>19 AFHUBB@aol.com</p> <p>20 (831) 372-7571</p> <p>21 Served Via U.S. Mail and Electronic Mail on</p> <p>22 May 16, 2011</p>	<p>LORI LOCKWOOD P.O. Box 264 Big Sur, CA 93920 loribigsure@aol.com (831) 667-2564 Served Via U.S. Mail and Electronic Mail on May 16, 2011</p>
<p>19 CALIFORNIA SPORTFISHING PROTECTION ALLIANCE</p> <p>20 c/o Michael Jackson</p> <p>21 P.O. Box 207</p> <p>22 Quincy, CA 95971</p> <p>23 mjatty@sbcglobal.net</p> <p>24 (530) 283-1007</p> <p>25 Served Via U.S. Mail and Electronic Mail on</p> <p>26 May 16, 2011</p>	<p>CARMEL RIVER STEELHEAD ASSOCIATION c/o Brian LeNeve P.O. Box 1012 Carmel, CA93921 bjleneve@att.net Served Via U.S. Mail and Electronic Mail on May 16, 2011</p>

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

6 Attorneys for Applicant James J. Hill III
7
8

9 BEFORE THE
10 STATE WATER RESOURCES CONTROL BOARD
11

12 **In the Matter of Water Right**
13 **Application No. 30166 of James J.**
14 **Hill, III**

NOTICE OF DEPOSITION OF ROBERT
G. TITUS AND REQUEST FOR
PRODUCTION OF DOCUMENTS

15
16 TO PROTESTANT DEPARTMENT OF FISH AND GAME AND ITS ATTORNEY (S) OF
17 RECORD:

18 PLEASE TAKE NOTICE that pursuant to Water Code section 1100, Government
19 Code sections 11450.10 and 11450.20, California Code of Civil Procedure section 2025.010 et
20 seq., and the procedures and practices of the State Water Resources Control Board, the deposition
21 of **ROBERT G. TITUS** will be taken by the Applicant James J. Hill III (“Applicant”) in the
22 above entitled matter, upon oral examination before a certified shorthand reporter of the State of
23 California as follows:

24 DATE: June 2, 2011
25 TIME: 10:00 a.m.
26 LOCATION: Kronick Moskovitz Tiedemann & Girard
27 400 Capitol Mall, 27th Floor
Sacramento, CA 95814
28 916/321-4500

1 Said deposition will commence at the above date and time, and continue from day to day
2 thereafter, Sundays and holidays excepted, until completed. The Applicant reserves the right to
3 record this deposition by videotape.

4 **DOCUMENT REQUEST**

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15 written testimonies; drafts; notes; summaries; schedules; drawings; sketches; diaries; reports;
16 memoranda of telephone or in-person conversations by or with any person, or other memoranda;
17 letters; facsimiles, or cables received; electronic mail and voice mail messages; drafts, originals or
18 copies of letters, tapes, transcripts or recordings; photographs, pictures of films; or other graphic,
19 recorded written material of whatever nature and other "writings" of any kind.

20 2. **POSSESSION, CUSTODY OR CONTROL.** Each request extends to
21 any documents in the **POSSESSION, CUSTODY OR CONTROL** of the Protestant,
22 Department of Fish and Game; and or the Deponent. The document is deemed to be in
23 Deponent's and/or Protestant's **POSSESSION, CUSTODY OR CONTROL**, if it is in the
24 Protestant's physical custody., or if it is in the physical custody of any other person and Protestant
25 (a) owns such document in whole or in part; (b) has a right by contract, statute or otherwise to
26 use, inspect, examine or copy such document on any terms; (c) has an understanding, express or
27 implied, that Deponent and/or Protestant may use, inspect, examine or copy such document on
28 any terms; or (d) has, as a practical matter, been able to use, inspect, examine or copy such

1 document when Deponent and/or Protestant has sought to do so. Such document shall include,
2 without limitation, documents that are in the custody of Deponent and/or Protestant's agents,
3 employees or representatives.

4 3. **YOU, YOUR.** The terms "**YOU**" and "**YOUR**" refer to Protestant
5 Department of Fish and Game employee Robert G. Titus.

6 4. If any requested **DOCUMENT** or thing cannot be produced in full, it shall
7 be produced to the extent possible, indicating what **DOCUMENT** or portion of **DOCUMENTS**
8 are being withheld and the reason such **DOCUMENTS** are being withheld.

9 5. **DOCUMENTS** attached to each other should not be separated.

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12 called for by this Request, or if such **DOCUMENTS** are attached to **DOCUMENTS** called for
13 by this Request.

14 **DOCUMENTS TO BE PRODUCED**

15 1. All **DOCUMENTS** utilized or relied on to create, formulate or prepare
16 your written testimony, conclusions, reports and/or opinions in this matter.

17 Dated: May 11, 2011

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

19
20 By: 

21 Janet K. Goldsmith
22 Danielle R. Teeters
23 Attorneys for James J. Hill
24
25
26
27
28

1 AMENDED PROOF OF SERVICE

2 I, Danielle Teeters, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On May 11, 2011, and May 14,
6 2011, I served a copy of the within document(s):

7 **NOTICE OF DEPOSITION OF ROBERT G. TITUS AND REQUEST FOR
8 PRODUCTION OF DOCUMENTS**

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

19 *SEE ATTACHED*

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

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

27 Executed on May 14, 2011, at Sacramento, California.



28 _____
Danielle R. Teeters

AMENDED SERVICE LIST

1		
2	PAPER COPIES	CALIFORNIA DEPARTMENT OF FISH &
3	Division of Water Rights	GAME
4	State Water Resources Control Board	c/o Kevin Takei & Chandra Ferrari
5	Attention: Paul Murphy	1416 Ninth Street, 12 th Floor
6	P.O. Box 2000	Sacramento, CA 95814
7	Sacramento, CA 95812-2000	KTakei@DFG.ca.gov
8		CFerrari@DFG.ca.gov
9	ELECTRONIC COPIES	(916) 653-3715
10	Email: wrhearing@waterboards.ca.gov	Served Via U.S. Mail and Electronic Mail on
11	Served Via U.S. Mail and Electronic Mail on	May 16, 2011
12	May 16, 2011	
13	TROUT UNLIMITED	CENTER FOR BIOLOGICAL DIVERSITY &
14	c/o Brian Johnson	VENTANTA WILDERNESS ALLIANCE
15	2239 5 th Street	c/o Adam Lazar
16	Berkeley, CA 94710	351 California Street, #600
17	bjohnson@tu.org	San Francisco, CA 94104
18	(510) 528-4772	alazar@biologicaldiversity.org
19	Served Via U.S. Mail and Electronic Mail on	(415) 436-9683
20	May 16, 2011	Served Via U.S. Mail and Electronic Mail on
21		May 16, 2011
22	WALTER MOTZEL	LORI LOCKWOOD
23	c/o Alexander Hubbard	P.O. Box 264
24	Hubbard & Hubbard, LLP	Big Sur, CA 93920
25	400 Camino Aguajito	loribigsure@aol.com
26	Monterey, CA 93940	(831) 667-2564
27	AFHUBB@aol.com	Served Via U.S. Mail and Electronic Mail on
28	(831) 372-7571	May 16, 2011
	Served Via U.S. Mail and Electronic Mail on	
	May 16, 2011	
	CALIFORNIA SPORTFISHING	CARMEL RIVER STEELHEAD
	PROTECTION ALLIANCE	ASSOCIATION
	c/o Michael Jackson	c/o Brian LeNeve
	P.O. Box 207	P.O. Box 1012
	Quincy, CA 95971	Carmel, CA93921
	mjatty@sbcglobal.net	bjleneve@att.net
	(530) 283-1007	Served Via U.S. Mail and Electronic Mail on
	Served Via U.S. Mail and Electronic Mail on	May 16, 2011
	May 16, 2011	

1 **PROOF OF SERVICE**

2 I, Sherry Ramirez, declare:

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

7 **DECLARATION OF DANIELLE R. TEETERS IN SUPPORT OF APPLICANT**
8 **JAMES J. HILL, III'S OPPOSITION TO THE DEPARTMENT OF FISH AND**
9 **GAME'S MOTION TO QUASH AND PROTECTIVE ORDER**

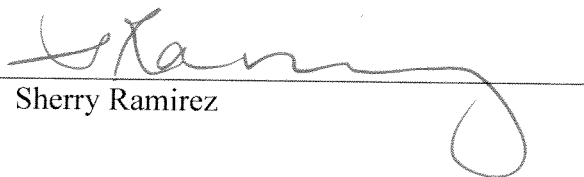
- 10 by transmitting via facsimile the document(s) listed above to the fax number(s) set
11 forth below on this date before 5:00 p.m.
- 12 by placing the document(s) listed above in a sealed envelope with postage thereon
13 fully prepaid, the United States mail at Sacramento, California addressed as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

20 *SEE ATTACHED*

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

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

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


Sherry Ramirez

SERVICE LIST

<p>PAPER COPIES Division of Water Rights State Water Resources Control Board Attention: Paul Murphy P.O. Box 2000 Sacramento, CA 95812-2000</p> <p>ELECTRONIC COPIES Email: wrhearing@waterboards.ca.gov</p>	<p>CALIFORNIA DEPARTMENT OF FISH & GAME c/o Kevin Takei & Chandra Ferrari 1416 Ninth Street, 12th Floor Sacramento, CA 95814 KTakei@DFG.ca.gov CFerrari@DFG.ca.gov (916) 653-3715</p>
<p>TROUT UNLIMITED c/o Brian Johnson 2239 5th Street Berkeley, CA 94710 bjohnson@tu.org (510) 528-4772</p>	<p>CENTER FOR BIOLOGICAL DIVERSITY & VENTANTA WILDERNESS ALLIANCE c/o Adam Lazar 351 California Street, #600 San Francisco, CA 94104 alazar@biologicaldiversity.org (415) 436-9683</p>
<p>WALTER MOTZEL c/o Alexander Hubbard Hubbard & Hubbard, LLP 400 Camino Aguajito Monterey, CA 93940 AFHUBB@aol.com (831) 372-7571</p>	<p>LORI LOCKWOOD P.O. Box 264 Big Sur, CA 93920 loribigsur@aol.com (831) 667-2564</p>
<p>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE c/o Michael Jackson P.O. Box 207 Quincy, CA 95971 mjatty@sbcglobal.net (530) 283-1007</p>	<p>CARMEL RIVER STEELHEAD ASSOCIATION c/o Brian LeNeve P.O. Box 1012 Carmel, CA93921 bjleneve@att.net</p>