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KRONICK  
MOSKOVITZ  
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STEDMANN  
A LAW CORPORATION

June 14, 2011

Ms. Barbara Evoy  
Deputy Director, Water Rights  
State Water Resources Control Board  
1001 I Street  
Sacramento, CA 95814

Re: Water Right Application No. 30166

of James J. Hill, III to divert from the  
underflow of the Big Sur River, Monterey County

Dear Ms. Evoy:

By this letter, Applicant James J. Hill, III, hereby amends Application No. 30166 for appropriation of water from the subterranean portion of the Big Sur River in Monterey County, California by reducing the amount of water requested as follows:

1. The maximum annual amount requested for diversion is 1320 acre-feet per year, with no more than 1087 acre-feet per year on a 20-year rolling average;
2. The maximum amount requested for diversion for the period from July 1 through October 31 of any year is no more than 676 acre feet; and
3. The maximum amount that is requested for diversion in each of the calendar months of July, August, September and October is limited to no more than 203 acre-feet per month.

In addition, the Applicant proposes that the following conditions limiting diversion be included in any permit issued on Application No. 30166:

- a) Diversion pursuant to this permit shall not occur during the period from May 1 through October 31 of any year when flow in the river, as measured at the USGS Gauge No. 11143000, is below 10 cfs unless the Permittee documents, on a weekly basis, that fish passage criteria are met at the river transect with California Coordinates 358633 by 1158941 (northing/easting) (36.282255° latitude, 121.855952° longitude). For the purposes of this paragraph, fish passage criteria consist of water depth of 0.3' or greater over 25% of the channel cross-section and 10% of the contiguous cross-section. Documentation of fish passage shall be by a person trained in proper measurement protocol.

Ms. Barbara Evoy

Page 2

June 14, 2011

- b) Diversion pursuant to this permit shall not occur from 6:00 a.m. July 3 through 8:00 p.m. July 5, nor from 6:00 a.m. of the Sunday before Labor Day until 8:00 p.m. of the Tuesday following Labor Day, unless flow at the USGS Gauge No. 11143000 is 16 cfs or greater at the time of diversion.
- c) Diversion pursuant to this permit shall not occur during the period from November 1 of any year through April 30 of the following year when flow in the river, as measured at the USGS Gauge No. 11143000, is below 30 cfs unless the Permittee documents, on a weekly basis, that fish passage criteria are met at the river transect with California Coordinates 358633 by 1158941 (northing/easting) (36.282255° latitude, 121.855952° longitude). For the purposes of this paragraph, fish passage criteria is based upon the "Thompson" passage criteria that consist of water depth of 0.7' or greater over 25% of the channel cross-section and 10% of the contiguous cross-section. Documentation of fish passage shall be by a person trained in proper measurement protocol.
- d) At Permittee's option, if flows necessary to provide equivalent fish passage to that provided in paragraphs (a) and (c) hereof are determined using flow measurements at USGS Gauge No. 11143010 in Andrew Molera State Park, such flows shall be substituted as the operative diversion restriction, and upon such substitution the limitations of paragraph (b) hereof shall be of no further effect.
- e) In lieu of compliance with conditions a, b, c and d hereof, Permittee may elect to augment river flow and dissolved oxygen through the addition of a minimum of 3 cfs of aerated alluvial groundwater to the river at a point [Transect 11] or such downstream location as may be agreed to in writing by the Permittee, the California Department of Fish and Game and the California Department of Parks and Recreation. Permittee shall provide documentation to the Deputy Director of the Division of Water Rights that this streamflow augmentation measure has been implemented, shall record the augmentation flows on a continuous flow meter and shall provide records of such augmentation to the Division of Water Rights on a yearly basis. This provision shall ensure that flow augmentation increases river flow to a level sufficient to meet applicable passage criteria or to fully offset to the river surface flow impacts associated with Permittee's pumping, as documented by flow or applicable depth measurements as set forth in Condition (a) or (c) above.
- f) Permittee shall install and properly maintain a meter on each point of diversion, satisfactory to the Deputy Director of the Division, which is capable of measuring the instantaneous rate of irrigation diversions in gallons per minute and the cumulative quantity of irrigation water diverted in gallons. The meters shall be conveniently located so as to be accessible for reading by the SWRCB or its designated representative.
- Permittee shall record the cumulative meter readings approximately the first of each month. Meter readings shall be supplied to the SWRCB with the annual progress report submitted to the SWRCB by Permittee.

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ESR--40

Ms. Barbara Evoy

Page 3

June 14, 2011

Thank you for your attention to this matter.

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



Janet K. Goldsmith,  
Agent for James J. Hill, III, Applicant

cc: Paul Murphy  
James J. Hill, III  
Service list for Big Sur River Hearing  
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Ms. Barbara Evoy  
Page 4  
June 14, 2011



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