



**Linda S. Adams**  
*Acting Secretary for  
Environmental Protection*

# State Water Resources Control Board

## Executive Office

**Charles R. Hoppin, Chairman**  
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**Edmund G. Brown Jr.**  
*Governor*

March 3, 2011

Enclosed Service List

### WATER RIGHT HEARING ON APPLICATION 30166: RULING ON REQUEST FOR ADDITIONAL TIME TO PRESENT CASE-IN-CHIEF AND FOR A PRE-HEARING CONFERENCE

This letter responds to Mr. Hill's request, dated February 23, 2011, for additional time to present a case-in-chief and for a pre-hearing conference in the hearing on water right Application 30166 (El Sur Ranch). For the reasons set forth below, these requests are denied.

Mr. Hill's request for additional time for presentation of his case-in-chief is denied. Mr. Hill seeks a total of 4.75 hours to present direct testimony for his case-in-chief as specifically allocated to individual witnesses or a total of 5 hours for presentation of the case-in-chief, without limitation for individual witnesses. Mr. Hill also requests an additional 10 minutes to present the opening statement. According to the Notice of Public Hearing in this matter, dated December 20, 2010, witnesses presenting oral testimony are expected to summarize or emphasize their written testimony on direct examination. They shall not read their testimony into their record. We will be able to refer to the written testimony in the record; thus, to ensure the efficient conduct of the hearing, we will expect the parties' witnesses to summarize or emphasize their written testimony in the allotted time. We also will not grant Mr. Hill's request for additional time to present an opening statement. If the applicant believes that additional explication is needed, he may submit it in a written opening statement before the hearing or during the hearing, prior to the case-in-chief, as provided in the hearing notice.

Mr. Hill's request for a pre-hearing conference is denied without prejudice. Mr. Hill's request states that "a pre-hearing conference may provide the opportunity to discuss motions filed by the applicant and other parties for time augmentation, party designation, evidence, and hearing procedures." This letter addresses the applicant's request for time augmentation and, thus, a pre-hearing conference is not needed for this purpose. The applicant does not raise any specific issues regarding party designation, evidence and hearing procedures that merit scheduling a pre-hearing conference.

As a reminder to all parties, the following time limits apply in this hearing, subject to specific rulings by the hearing officers:

- Policy statements: 5 minutes
- Opening statements: 20 minutes per party
- Direct testimony: 20 minutes to summarize witness testimony; 2 hours total for a party to present all of its testimony
- Cross examination: 1 hour per witness or panel of witnesses

We expect all parties to follow the applicable time limits.

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

Sincerely,

A handwritten signature in black ink that reads "Tam M. Doduc". The signature is fluid and cursive, with a long horizontal stroke at the end.

Tam M. Doduc  
Hearing Officer

Enclosure

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

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

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

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

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

<p>EL SUR RANCH c/o Janet Goldsmith &amp; Tom Berliner Kronick, Moskovitz, Tiedmann &amp; Girard 400 Capitol Mall, 27<sup>th</sup> Floor Sacramento, CA 95814 <a href="mailto:jgoldsmith@kmtg.com">jgoldsmith@kmtg.com</a> <a href="mailto:tberliner@duanemorris.com">tberliner@duanemorris.com</a> (916) 321-4500</p>	<p>CALIFORNIA DEPARTMENT OF FISH &amp; GAME c/o Kevin Takei &amp; Chandra Ferrari 1416 Ninth Street, 12<sup>th</sup> Floor Sacramento, CA 95814 <a href="mailto:KTakei@DFG.ca.gov">KTakei@DFG.ca.gov</a> <a href="mailto:CFerrari@DFG.ca.gov">CFerrari@DFG.ca.gov</a> (916) 653-3715</p>
<p>TROUT UNLIMITED c/o Brian Johnson 2239 5<sup>th</sup> Street Berkeley, CA 94710 <a href="mailto:bjohnson@tu.org">bjohnson@tu.org</a> (510) 528-4772</p>	<p>CENTER FOR BIOLOGICAL DIVERSITY &amp; VENTANA WILDNERNESS ALLIANCE c/o Adam Lazar 351 California Street, # 600 San Francisco, CA 94104 <a href="mailto:alazar@biologicaldiversity.org">alazar@biologicaldiversity.org</a> (415) 436-9683</p>

<p>WERNER MOTZEL c/o Alexander Hubbard Hubbard &amp; Hubbard, LLP 400 Camino Aguajito Monterey, CA 93940 <a href="mailto:AFHUBB@aol.com">AFHUBB@aol.com</a> (831) 372-7571</p>	<p>LORRI LOCKWOOD P.O. Box 264 Big Sur, CA 93920 <a href="mailto:lorribigsur@aol.com">lorribigsur@aol.com</a> (831) 667-2564</p>
<p>CALIFORNIA SPORTFISHING PROTECTION ALLIANCE c/o Michael Jackson P.O. Box 207 Quincy, CA 95971 <a href="mailto:mjatty@sbcglobal.net">mjatty@sbcglobal.net</a> (530) 283-1007</p>	<p>CARMEL RIVER STEELHEAD ASSOCIATION c/o/ Brian LeNeve P.O. Box 1012 Carmel, CA 93921 <a href="mailto:bjleneve@att.net">bjleneve@att.net</a> (831) 624-8497</p>

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

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

<p>MONTEREY COASTKEEPER  Steve Shimek  475 Washington Street, Suite A  Monterey, CA 93940  <a href="mailto:exec@montereycoastkeeper.org">exec@montereycoastkeeper.org</a>  (831) 646-8837 ext 114</p>	<p>BIG SUR RIVER INN  Alan Perlmutter  Highway One at Pheneger Creek  Big Sur, CA 93920  <a href="mailto:alan@bigsurriverinn.com">alan@bigsurriverinn.com</a>  (831) 667-1250</p>
<p>NATIONAL MARINE FISHERIES SERVICE  David Hines &amp; Devin Best  <a href="mailto:David.Hines@noaa.gov">David.Hines@noaa.gov</a>  <a href="mailto:Devin.Best@noaa.gov">Devin.Best@noaa.gov</a>  (707) 578-8553</p>	<p>Dr. Peter Raimondi  Department of Ecology &amp; Evolutionary Biology,  Long Marine Lab  University of California Santa Cruz  Santa Cruz, CA 95060  <a href="mailto:raimondi@biology.ucsc.edu">raimondi@biology.ucsc.edu</a>  (831) 459-5674</p>
<p>Frank Pinney  P.O. Box 683  Big Sur, CA 93920  <a href="mailto:frank@pinneyconstruction.com">frank@pinneyconstruction.com</a>  (831) 667-2584</p>	<p>Kirstin Gafill  48460 Highway 1  Big Sur, CA 93920  <a href="mailto:Kgafill@nepenthebigsur.com">Kgafill@nepenthebigsur.com</a>  (831) 667-2354</p>
<p>CENTRAL COAST LIGHTHOUSE KEEPERS  c/o John O'Neil  P.O. Box 223014  Carmel, CA 93922  <a href="mailto:johnoneil@montereybay.com">johnoneil@montereybay.com</a>  (831) 647-8261</p>	<p>Butch Kronlund  48280 Highway 1  Big Sur, CA 39320  <a href="mailto:bpkronlund@aol.com">bpkronlund@aol.com</a>  (831) 667-0332</p>