

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

8 Attorneys for Applicant James J. Hill III
9

10 BEFORE THE
11 STATE WATER RESOURCES CONTROL BOARD
12

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

16 **APPLICANT'S MOTION / REQUEST FOR**
EXPANDED ALLOTMENT OF TIME TO
PRESENT CASE-IN-CHIEF
and
REQUEST FOR PRE-HEARING
CONFERENCE

17 **I. INTRODUCTION**

18 For over half a century, the 246 acres of cultivated pastures of the El Sur Ranch
19 ("Ranch"), owed by the applicant, Mr. Hill, have been irrigated with groundwater pumped from
20 the alluvium near the Big Sur River on the Monterey Coast. The pastures of this heritage Ranch
21 provide forage for a herd of approximately 450 head of cattle.¹ In 1992, the State Water
22 Resources Control Board's staff concluded that the water being obtained was not percolating
23 groundwater, but rather was subterranean flow of the Big Sur River. Mr. Hill promptly filed an
24 application for an appropriative water right permit to enable him to continue Ranch operations.
25 The complex interaction of the subsurface water in the alluvial valley, the Big Sur River surface
26 flow and the tidal influences on both will be the primary focus of the hearing now scheduled for
27

28 ¹ During the summer months and in late August, a total of approximately 400 calves are born at the Ranch, requiring good quality and quantity of nutritious forage.

1 June 16 and 17, 2011.

2 Since the filing of the application, numerous studies, scientific data, and analyses have
3 been and continue to be conducted, many with substantial input from protestant California
4 Department of Fish and Game (“DFG”). Technical studies were conducted to support the draft
5 Environmental Impact Report (“EIR”) as well as in response to requests for further studies made
6 by DFG. Commissioned by the Ranch, expert consultants conducted studies, including, but not
7 limited to, a specific water availability analysis requested by DFG Regional Manager Robert
8 Floerke in November 2002; water quality analyses requested by Manager Floerke in April 2003;
9 additional studies, data collection and analysis of the hydraulic connectivity between the alluvium
10 and the Big Sur River; the request for additional hydraulic studies to produce additional data and
11 analyses regarding the upwelling of ground water made by Kit Custis of DFG in December 2005;
12 and velocity studies in transects above the wells’ zone of influence as requested by DFG Regional
13 Manager W.E. Louderwick, in July 2007. These examples are but a handful of studies requested
14 by DFG, commissioned in good faith by El Sur Ranch owner and applicant, James J. Hill III, and
15 conducted by the experts the Ranch will call as witnesses at the hearing.

16 The written testimonies of the Ranch expert consultants will provide a concise overview
17 of their work; however, given the complexity, number and time-span of the studies conducted, as
18 well as the in-depth nature of each expert’s conclusions, the need for additional time for their
19 direct testimony at the hearing before the State Water Resources Control Board (“State Board” or
20 “Board”) is evident. A total of 4.75 hours is requested for direct testimony in the applicant’s
21 case-in-chief, as allocated below.

22 Per the hearing notice issued in this matter, parties may seek additional time to present
23 direct testimony upon a showing of good cause. By this motion, Mr. Hill seeks additional time
24 for direct testimony of six witnesses – Mr. Paul Horton, Dr. Chuck Hanson, Dr. Niel Allen, Dr.
25 Orrin Sage, as well as the applicant himself and the former Ranch Manager. Based on the issues
26 outlined in more detail below, good cause exists to grant this motion and increase the allotted
27 time for the applicant’s case-in-chief.

28 Additionally, as this matter is complex and spans over 18 years of studies and

1 investigations, a pre-hearing conference may provide the opportunity to discuss motions filed by
2 the applicant and other parties for time augmentation, party designation, evidence and hearing
3 procedures.

4 **II. FACTS SUPPORTING GOOD CAUSE**

5 There are two essential questions that the Board must address in acting on Application
6 30166: (1) How much water is needed to maintain the pasture crop for the applicant's cow-calf
7 operation, and what are the implications of denial of his application? and (2) What, if any, are the
8 adverse impacts on the Big Sur River, its public trust resources, and other environmental values
9 that could result from granting the application? In answering these questions, the Board must
10 receive and understand a great wealth of scientific evidence that has been developed concerning
11 the complex interaction of water, climate, and geological factors in the pastures and lower two
12 miles of the Big Sur River and its alluvial valley. The time allotted by the Notice of Hearing –
13 20 minutes per witness – is inadequate to present the scientific and historical evidence in a
14 manner that will effectively educate the Hearing Officers and the Board members on the critical
15 issues involved.

16 The main focus of the scientific inquiries in this case is to answer the question: to what
17 extent, if any, does the extraction of irrigation water from the underground aquifer have an
18 adverse effect on the Big Sur River's flows, fishery, and habitat – both in terms of aquatic habitat
19 and supporting habitat for wildlife, specifically looking at the hydrogeology and surface
20 hydrology of the river. In seeking to answer this question, El Sur Ranch hired the four expert
21 consultants to complete the necessary studies, and collect and analyze the data produced from the
22 studies. Hanson Environmental, Inc, was retained to perform the necessary studies and provide
23 an analysis of the Big Sur River fishery and habitat; the Source Group, Inc. ("SGI") was engaged
24 to conduct in-depth studies and analyses on the hydrogeology and hydrology of the Big Sur River
25 and surrounding areas; the firm Natural Resources Consulting Engineers, Inc., ("NRCE") was
26 engaged to analyze and evaluate agricultural water uses on the El Sur Ranch, and to determine the
27 irrigation requirements of the forage crops cultivated on the ranch and to assess the
28 reasonableness of its water use practices. Data collection and analysis by these experts did not

1 cease in 2007, and continues to date. Each expert has been identified by Mr. Hill in the Notice of
2 Intent to Appear filed herewith.

3 **A. Dr. Charles Hanson, Hanson Environmental**

4 Dr. Charles Hanson, fisheries expert and principal at Hanson Environmental, Inc.,
5 performed studies and analysis regarding the health of the Big Sur River fishery, and aquatic
6 habitat. Specifically, in 2004, Dr. Hanson conducted depth, velocity and streamflow
7 measurements; habitat conditions and surface water connectivity surveys; water quality surveys,
8 including studies that monitored dissolved oxygen; continuous water temperature monitoring; and
9 steelhead/rainbow trout snorkel surveys in several locations in the Big Sur River from the bend at
10 the Andrew Molera State Park parking lot downstream to the mouth of the river (the “Study
11 Area”).

12 In late summer and early fall 2006 and 2007 (a “critically dry” year), at the bequest of Mr.
13 Hill, Dr. Hanson redoubled his efforts and updated his findings, conducting continuous
14 temperature and dissolved oxygen monitoring; water quality grab sampling, including salinity;
15 fish passage and habitat connectivity surveys; stream discharge and velocity studies; and habitat
16 monitoring in Swiss Canyon. From those numerous studies, Dr. Hanson gathered corresponding
17 data and made analyses that resulted in hundreds of pages of reports that ultimately supported the
18 Environmental Impact Report issued in this matter. Dr. Hanson’s oral presentation of the fishery
19 habitat and population studies is estimated to require one hour.

20 **B. Mr. Paul Horton, SGI**

21 SGI, an environmental engineering, hydrogeologic and management firm, under the
22 direction of Paul Horton, P.G., C.H.G., performed numerous hydrogeologic investigations and
23 field studies in the last mile of the Big Sur River as it empties into the Pacific Ocean – known as
24 the Study Area. When first retained, Principal Hydrogeologist Paul Horton determined key goals
25 for the project: (1) to ascertain whether there was a correlation between surface water flow and
26 stream underflow in the area of the El Sur Ranch and the Andrew Molera State Park pumping
27 well (the Navy well) throughout the pumping season and if there was a correlation, whether the
28 correlation related to any noted changes in stream flow or water quality; (2) to determine the

1 dominant mechanism for saltwater intrusion into the alluvium that affects water quality
2 conditions recorded in Ranch pumping wells; and (3) to determine the typical lagoon and river
3 water quality conditions throughout the pumping season as influenced by saline water underflow,
4 river flow conditions, pumping dynamics, and tidal fluctuations. To seek out the answers to these
5 goals, SGI began a comprehensive hydrologic and hydrogeologic investigation by performing the
6 following studies and surveys in 2004: (1) gathered public data including tide data, and
7 climatological and flow data for the Big Sur River to evaluate interrelationships among the
8 groundwater, surface water and ocean water; (2) conducted two geophysical surveys (one prior to
9 the irrigation season and one near the end of the irrigation season) to obtain data regarding the
10 subsurface stratigraphy and to identify differences in the amount of saltwater intrusion and to
11 refine the site conceptual hydrogeologic model; (3) gathered data from prior aquifer tests to
12 estimate aquifer properties including hydraulic conductivity, transmissivity, and groundwater
13 flow rates; (4) installed a monitoring well cluster adjacent to the Big Sur River to collect data
14 regarding vertical variation in hydraulic head and water quality parameters in the alluvium
15 adjacent to the river; (5) installed two deep borings (100 feet below ground surface (bgs) and 70
16 feet (bgs)) within the terrace deposits flanking the Big Sur River valley and converted them to
17 monitoring wells to obtain data regarding the interconnectedness of ground water within the
18 terrace deposits and the aquifer beneath the Big Sur valley; (6) took synoptic water level
19 measurements and utilized the data to construct potentiometric surface maps showing the effects
20 of different pumping configurations on the local water table; (7) gathered groundwater and
21 surface water quality parameter data to ascertain and describe the general water quality and to
22 characterize significant conductivity and temperature differences between groundwater, surface
23 water and ocean water; and (8) collected data from all monitoring wells and river transects for
24 surveys by a licensed surveyor to construct the potentiometric surface maps and the accurate
25 placement of measurement locations on a base map. The analyses from these studies culminated
26 in a report – *Hydrogeologic Investigation and Conceptual Site Model Within the Lower Reach of*
27 *the Big Sur River* (2004 Report) that supported the draft EIR in this matter.

28 In 2006, SGI sought the answers to additional technical questions related to the specific

1 and quantifiable connections between pumping of El Sur Ranch irrigation wells and River flow
2 and water quality. SGI's main purpose of the additional 2006 Study was to collect data and gain
3 further understanding of the groundwater-river dynamic system to ascertain whether there was a
4 correlation between irrigation well pumping and any loss of surface water through the bed of the
5 Big Sur River in response to the pumping. Additionally, the 2006 Study evaluated the potential
6 for irrigation pumping to induce drawdown impacts in the adjacent Creamery Meadow. Further,
7 monitoring of River water quality focused on temperature, dissolved oxygen, and detection of
8 pumping based on water quality impacts, if any. SGI also monitored the movement of the saline
9 wedge to further address concerns over the impact of saline water to the lagoon. SGI also
10 constructed a monthly based water budget for the season when pumping might have the most
11 potential to cause an impact in the Study Area – defined as a 2000-foot section of the lower Big
12 Sur river bounded downstream by the upper lagoon and upstream by the 'deep pool' area.

13 The results of SGI's 2006 Study confirmed and expanded upon the hydrogeologic
14 conceptual model defined in the 2004 Study. It led to an increased level of understanding of the
15 specific nature of influence of the irrigation pumping wells on the Big Sur River. The 2006 Study
16 focused on the potential for impact to steelhead fishery habitat. The analyses and supporting data
17 from the 2006 Study was the basis for the report – *Addendum to Hydrogeologic Investigation and*
18 *Conceptual Site Model Within the Lower Reach of the Big Sur River* (2006 Report), which also
19 supported the draft EIR in this case.

20 In 2007, a critically dry water year with low River flow conditions, SGI performed
21 extremely relevant investigations within the Zone of Influence (ZOI) of the irrigation wells that
22 had been determined in the 2006 Study -- a 2000-foot stretch of the lower Big Sur River bounded
23 downstream by the upper lagoon and upstream by the "deep pool" area (2007 Study Area). The
24 studies were designed to gain a further understanding of the relationship between pumping of the
25 two El Sur Ranch wells and to quantify the effects, if any, the pumping had on both the volume of
26 flow and water quality in the Big Sur River. Working from the investigations and analyses
27 performed previously that culminated in issuance of the 2004 Report and the updated 2006
28 Report, SGI installed ten pairs of piezometers in the bed of the Big Sur River. Each pair

1 consisted of a deep piezometer to measure the groundwater level and a shallow piezometer to
2 measure the surface water level in the river and each was equipped with a data logging transducer
3 that allowed continuous recording of water pressure (which translated into water level elevation)
4 and temperature data. SGI also established three temporary gauging stations on the River; one
5 up-gradient from the 2007 Study Area to measure River water velocity and overall flow.

6 Additionally, SGI installed dissolved oxygen sensors in eight of the ten shallow
7 piezometer locations in the 2007 Study Area to continuously monitor and record dissolved
8 oxygen levels; continuously monitored and recorded groundwater elevation and temperature data
9 from nine groundwater monitoring wells within the Study Area to assess water level fluctuations,
10 diurnal events and the degree of connection between groundwater and surface water; took
11 contemporaneous manual water level measurements from eleven wells within the 2007 Study
12 Area; and collected water quality data (including Dissolved Oxygen, temperature, and River
13 water quality) using handheld field instruments from both groundwater and River water to
14 describe the general water quality and to characterize significant conductivity and temperature
15 differences between groundwater, surface water and ocean water; and gathered public domain
16 data from other entities. During SGI's studies, all monitoring wells, piezometer locations,
17 velocity transects and the stilling well used for data collection were surveyed by a licensed
18 surveyor. The survey data was used in the construction of the potentiometric surface maps and
19 for accurate placement of measurement locations on the base map.

20 The data collected from the 2007 Study resulted in a report, *Addendum to Hydrogeologic*
21 *Investigation and Conceptual Site Model Within the Lower Reach of the Big Sur River* (2007
22 Report) that provided vital analyses of River flow and habitat conditions and supported the draft
23 EIR in this matter.

24 The current time limit for direct testimony of Mr. Horton, – 20 minutes – will not afford
25 the Hearing Officers and Board members the time needed for Mr. Horton to describe and explain
26 his conclusions and their well-founded basis. An allocation of two hours would provide the
27 opportunity for a sound presentation of the conclusions and bases therefore, without going into
28 unnecessary detail of each study and measurement.

1 **C. Dr. Niel Allen, NRCE, Inc.**

2 The engineering firm NRCE, Inc., under the direction of Dr. Niel Allen, conducted field
3 studies, collected and analyzed necessary climatic data from weather stations established on the
4 Ranch and in the area, and analyzed crop water requirements for the cultivated pasture at El Sur
5 Ranch. Dr. Allen's focus was on the evaluation and study of: crop water requirements (including
6 evapotranspiration rates, climatic conditions, effective precipitation, net irrigation requirement,
7 irrigation efficiency, historical pumping, leaching rate) for the specific crops cultivated at the
8 Ranch; historical and present climatic condition at the Ranch; irrigation method, system and
9 appropriateness; analysis of the irrigated acreage; soil characteristics and erosion issues;
10 reasonable and beneficial use; and local land use ordinances and plans. The numerous analyses
11 and the supporting data culminated in a 2005 Reasonable Beneficial Use – Land Use Study report
12 that supported the draft EIR. These studies and analyses were updated in 2007 after two years of
13 site-specific data was collected from two weather stations established on the irrigated fields of the
14 Ranch.

15 Dr. Allen will explain the how the site-specific data was correlated with other data for a
16 sound determination of irrigation needs and leaching requirement, and will also address the
17 method of irrigation and erosion issues, it is anticipated that his presentation will require 45
18 minutes. Therefore, a 25-minute extension is requested for his oral testimony.

19 **D. Dr. Orrin Sage, Sage Associates**

20 Dr. Orrin Sage is a noted expert on range management and is experienced in the
21 nutritional needs of cattle operations similar to those on the Ranch, and the costs, physical and
22 economic feasibility of alternative operations. His testimony is key to the Board's full
23 understanding of the implications of its decision on this water right application. It is believed that
24 the 20 minutes afforded by the Notice of Hearing will be sufficient for his testimony.

25 **E. Other witnesses**

26 In addition to the expert witnesses described above, the applicant and owner of El Sur
27 Ranch, will present testimony describing the history of irrigation of the ranch from the wells that
28 are the subject of the application, the ranch records of diversion and use, the manner in which the

1 irrigation system is laid out and operated, and the considerations central to the ranch's successful
2 cow-calf operation. It is estimated that his testimony will require 30 minutes.

3 **F. Opening Statement**

4 Because of the breadth of both history and scientific testimony, an opening statement of
5 30 minutes is also requested, to orient the Hearing Officers to the evidence they will be receiving.

6 **IV. Specific Time Allocation Requested**

7 Accordingly, this request is made for an extension of time for presentation of the
8 applicant's case in chief to the following time limits:

- 9 • Opening Statement: 30 minutes.
- 10 • Mr. Paul Horton, SGI, hydrogeology of the Big Sur River and its alluvium: two
11 hours.
- 12 • Dr. Charles Hanson, Hanson Environmental Associates, fish habitat and
13 population in the lower Big Sur River and the relationship between irrigation
14 pumping and habitat quality: one hour.
- 15 • Dr. Neil Allen, NRCE, irrigation requirements of El Sur Ranch forage crop,
16 efficiency of method of irrigation, and erosion issues: 45 minutes.
- 17 • Dr. Orrin Sage, Sage Associates, nutritional considerations in cattle operations,
18 environmental effects of varying methods of providing nutrition: 20 minutes.
- 19 • Mr. Thomas Asmus, former Ranch Manager, history of ranch operations and
20 method of irrigation: 15 minutes.
- 21 • Mr. James J. Hill, III, Applicant and owner of El Sur Ranch, irrigation operations,
22 ranch history and cow-calf operational requirements: 30 minutes.

23 Alternatively, applicant requests a total of five hours to be allocated to presentation of
24 evidence in the applicant's case-in-chief, without limitation for individual witnesses.

25 **III. LAW AND ARGUMENT**

26 **A. Extension Of Time Allotment For Oral Testimony Is Within The**
27 **Hearing Officer's Authority.**

28 California Code of Regulations, title 23, section 648.5 gives the State Water Resources

1 Control Board discretion over the conduct of adjudicative proceedings. The Notice of Public
2 Hearing posted by the State Water Resources Control Board, dated December 20, 2010², allots
3 each witness 20 minutes for presentation of oral testimony. It also affords parties the opportunity
4 to seek additional time to present direct testimony during the party's case-in-chief. (Notice of
5 Public Hearing ("Notice") dated December 20, 2010, Water Right Hearing Information, ¶ 8.b.ii,
6 p. A-6.) Such a request may be granted upon a showing of good cause. (Id. at fn. 3.)

7 **B. Good Cause Exists For Granting An Extension Of Time For Testimony.**

8 A showing of good cause in this matter starts with showing that the information provided
9 by the expert is voluminous, complex and covers a broad range of inquiry, that it was conducted
10 after consultation with DFG and the State Water Resources Control Board, and that the expanded
11 allotment of time is necessary to ensure that the Board members have the benefit of the expert's
12 analyses and opinions.

13 The facts set forth above show the breadth and depth of technical studies and analyses
14 performed by each expert. The studies conducted in 2006 and 2007 were done after discussions
15 with DFG regarding its protest to the El Sur Ranch Application. In a good faith effort to address
16 those concerns and to ascertain whether the pumping at the Ranch might have a detrimental effect
17 on the fishery, habitat and flow of the River, Mr. Hill agreed to undertake further studies and
18 investigations to assess any impacts during a wet year – 2006; and a critically dry year – 2007.
19 As Mr. Hill has acted in good faith to investigate and further study DFG's concerns by focusing
20 the experts' study of the potential impacts, he should be given the opportunity to provide the
21 Board with the information and conclusions produced from the undertaking.

22 The studies prior to 2004 and those refocused after consultation with DFG are voluminous
23 and exceedingly technical. SGI, under the direction of Principal Hydrologist Paul Horton, has
24 performed numerous discrete investigations into a number of potential impacts over a number of
25 years under a number of different precipitation and streamflow conditions. As can be seen from
26 the enumerated iteration of SGI's work above, they conducted extensive studies on the hydrology
27 and hydrogeology of the Study Area on the Big Sur River. Paul Horton analyzed the effects that

28 ² A Notice of Rescheduling of Public Hearing was issued on January 12, 2011.

1 irrigation pumping at El Sur Ranch might have on the Big Sur River in all types of years; a “dry”
2 year in 2004, a “wet” year in 2006, and a “critically dry” year in 2007. SGI studied ultimate
3 questions such as: whether irrigation pumping at the Ranch causes a reduction of surface flow of
4 the river and if so, how much (measurable) and when and where; whether pumping affects water
5 quality in the River; and whether Ranch pumping exacerbates the migration of the naturally
6 present saline wedge located beneath the fresh water at the mouth of the Big Sur River. The vast
7 amount of technical work completed by SGI provides the answer to these and other questions.
8 SGI, under the direction of Paul Horton, submitted over 1000 pages of reports, assessments, study
9 data and surveys to the Board in 2005 and 2007. The factors affecting the river’s surface flow,
10 which must take into account varying tidal influence, variations in permeability of the alluvial
11 material and irrigation pumping are complex and an understanding of them is crucial to the
12 Board’s decision on the application. Paul Horton’s written testimony will provide the Board with
13 an overview of his work and conclusions; however, he cannot fully explain to the Board the basis
14 of his conclusions derived from the exceedingly technical investigations by SGI in only 20
15 minutes of direct testimony. Mr. Hill therefore requests that Paul Horton be permitted two hours
16 to present his findings to the Board members.

17 Likewise, Dr. Charles Hanson completed in-depth technical studies as to the condition of
18 the fisheries and habitat in the Study Area of the Big Sur River. He studied the condition of the
19 Big Sur River fishery and fish habitat in the river over several years, including 2004, a “dry” year,
20 and 2007, a “critically dry” precipitation year which led to low river flow in both years. His
21 analysis of the steelhead population, growth rate, and habitat temperature, water quality and
22 connectivity for fish passage, and his investigation and analysis of the effect of El Sur Ranch
23 irrigation pumping on the fish habitat and population are important to the adjudication of this
24 application. Dr. Hanson submitted over 500 pages of reports, assessments, studies, and surveys to
25 the Board thus far, and although his written testimony will provide the Board with a succinct
26 overview of his work and opinions, Mr. Hill requests that Dr. Hanson be afforded one hour to
27 present his direct testimony to the Board members.

28 Dr. Niel Allen of NRCE also conducted critical analyses of the irrigation system and crop

1 water needs at El Sur Ranch. Dr. Allen visited the Ranch to assess the irrigation management,
2 soil characteristics and erosion potential, to determine irrigation requirements based on the
3 specific cultivated crops at the Ranch, and to assess climatic conditions. With the site-specific
4 data he gathered, correlated with long-term regional climatic data, Dr. Allen was able to develop
5 a 30-year history of weather and irrigation on the ranch. Dr. Allen applied numerous scientific
6 methodologies and performed numerous complex calculations to ascertain the amount of
7 irrigation water the Ranch needs to apply to its pasture for the growth of forage necessary for the
8 cattle at the Ranch. He also examined the soils at the Ranch and provided his conclusions
9 regarding historic and current erosion potential. Although Dr. Allen's written testimony will
10 provide the Board members with a summary of his work and opinions, Mr. Hill requests that Dr.
11 Allen be afforded 45 minutes for his direct testimony.

12 In the alternative to the above specific requests for time allotment, Mr. Hill requests that
13 the Board provide him with a five hour block of time for all witnesses to complete their direct
14 testimony. Mr. Hill's expert consultants and representatives have, in good faith, conducted the
15 necessary studies and investigations over the course of the last 18 years, including those carried
16 out after consultation with and requests by DFG, to provide the Board members with the most
17 significant and relevant critical analyses and conclusions available. Their goal is to report to the
18 Board members and provide them with the benefit of their lengthy and in-depth research, analyses
19 and opinions. Condensing years of information and investigation into 20 minutes of testimony
20 would be next to impossible, and would be wholly inadequate for the purpose of informing the
21 Board members of the opinions of Mr. Hill's experts and the scientific and technical bases of
22 those opinions.

23 Based on the foregoing facts and discussion, Mr. Hill respectfully seeks the extension of
24 time for direct testimony allotted to his case-in-chief.

25 Dated: February 23, 2011

KRONICK, MOSKOVITZ, TIEDEMANN & GIRARD
A Law Corporation

26
27 By: 
Janet K. Goldsmith
28 Attorneys for James J. Hill, III

1
2 **PROOF OF SERVICE**

3 I, Lorraine Lippolis, declare:

4 I am a citizen of the United States and employed in Sacramento County, California. I am
5 over the age of eighteen years and not a party to the within-entitled action. My business address
6 is 400 Capitol Mall, 27th Floor, Sacramento, California 95814. On February 24, 2011, I served a
7 copy of the within document(s):

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

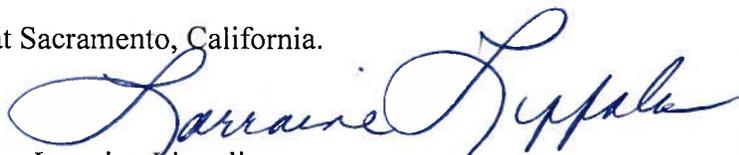
- 11 by transmitting via facsimile the document(s) listed above to the fax number(s) set
12 forth below on this date before 5:00 p.m.
- 13 by placing the document(s) listed above in a sealed envelope with postage thereon
14 fully prepaid, the United States mail at Sacramento, California addressed as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

21 *SEE ATTACHED*

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

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

Executed on February 24, 2011, at Sacramento, California.


Lorraine Lippolis

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SERVICE LIST

Ruth Coleman, Director
California Department of Parks & Recreation
1416 9th Street
Post Office Box 942896
Sacramento, CA 94296

John McCamman, Director,
California Department of Fish & Game
1419 9th Street, 12th Floor
Sacramento, CA 95814

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
1360 Nielson Street
Berkeley, CA 94702-1116