

Marion's Inn LLP

Mark Palley
Yvonne Pierrou
Lauren Delucchi

Historic Central Building
436 14th Street, Suite 1305
Oakland, California 94612-2145

Telephone:
(510) 451-6770
Email:
mp@marionsinn.com

July 27, 2026

The Honorable Chief Justice Patricia Guerrero
and Honorable Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, California 94102

Re: *Dummer v. City and County of San Francisco*,
Supreme Court Case No. S297428
Court of Appeal Case No. A172588
Amici Support for Request for Review

Dear Chief Justice and Associate Justices:

Under rule 8.500(g), Cal. Rules of Court, *amici curiae* Restore Hetch Hetchy (“RHH”) and the Northern California Council Fly Fishers International (“NCCFFI”) (together, “Amici”) respectfully submit this letter in support of the request for review filed by plaintiff and appellant Timothy James Dummer (“Appellant”). The published opinion should be reviewed because it erroneously permits defendant and respondent City and County of San Francisco (“CCSF”) to continue to fail to perform its ministerial duty of submitting a water supply permit application for fishing in Calaveras Reservoir.

Interests of Amici

RHH is a non-profit 403(c) corporation founded to restore the majestic Hetch Hetchy Valley in Yosemite National Park to its natural state. RHH also works to improve recreational use of that valley by, among other things, allowing fishing in Hetch Hetchy Reservoir. Like the East Bay's Calaveras Reservoir at issue here, Hetch Hetchy Reservoir is one of eight reservoirs in the water system that the San Francisco Public Utilities Commission ("SFPUC") operates for CCSF and its residential customers. Hetch Hetchy Reservoir stores water diverted from the Tuolumne River, while Calaveras Reservoir draws water from the Alameda Watershed.

NCCFFI, with its 27 member-fly-fishing clubs and over 10,000 individual members, focuses its conservation efforts on protecting and restoring fisheries and stabilizing river systems. The Council works with other California non-profits to help protect and sustain healthy rivers and quality fisheries.

Reasons for Review

Amici fully endorse the efforts of Appellant to obtain public fishing rights in Calaveras Reservoir. Both state and federal law protect those fishing rights. While federal jurisdiction applies to the Hetch Hetchy Reservoir and state jurisdiction to Calaveras Reservoir, CCSF and its agency, SFPUC, employ the exact same obstructionist tactics at both.

The petition reflects that petitioner has waited seven years for CCSF to exercise its duty to apply for a fishing permit to the California State Water Resources Control Board (the “Board”) so that the Board can authorize fishing in Calaveras Reservoir subject to reasonable use measures that the state authorizes. CCSF has simply sat on the submission, despite its ministerial duty to submit it. The Court of Appeal’s opinion allows CCSF to continue its pattern of obstruction.

The SFPUC has similarly obstructed fishing rights in Hetch Hetchy Reservoir. Although the Raker Act, 8 Stat. 242, § 9(a)(5). – the law granting the SFPUC a license to operate the reservoir – did not permit fishing restrictions for purposes of protecting water purity, the SFPUC and the National Park Service barred fishing in the reservoir below the high-water mark purportedly for that purpose, rendering it impracticable to fish anywhere and almost at any time in the reservoir. Earlier this year, in response to the petition of Amici and other interested groups, the National Park Service opened up Hetch Hetchy Reservoir to the public for fishing for the first time in more than a century. It did so in furtherance of the limited water purity restrictions in the federal Raker Act and the federal policy encouraging public access to waterways for fishing use.

SFUPC provides significantly less public access to its reservoirs than other California water agencies – see attachment A. California has more than 1000 reservoirs, 71 of which hold more than 75,000 acre-feet of water. Of these 71 reservoirs, only two do not allow fishing, SFPUC’s Calaveras Reservoir and the

Metropolitan Water District of Southern California's Lake Matthews in Riverside County. SFPUC's limits on public access extend to boating as well. Of California's 71 reservoirs holding more than 75,000 acre-feet of water, only Calaveras, Hetch Hetchy, and Lake Matthews do not allow any public watercraft.

SFPUC's efforts to delay and obstruct public access both to Hetch Hetchy and to Calaveras are thus at odds with the practices of most state reservoir managers. SFPUC's prohibition at Hetch Hetchy violated federal law, while at Calaveras it violates state law, but the impact is the same: the public cannot use these waterways for a use that the law guarantees, subject only to reasonable restrictions.

Conclusion

For these reasons, Amici Restore Hetch Hetchy and the Northern California Council Fly Fishers International urge the Court to grant appellant Timothy James Dummer's petition for review to consider whether respondent City and County of San Francisco's delay tactics should be tolerated.

Respectfully submitted,

Dated: July 27, 2026 MARION'S INN LLP

By: 

Mark Palley
Attorneys for Amici Curiae Restore Hetch
Hetchy and the Northern California
Council Fly Fishers International

CERTIFICATE OF WORD COUNT

In accordance with California Rules of Court, rule 8.500(g)(2)), I certify that this amici curiae letter was produced on a computer using Microsoft Word, and contains 793 words, excluding the caption, signature block, and this certificate, as calculated by the word-processing software. This is within the 2,800-word limit set by the California Rules of Court.



Mark Palley

PROOF OF SERVICE

I, the undersigned, declare I am over the age of 18 years, and not a party to this action. My business address is 436 14th Street, Suite 1305, Oakland, California 94612-2145. On July 27, 2026, I served the foregoing AMICI CURIAE LETTER IN SUPPORT OF PETITION FOR REVIEW on:

Gregory J. Glaser
Greg Glaser, Attorney at Law
4399 Buckboard Drive, Box 423, Copperopolis, CA 95228
greg@gregglaser.com
Attorney for Plaintiff/Appellant

Brian Crossman
Giulia Gualco-Nelson
Deputy City Attorneys
City Hall, Room 234, 1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4682
Brian.Crossman@sfcityatty.org
Giulia.Gualco-Nelson@sfcityatty.org
Attorneys for Defendants/Respondents

[X] (BY ELECTRONIC SERVICE): I caused this document to be transmitted electronically via the TrueFiling system (or via electronic mail) to the email addresses listed above. I did not receive within a reasonable time after the transmission an electronic message or other indication that the transmission was unsuccessful.

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

Date: July 27, 2026



Mark Palley

Attachment A
Status of Boating and Fishing at California's Largest Reservoirs
(storage capacity in excess of 75,000 acre-feet)

Reservoir Name	Volume (acre-feet)	Boating	Fishing	Reservoir Name	Volume (acre-feet)	Boating	Fishing
Shasta	4,661,860	Allowed	Allowed	Bradbury	206,900	Allowed	Allowed
Oroville	3,520,000	Allowed	Allowed	Buena Vista	205,000	Allowed	Allowed
Trinity	2,760,870	Allowed	Allowed	Pardee	198,000	Allowed	Allowed
Don Pedro	2,300,000	Allowed	Allowed	Spicer	193,000	Allowed	Allowed
San Luis	2,118,380	Allowed	Allowed	Eastman Lake	185,256	Allowed	Allowed
Lake Berryessa	1,854,819	Allowed	Allowed	Lake Crowley	183,465	Allowed	Allowed
Isabella Dam	1,202,000	Allowed	Allowed	Lake Mathews	182,000	Prohibited	Prohibited
Lake Almanor	1,142,964	Allowed	Allowed	Pyramid	171,000	Allowed	Allowed
Folsom	1,120,000	Allowed	Allowed	Los Vaqueros	160,000	Allowed	Allowed
Exchequer	1,100,000	Allowed	Allowed	Imperial	160,000	Allowed	Allowed
Pine Flat Dam	1,091,700	Allowed	Allowed	Mendocino	155,500	Allowed	Allowed
New Bullards Bar	1,010,000	Allowed	Allowed	Salt Springs	142,000	Allowed	Allowed
Diamond Valley	800,000	Allowed	Allowed	Edison Lake	140,000	Allowed	Allowed
Lake Tahoe	744,600	Allowed	Allowed	Camp Far West	137,280	Allowed	Allowed
Lake Havasu	646,200	Allowed	Allowed	Shaver	135,568	Allowed	Allowed
Clear Lake	584,050	Allowed	Allowed	Courtright	134,342	Allowed	Allowed
Millerton	555,500	Allowed	Allowed	Anderson	134,000	Allowed	Allowed
Nacimiento	470,000	Allowed	Allowed	Wishon Main	133,600	Allowed	Allowed
Warm Springs	449,000	Allowed	Allowed	Perris	132,614	Allowed	Allowed
Camanche	417,000	Allowed	Allowed	Mammoth Pool	122,175	Allowed	Allowed
Clear Lake	378,000	Allowed	Allowed	Hidden Dam	116,727	Allowed	Allowed
Hetch Hetchy	360,360	Prohibited	Allowed	El Capitan	112,800	Allowed	Allowed
Indian Valley	359,000	Allowed	Allowed	Bucks Lake	105,605	Allowed	Allowed
Black Butte Dam	354,000	Allowed	Allowed	Englebright	103,000	Allowed	Allowed
San Antonio	350,000	Allowed	Allowed	Beardsley	97,800	Allowed	Allowed
New Hogan Dam	348,598	Allowed	Allowed	Calaveras	96,850	Prohibited	Prohibited
Castaic	323,700	Allowed	Allowed	Little Grass Valley	94,660	Allowed	Allowed
Casitas	283,727	Allowed	Allowed	Big Creek Dam	89,800	Allowed	Allowed
Stampede	280,100	Allowed	Allowed	Anderson	89,073	Allowed	Allowed
Whiskeytown	276,117	Allowed	Allowed	Piru	88,000	Allowed	Allowed
Cherry Valley	273,500	Allowed	Allowed	Grizzly Valley	83,000	Allowed	Allowed
Union Valley	266,369	Allowed	Allowed	Pillsbury	80,600	Allowed	Allowed
San Vicente	242,000	Allowed	Allowed	Del Valle	77,100	Allowed	Allowed
Terminus	235,205	Allowed	Allowed	Big Sage	77,000	Allowed	Allowed
Schafer	230,000	Allowed	Allowed	Cedar Springs	75,000	Allowed	Allowed
Hell Hole	207,000	Allowed	Allowed				