

**PRESENTATION BY GREG JAMES, FORMER DIRECTOR OF THE INYO COUNTY WATER DEPARTMENT AND FORMER INYO COUNTY COUNSEL, ON MARCH 22, 2016 ON THE STEPS OF THE INYO COUNTY COURTHOUSE DURING THE CELEBRATION OF THE 150TH ANNIVERSARY OF THE FOUNDING OF THE COUNTY OF INYO**

AS ONE WHO HAS BEEN INVOLVED FOR ALMOST 40 YEARS, I'M HONORED TO HELP CELEBRATE THE FIRST 150 YEARS OF THE COUNTY OF INYO AND TO RECOGNIZE THE PARAMOUNT IMPORTANCE OF WATER IN THE PAST 150 YEARS AND IN THE COMING 150 YEARS.

AS REFLECTED IN THE TITLE OF MARY AUSTIN'S BOOK, INYO COUNTY IS THE "LAND OF LITTLE RAIN." YET, DESPITE THE FACT THAT THERE IS ONLY A SMALL AMOUNT OF RAIN ON THE VALLEY FLOOR, WATER IS INYO COUNTY'S MOST PRECIOUS RESOURCE.

THE WATER FALLS AS ABUNDANT SNOW IN THE SPECTACULAR MOUNTAINS TO OUR WEST AND THEN FLOWS DOWN FROM THE SIERRAS INTO THE OWENS VALLEY IN THE OWENS RIVER AND IN ITS NUMEROUS TRIBUTARY CREEKS.

WATER HAS ALWAYS MEANT LIFE IN THIS VALLEY. THE PEOPLE WHO HAVE BEEN HERE FOR THOUSANDS OF YEARS BEFORE THE CREATION OF INYO COUNTY, THE PAIUTE AND THE SHOSHONE, RECOGNIZED THAT IF THE WATER WAS DIVERTED FROM THE RIVER AND THE CREEKS, THE LAND WOULD BECOME LUSH AND PRODUCTIVE.

THEREAFTER, AS EUROPEAN SETTLERS CAME TO THE VALLEY BEGINNING IN THE MID-1800S, THE IRRIGATION NETWORKS WERE EXPANDED AND MORE LAND WAS IRRIGATED.

BY THE END OF INYO COUNTY'S FIRST 50 YEARS, THERE WERE ABOUT 75,000 IRRIGATED ACRES IN THE VALLEY ALONG WITH THRIVING TOWNS AND RURAL COMMUNITIES LARGELY DEPENDENT ON THE RANCHING AND FARMING. HOWEVER, BEFORE THE COUNTY REACHED ITS 50<sup>TH</sup> YEAR, THE CITY OF LOS ANGELES REALIZED THAT THE SAME WATER THAT COULD MAKE THE OWENS VALLEY LAND LUSH AND PRODUCTIVE COULD ALSO BE USED TO GROW A LARGE CITY IN A SEMI-ARID AREA SOME 275 MILES SOUTH OF THE VALLEY.

JUST AFTER THE TURN OF THE LAST CENTURY, LOS ANGELES, WITH THE AID OF THE FEDERAL GOVERNMENT, WAS ABLE TO SUBVERT A PROPOSED FEDERAL WATER PROJECT THAT WOULD HAVE ENHANCED IRRIGATION IN THE OWENS VALLEY AND, INSTEAD OF THE VALLEY GETTING AN IRRIGATION PROJECT, LOS ANGELES GOT THE GO AHEAD TO EXPORT THE VALLEY'S WATER, GOT LARGE SWATHS OF FEDERAL LAND WITHDRAWN TO PROTECT THE WATERSHED AND GOT THE RIGHT OF WAY TO BUILD AN AQUEDUCT ACROSS FEDERAL LAND TO CARRY THE WATER TO THE CITY.

TO SECURE THE WATER, IN 1903, THE SAME YEAR THAT MARY AUSTIN'S THE LAND OF LITTLE RAIN WAS PUBLISHED, LOS ANGELES POSTED A NOTICE NEXT TO THE OWENS RIVER ABOUT 15 MILES NORTH OF WHERE WE STAND STATING THAT LOS ANGELES CLAIMED THE RIGHTS TO THE ENTIRE FLOW IN THE RIVER.

BY 1913, LOS ANGELES HAD COMPLETED ITS AQUEDUCT. AS HAS BEEN RECOGNIZED, THE AQUEDUCT WAS AN ENGINEERING MARVEL SINCE THE WATER FLOWED BY GRAVITY ALL THE WAY FROM THE VALLEY TO THE CITY.

BUT ENGINEERING MARVEL OR NOT, TO SUPPLY THE AQUEDUCT, THE FACT IS THAT THE OWENS RIVER WAS DIVERTED FROM WHERE LOS ANGELES DROVE ITS POST INTO THE GROUND DRYING UP SOME 60 MILES OF THE OWENS RIVER BETWEEN WHAT HAS BECOME KNOWN AS THE "AQUEDUCT INTAKE" AND OWENS LAKE. BECAUSE OF THE FULL DIVERSION OF THE RIVER, BY 1924, THE 100 SQUARE MILES OF OWENS LAKE WERE DRY.

CONSEQUENTLY, NOT ONLY DID THE VALLEY SUFFER THE LOSS OF ITS RIVER, BUT AFTER THE OWENS LAKE WENT DRY, THE COUNTY'S CITIZENS BEGAN TO BE PLAGUED BY VAST CLOUDS OF BLOWING DUST FROM THE DRY LAKE.

ON TOP OF THE DIRE CONSEQUENCES CAUSED BY THE EXPORT OF WATER, AFTER ONE OF OUR PERIODIC LENGTHY DROUGHT PERIODS, LOS ANGELES DECIDED IN THE MID-1920S, THAT IT WOULD HAVE TO GAIN CONTROL OF THE IRRIGATED LANDS TO THE NORTH OF THE AQUEDUCT INTAKE IN ORDER TO ENSURE A FULL AQUEDUCT. THIS DECISION WAS IN DIRECT CONTRADICTION TO LOS ANGELES' PROMISES MADE AT THE TIME OF THE CONSTRUCTION OF THE AQUEDUCT THAT LOS ANGELES WOULD ONLY TAKE WATER SURPLUS TO THE NEEDS OF THE UPSTREAM FARMERS AND RANCHERS. THE BREAKING OF THAT PROMISE, AS WE HAVE SEEN IN THE YEARS SINCE, WAS A PRECURSOR OF MORE BROKEN PROMISES IN THE FUTURE.

TO CARRY OUT ITS MISSION TO SECURE THE ADDITIONAL WATER, THE CITY BEGAN PURCHASING DITCH COMPANIES AND AGRICULTURAL LAND IN THE NORTHERN OWENS VALLEY AND REMOVING THE LAND FROM IRRIGATION. LIKE ITS ORIGINAL LAND AND WATER RIGHTS PURCHASES PRIOR TO CONSTRUCTION OF THE AQUEDUCT, SOME OF LOS ANGELES' LAND PURCHASES IN THE 1920S AND EARLY 1930S WERE SHADY AND UNDERHANDED. AS A RESULT, ANGER ROSE IN THE VALLEY.

THE ANGER LED TO VIOLENCE IN THE MID-1920S. DURING THE PERIOD THAT HAS COME TO BE KNOWN AS THE OWENS VALLEY WATER WARS, THE AQUEDUCT WAS BLOWN UP AND ARMED GUARDS WERE BROUGHT INTO THE VALLEY BY LOS ANGELES TO PROTECT THE AQUEDUCT. HOWEVER, EVEN THE VIOLENT WATER WARS DIDN'T HALT THE CITY.

SINCE THE VALLEY'S RANCHING AND FARMING ECONOMY WAS BEING REDUCED BECAUSE OF LOS ANGELES' LAND PURCHASES, TOWN BUSINESS OWNERS AND RESIDENTS DEMANDED REPARATIONS FOR THE LOSS OF INCOME THEY SUFFERED AS A RESULT OF THE DEPLETED AGRICULTURAL ECONOMY. IN RESPONSE TO THE

DEMANDS, INSTEAD OF REPARATIONS, LOS ANGELES BEGAN BUYING UP THE COMMERCIAL AND RESIDENTIAL PROPERTY IN THE VALLEY. THE RESULT WAS THAT BY THE MID-1930S, LOS ANGELES OWNED MOST OF THE VALLEY'S AGRICULTURAL LAND, MOST OF ITS BUSINESSES AND MOST OF THE TOWNS' RESIDENCES.

IN ADDITION TO ITS CONTROL OF THE VALLEY'S AGRICULTURE, BUSINESSES AND RESIDENCES, BY THE END OF THE 1930S, LOS ANGELES AND THE FEDERAL GOVERNMENT HAS AGREED THAT THE PAIUTE AND SHOSHONE PEOPLE LIVING IN THE VALLEY WOULD HAVE TO LEAVE THEIR HOMES AND MOVE TO RESERVATIONS THAT WERE ESTABLISHED ON FORMER LOS ANGELES-OWNED LAND NEAR BISHOP, BIG PINE AND LONE PINE. UNDER THE AGREEMENT, LOS ANGELES WOULD SUPPLY WATER TO THE NEW RESERVATIONS.

BY THE LATE 1930S, THE VALLEY HAD BECOME A VIRTUAL COLONY WHOSE WATER AND LAND WERE CONTROLLED BY A DISTANT LANDLORD. HOWEVER, COLONY OR NOT, LOS ANGELES ACTIONS HAVE PERMANENTLY LEFT A LOT OF OPEN COUNTRY IN THE VALLEY.

IN THE SECOND HALF OF THE 1930S, LOS ANGELES BEGAN SELLING BACK THE TOWN COMMERCIAL AND RESIDENTIAL PROPERTIES—BUT WITHOUT THEIR WATER RIGHTS.

THOSE COMMERCIAL PROPERTIES THAT HAVE NOT BEEN SOLD ARE LEASED WITH TERMS OF 5 TO 15 YEARS. THIS RELATIVELY SHORT LEASE TERM CAUSES UNCERTAINTY ON PART OF THE BUSINESS OWNERS AND MAKES IT DIFFICULT TO OBTAIN FINANCING FOR IMPROVEMENTS. THIS SITUATION AFFECTS THE APPEARANCE OF THE BUSINESS AREAS OF THE VALLEY'S TOWNS BECAUSE BUSINESS OWNERS ARE OFTEN UNABLE TO UNDERTAKE RENOVATIONS OF THEIR PROPERTY WITHOUT FINANCING.

WITH REGARD TO ITS PURCHASED AGRICULTURAL LANDS, LOS ANGELES LEASED THE LANDS TO LOCAL RANCHERS UNDER RELATIVELY SHORT 5 YEAR LEASES, BUT THE LESSEES HAD AN UNCERTAIN SUPPLY OF WATER. UNDER THIS "FEAST OR FAMINE" LEASE POLICY, IN NORMAL TO WET YEARS, THE RANCHERS RECEIVED WATER, BUT IF THERE WAS A DRY YEAR, THEY DID NOT. OBVIOUSLY, SUCH A SITUATION MADE IT DIFFICULT FOR MANY RANCHERS.

SUFFICE TO SAY, ISSUES WITH LOS ANGELES' RANCH AND COMMERCIAL LEASING PRACTICES CONTINUE THROUGH THE PRESENT DAY.

ANOTHER RESULT OF THE "BUY UP" OF THE VALLEY IS THAT MOST OF THE ARCHITECTURAL AND CULTURAL HISTORY OF THE VALLEY IS GONE SINCE THE FARMHOUSES AND RURAL COMMUNITY BUILDINGS SUCH AS SCHOOLS AND SMALL BUSINESSES HAVE BEEN REMOVED. ALL THAT IS LEFT IN THE RURAL AREAS OF THE VALLEY ARE THE REMNANT CONCRETE SILOS BUILT BY THE FARMERS.

CIRCUMSTANCES FROM THE END OF THE 1930S UNTIL 1963 WERE RELATIVELY CALM, BUT IN 1963, LOS ANGELES DECLARED ITS INTENT TO TAKE MORE WATER FROM THE EASTERN SIERRA WHEN IT ANNOUNCED THAT IT WAS GOING TO

CONSTRUCT A SECOND AQUEDUCT WHICH WOULD INCREASE ITS EXPORT CAPACITY BY HALF AGAIN. THE SECOND AQUEDUCT WAS TO BE FILLED FROM INCREASED DIVERSIONS FROM THE MONO BASIN, INCREASED GROUNDWATER PUMPING IN THE OWENS VALLEY, AND DECREASED IRRIGATION IN THE VALLEY.

THE SECOND AQUEDUCT WAS COMPLETED IN 1970. BY 1972, AS A RESULT OF THE DRYING UP OF SPRINGS AND SEEPS IN THE VALLEY, DEGRADATION OF NATIVE VEGETATION, AND BLOWING DUST FROM THE REDUCED IRRIGATION, THE INYO COUNTY BOARD OF SUPERVISORS DECIDED TO SUE LOS ANGELES UNDER NEWLY ENACTED STATE ENVIRONMENTAL LAWS. THUS, THE SECOND ROUND OF THE OWENS VALLEY WATER WARS ERUPTED IN THE COURTS. AS A RESULT OF THE LITIGATION, LOS ANGELES WAS ORDERED BY THE COURT TO PREPARE AN ENVIRONMENTAL IMPACT REPORT ON THE WATER SUPPLY FOR THE SECOND AQUEDUCT BEFORE IT COULD FULLY SUPPLY THE SECOND AQUEDUCT.

FOLLOWING SEVERAL YEARS OF ENVIRONMENTAL LITIGATION, IN 1980, THE INYO BOARD OF SUPERVISORS UPPED THE STAKES BY DRAFTING AN ORDINANCE THAT WOULD REQUIRE LOS ANGELES TO OBTAIN A PERMIT TO PUMP GROUNDWATER IN INYO COUNTY. THE BOARD PLACED THE ORDINANCE ON THE BALLOT, BUT BEFORE THE CITIZENS COULD VOTE, LOS ANGELES SOUGHT TO HAVE A COURT BLOCK THE ELECTION. THE CRY AT THE TIME WAS "FIRST THEY TOOK YOUR WATER, THEN THEY TOOK YOUR LAND, NOW THEY WANT TO TAKE YOUR VOTE." ULTIMATELY, THE ELECTION WAS CONDUCTED AND THE ORDINANCE PASSED BY A WIDE MARGIN.

THEREAFTER, LOS ANGELES MOUNTED COURT CHALLENGES TO THE COUNTY'S RIGHT TO REGULATE ITS GROUNDWATER PUMPING AND IN 1983, THE COUNTY'S ORDINANCE WAS DECLARED UNCONSTITUTIONAL AND PREEMPTED BY STATE LAW BY A SUPERIOR COURT JUDGE.

IN 1982, THE COUNTY AND LOS ANGELES BEGAN ATTEMPTS TO RESOLVE THEIR DIFFERENCES. BOTH SIDES HAD REALIZED THAT IT WAS A GOVERNMENT TO GOVERNMENT FIGHT AND NEITHER SIDE WAS GOING TO GO AWAY OR BACK DOWN. THUS, NEARLY 10 YEARS LATER, AND AFTER MUCH TRAVAIL, IN 1991, THE COUNTY AND LOS ANGELES AGREED TO A LONG TERM WATER AGREEMENT.

AMONG ITS MANY PROVISIONS, THE WATER AGREEMENT PROVIDED FOR MANAGEMENT OF GROUNDWATER PUMPING AND SURFACE WATER MANAGEMENT PRACTICES TO PROTECT THE VALLEY'S ENVIRONMENT, GROUNDWATER PUMPING BY PRIVATE PARTIES AND THE RANCHER'S RIGHT TO CONTINUE IRRIGATION WITH A FIRM SUPPLY OF WATER. IT ALSO PROVIDED FOR THE REWATERING OF THE PORTION OF THE OWENS RIVER THAT HAD BEEN DRY SINCE 1913.

THE WATER AGREEMENT FOR THE FIRST TIME GAVE THE COUNTY A VOICE IN THE MANAGEMENT OF ITS WATER RESOURCES AND A PLACE AT THE TABLE WITH LOS ANGELES.

LIKE MANY HISTORIC WATER ACCORDS, THE WATER AGREEMENT WAS NOT WITHOUT CONTROVERSY. THE DOCUMENT THAT DESCRIBED THE ENVIRONMENTAL IMPACTS OF THE AGREEMENT AND THE REWATERING OF THE OWENS RIVER WAS

CHALLENGED IN COURT BY THE OWENS VALLEY COMMITTEE (WHICH WAS FORMED IN 1983 BY CONCERNED OWENS VALLEY CITIZENS) THE SIERRA CLUB, THE DEPARTMENT OF FISH AND GAME, AND THE STATE LANDS COMMISSION.

IT TOOK UNTIL 1997 TO RESOLVE THE LEGAL CHALLENGES AND TO ALLOW THE FULL IMPLEMENTATION OF THE WATER AGREEMENT. AS PART OF THE SETTLEMENT, LOS ANGELES PROMISED TO RETURN WATER TO THE OWENS RIVER BY 2000. LOS ANGELES DID NOT FULFILL ITS PROMISE. AFTER THE COURT BECAME AWARE OF LOS ANGELES POLICY TO CONTINUE THE LEGAL FIGHT BECAUSE IT WAS LESS COSTLY THAN RETURNING THE WATER TO THE RIVER, THE COURT ENJOINED THE USE OF THE SECOND AQUEDUCT AND ORDERED LOS ANGELES TO PAY \$5000 A DAY UNTIL WATER WAS RELEASED INTO THE RIVER. THE COURT THEN SUSPENDED THE INJUNCTION PENDING LA'S COMPLIANCE TO REWATER OF THE RIVER WITHIN THE TIME LIMIT ALLOWED BY THE COURT. DESPITE THE INJUNCTION AND THE \$5000 A DAY, IT TOOK AN ADDITIONAL YEAR AND A HALF BEFORE WATER BEGAN FLOWING DOWN THE FULL LENGTH OF THE RIVER IN 2007.

WITH RESPECT TO THE DUST FROM OWENS LAKE, IN THE 1990s, UNDER THE U.S. CLEAN ACT, THE GREAT BASIN UNIFIED AIR POLLUTION CONTROL DISTRICT BEGAN ITS SUCCESSFUL EFFORTS TO REQUIRE LOS ANGELES TO DRASTICALLY REDUCE THE DUST EMISSIONS FROM THE LAKE. L.A. BEGAN IMPLEMENTING REQUIRED DUST CONTROL MEASURES IN 2000. BECAUSE LOS ANGELES ELECTED TO USE WATER FROM ITS AQUEDUCT AS ONE OF THE CONTROL MEASURES TO ABATE DUST FROM THE LAKE, EVERY YEAR, LARGE VOLUMES OF WATER ARE DIVERTED FROM THE AQUEDUCT ONTO THE LAKE. AS A CONSEQUENCE, OVER THE PAST 15 YEARS, LOS ANGELES, HAS GRADUALLY TIGHTENED THE USE OF WATER FOR IRRIGATION AND FOR USE BY VALLEY COMMUNITIES.

CONCERNING THE WATER AGREEMENT, THERE IS NO QUESTION THAT OVER THE PAST 25 YEARS SOME AMBIGUITIES AND WEAKNESSES HAVE BECOME APPARENT AND VALID ISSUES HAVE ARISEN CONCERNING LA'S COMPLIANCE WITH ITS PROVISIONS, PARTICULARLY, ITS IMPLEMENTATION OF REQUIRED MITIGATION MEASURES. HOWEVER, WITH DEDICATION AND HARD WORK THE AMBIGUITIES CAN BE CLARIFIED, THE WEAKNESSES OVERCOME AND FULL COMPLIANCE ACHIEVED. SUCH WORK MAY REQUIRE ASSISTANCE FROM THE COURTS.

LOOKING FORWARD, AS WE HAVE ALL HEARD AND OBSERVED, THE WINTERS ARE GETTING WARMER, THE SNOWLINE HIGHER, AND THE RUNOFF FROM THE MOUNTAINS LESS. AT THE SAME TIME, THE POPULATION OF STATE IS APPROACHING 40 MILLION AND IS STILL GROWING. LOS ANGELES HAS BECOME THE SECOND LARGEST CITY IN THE NATION, AND ITS POPULATION OF MORE THAN 4 MILLION IS STILL GROWING. DESPITE THIS GROWTH, THE AMOUNT OF AVAILABLE NATURAL WATER REMAINS THE SAME OR SHRINKS—AND INYO COUNTY'S POPULATION REMAINS CONSTANT AT ABOUT 18,000 PEOPLE.

THIS MAY SEEM LIKE A DIRE OUTLOOK BUT GROUNDS FOR HOPE ARE FOUND IN VICTORIES IN THE EASTERN SIERRA THAT HAVE OCCURRED SINCE THE CONSTRUCTION OF THE SECOND AQUEDUCT. IN THE MONO BASIN, DUE TO THE

LEGAL EFFORTS UNDERTAKEN BY THE MONO LAKE COMMITTEE, THE AUDUBON SOCIETY AND CAL TROUT, WATER THAT WAS FORMERLY EXPORTED FROM THE MONO BASIN, NOW FLOWS DOWN THE TRIBUTARY CREEKS INTO THE LAKE. FLOW IN THE OWENS RIVER GORGE HAS BEEN RESTORED DUE TO THE EFFORTS OF THE MONO COUNTY DISTRICT ATTORNEY, THE DEPARTMENT OF FISH AND WILDLIFE AND MONO COUNTY. IN THE OWENS VALLEY, THE WATER AGREEMENT HAS SIGNIFICANTLY CURTAILED GROUNDWATER PUMPING FROM THE LEVELS THAT LOS ANGELES ANTICIPATED WHEN IT SIGNED THE WATER AGREEMENT. AND ON OWENS LAKE, THE EFFORTS OF THE AIR DISTRICT HAVE RESULTED IN LARGE AMOUNTS OF WATER BEING DIVERTED TO THE LAKE INSTEAD OF BEING EXPORTED. AS A RESULT OF THESE ACTIONS, LOS ANGELES IS UNABLE TO EXPORT THE ADDITIONAL WATER IT HOPED TO OBTAIN AS A RESULT OF THE SECOND AQUEDUCT.

THUS, IT CAN BE SEEN THAT EVEN FACING GREAT CHALLENGES, THE CITIZENS AND OFFICIALS OF INYO COUNTY HAVE THE OPPORTUNITY TO FOLLOW THE EXAMPLE OF THE MANY CITIZENS AND OFFICIALS WHO HAVE WORKED TIRELESSLY OVER THE PAST 100 YEARS PAST TO PROTECT AND ENHANCE THE VALLEY'S ENVIRONMENT, ECONOMY AND WAY OF LIFE IN THIS LAND OF LITTLE RAIN.

IN CLOSING, AFTER TALKING ABOUT WATER FOR SO LONG, IT IS PROBABLY APT TO NOTE THAT IN 1992, THE UNITED NATIONS PROCLAIMED TODAY, MARCH 22<sup>ND</sup> AS WORLD WATER DAY--A DAY SET ASIDE TO INCREASE AWARENESS OF WATER'S IMPORTANCE IN ENVIRONMENT, AGRICULTURE, HEALTH AND TRADE.

THUS, TODAY WE CELEBRATE INYO COUNTY'S 150TH BIRTHDAY AND COMMEMORATE THE VALUE OF OUR WATER ON WORLD WATER DAY.

THANK YOU.