

# Minutes

## County of Inyo Water Commission

**May 30, 2013**

The Chairperson called the Water Commission meeting to order at 6:05 p.m. at the Big Pine Town Hall, Big Pine, CA. Water Commissioners in attendance were Chairperson Mike Prather, Mike Carrington, and Bruce Dishion. Commissioner Red Owl and Symons were absent. Present from the Water Department were Bob Harrington and Laura Piper.

### **1. Pledge of Allegiance**

Commissioner Prather led the Pledge of Allegiance.

### **2. Public Comment**

Sally Manning – Ms. Manning stated her displeasure with the new website citing; print is too small, Ritch maps were missing; and information is lost from the old website. She stated on May 14 at the Board of Supervisors meeting it was suggested by the Water Department if water to supply the McNally Ponds was to be reduced or not supplied that it would be on a commission that water was supplied from the Bishop Creek Canal and pastures between the Bishop Creek Canal and Owens River and she would like to know where that came from and why that is a good alternate. She stated there are many other places in the valley that could use water. Ms. Manning also stated there was not a meeting regarding the pumping program.

Dr. Harrington stated the Water Department had been working on updating the website for six months, the department worked with a web design contractor for an effective way for disseminating information to the public; structure of menus were updated to create ease of use whereas the old website was difficult to navigate (per public input from previous Water Commission meetings). Dr. Harrington encouraged the public to view the website and provide comment. Dr. Harrington stated the Ritch Maps from 1931 are great detailed resource maps and are still accessible from the new website.

Mark Bagley – Owens Valley Committee and Sierra Club – Mr. Bagley stated he would like to see the calendar of meetings/events back on the webpage. Commissioner Prather stated it is on the front page of the website.

Alan Bacock – Mr. Bacock expressed his pleasure in holding the Water Commission meeting in Big Pine and hopes that future meetings will rotate around the valley to give local residents a chance to attend.

### **3. Approval of minutes from March 21, 2013 meeting**

Moved by Commissioner Dishion and seconded by Commissioner Carrington to approve the minutes of the March 21, 2013 meeting. Motion carried.

### **4. Report on May 20, 2013 Inyo/Los Angeles Standing Committee meeting**

Dr. Harrington provided a summary on the actions taken at the Inyo/LA Standing Committee meeting held in Los Angeles on May 20, 2013. He stated there were four actions items on the agenda, two were concerning the Lower Owens River Project, setting the seasonal habitat flow and flooded acreage for the Blackrock waterfowl management area, and

an adaptive management measure for the LORP were among the discussion. He stated the other two action items were related to two requests that LADWP submitted to the County; one was to reduce groundwater pumping to the LAWS/Independence area by 20% (irrigation pumping); the other was to also reduce irrigation valley wide by 10%. Dr. Harrington said these are allowable if the Board of Supervisors agree which they did not. He stated the Board of Supervisors had elected to agree to a reduction of water supply to part of the McNally Ponds pasture project if the city would provide water elsewhere. He said the request for Lone Pine was to reduce water to the Van Norman Field project. Dr. Harrington stated the Board agreed as long as water was taken from the Lone Pine Creek system and provided to the Richards Field, and also that the allocation to the Van Normal Field Project is increased by 30 acre feet to provide more water to the Lone Pine High School FFA plot. He stated LADWP had concerns regarding CEQA compliance with the Water Agreement process with regard to the change to the Van Norman Field project, so the Standing Committee agreed to extra Water to the Richards Field and the irrigation for Van Norman and the County agreed to conduct the necessary analysis.

Commissioner Prather asked if Blackrock was moving towards arbitration, Dr. Harrington stated yes.

Public Comment – Nancy Masters – Ms. Masters asked if during the em evaluation will it show where the five acre feet per acre for Type E vegetation has been reduced and would that be included in this analysis.

Public Comment – Aaron Steinwand – Mr. Steinwand said he could provide that information to Ms. Masters.

Public Comment – Sally Manning – Ms. Manning said she is still unclear on the Big Pine Canal issue previously discussed, Dr. Harrington stated he meant Bishop Creek canal. Ms. Manning stated she doesn't understand how the Standing Committee can just decide to make these changes to benefit one venture.

Public Comment – Mark Bagley – Mr. Bagley stated he believes Ms. Manning's question is that this other irrigation water is a substitute for the pasture that is not going to be irrigated in the McNally Ponds project and was not irrigated last year. This is a one year, one time substitute and they are not going to put the water in the em project but supply the water somewhere else instead this year and this year only. Dr. Harrington stated that is correct. He stated there are two parts of the Water Agreement concerning change to em projects; one is temporary reduction in irrigation in response to dry years. Dr. Harrington stated this is not a new proposal; it was brought up at the Tech Group last year and again this year.

Commissioner Carrington asked if the County will be compensated for all the years that LADWP hasn't put the water to the McNally Ponds when there was not a dry year. Dr. Harrington stated the same issue was discussed last year; LADWP never put their request in writing to the Water Department to allow a reduction to irrigation. He stated it was discussed at the Standing Committee last year that if LADWP was going to make these requests, they need to do so in a timely manner and in writing. Dr. Harrington said LADWP has complied this year and sent the requests in March which allowed the Standing Committee to consider it before the irrigation season. Dr. Harrington said the issue of being compensated for the water not put to the McNally Ponds in previous years will need to be looked into.

Public Comment – Sally Manning – Ms. Manning asked if the water will be measured and accounted for in the Bishop Cone audit. Dr. Harrington stated it will be measured and he will review the audit documents and verify that this account is part of the audit.

## **5. Discussion of Big Pine Projects:**

### **a. Big Pine Northeast Regreening Enhancement/Mitigation Project**

Dr. Harrington provided information that LADWP had finished their design on this project and they did not wish to change the scope of this project.

### **b. Big Pine ditch system**

Dr. Harrington discussed his field trip of the Big Pine ditch system and meeting with Bob Steele of the Big Pine Ditch Association.

Public Comment – Bob Steele – Mr. Steele asked the Water Department to make arrangements for a meeting with LADWP, Big Pine Ditch Association, Big Pine Water Association, Big Pine Tribe, Water Commission, and the Inyo County Water Department in the coming weeks so that everyone would be on the same page.

### **c. Bartell parcel**

Dr. Harrington provided a memo and background on the Bartell Parcel. Dr. Harrington and the Water Commissioners discussed the Bartell Parcel in detail and at length.

Public Comment – Sally Manning – Ms. Manning stated there is an issue of a parcel that was irrigated pasture that's been irrigated since the 1850's and only under the watch of the Water Agreement was the irrigation of that parcel abandoned about 15 years ago. Ms. Manning said she did not realize that the vegetation maps were misrepresentative of LADWP's land holdings. She said many lands had been omitted from the LADWP vegetation maps which is a terrible oversight. She stated a mitigation project is not necessary but get the irrigation back to the parcel.

Public Comment – Bob Steele – Mr. Steele stated the Stewarts have shares in the Big Pine Water Association that were used to irrigate that parcel.

Public Comment – Jacklyn Velasquez – Ms. Velasquez inquired if there is a stipulation in the Water Agreement that says that because LADWP has determined that irrigation didn't happen on a parcel regardless of the fact it was irrigated at one time that it doesn't have to be irrigated. The Commissioners stated no.

Public Comment – Sally Manning – Ms. Manning stated there are ditches still in the field and rusty pipes; she said there was infrastructure for irrigating in that area at one time. She said according to the Water Agreement, there are no LADWP lands exempt from the Water Agreement.

Public Comment – Mary Roper – Ms. Roper stated a very dusty area has been created on the Bartell parcel.

Commissioner Prather stated LADWP stated the parcel was cleared due to fire hazard.

Public Comment – Alan Bacock – Mr. Bacock stated back in 2009 the Bartell parcel was brought up and LADWP stated it was lack of water that created the situation and back in 2009 there was a fire in the area.

Motion by Commissioner Carrington and seconded by Commissioner Dishion to draft a letter to the Board regarding discussion of a possible violation of the Water Agreement on the Bartell Parcel.

Public Comment – Mark Bagley – Mr. Bagley inquired as to if the Water Commission could make a motion/action on drafting a letter to the Board if it is not on the agenda as an action item. Mr. Bagley stated he does not believe that is correct. He stated he believes the Water Department should perform some fact finding on the irrigation with regard to the Bartell parcel. He stated the Water Department should inquire as to who requested the culvert go under the highway. Mr. Bagley stated OVC would make a public records act request if necessary.

Commissioner Prather withdrew the previous motion and asked that the Water Department agendaize the draft letter to the Board regarding the Bartell Parcel as an action item on the next agenda.

Public Comment – Nancy Masters – Ms. Masters said she concurs with Mr. Bagley and she believes it is a simple issue that comes down to the language in the Water Agreement and EIR that the obligation of LADWP is to continue to irrigate as promised in the 1981-82 years. She stated she believes the source of the water is immaterial. She stated the facts are simple, it was irrigated in 1981-82 and should be irrigated today. She states this is one item that is in Big Pine and there are several that are having the same issues up and down the valley. Ms. Masters said the County needs to create a spreadsheet of all the infractions by LADWP that are impacting the valley and make it right.

Public Comment – Bob Steele - Big Pine Irrigation Association – Mr. Steele asked if we can alleviate the problems while these discussions continue. He asked if it is possible for the Water Commission to ask LADWP to make a good faith gesture and put a water truck at the Bartell parcel a few times a week to at least keep the dust down. He stated it can't just wait for a year until this is decided.

Commissioner Prather mentioned that Great Basin Air Pollution Control District is the group to contact and should be approached by some of our local groups such as the Big Pine Tribe, Big Pine Irrigation, etc., or individuals.

Public Comment – Jacklyn Velasquez – Ms. Velasquez said another issue that has come up is this parcel has been discussed previously and LADWP has stated they do not know who has stopped irrigation or cleared the vegetation to this parcel but it was not LADWP.

Public Comment – Sally Manning – Ms. Manning stated the Water Agreement and EIR states Type E vegetation will be irrigated as it was in 1981-82 and it is not. She stated LADWP is not holding themselves accountable for management on their own lands.

**Commissioner Prather recessed the meeting at 7:32 p.m. for a break and reconvened the meeting at 7:40 p.m.**

#### **d. County Farm**

Dr. Harrington provided information and background on the County Farm. He stated the County is a member of the Big Pine Water Association and holds six shares which give the County and Lessee some water for the County Farm however, it has not been sufficient to irrigate the property. Dr. Harrington stated the Big Pine Water Association Bylaws provide that the water is divided up according to the number of shares each person has and there is 3500 shares; LADWP owns the majority of shares in the Big Pine Water Association. He said a spot-check was completed in this area and the County was receiving its proper shares.

Public Comment – Sally Manning – Ms. Manning asked if the County had been getting its share a few years ago, Dr. Harrington stated yes.

Public Comment – Nancy Masters – Ms. Masters asked if the County has groundwater rights, Dr. Harrington stated he believes so. Ms. Masters stated could the County put in a well if necessary and Dr. Harrington stated yes. He stated there is a well in the area currently.

#### **6. Discuss next Water Commission Field Trip**

The Commissioners and Dr. Harrington discussed the location of the Water Commissioners future field trip in Big Pine and Owens Lake as well as accepting input from the public.

Public Comment – Mark Bagley – Mr. Bagley suggested looking at vegetation parcels in Big Pine with regard to the vegetation maps and baseline conditions, possibly aerial photos for the Big Pine field trip.

Public Comment – Alan Bacock – Mr. Bacock suggested looking at exempt wells near the hatchery, W218.

Public Comment – Terry Russi – Mr. Russi stated there are aerial photos available of the local vegetation at BLM.

#### **7. Report on 2013-2014 Annual Operations Plan**

Dr. Harrington stated because of the dry conditions this year, LADWP prepared a six month operations plan. LADWP has issued their final plan in their annual report.

## **8. Discussion of Owens Lake Master Plan/Project**

Dr. Harrington provided information regarding the Owens Master Plan Meeting/Project in detail and at length. He said among the items discussed were habitat measures, dust control, and the future roll of the Owens Lake Planning Committee. He said LADWP stated the water usage on Owens Lake would be reduced to 41%. Dr. Harrington stated LADWP is moving forward with the project description, CEQA, etc.

Public Comment – Mark Bagley – Mr. Bagley provided his input on the Owens Lake Master Plan.

Public Comment – Nancy Masters – Ms. Masters asked what the city commits to in terms of leaving water in the valley in exchange for political support from the Board of Supervisors and local groups. Dr. Harrington stated the County has said water could be used elsewhere to create a benefit to the valley. Commissioner Prather stated there is an interest that water saved on the Owens Lake is kept in the Owens Valley.

## **9. Public Comment**

Mary Roper – Ms. Roper asked why the tree lot south of Lone Pine is totally dry. Commissioner Prather stated he believes it does receive water and stated if it was recently grazed, that could be the reason. He stated Anchor Ranch has the leases around that area.

## **10. Schedule next Water Commission Meeting**

The next Water Commission Meeting will be arranged for the month of August as well as a field trip to the Big Pine area.

## **11. Adjourn**

The Chairperson adjourned the meeting at 8:22 p.m.