

Minutes

County of Inyo Water Commission

January 6, 2014

The Chairperson called the Water Commission meeting to order at 6:01 p.m. at the Jill Kinmont Boothe School, Bishop, CA. Water Commissioners in attendance were Chairperson Mike Prather, Teri Red Owl, Bruce Dishion, Craig Patten, and Jim Stroh. 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

Philip Anaya – Mr. Anaya wished to inform the Commission and seek support for an initiative that he has undertaken to rewater and recover South Lake and Lake Sabrina. Mr. Anaya stated he had written a letter to Mr. Jim Yanotta and has asked to seek a coordinated cooperative plan to rewater both lakes. Commissioner Red Owl inquired if he had received a response from the letter written to LADWP and he stated there was a response on the Sierra Wave to the effect the Chandler Decree requires they take the water and he does not believe that is true. Mr. Anaya stated he believes the water should be stored as long as possible in the lakes instead of running it down the aqueduct.

Jeff Kennedy – Mr. Kennedy stated he is a homeowner in west Bishop that had their well run dry (1 of 5). Mr. Kennedy inquired if there was a warning system, some way of knowing that the water table has gone to a point that would cause such a catastrophe on one street. Commissioner Prather asked the depth of Mr. Kennedy's well and he stated the old well was 31 feet and most wells that ran dry were shallow (30-40'). Commissioner Patten asked how often LADWP monitors their wells in the area and where is the data reported. Dr. Harrington stated anywhere from monthly to twice annually, LADWP stores the data and it is transferred to the Water Department annually. Dr. Harrington explained LADWP has hundreds of monitoring wells all over the valley. Dr. Harrington stated water levels are generally shallow north of the Sunset Drive area. Mr. Kennedy asked what caused the giant drop in the water table. Dr. Harrington stated it is clear from the water table hydrograph (provided) that something unusual happened.

Dr. Harrington stated a few weeks ago the County was notified by homeowners in the Highland Drive area that their wells had gone dry. Dr. Harrington stated the irrigation well W407 was run longer than usual this year so the Water Department looked at how much more draw down in the water table should this additional couple of months operation of W407 incur on the water table. The Water Department ran an analysis on location T389 and stated it would be less on Highland Drive because they are further away from the pumping well and determined it was about one foot. That leaves the unusually early cutoff of water in the ditch systems in area as the likely cause.

Commissioner Red Owl asked Dr. Harrington if it seemed unusual that there would be that dramatic of an effect in such a short period of time given on the Bishop Cone the water that is being pumped by LADWP is supposed to be used on the Bishop Cone. Commissioner Red Owl stated theoretically there should be a balance where what is pumped is used. Dr. Harrington stated historically the ditch system is what protected the water table in west Bishop from pumping effects. Dr. Harrington stated a shallow water table is maintained because of all the surface water conveyances recharging the shallow aquifer.

Mrs. Kennedy – Mrs. Kennedy asked if anything could have been done to prevent this from happening. Dr. Harrington stated that possibly the contentions Mr. Anaya shared that had more water been held back in Lake Sabrina and South Lake

so the ditches could run later in the summer, maybe that would have maintained a higher groundwater level. Mrs. Kennedy asked would this just have happened over a period of time that the wells would have run dry regardless of them holding back water. Dr. Harrington stated it would depend as to what extent they could have held back a volume of water for later release to carry over throughout the fall or just lasted a couple weeks, which is unknown. Dr. Harrington stated that the Water Department is not familiar with the agreements between the Bishop Creek Water Association, Southern California Edison, and LADWP with regard over how to operate the powerhouses and releases in the Bishop Creek other than anecdotally.

Commissioner Red Owl asked Mr. & Mrs. Kennedy if they have asked the well drillers if there are monitoring devices that can be installed on the private wells to gauge the depth of the well.

The Commission, Dr. Harrington and the public discussed the issue of scenarios regarding the drop in the water table in the Highland Drive area in detail and at length.

Commissioner Dishion asked Mr. Anaya if his plan for Sabrina and South Lake is moving forward.

Philip Anaya – Mr. Anaya stated he had contacted the Bishop Chamber, Bishop City Council, California Department of Fish and Wildlife and several other entities that stated they would generate a letter of support.

Daris Moxley – Mrs. Moxley asked Dr. Harrington what was the date on the last two dots on the test T389 graph. Dr. Harrington stated they were recent. Dr. Harrington stated the Water Department as well as LADWP took measurements when they became aware of the issues on Highland Drive. Ms. Moxley asked if the big drop in the water table has only happened since November. Dr. Harrington stated approximately since last spring.

Jeff Kennedy – Mr. & Mrs. Kennedy thanked the Commission for addressing their concerns and looking into what caused the drop in the water table.

Daris Moxley – Ms. Moxley stated Southern California Edison cut back and dropped South Lake and Lake Sabrina to repair their dam and said that is why the water is down. Ms. Moxley stated this year there was not a lot of water from runoff into the lakes so there wasn't any recharge. Ms. Moxley stated that at a Technical Group Meeting Mr. Yannotta stated they had to take the amount of water allotted in the Chandler Decree.

3. Approval of minutes from November 18, 2013 meeting

Moved by Commissioner Red Owl and seconded by Commissioner Dishion to approve the minutes of the November 18, 2013. Motion carried.

4. Election of Officers

Motion to elect Mike Prather, Chairperson and Teri Red Owl, Vice Chairperson. Motion carried unanimously.

5. Director's Report on Water Department activities

Dr. Harrington provided an update on the Blackrock dispute, stating Inyo's response deadline is February 14, 2014, and provided an update on the LORP annual planning process.

Public Comment – Philip Anaya – Mr. Anaya asked if the LADWP Blackrock report is publicly available. Dr. Harrington stated it would be posted on the Water Department website. Mr. Anaya asked Dr. Harrington if he would welcome public input to include in his response. Dr. Harrington stated yes.

Public Comment – Nancy Masters – Ms. Masters stated the request for no limit of volume on the pump back station isn't based on any biological fact but simply to help the City say yes. She stated the consultants are recommending increased flows and increased flushing flows and this because their belief is the City will go with the increased flows. Commissioner Prather stated it is a compromising situation. Dr. Harrington stated he was reading the adaptive management recommendations but he believes what Ms. Masters states is true. Dr. Harrington said a component of the adaptive management that would make it more acceptable to LADWP is to increase the base flows in the river.

Public Comment – Philip Anaya – Mr. Anaya asked if the unrestricted pump back is something that the MOU parties are going to have to stipulate. Commissioner Prather and Dr. Harrington stated yes. Dr. Harrington stated the restrictions on the pump back station capacity are written into the MOU and subsequent court orders related to the Sierra Club/OVC/County/LADWP litigation.

6. Commissioner's reports

Commissioner Red Owl stated she had a tribal member that was concerned about the ditch water being shut off because the tail water would flow through a ditch on the reservation and always had water in it. The tribal member said they didn't realize the water had been shut off and one of their horses died. Commissioner Red Owl stated they wanted to know who controlled the shutoff and why wasn't their notification given.

Commissioner Dishion stated someone he knew on Ranch Road had their creek cut off for the first time since they have been there.

7. Possible action: Development of Water Commission priorities and work plan for 2014

Commissioner Prather reviewed the previous years Water Commission goals. They were discussed in detail and at length by the Commission and also received public comment. The Commissioners agreed to keep the previous year's goals with some additions which will be brought forward to the next meeting for approval.

Public Comment – Philip Anaya – Mr. Anaya stated he felt public education is a priority on water issues.

Public Comment – Nancy Masters – Ms. Masters inquired about creating a mitigation project out of the Bartell Parcel other than what it actually is would be Type E land. She stated in her opinion to create a mitigation measure out of what should be irrigated is not a sound path to follow. She stated LADWP is already obligated to provide water to that parcel and should be obligated to put the culvert back that was removed to provide surface water to that parcel.

Public Comment – Philip Anaya – Mr. Anaya provided his understanding of the Bishop Cone audit. He stated he would like a compliance officer to evaluate these audits.

Public Comment – Nancy Masters – Ms. Masters stated she thinks a goal should be the watershed crisis and the Commission should read the Owens Valley Land Management Plan because that is part of the watershed that drains into the Lower Owens River and creates the Lower Owens River Project so the health of that land plays an important part.

8. Action: Recommendation to Board on applicability of the Long Term Water Agreement with regard to Owens Lake

Dr. Harrington provided several background documents with regard to Owens Lake and the Water Agreement. The Commissioners and Dr. Harrington discussed this item in detail and at length.

Public Comment – Harry Williams – Mr. Williams stated Great Basin never pursued this because there is only a limited amount of water under the lake. He stated the Long Term Water Agreement (LTWA) is broken. Mr. Williams stated it was created to protect the valley and he stated if Owens Lake falls under the LTWA it will never work because it is not enforced. He stated Inyo County never sues and the valley is dying.

Public Comment – Daniel Pritchett – Mr. Pritchett stated he agrees with Mr. Williams in that the County is too passive with regard to the Water Agreement but he disagrees that with regard to Owens Lake, we have a better shot with the Water Agreement. He stated the County should be sure to make the LTWA apply to Owens Lake.

Public Comment – Daris Moxley – Ms. Moxley stated she agrees with Daniel Pritchett and the County should make sure the LTWA applies to Owens Lake.

Public Comment – Nancy Masters – Ms. Masters stated there are no guarantees but she believes the LTWA should apply to Owens Lake. She stated that the CEQA process is only as good if we participate in the process and someone at the end

is willing to sue if necessary. Ms. Masters inquired of Dr. Harrington if State Lands own the property; they own the water rights under the lake? Dr. Harrington stated that is a question for an attorney.

Public Comment – Daniel Pritchett – Mr. Pritchett stated he thought the wells were going to be installed on LADWP land. Dr. Harrington stated some, not all.

Public Comment – Harry Williams – Mr. Williams stated if LADWP uses water on the lake would that be considered “in valley use”? Dr. Harrington stated in the last few years in LADWP’s annual report they have been counting Owens Lake water use as an “in valley use”.

Moved by Commissioner Patten and seconded by Commissioner Red Owl to have staff draft a letter of recommendation to the Board that the Long Term Water Agreement does apply to Owen’s Lake and move forward to dispute resolution if an agreement cannot be reached with LADWP. Motion carried unanimously.

9. Planning next ICWC meeting in the field in southern OV – LP and Owens Lake (Lone Pine, Owens Lake, Van Normal Field, LORP burn area, northwest seep, and FFA farm)

The Commissioner’s voted unanimously to move this item to the next Water Commission Meeting.

10. Public Comment

Harry Williams – Mr. Williams stated the Water Agreement is broken and doesn’t work. He stated the groundwater throughout the valley is lowered, mitigation projects are not completed, and Laws is just a waste land. He stated the native plant attempt at Laws has only grown sagebrush and tumbleweeds, the valley is in a sad situation, and two lakes are now completely dry. He said people in the Bishop area don’t have water in their backyards, now they are concerned. Mr. Williams stated these concerns should have been a long time ago, and even LA has done nothing to curb their water use.

Daris Moxley – Ms. Moxley asked if the Standing Committee meeting in February will be in Bishop or Los Angeles. Dr. Harrington stated it will be in the Owens Valley.

Philip Anaya – Mr. Anaya asked if the Commission was going to elect officers, the Commission stated the election of officers was at the beginning of the meeting.

Mary Roper – Ms. Roper stated the couple from Highland Drive that talked about their well drying up were asking what action is going to be taken, she believes now she understands what the Water Commission can and can’t do. She stated they can make a motion and Dr. Harrington can bring it forward to the Board. She asked if the only way the Commission gets information to the Board is through the Water Director. Commissioner Prather stated they are an appointed advisory Commission. Commissioner Prather stated he wanted there to be no implication that information is being filtered by the Water Director. He stated everything they request is being shared with the Board.

Philip Anaya – Mr. Anaya stated when you make public comment at the Board of Supervisors meeting there is silence about your comment because they are not allowed to take action. Mr. Anaya asked if the Commissioners are allowed to take action on public comments and make a recommendation to the Board from a public comment. The Commissioners stated an action item would need to be agendaized.

11. Schedule next Water Commission Meeting

The next Water Commission Meeting will be scheduled during the week of February 24, 2014 in Independence.

12. Adjourn

The Chairperson adjourned the meeting at 8:49 p.m.