

MINUTES

County of Inyo WATER COMMISSION

September 20, 2017

The Chairperson called the Water Commission meeting to order at 6:00 p.m. at the Inyo County Water Department, Independence, CA. Commissioners in attendance were Chairperson Mike Prather, Teri Red Owl, Craig Patten, and Mike Carrington. Present from the Water Department were Aaron Steinwand, Laura Piper, Larry Freilich, Zach Nelson, and Keith Rainville.

1. Pledge of Allegiance

Commissioner Prather led the pledge of allegiance.

2. Public Comment

Sally Manning – Ms. Manning stated Type E lands are required to be irrigated and are not getting enough attention. She wanted to point out a few areas that she feels need attention; Slough (east of highway near Klondike curve), a ranch lease above Wilkerson area, the Bartell parcel in Big Pine, former Bell property now owned by LADWP (Oak Creek), a parcel west of the Big Pine reservation previously owned by Reed Watson and now owned by LADWP. She stated she would like the Technical Group to look at some of the impacts caused by all this emergency spreading and flood preparation by LADWP; LADWP was able to forgo CEQA and give total disregard for archeological and cultural resources with impacts to vegetation; pumps at Coso Hay Ranch were turned back on; and LADWP did a mitigated negative declaration on diverting the flows on Talus Creek which is a creek that flows to Rose Valley.

Daris Moxley – Ms. Moxley stated Aaron Steinwand did some transect work for her and then provided her a report in letter form. She stated there is a vegetation decline in her pastures and DWP is not maintaining water as it was in the valley in 1981/82 per the Water Agreement. Mr. Steinwand reported to Ms. Moxley the report provided to her was a preliminary report, he is still working on the data analysis but there is measurable change.

Ron Ybarren – Mr. Ybarren stated most ranchers do the best job they can with what they have. He stated none of his head gates are locked.

Nancy Masters – Ms. Masters stated Ms. Moxley has said her quantity of water supplied has diminished. She asked if the County is able to get the data from 1981/82 on particular leases and current data to compare the relationship of water supplied to the lessee and the pasture cover that is generated. Ms. Moxley stated measuring stations were not installed until 2008.

Philip Anaya – Mr. Anaya stated B2 and B5 are not on the agenda and he would like an update of what actually really happened and what is the prognosis for the future. Commissioner Prather stated the action was withdrawn. Mr. Anaya stated he would like to know the details of why it was withdrawn. Mr. Steinwand stated it was withdrawn by LADWP and if he would like to know why he will need to call LADWP. Mr. Anaya stated he was thankful for the County and they did a great job.

Mary Roper – Ms. Roper stated she doesn't see wells 385 and 386 on the agenda and she heard they would be tested and those are supposed to be permanently off. Commissioner Prather stated Ms. Roper can make public comment but it can't be discussed if it's not on the agenda. Mr. Steinwand stated LADWP is proceeding with a CEQA analysis which should be made public soon.

3. Election of Water Commission Chairperson and Vice-Chairperson

Moved by Commissioner Patten and seconded by Commissioner Carrington to re-elect Mike Prather as Chairperson, and Teri Red Owl as Vice-Chairperson. Motion carried.

4. Approval of minutes from the February 7, 2017 meeting

Moved by Commissioner Patton and seconded by Commissioner Red Owl to approve the minutes of the February 7, 2017 meeting. Three yes, one abstention.

5. Commissioners report

Commissioner Red Owl provided information on the Walking Water event to be held at the Bishop Tribal Community Center, September 25, 2017 at 6pm.

6. LADWP 2017 Operations Plan

Aaron Steinwand provided the introduction to the LADWP 2017 operations plan and Keith Rainville presented a PowerPoint presentation in detail and at length. He explained the graphs, average water flows, and pumping in the valley. Mr. Rainville stated because of this exceptional winter, LADWP plans to spread 225,000 acre feet between spreading and operation in the valley. The Commissioner's and Water Department staff discussed this report in detail.

Public Comment – Nancy Masters – Ms. Masters stated these small increases in flushing flows on the LORP doesn't move that much muck in the presence of all the tules. She stated it appears it will require mechanical means to clear the channels.

Public Comment – Sally Manning – Ms. Manning stated she was hoping pumping numbers to date would be provided, and what are the plans from here on; the pumping plan LADWP put out in May mentioned they were going to be testing the five bridges wells 385 and 386 and there was no discussion regarding this at the Technical Group. She stated in her opinion, the County not LADWP should be doing the CEQA for this project. Ms. Manning asked what does the County think of this. Mr. Steinwand stated the County's opinion regarding 385 and 386 has not changed since their 10-29-15 letter. Ms. Manning asked if the County is going to let LADWP proceed with its plans. Mr. Steinwand stated LADWP has chosen to do CEQA as the lead agency, the County will see what is produced and if it complies with our position.

Public Comment – Earl Wilson – Mr. Wilson stated since we have all this water now does that mean the six month plan is ending. Aaron Steinwand stated yes.

7. Sustainable Groundwater Management Act (SGMA): Groundwater Sustainability Agency (GSA) formation

Mr. Rainville stated Dr. Harrington was out of town attending a meeting regarding SGMA and that is the reason for his absence at tonight's meeting. Mr. Rainville presented a PowerPoint presentation in detail on the current status of the SGMA. He provided background on the formation of the GSA with four agencies to include Inyo, Mono, City of Bishop, and Tri Valley; the June 30th deadline to cover the entire area with GSA's; and putting in place a JPA Agreement with the eligible entities. Commissioner Prather inquired about the local Tribes with regard to SGMA. Mr. Rainville stated Tribes are allowed to participate in the process but are not GSA eligible agencies. Commissioner Patten asked how the JPA will affect the Water Agreement, will it supersede it. Mr. Rainville stated LADWP is treated differently under SGMA as adjudicated. He also stated this looks at the holding for the entire valley so at some point the two will have to interact.

Public Comment – Philip Anaya – Mr. Anaya stated the conversations he has had with DWR indicated that coordination between the adjudicated and non-adjudicated is going to be contained probably in the GSP that is going to be created for the non-adjudicated area.

Public Comment – Nancy Masters – Ms. Masters stated her question is with regard to the MOU parties. She stated in article 5 there has been special requirements for certain entities to participate but it does not specify the MOU parties but

does include mutual water companies so she wondered why that is and its duly noted that there is another section that talks about interested parties which is where the bodies such as OVC, Sierra Club, & State Lands Commission participate. She asked if anyone that can talk more thoroughly regarding this can explain why that decision was made. Mr. Rainville stated she would need to talk with Dr. Harrington. Ms. Masters stated she wanted to point out that these groups do have land management authority to a certain extent in the Owens Valley. She stated it seems that this document sidesteps the participation by people who actually have a legal stake in this matter and that may be a deficiency that needs to be addressed by the JPA.

Public Comment – Earl Wilson – Mr. Wilson stated he followed the Indian Wells JPA process and the way it works to be on the top tier you need to be elected by the voters.

Public Comment – Sally Manning – Ms. Manning stated the Tribe has sent several letters to the County requesting consultation before the JPA approach was acted upon and they didn't get their letters acknowledged. Ms. Manning stated the Water Department has the tools to develop a conceptual GSP and they should have done this already to lead the way. She wishes this process would have been more transparent.

8. Water Department 2017 Annual Report

Mr. Rainville presented a PowerPoint presentation on the Water Department's 2017 annual report in detail with regard to hydrology in the valley and that the report is located on the Water Department website. He stated this report only covers up to April 2017 so the effects of this winter will be seen in next year's report. Mr. Steinwand provided a detailed report on current water levels at monitoring sites, many above baseline to date, and an update on vegetation conditions. He stated with the extreme winter, the water table came up in 12 more sites than last year.

Public Comment – Nancy Masters – Ms. Masters stated the slide that shows the Independence Oak is below baseline, are all of those lessee's that could be getting surface water getting surface water instead of pumped water. Mr. Steinwand he stated he believes yes. Ms. Masters asked if Independence Oak was consistently below baseline and Aaron stated he believed yes. She stated water should have been spread to bring those wells up. Mr. Rainville stated we did have a 200% runoff year preceded by 5 years of extreme drought with 50% runoff years so things have changed but one year is not going to bring it back to baseline.

Public Comment - Daris Moxley – Ms. Moxley stated if the creeks are running and they are pumping the creeks that just went through the field and out to the river, they weren't used for irrigation. Mr. Rainville stated some of the creeks are diverted for flood irrigation for the alfalfa fields and stated most of that is pumped water.

Zach Nelson provided a PowerPoint presentation on the vegetation conditions in the valley in detail. He explained the process shared by DWP regarding the vegetation monitoring. He stated since the early 1990's the wellfield parcels have been below baseline for most years. Mr. Nelson stated he believes with this year's extreme winter, we should see many move above baseline.

Public Comment - Nancy Masters – Ms. Masters stated so what we draw from this is grass is declining and shrubs are increasing. Zach Nelson stated yes.

Public Comment – Sally Manning – Ms. Manning stated this is a lot of data but what about the Green Book and what about making sure that we get some water table recovery in spring of 2018. She stated a lot of time is spent producing this report but the Green Book is what we should be addressing, the line should be held at baseline, not watching it decline.

Larry Freilich provided a brief PowerPoint presentation on the mitigation projects. He directed the public to the annual report which provides specifics on projects. He stated most of the revegetation projects are not meeting the goals.

Public Comment – Sally Manning – Ms. Manning stated a date should be included on the mitigation project table provided.

Public Comment – Yaney McIver – Ms. McIver stated she wanted to know how many times these mitigation projects have gone through the process (Technical Group, Standing Committee).

Public Comment – Nancy Masters – Ms. Masters asked what are the criteria for judging if a project has met the goals such as the wood lots. Mr. Freilich stated the status of the projects change and will be updated as they go forward. Mr. Steinwand stated the Mitigation table Mr. Freilich provided was the end result of hard work with LADWP to develop what would be presented and how to characterize the difference positions. He reiterated there is more in-depth information regarding the mitigation projects in the annual report.

9. Bishop Cone Audit

Mr. Rainville provided a PowerPoint presentation on the Bishop Cone audit. He stated what it shows are LADWP's uses exceed their extractions. Mr. Rainville stated the report is fundamentally the same but has been simplified to not include the lessee/lessor information.

Public Comment – Ron Ybarren – Mr. Ybarren stated there's been talk about on and off so why are they threatening to charge me for warm springs. Mr. Rainville stated he was under the assumption that LADWP was still providing the ranchers with their use report so when they simplified the Bishop Cone Audit, that data was removed. Mr. Rainville stated for use reports is how much water came onto your area and how much left. He stated for his personal use report they will probably provide credit for stock water as in the past and operations water. He stated it won't come back as irrigation water.

Public Comment – Sally Manning – Ms. Manning stated she thought this was still out for public review and she was planning to submit comments. She thinks there is a problem with the way the Bishop Cone audit is being approached, she stated the uses are up higher than ever and LADWP will see this and think they can pump more. She stated she did some research to see exactly how much water could be physically used and LA is way over on many parcels and if it goes over (overflows) it's not a use. She said something is wrong with the way this is being looked at because more of these uses can't be physically explained. Mr. Rainville stated we are performing the Bishop Cone audit to comply with the Hillside Decree and the ground rules come from the LTWA and a subsection of the Green Book, those are the rules and this is a small defined piece of what we do.

Public Comment – Nancy Masters – Ms. Masters stated SGMA might provide relief for data collection because it provides that data will be public.

Public Comment – Earl Wilson – Mr. Wilson inquired if the blip on the right of the graph is a possible shortage of water. Keith Rainville went on to explain the graph to Mr. Wilson. It was water going through and not coming out of a monitoring device.

10. Water Department grants

- a. Owens River Water Trail
- b. Big Pine wastewater recycling
- c. Tecopa drinking water vending machine

Mr. Freilich provided a brief overview on the above grants and their current status. He stated RO Anderson had been selected to provide a feasibility study for wastewater recycling in Big Pine which is the first step.

Public Comment – Nancy Masters – Ms. Masters asked if the water could be used on the Bartel parcel. Mr. Freilich stated the Big Pine Superintendent didn't want to have school children walking through the recycled water on that parcel. Commissioner Red Owl asked if this looked at recycling the Fish Springs fish hatchery water. Mr. Freilich stated no, just the wastewater ponds.

Mr. Freilich showed a table of all the tasks involved with the Owens River Project, what has been done and what yet needs to be accomplished. He stated a firm had just been selected for the CEQA analysis pending a funding agreement with LADWP. He stated a pledge of \$110,000 was made from the California Boating and Waterways Division to use on engineering and permitting to design the launch area and take out of the Owens River Water Trail.

Public Comment – Yaney McIver – Ms. McIver asked Mr. Freilich to repeat what agency the \$110,000 was pledged from.

Mr. Freilich stated the contract for ESA was brought before the Board yesterday with contingencies for the Board to accept the contract with the consultant; contingent on an agreement with LADWP and giving the CAO authority to sign the agreement and contract.

Public Comment – Earl Wilson – Mr. Wilson stated about the CEQA document for the Water Trail look at that as an engineering proof of concept document.

11. Public Comment

Daris Moxley – Ms. Moxley – Ms. Moxley stated she would like to ask if and when there is another Standing Committee meeting that she would like to have the Type E vegetation not being met by the LTWA on the agenda. Commissioner Prather stated that would need to go to the Technical Group process before it is elevated to the Standing Committee. Commissioner Red Owl stated she is free to bring that up during public comment at the Standing Committee meeting.

Philip Anaya – Mr. Anaya stated a resident on Carol Lane in west Bishop has reported at the last few Bishop Creek Water Association meetings that the water table is going down since they have increased flow in the ditches. He stated it's not a problem like it was earlier. Mr. Anaya stated the geology is getting fixed along with the lining of the ponds.

Nancy Masters – Ms. Masters stated she would like to suggest that we have another USGS study or a major university to come and do some geophysics or hydrologic studies again. She stated she believes the last one in the late 1990's. Ms. Masters stated they should take a look at LADWP owned lands because she thinks that are a lot of unknowns and if there seeking to pump wells at a lower depth and saying there won't be surface effects, we don't know whether that's true or not.

12. Schedule next Water Commission meeting

The next Water Commission meeting will be tentatively scheduled for mid-November.

13. Adjourn

The Chairperson adjourned the meeting at 8:36 pm.