

Minutes

County of Inyo Water Commission

November 21, 2011

Water Commissioner Teri Red Owl called the Water Commission meeting to order at 6:00 p.m. in the Inyo County Water Department Conference Room, Independence, CA. Water Commissioners in attendance were Teri Red Owl, Mike Prather, and Mike Carrington. Commissioner Sally Symons was absent. Present from the Water Department were Bob Harrington and Laura Piper.

Pledge of Allegiance

Commissioner Red Owl led the Pledge of Allegiance

Public Comment

The Chairperson announced the public comment period and there was no one from the public wishing to address the Commission.

Approval of minutes from October 10, 2011 meeting

Moved by Commissioner Prather and seconded by Commissioner Carrington to approve the minutes of the October 10, 2011 Water Commission Meeting. Motion carried unanimously with Commissioner Symons absent.

Director's report concerning Water Department activities

Dr. Harrington provided an update on the previous Standing Committee Meeting and the dispute process, an overview on the modified pumping plan, announced the upcoming Technical Group Meeting on 11/30/11 and the Standing Committee Meeting 12/9/11 in Los Angeles. Dr. Harrington stated the response to LADWP regarding the Blackrock vegetation conditions would be out by the end of December 2011. Dr. Harrington provided information regarding the Owens Lake Groundwater Evaluation Project, the Coso groundwater transfer, preparation of the LORP annual report, and the draft Recreational Use Plan.

Discussion/Action on recommendation to Planning Department regarding Conditional Use Permit No. 2008-02/Deep Rose LLC (Deep Rose Geothermal Project)

Dr. Harrington provided information and a brief overview of the proposal for the Deep Rose project and the County's recommendation to the Water Commission, a seven page detailed letter including recommended findings and permit conditions. Commissioner Carrington asked why Dr. Harrington did not use 37 acre feet instead of 50 and why they wouldn't use up to 100 ft to see if it's significant. Dr. Harrington replied the application was for 50 acre feet. Commissioner Carrington asked where would there be a draw down and why wouldn't the Water Department analyze that scenario. Dr. Harrington stated it is not relevant to an application that can't exceed 50 acre feet. Commissioner Carrington stated he would like to know what level would make a difference to draw down.

Public Comment – Sally Manning - Ms. Manning stated Commissioner Carrington raised a good question and she believes Coso Hay Ranch is pumping the maximum for the shortest duration that the current modeling would allow. She

stated that every well is dropping as a result of this modeling yet the Water Department doesn't see it as an issue. Ms. Manning believes the Water Commission is suppose to drive the process not the Water Department. She stated when the Water Department provides a suggestion on how it should be approached and analyzed, the Water Commission should take the information they need to make a good decision for Rose Valley. Ms. Manning stated maybe there should be other trade offs, possibly Coso should be required to reduce their pumping to allow other geothermal wells.

Public Comment – Chris Ellis – Coso Operating Company – Mr. Ellis stated the duration of the Deep Rose project is up to 200 days, and asked how long the permit is granted for. Dr. Harrington stated it is open ended with a limitation of 50 acre feet. Josh Hart, Planning Director stated the permit is valid for one year but different time periods can be specified. Mr. Ellis asked if that is one year from the date of grant or one year from commencement of work. Mr. Hart stated commencement of work. Mr. Ellis asked if the scope of extraction changes beyond what is in the permit would it trigger the permit process over again? Dr. Harrington stated yes. Mr. Ellis asked the criterion for determining the 6 month collection period and who reports this data. Dr. Harrington stated 6 months is arbitrary and the project proponent reports. Commissioner Carrington stated he would like to see 37 acre feet or something higher, he would like to know how the predictions hit against what they are pumping.

Public Comment – Earl Wilson - Great Basin Retired Hydrology Tech – Mr. Wilson stated things happen that are unforeseen, and at a depth of 18,000 feet, thousands of feet can go in a split second. Mr. Wilson agreed with Mr. Carrington and stated it would be good to see the results from different depths.

Commissioner Red Owl asked at what point we would consider draw down significant and how can it be determined. Dr. Harrington stated that was done for Coso Hay Ranch in the predicted drawdown calculations posed in his letter. Commissioner Red Owl asked what is currently being pumping at Coso Hay Ranch and Dr. Harrington stated Coso is permitted to pump 4,839 acre-feet per year for one year and nine months from today.

Public Comment – Sally Manning – Ms. Manning stated she believes the Coso Hay Ranch pumping number provided by Dr. Harrington is incorrect as she has been reviewing the information. Dr. Harrington stated that is how much they are permitted to pump and Ms. Manning asked if they could have an extension if they didn't pump all the water during that time, Dr. Harrington stated yes.

Public Comment – Sally Manning – Big Pine Paiute Tribe – Ms. Manning stated hydrology introduces a confounded variable which gets us in trouble. She inquired why Rose Springs is never brought up or discussed in documentation as another resource. She stated the Water Commission is getting an opinion as to what is significant from the staff of the Water Department as opposed to value judgments from the people, people who understand the environment and are looking out for the interests of Inyo County and decision makers. Commissioner Red Owl inquired of Dr. Harrington and he stated Rose Springs has no flow.

Commissioner Prather made a motion to accept the recommendation from the Water Department regarding the conditional use permit. Roll call led by Commissioner Red Owl, Prather, yes, Carrington, No, Red Owl, Yes. There was not a quorum to pass the vote.

Commissioner Red Owl asked Commissioner Carrington to reiterate what he would request of the Water Department and Commissioner Carrington stated he would like the model run again to see what the maximum amount would be for drawn down before triggers are hit and would like to report out what the findings are at the next Water Commission meeting.

Public Comment

Sally Manning – Ms. Manning stated the conditional use permit had been sitting around for a few years and is just now getting around to the decision being made. She asked why it is just coming forward and where is the CEQA document. Ms. Manning stated the model can be redone to check for significant draw down but if the Water Commission relies on the staff of the Water Department to make the judgment call of what is significant, they may have a different opinion than the public. Ms. Manning stated the Water Commission's role is to take the lead in CEQA issues and to direct Water Department staff on how they are to analyze the data so the Water Commission can make an informed decision. Ms. Manning stated in CEQA procedures, the Water Commission has as much power as the Planning Commission and she is

concerned the Water Department is leading the Water Commission to rubber stamp items they have already done. She believes it has been done with the pumping program, the Standing Committee protocols, and the Big Pine Northeast Regreening project. She stated the Water Commission needs to be more on top of these items and should instruct the Water Department on analysis they would like to see, and bring items to their attention ahead of time.

Schedule Next Water Commission Meeting

The next Water Commission meeting was scheduled for January 4, 2011 at 6:00 p.m. in Big Pine, CA.

Adjourn

The Chairperson adjourned the meeting at 7:18 p.m.