

MINUTES

County of Inyo WATER COMMISSION

September 23, 2015

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, Bruce Dishion, Craig Patten, and Mike Carrington. 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

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

3. Approval of minutes from the June 29, 2015 meeting

Moved by Commissioner Patten and seconded by Commissioner Dishion to approve the minutes of the June 29, 2015 meeting. Motion carried.

4. Commissioners reports

Commissioner Patten provided an update on the Bishop Creek Water Association meeting; Commissioner's Prather and Red Owl provided information and an update on "Walking Water".

5. Water Director's report

Dr. Harrington asked the Chairperson to defer this section until Item 7.

6. Update on Owens River Water Trail Grant

Larry Freilich provided a PowerPoint presentation and overview in detail and at length for the Owens River Water Trail Grant and discussed the project with the Commissioners. Commissioner Prather inquired about the letter of support from LADWP which Mr. Freilich stating is forthcoming.

Public Comment – Earl Wilson – Mr. Wilson asked what environmental impacts there would be from a parking lot to trees and vegetation. Mr. Freilich stated Department of Fish and Wildlife (permitting) visited the site and provided recommendations. He stated the Department of Fish and Wildlife thought it was possible to do without the removal of mature trees.

7. Presentation of Water Department Annual Report

Dr. Harrington provided an in depth presentation with regard to the content of the Water Departments Annual Report, its origination, purpose, requirements of the Water Agreement, and the data usefulness for all. The Commissioners and Dr. Harrington discussed the report in detail and at length. Dr. Harrington stated in the past three years there are several months that have been the warmest on record. He pointed out the summary of the groundwater legislation passed last

year, which he stated is historic water law for California. He stated California was the last state to adopt state regulatory framework for groundwater. Commissioner Red Owl asked if there are maps in the Annual Report showing where the wells are located and Dr. Harrington stated there is not, an improvement that needs to be made.

Public Comment – Sally Manning – Ms. Manning stated she wanted to be sure that the public knows that the pumping in Lone Pine is declining and there is less water being delivered to the projects in Lone Pine.

Public Comment – Sally Manning – Ms. Manning stated she reviewed the annual report and stated it is a data dump and it shows just monitoring wells without their location or how the well is affected by pumping, so it's just a bunch of lines on a graph. She stated there were three items she would like to call attention to in the annual report; 1) Table 3.2 on page 13-14, indicator well depth to water, all the numbers are negative which has been ongoing and she stated it is alarming 2) Pumping is what is causing the deviation from baseline and 3) She said she would rate the status of the mitigation as lousy.

Commissioner Prather stated at the Technical Group there is a history of the County being stonewalled on mediation language to keep the Water Agreement from working. He stated that live coverage in the valley is a horror story to read about. Commissioner Prather stated it has been requested by the County that the mitigation program be reviewed and revised per a letter sent by Inyo to LADWP and the County has never received a response. Commissioner Prather stated that is not a good relationship between the County and LADWP; He stated he is aware the County has limited resources and cannot fight every battle; but how long do we wait. Commissioner Red Owl stated in view of the trends it is not getting any better. She stated in view of all the information it seems the Water Agreement is not doing what we had hoped or intended that it would do, keep the water levels, soil moisture, plant cover, close to baseline. Commissioner Red Owl stating taking data from this report and providing a workshop to the Board (as discussed in their goals) would be a start and highlight where the Commission suggests taking action. Commissioner Red Owl wished to commend the Water Department for continuing to collect the data to report.

Public Comment – Sally Manning – Ms. Manning stated the problem she sees is in the decision making process, there is one of them (LADWP), one of the County, and no one to break the tie only an arbitrator that slips in between the parties. She stated if the State groundwater laws are in place, and LADWP is not following the Water Agreement, then the State would be an additional party to weigh in on the issues. Ms. Manning stated the County has exempted LADWP from this and she doesn't understand why they would do that.

Public Comment – Earl Wilson – Mr. Wilson stated here we go again making out lists and nothing gets accomplished. Mr. Wilson stated the Commission said Dr. Harrington would report to the Board; Commissioner Prather stated a correction that the Commission would report to the Board. Mr. Wilson stated even when reported to the Board, it never seems to get any meat on it, and nothing is done.

Public Comment – Phillip Anaya – Mr. Anaya stated he appreciates the data shared and the points Ms. Manning has made but some actionable item is something he would like to see. He stated maybe something needs to be done in steps and maybe the first is the mitigation projects; prioritize which ones to move forward on first, and the commitment to start on one immediately.

The Chairperson called a break in the meeting from 7:36pm to 7:41pm.

8. Update on California Sustainable Groundwater Management Act

Dr. Harrington provided an overview and PowerPoint presentation of the California Sustainable Groundwater Management Act. The Commission and Dr. Harrington discussed the issues in detail. Dr. Harrington stated the first step is that local agencies may propose to DWR that the boundaries of the groundwater basin they are working in should be changed. He stated by January 1, 2016 DWR has to have developed regulations by which these local agencies can go to DWR for those boundary adjustments. He stated DWR has presented draft regulations, is receiving public comment, and will be finalizing them by January 1. Dr. Harrington stated that upon the Water Departments recommendation, the Board has considered a boundary adjustment between Owens and Tri-Valley's. Dr. Harrington stated it was scientifically based with jurisdictional merits. Dr. Harrington stated throughout the California Sustainable Groundwater Management Act there is a lot of stakeholder involvement; public notification; and public process. He stated he recommended to the Board that the Water Commission be used to for this purpose because that is a roll the Water Commission fills, to provide public

notification/education/ and outreach which the Board desires the Commission to do. Commissioner Prather asked where the Tribes were on this and Dr. Harrington stated the Tribes may participate in Groundwater Sustainability Agencies and plans. Dr. Harrington stated where the Tribes are at on this will be the Water Commissions job to undertake as well as other agencies.

Public Comment – Dave Wagner – Mr. Wagner stated that if we are moving forward with a scientific justification; he believes we will get push back and be open to criticism.

Public Comment – Sally Manning – Ms. Manning asked to view a slide in Dr. Harrington's PowerPoint and stated the red dots are LADWP wells in Chalfant and what's to stop LADWP from pumping those unless they are cutoff. She stated at Fish Slough it's a groundwater mystery as to where the water comes from. She stated there is no proof it is coming from the Tri-Valley Hammil Valley area. She stated if we go with the jurisdiction route, all agencies have to be consulted vs the scientific route; no agencies need to be consulted. Ms. Manning stated it could prevent the County from obtaining the Tribes input.

Commissioner Red Owl asked since the LADWP lands are adjudicated, are there any provisions that they have to meet goals that are in place for that adjudicated land; is there any accountability for that entity that has been adjudicated? Dr. Harrington stated no, just reporting. Commissioner Red Owl stated unfortunately, that is another example of how the California Sustainability Groundwater Management Act is not going to be effective. Dr. Harrington stated the Water Agreement provides that either Inyo or LA can lobby separately concerning legislation that affects the local jurisdictional groundwater management.

Public Comment – Sally Manning – Ms. Manning inquired when the reporting was due with regard to declaring the valley an adjudicated basin. Dr. Harrington stated April 1, 2016.

Public Comment – Sally Manning – Ms. Manning stated she heard the argument that it's what the state requires but the state doesn't come anywhere to propagate this law, and this law gives the authority to local groundwater management agencies and they can set their own goals.

Public Comment – Dave Wagner – Mr. Wagner stated it is his understanding that this law has no enforcement provisions, you need to report information but if you're in overdraft how is the state going to enforce that to change? Dr. Harrington stated the law gives local agencies implementing local plans authority to reduce pumping. If the pumping is causing an undesirable result which are defined in the law. He also stated if the local authorities do not enforce, the state said they will do it for them and the state will impose fees to the local agencies.

9. Update on LADWP Proposals for new wells

Dr. Harrington provided an overview in detail regarding LADWP's proposed new wells. He stated their intent is to install four new wells in the valley, two on the Bishop Cone (identified as part of the water agreement project in the 1991 EIR), a replacement well at Laws, and a well west of Big Pine (identified in the Water Agreement as a well to makeup water used by the Big Pine Ditch System). Dr. Harrington stated LADWP was going to provide Inyo County with draft pre-construction evaluation plans for the wells. Dr. Harrington and the Commissioner's discussed the new wells at length.

Commissioner Red Owl asked Dr. Harrington if a pump test was recently done on well 416, Dr. Harrington stated yes. Commissioner Red Owl stated she was not aware of anything being done at well 416.

Public Comment – Sally Manning – Ms. Manning stated if a test was done recently on well 416, why that wasn't shared with this group and where is the report. Dr. Harrington stated it was one of the reports that were sent out. Commissioner Prather stated it was a detailed letter.

Commissioner Red Owl asked if there was an issue about LADWP being in consensus with the County that the wells will be subject to evaluation by the Technical Group. Dr. Harrington stated the issue is if the wells need pre-construction evaluations. Commissioner Red Owl asked if the pre-construction evaluation takes into consideration the potential effects of the well. Dr. Harrington stated it looks at the best guess as to what affects the well will have.

Public Comment – Phillip Anaya – Mr. Anaya stated a stick in the eye to him is west Bishop, over two dozen domestic wells going dry two years ago, and now LADWP wants another well and surround the area that has gone dry. He stated the pre-construction evaluation is way ahead of what the County should be considering. He stated he wrote a letter to Sierra Wave in response to a story and he wished to share it with the Commission. Mr. Anaya shared his comment letter with the Commission.

Commissioner Patton stated his position is no new wells and the County needs to entertain a strategy within the framework of the Water Agreement that takes into account the negative effects of groundwater pumping that are obvious in the report that says no new wells. He stated he can't believe the County would even entertain a discussion regarding new wells.

Commissioner Dishion asked if he heard correctly that a well at Laws had gone dry. Dr. Harrington stated it is in off status.

Public Comment – Earl Wilson – Mr. Wilson stated back in July on the front page of the Inyo Register an article stating a helicopter was being utilized with ground penetrating information on the Owens Lake Project. He referred the Commission to skytem.com. Mr. Wilson stated they were flying a big hoop around the valley mapping aquifers as deep as 1500 feet.

10. Public Comment

Sally Manning – Ms. Manning stated there is five new wells LADWP is considering, one domestic well at Cottonwood Creek. The other issue is the refurbished wells that are being considered, the letter sent to her dated July 30, 2015 states that next month LADWP plans to turn on one of the five bridges wells on for six months; she stated that is next month and there is no plan in place. She stated she was not aware if the County responded to that letter.

11. Schedule next Water Commission meeting

The next Water Commission meeting has been scheduled tentatively for December 3, 2015.

12. Adjourn

The Chairperson adjourned the meeting at 9:05pm.