

Minutes

County of Inyo Water Commission

November 15, 2012

The Chairperson called the Water Commission meeting to order at 6:00 p.m. at the Jill Kinmont Boothe School, George Lozito Conference Room, Bishop, Ca. Water Commissioners in attendance were Teri Red Owl, Mike Prather, Mike Carrington, Sally Symons, and Bruce Dishion. Present from the Water Department were Bob Harrington and Laura Piper.

1. Pledge of Allegiance

Commissioner Red Owl led the Pledge of Allegiance.

2. Public Comment

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

3. Approval of minutes from September 13, 2012 meeting

Moved by Commissioner Dishion and seconded by Commissioner Prather to approve the minutes of the September 13, 2012 Water Commission Meeting. Motion carried.

4. Director's report concerning Water Department activities

Dr. Harrington provided highlights from the 9/26/12 Standing Committee Meeting as follows:

- New wells at the Independence Eastside Regreening Project
- A replacement well on the Bairs-Georges wellfield
- A replacement well for W390 in Lone Pine
- LADWP's well lining program
- LADWP/Inyo County ongoing discussion on saltcedar slash
- Expansion of the Future Farmers of America project adjacent to the Van Norman wellfield in Lone Pine
- LADWP's report on the litigation between LADWP and the Big Pine Tribe, Owens Valley Committee, and the Sierra Club concerning the negative declaration CEQA document for the Big Pine Northeast Regreening Project
- The dispute raised by LADWP regarding water supply for enhancement mitigation projects; the Standing Committee agreed that the Technical Group would go back and evaluate all enhancement mitigation projects giving first priority to projects that don't have an exempt source of groundwater and the Van Norman field project
- A review on the enhancement mitigation projects
- A request from LADWP to not supply water to the McNally Ponds project or supply water and for the Technical Group to investigate supplying it with pumped water from a well in Laws. There was no concurrence at the Standing Committee because the Technical Group hadn't produced the required analysis
- At the 11/8/12 Standing Committee Meeting, the Standing Committee agreed to by the Board of Supervisors to support the findings of the Technical Group that dry year water shortages exist and found that LADWP does not

need to provide water to the ephemeral ponds this year but that in the future when requests are made by LADWP for reductions in irrigation to enhancement mitigation projects, that they be made in writing before the irrigation season, and in time for the Board of Supervisors to provide direction to it's Standing Committee representatives

Dr. Harrington and the Commissioners discussed the water supply to enhancement mitigation projects in detail. Commissioner Dishion and Commissioner Prather expressed their displeasure with the Board of Supervisor's meeting with regard to water supply to the ephemeral ponds.

Public Comment – Earl Wilson – Mr. Wilson inquired where it's determined that the McNally Ponds are ephemeral. It was his understanding that those were actually ponds that existed because the water table was high from the river. Dr. Harrington stated that they are spreading basins and exist solely because of the existence of the McNally Canals.

Public Comment – Sally Manning – Ms. Manning stated there was water being exported from Laws down the Laws return ditch. She stated two wells were on, and linked to Laws II monitoring site which is in on status so the wells were pumping into the canal solely for transport from the Laws area. Ms. Manning stated LADWP didn't run the wells to supply the mitigation project but yet they are drawing the water table down further for export. She said the wells were 236 and 239.

Public Comment – Earl Wilson – Mr. Wilson asked where Fish & Game stands on this subject and are they signing off too? Dr. Harrington stated he could not comment for Fish & Game.

Public Comment – Harry Williams – Mr. Williams asked if there were any plans for next year should this happen again. Dr. Harrington reiterated the Board's decision he recently read and what the Standing Committee agreed to was that LADWP would put a request in writing prior to the irrigation season if they want to reduce the water supply to a mitigation project.

Public Comment – Mark Bagley – Owens Valley Committee – Mr. Bagley stated if LADWP never runs the McNally Canals they are never going to get into on status at Laws. He asked if it is the opinion of the Water Department that LADWP ran the McNally Canals last year in 2011, a wet year in accordance with their past practices? Dr. Harrington stated that he would need to do an analysis. Mr. Bagley stated if under their past practices the argument should have been made that they should have run the McNally Canals in previous years so the well wouldn't be in off status this year. Mr. Bagley stated there is a long standing disagreement between LADWP and the Water Department about what past practices means under the Water Agreement. He stated there is a vast difference, this year is extremely dry and last year was extremely wet. He said he understands the Water Departments decision in not running the McNally Canals this year because it is so dry but what about last year?

Dr. Harrington and the Commissioners discussed the McNally Canals in detail and at length.

Public Comment – Mark Bagley – Mr. Bagley stated he was pleased to see the Water Department recommendation was to not have the County concur with letting LADWP off the hook for the pasture irrigation part of the project which they did not supply water to this year. Mr. Bagley said this is not the first year that LADWP has not provided water to the pasture part of the project without the necessary approval from the County. He stated that is a violation of the Water Agreement and the number of years that they have not provided water to this project without seeking proper approval is that they are not providing the mitigation they are required to provide. Mr. Bagley said unless consequences are made for them they will continue to do this in the future. He would like to see the Water Commission tackle the issue and make a recommendation to the Board.

Public Comment – Harry Williams – Mr. Williams said we should start the dispute on past practice. He stated we have Mr. Greg James as the Counties lawyer for these issues so we should go to court. Commissioner Prather stated that our Supervisors are not willing to raise taxes to provide funding for court battles. Commissioner Prather stated that voices say the County should be defended but people aren't willing to take the steps necessary for the County to have the resources to realistically do this. Mr. Williams stated the County is not in the red and Commissioner Prather stated that is because people are doing 2 and 3 jobs at this time. Mr. Williams stated we should vote people in that will uphold the rules and laws.

Dr. Harrington stated the last item discussed at the 9/26/12 Standing Committee Meeting was the Blackrock 094 dispute. The County made a motion to find that there has been a significant impact at Blackrock 094 and direct the Technical Group to prepare a mitigation plan but LADWP did not concur. The issue is open for the next step in dispute resolution.

Public Comment – Earl Wilson – Mr. Wilson stated if there is any paperwork that previous operations don't allow for this because of current issues in Mono County; the County should nail them to the wall. Our Water Agreement has nothing to do with the Mono basin.

5. Commissioners' Report

Commissioner Prather provided information and the status of the groundwater studies at Owens Lake. He discussed the current lawsuit brought against Mr. Ted Schade (GBAPCD) by LADWP.

6. Possible action: Water Commission goals and work plan

Moved by Commissioner Prather and seconded by Commissioner Dishion to approve the Water Commission goals. Motion passed unanimously.

Public Comment – Harry Williams – Mr. Williams wished to thank the Commissioners for taking the time to serve on the Committee.

Public Comment – Earl Wilson – Mr. Wilson stated now is a good time for the Water Commission to make their presence very public and he would like to see more people in attendance at the Water Commission meetings.

7. E/M Project Evaluation

Dr. Harrington reiterated the direction of the Standing Committee to evaluate all E/M projects and stated the Water Commission might be interested in participating. Dr. Harrington stated the site visits should be agendized in accordance with the Brown Act. The Water Commissioners agreed tentatively on a half day field trip/Water Commission Meeting to the Laws area on Wednesday February 20, 2013 and will draft a press release. Dr. Harrington provided a brief overview and history of the Laws area.

8. Public Comment

Public Comment – Daris Moxley – Ms. Moxley asked if the McNally Ponds would not be receiving water this year. Commissioner Prather stated it did not receive water and the irrigation period is over. Ms. Moxley asked if Blackrock 094 was still under dispute and Dr. Harrington stated yes.

Public Comment – Mark Bagley – Mr. Bagley asked Dr. Harrington about LADWP's proposal to realign some of the wells he had discussed in the Director's report. He stated it was presented at the Technical Group previously and stated it was unclear where it stands, and asked if LADWP can just proceed with this under the Water Agreement. Dr. Harrington stated he doesn't think there is a provision in the Water Agreement that would allow the County to prevent LADWP from doing that work, but once it is done, certainly it is within the Technical Groups responsibility to look at how's it's changed the well, is the monitoring site for the well still valid, if there is a monitoring site. Mr. Bagley asked if the Water Commissions goals could be posted on the Water Department website and asked that the Commissions recommendations to the Inyo County Board of Supervisors can also be posted to the website and the response from the Board.

Public Comment – Earl Wilson – Mr. Wilson suggested when the Commission makes a recommendation to the Board that a link also be placed on the Water Department website for the Board meeting it was considered so the public can review the result. Mr. Bagley and Ms. Manning concurred with Mr. Wilson.

Public Comment – Sally Manning – Ms. Manning stated her concerns regarding the trigger well that's north of Little Lake has past its trigger point. She stated she knows the Commission was concerned by this and also knows it takes two wells to reach their trigger point for any action to be taken and now she noticed that another well north of the above (possibly Cinder Rd) is starting to head for it's trigger point. She stated both these wells are a couple of miles south of the Coso Hay Ranch where the pumping is occurring. Ms. Manning said the Big Pine Paiute Tribe has recently sent a letter to the LADWP Board of Water & Power Commissioners asking what is going on with the Bartell parcel, a 5 acre area on the NE corner of Hwy 395 and Bartell Rd leased to a rancher. It was receiving irrigation water according to data she has up through about the late 1990's and then the irrigation ceased.

Public Comment – Earl Wilson – Mr. Wilson stated near the Oak Creek crossing there were several LADWP trucks parked in the area doing work and he was curious as to what they were doing. Commissioner Prather stated LADWP had bought a parcel in that area but is not aware of the activities there.

9. Schedule next Water Commission Meeting

The next Water Commission Meeting was scheduled for Thursday, January 17, 2013 in Independence.

10. Adjourn

The Chairperson adjourned the meeting at 7:50 p.m.