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VIA FACSIMILE and U.S. MAIL

Mr. Walt Pachucki
Special Master
P.O. Box 1265
Bishop, California 93515

Subject: LADWP Rebuttal to Non-Compliance with the Provisions of the Court Order

Dear Mr. Pachucki:

The County of Inyo appreciates the additional information and explanation of operations in the Laws wellfield provided in LADWP's October 18, 2005 letter of response to Inyo County's letter of October 10, 2005. Importantly, LADWP's October 18th letter states:

The responses of LADWP to Issues 1-3 set forth above should address to [sic] questions raised by the County with respect to the Revised Plan. To be clear:

- (1) *Reported amounts of water used for recharge do not, and will not, include water pumped from the Laws Wellfield or water used for irrigation, enhancement/mitigation projects or mitigation measures;*
- (2) *The source of the water used for the groundwater recharge is water diverted from the Owens River into the McNally canals. In the event that any water diverted from the Owens River in to McNally canals is diverted back into the Owens River, the amount diverted back into the Owens River will be deducted and not reported as a credit;*
- (3) *The calculation for credit to water recharge will be the amount of water diverted from the Owens River into the McNally canals, less any amounts of water used for irrigation, enhancement/mitigation projects or mitigation measures or diverted back into the Owens River.*

The above description of how recharge will be conducted conforms to the County's understanding of how recharge in the Laws area is to be conducted under the Court Order. However, the County believes that the information provided in the October 18th letter still leaves two areas of inconsistency regarding the recharge operations that should be clarified.

First, LADWP's *Revised Proposed Operational Plan for 2005-06 Runoff Year* dated September 29, 2005, states that spreading operations in the Laws area were to begin on November 1, 2005; in contrast, LADWP's October 18th letter reports that 447 acre feet were recharged in August 2005. Second, the October 18th letter states that the 447 acre-feet of recharge in August 2005 "...represents the amount of water loss during the conveyance [of Owens River water] and is credited to recharge in the Laws area;" in contrast, Exhibit D to LADWP's October 5, 2005 *Report to the Court Pursuant to Section 2(G) of the August 9, Court Order* (a copy of Exhibit D is attached) states that McNally canal conveyance losses in August 2005 totaled 112 ac-ft.

LADWP correctly points out in its October 18th letter that the Court Order only requires LADWP to report "...the amount of water supplied by the City for groundwater recharge pursuant to condition 2B during the month immediately preceding the prior month..." However, to avoid ambiguities such as those described above, and to provide sufficient information to enable the Parties and the Special Master to determine whether LADWP is in compliance with the Court Order, as requested in the County's October 10, 2005 letter to the Special Master, it is again requested that the Special Master direct LADWP to furnish the following information in all future monthly reports submitted pursuant to Section 2.G. of the Court Order:

1. the source of the water supplied for groundwater recharge;
2. the means of conveying any water supplied for groundwater recharge and how and where the water was recharged;
3. how the amount of water used for groundwater recharge was calculated, and the amount of any water that was diverted from the McNally canals to the Owens River.

Thank you for your consideration of this request.

Sincerely,

Greg James
Attorney for the County of Inyo

cc: Inyo County Superior Court
Joe Brajevich
Gordon Burns
Larry Silver
Don Mooney
Members of the Board of Supervisors
Members of the Water Commission
County Counsel
County Administrator