

Department of Water and Power

Legal Division
111 N. Hope Street Suite 340
Los Angeles, California 90012

FACSIMILE COVER LETTER FOR MULTIPLE DISTRIBUTION

DATE: December 5, 2005

PLEASE DELIVER THE FOLLOWING 31 PAGES INCLUDING COVER TO:

To:

The Hon. Lee Cooper	760-878-0433
Inyo County Superior Court	
Walt Pachucki, Special Master	760-872-2131
Paul Bruce	760-878-2241
Greg James	760-873-5695
Gordon Burns	916-322-5609
Donald B. Mooney	530-758-7169
Larry Silver	415-383-7995

From: Joseph Brajevich, Deputy City Attorney
Telephone: (310)732-3965 FAX: (310)831-9778

Message: Pursuant to Section 2(G) of the Court Order, attached hereto please find LADWP's Report to the Court Due December 5, 2005. The hard copy will follow via Fed-Ex.

Thank you for your attention to this matter.

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone, and return the original message to us at the above address via the U.S. Postal Service. Thank you.

1 ROCKARD J. DELGADILLO, City Attorney
RICHARD M. BROWN
2 General Counsel, Water & Power
3 JOSEPH BRAJEVICH (State Bar No. 156144)
Deputy City Attorney
4 111 North Hope Street, Suite 340
P.O. Box 51111
5 Los Angeles, California 90051-0100
6 (213) 367-4509
Attorneys for Defendant City of
7 Los Angeles, et al.

8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF INYO

11 SIERRA CLUB, and OWENS VALLEY)
12 COMMITTEE,)
13)
14 Plaintiffs,)
vs.)
15 CITY OF LOS ANGELES, et al.)
16 Defendants.)

CASE NO.: SICVCV01-29768
(The Honorable Lee Cooper, Assigned)
**LADWP'S REPORT TO THE COURT
PURSUANT TO SECTION 2(G) OF THE
AUGUST 9, 2005 COURT ORDER**

17)
18) **Due Date: December 5, 2005**
19)

20 CALIFORNIA DEPARTMENT OF FISH)
AND GAME and CALIFORNIA STATE)
21 LANDS COMMISSION,)
22)
Real Parties in Interest and)
23 Cross-Complainants.)

FAX FILE

24)
25)
26)
27)
28)
COUNTY OF INYO and DOES 51 - 100)
Real Party in Interest)

1 **TO THE COURT, THE SPECIAL MASTER, ALL PARTIES AND THEIR ATTORNEYS OF**
2 **RECORD:**

3 In accordance with Paragraph 2(G) of the Court's Order of August 9, 2005 ("Court Order"), LADWP
4 hereby submits this report setting forth the progress LADWP is making towards implementation of the
5 LORP and reporting the amounts of groundwater pumping, water supplied for groundwater recharge, and
6 water supplied for in-valley uses.

7
8 **I. PROGRESS REPORT TOWARDS THE IMPLEMENTATION OF LORP**

9 LADWP is pleased to report that it continues to make progress towards the implementation of LORP
10 in a manner consistent with meeting the deadlines established by the Court Order. The significant events
11 which occurred during the period of November 1 through November 30, 2005 demonstrating the progress
12 made are as follows:

13
14 **A. LADWP Board of Commissioners Approves the Selection of the Contractor for the**
15 **Construction of the Pumpback Station.**

16 On November 1, 2005 the Board of Commissioners for the Department of Water & Power adopted
17 a resolution selecting Kiewit Pacific Co. as the contractor for the construction of the pumpback station.
18 Consistent with our previous report, LADWP intends to issue the notice to proceed to the selected contractor
19 in December of 2005. Construction of the pumpback station remains predicated on the issuance of the 404
20 Permit.

21
22
23 **B. The Army Corps of Engineers Continues to Process the 404 Permit Application.**

24 Continuing with its expeditious processing of the 404 permit application the Army Corps of
25 Engineers ("ACOE") closed the public comment period on November 9, 2005. The Sierra Club and the
26 EPA submitted comment letters. LADWP provided ACOE with responses to the comments raised by the
27 Sierra Club and EPA. We are now awaiting the completion of the Environmental Assessment by ACOE
28

1 and continue to anticipate the receipt of a 404 Permit in December 2005.

2 **C. The Lahontan Regional Board Approves LADWP's Storm Water Pollution**
3 **Prevention Plan.**
4

5 The Lahontan Regional Board held its November meeting on November 9, 2005. The regional
6 board adopted a permit amendment incorporating LADWP's Storm Water Pollution Prevention Plan
7 ("SWPPP") into the existing permit. With the regional board's adoption of the SWPPP, LADWP has now
8 completed the permitting process with the Lahontan Regional Board.
9

10 **D. Ecosystem Sciences Continues to Make Progress in the Implementation of LORP.**

11 Ecosystem Sciences continues to conduct planning and coordination activities necessary for
12 implementation of LORP by the respective deadlines. Significantly, Ecosystem Sciences performed the
13 following activities during the month of November:
14

- 15 • Completed all site plans for wetland construction activities at the four Blackrock
16 Waterfowl Management Units;
- 17 • Completed the marking/flagging and mapping of all cultural (archeological) sites in the
18 LORP to prevent intrusion during construction. A power point presentation was prepared
19 for training construction crews on site avoidance;
- 20 • Surveyed two routes for fish/ecological corridor from Goose Lake outlet to the river in
21 preparation for developing site plans;
- 22 • Completed locating, mapping and site plans for 15 temporary flow measurement
23 stations. There are two sites remaining to be located and mapped.
24
25
26
27
28

- Identified priority fencing and lined-out twelve miles of fencing on the ground;
- Completed draft of the first newsletter for the LORP;
- Requested a joint meeting for mid-January and identified principle issues to be discussed related to revising and finalizing the draft LORP monitoring and adaptive management plan.

Ecosystem Sciences continues to move forward with the planning and coordination activities necessary for it to perform its role and duties under the 1997 Memorandum of Understanding.

II. GROUNDWATER PUMPING AND RECHARGE AMOUNTS FOR SEPTEMBER 2005

In accordance with Paragraph 2(G)(1-3) of the Court Order, LADWP hereby reports the required information regarding groundwater pumping, water used for recharge, and in-valley water uses for the month of October 2005.

The total amount of groundwater pumping for the month of October 2005 was 4,234 acre feet of water. This brings the cumulative pumping amount for the 2005-06 runoff year to 38,288 acre feet of water. Attached hereto as Exhibit A is an itemization of the stated pumping amount by well field and well number.

Please note that there is a revision to the pumping totals reported for the month of September 2005. The total amount pumped for the month of September 2005 was reported as 6,053 acre feet of water. The actual amount pumped for the month of September is 5,967 acre feet of water, a difference of 86 acre feet.

The specific revisions are as follows:

<u>Well Location</u>	<u>Initial Amount</u>	<u>Revised Amount</u>
Laws 236	202 afy	105 afy
Laws 247	295 afy	306 afy

1 The revisions are based upon information and/or data received and reviewed by LADWP engineers
2 and hydrographers in the course of ongoing data processing.

3
4 During the month of October 2005 LADWP provided 2,329 acre feet of water for the recharging
5 of groundwater levels in the Laws Wellfield. All recharge water was provided by a diversion of water from
6 the Owens River into the McNally Canals. During the 2005-06 runoff year to date, LADWP provided a
7 total of 10,604 acre feet of water in the Laws Wellfield for the recharging of groundwater levels, with 2,776
8 acre feet of water being provided pursuant to the Court Order.

9
10 As to water supplied by LADWP for in-valley uses, Exhibit B attached hereto sets forth the amounts
11 of water provided for irrigation and stockwater to leasees, recreation and wildlife, tribal uses, and
12 enhancement and mitigation projects, as required by Paragraph 2(G)(3) of the Court Order. As noted in the
13 exhibit, the amount for tribal uses does not include tribal domestic uses. This is due to the fact that the
14 figures for tribal domestic uses are self-reported by the respective tribes and have not been reported by them.

15 16 III. ANCILLARY MATTERS

17 In accordance with prior orders of the Court pertaining to written communications between LADWP
18 and permitting agencies, the correspondence between LADWP, the Lahontan Regional Board and the Army
19 Corps of Engineers are attached hereto as Exhibit C.

20
21 This concludes LADWP's Report to the Court.

22 Respectfully submitted,

23
24 Dated: December __, 2005

ROCKARD J. DELGADILLO, City Attorney
RICHARD M. BROWN, General Counsel, Water and Power

25
26 By 

27 JOSEPH A. BRAJEVICH
28 Deputy City Attorney

1 Verification By General Manager

2 I, Ronald F. Deaton declare, under the penalty of perjury, that I have read the above report and
3 hereby verify that to the best of my knowledge the information contained in this report is accurate
4 and complete. This verification is based upon information which has been provided to me by
5 Department of Water and Power staff, which I believe to be complete and accurate.

6 Dated: December 5, 2005

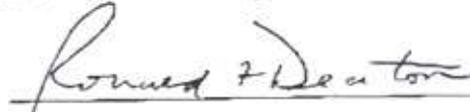
7 
8 _____
9 Ronald F. Deaton
10 General Manager
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Groundwater Pumping

Well Field	Well #	Aug-05 (af)	Sep-05 (af)	Oct-05 (af)	Cumulative Runoff Year (af)
Laws	236	213	105	15	1021
	239	0	0	0	50
	244	28	0	0	135
	245	0	0	0	81
	247	158	306	0	464
	385	66	65	43	392
	354	4	2	1	20
	387	258	347	121	1013
	368	209	291	0	670
	Subtotal	936	1116	181	3848
Bishop Cone	140	205	199	96	1318
	371	0	0	120	373
	406	86	81	0	559
	407	0	0	0	453
	408	186	187	2	1160
	410	0	0	262	856
	411	0	0	0	600
	Subtotal	477	487	480	5319
Big Pine	330	575	553	575	3009
	332	1102	1061	1098	7550
	341	64	48	35	358
	352	4	0	0	23
	Subtotal	1745	1664	1708	11838
Bairs-Georges	348	0	0	0	306
	403	58	17	0	180
	Subtotal	58	17	0	486
Independence-Oak	59	0	0	0	35
	60	299	290	140	1899
	61	172	166	80	1090
	65	236	225	128	1075
	401	0	0	0	6
	357	67	49	41	388
	383	153	149	71	966
	384	98	81	0	575
	Subtotal	1023	960	480	6034
Symmes-Shapthard	69	0	0	0	59
	75	0	0	0	3
	345	0	0	0	61
	393	0	0	0	6
	402	209	186	96	1285
	Subtotal	209	186	96	1414
Taboose-Abardeen	118	0	128	168	327
	349	96	81	78	796
	370	0	0	0	311
	Subtotal	96	207	246	1434
Thibaut-sawmill	351	1088	1017	1006	6660
	356	59	185	4	275
	Subtotal	1147	1202	1010	6935
Lone Pine	344	0	0	0	136
	346	89	67	53	372
	390	96	81	0	474
	Subtotal	185	148	53	982
	Total	5676	5967	4234	38288

EXHIBIT B

Owens Valley Water Uses

	Aug-05 (af)	Sep-05 (af)	Oct-05 (af)	Cumulative Runoff Year (af)
<u>Irrigation</u>	9296	6783	504	53828
<u>Stockwater</u>	1027	932	858	7070
<u>Recreation & Wildlife</u>	912	668	704	5774
<u>Tribal Uses (Bishop, Big Pine, Lone Pine)</u>	480*	444*	379*	3169*

Enhancement & Mitigation	Project	Aug-05	Sep-05	Oct-05	Cumulative
		(af)	(af)	(af)	Runoff Year (af)
	McNally Canals Conveyance Losses	112	111	2	351
	McNally/Laws/Poleto Native Pasture Lands	333	240	0	1269
	McNally Ponds	0	0	0	1522
	Laws Historic Museum	3	0	0	59
	Kiondiko Lake	124	198	169	1203
	Lower Owens River	1129	1209	721	6250
	Independence Pasture Lands	574	560	236	3234
	Independence Springfield	72	18	7	257
	Independence Ditch System	31	30	29	212
	Independence Woodlot	29	37	17	176
	Shepherd Creek Alfalfa Lands	194	171	93	1152
	Lone Pine Park/Richards Field	180	157	44	1055
	Lone Pine Woodlot	14	18	23	97
	Lone Pine Van Norman Field	96	81	0	474
	Lone Pine Regreening	33	27	2	178
	<u>Total Enhancement & Mitigation</u>	2924	2857	1343	17489

* - Does not include Tribal domestic use