

RECEIVED

JAN 10 2006

Inyo Co. Water Department

Department of Water and Power

Legal Division

111 N. Hope Street Suite 340

Los Angeles, California 90012

RECEIVED

JAN 05 2006

OFFICE OF COUNTY COUNSEL
INDEPENDENCE

FACSIMILE COVER LETTER FOR MULTIPLE DISTRIBUTION

DATE: January 5, 2006

PLEASE DELIVER THE FOLLOWING 9 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	916-322-5809
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 January 5, 2006. A 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
2 RICHARD M. BROWN
3 General Counsel, Water & Power
4 JOSEPH BRAJEVICH (State Bar No. 156144)
5 Deputy City Attorney
6 111 North Hope Street, Suite 340
7 P.O. Box 51111
8 Los Angeles, California 90051-0100
9 (213) 367-4509
10 Attorneys for Defendant City of
11 Los Angeles, et al.

RECEIVED
JAN 05 2006
OFFICE OF COUNTY COUNSEL
DEPENDENCE

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF INYO

12 SIERRA CLUB, and OWENS VALLEY)
13 COMMITTEE,)

14 Plaintiffs,)
15 vs.)

16 CITY OF LOS ANGELES, et al.)

17 Defendants.)

18 _____)
19 CALIFORNIA DEPARTMENT OF FISH)
20 AND GAME and CALIFORNIA STATE)
21 LANDS COMMISSION,)

22 Real Parties in Interest and)
23 Cross-Complainants.)

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

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

Due Date: January 5, 2006

FAX FILE

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

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

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

9
10 LADWP continues to make progress towards the implementation of LORP in a manner consistent
11 with meeting the deadlines established by the Court Order. The significant events which occurred during the
12 period of December 1 through December 31, 2005 demonstrating the progress made are as follows:

13
14 **A. Pre-Construction Activity is in Full Swing.**

15 LADWP is awaiting receipt of the 404 Permit and will issue the notice to proceed to Kiewit Pacific
16 Co. upon its receipt. In the meantime the necessary equipment and trailers have been moved on site and the
17 required personnel training is occurring. Surveying and fencing is ongoing. All necessary crews are
18 mobilizing and construction activities will start upon the issuance of the 404 Permit.

19
20 **B. The Army Corps of Engineers Continues to Process the 404 Permit Application.**

21 LADWP anticipated receipt of the 404 Permit from the Army Corps of Engineers ("ACOE") in
22 December 2005. Due to delays associated with the holidays and the writing of the permit, the issuance date
23 for the 404 Permit has been revised. Based upon conversations with ACOE, LADWP anticipates receipt of
24 the 404 Permit within two weeks. LADWP does not anticipate that this short delay will impact compliance
25 with the Court ordered dates.

26
27 **C. Ecosystem Sciences Continues to Move Forward With the Implementation of LORP.**

28 Ecosystem Sciences Inc. continues to conduct planning and coordination activities necessary for

1 implementation of LORP by the respective deadlines. Significantly, ESI performed the following activities
3 during the month of December:

- 4 • ESI completed the site surveys and plans for all the in stream flow gauging stations from
5 the intake to the pumpback station. Installation of the temporary and permanent flow
6 hydrological (flow) measuring stations will follow the work at the Blackrock Waterfowl
7 Management Area;
- 8 • ESI began the channel obstruction survey which will continue through February. This
9 survey requires walking along the entire river and noting all real and potential obstructions
10 to flow in the river, including old rock dams, tules, diversions, culverts and beaver dams.
11 All obstructions are located with GPS, described and measured. Access routes, sensitive
12 areas and removal limitations are mapped so that crews cause the least disturbance while
13 removing the obstacles.
14
15

16 ESI will continue to move forward with the planning, coordination and implementation activities
17 necessary for it to perform its role and duties under the 1997 Memorandum of Understanding.
18

19 II. GROUNDWATER PUMPING AND RECHARGE AMOUNTS FOR NOVEMBER 2005

20 In accordance with Paragraph 2(G)(1-3) of the Court Order, LADWP hereby reports the required
21 information regarding groundwater pumping, water used for recharge, and in-valley water uses for the month
22 of November 2005.
23

24 The total amount of groundwater pumping for the month of November 2005 was 3,320 acre
25 feet of water. This brings the cumulative pumping amount for the 2005-06 runoff year to 41,608 acre feet
26 of water. Exhibit A sets forth an itemization of the stated pumping amount by well field and well number.
27

28 During the month of November 2005 LADWP provided 3,866 acre feet of water for the recharging
of groundwater levels in the Laws Wellfield. All recharge water was provided by a diversion of water from

1 the Owens River into the McNally Canals. During the 2005-06 runoff year to date, LADWP provided a
3 total of 13,777 acre feet of water in the Laws Wellfield for the recharging of groundwater levels, with 6,642
4 acre feet of water being provided pursuant to the Court Order.

5
6 As to water supplied by LADWP for in-valley uses, Exhibit B attached hereto sets forth the amounts
7 of water provided for irrigation and stockwater to leasees, recreation and wildlife, tribal uses, and
8 enhancement and mitigation projects, as required by Paragraph 2(G)(3) of the Court Order. As noted in the
9 exhibit, the amount for tribal uses does not include tribal domestic uses. This is due to the fact that the
10 figures for tribal domestic uses are self reported by the respective tribes and have not been reported by them.

11 **III. ANCILLARY MATTERS**

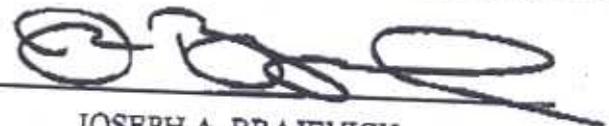
12
13 There were not any written communications between LADWP, the Lahontan Regional Board and the
14 Army Corps of Engineers regarding the issuance of LORP permits in the month of December 2005.

15 This concludes LADWP's Report to the Court.

16
17 Respectfully submitted,

18 Dated: January 5, 2006

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

21 By 
22 JOSEPH A. BRAJEVICH
23 Deputy City Attorney

24 **Verification By General Manager**

25 I, Enrique Martinez declare, under the penalty of perjury, that Ronald Deaton is and will be absent from the
26 office until January 17, 2006. During this time period I am the Acting General Manager. I have read the
27 above report and hereby verify that to the best of my knowledge the information contained in this report is
28 accurate and complete. This verification is based upon information which has been provided to me by
Department of Water and Power staff, which I believe to be complete and accurate.

28 Dated: January 5, 2006

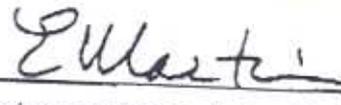

Enrique Martinez, Acting General Manger

EXHIBIT A

Groundwater Pumping

Well Field	Well #	Aug-06 (af)	Sep-06 (af)	Oct-06 (af)	Nov-06 (af)	Cumulative Runoff Year (af)
Lowe	236	213	105	18	0	1021
	239	0	0	0	0	50
	244	28	0	0	0	135
	245	0	0	0	0	81
	247	158	306	0	0	464
	365	88	66	43	0	392
	354	4	2	1	1	21
	387	258	347	121	0	1013
	388	209	291	0	0	670
		Subtotal	936	1116	181	1
Bishop Cone	140	205	199	98	0	1318
	371	0	0	120	117	490
	406	86	81	0	0	559
	407	0	0	0	0	453
	408	186	187	2	0	1160
	410	0	0	262	282	1108
	411	0	0	0	0	600
		Subtotal	477	487	480	399
Big Pine	330	575	555	575	559	4468
	332	1102	1061	1098	1059	8809
	341	64	48	35	21	377
	352	4	0	0	0	23
		Subtotal	1745	1664	1708	1639
Bair-Georges	348	0	0	0	0	306
	403	58	17	0	0	180
		Subtotal	58	17	0	0
Independence-Oak	59	0	0	0	0	35
	60	299	290	140	0	1899
	81	172	186	80	0	1090
	85	236	225	128	0	1075
	401	0	0	0	0	6
	357	67	49	41	23	411
	363	153	149	71	0	668
	384	95	81	0	0	575
	Subtotal	1023	960	480	23	8057
Symmes-Shepherd	69	0	0	0	0	59
	75	0	0	0	0	3
	345	0	0	0	0	61
	393	0	0	0	0	6
	402	209	186	96	0	1285
		Subtotal	209	186	96	0
Taboose-Aberdeen	118	0	126	188	163	490
	349	98	81	78	83	879
	370	0	0	0	0	311
		Subtotal	98	207	246	246
Thibaut-sawmill	351	1068	1017	1006	1007	7867
	356	59	185	4	0	275
		Subtotal	1147	1202	1010	1007
Lone Pine	344	0	0	0	0	138
	346	69	67	53	35	407
	390	98	81	0	0	474
		Subtotal	165	148	53	35
	Total	5876	5967	4234	3320	41608

EXHIBIT B

Owens Valley Water Uses

	Aug-05 (af)	Sep-05 (af)	Oct-05 (af)	Nov-05 (af)	Cumulative Runoff Year (af)
<u>Irrigation</u>	9296	6763	564	2	53828
<u>Stockwater</u>	1027	932	858	847	7917
<u>Recreation & Wildlife</u>	912	658	704	663	6327
<u>Tribal Uses (Bishop, Big Pine, Lone Pine)</u>	480*	444*	379*	112*	3281*

Enhancement & Mitigation

	Aug-05 (af)	Sep-05 (af)	Oct-05 (af)	Nov-05 (af)	Cumulative Runoff Year (af)
<u>Protect</u>					
McNally Canals Conveyance Losses	112	111	2	0	351
McNally/Laws/Poleta Native Pasture Lands	333	240	0	0	1209
McNally Ponds	0	0	0	0	1522
Laws Historic Museum	3	0	0	0	59
Kondike Lake	124	196	159	0	1203
Lower Owens River	1129	1209	721	387	6637
Independence Pasture Lands	574	560	236	0	3234
Independence Springfield	72	18	7	0	257
Independence Ditch System	31	30	29	29	241
Independence Woodlot	29	37	17	0	176
Shepherd Creek Alfalfa Lands	194	171	93	0	1152
Lone Pine Park/Richards Field	180	157	44	14	1069
Lone Pine Woodlot	14	18	23	3	100
Lone Pine Van Norman Field	96	81	0	0	474
Lone Pine Regreening	33	27	2	0	176
Total Enhancement & Mitigation	2924	2657	1343	433	17922

* - Does not include Tribal domestic use