

Department of Water and Power

Legal Division

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FACSIMILE COVER LETTER FOR MULTIPLE DISTRIBUTION

DATE: November 2, 2005

PLEASE DELIVER THE FOLLOWING 6 PAGES INCLUDING COVER TO:

To: WALTER PACHUCKI 760-872-2131
Special Master

With Copies to:

The Hon. Lee Cooper	760-878-0433
Inyo County Superior Court	
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:

Mr. Pachucki:

Attached please find LADWP's Report to the Court Pursuant to Section 2(G) of the August 9, 2005 Court Order with a due date of November 5, 2005. Due to the volume, the exhibits and a hard copy of the report are being sent to you and the others via Fed-Ex.

Thank you for your attention to this matter.

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1 ROCKARD J. DELGADILLO, City Attorney
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 3 Assistant City Attorney for Water and Power
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 9 (213) 367-4509
 10 Attorneys for Defendant City of
 11 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,)
 15 vs.)
 16)
 17 CITY OF LOS ANGELES, et al.)
 18)
 19 Defendants.)
 20)

CASE NO.: SICV01-29768
 (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: November 5, 2005

18 CALIFORNIA DEPARTMENT OF FISH)
 19 AND GAME and CALIFORNIA STATE)
 20 LANDS COMMISSION,)
 21)
 22 Real Parties in Interest and)
 23 Cross-Complainants.)
 24)

FAX FILE

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

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 October 1 through October 31, 2005 demonstrating the progress made
12 are as follows:

13
14 **A. LADWP has Selected a Contractor for the Construction of the Pumpback Station.**

15 Following the evaluation of the contractor bids, LADWP has selected Kiewit Pacific Co. as the
16 contractor for the construction of the pumpback station. The selection of and the execution of the contract
17 is subject to the approval of the LADWP Board of Commissioners. The matter will be presented to the
18 Board of Commissioners for consideration at its November 1, 2005 board meeting. Consistent with our
19 report of last month, LADWP intends to issue the notice to proceed to the selected contractor in December
20 of 2005. Construction of the pumpback station remains predicated on the issuance of the 404 Permit and
21 acceptance of the LADWP Storm Water Pollution Prevention Plan by the Lahontan Regional Board.

22
23
24 **B. The Army Corps of Engineers Has Issued Its Public Notice Regarding the 404 Permit**
25 **and is Presently in the Thirty-Day Public Comment Period.**

26 The Army Corps of Engineers ("ACOE") continues to move forward with the expeditious processing
27 of the 404 Permit. Consistent with our report of last month, on October 4, 2005 ACOE posted its Public
28

1 Notice of LADWP's application for the 404 Permit. The referenced public notice is included as part of
2 Exhibit C. The public comment period opened on October 5, 2005 and will close on November 5, 2005.
3 The EPA has indicated that it will be submitting comments. They have asked for, and received from the
4 ACOE, an extension of up to November 9, 2005 to submit their comments. Following the closure of the
5 comment period, ACOE's responses to those comments, and the completion of the Environmental
6 Assessment, the December 2005 time frame remains the target date for receipt of the 404 Permit.
7

8 **C. The Lahontan Regional Board Will Consider LADWP's Storm Water Pollution**
9 **Prevention Plan at its November 9-10, 2005 Board Meeting.**
10

11 On October 4, 2005 the Lahontan Regional Board posted and published its Notice of Public Review
12 for the Storm Water Pollution Prevention Plan ("SWPPP") submitted by LADWP for incorporation into the
13 existing permit. The public comment period related to incorporation of the SWPPP into the existing permit
14 closes on November 3, 2005. The proposed order will be presented to the Lahontan Regional Board for
15 adoption at its meeting set for November 9 and 10, 2005. The final version of the SWPPP which will be
16 considered by the Lahontan Regional Board is attached hereto as Exhibit A.
17

18 The scheduled events pertaining to the Lahontan Regional Board are consistent with meeting the
19 Court imposed deadlines.
20

21 **D. Ecosystem Sciences Continues to Move Forward Towards LORP Implementation.**

22 Ecosystem Sciences continues to conduct planning and coordination activities necessary for
23 implementation of LORP by the respective deadlines. As part of the October 5, 2005 Report, LADWP
24 submitted Ecosystem Sciences' draft "Action Plan for Implementation of the Lower Owens River Project."
25 Ecosystem Sciences has revised that plan. A copy of the revised "Action Plan for the Implementation of the
26 Lower Owens River Project" is attached hereto as Exhibit B.
27

28 During the month of October Ecosystem Sciences worked on preparing certain site specific

1 construction plans. Ecosystem Sciences will continue to develop site specific plans in accordance with the
2 priorities identified in the Action Plan for Implementation. Construction crews have been organized. The
3 sites have been staked and flagged for the Blackrock Waterfowl Management Area (Drew, Winterton,
4 Waggoner and Thalibut units). In consultation with hydrologist from LADWP and the County, Ecosystem
5 Sciences has located and identified all fifteen in-channel measuring stations described in the management
6 plan. Ecosystem Sciences continues to develop construction plans for each hydro-measuring site, removal
7 of channel obstruction, removal of beaver dams, and other actions described in the Action Plan for
8 Implementation.
9

10 Ecosystem Sciences will continue with the planning and coordination activities necessary for it to
11 perform its role and duties under the 1997 Memorandum of Understanding.
12

13 II. GROUNDWATER PUMPING AND RECHARGE AMOUNTS FOR SEPTEMBER 2005

14 In accordance with Paragraph 2(G)(1-3) of the Court Order, LADWP hereby reports the required
15 information regarding groundwater pumping, water used for recharge, and in-valley water uses for the month
16 of September 2005.
17

18 The total amount of groundwater pumping for the month of September 2005 was 6,053 acre feet of
19 water. This brings the cumulative pumping amount for the 2005-06 runoff year to 34,140 acre feet of water.
20 Attached hereto as Exhibit C is an itemization of the stated pumping amount by well field and well number.
21

22 During the month of September 2005 there was no water provided for the recharging of groundwater
23 levels in the Laws Wellfield. During the 2005-06 runoff year to date, LADWP provided a total of 7,582
24 acre feet of water in the Laws Wellfield for the recharging of groundwater levels, with 447 being provided
25 pursuant to the Court Order.
26

27 As to water supplied by LADWP for in-valley uses, Exhibit D attached hereto sets forth the amounts
28 of water provided for irrigation and stockwater to leasees, recreation and wildlife, tribal uses, and

1 enhancement and mitigation projects, as required by Paragraph 2(G)(3) of the Court Order. As noted in the
 2 exhibit, the amount for tribal uses does not include Bishop Tribal domestic uses. This is due to the fact that
 3 the figures for Bishop Tribal domestic uses are self reported by the Bishop Tribe and have not been reported
 4 by them.

6 **III. ANCILLARY MATTERS**

7 In accordance with prior orders of the Court pertaining to written communications between LADWP
 8 and permitting agencies, attached hereto as Exhibit E is correspondence between LADWP, the Lahontan
 9 Regional Board and the Army Corps of Engineers.

11 This concludes LADWP's Report to the Court.

12 Respectfully submitted,

14 Dated: November 1, 2005

ROCKARD J. DELGADILLO, City Attorney
 RICHARD M. BROWN, Managing Senior
 Assistant City Attorney for Water and Power

17 By

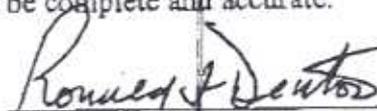


18 JOSEPH A. BRAJEVICH
 19 Deputy City Attorney

21 **Verification By General Manager**

22 I, Ronald F. Deaton declare, under the penalty of perjury, that I have read the above report and hereby
 23 verify that to the best of my knowledge the information contained in this report is accurate and
 24 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.

26 Dated: November 2, 2005



27 Ronald F. Deaton
 28 General Manager