

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

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

11
12 SIERRA CLUB, and OWENS VALLEY)
COMMITTEE,)

13)
14 Plaintiffs,)
vs.)

15 CITY OF LOS ANGELES . et al.)
16)
17 Defendants.)

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

18) **Due Date: October 5, 2005**

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

21)
22 Real Parties in Interest and)
Cross-Complainants.)

FAX FILE

23)
24 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 the progress being made towards the implementation of LORP is
10 consistent with meeting the deadlines established by the Court Order. The significant events which occurred
11 during the period of September 1 -30, 2005 demonstrating the progress made are as follows:

12
13 **A. LADWP and the Inyo County Entered Into a Settlement Agreement for Funding of**
14 **LORP**

15
16 During the second week of September, LADWP and the County finalized a settlement agreement
17 related to the County's funding obligations of the LORP. The final settlement agreement is based upon the
18 proposal which was presented by LADWP in its position statement related to the July 25, 2005 hearing.
19 Through the settlement agreement for funding, LADWP will assume \$5,242,965 of the County's LORP
20 funding obligation with the provision of credits to the County towards its share of implementation and post-
21 implementation cost. Additionally, LADWP agreed not to exercise certain appellate rights which will
22 guarantee the County additional post-implementation funds pursuant to the Court Order. In exchange, the
23 County agreed to forgo its funding grants in the same amount from the EPA. This settlement agreement
24 eliminated the need for an EIS, a QAPP, and the related uncertainties and delays associated therewith. As
25 a result of the elimination of the EPA funding and its EIS, the Army Corps of Engineers will be able to
26 expedite the processing of the 404 Permit required for construction of the pumpback station. This will allow
27
28

1 construction to begin several months earlier than it could have without the settlement agreement.

2
3 **B. The Contractors' Bids for the Pumpback Station Have Been Opened.**

4 On September 28, 2005 LADWP opened the contractors' bids submitted for the construction of the
5 pumpback station. LADWP is presently evaluating the bids. Following the evaluation of the bids a
6 contractor will be selected and the contract will be awarded. Consistent with our report of last month,
7 LADWP intends to issue the notice to proceed to the selected contractor in December of 2005. Construction
8 of the pumpback station remains predicated on the issuance of the 404 Permit and acceptance of the LADWP
9 Storm Water Pollution Prevention Plan by the Lahontan Regional Board.
10

11 **C. The Army Corp of Engineers Continues Expeditious Processing of the 404 Permit**

12 Consistent with its representations, the Army Corp of Engineers ("ACOE") continues to move
13 forward with the processing of the 404 Permit. The Army Corp has prepared the Public Notice which must
14 be posted for a thirty day comment period. Based upon discussions with ACOE representatives, it is
15 LADWP's understanding that the Public Notice will be posted on either October 3 or 4, 2005. Allowing for
16 the thirty day public comment period, ACOE's responses to those comments, and the completion of the
17 Environmental Assessment, the December 2005 time frame remains the target date for receipt of the 404
18 Permit.
19
20

21 **D. LADWP Submitted a Revised Storm Water Pollution Prevention Plan Which Is Set To**
22 **Go Before the Lahontan Regional Board At the November 2005 Meeting.**

23 Included in the August 31, 2005 Report was the Storm Water Pollution Prevention Plan LADWP
24 submitted to the Lahontan Regional Board. On September 15, 2005 James McDaniel, Chief Operating
25 Office for the Water System, sent a letter to Harold Singer, Executive Director of the Lahontan Regional
26 Board, requesting an expedited review and incorporation of the Storm Water Pollution Prevention Plan into
27 the existing permit.
28

1 By letter dated September 19, 2005 the Lahontan Regional Board notified LADWP that the
2 submitted plan was incomplete. On September 29, 2005 LADWP submitted a revised Storm Water Pollution
3 Prevention Plan which addresses the comments raised in Lahontan's September 19, 2005 letter. A copy of
4 the revised Storm Water Pollution Prevention Plan is attached hereto as Exhibit A.

5
6 On September 30, 2005 LADWP received a letter from Harold Singer acknowledging receipt of the
7 revised plan. The letter also confirmed a conversation between Lauri Kemper of the Lahontan staff and Tom
8 Erb, LADWP's Director of Water Resources, wherein Ms. Kemper informed Mr. Erb that Lahontan would
9 notice the plan for their November 9 and 10, 2005 Regional Board meeting. The letter further stated that
10 Lahontan will complete review of the revised plan by October 5, 2005. Finally, Mr. Singer advised that
11 Lahontan would notify LADWP of any insufficiencies in the revised plan. If any substantial changes are
12 needed which require a new notice period, that revised plan will not be heard until the January 2006 Regional
13 Board meeting as the board does not meet in December.

14
15
16 Late in the afternoon of September 30, 2005 Tobi Tyler of the regional staff indicated in an e-mail
17 that changes were not anticipated. The same e-mail stated the Notice of Public Hearing will be published
18 on October 4, 2005 and the Notice to Interested Parties will be sent out this week.

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

22 **E. Ecosystem Sciences is Moving Forward Towards LORP Implementation**

23
24 Ecosystem Sciences is conducting planning and coordination activities necessary for implementation
25 of LORP by the respective deadlines. In addition to the work being performed within its organization,
26 Ecosystem Sciences held a planning and coordination meeting with Gene Coufal, Manager of LADWP's
27 Aqueduct Business Group and Phil McDowell, Interim Director of the Inyo County Water Department, on
28 September 27, 2005. Ecosystem Sciences has drafted an "Action Plan for Implementation of the Lower

1 Owens River Project." A copy of the draft plan is attached hereto as Exhibit B. Ecosystem Sciences is
2 continuing with the planning and coordination activities necessary for it to perform its role and duties under
3 the 1997 Memorandum of Understanding.
4

5 **II. GROUNDWATER PUMPING AND RECHARGE AMOUNTS FOR AUGUST 2005**

6 In accordance with Paragraph 2(G)(1-3) of the Court Order, LADWP hereby reports the required
7 information regarding groundwater pumping, water used for recharge, and in-valley water uses for the month
8 of August 2005.
9

10 The total amount of groundwater pumping for the month of August 2005 was 5,887 acre feet of water.
11 This brings the cumulative pumping amount for the 2005-06 runoff year to 28,098 acre feet of water.
12 Attached hereto as Exhibit C is itemization of the stated pumping amount by well field and well number.
13

14 During the month of August 2005, LADWP spread 447 acre feet of water for the recharging of
15 groundwater levels in the Laws Wellfield. During the 2005-06 runoff year to date, LADWP spread a total
16 of 7,582 acre feet of water in the Laws Wellfield for the recharging of groundwater levels, with 447 being
17 spread pursuant to the Court Order.
18

19 As to water supplied by LADWP for in-valley uses, Exhibit D attached hereto sets forth the amounts
20 of water provided for irrigation and stockwater to leasees, recreation and wildlife, tribal uses, and
21 enhancement and mitigation projects, as required by Paragraph 2(G)(3) of the Court Order. As noted in the
22 exhibit, the amount for tribal uses does not include Bishop Tribal domestic uses. This is due to the fact that
23 the figures for Bishop Tribal domestic uses are self reported by the Bishop Tribe and have not been reported
24 by them for the months of July and August 2005.
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1 **III. ANCILLARY MATTERS**

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3 In accordance with prior orders of the Court pertaining to written communications between LADWP
4 and permitting agencies, attached hereto as Exhibit E are correspondences between LADWP, the Lahontan
5 Regional Board and the Army Corps of Engineers.

6 This concludes LADWP's Report to the Court.

7 Respectfully submitted,

8
9 Dated: October 4, 2005

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

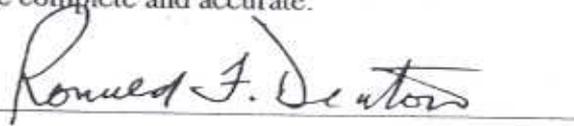
13 By 

14 JOSEPH A. BRAJEVICH
15 Deputy City Attorney

16 Verification By General Manager

17
18 I, Ronald F. Deaton declare, under the penalty of perjury, that I have read the above report and hereby
19 verify that to the best of my knowledge the information contained in this report is accurate and
20 complete. This verification is based upon information which has been provided to me by Department
21 of Water and Power staff, which I believe to be complete and accurate.

22 Dated: October 4, 2005

23 

24 Ronald F. Deaton
25 General Manager