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9 SUPERIOR COURT OF CALIFORNIA

10 COUNTY OF INYO

11 * * * *

12 CITY OF LOS ANGELES; DEPARTMENT)
13 OF WATER AND POWER OF THE CITY)
14 OF LOS ANGELES,)

14 Plaintiffs,)

15 vs.)

16 BOARD OF SUPERVISORS OF THE)
17 COUNTY OF INYO; THE COUNTY OF)
18 INYO; JOHN K. SMITH, COUNTY)
19 ADMINISTRATIVE OFFICER; INYO)
DOES 1 THROUGH 50,)

Defendants.)

CASE NO. 12908

STIPULATION AND
ORDER FOR JUDGMENT

20 It is hereby ordered by this Court, and stipulated
21 by and between Plaintiff, CITY OF LOS ANGELES (Los Angeles)
22 and DEPARTMENT OF WATER AND POWER OF THE CITY OF LOS ANGELES
23 (Department) by and through JAMES K. HAHN, City Attorney;
24 EDWARD C. FARRELL, Chief Assistant City Attorney for Water and
25 Power; by EDWARD A. SCHLOTMAN, Assistant City Attorney; and
26 defendants COUNTY OF INYO (County) by and through PAUL N.
27 BRUCE, County Counsel; GREGORY L. JAMES, Special Counsel; and
28 ANTONIO ROSSMANN, Special Counsel; as follows:

SECTION I

History and Preliminary Statement

1
2
3 In 1913, the City of Los Angeles completed an aque-
4 duct from Owens Valley to the City. The aqueduct had a capac-
5 ity of 480 cubic feet per second (cfs). In 1970, a second
6 aqueduct with a capacity of 300 cfs was completed and began
7 operating, bringing the total capacity of the aqueduct system
8 to about 780 cfs. Los Angeles' operations to supply the
9 second aqueduct, including the pumping of groundwater in
10 Owens Valley led to litigation by Inyo County against Los
11 Angeles.

12 In a suit filed in 1972, Inyo County claimed that
13 increased groundwater pumping was harming the environment of
14 Owens Valley and that the practice should be analyzed in an
15 Environmental Impact Report (EIR) in accordance with the
16 provisions of the California Environmental Quality Act (CEQA).
17 In 1973, the Court of Appeal for the Third Appellate District
18 ruled that Los Angeles must prepare an EIR (32 Cal. App. 3d
19 795). Since 1973, Los Angeles has prepared two EIR's, one in
20 1976 and another in 1979, but the Appellate Court found both
21 to be legally inadequate.

22 In 1980, the Inyo County Board of Supervisors draft-
23 ed, and the Inyo County voters passed, a groundwater ordinance
24 to regulate groundwater pumping in the Valley through a
25 groundwater management plan. The plan was to be implemented
26 by a groundwater pumping permit procedure. The ordinance
27 created a County Water Department and a County Water Commis-
28 sion.

As a result of litigation commenced against the
County by the City of Los Angeles and its Department, the

1 County was directed in May 1981, by order of this Court in
2 case number 12883, not to implement the Ordinance until a
3 legally sufficient environmental impact report had been pre-
4 pared and adopted by the County. A Final EIR was prepared,
5 but the Final EIR was not adopted by the County.

6 In July 1983, as a result of litigation commenced by
7 the City of Los Angeles and the Department, this Court in case
8 number 12908 ruled said Ordinance unconstitutional, invalid,
9 and preempted by law, and that the implementation of the
10 Ordinance should be enjoined. Pursuant to stipulation of the
11 parties, entry of an injunction and final judgment have not
12 been entered by this Court.

13 In 1983, following the Superior Court's decision
14 invalidating Inyo County's groundwater ordinance, Inyo County
15 and Los Angeles began an attempt to develop a groundwater
16 management plan that would settle the litigation between the
17 parties. In April 1984, the governing bodies of Inyo County
18 and Los Angeles approved a five (5) year interim agreement.
19 In this interim agreement, the two parties agreed to:

- 20 o settle then existing property tax litigation
21 between Inyo County and Los Angeles;
- 22 o temporarily suspend Inyo County's appeal of the
23 Court's decision invalidating its groundwater
24 ordinance;
- 25 o temporarily suspend litigation on Inyo County's
26 environmental suit and Court-imposed pumping re-
27 strictions by substituting jointly developed annual
28 pumping programs;
- o lease Owens Valley town water systems to Inyo Coun-
ty, which would result in a reduction in water

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rates;

- o conduct cooperative studies, together with impartial third parties, including the United States Geological Survey (USGS);
- o implement certain enhancement/mitigation projects;
- o provide financial assistance to Inyo County from Los Angeles to cover costs of various studies and the County's water-related activities;
- o negotiate a long term groundwater management plan;
- o resume the CEQA litigation and litigation over the groundwater ordinance's validity if the parties did not develop and adopt a long term joint groundwater management plan for Owens Valley.

In December 1984, the Court of Appeal modified the Writ of Mandate that it had originally issued in 1973, to approve the five-year agreement of the parties. The Court specifically explained that the modification did not imply that a joint long term groundwater management plan would be a new project. The project would remain as it was -- a program increasing the average rate of groundwater pumping and use (both for export and in-valley use), above a baseline rate reasonably representing the average of groundwater pumping and use (both for export and in-valley use) preceding the operation of the second aqueduct. However, the Court did allow that the command of its Writ to prepare an EIR could be met if the EIR were to be presented in conjunction with a joint long term groundwater management plan. In January 1985, this Court approved the interim agreement.

In May 1988, as a result of a joint application by Inyo County and the Department, a sixteen (16) month exten-

1 sion by the Court (from February 1989 to June 30, 1990) was
2 granted to the Department for the purpose of completing stud-
3 ies necessary for development of a joint long term groundwater
4 management plan and EIR. In June 1990, Los Angeles and Inyo
5 County requested a further twelve (12) month extension to
6 September 30, 1991. In July 1990, the Court also granted this
7 extension. In August 1991, the Court granted a further exten-
8 sion to October 21, 1991.

9 Since 1984, certain studies budgeted at approxi-
10 mately five million dollars (\$5,000,000.00) have been under-
11 taken by Inyo County, Los Angeles, and USGS to learn more
12 about the relationship between groundwater pumping and its
13 impact on native vegetation. As part of these studies, Inyo
14 County and the Department developed extensive information on
15 the geohydrology, water budget, soils, and vegetation of Owens
16 Valley. USGS compiled and analyzed the information and summa-
17 rized its independent findings in a series of technical re-
18 ports. These USGS reports, together with other cooperative
19 study materials, became the technical foundation for the joint
20 long term groundwater management plan that has been developed
21 by the parties.

22 Under the joint five-year interim agreement, the
23 two parties cooperatively developed and implemented numerous
24 projects. These enhancement/mitigation projects range in
25 scope from the revegetation and irrigation of certain areas to
26 enhancement of wildlife habitats and recreation areas.

27 After two years of negotiations, Inyo County and Los
28 Angeles reached a preliminary agreement on a joint long term
groundwater management plan on August 1, 1989. The joint long
term management plan is set forth in this Stipulation and

1 Order. An EIR, as required of Los Angeles by the Court of
2 Appeal's Writ was presented to that Court in conjunction with
3 the joint long term groundwater management plan. The EIR has
4 been approved by that Court and its Writ of Mandate has been
5 discharged.

6 SECTION II

7 AGREEMENT BETWEEN THE COUNTY OF INYO
8 AND THE CITY OF LOS ANGELES AND
9 ITS DEPARTMENT OF WATER AND POWER
10 ON A LONG TERM GROUNDWATER MANAGEMENT PLAN
11 FOR OWENS VALLEY AND INYO COUNTY

12 GOALS AND PRINCIPLES FOR GROUNDWATER MANAGEMENT

13 The goals and principles of this Stipulation and
14 Order shall apply primarily within Owens Valley, but shall be
15 applied as appropriate to activities of the Department within
16 Inyo County.

17 The Inyo County/Los Angeles Standing Committee and
18 the Inyo/Los Angeles Technical Group formed pursuant to a
19 Memorandum of Understanding between the parties, dated September
20 2, 1982, will continue in existence to represent the
21 parties in implementing these goals and principles.

22 As agreed by the parties, the Department representa-
23 tives on the Standing Committee shall include at least one (1)
24 member of the Los Angeles City Council, the Administrative
25 Officer of the City of Los Angeles, two (2) members of the
26 Board of Water and Power Commissioners, and three (3) staff
27 members. The County representatives on the Standing Committee
28 shall be at least one (1) member of the Inyo County Board of
Supervisors, two (2) Inyo County Water Commissioners, and
three (3) staff members. The Technical Group shall be com-
prised of not more than five (5) representatives selected by
the County and five (5) by the Department.

1 Neither the Technical Group nor the Standing Commit-
2 tee shall make any determination or recommendation as called
3 for in this Stipulation and Order, the Green Book, or the EIR
4 without first obtaining agreement among the Department's
5 representatives and the County's representatives. Regardless
6 of the number of representatives from either party in attend-
7 ance at a Standing Committee or Technical Group meeting, Inyo
8 County shall have only one (1) vote, and Los Angeles shall
9 have only one (1) vote.

9 I. MANAGEMENT AREAS

10 A. Each well field area has been included in a designated
11 management area. The boundaries of each management area
12 have been established so as to contain all vegetation
13 that could be impacted as a result of groundwater pumping
14 from the well field area during "worst case" conditions
15 (multiple dry years along with heavy pumping). Each
16 management area contains several monitoring sites. Each
17 Department well in a management area is linked to a
18 monitoring site for management purposes.

19 B. The vegetation and groundwater conditions within the
20 management areas will be carefully monitored by the
21 Technical Group to assure that the goals and principles
22 of this groundwater management plan are met.

23 C. If a new well is constructed outside of a designated
24 management area, or if, outside of a designated manage-
25 ment area, groundwater pumping is found through monitor-
26 ing or other means, to cause or to have the potential to
27 cause a significant decrease or change in vegetation or a
28 significant effect on the environment, or if the Depart-
 ment commences water gathering activities outside of the

1 Owens Valley, the Technical Group shall expand the
2 management area as necessary, or shall designate a new
3 management area along with appropriate monitoring re-
4 quirements. The appropriate vegetation classifications
5 for management shall be established by the Technical
6 Group within the new area and each new management area
7 shall be managed in accordance with these goals and
8 principles.

- 9 D. It is recognized that vegetation composition and density
10 varies for reasons other than groundwater pumping, from
11 period to period, depending upon weather, precipitation,
12 surface water spreading, and other factors.

13 II. MANAGEMENT MAPS

14 Color coded management maps have been prepared
15 (reduced copies attached as Exhibit A) which show Owens Valley
16 vegetation classified by management type, management areas,
17 monitoring sites, and wells. The Department's vegetation
18 inventories that were conducted between 1984 and 1987, were
19 used in compiling these maps. Approximately 227,000 acres of
20 vegetation on the valley floor have been classified as fol-
21 lows:

- 22 A. Type A Classification. This classification is comprised
23 of vegetation communities with evapotranspiration approx-
24 imately equal to average annual precipitation. This
25 classification is shown as white on the management maps
26 and includes approximately 150,347 acres.
- 27 B. Type B Classification. This classification is comprised
28 of scrub dominated communities, including rabbitbrush
and Nevada saltbush communities with evapotranspiration
greater than precipitation. This classification is shown

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as yellow on the management maps and includes approximately 10,390 acres.

C. Type C Classification. This classification is comprised of grasslands/meadow vegetation communities with evapotranspiration greater than precipitation. The communities comprising this classification exist because of high groundwater conditions, natural surface water drainage, and/or surface water management practices in the area, i.e., conveyance facilities, wet year water spreading, etc. This classification is shown as green on the management maps and includes approximately 42,013 acres.

D. Type D Classification. This classification is comprised of riparian/marshland vegetation communities with evapotranspiration greater than precipitation. The communities comprising this classification exist because of high groundwater conditions, natural surface water drainage, and/or surface water management practices in the area, i.e., conveyance facilities, wet year spreading, etc. This classification is shown as red on the management maps and includes approximately 5,580 acres.

E. Type E Classification. This classification is comprised of areas where water is provided to City-owned lands for alfalfa production, pasture, recreation uses, wildlife habitats, livestock, and enhancement/mitigation projects. This classification is shown as blue on the management maps and includes approximately 18,830 acres.

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1 III. MANAGEMENT STRATEGY

2 A. OVERALL GOAL

3 The overall goal of managing the water re-
4 sources within Inyo County is to avoid certain described
5 decreases and changes in vegetation and to cause no
6 significant effect on the environment which cannot be
7 acceptably mitigated while providing a reliable supply of
8 water for export to Los Angeles and for use in Inyo
9 County.

10 B. GROUNDWATER MINING

11 The goal is to avoid long term groundwater
12 mining from aquifers of Inyo County. This goal will be
13 met by managing annual groundwater pumping so that the
14 total pumping from any well field area over a 20 year
15 period (the then current year plus the 19 previous years)
16 does not exceed the total recharge to the same well field
17 area over the same 20 year period. The Technical Group
18 may increase the annual pumping from a well field area
19 above this amount if a recharge program for that area is
20 implemented or for other relevant reasons that are con-
21 sistent with these goals and principles. The average
22 annual recharge to each well field area over the 20 year
23 period shall be determined by the Technical Group using
24 information developed by the United States Geological
25 Survey (USGS) and other relevant information, including
26 an analysis of water levels in each well field area.

27 C. DEFINITIONS

28 Unless otherwise specifically defined in these
goals and principles, the terms "mitigation" and "feasi-
ble" are to be defined as under the California Environ-

1 mental Quality Act ("CEQA") as of July 1, 1989. The
2 definition of these terms as set forth in CEQA and the
3 Guidelines for Implementation of CEQA on July 1, 1989
4 are:

5 Mitigation:

- 6 1. Avoiding the impact altogether by not taking a
7 certain action or parts of an action,
8 2. Minimizing impacts by limiting the degree or magni-
9 tude of the action and its implementation,
10 3. Rectifying the impact by repairing, rehabilitating,
11 or restoring the impacted environment,
12 4. Reducing or eliminating the impact over time by
13 preservation and maintenance operations during the
14 life of the action,
15 5. Compensating for the impact by replacing or provid-
16 ing substitute resources or environments.

17 (Guidelines for Implementation of the California Environ-
18 mental Quality Act - Section 15370)

19 Feasible:

- 20 1. "Feasible" means capable of being accomplished in a
21 successful manner within a reasonable period of
22 time, taking into account economic, environmental,
23 legal, social, and technological factors.

24 (California Environmental Quality Act - California Public
25 Resource Code - Section 21061.1)

26 D. MONITORING

27 Vegetation monitoring sites and water table
28 monitoring wells have been and shall be established
inside and outside each management area and Owens Valley
town as determined feasible and necessary by the Techni-

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cal Group. The type of monitoring that will be conducted at each site and at each monitoring well will vary as determined necessary by the Technical Group. Monitoring could include, but is not limited to, measurement of retained soil water, water levels in deep and shallow wells, analysis of vegetation, and the use of photographic monitoring. All monitoring, analysis and interpretation of results shall be done by the Technical Group. The Department shall fund the installation of the necessary monitoring sites and monitoring wells. The Department shall perform such maintenance on the monitoring wells as is necessary. The Department and the County shall jointly maintain the vegetation monitoring sites.

E. GREEN BOOK

The location of each management area, vegetation monitoring site, and each monitoring well, the wells linked to each vegetation monitoring site, the method for locating additional monitoring sites and monitoring wells, the type of monitoring to be conducted at each site, the standardized procedures for analysis and interpretation of monitoring results, including the determination of available soil water and the amount of soil water required by vegetation, are set forth in a technical document called a "Green Book." The "Green Book" is attached as a technical appendix to this Stipulation and Order and to the EIR.

F. MITIGATION

In addition to the mitigation measures described below, any significant effect on the environment of Inyo County attributable to groundwater pumping or to

1 Department surface water management practices, shall be
2 mitigated as soon as a reasonable and feasible mitigation
3 plan is developed. Implementation of this plan shall be
4 commenced within twelve (12) months of a determination by
5 the Technical Group or by dispute resolution that a
6 significant effect on the environment has occurred.

7 G. PRIVATE WELLS

8 New wells will be sited and groundwater pumping
9 shall be managed to avoid causing significant adverse
10 effects on water quality or water levels in non-Depart-
11 ment-owned wells in the Owens Valley that are attributa-
12 ble to groundwater pumping by the Department. Any such
13 significant adverse effects shall be promptly mitigated
14 by the Department. The determination of significant
15 adverse effects shall be made by the Technical Group as
16 provided in section IV.B below. Although this provision
17 is intended to protect owners of wells who are not par-
18 ties to this Stipulation and Order from impacts at-
19 tributable to groundwater pumping by the Department, this
20 provision is not a limitation of the legal rights of such
21 non-parties or the parties, nor does it create a binding
22 administrative remedy that must be pursued and exhausted
23 prior to the exercise of any legal right by such a non-
24 party.

25 H. INDIAN LANDS

26 These goals and principles and the other
27 provisions of this Stipulation and Order will not alter
28 in any way the Department's existing commitments to
supply water to Indian lands in the Owens Valley, or
cause a significant adverse effect on such lands.

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I. RARE AND ENDANGERED SPECIES

Groundwater pumping and surface water management practices will be managed in a manner that is consistent with state and federal laws pertaining to rare and endangered species.

J. BISHOP CREEK WATER ASSOCIATION

These goals and principles and the other provisions of this Stipulation and Order shall not alter in any way the powers and duties of the Bishop Creek Water Association.

IV. VEGETATION MANAGEMENT GOALS AND PRINCIPLES

The management goals and principles for each vegetation management type are described below.

A. VEGETATION MANAGEMENT

Type A Vegetation Classification

This zone, composed of vegetation with a calculated evapotranspiration rate approximately equal to precipitation, is not affected by groundwater pumping or by changes in surface water management practices since such vegetation survives on available precipitation.

Type B, C, and D Vegetation Classifications

The goal is to manage groundwater pumping and surface water management practices so as to avoid causing significant decreases in live vegetation cover, and to avoid causing a significant amount of vegetation comprising either the Type B, C, or D classification to change to vegetation in a classification type which precedes it alphabetically (for example, Type D changing to either Type C, B, or A vegetation).

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Methods that will be used to achieve this goal include an extensive monitoring program, discretion vested in the Technical Group and/or Standing Committee to take appropriate action, provisions for automatic turning off of wells (see section V), provisions for determining whether significant decreases or changes in vegetation have occurred (see section IV.B), provisions for mitigation, and provisions for dispute resolution.

Type B, C, and D classifications are each comprised of several vegetation communities defined in the "Land Classification and Natural Community Descriptions for the Owens Valley" (1987). It is recognized that a change in vegetation from one of these communities to another, as long as the change is not to a community that would fall outside the same classification will not be considered significant. A decrease in live salt cedar cover in the Type D classification generally will not be considered significant.

Notwithstanding the fact that wells may have been turned off due to insufficient soil moisture, any decreases or changes in vegetation that are determined to be significant by the Technical Group shall be mitigated as soon as a reasonable and feasible mitigation plan is developed by the Technical Group and implemented by the Department. In developing this mitigation plan, the Technical Group shall consider the potential environmental and water supply effects of any proposed plan.

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Implementation of this plan shall be commenced by the Department within twelve (12) months of a determination by the Technical Group or by dispute resolution that a significant decrease or change has occurred.

A mitigation plan developed by the Technical Group could include restoring perennial vegetation cover in an area where there has been a significant decrease in live perennial vegetation cover, and/or restoring vegetation in an affected area to a vegetation community that falls within the classification shown on the relevant vegetation management map as soon as it can be reasonably restored. Mitigation activities could include, but are not limited to, surface water application or reduction in groundwater pumping (if groundwater pumping has not already been terminated in the affected area in accordance with the provisions of section V).

The Department shall continue to operate canals in accordance with its practices from 1970 (past practices have included taking canals out of service for maintenance and for operational purposes). However, any permanent change in canal operations, compared to past practices, shall be subject to prior Standing Committee approval. The Department will continue to determine and implement maintenance activities to control aquatic weeds and ditch bank vegetation in order to maintain canals in a clean and efficient manner.

Type E Vegetation Classification

(Lands supplied with water.) These lands will be supplied with water and will be managed to avoid causing significant decreases and changes in vegetation

1 from vegetation conditions which existed on such
2 lands during the 1981-82 runoff year. Significant de-
3 creases and changes in vegetation will be determined as
4 set forth in the management goals for Type B, C, and D
5 vegetation; however, conversion of cultivated land by the
6 Department or its lessee to other irrigated uses shall
7 not be considered a significant decrease or change.
8 Another primary goal is to avoid significant decreases in
9 recreational uses and wildlife habitats that in the past
10 have been dependent on water supplied by the Department.

11 The Department shall continue to provide water
12 for Los Angeles-owned lands in Inyo County in an amount
13 sufficient so that the water related uses of such lands
14 that were made during the 1981-82 runoff year can
15 continue to be made. The Department shall continue to
16 provide water to Los Angeles-owned lands in the
17 Olancho/Cartago area such that the lands that have re-
18 ceived water in the past will continue to receive water.
19 Additionally, the Department shall provide water to any
20 enhancement/mitigation projects added since 1981-1982,
21 unless the Inyo County Board of Supervisors and the
22 Department agree to reduce or eliminate such water sup-
23 ply.

24 It is recognized that successive dry years
25 could result in insufficient water to meet all needs.
26 During periods of dry year water shortages, the Technical
27 Group will evaluate existing conditions. A program
28 providing for reasonable reductions in irrigation water
supply for Los Angeles-owned lands in the Owens Valley
and for enhancement/mitigation projects may be implement-

Reduce water to e/m in dry years.

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ed if such a program is approved by the Inyo County Board of Supervisors and the Department, acting through the Standing Committee.

B. DETERMINATION OF "SIGNIFICANT" AND "SIGNIFICANT EFFECT ON THE ENVIRONMENT"

In determining (1) whether a decrease in live vegetation cover is "significant," or (2) whether a change in vegetation from one vegetation classification to another is "significant," or (3) whether a "significant effect on the environment" has occurred, it is recognized that it is infeasible to develop definitions of these terms for use in all areas and under all conditions. Therefore, a determination of what is a significant decrease or change in vegetation and of what is a significant effect on the environment will be made by a case by case analysis.

The first step in this case by case analysis is to determine whether the decrease or change can be measurably demonstrated. If so, it must then be determined by the Technical Group if the decrease or change, or if a potential significant effect on the environment, is or is not attributable to groundwater pumping and/or to surface water management practices.

Decreases and changes in vegetation and other environmental effects shall be considered "attributable to groundwater pumping, or to a change in surface water management practices," if the decrease, change, or effect would not have occurred but for groundwater pumping and/or a change in past surface water management practices. This shall be determined by an analysis of all

1 relevant factors, including a comparison of the affected
2 area with an area of similar vegetation, soils, rainfall,
3 and other relevant conditions where such a decrease,
4 change, or effect has not occurred, or has not occurred
5 to the same degree.

6 If the decrease, change, or effect is deter-
7 mined to be attributable to groundwater pumping or to
8 changes in past surface water management practices, the
9 Technical Group then shall determine whether the de-
10 crease, change, or effect is significant. In making this
11 determination, the factors to be considered by the Tech-
12 nical Group shall include, but are not limited to:

- 13 - The size, location, and use of the affected area;
- 14 - The degree of the decrease, change or effect
15 within the affected area;
- 16 - The permanency of the decrease, change, or effect;
- 17 - Whether the decrease, change, or effect causes a
18 violation of air quality standards;
- 19 - Whether the decrease, change, or effect affects
20 human health;
- 21 - Available factual and scientific data;
- 22 - Whether effects of the decrease, change, or effect
23 are limited, but the incremental effects are sub-
24 stantial when viewed in connection with decreases or
25 changes in other areas that are attributable to
26 groundwater pumping or to changes in surface water
27 management practices by the Department;
- 28 - Enhancement and mitigation projects that have been
implemented by the Department.

1 V. GROUNDWATER PUMPING PROGRAM

2 A. WATER BALANCE PROJECTIONS

3 By the first of each month the Technical Group
4 shall project the "water balance" for each monitoring
5 site. These monthly projections will be made unless the
6 Technical Group determines that monthly projections are
7 unnecessary because of high soil water conditions. In
8 making these water balance projections, the Technical
9 Group shall compare the estimated amount of soil mois-
10 ture available to vegetation with the estimated required
11 water needs of the vegetation for the growing season (or
12 appropriate portion thereof) at each monitoring site.
13 These projections shall be made in accordance with
14 procedures contained in the Green Book.

15 The growing season used when water balance
16 projections are made between January 1st and September
17 1st, shall be the growing season (or appropriate portion
18 thereof) during that calendar year, and no precipitation
19 shall be included in such water balance projections. The
20 growing season used when water balance projections are
21 made between September 1st through December 31st shall
22 be the growing season during the following calendar year.
23 One-half of the average annual precipitation at the
24 monitoring site between October 1st and September 30th
25 shall be included in the October 1st water balance pro-
26 jection. This will be reduced to 40 percent of the
27 annual average precipitation if the average of the actual
28 runoff for the previous runoff year and the forecasted
runoff for the then current runoff year is less than 70
percent of average, and to 30 percent of the average

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annual precipitation if the average of the actual runoff for the two previous runoff years and the forecasted runoff for the then current runoff year is less than 75 percent of average. No precipitation shall be included in the November 1st and December 1st water balance projections.

B. WELL TURN OFF PROVISIONS

If as of July 1st or October 1st, the projected amount of available soil water at a monitoring site is less than the estimated water needs of the vegetation for the growing season (or appropriate portion thereof), the Department's wells linked to that monitoring site shall be immediately turned off. In addition to this provision requiring the automatic turn off of wells, the Technical Group and/or the Standing Committee may at any time turn off such wells as deemed necessary, or take such other action as appropriate, to achieve the goals of this Stipulation and Order.

C. WELL TURN ON PROVISIONS

In the event that wells are turned off in any area as a result of the provisions of paragraph B, the Technical Group shall periodically evaluate existing vegetation conditions in that area and determine whether any wells could be turned on. Only those wells whose operation will not contribute to the causation of a significant decrease or change in vegetation could be turned on. Wells that have been turned off could also be turned on if the Technical Group determines that the implementation of mitigation warrants such action.

If the Technical Group does not agree to turn

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on wells in an area, the Department shall leave such wells off until the soil water in the area of the monitoring site has recovered to the estimated water needs of the vegetation as of the time the wells were turned off. Once the soil water in the area of the monitoring site has recovered to the level where the amount available to vegetation is equal to the estimated water needs of the vegetation as of the time that the wells were turned off (as determined by the monthly water balance projections), the Department may turn on the wells that are linked to that monitoring site. The Technical Group, based upon an evaluation of the existing vegetation conditions and other relevant factors, may revise the required level of soil water recovery in a monitoring site area if such a revision is consistent with these goals and principles.

These provisions do not prohibit the Department from unilaterally implementing such mitigation consistent with these goals and principles as may be necessary to cause an increase in the soil water in the area of a monitoring site prior to, or after the occurrence of a projected soil water deficit. This means that a well that has been turned off, may be turned on to supply water for mitigation in the area of the monitoring site to which it is linked. The area of the monitoring site within which the soil water must recover to the required level will be determined by the Technical Group.

A disagreement over whether wells are to be turned on will be subject to dispute resolution. Certain town supply wells, irrigation supply wells, fish hatchery supply wells, enhancement/mitigation project

1 supply wells, and other wells not affecting areas with
2 groundwater dependent vegetation may be designated by
3 the Technical Group as exempt from automatic turn-off.

4 D. ANNUAL OPERATIONS PLAN

5 By April 20th of each year, the Department
6 shall prepare and submit to the Inyo County Technical
7 Group a proposed operations plan and pumping program for
8 the twelve (12) month period beginning on April 1st. (In
9 the event of two consecutive dry years when actual and
10 forecasted Owens Valley runoff for the April to September
11 period is below normal and averages less than 75 percent
12 of normal, the Department shall prepare a proposed plan
13 for the six (6) month period beginning on April 1st and
14 October 1st, and submit such plans by April 20th and
15 October 20th.) The proposed plan and pumping program and
16 any subsequent modifications to it shall be consistent
17 with these goals and principles.

18 1. A proposed plan shall include, but is not limited
19 to, the following:

- 20 - Owens Valley Runoff estimate (annual)
- 21 - Projected groundwater production by well field
22 (monthly)
- 23 - Projected total aqueduct reservoir storage
24 levels (monthly)
- 25 - Projected aqueduct deliveries to Los Angeles
26 (monthly)
- 27 - Projected water uses in the Owens Valley
28 (monthly)
- Water balance projections at each monitoring
site

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2. The County through its Technical Group representatives shall review the Department's proposed plan of operations and provide comments to the Department within ten (10) days of receipt of the plan.
3. The Department shall meet with the County's Technical Group representatives within ten (10) days of the receipt of the County's comments, and attempt to resolve concerns of the County relating to the proposed pumping program.
4. The Department shall determine appropriate revisions to the plan, provide the revised plan to the County within ten (10) days after the meeting, and implement the plan.
5. The April 1st pumping program may be modified by the Department during the period covered by the plan to meet changing conditions. The Department shall notify the County's Technical Group representatives in advance of any planned significant modifications. The County shall have the opportunity to comment on any such modifications.
6. Information and records pertaining to the Department's operations and runoff conditions shall be reported to the County's Technical Group representatives throughout the year.

VI. NEW WELLS AND PRODUCTION CAPACITY

The Department's current groundwater pumping capacity may be increased to provide increased operational flexibility and to facilitate rotational pumping. The Department may replace existing wells and construct new wells in areas where

1 hydrogeologic conditions are favorable, and where the operation
2 of that well will not cause a change in vegetation that
3 would be inconsistent with these goals and principles.

4 Prior to the Department's construction of new wells,
5 the location of each well shall be jointly evaluated by the
6 Technical Group as to the potential impact of its operation on
7 the valley's vegetation and environment. The evaluation shall
8 include the drilling of one or more test holes, if needed, to
9 develop information on the hydrogeologic conditions at the
10 site, an inventory and classification of vegetation that could
11 be affected by the operation of the well, and the assessment
12 of any other potential significant effects on the environment.

13 Each new well will generally reflect optimum design
14 parameters considering location, economics, and current practice
15 in the industry. The Department will schedule and contract
16 for construction of the well.

17 An aquifer test of up to seventy-two (72) hours
18 duration shall be conducted on each new well. One existing or
19 new monitoring well with appropriate perforations is necessary
20 for the aquifer test. The Technical Group shall determine the
21 location of this monitoring well and the need for any additional
22 monitoring wells and the length of the aquifer test.

23 All data generated from the well construction process
24 shall promptly be made available to the County. The
25 County shall make application for and obtain any well construction
26 permits required by the County or any subdivision
27 thereof.

28 It is recognized that this new well program may
result in a change in the areas that would be affected by
pumping from existing wells. Therefore, additional monitoring

1 of groundwater tables and vegetation shall be implemented as
2 necessary outside of existing management areas and monitoring
3 requirements shall be altered or created as necessary. The
4 Technical Group shall designate a management area and monitor-
5 ing site requirements for each new well. The siting and the
6 operation of the well shall be consistent with these goals and
7 principles.

8 Only one well initially shall be constructed and
9 operated in any new area. No additional well(s) shall be
10 installed in the area until the initial well has been operated
11 for at least six (6) months at full intended operational
12 capacity in order to gain information on the area and to
13 minimize the potential for adverse impacts.

14 During this initial period of operation, the Techni-
15 cal group shall monitor water levels and vegetation conditions
16 in accordance with a jointly developed monitoring program.
17 Additional wells may be installed by the Department in the
18 area if operation of the initial well indicates no impacts
19 that would be inconsistent with these goals and principles.
20 Monitoring wells shall be installed as necessary to evaluate
21 any potential effects of the operation of the new well or
22 wells on wells not owned by the Department.

23 A current program of replacing twelve (12) produc-
24 tion wells with perforations only in a lower zone may be
25 continued. (Six (6) replacement wells have been drilled and
26 six (6) wells are scheduled to be drilled during the 1990-91
27 fiscal year.)

28 Any production wells that are to be permanently
removed from service shall be converted into properly sealed
monitoring wells or shall be abandoned in accordance with

1 state water well standards. The sealing of a monitoring well
2 shall be designed to prevent cross flow between aquifers.

3 The EIR describes the impacts of the construction
4 and operation of fifteen (15) new wells. The construction and
5 operation of any new wells not described in the EIR will be
6 the subject of a subsequent CEQA review.

7 The Technical Group may agree that some existing
8 wells that now supply enhancement/mitigation projects be
9 converted to Department production wells. Wells that are the
10 only source of supply for an enhancement/mitigation project
11 shall not be converted. Water for the enhancement/mitigation
12 project formerly supplied by a converted well will be supplied
13 as necessary from Department production wells. Any enhance-
14 ment/mitigation well converted to a production well could
15 later be reverted to an enhancement/mitigation well if agreed
16 to by the Technical Group.

17 VII. GROUNDWATER PUMPING ON THE BISHOP CONE

18 A. Any groundwater pumping by the Department on the "Bishop
19 Cone" (Cone) shall be in strict adherence to the provi-
20 sions of the Stipulation and Order filed on the 26th day
21 of August, 1940, in Inyo County Superior Court in the
22 case of Hillside Water Company, a corporation, et al. vs.
23 The City of Los Angeles, a Municipal Corporation, et al.,
24 ("Hillside Decree").

25 Before the Department may increase ground-
26 water pumping above present levels, or construct any new
27 wells on the Cone, the Technical Group must agree on a
28 method for determining the exact amount of water annually
used on Los Angeles-owned lands on the Cone. The agreed
upon method shall be based on a jointly conducted audit

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of such water uses.

The Department's annual groundwater extractions from the Cone shall be limited to an amount not greater than the total amount of water used on Los Angeles-owned lands on the Cone during that year. Annual groundwater extractions by the Department shall be the total of all groundwater pumped by the Department on the Cone, plus the amount of artesian water that flowed out of the casing of uncapped wells on the Cone during the year. Water used on Los Angeles-owned lands on the Cone, shall be the quantity of water supplied to such lands, including conveyance losses, less any return flow to the aqueduct system.

B. The overall management goals and principles and the specific goals and principles for each vegetation classification of this Stipulation and Order apply to vegetation on the Cone.

VIII. GROUNDWATER RECHARGE FACILITIES

It is recognized that development of new groundwater storage, and the implementation and operation of feasible groundwater banking and recharge facilities in the Owens Valley and in the Rose Valley that will not cause significant effects on the environment may be beneficial. The development of any such facilities in the Owens Valley and in Rose Valley are subject to agreement of the Inyo County Board of Supervisors and the Department, acting through the Standing Committee. The Inyo County Board of Supervisors shall not unreasonably refuse to agree to a feasible groundwater banking facility that will not cause significant decrease or change in vegetation or a significant effect on the environment. The

1 EIR describes the implementation of selected groundwater
2 recharge facilities. The operation of such facilities shall
3 be consistent with these goals and principles. The develop-
4 ment of any future groundwater recharge and extraction facil-
5 ities not covered by the EIR will be the subject of a subse-
6 quent "CEQA" review.

7 IX. COOPERATIVE STUDIES

8 It is recognized that additional cooperative studies
9 related to the effects of groundwater pumping on the
10 environment of the Owens Valley are necessary. The reasona-
11 ble costs of studies implemented under the Stipulation and
12 Order or the Green Book shall be funded by the Department. If
13 necessary, such funding will be in addition to funds provided
14 under section XIV below.

15 PROJECTS AND OTHER PROVISIONS

16 X. ENHANCEMENT/MITIGATION PROJECTS

17 All existing enhancement/mitigation projects will
18 continue unless the Inyo County Board of Supervisors and the
19 Department, acting through the Standing Committee agree to
20 modify or discontinue a project. Periodic evaluations of the
21 projects shall be made by the Technical Group. Subject to
22 the provisions of section VI, enhancement/mitigation projects
23 shall continue to be supplied by enhancement/mitigation wells
24 as necessary. New enhancement projects will be implemented
25 if such projects are approved by the Inyo County Board of
26 Supervisors and the Department, acting through the Standing
27 Committee.

28 XI. TOWN WATER SYSTEMS

Los Angeles shall transfer ownership of the water
systems in the towns of Lone Pine, Independence, and Laws to

1 the County or to another Owens Valley public entity or enti-
2 ties. The transfer of ownership will be for a price of one
3 dollar (\$1.00) per water system. The method of transfer will
4 be a lease purchase agreement wherein the transfer of the
5 ownership of each system will be complete at the end of five
6 (5) years from the date of entry of this Stipulation and
7 Order.

8 Prior to the transfer of the water systems, the
9 County and the Department will jointly select and will have
10 an independent engineering firm inspect each of the systems
11 for compliance with all applicable requirements (including
12 water quality) of the California Department of Health Services
13 and other agencies, and perform a structural assessment of the
14 Independence Reservoir including its ability to withstand
15 seismic events. The costs of this inspection shall be funded
16 by the Department. Prior to the transfer of the systems, the
17 Department will make any repairs or alterations necessary to
18 bring each distribution system into compliance with all such
19 applicable requirements.

20 During the five (5) year lease period, Los Angeles
21 shall be responsible for the operation and maintenance of the
22 wells, pumps, reservoirs and chlorination equipment supplying
23 the water systems of the three towns. Treated water shall be
24 supplied by the Department as needed to each of the three town
25 water systems at no cost up to the annual amounts set forth
26 below:

<u>System</u>	<u>Amount in Acre Feet</u>
Lone Pine	550
Independence	450
Laws	50

1 The County (or other public entity operating the
2 water system) shall pay the Department for water used in
3 excess of these totals in an amount that would reflect the
4 actual incremental cost to the Department of operating and
5 maintaining the wells and reservoirs to provide the excess
6 amount.

7 Also during the five (5) year lease period, the
8 Department will improve the Independence town reservoir, if
9 needed, to provide a facility with an expected service life of
10 at least fifteen (15) years with routine maintenance and that
11 meets all applicable Department of Health Services require-
12 ments. Further, the Department, at its option, shall either
13 upgrade the reservoir as needed to meet seismic requirements
14 as agreed upon by the Inyo County Board of Supervisors and
15 the Department, or shall fully repair any damage to the reser-
16 voir caused by earthquake during a fifteen (15) year period
17 following the transfer of the water system. The Lone Pine
18 reservoir shall be replaced by the Department with a new
19 reservoir with a five hundred thousand (500,000) gallon capac-
20 ity. (Once a replacement well and the new reservoir are in
21 service, groundwater shall no longer be exported via the Los
22 Angeles aqueduct from the wells supplying the Lone Pine Water
23 System.)

24 During the five (5) year lease period, the County or
25 the public entity or entities shall set the water rates for
26 the three town water systems, operate and maintain all compo-
27 nents of the water systems (except the wells, pumps, chlorina-
28 tion equipment, and reservoirs), begin the transition for
operating and maintaining the chlorination equipment, handle
all billing and related matters, and establish a capital

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reserve fund for replacement of components of the systems in the event of emergency or deterioration.

At the end of the five (5) year lease period, the County or other public entity or entities shall assume total ownership and operation of each town water system, except that the Department shall continue to own and operate the wells. The Department shall supply untreated water to each water system at no cost up to the annual amounts described above. The County (or other public entity) operating each water system shall pay the Department for water used in excess of these totals in an amount that reflects the actual incremental costs of supplying water in excess of these totals.

It is recognized that Los Angeles has leased the town water system in Big Pine to the Big Pine Community Services District. It also is recognized that the lease requires certain considerations favorable to the District in the event of a permanent transfer of the town water systems in the other Owens Valley towns as part of an overall settlement of litigation. In view of this, the same benefits and opportunities will be provided to the Big Pine water system as are available to the three other Owens Valley water systems. This includes providing untreated water to the system without charge up to five hundred (500) acre feet per year.

XII. LOWER OWENS RIVER

The parties, together with the California Department of Fish and Game will complete a management plan that is now in preparation for the Lower Owens River by June 1, 1992. The County and the Department shall actively seek to secure funding for the construction and operation of the Lower Owens River Project from the State of California and from other

1 funding sources. Construction of the project shall be
2 commenced by the Department within three (3) years after Court
3 approval of this Stipulation and Order unless otherwise agreed
4 by the Inyo County Board of Supervisors and the Department.
5 Prior to implementation, the project will be the subject of a
6 CEQA review separate from the EIR which describes this Stipu-
7 lation and Order.

8 The project plan will include the construction of a
9 pumpback station from the river near Keeler Bridge to the Los
10 Angeles aqueduct. The pumpback system will be capable of
11 pumping up to fifty cubic feet per second (50 cfs) from the
12 river to the aqueduct. Due to seasonal fluctuation in the
13 flow of the river, the average annual pumping in any year
14 will not exceed approximately thirty-five cubic feet per
15 second (35 cfs). The plan will also provide that water re-
16 leases would be made to the river above Blackrock Gate on the
17 Los Angeles aqueduct (but below the aqueduct intake), that the
18 existence of off-river lakes and ponds now supplied by the
19 existing project will be continued, and for a water release
20 from the pumpback station to supply the southern end of the
21 river and the Delta. It is recognized that the release to the
22 southern end of the river and the Delta may be constrained by
23 the legal requirements concerning the Department's release of
24 water to Owens Lake.

25 In addition to the above, the management plan will
26 provide for, but not be limited to, the following:

- 27 - The water flow and schedules needed to maintain a healthy
28 and productive warm water fishery in the lower Owens
River and in the off-river lakes and ponds.
- The specific water diversion and release points to

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supply the project.

- The locations of ponds and pools in and adjacent to the Lower Owens River, and the proposed methods to manage these to produce and maintain a viable fishery.
- The requirements for channel maintenance.
- The plans for fish stocking.
- The plans for tule and other plant control in the river and the off stream ponds and lakes.

The Department shall construct, operate, and maintain the pumpback system. The total cost of the construction of the pumpback system, new release structures, channel modifications, and other necessary work for initial operation of the project is estimated by the Department to be approximately seven and one-half million dollars (\$7,500,000.00). The Department shall fund the initial construction costs of the project and the State of California, the County or other sources shall contribute fifty percent of actual costs up to three million seven hundred fifty thousand dollars (\$3,750,000.00) to the Department. The Department shall pay for the annual cost of operating the pumpback system less any funds received from other non-County sources. Once the project has been constructed and completed, the Department and the County would jointly operate and fund the non-pumpback portions of the project.

In the event that Inyo County is required to fund any portion (up to \$3.75 million) of the costs of constructing the Owens River pumpback system, Los Angeles shall loan Inyo County the amount of the County's share of such costs. The County shall repay such loan without interest and shall make annual payments in the amount of three hundred thousand dol-

1 lars (\$300,000.00) until the loan is fully repaid.

2 XIII. HAIWEE RESERVOIRS

3 The Department shall conduct and finance seismic
4 studies required by the California State Department of Water
5 Resources to determine if South Haiwee Dam can be safely
6 operated at reduced storage levels. If such operations are
7 allowed, the Department and the County shall develop a recre-
8 ation plan for South Haiwee reservoir, and the Department
9 shall open this facility to public recreation pursuant to the
10 plan. The recreation plan will be implemented and operated
by the County or by a concessionaire.

11 In the event that the continued operation of South
12 Haiwee is not allowed, the parties shall jointly develop a
13 recreation plan for North Haiwee Reservoir and such plan will
14 be implemented if it is feasible to do so. Any plan must
15 take into consideration Los Angeles' operating and security
16 needs. The plan must also take into consideration the fluc-
17 tuations of water levels and the requirements for water treat-
18 ment.

18 XIV. FINANCIAL ASSISTANCE

19 A. SALT CEDAR CONTROL

20 The Department shall provide funding to the
21 County for an initial three (3) year salt cedar control
22 effort and for an annual maintenance and control effort
23 in the Owens Valley area. This effort shall be conduct-
24 ed by Inyo County. The salt cedar control effort will
25 be commenced as soon as feasible following entry of this
26 Stipulation and Order.

27 The initial salt cedar control effort will be
28 focused on those acres on the valley floor identified in

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the Technical Group's "Salt Cedar Control Study Report" as having a high density of salt cedar composition. The following is the priority for implementation of control:

1. Lower Owens River Channel
2. Tinemaha Reservoir and Owens Valley north of Tinemaha Reservoir
3. Perennial Streams, Canals, and Ditches
4. Springs and Seep Areas
5. High Water Table Meadows
6. Spreading Areas that Normally Receive Water
7. Spreading Areas that Receive Water Only in Very High Runoff Years

The annual control program will be based on the same control priorities as described above. The funding of the initial three (3) year program shall be three hundred fifty thousand dollars (\$350,000.00) for the first year and two hundred thousand dollars (\$200,000.00) for the second and third years. A three hundred fifty thousand dollar (\$350,000.00) payment shall be made by the Department to the County within sixty (60) days of entry of this Stipulation and Order. Thereafter, the second and the third year payments shall be made by twelve (12) months and twenty-four (24) months after the first payment, respectively.

The first annual maintenance and control effort payment shall be made to the County by July 10th following the making of the last payment of the initial three (3) year program. This payment shall be in the amount of fifty thousand dollars (\$50,000.00). Thereafter, each annual payment shall be made by July 10th, and the

1 amount of each payment shall be the previous year's pay-
2 ment adjusted upward or downward each year in accordance
3 with the Los Angeles - Anaheim - Riverside All Urban
4 Consumers Price Index or its successor. The maximum
5 adjustment shall not exceed five (5) percent in any
6 year. The annual payment shall be placed in trust by
7 the County and will be used only for the purposes of salt
8 cedar control. If, at anytime, one hundred fifty thou-
9 sand dollars (\$150,000.00) or more is accumulated in the
10 trust, the Department shall not be required to make an
11 additional payment until such time as the funds in the
12 trust are less than fifty thousand dollars (\$50,000.00)
13 on June 30th of any year. The annual funding for salt
14 cedar would continue unless the Inyo County Board of
15 Supervisors and the Department, through the Standing
16 Committee, agree that the salt cedar control program is
17 to be reduced in scale or terminated. It is recognized
18 that even with an initial and an annual control effort,
19 salt cedar may not be fully controlled in the Owens
20 Valley.

19 B. PARK REHABILITATION, DEVELOPMENT, AND MAINTENANCE

20 The Department shall provide funding as provid-
21 ed herein to the County for rehabilitation of existing
22 County parks and campgrounds, development of new County
23 campgrounds, parks, and recreational facilities and
24 programs, and for the annual operation and maintenance of
25 existing and new facilities and programs. These facili-
26 ties are now, and will be, located on lands owned by the
27 City of Los Angeles.

28 During the ten (10) years following entry of

1 this Stipulation and Order, the County will rehabilitate
2 certain existing parks and campgrounds and develop cer-
3 tain new parks, campgrounds, recreational facilities and
4 programs. These facilities will be developed in accord-
5 ance with a master plan now being prepared by the County,
6 or in accordance with any future plans developed by the
7 County.

8 Among the first facilities considered for
9 rehabilitation will be the Pleasant Valley Campground,
10 the Baker Creek Campground, Dehy Park, and Diaz Lake.
11 Among the first new facilities and programs considered
12 for development will be certain campgrounds along the
13 Owens River from Pleasant Valley Reservoir to the Owens
14 River Delta, and a recreational use and management plan
15 for that reach of the Owens River. The construction of
16 new facilities and any significant changes in existing
17 facilities will be subject to a CEQA review.

18 During this ten (10) year period, the Depart-
19 ment shall provide up to two million dollars
20 (\$2,000,000.00) to the County for the above purposes.
21 The amount of funds provided in any year shall be based
22 upon the work to be undertaken on such activities by the
23 County during that year. The funds provided may only be
24 used by the County for the purposes described in the
25 above text.

26 To financially assist the County in the opera-
27 tion and maintenance of existing and new parks, recrea-
28 tional facilities and programs operated by the County on
lands owned by the City of Los Angeles, the Department
shall make an annual payment to the County. The initial

1 payment shall be made within sixty (60) days of entry of
2 this Stipulation and Order. If the entry of this
3 Stipulation and Order occurs during the month of July,
4 the payment would be one hundred thousand dollars
5 (\$100,000.00). If entry of this Stipulation and Order
6 occurs between August 1st and June 30th, the payment
7 shall be the sum of one hundred thousand dollars
8 (\$100,000.00) prorated. The proration shall be based
9 upon the month of the July-June fiscal year when entry of
10 this Stipulation and Order occurs. For example, if entry
11 of this Stipulation and Order occurs in either January
12 or June, the payment would be five twelfths of one hun-
13 dred thousand dollars (5/12 of \$100,000.00), or one
14 twelfth of one hundred thousand dollars (1/12 of
15 \$100,000.00), respectively.

16 After the initial payment, an annual payment
17 shall be made by July 10th of each year, and the amount
18 of the payment for the first full fiscal year following
19 final approval shall be one hundred thousand dollars
20 (\$100,000.00). Each year thereafter, the amount of the
21 annual payment shall be the previous year's payment
22 adjusted upward or downward each year in accordance with
23 the Los Angeles - Anaheim - Riverside All Urban Consumers
24 Price Index or its successor. The maximum adjustment
25 shall not exceed five (5) percent in any year. The
26 annual funding shall be placed in trust by the County
27 and shall be used only for the purposes of operation and
28 maintenance of existing and new parks, recreational
facilities and programs. If at anytime three hundred
thousand dollars (\$300,000.00) or more were to be accumu-

1 lated in the trust, the Department shall not be required
2 to make an additional annual payment until such time as
3 the funds in the trust are less than one hundred thousand
4 dollars (\$100,000.00) as of June 30th of any year. This
5 annual funding shall continue unless the Inyo County
6 Board of Supervisors and the Department agree that the
7 operation and maintenance program is to be reduced in
8 scale or terminated.

9 c. WATER AND ENVIRONMENTAL ACTIVITIES

10 The Department shall assist the County in
11 funding water and environmentally related activities by
12 making an annual payment to the County. The first pay-
13 ment shall be made within sixty (60) days of approval of
14 this Stipulation and Order by both the County and Los
15 Angeles. The amount of the first payment shall be the
16 sum of eight hundred twenty thousand five hundred eighty
17 dollars (\$820,580.00) minus the amount of any previous
18 payments made by the Department to the County for these
19 activities during the 1991-92 fiscal year.

20 After the initial payment, an annual payment
21 shall be made by July 10th of each subsequent year. The
22 amount of the first such payment shall be eight hundred
23 twenty thousand five hundred eighty dollars (\$820,580.00)
24 adjusted upward or downward in accordance with the Los
25 Angeles - Anaheim - Riverside All Urban Consumers Price
26 Index or its successor. Each year thereafter, the
27 amount of the annual payment shall be the amount of the
28 previous year's payment adjusted in accordance with said
consumer's price index. The maximum adjustment shall
not exceed five (5) percent in any year. Annual funding

1 shall be placed in trust by the County and shall be used
2 only for purposes of operation and maintenance of water
3 and environmentally related activities. If at anytime
4 one million five hundred thousand dollars (\$1,500,000.00)
5 or more is accumulated in the trust, the Department
6 shall not be required to make an additional annual pay-
7 ment until the funds in the trust are less than eight
8 hundred twenty thousand five hundred eighty dollars
9 (\$820,580.00) as of June 30th of any year.

10 This annual funding will be discontinued as of
11 the date of a final decision by a court to disapprove
12 this Stipulation and Order. This annual funding shall
13 continue unless the Inyo County Board of Supervisors and
14 the Department agree that the program is to be reduced in
15 scale or terminated.

16 D. GENERAL FINANCIAL ASSISTANCE TO THE COUNTY

17 To assist the County in providing services to
18 its citizens, the Department shall make an annual con-
19 tribution to the County. The first contribution shall be
20 made within sixty (60) days of approval of this Stipula-
21 tion and Order by both the County and Los Angeles. The
22 amount of the first payment shall be the sum of one
23 million two hundred twenty-one thousand six hundred
24 eighty-five dollars (\$1,221,685.00) minus the amount of
25 any previous contributions made by the Department to the
26 County for these services during the 1991-92 fiscal year.

27 After the initial contribution, an annual
28 contribution payment shall be made by July 10th of each
subsequent year. The amount of the first annual contri-
bution payment shall be one million two hundred twenty-

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one thousand six hundred eighty-five dollars (\$1,221,685.00) adjusted in accordance with the formula for assessment of Los Angeles-owned property as set forth in present Article XIII, Section 11 of the California Constitution. Each year thereafter, the amount of the annual contribution payment shall be the amount of the previous year's payment adjusted in accordance with said formula.

In the event that Los Angeles' existing geothermal leases in the Coso Geothermal area of Inyo County are developed in such a manner that the County receives possessory interest taxes on such leases, such taxes received by the County shall be credited to the Department for up to one-half of the total annual general financial contribution to the County. Such credit shall only be made if the possessory interest taxes received are not subject to a claim for refund, legal challenges, or to refund for other reasons.

These annual contribution payments will be discontinued as of the date of a final decision by a court to disapprove this Stipulation and Order.

E. BIG PINE DITCH SYSTEM

The Department shall provide up to one hundred thousand dollars (\$100,000.00) for reconstruction and upgrading of the ditch system and for construction of additional ditches to supply additional properties in the town of Big Pine. The ditch system must be planned, constructed, operated, and maintained by a Big Pine entity or organization separate from the Department or the County, except for existing ditches on Los Angeles-

1 owned land which will continue to be maintained by the
2 Department. This entity or organization must obtain all
3 necessary rights of way prior to construction.

4 The Department shall make a flow of up to six
5 (6) cfs available to supply the ditch system with water.
6 This is in addition to water now diverted for use by Big
7 Pine Water Association members. Water to replace any
8 water used by this project will come from a new well,
9 which will be constructed by the Department west of Big
10 Pine. This well may also supply water to the Big Pine
11 Water System.

12 The stockholders of the Big Pine Water Associa-
13 tion must approve the use of existing ditches. The
14 Department (a stockholder) shall not unreasonably refuse
15 such approval, or unreasonably refuse the right to use or
16 modify existing ditches on Los Angeles-owned property.
17 Water rights of all stockholders must be protected and
18 current water delivery rates maintained.

19 Provisions will be made to insure that the
20 project funds will only be made available to an appro-
21 priate entity or organization and only will be made
22 available as construction of the Big Pine ditch system or
23 other approved projects progresses. Any costs of con-
24 structing the ditch system in excess of one hundred
25 thousand dollars (\$100,000.00), must be secured prior to
26 commencement of funding of the construction of the ditch
27 system. Project funds would only be made available if
28 substantial construction of the ditch system is commenced
within two (2) years of the entry of this Stipulation and
Order. If such construction is not commenced within this

1 two year period, unless otherwise agreed by the Inyo
2 County Board of Supervisors and the Department, through
3 the Standing Committee, the funds shall be used for a
4 project other than a ditch system. If less than \$100,000
5 is expended on the ditch system, or if no ditch system
6 is constructed, the unexpended difference may be used by
7 the Big Pine entity or organization on other projects in
8 Big Pine that have been approved in advance by the De-
9 partment and the Inyo County Board of Supervisors, acting
10 through the Standing Committee.

11 F. PARK AND ENVIRONMENTAL ASSISTANCE TO CITY OF BISHOP

12 To financially assist the City of Bishop in the
13 operation and maintenance of its park and other environ-
14 mentally related activities, the Department shall make
15 an annual payment to the City of Bishop. The first
16 annual payment shall be made within sixty (60) days of
17 entry of this Stipulation and Order. If entry of this
18 Stipulation and Order occurs in the month of July, the
19 payment will be one hundred twenty-five thousand dollars
20 (\$125,000.00). If entry of this Stipulation and Order
21 occurs between August 1st and June 30th, the payment
22 shall be the sum of one hundred twenty-five thousand
23 dollars (\$125,000.00) prorated as set forth in paragraph
24 B above. Thereafter, the annual payment shall be made
25 by July 10th of each year, and the amount of each pay-
26 ment shall be the previous year's payment adjusted
27 upward or downward each year in accordance with the Los
28 Angeles - Anaheim - Riverside All Urban Consumers Price
Index or its successor. The maximum adjustment will
not exceed five (5) percent in any year. Except as

1 provided below, Inyo County shall make an annual payment
2 to the City of Bishop in an amount equal to the payment
3 made by the Department during that year; provided howev-
4 er, in any given year this obligation of the County shall
5 be completely satisfied by its payment to the City of
6 Bishop pursuant to Inyo County Code Section 3.40.010 et
7 seq. (transaction and use tax) regardless of the amount
8 of such payment.

9 XV. RELEASE OF CITY OWNED LANDS

10 A. INYO COUNTY

11 Inyo County, in order to provide for the future
12 orderly development of towns within the County, has
13 requested Los Angeles to offer for sale seventy-five (75)
14 acres of Los Angeles-owned land within the general areas
15 designated by the boundaries noted on the maps attached
16 as Exhibit B. In order to cooperate with the County's
17 request, Los Angeles agrees to offer for sale, either at
18 public auction or to the County for public purposes, said
19 seventy-five (75) acres, consistent with the requirements
20 of the Los Angeles City Charter for the sale of real
21 property. To ensure that any sales of the seventy-five
22 (75) acres furthers the County efforts for the orderly
23 development of the towns within Inyo County, the parties
24 further agree to jointly confer on the location of, and
25 the schedule for, the sale of each parcel pursuant to
26 this paragraph. As part of such orderly development, the
27 parties further agree that prior to the sale of any such
28 parcels, there must be available a public water system to
serve such property after its sale.

Because the location of the proposed sale of

1 the seventy-five (75) acres is sufficiently determined in
2 this Stipulation and Order, by its approval of this
3 document, Los Angeles City Council grants approval, as
4 required by the Los Angeles City Charter, for the Board
5 of Water and Power Commissioners to subsequently engage
6 in the actual sale of individual parcels. The terms of
7 each sale will be subject to approval by the Los Angeles
8 City Council.

9 The area of any property that is undeveloped as
10 of the date of entry of this Stipulation and Order,
11 located within the designated release areas, and sold by
12 Los Angeles after entry of this Stipulation and Order
13 will be credited against the seventy-five (75) acre
14 total. Each such sale is subject to a CEQA review.

15 B. CITY OF BISHOP

16 In addition to the sales described above, Los
17 Angeles will sell at public auction, or sell directly to
18 the City of Bishop or the Bishop Community Redevelopment
19 Agency, properties within the Bishop City limits totaling
20 twenty-six (26) acres of surplus Los Angeles-owned land.
21 Such sales are subject to the Los Angeles City Charter.
22 The location of each property and the schedule for sale
23 must be agreed upon by the City of Bishop and Los An-
24 geles. Each parcel sold must be located within general
25 areas designated by boundaries on the attached map.
26 Authorization to sell up to twenty-six (26) acres of
27 surplus properties within designated release areas is
28 granted by the Los Angeles City Council by its approval
of this Stipulation and Order. By this approval, the
Department's Board of Water and Power Commissioners is

1 authorized to act on behalf of the City in approving and
2 conducting such sales. However, the terms of each sale
3 will be subject to approval by the Los Angeles City
4 Council. Each sale is subject to a CEQA review. Noth-
5 ing in these concepts precludes the City of Los Angeles
6 and the City of Bishop from reaching an agreement for the
7 sale of all or part of the twenty-six (26) acres prior to
8 entry of this Stipulation and Order. Any land so sold
9 will be credited against the twenty-six (26) acre total.

10 C. ADDITIONAL SALES

11 In addition to the above described sales, upon
12 request of the Inyo County Board of Supervisors or the
13 Bishop City Council, Los Angeles shall negotiate in good
14 faith for the sale at public auction of additional sur-
15 plus Los Angeles-owned land in or near valley towns for
16 specific identified needs. Any such sales shall
17 occur subsequent to those described above. A precondi-
18 tion of a sale would be that a public water system must
19 be available to serve each property after its sale. Each
20 such sale would be subject to a CEQA review. It is
21 recognized that such sales at public auction may take
22 considerable time, and that such sales require approval
23 of the Department's Board and the Los Angeles City Coun-
24 cil, and must be in compliance with the Los Angeles City
25 Charter. Decisions on this matter by the Department's
26 Board of Commissioners and the Los Angeles City Council
27 shall not be subject to dispute resolution.

28 D. LANDS FOR PUBLIC PURPOSES

Los Angeles shall negotiate in good faith for
the sale or lease to the County of any Los Angeles-owned

1 land requested by the County for use as a public park or
2 for other public purposes. Any sale of land shall be at
3 fair market value and any land sold must be within or
4 adjacent to valley towns.

5 E. WITHDRAWN LANDS

6 Because of the above provisions for land re-
7 leases, Inyo County will support passage of withdrawn
8 land legislation pertaining to federally owned lands in
9 Inyo County. Such legislation is to be in substantially
10 the same form as the draft of such legislation discussed
11 by the parties in the fall of 1987, except that the
12 proposed legislation will be modified to allow lands in
13 Rose Valley which might be used in conjunction with a
14 groundwater storage program to remain in withdrawn
15 status. The County will support such legislation even
16 though the status of such withdrawn lands is under review
17 by the Federal Bureau of Land Management as part of the
18 new Bishop Resources Area Management Plan.

19 XVI. LEGISLATIVE COORDINATION

20 Except as provided below, the County and Los Angeles
21 shall refrain from seeking or supporting any legislation,
22 administrative regulation, or litigation that would weaken or
23 strengthen local or state authority to regulate groundwater or
24 that would affect any provision of this Stipulation and
25 Order.

26 A. Neither the County nor Los Angeles may sponsor, take
27 a support position, or seek to amend any legislation or
28 administrative regulation or initiate any litigation that
would directly affect any provision of this Stipulation
and Order or that would weaken or strengthen local

1 authority to regulate groundwater unless such sponsor-
2 ship, support, amended position or litigation is first
3 approved by the other party.

4 B. Neither the County nor Los Angeles may take a position in
5 opposition to any legislation or administrative regula-
6 tion that could directly affect any provision of this
7 Stipulation and Order or that would weaken or strengthen
8 local authority to regulate groundwater without first
9 notifying the other party and attempting to reach concur-
10 rence on the proposed course of action. Failure to reach
11 agreement on the proposed course of action will not
12 preclude either party from opposing such legislation.

13 XVII. EXCHANGE OF INFORMATION AND ACCESS

14 The County and the Department shall make any data or
15 information in its possession that reasonably pertains to
16 purposes of this Stipulation and Order available to the other
17 party on reasonable notice. The County and the Department
18 recognize that such a free exchange of data and information is
19 essential to the purposes of this Stipulation and Order.

20 The County and the Department shall provide to the
21 other party reasonable access to its wells, water conveyance,
22 metering devices, control structures, etc. for the purpose of
23 such independent monitoring and inspection as is necessary to
24 carry out the implementation of this Stipulation and Order.

25 XVIII. HEALTH AND SAFETY CODE PROJECTS

26 Any project implemented pursuant to California
27 Health and Safety Code section 42316 is not a part of this
28 Stipulation and Order.

XIX. LEASE CHARGES

Los Angeles or its Department shall have the right

1 to seek and use funding from a lessee if a new
2 enhancement/mitigation project is developed on lands leased
3 by the lessee from Los Angeles and the project will increase
4 the value of the lease. Such funding may be obtained through
5 normal Department ranch leasing practices.

6 Except as provided above, lease charges and/or
7 charges for water supplied by Los Angeles and its Department
8 to its Owens Valley lessees may not be increased or de-
9 creased, or altered in any way, as a result of any provision
10 of this Stipulation and Order. This provision is not to be
11 construed as preventing rent increases which the City may
12 determine to implement in the ordinary course of business
13 following its usually applicable practices and principles in
14 the determination of the need for rent increases, capitaliza-
15 tion of improvements, or land reclassification.

16 XX. HOLD HARMLESS

17 The County and the Department and the City of Los
18 Angeles shall keep and hold each other free and harmless from
19 any and all cost, liability, damage, or expense including cost
20 of suit or expense for legal service claimed by anyone by
21 reason of injury or damage to person or properties sustained
22 in or on or about any enhancement/mitigation project, mitiga-
23 tion measure, or monitoring site as proximate result of acts
24 or omissions of a party, its agents, servants or employees, or
25 arising out of any condition of the property occupied by an
26 enhancement/mitigation project, mitigation measure or monitor-
27 ing site or arising out of the operation of the parties upon,
28 about or above the property occupied by an enhancement/mitiga-
tion project, mitigation measure or monitoring site.

Except as may be provided above, this provision does

1 not, and shall not be construed to require the County of Inyo,
2 its employees, agents, or consultants to keep and hold harm-
3 less the City of Los Angeles, its Department, or any of their
4 employees, agents, or consultants, from any cost, liability or
5 damage, or other relief claimed or sought by anyone, or any
6 organization or entity, that arises out of the Department's
7 water gathering activities in Owens Valley, including its
8 groundwater pumping and its surface water management, or that
9 arises out of the management of its lands by the City of Los
Angeles.

10 XXI. NO EFFECT ON NON-PARTY LEGAL RIGHTS

11 This Stipulation and Order is not a limitation of
12 the legal rights of any person, organization, or entity that
13 is not a party to this Stipulation and Order, nor does it
14 create a binding administrative remedy that must be pursued
15 and exhausted prior to the exercise of any legal right by such
16 non-parties to this Stipulation and Order.

17 XXII. NO EFFECT ON EXISTING WATER RIGHTS

18 Any water right of either the County or of Los
19 Angeles or of any other person existing prior to the entry of
20 this Stipulation and Order will not be adversely affected,
21 directly or indirectly, by this Stipulation and Order. No
22 water right of any kind, including but not limited to pre-
23 scriptive water rights, nor any claim thereto, shall arise or
24 be created in favor of or against any party or other person,
25 directly or indirectly, as a result of this Stipulation and
Order.

26 XXIII. FUTURE AQUEDUCT CAPACITY

27 Los Angeles and its Department shall not construct
28 a third aqueduct to carry water from Inyo County or enlarge

1 the capacity of the two existing aqueducts above the maximum
2 flow in each aqueduct that occurred before July 1, 1989. The
3 maximum flow for each aqueduct is set forth in the Depart-
4 ment's Daily Flow Records.

5 XXIV. ACKNOWLEDGMENT OF WATER SUPPLY UNCERTAINTIES

6 Los Angeles and the County acknowledge that there
7 are certain risks in maintaining current and projected water
8 supplies to Los Angeles. These foreseeable risks are a possi-
9 ble reduction in diversions by Los Angeles from the
10 Mono Basin, contamination of the San Fernando Valley
11 Groundwater Basin, uncertainty in the amount of water exports
12 from the Sacramento/San Joaquin Delta, a reduction in now
13 available Colorado River supplies to Southern California and
14 reasonably foreseeable population growth in Los Angeles and
15 California. Such foreseeable risks shall not be a basis for
16 a future request to a court to terminate this Stipulation and
17 Order absent agreement by the Inyo County Board of Supervi-
18 sors, the Department, and the City of Los Angeles.

19 XXV. MODIFICATIONS

20 If, as a result of information gained from ongoing
21 research or cooperative studies, or for other reasons as may
22 be necessary to better achieve the goals of this Stipulation
23 and Order, or for purposes of improving the monitoring and
24 evaluation activities, the Department and the Inyo County
25 Board of Supervisors, by agreement, may modify: 1) any provi-
26 sion of the Green Book, including its provisions for monitor-
27 ing sites, the type of monitoring, and the interpretation of
28 monitoring results; 2) the Management Areas (section I); 3)
the Management Maps (section II); and 4) the soil moisture
"triggering mechanism" for turning off wells (sections V.A, B,

1 and C), including a substitution of an entirely new "trigger-
2 ing mechanism." A disagreement over such a modification shall
3 be subject to dispute resolution. The remaining provisions of
4 this Stipulation and Order, other than those identified above,
5 may be modified by agreement between the Department and the
6 Inyo County Board of Supervisors, and approval of such modifi-
7 cation by the Court. Approval by the Court shall be upon
8 written noticed motion. Notice shall be given in accordance
9 with California Civil Procedure Section 1005, and published
10 in Los Angeles and Inyo counties in accordance with Government
Code Section 6062a.

11 XXVI. DISPUTE RESOLUTION

12 A. SUBJECT MATTER

13 Subjects of dispute resolution include, but
14 are not limited to:

- 15 1. Whether a decrease or change in vegetation or a
16 potential significant effect on the environment is
17 attributable to groundwater pumping or a change in
18 surface water management practices.
- 19 2. Whether a significant decrease or change in vegeta-
20 tion or a significant effect on the environment has
21 occurred.
- 22 3. A reclassification of vegetation inside or outside a
23 management area.
- 24 4. The location of monitoring sites or monitoring
25 wells, the type of monitoring to be conducted at
26 a site, or the interpretation of monitoring re-
27 sults.
- 28 5. A change in the contents of the "Green Book."
6. The need for mitigation or type of mitigation.

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- 7. The linkage of wells to monitoring sites and the area of the monitoring site where soil water must recover.
- 8. A disagreement over whether or not the "triggering mechanism" based on soil moisture should be modified or changed to a different triggering concept.
- 9. Whether a well turned off under the provisions of section V should be turned on.
- 10. Consistency of a proposed pumping program with the goals and principals of this Stipulation and Order.
- 11. Disagreements over additional cooperative studies.
- 12. Whether water quality or water levels in a well not owned by the Department has been significantly adversely affected by groundwater pumping by the Department.
- 13. Any other matter covered by or arising out of the Stipulation and Order or the Green Book.

B. TECHNICAL GROUP AND STANDING COMMITTEE

Disputes between the parties arising out of this Stipulation and Order or the Green Book shall be submitted to the Technical Group and the Standing Committee for resolution as follows:

1. Technical Group Requirements

Within fourteen (14) calendar days of the receipt of a written request from either party, the Technical Group shall convene for the purpose of attempting to resolve a disagreement over a matter which is to be decided by the Technical Group, or upon which the Technical Group is required to make a

1 recommendation to the Standing Committee. If the
2 Technical Group agrees on a resolution, that agree-
3 ment shall be submitted to the Standing Committee
4 for consideration and implementation if concurred
5 with by the Standing Committee. In the event that
6 the Technical Group is unable to resolve a matter,
7 or is unable to make a unanimous recommendation to
8 the Standing Committee, the Technical Group shall
9 make a written report to the Standing Committee
10 explaining the areas of agreement, if any, the
11 subject or subjects of disagreement, and each par-
12 ty's argument in favor of its position along with
13 supporting data and background. This report shall
14 be made within seven (7) calendar days after the
15 Technical Group meeting, unless the Technical Group
16 by unanimous vote, agrees to a longer time period.

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2. Standing Committee Requirements

Within fourteen (14) calendar days of the receipt of such a written report of disagreement from the Technical Group, the Standing Committee shall convene concerning the subject of the report. Additionally, within fourteen (14) days of receipt of a written request from either party, the Standing Committee shall convene for the purpose of hearing any matter which is to be determined by the Standing Committee, or a disagreement between the parties.

C. MEDIATION/TEMPORARY ARBITRATION

If the Standing Committee is unable to resolve a dispute or claim within twenty-one (21) days of the receipt of a Technical Group report or a written request

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to meet, either party may submit the disputes or claims for mediation/temporary arbitration. Such a submittal shall be made by so notifying the Standing Committee in writing.

Mediation/temporary arbitration shall be conducted by three (3) mediators unless a single mediator is agreed upon by the Standing Committee. One (1) mediator shall be selected by Inyo County and one (1) mediator shall be selected by the Department. The two (2) mediators selected by the parties shall select a third mediator.

In the event of mediation, each party will pay their own costs and one-half of the costs of the mediation. If, by the forty-fifth (45th) day after a party has invoked mediation, there is no mediated resolution, the mediators shall present written findings to the Standing Committee. These findings shall be submitted to the Standing Committee not later than the sixtieth (60th) day after mediation was invoked by a party. Unless otherwise agreed by the Standing Committee, the County and the Department shall immediately implement and follow the findings of the mediators. Any recommendation or finding of the mediators must be based upon the "goals" and "principles" and other provisions of this Stipulation and Order, the Green Book, or the EIR.

D. SUPERIOR COURT JUDGE

If a dispute or claim has not been resolved through mediation/temporary arbitration, a party may submit that dispute or claim for resolution to the Superior Court Judge then assigned to Inyo County Superior

1 Court Case No. 12908, by filing with the Judge, and
2 serving upon the other party, a memorandum which sets
3 forth the disagreement, the party's contentions, its
4 argument in favor of its position, and any supporting
5 evidence and points and authorities. The memorandum
6 shall be filed and served within fifteen (15) calendar
7 days after the issuance of written findings by the media-
8 tors unless both parties agree in writing to a longer
9 time period. The other party may file a responsive
10 memorandum that sets forth its view of the disagreement,
11 its contentions, its arguments in favor of its position,
12 and any supporting evidence and points and authorities.
13 Such a memorandum shall be filed and served upon the
14 other party within fifteen (15) days of the service of
15 the initiating papers.

16 Not later than fifteen (15) calendar days after
17 service of any responsive memorandum, or of the date for
18 serving such a memorandum if none is filed, the parties
19 shall file with the Judge a joint memorandum setting
20 forth all the relevant factual and legal issues upon
21 which they agree, and all the factual and legal issues to
22 be resolved, together with any additional supporting or
23 rebutting evidence and any additional points and authori-
24 ties. The Judge will set the matter for hearing, ordi-
25 narily within fifteen (15) calendar days after the date
26 of filing the joint memorandum. The Judge shall endeavor
27 to issue a decision on the unresolved factual and legal
28 issues as soon as possible, ordinarily within twenty (20)
days after the hearing.

Failure of a party to file the initiating

1 memorandum with the Court within fifteen (15) calendar
2 days, precludes a submission of the particular dispute or
3 claim to the Judge.

4 In the event that the present Superior Court
5 Judge presiding over Inyo County Superior Court Case No.
6 12908 ceases to act, the Chair of the Judicial Counsel
7 shall be requested to assign a successor judge from a
8 neutral County. The parties shall have the right of
9 challenge pursuant to the California Code of Civil
10 Procedure. The parties will at the time of the request
11 attempt to nominate to the Chair of the Judicial Council
12 a neutral judge or judges to serve as the successor
13 judge.

13 E. EFFECT OF COURT RESOLUTION

14 The decision of the Judge shall be binding on
15 the parties. No appeal of the Judge's decision may be
16 made, except as provided in California Code of Civil
17 Procedure, section 1284, and sections 1285 through
18 1294.2, provided that the time limit to serve and file a
19 petition to confirm pursuant to section 1288 shall be
20 reduced to one hundred eighty (180) days.

21 XXVII. INYO SUPERIOR COURT CASE NO. 12883

22 Nothing in this Stipulation and Order shall affect
23 Inyo County Superior Court Case No. 12883 (the EIR case
24 brought by Los Angeles concerning Inyo County's Groundwater
25 Ordinance).

25 XXVIII. INYO SUPERIOR COURT CASE NO. 12908

26 A final order in Inyo County Superior Court Case No.
27 12908 on this Court's ruling on Inyo County's Groundwater
28 Ordinance shall not be entered or filed. Additionally, during

1 the term of this Stipulation and Order, the County, its
2 agents, servants, officers and employees, and all other per-
3 sons acting in concert with the County, are enjoined from
4 applying, implementing, or enforcing in any manner whatsoever,
5 the County of Inyo Owens Valley Groundwater Management Ordi-
6 nance, enrolled as Chapter 7.01 of the Inyo County Code, and
7 Inyo County Ordinance No. 395; provided however, that the Inyo
8 County Water Department and Inyo County Water Commission may
9 remain in existence to carry out the provisions of this Stipu-
10 lation and Order. Further, during the term of this Stipula-
11 tion and Order, the County will not seek any appellate review
12 of the ruling, decision, or injunction of this Court in Inyo
County Superior Court Case Number 12908.

13 XXIX. ENTRY OF JUDGMENT

14 Judgment implementing this Stipulation may be en-
15 tered in accordance herewith without further notice to the
16 parties.

17 XXX. PARAGRAPH HEADINGS

18 The paragraph titles herein are for convenience only
19 and do not define, limit, or construe the contents of such
20 paragraphs.

21 XXXI. NOTICES

22 Any notices hereunder from the County to the City
23 and its Department shall be in writing and may be personally
24 delivered or sent by certified mail to the following address-
es:

25 Assistant General Manager - Water
26 Los Angeles Department of Water and Power
P.O. Box 111, Room 1455
Los Angeles, California 90051

27 Northern District Engineer
28 Los Angeles Department of Water and Power
300 Mandich Street
Bishop, California 93514

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The City and its Department may change said address by notice in writing to the County.

Any notices hereunder from the City and its Department to the County shall be in writing and may be personally delivered or sent by certified mail to the following addresses:

County Administrator
County of Inyo
Post Office Drawer N
Independence, California 93526

Director
Inyo County Water Department
163 May Street
Bishop, California 93514

The County may change said address by notice in writing to the City and its Department. Notice shall be considered given either (a) when delivered to the recipient, or (b) on the date shown on the return receipt when deposited.

Dated: OCT 18 1991 Dated: OCT 18 1991

PAUL N. BRUCE, County Counsel
GREGORY L. JAMES, Special Counsel
ANTONIO ROSSMANN, Special Counsel

JAMES K. HAHN, City Attorney
EDWARD C. FARRELL, Chief
Assistant City Attorney
EDWARD A. SCHLOTMAN,
Assistant City Attorney

BY Paul N. Bruce
PAUL N. BRUCE

BY Edward A. Schlotman
EDWARD A. SCHLOTMAN

Gregory L. James
GREGORY L. JAMES

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Department of Water and
Power of the City of
Los Angeles

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Tom Bradley, Mayor
City of Los Angeles

Robert H. Campbell
Robert H. Campbell
Chairman, Inyo County
Board of Supervisors

John Ferraro
John Ferraro
President, City Council
City of Los Angeles

Keith Bright
Keith Bright
Inyo County
Board of Supervisors

Joan Milke Flores
Joan Milke Flores
Councilwoman
City of Los Angeles

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Harry Holgate
Harry Holgate
Chairman, Inyo County
Water Commission

Ray Gray
Ray Gray
Vice Chairman, Inyo County
Water Commission

Michael Gage
Michael Gage
President, Los Angeles
Board of Water & Power Cmsn.

Rick Caruso
Rick Caruso
Chairman, Standing Committee
Vice President, Los Angeles
Board of Water & Power Cmsn.

Said Agreement is No.
of Contracts: C-83803

The within instrument approved by
the Council of the City of Los
Angeles at its meeting on

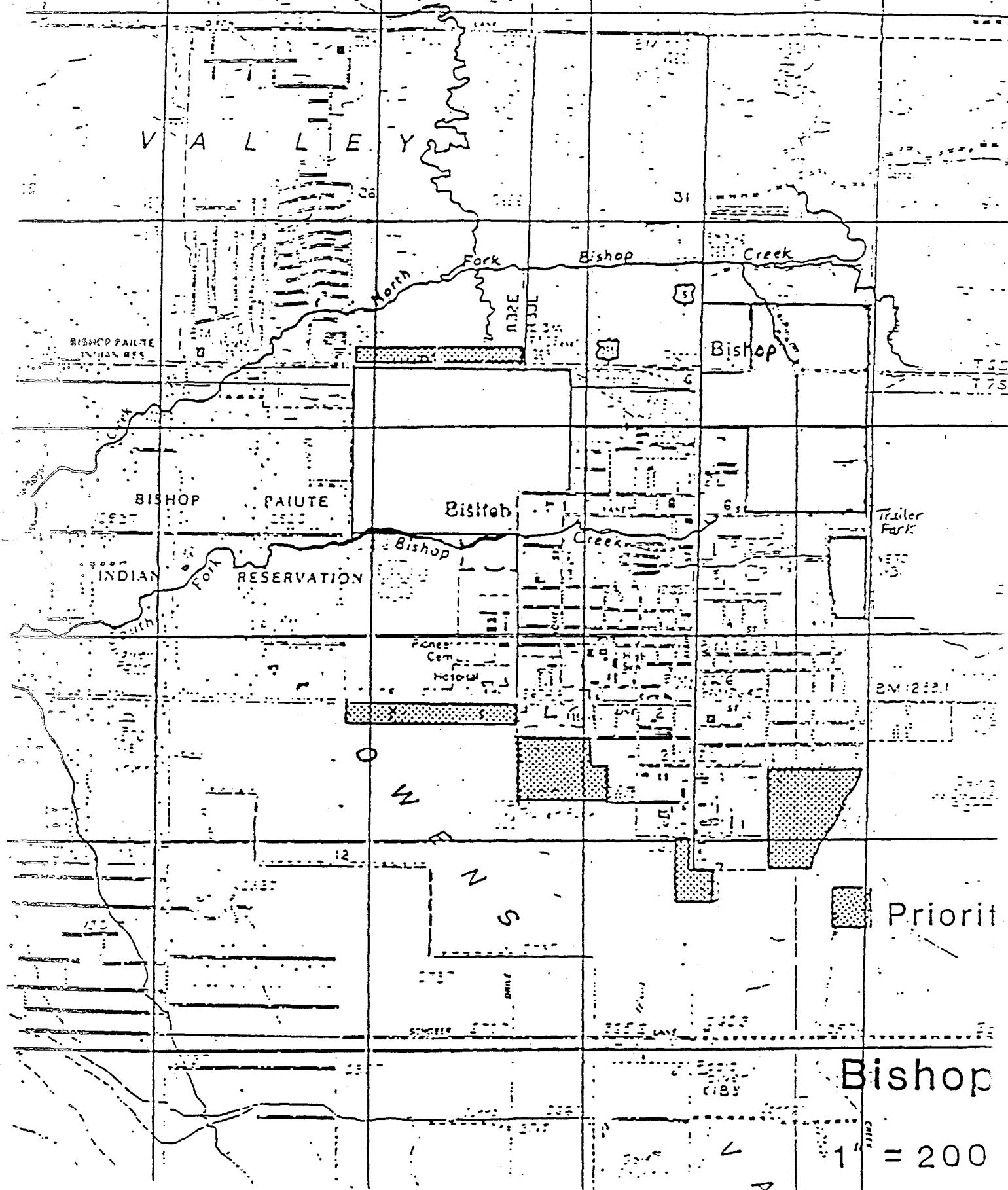
OCT 18 1991

ELIAS MARTINEZ, City Clerk

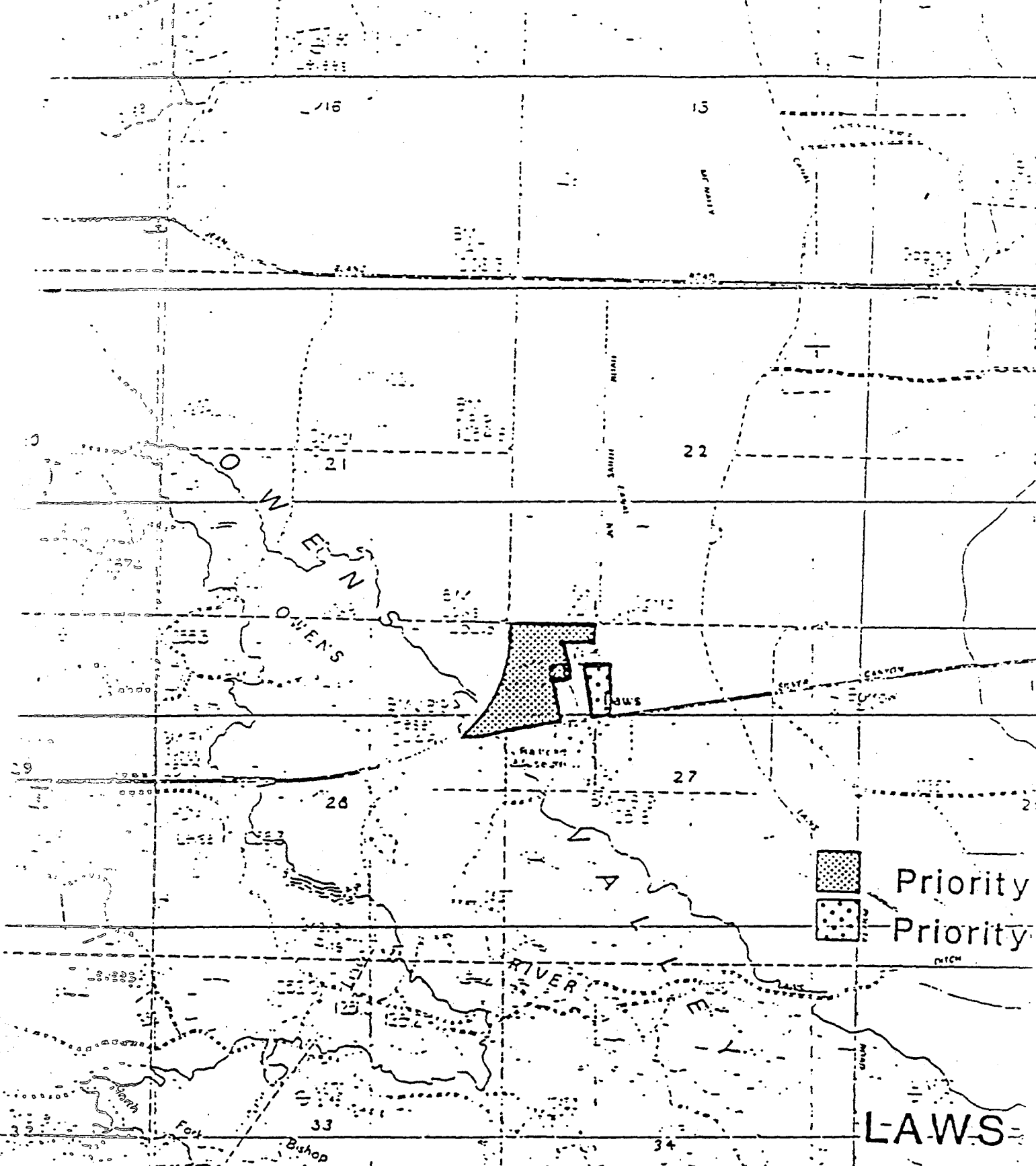
By *Glenn Stone*
Deputy



POSSIBLE LAND DIVESTMENT



POSSIBLE LAND DIVESTMENT

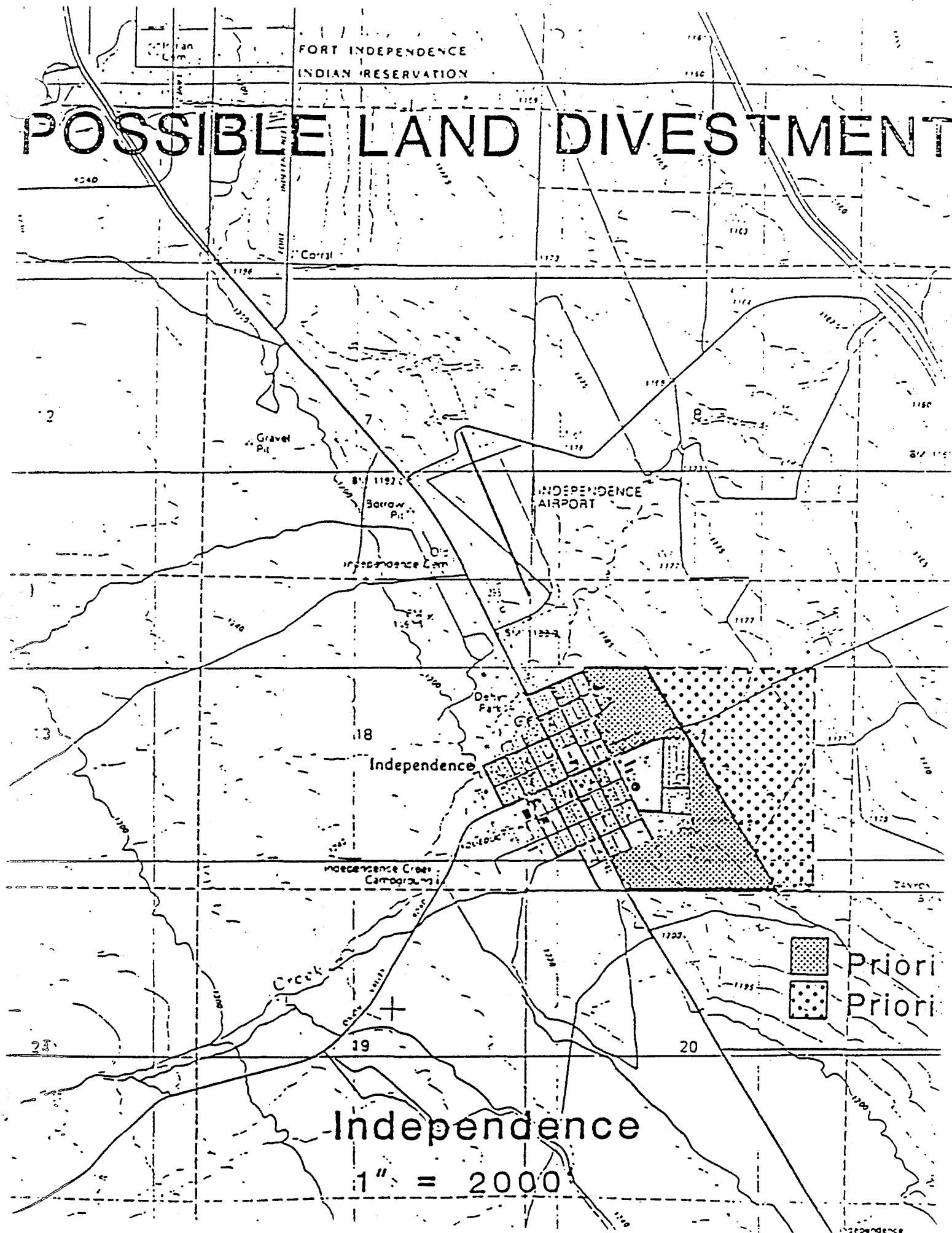


LAWSON

1" = 2000'

FORT INDEPENDENCE
INDIAN RESERVATION

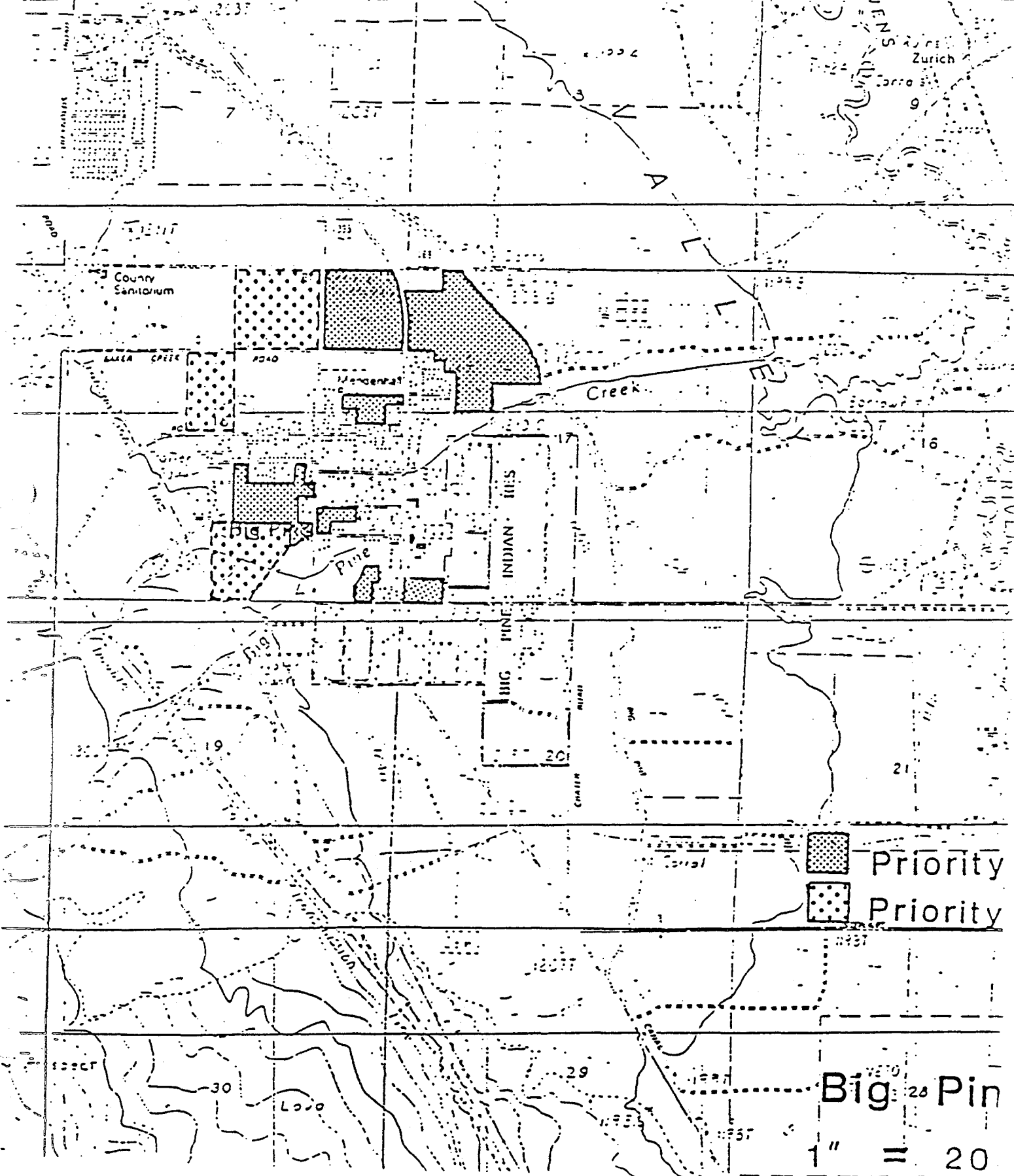
POSSIBLE LAND DIVESTMENT





Independence

1" = 2000

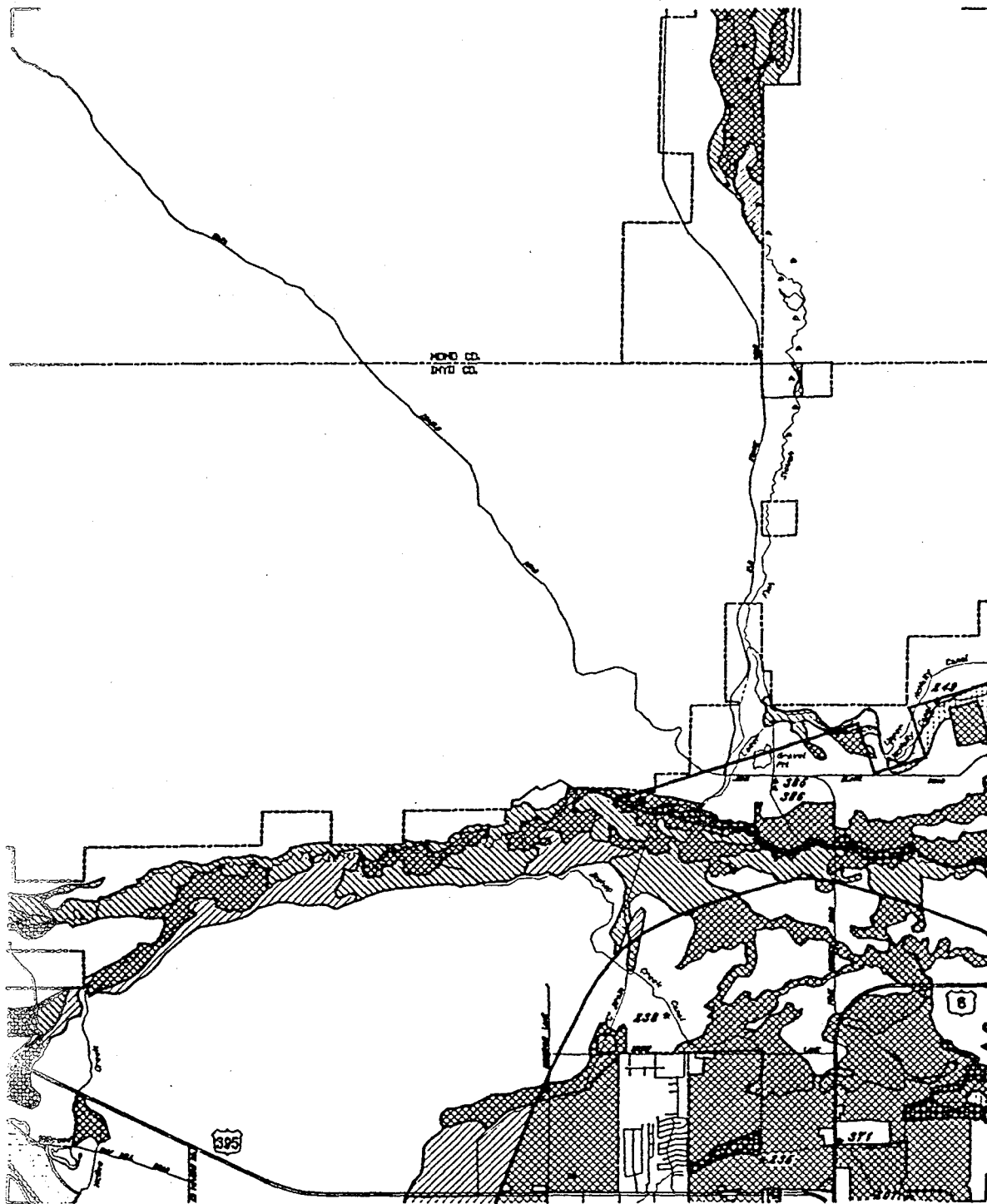
POSSIBLE LAND-DIVESTMENT



-  Priority
-  Priority

Big Pine

1" = 20



Scale 1" = 100'
 Date 10-1-68

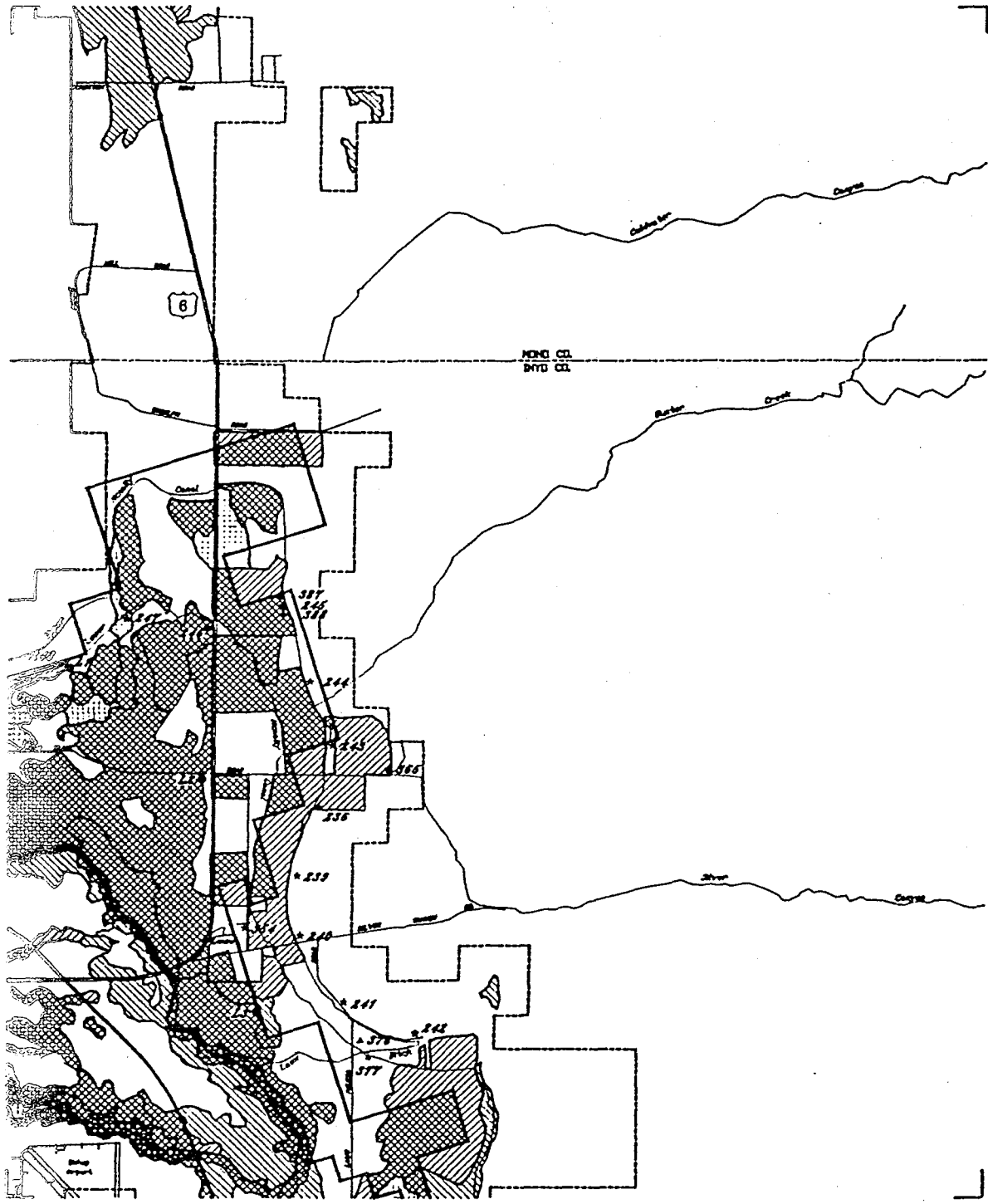
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACRES
TYPE A CLASSIFICATION	2000 Ac.	7067 Ac.	9067
TYPE B CLASSIFICATION	65 Ac.	122 Ac.	187
TYPE C CLASSIFICATION	1257 Ac.	1002 Ac.	2259
TYPE D CLASSIFICATION	130 Ac.	831 Ac.	961
TYPE E CLASSIFICATION	1545 Ac.	800 Ac.	1945
TOTALS	4897 Ac.	9722 Ac.	14619

FISH SLOUGH, CALIF.
(113-82)

VEGETATION AND WELLFIELD
MANAGEMENT AREA

- PUMPING WELL
- ▲ SAN PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BOUNDARY
- LIFT PROPERTY LINE



Drawn 9-69 by G. Smith
 10-1 Checked 9-6-69

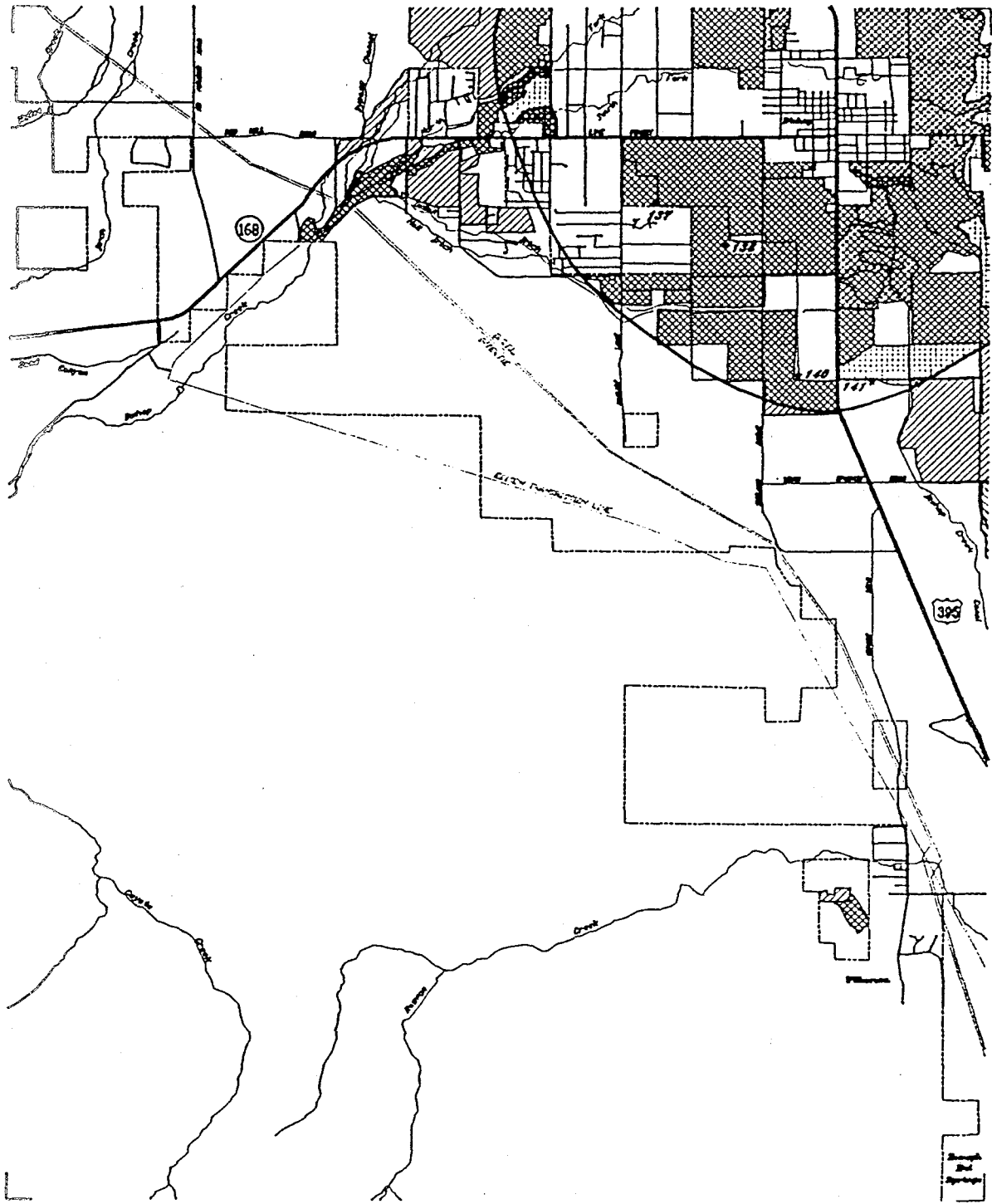
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	2879 A.	8374 A.	7963
TYPE B CLASSIFICATION	132 A.	111 A.	243
TYPE C CLASSIFICATION	1000 A.	1062 A.	2062
TYPE D CLASSIFICATION	200 A.	20 A.	200
TYPE E CLASSIFICATION	1392 A.	782 A.	2174
TOTALS	6481 A.	7357 A.	13838

- * PUMPING WELL
- * SAN PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BOUNDARY
- LIST PROPERTY LINE

LAYS, CALIF.
 (113-18)

**VEGETATION AND WELLFIELD
 MANAGEMENT AREA**



Drawn 7-77 by G. Gumb
 Field Revision 7-78-80

LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	2454 Ac.	8148 Ac.	10603
TYPE B CLASSIFICATION	282 Ac.	67 Ac.	349
TYPE C CLASSIFICATION	611 Ac.	12 Ac.	623
TYPE D CLASSIFICATION	63 Ac.	153 Ac.	216
TYPE E CLASSIFICATION	1869 Ac.	794 Ac.	2664
TOTALS	6340 Ac.	9085 Ac.	14425

- PUMPING WELL
- ▲ R&M PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BNDRY.
- - - LADWP PROPERTY LINE

BISHOP, CALIF.
 (115-3R)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA

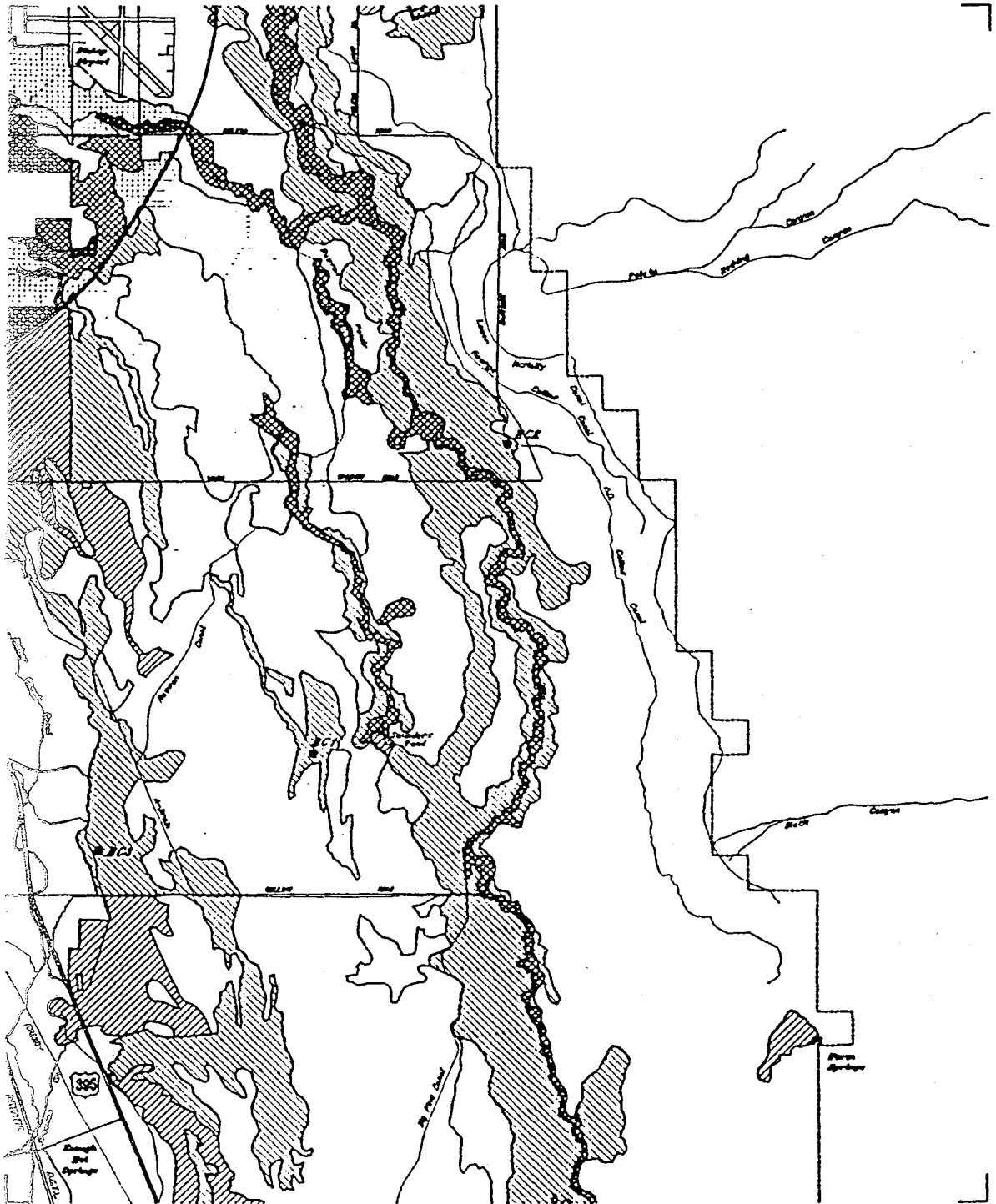


Figure 1001 & 1002
 1/1/1968 0-10-68

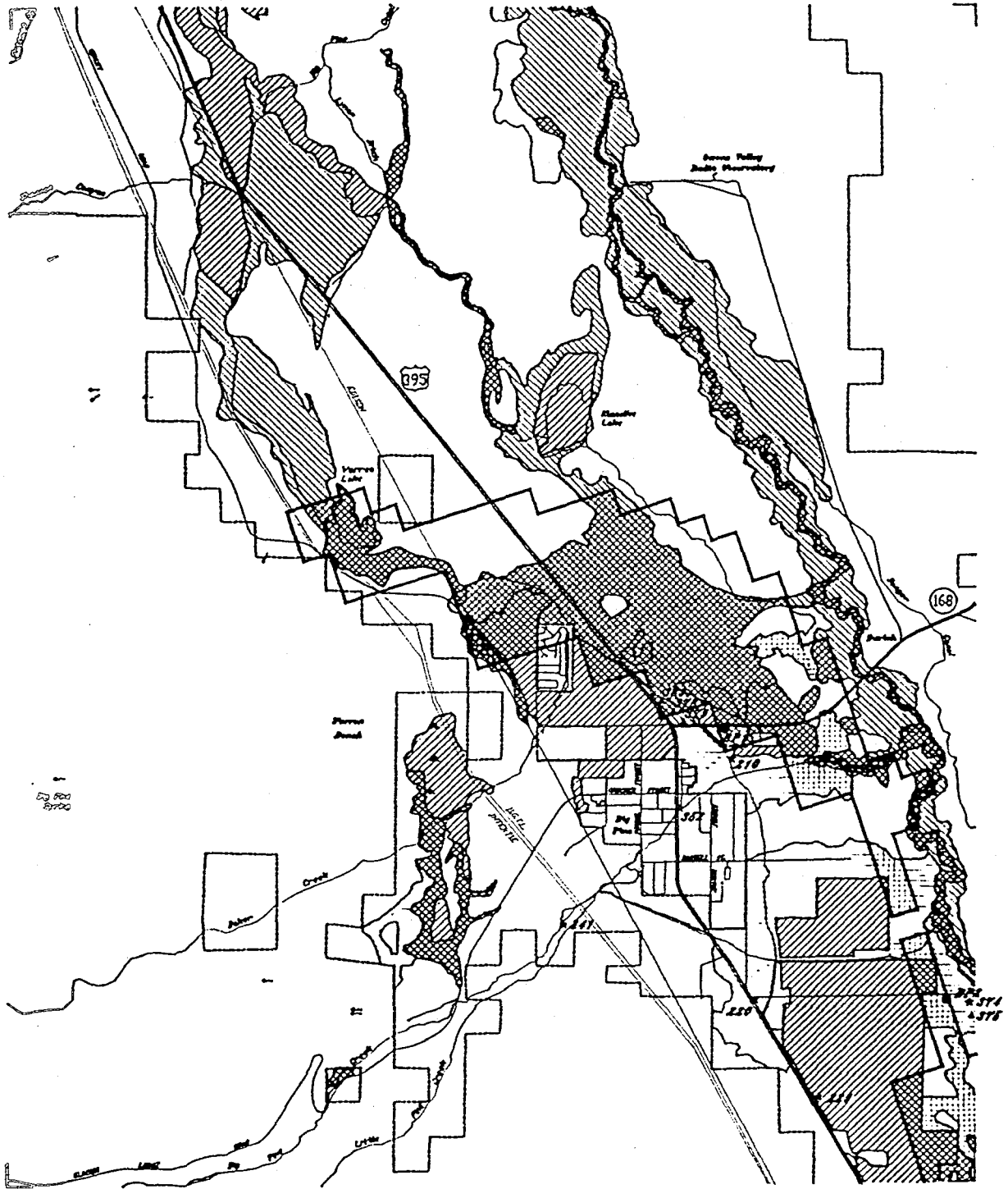
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	720 Ac.	14422 Ac.	15142
TYPE B CLASSIFICATION	414 Ac.	2692 Ac.	3106
TYPE C CLASSIFICATION	160 Ac.	6922 Ac.	7582
TYPE D CLASSIFICATION	36 Ac.	764 Ac.	800
TYPE E CLASSIFICATION	174 Ac.	1133 Ac.	1307
TOTALS	1611 Ac.	23899 Ac.	25510

- PUMPING WELL
- ▲ N&M PUMPING WELL
- VEGETATION MOUNDING SITE
- WATER TABLE CHANGE ENTRY
- LOT PROPERTY LINE

POLSTA CANYON, CALIF.
 (413-42)

**VEGETATION AND WELLFIELD
 MANAGEMENT AREA**



Scale 1" = 1/2 mi.
 Date 12/20/60

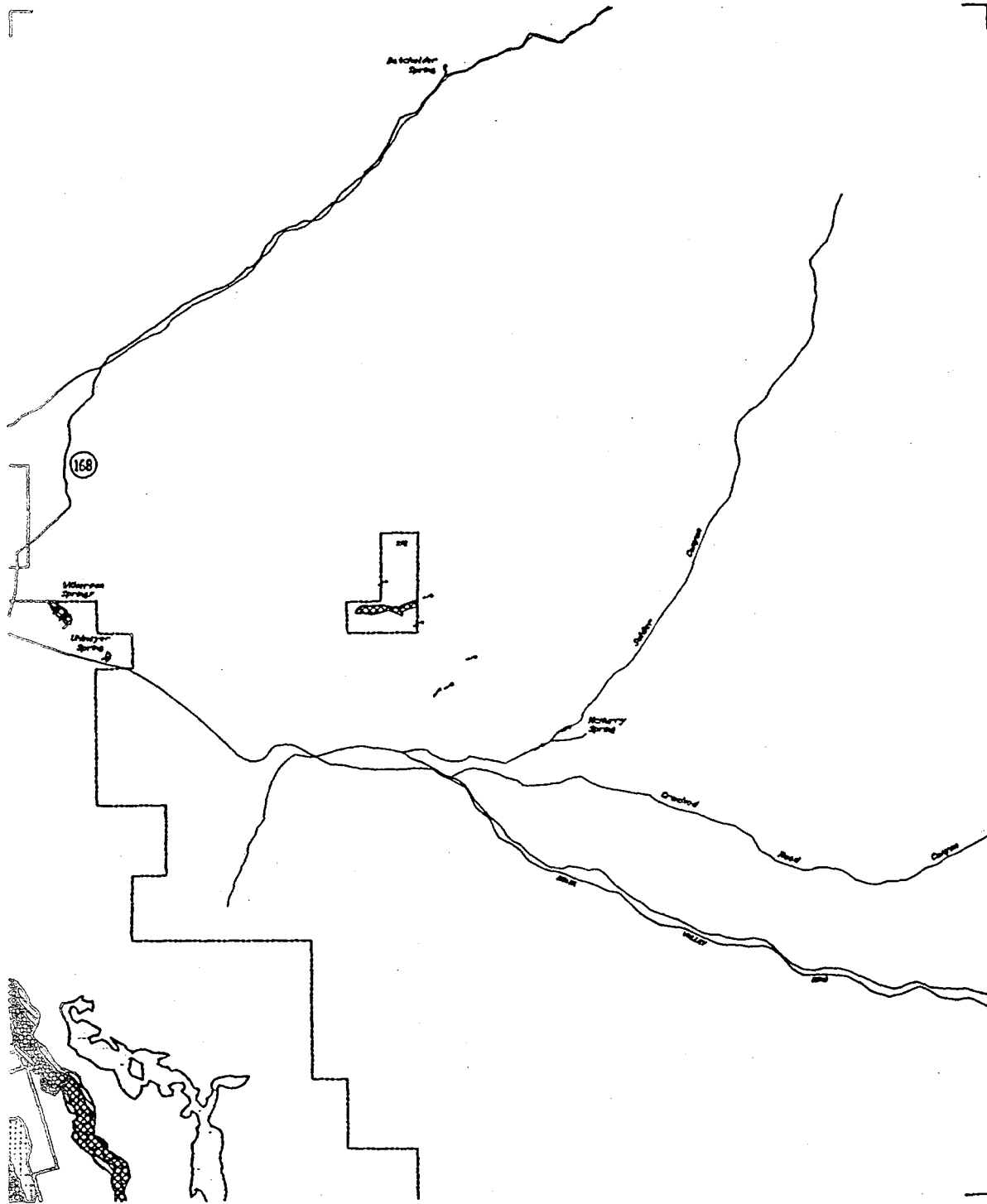
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	1850 Aa.	13025 Aa.	14875
TYPE B CLASSIFICATION	164 Aa.	1561 Aa.	1725
TYPE C CLASSIFICATION	1000 Aa.	3138 Aa.	4138
TYPE D CLASSIFICATION	84 Aa.	684 Aa.	768
TYPE E CLASSIFICATION	616 Aa.	2145 Aa.	2761
TOTALS	3178 Aa.	20928 Aa.	24106

**BIG PINE, CALIF.
 (383-12)**

**VEGETATION AND WELLFIELD
 MANAGEMENT AREA**

- * PUMPING WELL
- ▲ 1/2" PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BOUNDARY
- LAND PROPERTY LINE



Drawn 0-01 G. Quade
 and Revision 0-02-07

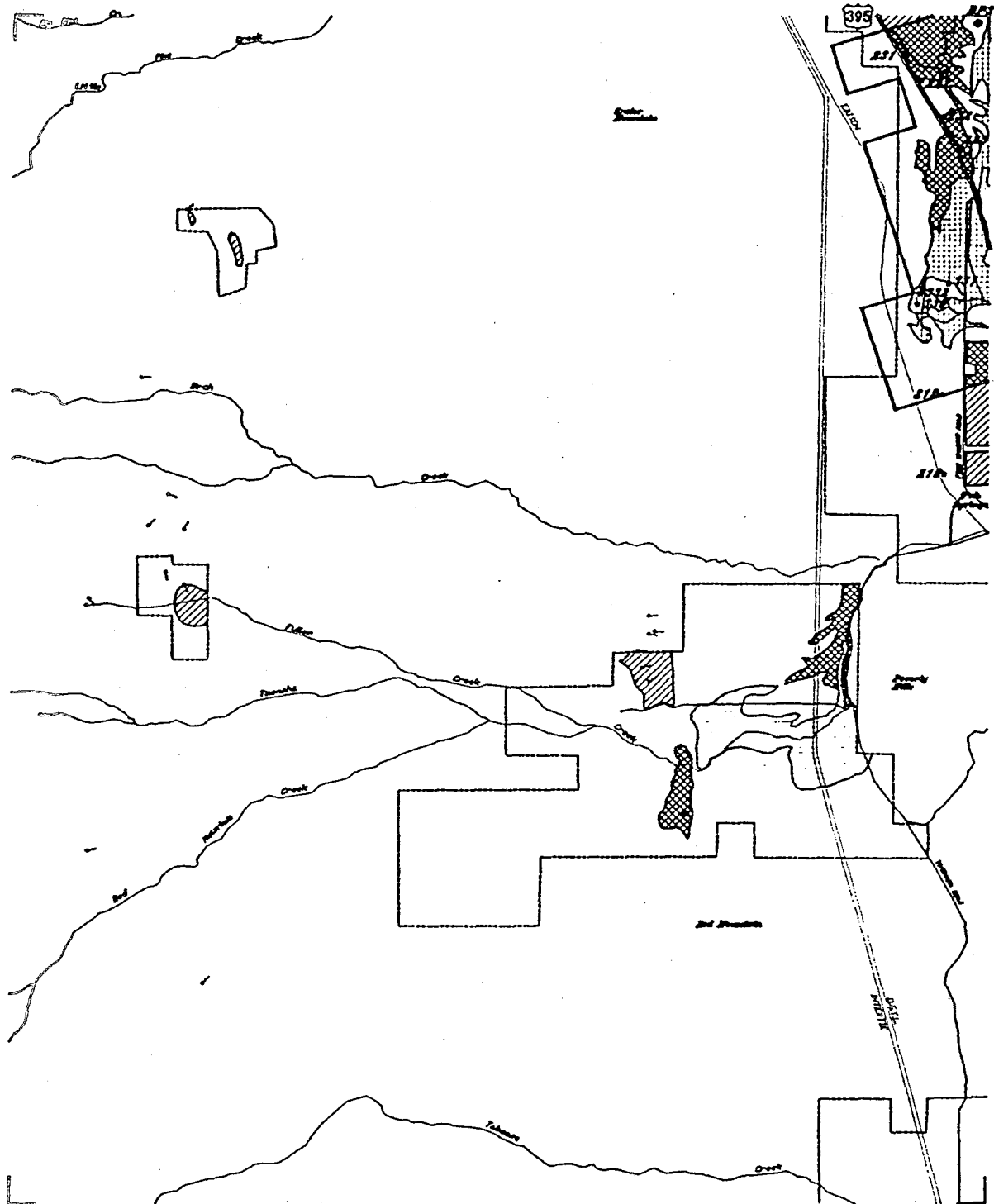
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACRES
TYPE A CLASSIFICATION	65 Ac.	3785 Ac.	3850
TYPE B CLASSIFICATION	48 Ac.	222 Ac.	270
TYPE C CLASSIFICATION	8 Ac.	61 Ac.	72
TYPE D CLASSIFICATION		143 Ac.	143
TOTALS	120 Ac.	4211 Ac.	4331

- * PUMPING WELL
- R&M PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BNDRY.
- LAND PROPERTY LINE

UHLMEYER SPRING, CALIF.
(302-28)

**VEGETATION AND WELLFIELD
MANAGEMENT AREA**



Drawn 0-29 G. Gandy
 Cont. Checked 0-29-87

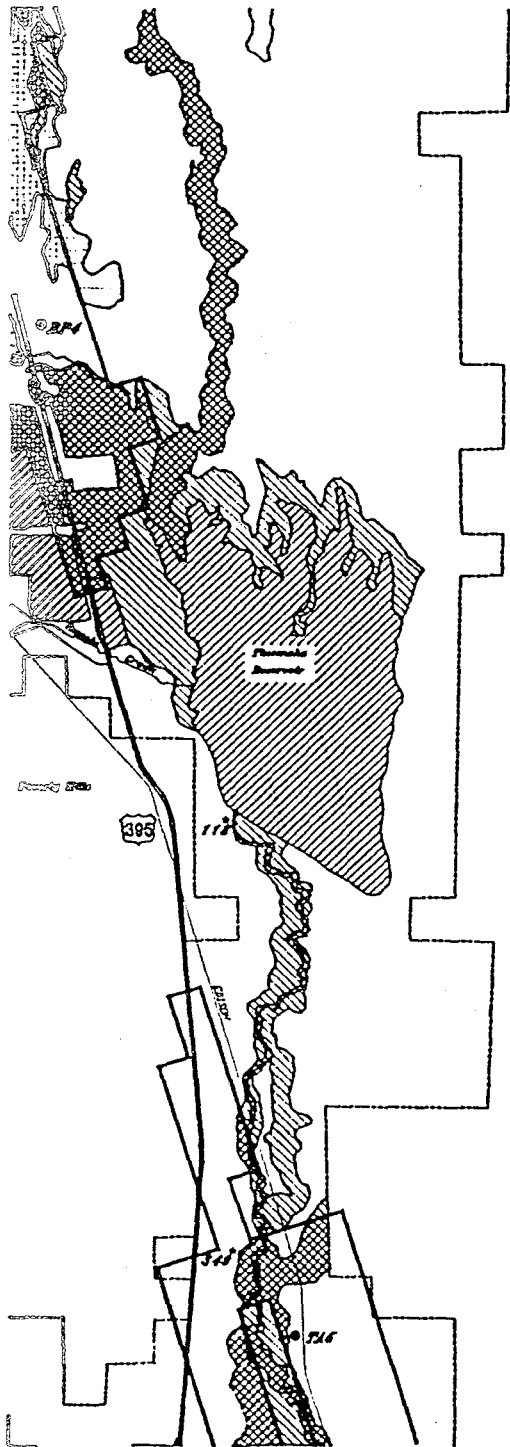
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	684 Aa.	4200 Aa.	6884
TYPE B CLASSIFICATION	206 Aa.	584 Aa.	790
TYPE C CLASSIFICATION	171 Aa.	84 Aa.	255
TYPE D CLASSIFICATION		183 Aa.	183
TYPE E CLASSIFICATION	97 Aa.	188 Aa.	285
TOTALS	1168 Aa.	6309 Aa.	6477

- * PUMPING WELL
- ▲ P&M PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BARRI.
- LADWP PROPERTY LINE

FISH SPRINGS, CALIF.
 (393-48)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA



Map Scale 1" = 1000'
 Date of Revision 9-28-58

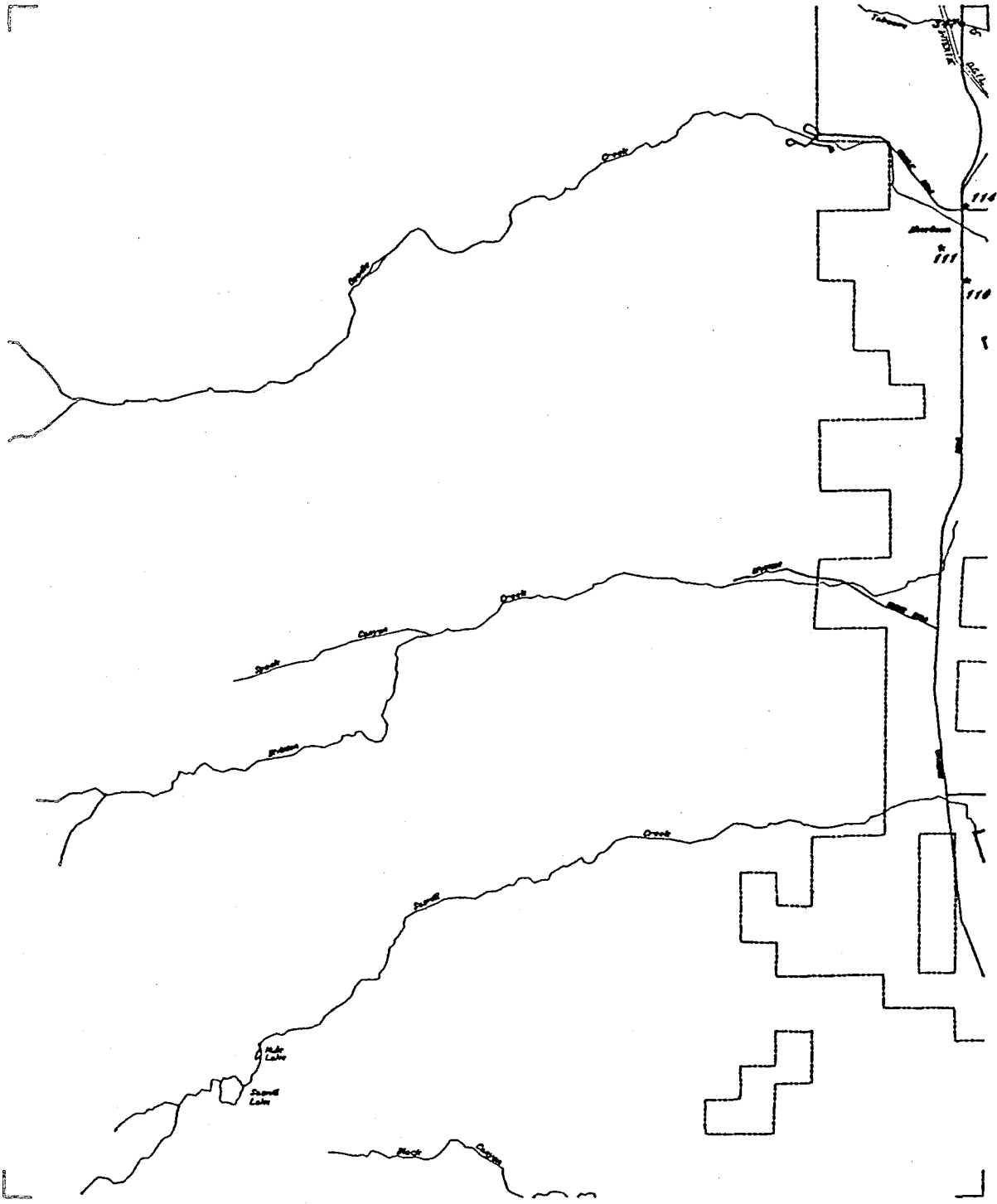
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	1124 Aa	6756 Aa	7880
TYPE B CLASSIFICATION	110 Aa	215 Aa	325
TYPE C CLASSIFICATION	808 Aa	985 Aa	1493
TYPE D CLASSIFICATION	13 Aa	465 Aa	478
TYPE E CLASSIFICATION	78 Aa	1681 Aa	1659
TOTALS	1833 Aa	8972 Aa	11805

- * PUMPING WELL
- ▲ FAN PUMPING WELL
- VEGETATION MONITOR SITE
- - - WATER TABLE CHANGE BNDRY.
- LAND PROPERTY LINE

FINEMAHA RESERVOIR, CALIF.
 (393-38)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA



Map No. 4-52 E. Sheet
 and Section 7-57-58

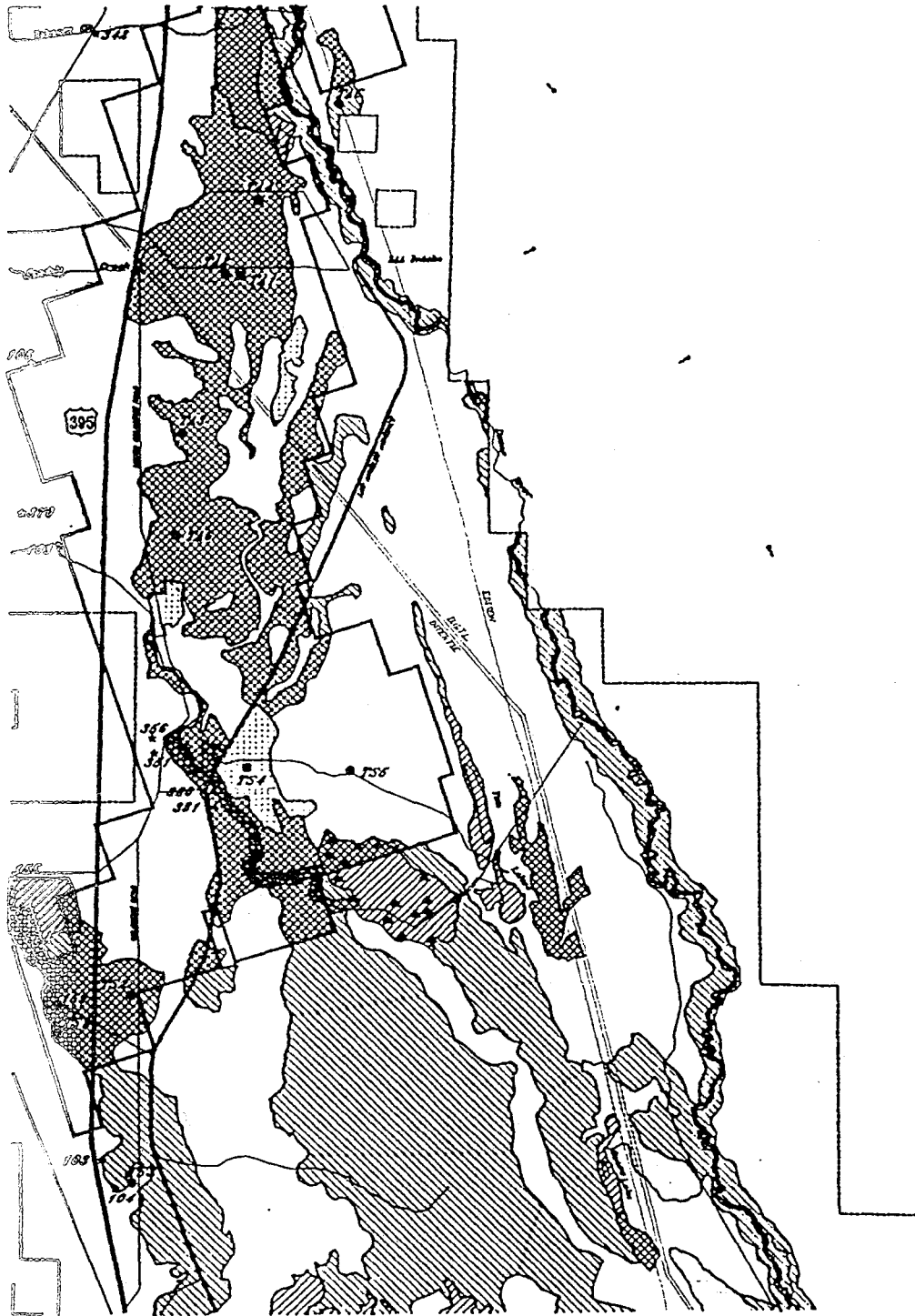
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	11 Ac.	4596 Ac.	4617
TYPE B CLASSIFICATION			
TYPE C CLASSIFICATION			
TYPE D CLASSIFICATION			
TYPE E CLASSIFICATION			
TOTALS	11 Ac.	4596 Ac.	4617

- * PUMPING WELL
- ▲ SAN PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BNDRY.
- LAND PROPERTY LINE

ABERDEEN, CALIF.
 (373-12)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA



Scale 1" = 1/4 mi
 Date 1-1-68

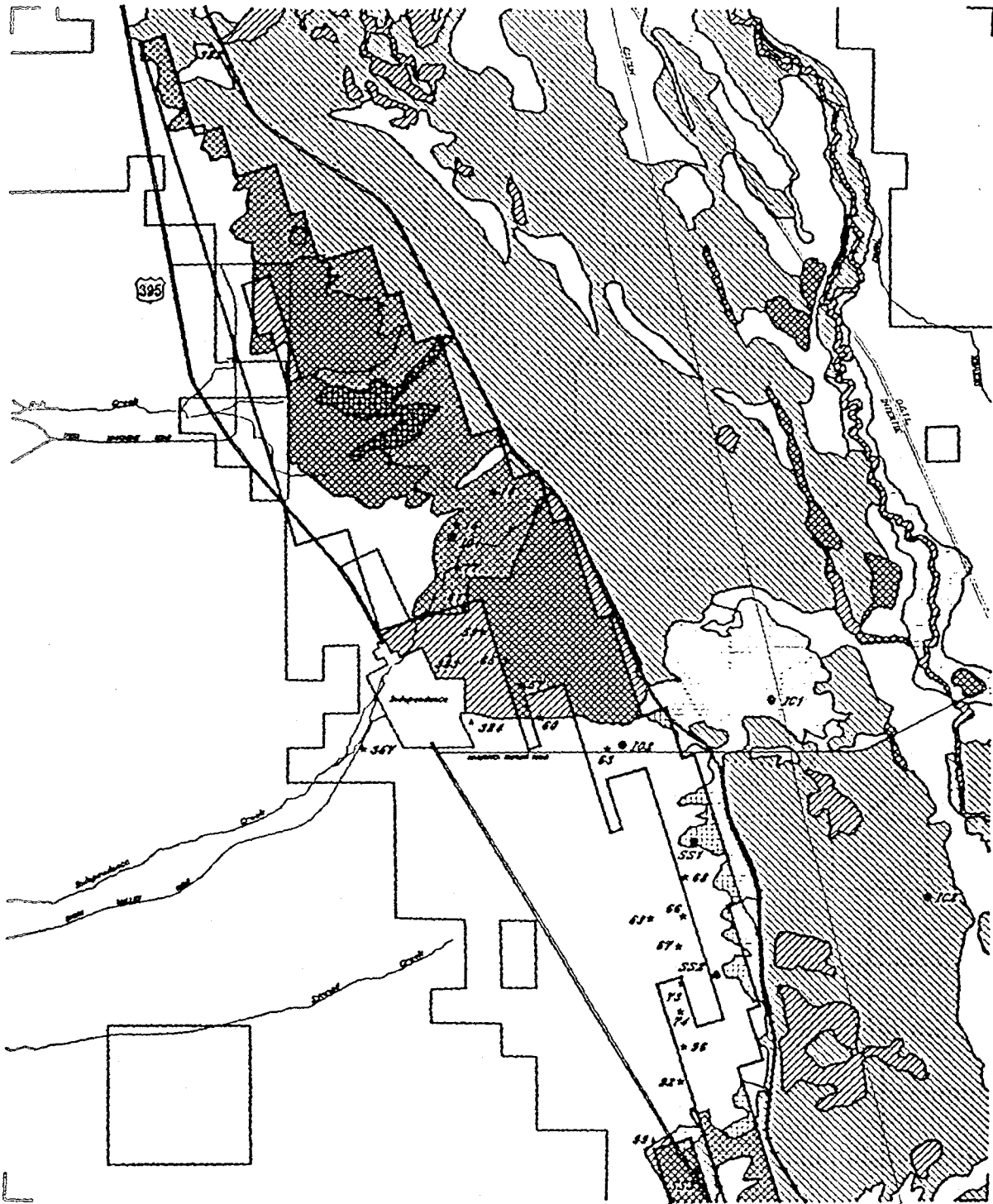
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACRES
TYPE A CLASSIFICATION	3953 Aa	9960 Aa	13913
TYPE B CLASSIFICATION	222 Aa	188 Aa	410
TYPE C CLASSIFICATION	229 Aa	492 Aa	621
TYPE D CLASSIFICATION	33 Aa	347 Aa	380
TYPE E CLASSIFICATION	299 Aa	645 Aa	944
TOTALS	6793 Aa	16912 Aa	23705

- PUMPING WELL
- P.M. PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BERRY
- LADWP PROPERTY LINE

BLACKROCK, CALIF.
(374-22)

**VEGETATION AND WELLFIELD
MANAGEMENT AREA**



Drawn by G. Smith
 Date Revision 11-1-58

LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACRES
TYPE A CLASSIFICATION	1400 AC.	9700 AC.	11100
TYPE B CLASSIFICATION	140 AC.	307 AC.	1007
TYPE C CLASSIFICATION	1100 AC.	10140 AC.	11220
TYPE D CLASSIFICATION	137 AC.	260 AC.	405
TYPE E CLASSIFICATION	1874 AC.	1322 AC.	3196
TOTALS	4230 AC.	25491 AC.	29700

INDEPENDENCE, CALIF.
 (375-38)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA

- * PUMPING WELL
- ★ PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BOUNDARY
- LUMP PROPERTY LINE



Drawn 7-57 & 7-58
 Civil Division 7-5-57

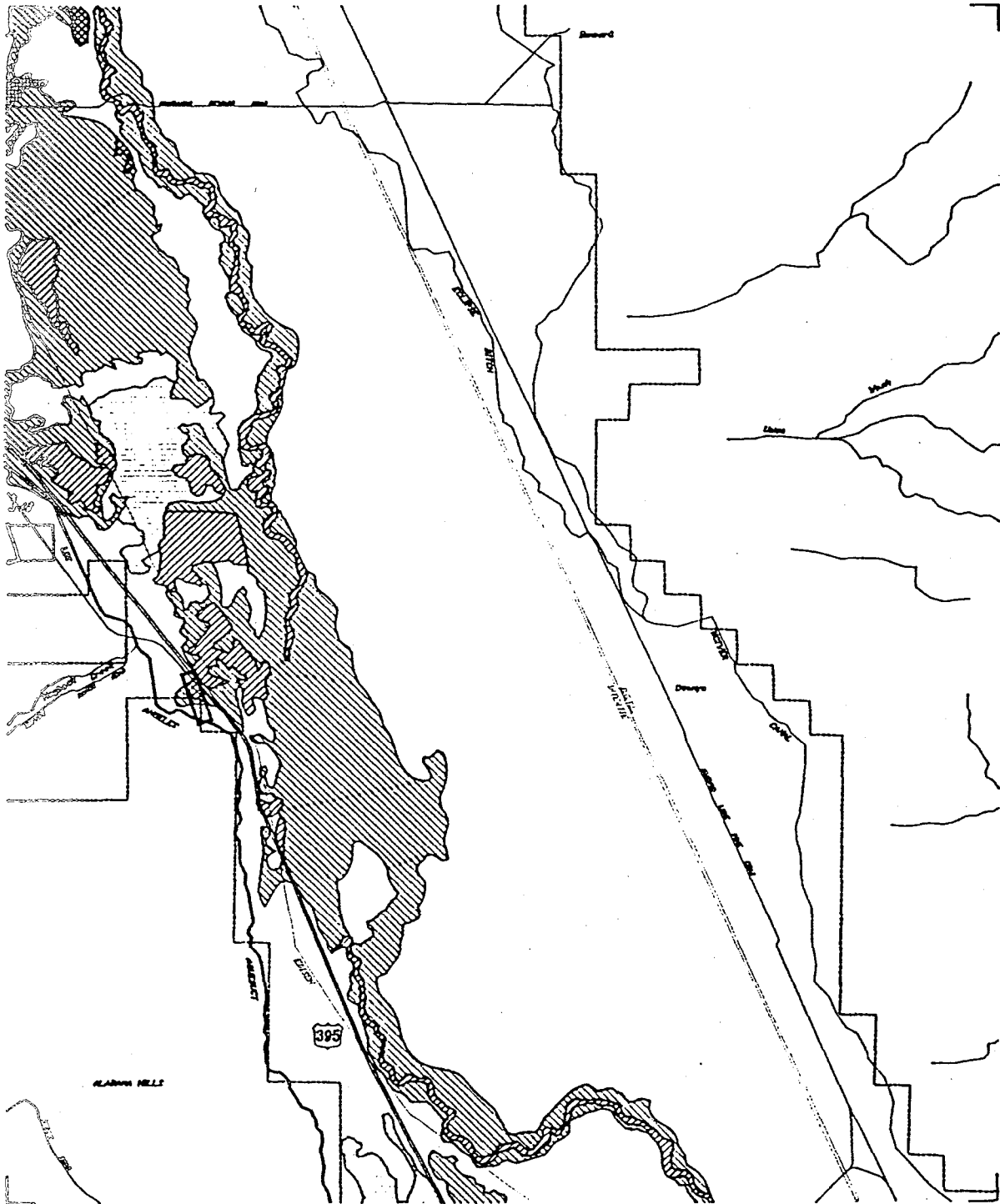
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	1638 A.	4864 A.	6502
TYPE B CLASSIFICATION	365 A.	817 A.	1182
TYPE C CLASSIFICATION	123 A.	1182 A.	1305
TYPE D CLASSIFICATION	248 A.	381 A.	629
TYPE E CLASSIFICATION	248 A.	140 A.	388
TOTALS	2823 A.	6984 A.	9807

- * PUMPING WELL
- ▲ R&M PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BARRI.
- LAND PROPERTY LINE

MANZANAR, CALIF.
 (261-22)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA



Scale 1" = 1000'
 Date 10-1-68

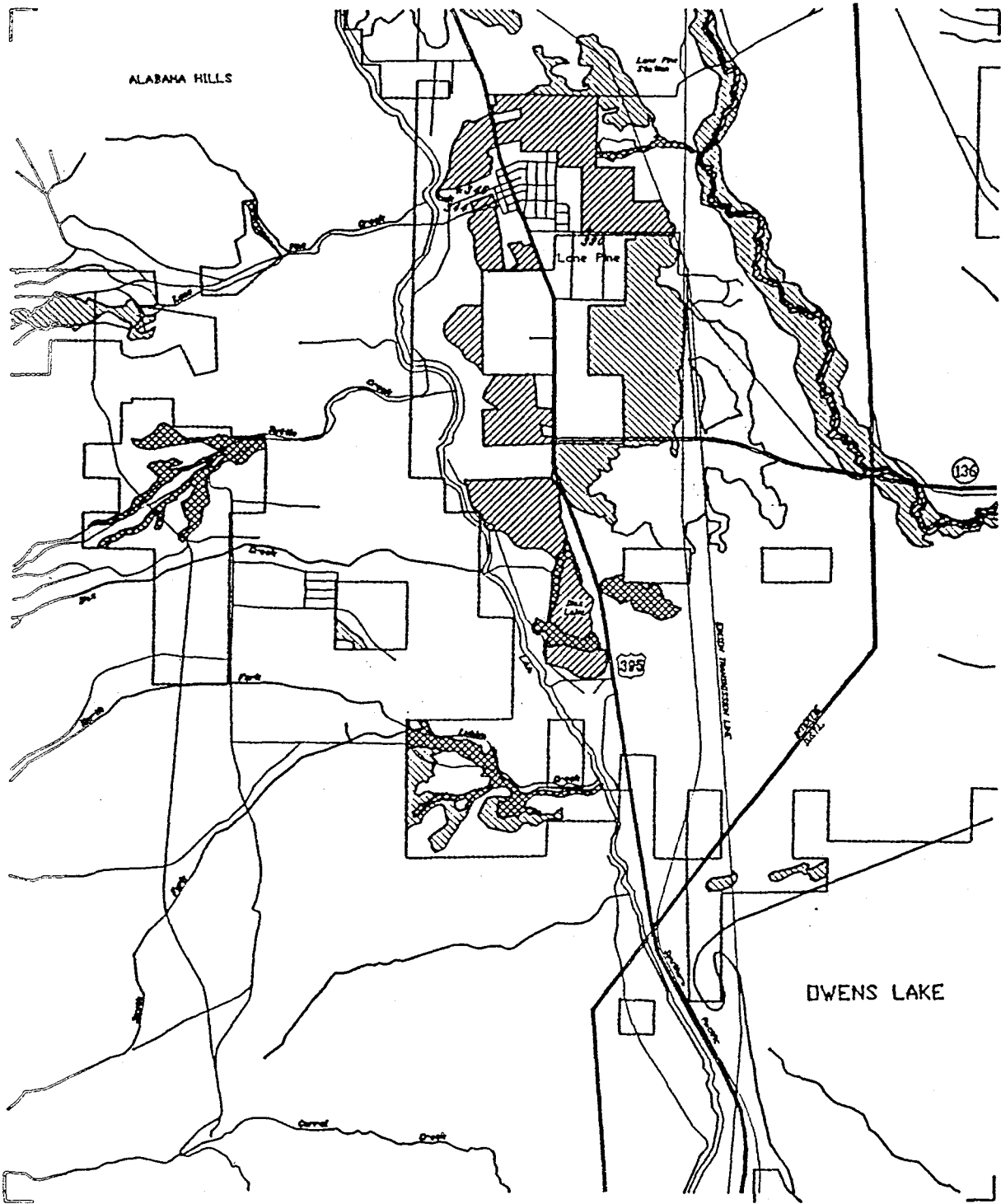
LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACREAGE
TYPE A CLASSIFICATION	14 Ac.	18176 Ac.	18190
TYPE B CLASSIFICATION	9 Ac.	694 Ac.	704
TYPE C CLASSIFICATION	9 Ac.	3062 Ac.	3071
TYPE D CLASSIFICATION		47 Ac.	47
TYPE E CLASSIFICATION		792 Ac.	792
TOTALS	23 Ac.	23569 Ac.	23593

- * PUMPING WELL
- ▲ BAK PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BOUNDARY
- LEFT PROPERTY LINE

UNION WASH, CALIF.
 (341-12)

VEGETATION AND WELLFIELD
 MANAGEMENT AREA



Scale 1:50,000

LEGEND

	WATER TABLE CHANGE GREATER THAN 10 FEET	WATER TABLE CHANGE LESS THAN 10 FEET	TOTAL ACRES
TYPE A CLASSIFICATION	[Pattern]	18718 Ac.	18718
TYPE B CLASSIFICATION	[Pattern]	713 Ac.	713
TYPE C CLASSIFICATION	[Pattern]	1638 Ac.	1638
TYPE D CLASSIFICATION	[Pattern]	442 Ac.	442
TYPE E CLASSIFICATION	[Pattern]	1137 Ac.	1137
TOTALS		19648 Ac.	19648

LONE PINE, CALIF.
(261-42)

**VEGETATION AND WELLFIELD
MANAGEMENT AREA**

- * PUMPING WELL
- ▲ RAIN PUMPING WELL
- VEGETATION MONITOR SITE
- WATER TABLE CHANGE BOUNDARY
- LUMP PROPERTY LINE

August 1, 1989

AGREEMENT BETWEEN THE COUNTY OF INYO
AND THE CITY OF LOS ANGELES AND ITS
DEPARTMENT OF WATER AND POWER ON A
LONG TERM GROUNDWATER MANAGEMENT
PLAN FOR THE OWENS VALLEY
AND INYO COUNTY

SUPPLEMENTAL INFORMATION

Technical Group:

The draft agreement provides that the Inyo/Los Angeles Technical Group will play an important role in making determinations called for in the agreement. The Technical Group is comprised of up to ten people, five of whom are appointed by the Inyo County Board of Supervisors and five of whom are appointed by the Department of Water and Power. Inyo County and the Department each have only one vote on the Technical Group.

Inyo County's representatives to the Technical Group currently are hydrologist, Bill Hutchison, plant ecologist, David Groeneveld, County Administrator, Brent Wallace, and County Counsel/Water Director, Greg James. The County's representatives to the Technical Group have been directed by the Board of Supervisors to take no final action on a matter pending before the Technical Group without first consulting with the Board. Written summaries of Technical Group meetings are distributed to the Standing Committee, the Board of Supervisors, the County Water Commission and the public. A copy of the Memorandum of Understanding between Inyo County and the Department of Water and Power which establishes the Technical Group and the Standing Committee is attached as "A."

Definitions:

Paragraph III(c) on page 5 of the draft agreement provides that the terms "mitigation" and "feasible" are to be defined as under "CEQA" as of July 1, 1989. The definitions of these terms as set forth in CEQA on July 1, 1989 are set forth on attachment "B."

Groundwater Mining:

Paragraph III (B) on page 4 of the draft agreement provides that annual groundwater pumping will be managed so that the total pumping in a well field area over a 20 year period does not

exceed the total recharge to the same well field area over the same period. It also provides that the Technical Group will determine the total recharge to each well field area over each 20 year period using information developed by USGS and other relevant information.

A memorandum from the Technical Group to the Standing Committee presenting a summary of recharge and pumping for water years 1968-69 through 1987-88 is attached as "C." This memorandum presents a sample of how recharge and pumping may be determined by the Technical Group as required by the draft agreement.

Green Book:

Paragraph III (E) on page 6 of the draft agreement describes a technical document called the "Green Book." The "Green Book" is not a policy document. All policies of the agreement are set forth in the draft agreement; the "Green Book" only describes the technical procedures that implement the policies of the agreement.

The "Green Book" is not fully compiled in written form at present, but it will be available before the release of a draft EIR on the agreement. Because the Green Book is not now available, the Technical Group has prepared a memorandum to the Standing Committee that describes the contents of the "Green Book" and details of how soil moisture available to plants is calculated. This soil moisture calculation is used to determine whether wells are to be turned off or turned on. A copy of the memorandum is attached as "D."

"Bishop Cone":

Paragraph VII on page 23 of the draft agreement addresses groundwater pumping on the "Bishop Cone." In response to inquiries as to the boundaries of the "Bishop Cone," a map of the "Cone" is attached as "E."

CEQA GUIDELINES DEFINITIONS
(July 1, 1989)

Mitigation:

"Mitigation" includes:

A. Avoiding the impact altogether by not taking a certain action or parts of an action.

B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

C. Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.

D. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.

E. Compensating for the impact by replacing or providing substitute resources or environments.

(Guidelines for Implementation of the California Environmental Quality Act - Section 15370)

Feasible:

"Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors.

(California Environmental Quality Act - California Public Resource Code section 21061.1)

Exhibit "B"

MEMORANDUM OF UNDERSTANDING

In consideration of the terms, covenants and conditions set forth herein, the COUNTY OF INYO, a political subdivision of the State of California (hereinafter "COUNTY") and the CITY OF LOS ANGELES DEPARTMENT OF WATER AND POWER (hereinafter "DEPARTMENT") agree this 7th day of September, 1982, as follows:

1. By this Agreement, the parties intend to work together to identify and recommend methods to meet the needs of the Owens Valley and its water users and the needs of the City of Los Angeles and its water users. COUNTY and the DEPARTMENT desire a Groundwater Study of the Owens Valley to be made by the UNITED STATES GEOLOGICAL SURVEY.

2. Standing Committee and Technical Group. Each party shall select representatives to serve on the Standing Committee. The Standing Committee shall select representatives to serve on a technical group.

The DEPARTMENT representatives on the Standing Committee shall include at least one (1) member of the LOS ANGELES CITY COUNCIL, two (2) members of the BOARD OF WATER AND POWER COMMISSIONERS, and three (3) staff members. The COUNTY representatives on the Standing Committee shall be at least one (1) member of the INYO COUNTY BOARD OF SUPERVISORS, two (2) INYO COUNTY WATER COMMISSIONERS, and three (3) staff members. The Standing Committee shall meet at least every two (2) months to review and discuss reports and

recommendations from the Technical group; to discuss and suggest resolutions to differences between the parties; to issue reports; and to make recommendations to the appropriate governing bodies of the parties.

3. The Technical Group shall be comprised of not more than five (5) representatives selected by COUNTY and five (5) by DEPARTMENT. The Technical Group shall meet at least every two (2) months to exchange information and data, including forecasts of runoff and surface and groundwater operations; to review work and data as available from other studies; to report to the Standing Committee on the progress of any other studies; to recommend to the Standing Committee that additional studies be conducted which are aimed at resolving factual differences between the parties; and to perform any additional duties requested by the Standing Committee.

4. Neither the Technical Committee nor the Standing Committee shall make a recommendation as called for herein without first obtaining a majority vote of both the DEPARTMENT'S representatives and the COUNTY'S representatives to such Committee. In the event that such majority votes cannot be obtained on the Technical Committee, the Technical Committee shall submit a comprehensive report to the Standing Committee detailing the nature of the disagreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day first written above.

INYO COUNTY WATER COMMISSION

By Linda O'Connell
Chairman

COUNTY OF INYO

BOARD OF SUPERVISORS

By Wilma B. Muth
Chairman

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES

by

BOARD OF WATER AND POWER
COMMISSIONERS OF THE CITY OF
LOS ANGELES

By James Mulcahy
General Manager of Water and Power

And Janet Sanders
Secretary

AUTHORIZED BY RES. 311-12

MEMORANDUM

TO: STANDING COMMITTEE

FROM: TECHNICAL GROUP

DATE: AUGUST 1, 1989

RE: ANALYSIS OF OWENS VALLEY GROUNDWATER RECHARGE AND PUMPING -- 1968-69 THROUGH 1987-88 WATER YEARS (OCTOBER 1 - SEPTEMBER 30)

The August 1, 1989 version of the proposed long-term agreement contains a definition for groundwater mining that relies on a comparison of pumping and the estimated recharge over a twenty year period. The definition states that annual pumping will be managed so that the total pumping from any well field area over a twenty year period does not exceed the estimated recharge to the same well field area over the same twenty year period. In order to advise the Standing Committee on the recent pumping and recharge history of the various well field areas in the Owens Valley, this memorandum presents a summary of recharge and pumping for the water years 1968-69 through 1987-88. These years were included in the period considered by the United States Geological Survey (USGS) during their modeling and study of the Owens Valley groundwater flow system.

The USGS estimate for recharge for the entire Owens Valley for the period is over 3.8 million acre-feet (approximately 191,000 acre-feet/year). The total recharge has been distributed into hydrologic subzones, or well field areas, for the purposes of comparing recharge and pumping. The number of hydrologic subzones, or well field areas, is a subject of technical disagreement between Los Angeles and Inyo. Los Angeles subdivides the Valley into six zones (Laws, Bishop, Big Pine, Taboose-Thibaut, Independence-Symmes-Bairs, and Lone Pine. Inyo subdivides the Valley into seven zones, differing only in the separation of the Taboose-Thibaut area into two areas, Taboose-Aberdeen and Thibaut-Sawmill. There is also disagreement on the flow of recharge from Oak Creek; Los Angeles believes that Oak Creek recharges the Independence-Symmes-Bairs (ISB) well field area, while Inyo believes that 50 percent of Oak Creek recharges the ISB area and 50 percent recharges the Thibaut-Sawmill area. These disagreements do not affect the conclusion of this analysis and should be resolved in the future through a detailed evaluation of the groundwater flow system of the area in question.

Summary tables for the northern three well field areas (Laws, Bishop, and Big Pine), and the Lone Pine area are attached along with two versions of the Taboose-Aberdeen, Thibaut-Sawmill, and Independence-Symmes-Bairs well fields areas. These tables show both total estimated annual recharge and annual pumping for the twenty year period.

The summary tables indicate that under either the Los Angeles or Inyo approach, pumping has not exceeded recharge over the twenty year period in any area. Therefore, groundwater mining has not occurred under the agreed upon definition. Recent drought conditions (high pumping and low runoff) have caused groundwater levels to decline in all areas of the valley. Based on an analysis of past pumping, runoff and water levels, it is expected that water levels will recover after one or more years of high runoff and low pumping, except in the Fish Springs and Black Rock hatchery areas where continuous pumping of groundwater is required and has created localized depressions of water levels.

It should be recognized that the recharge estimates and subzone delineations were developed for the 1968-69 to 1987-88 period. As pumping amounts and patterns change, the amount of recharge and the distribution of hydrologic subzones may change. It will be necessary to analyze total recharge, recharge components, water level changes, and groundwater flow patterns in the future to determine recharge conditions for any future twenty year period in order to comply with the requirement that groundwater mining not occur.

SUMMARY OF 1968-69 TO 1987-88 ESTIMATED RECHARGE AND HISTORICAL PUMPING
 AGREED UPON BY LOS ANGELES AND INYO - ALL VALUES IN ACRE FEET

YEAR (OCT-SEP)	LAWS		BISHOP		BIG PINE		LONE PINE	
	RECHARGE	PUMPING	RECHARGE	PUMPING	RECHARGE	PUMPING	RECHARGE	PUMPING
68-69	38282	0	73212	0	56899	534	24695	1260
69-70	10671	2616	42589	0	27968	2219	13705	2154
70-71	10307	21020	37128	0	22770	26715	11410	2014
71-72	10125	28541	34956	2363	20443	41621	10298	2357
72-73	10797	22510	43444	7593	28291	21493	14486	2364
73-74	10060	8528	44547	1516	28934	13009	14555	2350
74-75	13440	8982	39921	2415	24540	32314	12396	1958
75-76	10035	15138	34365	4867	19386	28566	9740	2167
76-77	9871	15661	33275	11281	17402	29603	8716	2103
77-78	23109	7773	53628	2758	40701	34355	17650	2685
78-79	12672	6533	43754	5420	30831	25796	13610	2038
79-80	24903	12511	55732	2364	41866	26614	18600	1762
80-81	12461	12338	41543	6919	26287	27211	12587	1673
81-82	23619	14525	54900	6271	39513	24302	18690	1306
82-83	33780	1038	70015	11	54567	25543	23928	1250
83-84	11760	6854	54462	3773	34321	27154	17457	1772
84-85	10913	10016	43998	9777	26655	26937	13616	2197
85-86	31218	9953	60341	1809	47990	25054	20541	2439
86-87	12405	21220	38440	9558	22817	38946	11775	1660
87-88	12537	22486	36703	10900	20430	33667	10896	1389
TOTAL	342965	248243	936953	89595	632811	511653	299351	38898
AVERAGE	17148	12412	46848	4480	31640	25583	14968	1945

**SUMMARY OF 1968-69 TO 1987-88 ESTIMATED RECHARGE AND HISTORICAL PUMPING
LOS ANGELES VERSION - ALL VALUES IN ACRE-FEET**

YEAR (OCT-SEP)	TABOOSE-TRIBAUT		IND-SYK-BAIRS	
	RECHARGE	PUMPING	RECHARGE	PUMPING
68-69	56757	3501	83425	662
69-70	28899	2546	43602	2929
70-71	23903	21482	35304	23852
71-72	21404	48158	31186	39814
72-73	30650	19503	46194	31896
73-74	30900	28239	46938	18678
74-75	26151	40240	38998	16299
75-76	20153	53114	29122	29641
76-77	17905	44712	25430	23190
77-78	38863	33383	57921	23572
78-79	28651	15030	43181	3782
79-80	41747	28047	61243	14297
80-81	26401	21354	39822	4702
81-82	40751	26429	61736	8054
82-83	55008	14433	80496	318
83-84	40498	13691	57130	367
84-85	28651	27460	43210	8788
85-86	47264	27325	67894	7842
86-87	23651	53314	35398	32542
87-88	21154	55195	31648	40348
TOTAL	649361	597156	989578	331273
AVERAGE	32468	29858	47979	16564

INYO VERSION - ALL VALUES IN ACRE FEET

YEAR (OCT-SEP)	TABOOSE-ABERDEEN		TRIBAUT-SAWHILL		IND-SYK-BAIRS	
	RECHARGE	PUMPING	RECHARGE	PUMPING	RECHARGE	PUMPING
68-69	41651	3460	25784	41	72748	662
69-70	21572	2207	12702	339	38228	2929
70-71	17433	19304	10751	2178	31033	23852
71-72	15364	44241	9775	3917	27452	39814
72-73	23022	28742	13385	10761	40437	31596
73-74	23230	14240	13482	13999	41126	18678
74-75	19295	27821	11629	12419	34225	16299
75-76	14327	40383	9287	12731	25661	29641
76-77	12465	30084	8409	14628	22461	23190
77-78	28818	19511	17333	13872	50633	23572
78-79	21367	6174	12604	8856	37861	3782
79-80	30472	16010	19000	12037	53518	14297
80-81	19503	10624	11726	10730	34695	4702
81-82	30681	15410	17850	11019	53956	8054
82-83	40202	3829	25101	10604	70202	318
83-84	28404	3183	19273	10508	49952	367
84-85	21367	15063	12604	12397	37890	8788
85-86	33787	14643	22077	12682	59294	7842
86-87	17226	34862	10652	18452	31172	32542
87-88	15156	37450	9678	17745	27969	40348
TOTAL	475342	387341	293102	209918	840563	331273
AVERAGE	23767	19362	14655	10496	42025	16564

MEMORANDUM August 1, 1989

TO: Standing Committee
FROM: Technical Group

RE: SUMMARY OF KEY GREEN BOOK PROVISIONS

The "Green Book" is a technical document written to describe the monitoring sites, activities and interpretations. The sole purpose for the Green Book is to set forth the techniques to implement the management goals specified in the Inyo County and City of Los Angeles Agreement.

The Green Book is an adjunct document separate from the Inyo/Los Angeles Agreement. The terms in the Agreement are mutually agreed to and should not change. The Green Book, however, is based upon scientific research. Its contents and procedures may be changed as better understanding for environmental management is gained through further study. Maintaining the Green Book as a separate document from the Agreement ensures flexibility to incorporate new information.

The Green Book consists of two major sections dealing with hydrology and issues for vegetation management. In combination, these sections will set forth:

- o Selection of monitoring sites and technique for tying pumping wells to monitoring sites.
- o Procedure for testing and evaluating new well locations.
- o Testing whether groundwater mining is occurring.
- o Vegetation mapping techniques and incorporation of the existing vegetation inventory for management.
- o Monitoring leaf area and soil water, interpreting the data and projecting plant water balance.
- o Large scale vegetation monitoring by air photographs and satellite data.

CALCULATION OF THE SOIL WATER AVAILABLE TO PLANTS

One extremely important consideration of the Green Book is for turning off pumping wells when insufficient soil water is predicted through monitoring to maintain the vegetation at its present cover. This calculation determines the water available for plant use at each site and projects whether sufficient water will be available in the soil to maintain the vegetation through one or more growing seasons. The water available to plants is compared to transpiration needs for a growing season or portion of a growing season. If a deficit condition is predicted at a monitoring site, the pumping wells that affect the groundwater levels at that site are turned off.

Monitoring sites have been chosen in the Owens Valley wellfields that are representative of large areas of vegetation and soils. Control sites, located in zones that are unaffected by groundwater pumping are used to determine the response of

native vegetation to drought conditions alone. At these sites, the shallow water table fluctuates due to natural conditions and not to groundwater pumping.

The amount of soil water use by plants from transpiration is calculated for each species according to leaf area using set curves with respect to time. These curves were determined during 5 years of intensive field study in the Owens Valley. The projected water use for each species is then summed to yield an estimate of the water required by the total vegetation cover.

Vegetation cover is determined by highly accurate transects which are measured at each monitoring site. For comparison of leaf area or cover among growing years and for purposes of calculating water requirements, the vegetation is subjected to these transects during a three week period centered around the summer solstice (June 21).

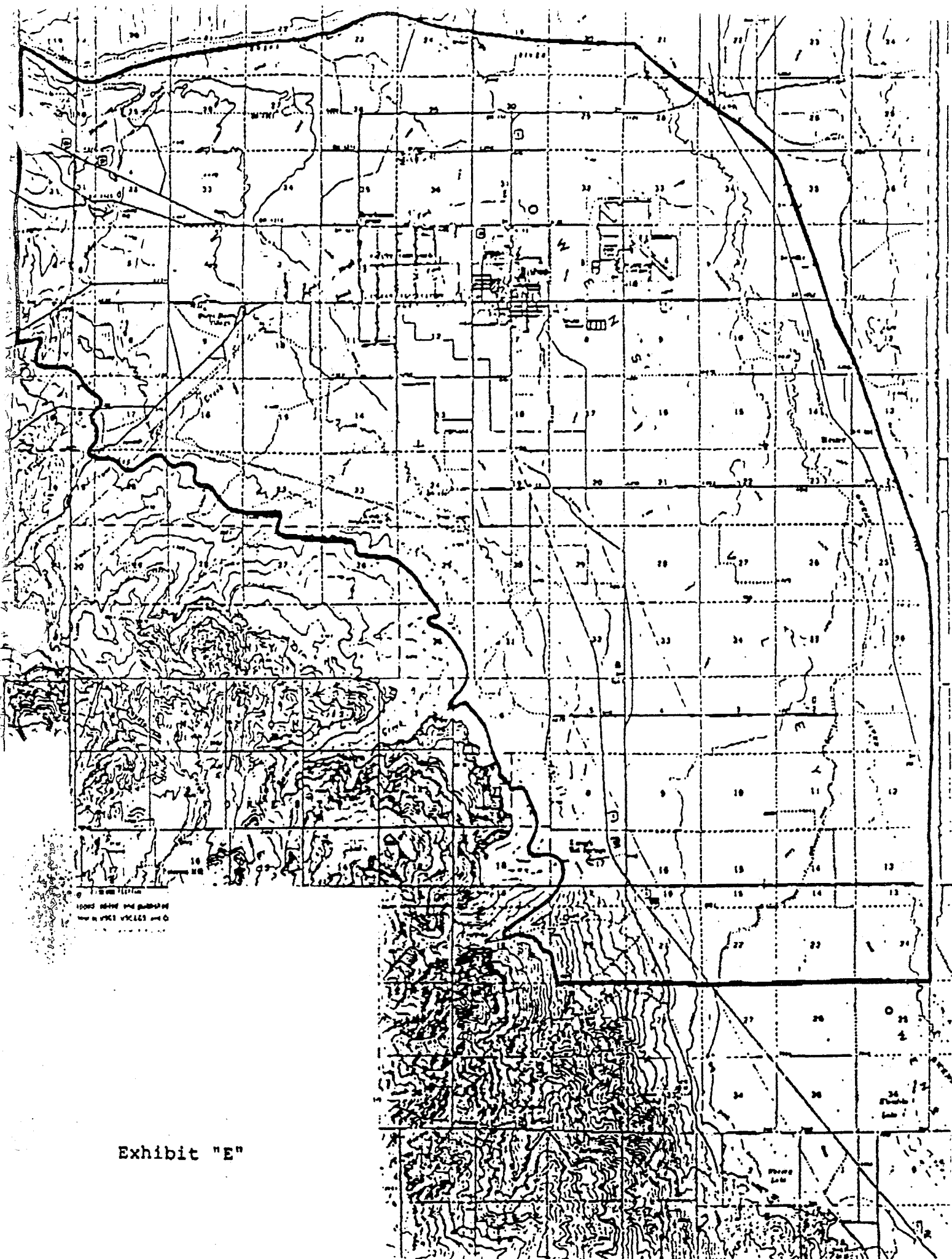
Soil water monitoring at each site relies upon psychrometers which are very sensitive and accurate instruments used to evaluate soil water potential. The sensors are implanted in triplicate within the root zone of the vegetation at the center of one meter soil slices to a depth of four meters.

Soil water potential, measured by psychrometers, is converted to soil water content using a soil water characteristic function based upon soil particle surface area and interpreted by the quadratic formula. The soil water that is available to each of the major plant species inhabiting the Owens Valley floor is then calculated by subtraction of the theoretical limiting soil water from the actual soil water present within each one-meter soil slice in the root zone.

The limiting soil water content is calculated for each one-meter soil slice by the calibrated characteristic function with reference to the lower limiting water potentials for the major plant species interpreted as a function of depth. The lower limits of survival for water stress were determined in specially designed greenhouse studies. Functions for applying the lower water potential limits by depth were determined under field study at sites with controlled water table drawdown. These functions reflect the decreasing density of roots with depth.

Total available soil water is calculated as the sum for each one-meter slice of soil. The available water in the top two one-meter slices are added to calculate the amount of water for grasses. For shrubs, the top four one-meter slices are added.

Finally, the total available water is then compared to the estimated needs of the vegetation. If there is a projected deficit, the affecting well must be turned off. If the well has been shut off in the past to protect the vegetation but a sufficient surplus of soil water has become available to meet plant water requirements back when the deficit was predicted, the well may again be operated safely.



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Exhibit "E"