

ATTACHMENT 1

June Lake Public Utility District Attachment to Petitions for Change in Terms or Conditions

License 2039 (A005425)	Permit 7350 (A011892)
License 4358 (A009432)	Permit 7352 (A012060)
License 10837 (A017120)	Permit 18199 (A026192)
License 10838 (A020349)	Permit 21185 (A028609)

This Petition seeks to change a bypass condition contained in each of the referenced Licenses and Permits held by June Lake Public Utility District (JLPUD). The original bypass amount was agreed to by JLPUD as an accommodation for dismissal of a protest related to fish and wildlife in Rush Creek and Mono Lake. However, this requirement was not based on specific identified needs for these resources, and is not required to protect them. If the condition remains unchanged, in many dry years JLPUD will be precluded from diverting water from its Fern Creek diversion which provides the potable water to municipal customers within the Down-Canyon service area.

Background

Water Rights

June Lake Public Utility District (JLPUD) holds the referenced four Licenses and four Permits for the year around direct diversion of water from Fern Creek and an Unnamed Spring. **Table 1** (attached) provides information on the priority date, source, and diversion rate, season of diversion and maximum annual use for each of these water rights. The Licenses and Permits provide for direct diversion at a combined rate of up to about 0.63 cubic feet per second (about 280 gallons per minute) for a cumulative total diversion of 297.1 acre-feet annually to serve the Down-Canyon service area of JLPUD.

Each of the referenced Licenses and Permits contain a term requiring a minimum flow bypass of 200 gallons per minute at the diversion facility on Fern Creek for instream uses. Specifically the term states:

“The June Lake Public Utilities District (District) shall maintain a permanent piped bypass around the Fern Creek source sized such that a minimum of 200 gallons per minute will always flow by the diversion regardless of water use by the District, and configured such that it cannot be restricted or plugged.”

This term was first included in the JLPUD Licenses and Permits in 1998 pursuant to an accommodation for dismissal of a protest filed by California Sportfishing Protection Alliance

(CSPA). The protest expressed concerns regarding the adequacy of water “to protect the ecosystems of *Rush Creek* and *Mono Lake*, including the environment of *Reversed Creek*”. There is no indication in the State Water Board files that demonstrates how the 200 gallons per minute (gpm) bypass amount was determined, or precisely what resources it was intended to protect.

Bypass Facility

Fern Creek is tributary to Reversed Creek thence Rush Creek thence Mono Lake (see **Plate 1**). The watershed area at the Fern Creek Diversion facility is approximately 1,312 acres. Since September 2004, JLPUD has operated a Cipolletti weir and stage recorder at its Fern Creek diversion facility capable of measuring bypass flows up to about 0.75 MGD (about 520 gallons per minute). JLPUD staff has recorded staff gage and totalizer readings on an approximately weekly basis since September 2004, subject to access conditions. Bypass flows at the Fern Creek Diversion facility are shown on **Table 2**. Historically, the source steadily declines from August through October in years following lower than normal precipitation and snowfall. There is concern that in lower than normal precipitation years JLPUD will not be able to meet its bypass requirements.

Current Operations

Current use in the Down-Canyon service area averages about 45.61 mg (about 140 acre-feet) per year. The Clark Treatment Plant treats water from Fern Creek to serve approximately 350 Down-Canyon municipal customers during the peak season summer months.

Actions by JLPUD to Reduce Dependence on Fern Creek

In order to be a good steward of its resources, JLPUD has taken actions to reduce water usage by its customers. JLPUD’s Ordinance No. 2008-01 (attached as **Exhibit 1**) sets forth the District’s water conservation program. Also attached as Exhibit 2 is the August 5, 2013 notification of Stage 2 watering restrictions issued by Richard Ciauri, JLPUD General Manager in response to the continuing dry conditions.

Also, in order to reduce its dependence on Fern Creek, the primary source of water for the Clark Treatment Plant and thus the Down-Canyon service area, JLPUD has requested approval from Mono County for the installation of a new groundwater well that could be used as an additional source for the Clark Treatment Plant. The U.S. Forest Service (USFS) issued JLPUD a special use permit for the Test Well on December 9, 2013. The District will now need to submit an application to the USFS to turn the test well into a production well, which will require that the District conduct pump tests and complete a comprehensive groundwater study. Until that study and the pump test results are completed, the District cannot know whether the well will yield water of sufficient quantity and quality to allow it to be used to supplement its Fern Creek source, or even whether it will even be approved by USFS.

Justification for Requested Change

At the request of JLPUD, on September 12, 2013, Heidi Sickler, senior Environmental Scientist of the California Department of Fish and Wildlife made a site visit with Richard Ciauri to Fern Creek, including the Fern Creek Diversion facility. JLPUD was bypassing about 111 gallons per minute over its diversion facility (see **Table 2**) during the September 12th site visit. As documented in Ms. Sickler's October 17, 2013 email to Mr. Ciauri (attached as **Exhibit 2**), she observed the lack of hydraulic continuity in Fern Creek between the diversion point and the confluence with Reversed Creek. The water being bypassed disappeared into the ground some 250 feet downstream of the diversion facility.

Ms. Sickler's email states that she consulted with fisheries and wildlife biologists on her staff, and determined that brook trout are present in Fern Lake located upstream of the JLPUD diversion point and therefore may be present in Fern Creek. However, she felt that the effect of the summertime low flows in Fern Creek on brook trout would not be significant. Further, her staff concluded that wildlife, including deer, may utilize Fern Creek as a drinking water source, but that they are well adapted to the seasonal dry conditions in the area and are able to use several other nearby water sources when flows in Fern Creek diminish and naturally go underground.

As discussed herein, the subject bypass term originated from the protest filed by CSPA, which stated that the proposed water diversion could adversely impact fishery resources in Rush Creek and the ecosystem of Mono Lake. The watershed area tributary to Rush Creek is over 25 times the tributary area to the diversion on Fern Creek. It would seem unlikely that the proposed reduction in the bypass amount (a fraction of Fern Creek flows) would have any measurable effect on fishery resources in Rush Creek and the ecosystem of Mono Lake. This conclusion was also reached by State Water Board staff in its April 10, 1992 response to CSPA (see **Exhibit 3**). The CSPA protest also expressed concern about the ecosystem of Reversed Creek, but during an October 4, 2013 phone conversation with JLPUD, Heidi Sickler concluded that a reduction in bypass flows in Fern Creek would not adversely affect the fishery or amphibian resources of Reversed Creek.

In her October 17th email, Ms. Sickler recommended that JLPUD maintain a bypass that will ensure some continuous flow of water over the diversion facility even in low water years. JLPUD proposes that its minimum bypass amount be reduced to 25 gallons per minute, an amount exceeding the guidance provided by California Fish and Game Code Section 6021-6022 which states:

6021. The department shall examine new or existing conduits, and may install, maintain, repair, and replace fish screens, bypasses, or other devices to prevent the passage of fish through a conduit, when in the opinion of the department such a screen or device is practical and necessary. The owner of a conduit shall grant to the department the right of access to the conduit for the installation and maintenance of the screen, and shall provide the department with an easement for a site for the installation of the screen or device deemed suitable by the department. The owner shall also supply sufficient water for a bypass to

carry fish stopped by the screen or device back to the channel from which they were diverted, and an easement for the bypass channel, but such easement shall not require the acquisition or leasing of additional lands by the owner. No water for a bypass shall be required if the channel from which the water is diverted is dry or incapable of supporting fish life below the point of diversion.

6022. Sufficient water for a bypass shall be not to exceed the following:

(a) Diversions under three cubic feet per second capacity shall not be required to bypass more than 18 gallons per minute.

(b) Diversions of three cubic feet per second or more, but under 10 cubic feet per second, shall not be required to bypass more than 30 gallons per minute.

(c) Diversions of 10 cubic feet per second or more, but under 20 cubic feet per second, shall not be required to bypass more than 40 gallons per minute.

(d) Diversions of 20 cubic feet per second or over shall not be required to bypass more than one-half of 1 percent of the capacity of the diversion.

(e) Diversions built by the Government of the United States and requiring bypasses longer than one-quarter mile shall bypass such amount of water as is necessary to return fish to the permanent channel satisfactorily.

No Injury to Lawful User of Water

No downstream diverters of record would be injured by this requested change. As shown on **Plate 1**, U.S. Inyo National Forest holds a Statement of Water Diversion and Use on Reversed Creek and one on Rush Creek at Grant Lake. Diversion under the two Statements (S010214 and S010215) total less than 1,200 gallons per day. The Los Angeles Department of Water and Power holds License 10191 (A08042) and Statement 1666 for diversions from Rush Creek at Grant Lake (see Plate 1). The watershed area of Rush Creek above Grant Lake is 32,871 acres, some 25 times that of the watershed of Fern Creek. It is reasonable to assume that a reduction in the bypass amount would not significantly affect any downstream lawful users of water.

The proposed change is in the public interest, because absent this change, during below normal years JLPUD would be precluded from diverting sufficient water under its water right Licenses and Permits to provide treated municipal water to the residents of the Down-Canyon service area. Lack of a continuing supply of potable water would be a threat to public health and safety.

Environmental Review

Based on a review of the CEQA Guidelines, JLPUD believes that the action to reduce the bypass flows on its Fern Creek water rights would be subject to CEQA compliance, but that it would qualify for a categorical exemption under Class I: The operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities,

mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination;

- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs, and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources.

Table 1
June Lake Public Utility District
Water Rights Within
Down-Canyon Water Service Area

Application #	Permit / License	Priority Date	Name	Source	Direct Diversion Rate	Diversion Season	No. of Days for Diversion	Total Direct Diversion Amount (acre-feet)	Purpose
A005425	L002039	4/22/2027	June Lake PUD	Unnamed Sp. trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	3000 gpd	1/1 - 12/31	365	3.4 ²	Dom, Muni
A009432	L004358	10/4/1938	June Lake PUD	Unnamed Sp. trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	16,000 gpd	1/1 - 12/31	365	17.9 ^{2,3}	Dom, Muni
A011892	P007350	5/23/1947	June Lake PUD Expired 12-1-05⁴	Fern Cr. Trib to Reversed Cr. Unnamed St. trib to Reversed Cr. Two Unnamed Sp. trib to Reversed Cr.	62,000 gpd	1/1 - 12/31	365	40 ^{2,5}	Dom
A012060	P007352	8/28/1948	June Lake PUD Expired 12-1-10⁶	Unnamed St. trib to Reversed Cr. Unnamed Sp. Trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	0.13 cfs	1/1 - 12/31	365	55 ^{2,7}	Dom
A017120	L010837	6/8/1956	June Lake PUD	Unnamed Sp. trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	13,000 gpd	1/1 - 12/31	365	4.2 ²	Dom
A020349	L010838	8/14/1961	June Lake PUD	Unnamed Sp. trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	15,000 gpd	1/1 - 12/31	365	4.9 ²	Dom

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Water Rights Within
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Application #	Permit / License	Priority Date	Name	Source	Direct Diversion Rate	Diversion Season	No. of Days for Diversion	Total Direct Diversion Amount (acre-feet)	Purpose
A026192	P018199	1/31/1980	June Lake PUD Expired 12-31-08 ⁶	Unnamed Sp. trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	0.03 cfs	1/1 - 12/31	365	21.7 ²	Dom, Muni
A028609	P021185	10/31/1985	June Lake PUD Expires 12/31/16	Unnamed Sp. trib to Reversed Cr. Fern Cr. trib to Reversed Cr.	0.3 cfs	1/1 - 12/31	365	150 ²	Muni
								297.1 af ²	

⁽¹⁾ Information obtained from State Water Resources Control Board files for referenced rights.

⁽²⁾ The average water use from January 1 - December 31 under Applications 5425, 9432, 11892, 12060, 17120, 20349, 26192 and 28609 cannot exceed 65 gpd/capita based on current Agreement with Los Angeles Department of Water and Power.

⁽³⁾ The maximum diverted under License 4358 (A009432) shall not exceed 17.9 acre-feet per year.

⁽⁴⁾ Pending License issuance.

⁽⁵⁾ The total annual diversion and use allowed under Permit 7350 (A011892) is limited to 40 acre-feet.

⁽⁶⁾ A License has been requested.

⁽⁷⁾ The total annual diversion and use allowed under Permit 7352 (A012060) is limited to 55 acre-feet.

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
12/17/2003	0.16	111.1
12/23/2003	0.14	97.2
12/31/2003	0.16	111.1
1/7/2004	0.24	166.7
1/14/2004	0.12	83.3
1/21/2004	0.1	69.4
1/28/2004	0.1	69.4
2/4/2004	0.12	83.3
2/11/2004	0.1	69.4
2/18/2004	0.28	194.4
2/25/2004	0.2	138.9
3/3/2004	0.2	138.9
3/10/2004	0.2	138.9
3/17/2004	0.27	187.5
3/24/2004	0.6	416.7
3/31/2004	0.6	416.7
4/7/2004	0.68	472.2
4/14/2004	0.72	500.0
4/21/2004	0.59	409.7
4/28/2004	1.3	902.8
5/5/2004	1.15	798.6
5/12/2004	1.43	993.1
5/19/2004	0.86	597.2
5/30/2004	1.2	833.3
6/2/2004	1.4	972.2
6/9/2004	0.2	138.9
6/15/2004	0.34	236.1
6/24/2004	0.7	486.1
6/27/2004	0.2	138.9
7/7/2004	1.28	888.9
7/14/2004	1.2	833.3
7/21/2004	1.2	833.3
7/27/2004	0.46	319.4
8/4/2004	0.24	166.7
8/11/2004	0.25	173.6
8/25/2004	1	694.4
9/8/2004	1	694.4
9/15/2004	1.1	763.9
9/22/2004	1.1	763.9
10/3/2004	1	694.4

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
10/6/2004	1.2	833.3
10/14/2004	0.9	625.0
10/20/2004	0.44	305.6
10/27/2004	0.46	319.4
11/1/2004	0.4	277.8
11/9/2004	0.51	354.2
2/9/2005	0.34	236.1
2/17/2005	0.36	250.0
3/20/2005	0.32	222.2
3/24/2005	0.34	236.1
4/2/2005	0.20	138.9
4/13/2005	0.30	208.3
4/20/2005	0.40	277.8
4/22/2005	0.80	555.6
5/4/2005	1.10	763.9
5/11/2005	0.18	125.0
5/19/2005	1.20	833.3
5/29/2005	1.40	972.2
6/1/2005	1.40	972.2
6/13/2005	1.30	902.8
6/15/2005	1.40	972.2
6/18/2005	1.40	972.2
6/22/2005	1.30	902.8
6/25/2005	1.40	972.2
6/29/2005	1.27	881.9
7/6/2005	1.40	972.2
7/13/2005	1.24	861.1
7/20/2005	0.46	319.4
7/27/2005	0.29	197.9
8/3/2005	0.24	166.7
8/10/2005	0.55	381.9
8/17/2005	0.40	277.8
8/24/2005	1.00	694.4
8/31/2005	0.80	555.6
9/6/2005	0.72	500.0
9/14/2005	0.50	347.2
9/16/2005	0.70	486.1
9/19/2005	0.65	451.4
9/21/2005	0.60	416.7
9/23/2005	0.50	347.2

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Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
9/28/2005	0.65	451.4
10/5/2005	0.48	333.3
10/12/2005	0.60	416.7
10/19/2005	0.45	312.5
10/22/2005	0.48	333.3
10/27/2005	0.30	208.3
11/2/2005	0.45	312.5
11/5/2005	0.47	326.4
11/9/2005	0.58	402.8
11/16/2005	0.30	208.3
11/18/2005	0.24	166.7
11/19/2005	0.40	277.8
11/24/2005	0.40	277.8
12/1/2005	0.42	291.7
12/7/2005	0.56	388.9
12/28/2005	0.85	590.3
12/31/2005	0.85	590.3
1/9/2006	0.44	305.6
1/11/2006	0.38	263.9
1/18/2006	0.44	305.6
1/25/2006	0.25	173.6
2/1/2006	0.30	208.3
2/22/2006	0.40	277.8
3/1/2006	0.60	416.7
3/8/2006	0.60	416.7
3/22/2006	0.60	416.7
4/5/2006	0.65	451.4
4/19/2006	0.30	208.3
4/27/2006	0.30	208.3
5/3/2006	0.65	451.4
5/10/2006	0.25	173.6
5/19/2006	0.20	138.9
6/14/2006	0.20	138.9
6/28/2006	1.30	902.8
7/5/2006	2.00	1,388.9
7/20/2006	0.80	555.6
7/26/2006	0.30	208.3
8/2/2006	0.10	69.4
8/9/2006	1.20	833.3
8/16/2006	0.80	555.6

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
8/23/2006	0.80	555.6
8/30/2006	0.80	555.6
9/6/2006	0.50	347.2
9/13/2006	0.60	416.7
9/20/2006	0.28	194.4
9/27/2006	0.50	347.2
10/4/2006	0.35	243.1
10/11/2006	0.30	208.3
10/21/2006	0.30	208.3
10/25/2006	0.30	208.3
11/1/2006	0.30	208.3
11/10/2006	0.30	208.3
11/15/2006	0.30	208.3
11/22/2006	0.30	208.3
11/29/2006	1.00	694.4
12/6/2006	0.40	277.8
12/20/2006	0.20	138.9
1/3/2007	0.50	347.2
1/11/2007	0.25	173.6
1/17/2007	0.50	347.2
1/24/2007	0.50	347.2
1/31/2007	0.50	347.2
2/7/2007	0.50	347.2
2/14/2007	0.25	173.6
2/21/2007	0.50	347.2
3/2/2007	0.25	173.6
3/22/2007	0.35	243.1
3/31/2007	0.40	277.8
4/4/2007	0.50	347.2
4/11/2007	0.12	83.3
4/18/2007	0.15	104.2
4/25/2007	0.27	187.5
5/9/2007	0.30	208.3
5/16/2007	0.22	152.8
5/23/2007	1.00	694.4
5/30/2007	0.20	138.9
6/1/2007	0.10	69.4
6/6/2007	0.10	69.4
6/13/2007	1.00	694.4
6/20/2007	1.00	694.4

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
6/24/2007	1.00	694.4
6/27/2007	1.00	694.4
7/4/2007	0.75	520.8
7/11/2007	0.50	347.2
7/18/2007	0.75	520.8
7/25/2007	0.50	347.2
8/1/2007	0.50	347.2
8/15/2007	0.10	69.4
8/22/2007	0.10	69.4
8/29/2007	0.10	69.4
9/5/2007	0.10	69.4
9/12/2007	0.10	69.4
9/19/2007	0.09	62.5
9/26/2007	0.10	69.4
10/3/2007	0.10	69.4
10/10/2007	0.10	69.4
10/17/2007	0.10	69.4
12/24/2007	0.10	69.4
10/31/2007	0.10	69.4
11/7/2007	0.40	277.8
11/14/2007	0.10	69.4
11/28/2007	0.10	69.4
12/5/2007	0.20	138.9
12/12/2007	0.30	208.3
12/19/2007	0.50	347.2
12/26/2007	0.30	208.3
1/2/2008	0.20	138.9
1/10/2008	0.10	69.4
1/16/2008	0.10	69.4
1/24/2008	0.10	69.4
2/1/2008	0.20	138.9
2/6/2008	0.20	138.9
2/13/2008	0.20	138.9
2/20/2008	0.15	104.2
3/5/2008	0.15	104.2
3/12/2008	0.15	104.2
3/19/2008	0.10	69.4
3/26/2008	0.10	69.4
4/2/2008	0.10	69.4
4/8/2008	0.40	277.8

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
4/16/2008	0.40	277.8
4/23/2008	0.60	416.7
4/30/2008	1.00	694.4
5/8/2008	1.40	972.2
5/14/2008	1.50	1,041.7
5/19/2008	1.50	1,041.7
5/21/2008	1.80	1,250.0
5/28/2008	1.00	694.4
6/4/2008	1.30	902.8
6/11/2008	1.30	902.8
6/18/2008	1.30	902.8
6/25/2008	1.30	902.8
7/2/2008	0.90	625.0
7/9/2008	1.00	694.4
7/16/2008	0.60	416.7
7/19/2008	1.20	833.3
7/23/2008	0.70	486.1
7/30/2008	0.65	451.4
8/6/2008	0.47	326.4
8/13/2008	0.45	312.5
8/20/2008	0.32	222.2
8/27/2008	0.27	187.5
9/2/2008	0.20	138.9
9/10/2008	0.12	83.3
9/17/2008	0.10	69.4
9/24/2008	0.10	69.4
10/1/2008	0.14	96.5
10/8/2008	0.14	93.8
10/22/2008	0.35	243.1
10/30/2008	0.21	145.8
11/5/2008	0.12	83.3
11/13/2008	0.36	250.0
11/19/2008	0.37	256.9
11/26/2008	0.42	291.7
4/1/2009	0.20	138.9
7/7/2009	0.39	270.8
4/15/2009	0.27	187.5
4/22/2009	1.20	833.3
4/29/2009	0.84	583.3
5/6/2009	1.20	833.3

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
5/13/2009	1.10	763.9
5/18/2009	1.50	1,041.7
5/20/2009	0.40	277.8
5/27/2009	1.00	694.4
11/4/2009	0.50	347.2
11/11/2009	0.47	326.4
11/18/2009	0.40	277.8
11/25/2009	0.40	277.8
12/2/2009	0.40	277.8
12/9/2009	0.39	270.8
12/16/2009	0.26	180.6
12/30/2009	0.20	138.9
1/6/2010	0.35	243.1
1/15/2010	0.50	347.2
1/26/2010	0.35	243.1
2/3/2010	0.15	104.2
1/10/2010	0.40	277.8
33/11/10	0.19	131.9
3/18/2010	0.18	125.0
3/24/2010	0.20	138.9
3/31/2010	0.40	277.8
4/7/2010	0.30	208.3
4/13/2010	0.32	222.2
4/24/2010	0.30	208.3
5/5/2010	0.96	666.7
5/10/2010	1.20	833.3
1/4/2012	0.30	208.3
1/11/2012	0.32	222.2
1/18/2012	0.34	236.1
1/25/2012	0.34	236.1
2/1/2012	0.32	222.2
2/8/2012	0.30	208.3
2/15/2012	0.32	222.2
2/22/2012	0.25	173.6
2/29/2012	0.32	222.2
3/7/2012	0.20	138.9
3/13/2012	0.25	173.6
3/21/2012	0.25	173.6
3/28/2012	0.23	159.7
4/4/2012	0.32	222.2

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
4/10/2012	0.20	138.9
4/19/2012	0.25	173.6
4/23/2012	1.50	1,041.7
5/2/2012	1.50	1,041.7
5/9/2012	1.40	972.2
5/16/2012	1.40	972.2
5/23/2012	1.40	972.2
5/30/2012	0.99	684.7
6/6/2012	1.00	694.4
6/13/2012	0.90	625.0
6/20/2012	0.80	555.6
6/27/2012	0.55	381.9
7/4/2012	0.54	375.0
7/11/2012	0.40	277.8
7/18/2012	0.25	173.6
7/25/2012	0.22	152.8
8/1/2012	0.09	62.5
8/8/2012	0.20	138.9
8/15/2012	0.35	243.1
8/22/2012	0.40	277.8
8/25/2012	0.28	194.4
8/29/2012	0.10	69.4
9/3/2012	0.10	69.4
9/8/2012	0.12	83.3
9/12/2012	0.10	69.4
9/19/2012	0.10	69.4
9/22/2012	0.20	138.9
9/26/2012	0.10	69.4
10/3/2012	0.20	138.9
10/10/2012	0.11	76.4
10/17/2012	0.13	90.3
10/24/2012	0.15	104.2
10/31/2012	0.24	166.7
11/7/2012	0.24	166.7
11/14/2012	0.30	208.3
11/21/2012	0.13	90.3
11/28/2012	0.26	180.6
12/4/2012	0.31	215.3
12/11/2012	0.36	250.0
12/19/2012	0.32	222.2

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
12/26/2012	0.45	312.5
1/2/2013	0.32	222.2
1/9/2013	0.19	131.9
1/16/2013	0.26	180.6
1/24/2013	0.29	201.4
1/30/2013	0.28	194.4
2/6/2013	0.28	194.4
2/13/2013	0.29	201.4
2/20/2013	0.16	111.1
2/27/2013	0.24	166.7
3/13/2013	0.30	208.3
3/20/2013	0.24	166.7
3/27/2013	0.30	208.3
4/3/2013	0.39	270.8
4/10/2013	0.60	416.7
4/17/2013	0.90	625.0
4/24/2013	1.30	902.8
5/1/2013	1.40	972.2
5/8/2013	1.00	694.4
5/15/2013	1.30	902.8
5/22/2013	1.40	972.2
5/29/2013	1.20	833.3
6/5/2013	1.40	972.2
6/12/2013	1.20	833.3
6/19/2013	1.00	694.4
6/25/2013	0.75	520.8
7/1/2013	0.70	486.1
7/3/2013	1.20	833.3
7/10/2013	0.98	680.6
7/17/2013	0.82	569.4
7/31/2013	0.45	312.5
8/7/2013	0.15	104.2
8/14/2013	0.10	69.4
8/21/2013	0.30	208.3
8/28/2013	0.28	194.4
9/4/2013	0.15	104.2
9/11/2013	0.16	111.1
9/18/2013	0.15	104.2
9/25/2013	0.25	173.6
10/2/2013	0.25	173.6

Table 2
Clark Treatment Plant Bypass Amounts
2003 - 2013

<u>Date</u>	<u>Bypass</u> (MGD)	<u>Bypass</u> (GPM)
10/9/2013	0.28	194.4
10/16/2013	0.31	215.3
10/23/2013	0.18	125.0
10/30/2013	0.27	187.5
11/6/2013	0.29	201.4
11/13/2013	0.28	194.4
11/20/2013	0.29	201.4
11/27/2013	0.31	215.3
12/3/2013	0.32	222.2



June Lake Public Utility District
P O Box 99
June Lake, CA 93529
(760) 648-7778 Fax (760) 648-6801
pudgm@qnet.com

To: June Lake Public Utility District Customers August 5, 2013

From: Richard Ciauri, General Manager

Subject: Stage 2 Watering Restrictions to Begin August 12, 2013

Dear June Lake Public Utility District water consumers, beginning August 12, 2013 Stage 2 Watering Restrictions will begin. Due to current supply and demand of available water we are required to impose Stage 2 Restrictions. Please adhere to the stage 2 restrictions as outlined below. If you would like a copy of District Ordinance No. 2008-01 "Water Management Program" please either visit our web site at junelakepud.com or stop by our office for a copy.

It is extremely important that we all do our part to conserve water whenever possible and due to the less than normal snow pack this past winter I would like to remind all residents to please make a concentrated effort in conserving water. It is becoming more important for our community to work together to conserve water whenever possible and water conservation needs to become part of our daily lives, rather than a reaction to periodic droughts.

Stage 1 conditions do apply at this time

Stage 1 – Normal Conditions state that all Water Users shall not waste water and shall abide by the following criteria:

- Outdoor watering must take place prior to 10 a.m. and after 5 p.m.
- Hoses shall not be used for washing motor vehicles without an automatic shutoff nozzle attached to the hose
- Water allowed to pool, pond, or run off applied areas is prohibited
- Leaks occurring on customers side of the water meter must be repaired
- All commercial establishments where food or beverages are provided should encourage the serving of water to their customers only when specifically requested by the customer

Beginning August 12, 2013 Stage 2 Restrictions will begin

Stage 2 – SIGNIFICANT WATER SHORTAGE - During a Stage 2 – significant water shortage, Stage 1 applies, and also the following shall apply:

- Even numbered addresses are allowed to water on Monday, Wednesday, and Saturday. Odd numbered addresses are allowed to water on Tuesday, Thursday, and Sunday. No irrigation may take place on Fridays.
- Hand watering and drip irrigation systems may be used on any day but only within the hours specified in Stage 1 above.
- Water shall not be used to wash hard surfaces such as sidewalks, driveways parking areas, or tennis courts.
- The irrigation of non-landscaped, natural vegetation or undeveloped property is expressly prohibited.
- No water shall be used for irrigating the construction of new landscape.

Thank you for your continued support.

Richard Ciauri
 General Manager

ORDINANCE NO. 2008-01

**ORDINANCE OF THE BOARD OF DIRECTORS OF THE JUNE LAKE PUBLIC
UTILITY DISTRICT ESTABLISHING A WATER MANAGEMENT PROGRAM**

The Board of Directors of the June Lake Public Utility District has found that:

- 1) The waters of California including June Lake are subject to ever increasing demands and are of limited supply; and
- 2) To sustain economic prosperity, adequate supplies of water must be available for future uses; and
- 3) Landscapes are essential to the quality of life by providing areas for passive and active recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection and replacing ecosystems lost to development; and
- 4) Landscape design, installation and maintenance can and should be water efficient; and
- 5) Educating the public in conserving water is the most cost-effective and environmentally sound way to reduce the demand for water. (Exhibit "A" attached, lists several effective ways to conserve water.)

The General Manager with regard to supply and demand of available water supplies shall determine the conservation stage, except that the Board shall determine any conservation stage more restrictive than Stage 2.

STAGE 1 – NORMAL CONDITIONS. During a Stage 1 – normal conditions, Water Users shall not waste water and shall abide by the following:

- 1) Outdoor watering must take place prior to 10 a.m. and after 5 p.m.
- 2) Hoses shall not be used for washing motor vehicles without an automatic shut-off nozzle attached to the hose.
- 3) Water allowed to pool, pond, or run off applied areas is prohibited.
- 4) Leaks occurring on customer's side of the water meter must be repaired.
- 5) All commercial establishments where food or beverages are provided should encourage the serving of water to their customers only when specifically requested by the customer.

STAGE 2 – SIGNIFICANT WATER SHORTAGE. During a Stage 2 – significant water shortage, Stage 1 applies, and also the following shall apply:

- 1) Even numbered addresses are allowed to water on Monday, Wednesday, and Saturday. Odd numbered addresses are allowed to water on Tuesday, Thursday, and Sunday. No irrigation may take place on Fridays.
- 2) Hand watering and drip irrigation systems may be used on any day but only within the hours specified in Stage 1 above.
- 3) Water shall not be used to wash hard surfaces such as sidewalks, driveways parking areas, or tennis courts.
- 4) The irrigation of non-landscaped, natural vegetation or undeveloped property is expressly prohibited.
- 5) No water shall be used for irrigating the construction of new landscape.

STAGE 3 – WATER EMERGENCY. During a Stage 3 – Water shortage emergency, Stages 1 and 2 restrictions applies and also the following shall apply:

- 1) The use of water for other than domestic and commercial use is prohibited.

ENFORCEMENT

Enforcement. The General Manager, and other District authorized representatives have the duty and are authorized to enforce all provisions of this Water Management Program.

First Violation. For a first violation within one calendar year, the District shall issue a written warning to the Water User.

Second Violation. For a second violation within one calendar year, a fine of \$100 for residential customers shall be added to the Water User's bill at the property where the violation occurred; for the second violation within one year, a fine of \$500 for commercial customers shall be added to the Water User's bill at the property where the violation occurred.

Third Violation. For a third violation within one calendar year, a fine of \$250 for residential customers shall be added to the Water User's bill at the property where the violation occurred; for the third violation within one year, a fine of \$750 for commercial customers shall be added to the Water User's bill at the property where the violation occurred. In addition to the fine, the Board or the General Manager may require installation of a flow-restricting device on the Water User's service connection.

Fourth Violation. For the fourth and any additional violations within one calendar year, a fine of \$500 for residential customers shall be added to the Water User's bill at the property where the violation occurred; for the fourth and any additional violations within one year, a fine of \$1,000 for commercial customers shall be added to the Water User's bill at the property where the violation occurred. The District may also discontinue the Water User's water service at the property where the violation occurred in accordance with District procedures. Re-connection shall be permitted only when there is reasonable protection against future violations, such as a flow-restricting device on the customer's service connection, as determined at the District's discretion.

District Enforcement Costs. District shall be reimbursed for its costs and expenses in enforcing the provisions of this Section, including such costs as District incurs for District staff to investigate and monitor the Water User's compliance with the terms of this Section. Charges for installation of flow-restricting devices or for discontinuing or restoring water service, as the District incurs those charges, shall be added to the Water User's bill at the property where the enforcement costs were incurred.

General. The provisions of this Program shall be administered and enforced by the District through the General Manager, who may delegate such enforcement to one or more employees or contractors of the District.

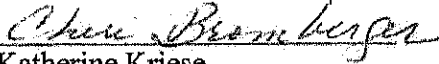
Effective Date. This ordinance shall become effective thirty (30) days after the date of its adoption.

ADOPTED by the Board of Directors of the June Lake Public Utility District, County of Mono, State of California, this 9th day of January, 2008 by the following vote:

AYES: Bromberger, Allendorf, Jackson & Miller

NOES: None

ABSENT: Kriese


Katherine Kriese
President, Board of Directors
June Lake Public Utility District

ATTEST:

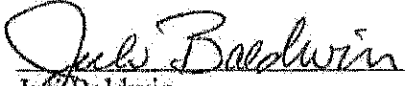

Judy Baldwin
Secretary, Board Of Directors
June Lake Public Utility District

EXHIBIT "A"

Water conservation is the most cost-effective and environmentally sound way to reduce our demand for water. We all need water to survive and have become dependent on water for even more uses. There are many effective ways to conserve water in and around your home or business. Look through this list for ways that will work for you.

1. Water your lawn only when it needs it. Step on your grass. If it springs back when you lift your foot, it doesn't need water. So set your sprinklers for more days in between watering. Saves 750-1,500 gallons/month. Better yet, especially in times of drought, water with a hose. And best of all, convert your lawn to native plants.
2. Put a layer of mulch around trees and plants. Chunks of bark, peat moss or gravel slow down evaporation. Saves 750 to 1,500 gallons/month.
3. Water during the cool parts of the day. Early morning is better than dusk since it helps prevent the growth of fungus. Saves 300 gallons.
4. Don't water the lawn on windy days. There's too much evaporation. Can waste up to 300 gallons in one watering.
5. Cut down watering on cool and overcast days and don't water in the rain. Adjust or deactivate automatic sprinklers. Can save up to 300 gallons each time.
6. Don't water sidewalks, driveway or gutter. Adjust your sprinklers so that water lands on your lawn or garden where it belongs—and only there. Saves 500 gallons/month.
7. Set lawn mower blades one notch higher. Longer grass means less evaporation. Saves 500 to 1,500 gallons/month.
8. Xeriscape---replace your lawn and high-water-using trees and plants with less thirsty ones. But do this only in wet years. Even drought resistant plantings take extra water to get them going. That'll save 750 to 1,500 gallons/month.
9. Don't run the hose while washing your car. Use a bucket of water and a quick hose rinse at the end. Saves 150 gallons each time.
10. Use a broom instead of a hose to clean driveways and sidewalks. Saves 150 gallons or more each time. At once a week, that's more than 600 gallons/month.
11. Capture tap water. While you wait for hot water to come down the pipes, catch the flow in a watering can to use later on house plants or your garden. Saves 200 to 300 gallons/month.
12. Fix leaky faucets and plumbing joints. Saves 20 gallons/day for every leak stopped.

13. Run only full loads in the washing machine and dishwasher. Saves 300 to 800 gallons/month.
14. If you wash dishes by hand—and that's the best way— use the least amount of detergent possible and don't leave the water running for rinsing. Saves 200 to 500 gallons/month.
15. Install water-saving shower heads or flow restrictors. Saves 500 to 800 gallons/month.
16. Shorten your showers. Even a one or two minute reduction can save up to 700 gallons/month.
17. Turn off the water while brushing your teeth or shaving. Saves 3 gallons/day.
18. Don't use your toilet as an ashtray or wastebasket. Saves 400 to 600 gallons/month.

From: Sickler, Heidi@Wildlife [mailto:Heidi.Sickler@wildlife.ca.gov]
Sent: Thursday, October 17, 2013 1:12 PM
To: pudgm@qnet.com
Subject: CDFW Comments Regarding Fern Creek Diversion

Hello Richard,

Thank you for coordinating with the Department of Fish and Wildlife (CDFW) regarding the June Lake Public Utility District Fern Creek Diversion. On September 12, 2013, we visited the Fern Creek Diversion and the point along Fern Creek at which Fern Creek stops flowing. This is the second of two very dry years and the effects on water levels and water flow are evident in both Inyo and Mono County. You requested CDFW input and advice on low flows in Fern Creek and the resulting potential impacts on fish and wildlife. I have consulted with my staff including fisheries and wildlife biologists. Brook trout are present in Fern Lake upstream of the Diversion and may be present in Fern Creek. These fish could be effected by low flows however, the impacts are not anticipated to be significant. Wildlife, including deer, may utilize fern creek as a drinking water source. Other creeks and streams in the area seasonally dry out in summer/fall and deer are fairly well adapted to this occurrence. Wildlife would be able to utilize nearby water sources when flows in Fern Creek get low and it dries before it reaches Reverse Creek.

At this time, CDFW does not have specific flow recommendations for Fern Creek. CDFW does however recommend specific flow requirements be included in your amendment request to the State Water Resources Control Board (SWRCB) to ensure continuous flow of water over the diversion even in low water years. We appreciate the opportunity to review your draft SWRCB amendment request when it has been prepared.

If you have any questions, please contact me.

Thank you.

Heidi

Heidi A. Sickler
Senior Environmental Scientist
California Department of Fish and Wildlife – Inland Deserts Region
407 West Line Street
Bishop, CA 93514
(760) 872-0751
Heidi.Sickler@wildlife.ca.gov

(916) 657-1951

FAX: (916) 657-2388

APRIL 10 1992

In Reply Refer
to:333:KDM:11892

Mr. Robert J. Baiocchi
California Sportfishing
Protection Alliance
P.O. Box 357
Quincy, CA 95971

Dear Mr. Baiocchi:

PERMITS 7350 AND 7352 AND LICENSES 10837 AND 10838 (APPLICATIONS 11892, 12060, 17120 AND 20349) OF JUNE LAKE PUBLIC UTILITY DISTRICT--VARIOUS SOURCES IN MONO COUNTY

Division of Water Rights (Division) staff has reviewed your February 26, 1992 protest of the Change Petitions filed for the permits and licenses noted above. It is my understanding that both Division staff and the June Lake Public Utility District (June Lake) have discussed the protest with you. The protest expresses concern regarding the growth inducing impacts which may occur due to approval of the petitions to consolidate and expand the place of use and add an additional point of diversion to each permit or license.

June Lake presently diverts water under these four appropriative rights into a common chlorination facility, and water is then distributed to various locations within the place of use. According to Mr. Leonard Ainsworth, the June Lake General Manager, the place of use is surrounded by U.S. Forest Service (USFS) land. There is very little private property left to develop in this area. In order for growth to occur, USFS land would have to be patented and sold or exchanged for privately held lands by the USFS. Mr. Ainsworth does not believe that such actions will occur.

The points of diversion described by the Change Petitions are located at the Petersen and Clark pumping plants. The Petersen pumping plant was built to serve existing subdivisions and is presently operated under both Permits 7350 and 7352. The Clark pumping plant was built to serve other existing subdivisions and is presently operated under Licenses 10837 and 10838. These water rights have been the subject of several changes of ownership in recent years. After the Williams Tract County Water District (predecessor to June Lake) obtained these rights in 1990, Division staff issued a letter dated April 25, 1990 which described the ongoing use to them. In that correspondence, we stated that total water diversion under the four appropriative rights was about 0.22 cubic feet per second (cfs). The maximum amount which can be diverted under these four rights totals 0.269 cfs. Total water use was limited to maximum ongoing beneficial use under the two licenses

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DWR 540 REV. 1/88

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VAD 4/9/92

M. J. Jiringer
4-9-92

APRIL 10 1992

at the time of licensing and cannot be increased at this time. Therefore, Division staff maintains that June Lake is authorized to divert a maximum of 0.049 cfs more under the two permits than it diverted in 1990. It is possible that June Lake has now reached the maximum authorized diversion rate under these four appropriative rights.

Division staff concludes that: (1) there is no water remaining under the licensed rights for further development; (2) there is only 0.049 cfs remaining under the permitted rights based upon 1990 water use; and (3) there is very little private land left to develop. Thus, it does not appear that there is sufficient evidence to support the allegation that approval of the consolidated place of use would lead to significant growth in the area. It does not appear that this element of the protest can be maintained, and it is therefore not accepted.

The protest also alleges that diversion of water from the unnamed tributaries, unnamed springs and Fern Creek may have adverse impacts to fishery resources in Rush Creek and the ecosystem of Mono Lake. The primary area of concern appears to be Rush Creek streamflow and Mono Lake levels. As stated above, the combined total water use under all four rights is 0.269 cfs. The flow at the U.S. Geological Survey gage listed below provides additional information regarding the ongoing use of water under these rights. Please note that the gage is located downstream of June Lake's diversion facilities.

Rush Creek Flow Below Agnew Lake
Near June Lake, California (in cfs)
(1970-1989)

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept
Daily Maximum	178	93	89	86	92	83	89	201	287	421	398	263
Daily Average	50	47	39	36	36	36	42	60	95	101	73	53
Daily Minimum	7	14	14	10	11	9	10	6	16	13	1	1

Diversion by June Lake does not appear to be a significant amount with respect to daily average flows. Also, based upon the streamflow record listed above, it is reasonable to assume that the authorized rate of diversion would not significantly affect Mono Lake levels. The only remaining issue is potential impact on minimum creek flows.

License 10838 already contains a term to protect the fishery resource and ensure a continual bypass of water. The license term is listed below:

"In accordance with the requirements of Fish and Game Code Section 5946, this license is conditioned upon full compliance with Section 5937 of the Fish and Game Code."

License 10837 is based upon Permit 10926 which also has a fishery bypass term.

"This permit is conditioned upon full compliance with Section 525 of the Fish and Game Code."

APRIL 10 1992

Mr. Robert J. Baiocchi

-3-

Section 525 of the Fish and Game Code is the predecessor section to Section 5937, which is described in greater detail later in this letter. The permit term may have been omitted from the license due to clerical error. Therefore, Division staff recommends inclusion of the modern version of the fishery bypass term (see the license term listed above under License 10838) in License 10837.

This fishery bypass term is currently used by the Division for all new appropriations within Inyo and Mono Counties. Section 5937 requires the owner of any dam to allow sufficient water at all times to pass through a fishway, or in the absence of a fishway, allow sufficient water to pass over, around or through the dam, to keep in good condition any fish that may be planted or exist below the dam. Thus, Division staff recommends that the fishery bypass term be added to Permits 7350 and 7352 to resolve the California Sportfishing Protection Alliance (CSPA) protest. On March 13, 1992, June Lake agreed to inclusion of the proposed permit term. The following permit language is suggested for your consideration:

"In accordance with the requirements of Fish and Game Code Section 5946, this permit is conditioned upon full compliance with Section 5937 of the Fish and Game Code. This permit term shall only apply to the diversion points located on Fern Creek and all unnamed streams."

The permit term should ensure continual streamflow to maintain the riparian corridor, which should adequately address CSPA's concern. If the proposed permit term does not adequately address your concerns, Division staff will schedule a field investigation pursuant to Water Code Section 1704.1 to provide an opportunity to meet at the project site and develop possible permit terms while inspecting the project facilities. If we do not receive any response within the next 30 days, we will assume that you concur with the recommendations set forth in this letter and will subsequently dismiss your protest.

If we can be of further assistance, I can be contacted at (916) 657-1357. Katherine Mrowka of my staff is presently assigned to this matter, and she can be contacted at (916) 657-1951.

Sincerely,



Edward C. Anton, Chief
Division of Water Rights

cc: Leonard Ainsworth
June Lake PUD
P.O. Box 99
June Lake, CA 93529

Control Tag No. 11974
KMrowka:KDM:11892:4-9-92