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## State Water Resources Control Board

### NOTICE OF PETITIONS FOR CHANGE FOR LICENSES 10191 AND 10192 (APPLICATIONS 8042 AND 8043) OF THE CITY OF LOS ANGELES, DEPARTMENT OF WATER AND POWER

COUNTY: MONO

STREAM SYSTEMS: RUSH CREEK, LEE  
VINING CREEK, PARKER CREEK, AND  
WALKER CREEK

On November 14, 2013, the State Water Resources Control Board (State Water Board) received Petitions for Change (Petitions) from the City of Los Angeles, Department of Water and Power (LADWP) pursuant to California Code of Regulations, title 23, section 791, subdivision (e) requesting incorporation into its water right Licenses 10191 and 10192 the Mono Basin Settlement Agreement Regarding Continuing Implementation of Water Rights Orders 98-05 and 98-07 (Settlement Agreement).

#### **Background:**

In September 1994, the State Water Board adopted Water Right Decision 1631 (D-1631) modifying LADWP's water right Licenses 10191 and 10192 for diversions from streams tributary to Mono Lake in order to protect public trust resources in and around Mono Lake. D-1631, and subsequent Orders WR 98-05 and WR 98-07 amending D-1631, established minimum base flows and Stream Restoration Flow (SRF) requirements on four tributary streams to Mono Lake, minimum lake level requirements, restoration requirements, and associated monitoring and study requirements. Order 98-05 required a State Water Board-approved stream monitoring team (SMT) to evaluate and provide recommendations on the SRFs and that LADWP implement the recommendations "unless it determines that the recommendation is not feasible." The SMT evaluated the magnitude, duration, and frequency of flows necessary for the restoration of the Mono Basin ecosystem, the need for an outlet from Grant Dam to achieve such flows, and related matters.

In April 2010, the SMT presented its recommendations in *Mono Basin Stream Restoration and Monitoring Program: Synthesis of Instream Flow Recommendation to the State Water Resources Control Board and the Los Angeles Department of Water and Power, Final Report* (Synthesis Report). LADWP determined that certain recommendations in the Synthesis Report were not feasible, and as an alternative to disputing that determination under Order WR 98-05, which would have triggered resolution of the disputes by the Deputy Director of the Division of Water Rights, LADWP, Mono Lake Committee, California Trout, and California Department of Fish and Wildlife (Settlement Parties) requested permission to undertake settlement

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negotiations. By letter dated November 1, 2010, the State Water Board authorized such negotiations, and by subsequent letters extended the deadline for completion of the negotiations until September 30, 2013.

As part of the Settlement Agreement and proposed amendments to LADWP's License 10191 and 10192, LADWP circulated for public comment on October 30, 2020 an "Initial Study and Mitigated Negative Declaration for Mono Basin Water Rights Licenses Project" (IS-MND). The IS-MND provides LADWP's environmental analysis of the license amendments that have been requested as a result of the Settlement Agreement. The IS-MND analyzes the impacts of building the chosen outlet design as well as operating the outlet under the new Stream Ecosystem Flows (SEF) requirements. In addition, the IS-MND analyzes the potential impacts of authorizing LADWP to export an additional one-time 12,000 acre-feet of water that can only be exercised under certain circumstances. This additional export was intended to offset the costs of building the Grant Lake Reservoir Outlet.

**Proposed Changes:**

The changes proposed in the petitions submitted by LADWP are to incorporate the provisions of the Settlement Agreement as terms and conditions in Licenses 10191 and 10192. The purposes of the Settlement Agreement are: (i) resolution of disputes between the Settlement Parties related to the Synthesis Report; (ii) provision and adaptive management of flows sufficient to complete stream restoration and fish protection required by D-1631, Orders 98-05 and 98-07, and relevant case law, including modification of Grant Lake Reservoir to release such flows; (iii) re-focusing the stream monitoring program on adaptive management and related improvements in the limnology and waterfowl monitoring programs; and (iv) reduction in LADWP's costs associated with modification of Grant Lake Reservoir and ongoing monitoring programs.

Drafts of the amended licenses are available on the State Water Board's website for review of all changes being proposed.

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**Summary of Water Right License 10191 (Application 8042)**

**Sources:**

(1) Lee Vining Creek, (2) Walker Creek, (3) Parker Creek, and (4) Rush Creek

**Points of Diversion:**

- (1) NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 20, T1N, R26E;
- (2) NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T1S, R26E;
- (3) SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 9, T1S, R26E;
- (4) NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 15, T1S, R26E, all within MDB&M

**Points of Rediversion:**

Grant Lake Reservoir - NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 15, T1S, R26E; Long Valley Reservoir - SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 19, T4S, R30E; Tinemaha Reservoir - NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 26, T10S, R34E;

Los Angeles Aqueduct Intake - NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 24, T11S, R34E;

Haiwee Reservoir - SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 2, T21S, R37E, all within MDB&M

**Amount:**

16,000 acre-feet per year in combination with License 10192.

**Water diversion criteria applicable until the water level of Mono Lake reaches 6,391 feet:**

- a. Licensee shall not export any water from the Mono Basin any time that the water level in Mono Lake is below 6,377 feet above mean sea level, or any time that the water level of Mono Lake is projected to fall below 6,377 feet at any time during the runoff year of April 1 through March 31.
- b. If the water level of Mono Lake is expected to remain at or above 6,377 feet throughout the runoff year of April 1 through March 31 of the succeeding year based on Licensee's final May 1 runoff projections and any subsequent runoff projections, then Licensee may divert up to 4,500 AF of water per year under the terms of this amended license.
- c. If the water level of Mono Lake is at or above 6,380 feet and below 6,391 feet, then Licensee may divert up to 16,000 AF of water per year under the terms of this amended license.

**Water diversion criteria applicable after the water level of Mono Lake reaches 6,391 feet:**

- a. Once the water level of Mono Lake has reached an elevation of 6,391 feet, no diversions shall be allowed any time that the water level falls below 6,388 feet.
- b. Once the water level of 6,391 feet has been reached and the lake level has fallen below 6,391 feet, diversions by Licensee shall be limited to 10,000 AF per year provided that the water level is at or above 6,388 feet and less than 6,391 feet.

- c. When the water level of Mono Lake is at or above 6,391 feet on April 1, Licensee may divert all available water in excess of the amount needed to maintain the SEFs, up to the amounts otherwise authorized under this amended license.

**Season:**

January 1 through December 31

**Purpose of Use:**

Municipal

**Place of Use:**

Within the service area of the City of Los Angeles, Department of Water and Power, as shown on map filed with the State Water Board

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**Summary of Water Right License 10192 (Application 8043)**

**Sources:**

(1) Lee Vining Creek, (2) Walker Creek, (3) Parker Creek, and (4) Rush Creek

**Points of Diversion:**

- (1) NE  $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 20, T1N, R26E;
- (2) NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 4, T1S, R26E;
- (3) SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 9, T1S, R26E;
- (4) NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 15, T1S, R26E, all within MDB&M

**Points of Rediversion:**

Grant Lake Reservoir - NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 15, T1S, R26E;  
Long Valley Reservoir - SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of Section 19, T4S, R30E;  
Upper Gorge Power Plant - SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, T5S, R31E;  
Middle Gorge Power Plant - SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 16, T5S, R31E, all within MDB&M

**Amount:**

16,000 acre-feet per year in combination with License 10191. Water diversion criteria similar to License 10191.

**Season:**

January 1 through December 31

**Purpose of Use:**

Power

**Places of Use:**

Upper Gorge Power Plant - SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 5, T5S, R31E;  
Middle Gorge Power Plant - SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 16, T5S, R31E;  
Control Gorge Power Plant - NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 10, T6S, R31E, all within MDB&M.

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Project documents, including this notice, petitions, draft licenses (with proposed changes), IS-MND, project map along with procedures for protesting and protest forms are available at:

[https://www.waterboards.ca.gov/waterrights/water\\_issues/programs/applications/petitions/2021.html](https://www.waterboards.ca.gov/waterrights/water_issues/programs/applications/petitions/2021.html). Protests must be received by the Division of Water Rights by **4:30 p.m. on March 12, 2021**.

A copy of the protest must also be sent to the Petitioner to the following contact:

Mr. Adam Perez  
City of Los Angeles  
Department of Water and Power  
300 Mandich Street  
Bishop, CA 93514

If you have any questions regarding this project, please contact Steve Marquez by e-mail at: [steve.marquez@waterboards.ca.gov](mailto:steve.marquez@waterboards.ca.gov).

DATE OF NOTICE: **February 10, 2021**