

SRH

State of California
 State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
 Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES
 CONTROL BOARD
 2009 SEP 23 PM 1:56
 DIV OF WATER RIGHTS
 SACRAMENTO

PETITION FOR TEMPORARY URGENCY CHANGE

(Water Code 1435)

____ Point of Diversion, ____ Point of Rediversion, ____ Place of Use, ____ Purpose of Use

Change in Instream-Flow Requirements in the Mono Basin

Application # 8042 License # 10191

I (we) City of Los Angeles hereby petition for a temporary urgency
 (Water Right Holders Name)

change(s) noted above and shown on the accompanying map and described as follows:

Point of Diversion or Rediversion (Give coordinate distances from section corner or California Coordinates, and the 40-acre subdivision in which the present and proposed points lie.)

Present Not Applicable
 Proposed Not Applicable

Place of Use (If irrigation, then state number of acres to be irrigated within each 40-acre tract.)

Present Not Applicable
 Proposed Not Applicable

Purpose of Use

Present Not Applicable
 Proposed Not Applicable

Does the proposed use serve to preserve or enhance wetlands habitat, fish and wildlife resources, or recreation in or on the water (See WC 1707)? Not Applicable (yes/no)

The temporary urgency change(s) is to be effective from October 3, 2009 to March 31, 2010
 (Cannot exceed 180 days)

Will this temporary urgency change be made without injury to any lawful user of water? Yes

Will this temporary urgency change be made without unreasonable effect upon fish, wildlife, and other instream beneficial uses? Yes (yes/no)

State the "Urgent Need" (Water Code 1435(c)) that is the basis of this temporary urgency change petition (attach additional information as necessary): **See Attachment No. 1 for detail**

- 1) To temporarily operate Rush Creek and Lee Vining Creek at newly recommended flows made by the SWRCB appointed stream scientists to maximize over-wintering trout holding habitats.

Rec'd
 \$11,050.00
 \$850.00 DFG
 9/23/09
 MS

If the point of diversion or redirection is being changed, is any person(s) taking water from the stream between the old point of diversion or redirection and the proposed point? Not Applicable (yes/no)

Are there any persons taking water from the stream between the old point of return flow and the new point of return flow? Not Applicable (yes/no)

If yes, give name and address, as well as any other person(s) known to you who may be affected by the proposed change.

I (we) consulted the California Department of Fish and Game concerning this proposed temporary change. Yes (yes/no)

If yes, state the name and phone number of the person contacted and the opinion concerning the potential effects of your proposed temporary urgency change on fish and wildlife and state the measures required for mitigation.

Steve Parmenter – (760) 872-1123

No preliminary comment received from DFG.

THIS TEMPORARY URGENCY CHANGE DOES NOT INVOLVE AN INCREASE IN THE AMOUNT OF THE APPROPRIATION OR SEASON OF USE. THIS TEMPORARY URGENCY CHANGE IS REQUESTED FOR A PERIOD OF ONE HUNDRED EIGHTY DAYS OR LESS.

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated September 22 2009 at Los Angeles, California

Frank Rojas _____ 213-367-1792
Signature(s) Telephone No.

111 N. Hope Street, Room 1468, Los Angeles, CA 90012
(Address)

NOTE: All petitions must be accompanied by the **filing fee**, (see fee schedule at www.waterrights.ca.gov) made payable to the State Water Resources Control Board and an **\$850 fee** made payable to the Department of Fish and Game must accompany this petition. Separate petitions are required for each water right.

Reason for Temporary Urgency Flow Change Petition

Based on the findings of the State Water Resources Control Board (SWRCB) - appointed scientists for the instream flow requirements, the Los Angeles Department of Water and Power (LADWP) requests your approval of this petition for the temporary urgent change in the required minimum winter base flow of the following creeks:

1. Rush Creek: Lower the required winter base flow from 44 cubic feet per second (cfs) to a range of 28–32 cfs from October 3, 2009 to March 31, 2010.
2. Lee Vining Creek: Lower the required winter base flow from 40 cfs to a range of 12–18 cfs.
 - October 3 to December 31, 200916–18 cfs.
 - January 1 to March 31, 2010.....12–14 cfs.

LADWP asked the stream scientists to clarify the lower flow recommendations to ensure the flows will not harm the fishery. Per their recommendations (attached email from Ross Taylor), LADWP crew will investigate icing concerns by collecting riffle crest depths at the lower range in areas specified by the scientists. Flow will be ramped back up to 16-18 cfs if icing is determined or suspected.

The SWRCB appointed stream scientists have completed their instream flow studies in the Mono Basin to quantify adult trout holding and foraging microhabitat areas over a range of test flows. They also assessed trout microhabitat area in conjunction with water temperature, fish passage, and riffle hydraulics where trout food resources (benthic macro invertebrates) are concentrated. The report, "Rush and Lee Vining Creeks - Instream Flow Study" containing the result of this study and the resulting flow needs recommendations was distributed to the SWRCB and Mono Basin stakeholders on August 7, 2009.

During the upcoming winter season (i.e., from October 2009 to March 2010), the LADWP would like to operate under the flow ranges recommended by the scientists. This change is not anticipated to have unreasonable effect upon fish, wildlife, and other instream beneficial uses. In fact the reason the change is recommended is to improve and benefit fish habitat in the creeks. Also, the change will not injure any lawful user of water as the flow is only being lowered to maximize microhabitat areas.

The recommended flows will be achieved by ramping up or down with the existing ramping rate for both creeks (i.e., 10 cfs daily) as outlined in Decision 1631 and Order 98-05. This temporary operation will allow LADWP and the scientists to test the recommended flow ranges and conserve more water in Grant Reservoir for in-basin uses. This petition will not increase LADWP's annual allowed diversion of 16,000 acre-feet under Decision 1631.

Notice of Exemption

Form D

To: Office of Planning and Research
P.O. Box 3044, Room 212
Sacramento, CA 95812-3044

From: (Public Agency) City of Los Angeles
Department of Water and Power (LADWP)
111 N. Hope St., Room 1468, Los Angeles, CA 90012
(Address)

County Clerk
County of Mono
P.O.Box 237
Bridgeport, CA 93517

Project Title: Temporary Urgency Flow Changes - Mono Basin

Project Location - Specific:

- 1) Rush Creek - Mono Basin, Mono County, CA
2) Lee Vining Creek - Mono Basin, Mono County, CA

Project Location - City: Mono Basin Project Location - County: Mono

Description of Nature, Purpose and Beneficiaries of Project:

The State Water Resources Control Board (SWRCB) appointed stream scientists have completed Instream Flow Study and have come up with recommended flow ranges to improve trout holding habitats in the creeks. Project is to operate the upcoming winter season between October 2009 and March 2010 using the scientists' flow ranges instead of the flows of SWRCB's Decsion 1631 and Order 98-05. This temporary operation will allow LADWP to test the recommended flows.

Name of Public Agency Approving Project: City of Los Angeles, Department of Water and Power

Name of Person or Agency Carrying Out Project: City of Los Angeles, Department of Water and Power

Exempt Status: (check one)

- Ministerial (Sec. 21080(b)(1); 15268);
Declared Emergency (Sec. 21080(b)(3); 15269(a));
Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: Section 15301 (i)
Statutory Exemptions. State code number:

Reasons why project is exempt:

It does not involve expansion of existing use. Streams being lowered to improve fish habitat in the creeks.

Lead Agency Contact Person: Bruk Moges Area Code/Telephone/Extension: 213-367-1792

If filed by applicant:

- 1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? [X] Yes [] No

Signature: Bruk Moges Date: 9/22/09 Title: Civil Eng. Associate

- [X] Signed by Lead Agency Date received for filing at OPR:
[] Signed by Applicant

Revised 2005