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STATE WATER RESOURCES CONTROL BOARD

2009 SEP 23 PM 1:56

OFFICE OF WATER RIGHTS SACRAMENTO

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>

PETITION FOR TEMPORARY URGENCY CHANGE
 (Water Code 1435)

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

X Change in Instream-Flow Requirements in the Mono Basin

Application # 8043 License # 10192

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 DEG
 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

Bruce Rogers _____ 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.

Moges, Bruk

From: Ross Taylor [rossntaylor@sbcglobal.net]
Sent: Thursday, August 27, 2009 8:08 AM
To: Moges, Bruk; Hanna, Mark (water); Bill Trush
Cc: Ken Knudson; Brad Shepard; Darren Mierau; Martin, Dave
Subject: Lee Vining Creek - winter baseflows for 2009-10

Bruk et al.

Yesterday I received the riffle-crest thalweg depths from McBain and Trush that were measured in LV at the test flows during the habitat mapping. At the lowest test flow of 12 cfs, these depths ranged from 0.65ft to 1.0ft with a mean of 0.9ft. These depths appear adequate for fish passage, however they were only measured within the BMI mapping reach which was within the relatively steep/confined section from the top of the A-4 channel split-down. This reach lacked distinct pool-riffle breaks and unfortunately we did not get riffle crest depths in the mapping reaches farther downstream where these breaks were more distinct and the channel has less slope and confinement.

After reviewing these data and discussing the issue with Ken Knudson, I am recommending a more conservative approach to LV's baseflow for this coming winter with the flexibility to allow us (well, Dave's crew) to collect some riffle crest data and investigate the potential for icing at a low baseflow of 12-14 cfs. I would recommend that the baseflow for the period of Oct 3rd-Dec 31st be 16-18 cfs - these flows should provide adequate depth for fish passage during the period when brown trout would be migrating for spawning purposes. For Jan 1st - March 31st, the baseflow could then be dropped into the 12-14 cfs range with Dave's crew collecting riffle crest depths in areas we will specify for them. We would then work with Dave's crew to investigate icing concerns based on weather forecasts. I would want DWP to have the flexibility to raise the flow back up into the 16-18 cfs range if we determine or suspect there are passage or icing concerns at the lower range.

Ross

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 Decision 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

California Environmental Protection Agency

State Water Resources Control Board

DIVISION OF WATER RIGHTS

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ENVIRONMENTAL INFORMATION FOR PETITIONS

Petition for Change

Petition for Extension of Time

Before the State Water Resources Control Board (State Water Board) can approve a petition to change your water right permit or a petition for extension of time to complete use, the State Water Board must consider the information contained in an environmental document prepared in compliance with the California Environmental Quality Act (CEQA). This form is not a CEQA document. If a CEQA document has not yet been prepared, a determination must be made of who is responsible for its preparation. As the petitioner, you are responsible for all costs associated with the environmental evaluation and preparation of the required CEQA documents. Please answer the following questions to the best of your ability and submit any studies that have been conducted regarding the environmental evaluation of your project. If you need more space to completely answer the questions, please number and attach additional sheets.

1. DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition to change, provide a description of the proposed changes to your project including, but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated, increase in water diversion and use (up to the amount authorized by the permit), changes in land use, and project operational changes, including changes in how the water will be used. For a petition for extension of time, provide a description of what work has been completed and what remains to be done. Include in your description any of the above elements that will occur during the requested extension period.

Please see Attachment No. 1

See Attachment No. 1

2. COUNTY PERMITS *Not Applicable*

a. Contact your county planning or public works department and provide the following information:

Person contacted: _____ Date of contact: _____

Department: _____ Telephone: (_____) _____

County Zoning Designation: _____

Are any county permits required for your project? YES NO If YES, check appropriate box below:

- Grading permit Use permit Watercourse Obstruction permit Change of zoning
 General plan change Other (explain):

b. Have you obtained any of the required permits described above? YES NO

If YES, provide a complete copy of each permit obtained.

See Attachment No. ____

3. STATE/FEDERAL PERMITS AND REQUIREMENTS *Not Applicable*

a. Check any additional state or federal permits required for your project:

- Federal Energy Regulatory Commission U.S. Forest Service Bureau of Land Management
 Soil Conservation Service Dept. of Water Resources (Div. of Safety of Dams) Reclamation Board
 Coastal Commission State Lands Commission Other (specify)

b. For each agency from which a permit is required, provide the following information:

AGENCY	PERMIT TYPE	PERSON(S) CONTACTED	CONTACT DATE	TELEPHONE NO.

See Attachment No. ____

c. Does your proposed project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed or bank of any stream or lake? YES NO

If YES, explain:

See Attachment No. ____

- d. Have you contacted the California Department of Fish and Game concerning your project?
 YES NO

If YES, name and telephone number of contact:

4. ENVIRONMENTAL DOCUMENTS

- a. Has any California public agency prepared an environmental document for your project? YES NO
If YES, submit a copy of the latest environmental document(s) prepared, including a copy of the notice of determination adopted by the California public agency. Public agency:

- b. If NO, check the appropriate box and explain below, if necessary:

- The petitioner is a California public agency and will be preparing the environmental document.*
 I expect that the State Water Board will be preparing the environmental document.**
 I expect that a California public agency other than the State Water Board will be preparing the environmental document.* Public agency:

- See Attachment No. ____

* Note: When completed, submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Board, Division of Water Rights. Processing of your petition cannot proceed until these documents are submitted.

** Note: CEQA requires that the State Water Board, as Lead Agency, prepare the environmental document. The information contained in the environmental document must be developed by the petitioner and at the petitioner's expense under the direction of the State Water Board, Division of Water Rights.

5. WASTE/WASTEWATER

- a. Will your project, during construction or operation, (1) generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or (2) cause erosion, turbidity or sedimentation?

- YES NO

If YES, or you are unsure of your answer, explain below and contact your local Regional Water Quality Control Board for the following information (See instruction booklet for address and telephone no.):

- See Attachment No. ____

- b. Will a waste discharge permit be required for your project? YES NO

Person contacted: _____ Date of contact: _____

- c. What method of treatment and disposal will be used?

Not Applicable

- See Attachment No. ____

6. ARCHEOLOGY

- a. Have any archeological reports been prepared on this project? YES NO
- b. Will you be preparing an archeological report to satisfy another public agency? YES NO
- c. Do you know of any archeological or historic sites located within the general project area?
 YES NO

If YES, explain:

See Attachment No. ____

7. ENVIRONMENTAL SETTING *Not Applicable*

Attach **three complete sets of color photographs**, clearly dated and labeled, showing the vegetation that exists at the below-listed three locations. For time extension petitions, the photographs should document only those areas of the project that will be impacted during the requested extension period.

- Along the stream channel immediately downstream from the proposed point(s) of diversion.
- Along the stream channel immediately upstream from the proposed point(s) of diversion.
- At the place(s) where the water is to be used.

8. CERTIFICATION

I hereby certify that the statements I have furnished above and in the attachments are complete to the best of my ability and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date: 9/22/09 Signature: Bruce Hojer