

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

Change in Instream-Flow Requirements in the Mono Basin

Application # 8042 and 8043

License # 10191 and 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 March 16, 2009 to May 15, 2009  
(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 for detail reasons**

- 1) To help store more water for Grant Lake Reservoir by lowering baseflow for Rush Creek
- 2) To allow Water Board appointed stream scientists to conduct habitat mapping study on Lee Vining Creek.

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) 872-1171

\_\_\_\_\_  
Agrees that this petition conforms to the requirements of PRC section 10005(d)(1) through (4)

\_\_\_\_\_  
and subsection (e); and supports this petition designed to benefit fish and wildlife resources.

**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 March 12, 2009 at Los Angeles, California

[Signature] 213-367-1138  
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](http://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.

**The reasons for this temporary urgent change petition**

(1) The Los Angeles Department of Water and Power (LADWP) requests that the State Water Resource Control Board (SWRCB) approve the petition for temporary urgent change in required dry year minimum base flow releases to Rush Creek contained in Decision 1631:

- Lower the required base flows by 14 cubic feet per second (cfs) from 36 cfs to 22 cfs from March 16 through May 15, 2009. If warmer conditions are anticipated such that it could affect water temperatures and/or other ecosystems attributes, then the 22 cfs will be until April 30, 2009 and flow will be ramped up back to Decision 1631 baseflows.
- Increase the ramping rate from the 10-percent daily change or 10 cfs, whichever is greater.

LADWP is requesting this reduction in base flows on behalf of the Board appointed stream scientists, Department of Fish and Game, Caltrout, and Mono Lake Committee who have collectively recommended this petition in order to help LADWP's Grant Lake Reservoir gain some storage for the upcoming runoff year and adaptively manage stream releases in order to minimize the impact of high temperatures and turbidity from negatively impacting Rush Creek's fishery.

(2) LADWP is also requesting a temporary urgent change on Lee Vining Creek baseflow and ramping requirements as outlined in Decision 1631. The reason for this request is so that the SWRCB-appointed Stream and Fisheries Scientists, Dr. Bill Trush and Mr. Chris Hunter, can conduct instream flow habitat mapping studies on Lee Vining Creek.

Mr. Chris Hunter, the Fisheries Scientist, is the lead for the instream flow studies, and has requested the following flows for Lee Vining Creek:

Thursday April 30, 2009 - 12 cfs  
Friday May 1, 2009 - 20 cfs  
Saturday May 2, 2009 - 28 cfs  
Sunday May 3, 2009 - 37 cfs (rest day)  
Monday May 4, 2009 - 37 cfs  
Tuesday May 5, 2009 - 54 cfs

To accomplish this, and depending on the available flow above the Lee Vining diversion facility, LADWP will ramp the flow so that 12 cfs passes below the diversion facility on April 30. LADWP will follow the above flow schedule and will allow the requested flow to pass through the diversion facility and divert excess water into the conduit to go into the Grant Lake Reservoir. The flow change ramping rates before the beginning and between the requested flows may be

higher than the prescribed 20-percent daily change during ascending and 15-percent during descending limbs, or 10-cfs, whichever is greater, depending on the available flow coming down above the diversion facility.

Starting May 6, 2009, LADWP will resume its required baseflow releases down Lee Vining Creek per Decision 1631. If the peak flow occurs during the above study dates, LADWP will plan on passing the next highest peak which may require a higher ramping rate again.

LADWP has been informed by Southern California Edison (SCE), which operates reservoirs upstream, that they have insufficient storage in their reservoirs and so will not be able to accommodate the requested flows. Since SCE has indicated that their releases will be natural flows (flowing through their Poole Power Plant), and the fact that flows can be unpredictable, LADWP is also requesting some flexibility in possibly conducting the study starting from the higher flow (54 cfs) to the lower flow (12 cfs).

Mr. Hunter and his team will work closely with Dr. Trush and his team to develop an instream flow study plan and its implementation as they did on Rush Creek study in August 2008. The main objective of the instream flow study is to make flow recommendations that should improve habitat conditions to grow older and larger trouts, i.e., fish large enough to meet specific termination criteria. These habitat-flow relationships will be used to evaluate the present baseflow requirements in the SWRCB Decision 1631 and Order No. 98-05, and to recommend modifications (if needed) in prescribed baseflow releases.