

**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

August 2, 1993

To: Board of Directors (Legal and Claims Committee--Information)
(Water Problems Committee--Information)

From: Assistant General Counsel

Subject: SWRCB Mono Basin Water Rights Proceedings

Report

The State Water Resources Control Board (SWRCB) has scheduled 12 days of evidentiary hearings this fall on proposals to reduce the City of Los Angeles' Mono Basin water rights licenses. Los Angeles has historically exported an average of 90,000 acre feet of water annually from Mono Basin streams to Los Angeles' portion of Metropolitan's service area. That supply met about one-sixth of Los Angeles water demands.

SWRCB released a related draft environmental impact report (DEIR) in May recommending that Los Angeles not be allowed to export Mono Basin water for several more years, until Mono Lake's surface level increases about nine feet, and that it then export only thirty-five percent of Los Angeles average annual exports in subsequent normal years. Metropolitan's staff are responding to the DEIR as part of the public comment process under the California Environmental Quality Act.

SWRCB sent formal notices of its hearings on Los Angeles Mono Basin water rights early last month to some 500 entities, describing the hearing process and listing 19 key issues. However, none of those issues address the impacts of reducing Los Angeles' Mono Basin water supply on Metropolitan's service area and water supply.

The hearings notice indicates that the purpose of the hearings is to (1) amend Los Angeles water right licenses to reestablish and maintain fisheries in the Mono Basin tributaries equivalent to those which existed prior to Los Angeles' exports; and (2) specify water surface elevation requirements for Mono Lake and other conditions necessary to protect public trust uses of the Lake and its tributaries.

The SWRCB hearings implement court directives issued in several pending Mono Basin water rights cases which are being coordinated by the El Dorado County Superior Court. For the past three and one-half years those cases have prevented

Los Angeles from exporting any Mono Basin water to its service area until SWRCB adds new conditions to Los Angeles' Mono Basin water rights licenses. Los Angeles has accordingly increased substantially its demands on Metropolitan's system during that period.

This Office, in cooperation with the General Manager's staff, is preparing to submit testimony and other evidence at the SWRCB hearings describing impacts of reductions in Los Angeles' Mono Basin water supply on Metropolitan's water supply and related matters. Metropolitan presented similar information at SWRCB's 1989 hearings on the scope of these proceedings, pursuant to action taken by your Board at its June 1989 meeting.

Metropolitan's 1989 submittals to SWRCB emphasized the importance of identifying and evaluating the impacts on Metropolitan's service area. They included declarations which Metropolitan's General Manager, Chief of Operations, and directors of Planning, Resources and State Water Project and Conservation had previously submitted in the pending Mono Basin water rights cases.

SWRCB requires that the participants at the fall hearings submit a written Notice of Intent to Appear by August 23, and file proposed testimony and exhibits by September 22. We will of course advise you of significant developments. It is contemplated that Metropolitan staff would provide testimony regarding water demands, water resources, and water quality at these hearings.

Board Committee Assignments


This letter is referred for information to:

The Legal and Claims Committee because of its authority to study, advise and make recommendations with regard to litigation affecting the District pursuant to Administrative Code Section 2461(a); and

The Water Problems Committee because of its authority to study, advise and make recommendations with regard to policies, sources and means of importing water required by the District pursuant to Administrative Code Section 2481(a).

Recommendation

For information only.


Karen L. Tachiki