

Please indicate County where your project is located here:

MAIL FORM AND ATTACHMENTS TO:
State Water Resources Control Board
DIVISION OF WATER RIGHTS
P.O. Box 2000, Sacramento, CA 95812-2000
Tel: (916) 341-5300 Fax: (916) 341-5400
<http://www.waterboards.ca.gov/waterrights>

PETITION FOR CHANGE

Separate petitions are required for each water right. Mark all areas that apply to your proposed change(s). Incomplete forms may not be accepted. Location and area information must be provided on maps in accordance with established requirements. (Cal. Code Regs., tit. 23, § 715 et seq.) Provide attachments if necessary.

Point of Diversion
Wat. Code, § 1701

Point of Rediversion
Cal. Code Regs., tit. 23, § 791(e)

Place of Use
Wat. Code, § 1701

Purpose of Use
Wat. Code, § 1701

Distribution of Storage
Cal. Code Regs., tit. 23, § 791(e)

Temporary Urgency
Wat. Code, § 1435
Please see Attachment 1

Instream Flow Dedication
Wat. Code, § 1707

Waste Water
Wat. Code, § 1211

Split
Cal. Code Regs., tit. 23, § 836

Terms or Conditions
Cal. Code Regs., tit. 23, § 791(e)

Other

Application

Permit

License

Statement

I (we) hereby petition for change(s) noted above and described as follows:

Point of Diversion or Rediversion – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Present:

Proposed:

Place of Use – Identify area using Public Land Survey System descriptions to ¼-¼ level; for irrigation, list number of acres irrigated.

Present:

Proposed:

Purpose of Use

Present:

Proposed:

Split

Provide the names, addresses, and phone numbers for all proposed water right holders.

In addition, provide a separate sheet with a table describing how the water right will be split between the water right holders: for each party list amount by direct diversion and/or storage, season of diversion, maximum annual amount, maximum diversion to offstream storage, point(s) of diversion, place(s) of use, and purpose(s) of use. Maps showing the point(s) of diversion and place of use for each party should be provided.

Distribution of Storage

Present:

Proposed:

Temporary Urgency

This temporary urgency change will be effective from [] to []

Include an attachment that describes the urgent need that is the basis of the temporary urgency change and whether the change will result in injury to any lawful user of water or have unreasonable effects on fish, wildlife or instream uses.

Instream Flow Dedication – Provide source name and identify points using both Public Land Survey System descriptions to ¼-¼ level and California Coordinate System (NAD 83).

Upstream Location: []
Downstream Location: []

List the quantities dedicated to instream flow in either: cubic feet per second or gallons per day:

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec

Will the dedicated flow be diverted for consumptive use at a downstream location? Yes No
If yes, provide the source name, location coordinates, and the quantities of flow that will be diverted from the stream.
[]

Waste Water

If applicable, provide the reduction in amount of treated waste water discharged in cubic feet per second.

Will this change involve water provided by a water service contract which prohibits your exclusive right to this treated waste water? Yes No

Will any legal user of the treated waste water discharged be affected? Yes No

General Information – For all Petitions, provide the following information, if applicable to your proposed change(s).

Will any current Point of Diversion, Point of Storage, or Place of Use be abandoned? Yes No

I (we) have access to the proposed point of diversion or control the proposed place of use by virtue of:
 ownership lease verbal agreement written agreement

If by lease or agreement, state name and address of person(s) from whom access has been obtained.
[]

Give name and address of any person(s) taking water from the stream between the present point of diversion or redirection and the proposed point of diversion or redirection, as well as any other person(s) known to you who may be affected by the proposed change.

[]

All Right Holders Must Sign This Form: I (we) declare under penalty of perjury that this change does not involve an increase in the amount of the appropriation or the season of diversion, and that the above is true and correct to the best of my (our) knowledge and belief. Dated 11/8/13 at Los Angeles



Right Holder or Authorized Agent Signature
JAMES G. YANNOTTA

Right Holder or Authorized Agent Signature

NOTE: All petitions must be accompanied by:
(1) the form Environmental Information for Petitions, including required attachments, available at: http://www.waterboards.ca.gov/waterrights/publications_forms/forms/docs/pet_info.pdf
(2) Division of Water Rights fee, per the Water Rights Fee Schedule, available at: http://www.waterboards.ca.gov/waterrights/water_issues/programs/fees/
(3) Department of Fish and Wildlife fee of \$850 (Pub. Resources Code, § 10005)

State of California
State Water Resources Control Board
DIVISION OF WATER RIGHTS
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ENVIRONMENTAL INFORMATION FOR PETITIONS

This form is required for all petitions.

Before the State Water Resources Control Board (State Water Board) can approve a petition, 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.

DESCRIPTION OF PROPOSED CHANGES OR WORK REMAINING TO BE COMPLETED

For a petition for 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.

Insert the attachment number here, if applicable:

Coordination with Regional Water Quality Control Board

For change petitions only, you must request consultation with the Regional Water Quality Control Board regarding the potential effects of your proposed change on water quality and other instream beneficial uses. (Cal. Code Regs., tit. 23, § 794.) In order to determine the appropriate office for consultation, see: http://www.waterboards.ca.gov/waterboards_map.shtml. Provide the date you submitted your request for consultation here, then provide the following information.

Date of Request

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

Will a waste discharge permit be required for the project?

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Local Permits

For temporary transfers only, you must contact the board of supervisors for the county(ies) both for where you currently store or use water and where you propose to transfer the water. (Wat. Code § 1726.) Provide the date you submitted your request for consultation here.

Date of Contact

For change petitions only, you should contact your local planning or public works department and provide the information below.

To be determined during project design phase

Person Contacted:

Date of Contact:

Department:

Phone Number:

County Zoning Designation:

Are any county permits required for your project? If yes, indicate type below.

Yes No

To be determined during project design phase

Grading Permit

Use Permit

Watercourse

Obstruction Permit

Change of Zoning

General Plan Change

Other (explain below)

If applicable, have you obtained any of the permits listed above? If yes, provide copies.

Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Federal and State Permits

Check any additional agencies that may require permits or other approvals for your project:

- Regional Water Quality Control Board Department of Fish and Game
- Dept of Water Resources, Division of Safety of Dams California Coastal Commission
- State Reclamation Board U.S. Army Corps of Engineers U.S. Forest Service
- Bureau of Land Management Federal Energy Regulatory Commission
- Natural Resources Conservation Service

Have you obtained any of the permits listed above? If yes, provide copies. Yes No

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

Agency	Permit Type	Person(s) Contacted	Contact Date	Phone Number
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If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Construction or Grading Activity

Does the project involve any construction or grading-related activity that has significantly altered or would significantly alter the bed, bank or riparian habitat of any stream or lake? Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Archeology

to be determined by Environmental Planning group

Has an archeological report been prepared for this project? If yes, provide a copy. Yes No

Will another public agency be preparing an archeological report? Yes No

Do you know of any archeological or historic sites in the area? If yes, explain below. Yes No

If necessary, provide additional information below:

Insert the attachment number here, if applicable:

Photographs

Please see Attachment 3

For all petitions other than time extensions, attach complete sets of color photographs, clearly dated and labeled, showing the vegetation that exists at the following three locations:

- Along the stream channel immediately downstream from each point of diversion
- Along the stream channel immediately upstream from each point of diversion
- At the place where water subject to this water right will be used

Maps

Please see Attachment 4

For all petitions other than time extensions, attach maps labeled in accordance with the regulations showing all applicable features, both present and proposed, including but not limited to: point of diversion, point of redirection, distribution of storage reservoirs, point of discharge of treated wastewater, place of use, and location of instream flow dedication reach. (Cal. Code Regs., tit. 23, §§ 715 et seq., 794.)

Pursuant to California Code of Regulations, title 23, section 794, petitions for change submitted without maps may not be accepted.

All Water Right Holders Must Sign This Form:

I (we) hereby certify that the statements I (we) have furnished above and in the attachments are complete to the best of my (our) ability and that the facts, statements, and information presented are true and correct to the best of my (our) knowledge. Dated 11/8/13 at Los Angeles



Water Right Holder or Authorized Agent Signature

JAMES G. YANNOTTA

Water Right Holder or Authorized Agent Signature

NOTE:

- **Petitions for Change** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game. (Cal. Code Regs., tit. 23, § 794.)
- **Petitions for Temporary Transfer** may not be accepted unless you include proof that a copy of the petition was served on the Department of Fish and Game and the board of supervisors for the county(ies) where you currently store or use water and the county(ies) where you propose to transfer the water. (Wat. Code § 1726.)

Attachment 1

**STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD**

In the matter of:)
City of Los Angeles Department of Water and Power,)
Water Right Licenses Nos. 10191 and 10192)

APPENDIX 1.
PROPOSED AMENDMENTS TO WATER RIGHTS OF LOS ANGELES
DEPARTMENT OF WATER AND POWER

I.
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

Findings of Fact

F1. Based on monitoring results to date, the Stream Monitoring Team recommended stream ecosystem flows (SEFs), modification of Grant Lake Reservoir facilities, and other measures for the protection of fisheries and creeks. See *Mono Basin Stream Restoration and Monitoring Program: Final Report on Synthesis of Instream Flow Recommendations to the State Water Resources Control Board and the Los Angeles Department of Water and Power* (April 30, 2010) (*Synthesis Report*).

F2. Following the completion of the *Synthesis Report*, Licensee participated in facilitated discussions with California Department of Fish and Wildlife (DFW), California Trout (CT), and the Mono Lake Committee (MLC) (together, Conservation Parties) to discuss the feasibility of the measures recommended in the *Report* and to resolve related disputes. As a result of these discussions, Licensee and the Conservation Parties entered a Settlement Agreement, which includes proposed amendments to Licensee's Mono Basin Water Rights Licenses. These proposed license amendments will implement all recommendations from the *Synthesis Report*. Licensee and the Conservation Parties agree that implementation of these recommendations is feasible, under the conditions established in the Settlement Agreement. The Board finds that implementation of these proposed amendments is feasible.

F3. The Board further finds that implementation of the proposed license amendments will significantly enhance the conditions of the fisheries and creeks resulting from implementation of the existing requirements in Decision 1631 and Orders 98-05 and 98-07. While such implementation could have incidental impacts on the channel form, water quality, fisheries, or other resources of a given creek, any such impacts will be *de minimis* compared to the benefits resulting from flow schedules which are as consistent as possible with restoring the ecological processes and conditions that benefitted the pre-1941 fishery.

F4. Adaptive management of flow requirements will further enhance their benefits, as monitoring improves our understanding of how best to manage flows to restore ecological processes and beneficial conditions in these creeks.

F5. The Mono Basin Monitoring Administration Team (MAT) will expedite administration of contracts with scientists assigned to conduct monitoring under Decision 1631, Orders 98-05 and 98-07, and Conditions 5 and 6 as approved in this [order].

F6. The proposed license amendments allow LADWP to export water in excess of the amount otherwise allowed by Decision 1631 ¶ 6.a, in order to offset a portion of the capital cost of the Grant Outlet. The Additional Export will be in an amount not to exceed 12,000 acre-feet. The Board finds this Additional Export will not materially delay the date when Mono Lake reaches 6,391 feet MSL.

Appendix 1
Mono Basin Settlement Agreement

F7. Decision 1631 ¶ 6.a(4) requires a hearing if Mono Lake does not reach elevation 6,391 feet MSL by September 28, 2014. The proposed license amendments continue that trigger date until September 28, 2020. Licensee and the Conservation Parties agreed to this continuation as part of a package of proposed license amendments designed to achieve implementation of the *Synthesis Report* expeditiously, without a contested Board hearing, and at a reasonable cost. The lake will continue, on average, to rise towards 6,391 feet MSL, and the trend in lake level remains within the ranges previously forecast by the Board for this transition period.

Conclusions of Law

C1. Adoption of this Order concludes the study process required by Order 98-05 ¶ 1.b(2)(a)-(b), resolves all disputes about the feasibility of implementing the Synthesis Report, and avoids the costs and delay otherwise resulting from administrative and other litigation associated with this process and report. **This Order constitutes the Board's final determination of the magnitude, duration, and frequency of the stream flows necessary for the restoration of Rush, Lee Vining, Parker, and Walker Creeks pursuant to Decision 1631 and Order 98-05, subject to (i) adaptive management and (ii) the Board's general authority.**

C2. LADWP's performance of the measures specified in [Appendix 1 as approved], including funding obligations found below, along with its performance of any preexisting obligations that are not changed by such [order], will be deemed to constitute all of LADWP's obligations for stream restoration, fish protection, and the related monitoring program under Decision 1631 and Orders 98-05 and 98-07.

C3. LADWP will not be subject to any additional requirements for stream restoration and fish protection under the authorities of Decision 1631 and Orders 98-05 and 98-07.

C4. The flows specified in Tables 1 and 2 will provide hydrologic variation which advances geomorphic and other ecological processes necessary for stream restoration. Although these flows may also incidentally cause adverse impacts to the channel form, water quality, fisheries, or other resources of a given creek, such impacts are found to be non-significant under CEQA, and LADWP will not be liable for any additional requirement, including release of flow or monetary expenditure, to remedy such impacts under any of the authorities that the Board administers.

C5. LADWP will be subject to the Board's general authorities for stream restoration, fish protection, and other purposes, as recognized by Decision 1631 paragraph 12.

C6. Licensee's bypass of the flows to Walker and Parker Creeks, as described in Section 1.c, below, is a condition of this Order and is not an abandonment, dedication, or donation of Licensee's property.

C6. Given the factual findings set forth above, the Board concludes that adopting the license amendments proposed by Licensee, and approved by the Conservation Parties, is consistent with the public interest in Mono Lake.

II.

PROPOSED CONDITIONS OF WATER RIGHTS

General: Appendix 1 will be reframed, before submittal to SWRCB, to redline existing terms and conditions in Decision 1631 and Orders 98-05 and 98-07. What follows is an intermediate form that, via editorial signals, describes how those existing terms are proposed to be modified by the Settlement.

Condition 1 replaces: Stream Restoration Flow (SRF) requirements in Order 98-05 ¶¶ 1(a)(1) - 1(a)(3) and 3, related requirements in Order 98-05 ¶1.b(2)(a)-(b) and 98-05 2.a, as well as base flow requirements in Decision 1631 ¶1.

1. Stream Ecosystem Flows

For the protection of streams and fisheries, Licensee shall release the Stream Ecosystem Flows (SEFs) stated in Tables 1 and 2 below. The flows shall remain in the stream channel and shall not be diverted for any other use.

a. General

- (1). **Purpose.** These flow requirements implement the recommendations of the Stream Monitoring Team in *Mono Basin Stream Restoration and Monitoring Program: Final Report on Synthesis of Instream Flow Recommendation to the State Water Resources Control Board and the Los Angeles Department of Water and Power* (April 30, 2010) (Ex. [number]) (hereafter, *Synthesis Report*).
- (2). **Minimums.** These flows are minimums unless otherwise specified.
- (3). **Adaptive Management.** Flow requirements in Tables 1 and 2 are subject to adaptive management as provided in Condition 5(b).
- (4). **Ramping.** The ramping rates specified in Tables 1 and 2 apply to flow changes which occur as a result of Licensee's operation of its points of diversion. These rates shall be calculated based on the percentage of change in flow from the average flow over the preceding 24 hours. Licensee shall operate its points of diversion to not exceed maximum ramping rates that are specified in the Mono Basin Operations Plan (MBOP) specified in Condition 3. Licensee shall also operate to achieve the target ramping rates to the extent feasible, taking into account

operational or other limitations. The MBOP or Annual Operations Plan (AOP) shall specify alternative target rates when necessary to address such limitations. Pursuant to Condition 1.a(5), the Licensee is not required to report variance from a target ramping rate that is less than 10% of that rate.

(5). Unanticipated events. If an unanticipated event, including an emergency, prevents compliance with the SEFs or other requirement for the operation of Licensee's Mono Basin facilities, Licensee shall notify the Division of Water Rights as soon as practical, and not later than 5 business days of actual knowledge of the event. This notice shall include a written explanation of why the requirement was not met and any corrective actions.

b. Rush Creek. Licensee shall release flows from Grant Lake Reservoir as specified in Table 1. Prior to completion of the Grant Outlet as provided in Condition 2, Licensee shall release such flows to the extent possible given existing capacity of Mono Gate One Return Ditch and best efforts to use reservoir spills.

(1). Stored Water. When necessary in order to meet these flow requirements, Licensee shall release water from storage at Grant Lake Reservoir if storage exceeds 11,500 acre-feet. Licensee shall reduce otherwise allowable export to maintain at least 11,500 acre-feet of storage. If Grant Lake Reservoir is at or below 11,500 acre-feet of storage, Licensee shall release inflow or the flow requirement, whichever is less.

(2). Storage Rules and Criteria. In order to provide coldwater flow in Rush Creek, Licensee shall follow the following rules and criteria for Grant Lake Reservoir. Licensee shall reduce otherwise allowable export to meet these criteria; flow requirements shall not be so reduced.

- i. In all years, Licensee shall store at least 20,000 acre-feet of water in Grant Lake Reservoir from July 1 through September 30.
- ii. If Grant Lake is below 25,000 acre-feet of storage on July 1 in a Dry or Dry-Normal I year (as defined pursuant to Decision 1631), Licensee shall release all available water diverted from Lee Vining Creek through the Five Siphons Bypass to augment coldwater flow in Rush Creek. There shall be no augmentation of Rush Creek in other year types or for other purposes.
- iii. From October 1 to March 31, Licensee shall undertake to avoid reservoir spills and avoid flows as specified in the MBOP that mobilize the bed of Rush Creek.

- c. Parker and Walker Creeks. Licensee shall continuously bypass the flows of Walker and Parker Creeks as specified in Table 2-16 (p. 61) of the Synthesis Report, except as provided for in Section 1(a)(5) of this Order.
- d. Lee Vining Creek. Licensee shall release bypass flows in Lee Vining Creek as specified in Table 2.
 - (1). Licensee shall release flow below its point of diversion at least equal to the flow specified, or the inflow, whichever is less.
 - (2). Licensee shall measure inflow at the flume upstream of the diversion pond and shall measure bypass flow at the diversion dam.

TABLE 1A			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Extreme-Wet			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – April 30	40 cfs	
Spring Ascension	May 1 through May 14	40 cfs ascending to 80 cfs	Target: 5%
Spring Bench	May 15 through June 11	80 cfs	
Snowmelt Ascension	June 12 through June 21	80 cfs ascending to 220 cfs	Target: 10%
Snowmelt Bench	June 22 through August 10	220 cfs	
Snowmelt Flood and Snowmelt Peak	Starting between June 23 and July 19 with the 5-day peak between June 29 and July 29	220 cfs ascending to 750 cfs, release 750 cfs for 5 days, 750 cfs descending to 220 cfs	Target: 20% ascending and 10% descending
Medium Recession (Node)	August 11 through August 24	220 cfs descending to 90 cfs	Target: 6%
Slow Recession	August 25 through September 30	90 cfs descending to 27 cfs	Target: 3%
Fall and Winter Baseflow	October 1 through March 31	27 cfs target (25 cfs minimum and 29 cfs maximum).	

TABLE 1B			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Wet			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – April 30	40 cfs	
Spring Ascension	May 1 through May 14	40 cfs ascending to 80 cfs	Target: 5%
Spring Bench	May 15 through June 11	80 cfs	
Snowmelt Ascension	June 12 through June 18	80 cfs ascending to 170 cfs	Target: 10%
Snowmelt Bench	June 19 through August 1	170 cfs	
Snowmelt Flood and Snowmelt Peak	Starting between June 20 and July 8 with the 5-day peak between June 27 and July 19	170 cfs ascending to 650 cfs, release 650 cfs for 5 days, 650 cfs descending to 170 cfs	Target: 20% ascending and 10% descending
Medium Recession (Node)	August 2 through August 15	170 cfs descending to 70 cfs	Target: 6%
Slow Recession	August 16 through September 11	70 cfs descending to 27 cfs	Target: 3%
Summer Baseflow	September 12 through September 30	30 cfs target 28 cfs minimum and 32 cfs maximum	
Fall and Winter Baseflow	October 1 through March 31	27 cfs target 25 cfs minimum and 29 cfs maximum	

TABLE 1C			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Wet- Normal			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – April 30	40 cfs	
Spring Ascension	May 1 through May 14	40 cfs ascending to 80 cfs	Target: 5%
Spring Bench	May 15 through June 11	80 cfs	
Snowmelt Ascension	June 12 through June 17	80 cfs ascending to 145 cfs	Target: 10%
Snowmelt Bench	June 18 through July 23	145 cfs	
Snowmelt Flood and Snowmelt Peak	Starting between June 19 and July 1 with the 3-day peak between June 26 and July 10	145 cfs ascending to 550 cfs, release 550 cfs for 3 days, 550 cfs descending to 145 cfs	Target: 20% ascending and 10% descending
Medium Recession (Node)	July 24 through August 4	145 cfs descending to 67 cfs	Target: 6%
Slow Recession	August 5 through August 31	67 cfs descending to 30 cfs	Target: 3%
Summer Baseflow	September 1 through September 30	30 cfs target 28 cfs minimum	
Fall and Winter Baseflow	October 1 through March 31	27 cfs target 25 cfs minimum and 29 cfs maximum	

TABLE 1D			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Normal			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – April 30	40 cfs	
Spring Ascension	May 1 through May 14	40 cfs ascending to 80 cfs	Target: 5%
Spring Bench	May 15 through June 11	80 cfs	
Snowmelt Ascension	June 12 through June 15	80 cfs ascending to 120 cfs	Target: 10%
Snowmelt Bench	June 16 through July 14	120 cfs	
Snowmelt Flood and Snowmelt Peak	Starting between June 17 and June 25 with the 3-day peak between June 23 and July 3	120 cfs ascending to 380 cfs, release 380 cfs for 3 days, 380 cfs descending to 120 cfs	Target: 20% ascending and 10% descending
Medium Recession (Node)	July 15 through July 26	120 cfs descending to 58 cfs	Target: 6%
Slow Recession	July 27 through August 16	58 cfs descending to 30 cfs	Target: 3%
Summer Baseflow	August 17 through September 30	30 cfs target 28 cfs minimum	
Fall and Winter Baseflow	October 1 through March 31	27 cfs target 25 cfs minimum and 29 cfs maximum	

TABLE 1E			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Dry- Normal II			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – May 18	40 cfs	
Spring Ascension	May 19 through May 31	40 cfs ascending to 80 cfs	Target: 5%
Snowmelt Bench	June 1 through June 30	80 cfs	
Snowmelt Flood and Snowmelt Peak	Starting between June 2 and June 15 with the 3-day peak between June 6 and June 21 coinciding with Parker and Walker Creek peaks	80 cfs ascending to 200 cfs, release 200 cfs for 3 days, 200 cfs descending to 80 cfs	Target: 20% ascending and 10% descending
Medium Recession (Node)	July 1 through July 8	80 cfs descending to 49 cfs	Target: 6%
Slow Recession	July 9 through July 23	48 cfs descending to 30 cfs	Target: 3%
Summer Baseflow	July 24 through September 30	30 cfs target 28 cfs minimum	
Fall and Winter Baseflow	October 1 through March 31	27 cfs target 25 cfs minimum and 29 cfs maximum	

TABLE 1F			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Dry- Normal I			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – April 30	40 cfs	
Spring Ascension	May 1 through May 14	40 cfs ascending to 80 cfs	Target: 5%
Snowmelt Bench	May 15 through July 3	80 cfs	
Medium Recession (Node)	July 4 through July 9	80 cfs descending to 45 cfs	Target: 6%
Slow Recession	July 10 through July 27	45 cfs descending to 30 cfs	Target: 3%
Summer Baseflow	July 28 through September 30	30 cfs target 28 cfs minimum	
Fall and Winter Baseflow	October 1 through March 31	27 cfs target 25 cfs minimum and 29 cfs maximum	

TABLE 1G			
RUSH CREEK STREAM ECOSYSTEM FLOWS			
Year-type: Dry			
HYDROGRAPH COMPONENT	TIMING	FLOW REQUIREMENT	RAMPING RATE
Spring Baseflow	April 1 – April 30	30 cfs	
Spring Ascension	May 1 through May 17	30 cfs ascending to 70 cfs	Target: 5%
Snowmelt Bench	May 18 through July 6	70 cfs	
Medium Recession (Node)	July 7 through July 12	70 cfs descending to 45 cfs	Target: 6%
Slow Recession	July 13 through July 27	45 cfs descending to 30 cfs	Target: 3%
Summer Baseflow	July 28 through September 30	30 cfs target 28 cfs minimum	
Fall and Winter Baseflow	October 1 through March 31	27 cfs target 25 cfs minimum and 29 cfs maximum	

TABLE 2A												
LEE VINING CREEK STREAM ECOSYSTEM FLOWS												
Timing: April 1 – September 30 Year-type: Extreme-Wet, Wet, Wet-Normal, Normal, Dry-Normal II												
TIMING	INFLOW	FLOW REQUIREMENT										
April 1 through September 30	30 cfs or less	Licensee shall bypass inflow.										
	31 – 250 cfs	Licensee shall release flow in the amount corresponding to inflow which is displayed as blocks of 10 cfs (left-hand vertical column) and 1 cfs increments within such blocks (top horizontal row).										
		Inflow	0	1	2	3	4	5	6	7	8	9
		30		30	30	30	30	30	31	32	33	34
		40	30	31	32	33	34	35	36	37	38	39
		50	35	36	37	38	39	40	41	42	43	44
		60	45	46	47	48	49	50	51	52	53	54
		70	55	56	57	58	59	60	61	62	63	64
		80	60	61	62	63	64	65	66	67	68	69
		90	70	71	72	73	74	75	76	77	78	79
		100	75	76	77	78	79	80	81	82	83	84
		110	85	86	87	88	89	90	91	92	93	94
		120	95	96	97	98	99	100	101	102	103	104
		130	100	101	102	103	104	105	106	107	108	109
		140	110	111	112	113	114	115	116	117	118	119
		150	120	121	122	123	124	125	126	127	128	129
		160	130	131	132	133	134	135	136	137	138	139
		170	135	136	137	138	139	140	141	142	143	144
		180	145	146	147	148	149	150	151	152	153	154
		190	155	156	157	158	159	160	161	162	163	164
		200	160	161	162	163	164	165	166	167	168	169
		210	170	171	172	173	174	175	176	177	178	179
		220	180	181	182	183	184	185	186	187	188	189
		230	190	191	192	193	194	195	196	197	198	199
		240	195	196	197	198	199	200	201	202	203	204

TABLE 2A												
			250	200								
	251 cfs and greater	Licensee shall bypass inflow.										

TABLE 2B												
LEE VINING CREEK STREAM ECOSYSTEM FLOWS												
Timing: April 1 – September 30 Year-type: Dry-Normal I, Dry												
TIMING	INFLOW	FLOW REQUIREMENT										
April 1 through September 30	30 cfs or less	Licensee shall bypass inflow.										
	31 – 250 cfs	Licensee shall release flow in the amount corresponding to inflow which is displayed as blocks of 10 cfs (left-hand vertical column) and 1 cfs increments within such blocks (top horizontal row).										
		Inflow	0	1	2	3	4	5	6	7	8	9
		30		30	30	30	30	30	30	30	30	30
		40	30	30	30	30	30	30	30	30	30	30
		50	30	30	30	30	30	30	30	30	31	32
		60	32	33	34	34	35	36	36	37	38	38
		70	39	40	41	41	42	43	43	44	45	45
		80	46	47	47	48	49	49	50	51	52	52
		90	53	54	54	55	56	56	57	58	59	59
		100	60	61	61	62	63	64	64	65	66	66
		110	67	68	69	69	70	71	72	72	73	74
		120	74	75	76	77	77	78	79	80	80	81
		130	82	82	83	84	85	85	86	87	88	88
		140	89	90	91	91	92	93	94	94	95	96
		150	97	97	98	99	100	100	101	102	103	103
		160	104	105	106	106	107	108	109	109	110	111
		170	112	112	113	114	115	115	116	117	118	118
		180	119	120	121	121	122	123	124	124	125	126
		190	127	128	128	129	130	131	131	132	133	134
		200	134	135	136	137	138	138	139	140	141	141
		210	142	143	144	144	145	146	147	148	148	149
		220	150	151	151	152	153	154	155	155	156	157
		230	158	158	159	160	161	162	162	163	164	165
		240	165	166	167	168	169	169	170	171	172	172

TABLE 2B												
			250	173								
	251 cfs and greater	Licensee shall bypass inflow.										

TABLE 2C				
LEE VINING CREEK STREAM ECOSYSTEM FLOWS				
Timing: October 1 – March 31 Year-type: All				
Maximum ramping at the beginning and end of this period is 20%.				
TIMING	FLOW REQUIREMENT			
	Extreme-Wet, Wet	Wet-Normal	Normal	Dry-Normal II, Dry-Normal I, Dry
October 1 through October 15	30 cfs	28 cfs	20 cfs	16 cfs
October 16 through October 31	28 cfs	24 cfs	18 cfs	
November 1 through November 15	24 cfs	22 cfs		
November 16 through March 31	20 cfs	20 cfs		

Condition 2 replaces the provision in Order 98-05 ¶ 1.b(2)(b)(2) requiring study of modifying Grant Dam.

2. Grant Outlet

LADWP shall modify the Grant Lake Reservoir Facilities to include an outlet which assures reliable delivery of the flow requirements specified in Table 1 (Grant Outlet).

- a. Further Approvals of Design. Licensee shall undertake further due diligence to choose among designs capable of reliably releasing the flows specified in Table 1. Within 18 months, Licensee shall petition the Division of Water Rights to approve a design, including engineering specifications, for the Grant Outlet. That petition shall include any environmental analysis of that design required under the California Environmental Quality Act. By that date, it shall also apply for any other regulatory approvals necessary for construction, operation, and maintenance of this facility, including any necessary environmental analysis. Licensee shall request and take all reasonable steps to obtain such further approvals so as to permit Licensee to complete construction, and begin operation, within four years of the [order approving this Settlement].
- b. Construction and Operation. Licensee shall begin construction of the Grant Outlet within 12 months of receiving necessary regulatory approvals. Licensee shall complete construction and begin to operate Grant Outlet within 18 months of receiving such final regulatory approvals. .
- c. Progress Reports. Licensee shall submit quarterly progress reports to the Division of Water Rights during the design, permitting, and construction of Grant Outlet. If it cannot achieve a deadline for reasons beyond its control, Licensee shall timely request an extension of time from the Division of Water Rights, and other Parties may reply.
- d. Funding. In order to offset the capital cost of Grant Outlet, Licensee may divert up to 12,000 acre-feet of water from the Mono Basin additional to the amount otherwise permitted by D-1631 ¶ 6.a for the period when Mono Lake is at or above 6,380 feet and below 6,391 feet MSL (“Additional Export”).
 - (1). Compliance. Licensee shall not divert Additional Export in a manner that causes a variance from the flow and minimum storage requirements specified in Condition 1.
 - (2). Schedule. The additional export will become available on the following schedule:
 - i. 4,000 acre-feet upon receipt of final permits to construct the Grant Outlet;

- ii. 4,000 acre-feet upon active construction of the Grant Outlet;
 - iii. 2,000 acre-feet subsequent to the first wet year in which the outlet is operated to release the flows specified in Table 1; and
 - iv. 2,000 acre-feet subsequent to the second wet year in which the outlet is operated to release the flows specified in Table 1.
- (3). Adjustment. The schedule and amount of Additional Export are subject to adjustment in four circumstances:
- i. By further agreement between the Parties and the further approval of the Division of Water Rights.
 - ii. If non-licensee funds are timely secured to pay for all or part of the capital cost of the Grant Outlet. In that event, the Additional Export shall be reduced by an acre-foot amount equivalent to value of the funding using the current Metropolitan Water District Full Service Untreated Volumetric Cost Tier II rate.
 - iii. If the total value of the Additional Export, as measured by the current Metropolitan Water District Full Service Untreated Volumetric Cost Tier II rate, exceeds 50% of the capital cost of the Grant Outlet. In that event, the Additional Export shall be reduced to ensure that the value of the Additional Export does not exceed 50% of the capital cost.
 - iv. If, for any reason, Grant Outlet does not begin operation within four years of the date of this [order]. In that event, Licensee shall not be allowed any Additional Export and shall compensate for any Additional Export that has already occurred, by reducing further allowable export by an equivalent amount.
- (4). Planning. Licensee shall develop the schedule and other specifications for Additional Export in the Mono Basin Operation Plan and Annual Operations Plan.

Condition 3 replaces the requirement in Order 98-05 ¶ 2(a)-(b) for a Grant Lake Operations and Management Plan.

Mono Basin Operations Plan

Licensee shall develop, implement, and periodically revised a Mono Basin Operations Plan (MBOP). The MBOP shall specify the rules, guidelines, and criteria for operation

of Licensee's Mono Basin facilities to meet all applicable requirements across all year-types.

- a. Content. Licensee shall base the MBOP on the Licensee's *Grant Lake Operations and Management Plan* (Feb. 29, 1996) as approved in Order 98-05 ¶ 2, taking into account the flow requirements in Condition 1, the capabilities of the Grant Outlet, and other subsequent requirements and information. MBOP shall: (1) be consistent with the outline attached as Attachment [number], (2) provide for development of Annual Operations Plans (AOP); and (3) supplement the rules and criteria for storage in Grant Lake Reservoir as specified in Condition 1.b(2) as necessary to assure reliable operation of the Grant Outlet to deliver the flow requirements in Table 1.
- b. Initial Planning Process. Within one year, Licensee shall develop the MBOP and submit it to the Division of Water Rights, for approval.
 - (1). Licensee shall consult with Stream Monitoring Team and Parties in the development of the initial MBOP and any revision thereto. It shall provide a draft plan for their review and comment. Licensee shall convene a meeting to address such comments. A representative of the Division of Water Rights may attend.
 - (2). Licensee shall use eSTREAM (Ex. [number]) or an equivalent daily planning tool for this purpose. Licensee shall grant Parties permission to use the model, including any update, to assist with the development of the plan or revision.
 - (3). The Division of Water Rights shall review and approve the plan, subject to appropriate modifications.
- c. Revisions. Following such initial approval, Licensee shall develop and submit appropriate revisions to the MBOP when construction of Grant Outlet is complete, and every five years following such completion of construction, or more frequently if recommended by the Stream Monitoring Team, to take into account operating experience for Grant Outlet. For such revisions, the Licensee shall follow the procedures specified in Condition 3.b.

Condition 4 revises Order 98-05 ¶3.

4. Annual Operations Plan

Licensee shall develop and implement Annual Operations Plans consistent with MBOP.

- a. Content. AOP shall specify Licensee's plans to operate its Mono Basin facilities for the runoff year to reliably release flow requirements and meet all other

applicable requirements, taking into account the year-type and other specific circumstances.

- (1). It shall be consistent with the MBOP.
 - (2). It shall incorporate any adaptive management of flow requirements recommended by the Stream Monitoring Team, as provided in Condition 5.b.
 - (3). It shall provide for electronic reporting to the Stream Monitoring Team and Parties describing the implementation of specified plan of operation, including actual runoff, exports, and bypass flows.
- b. Development. By May 15 of each year, Licensee shall develop and submit an AOP to the Division of Water Rights for review and approval.
- (1). By March 31 of each year, the Licensee shall convene a meeting to prepare for developing the AOP, and specifically to address any adaptive management of SEFs, monitoring results, and forecasts of hydrology and exports. The meeting shall include: Stream Monitoring Team, Parties, and others as appropriate.
 - (2). By April 15, Licensee shall distribute a draft AOP to the Stream Monitoring Team and Parties for review and comment. Not later than May 5 Licensee shall convene an in-person a meeting to discuss and resolve such comments. A representative of the Division of Water Rights may attend.
 - (3). By May 15, Licensee shall submit the final AOP. The Division of Water Rights shall review and approve the AOP, subject to appropriate modifications.
- c. Reporting. Following approval, Licensee shall report implementation of the AOP.
- (1). Licensee shall submit a monthly report to the Stream Monitoring Directors and the other Parties, not later than ten calendar days after the end of the month. Each report shall include actual runoff and operations data by comparison to the AOP forecasts, and actual and projected adjustments in operations necessary to respond to changed or unanticipated conditions.
 - (2). Licensee shall meet and confer with the Stream Monitoring Team and other Parties to address projections of significant adjustments in operations.

- (3). Licensee shall submit a quarterly report to the Division of Water Rights. This report shall describe actions taken by the Licensee that relate to implementation of the AOP.

Condition 5 revises Order 98-05 ¶ 1.b, as amended by Order 98-07, as follows. Condition 5.a(1) replaces the requirements in pp. 93 - 110 in the Licensee's Stream and Stream Channel Restoration Plan (January 1997) as approved in Orders 98-05 and 98-07. Condition 5.a(2) replaces the termination criteria in Order 98-07 ¶ 1.b(5). Condition 5.b-c revises (supplements) the requirements in Order 98-05 ¶ 1.b(2)(c) for Annual Monitoring Reports. Condition 5.d replaces Order 98-05 ¶ 1.b(2)(a). Condition 5.e revises Order 98-05 ¶ 1.e.

5. Stream Monitoring and Restoration Program

- a. Stream Monitoring. The Stream Monitoring Team shall monitor pursuant to the following requirements,
 - (1). The team shall conduct those tasks specified in Appendix 2, which implements Chapter 7 of the *Synthesis Report*. The team may adjust the priorities and other details for such tasks, on the basis of recommendation as provided in Condition 5.c.
 - (2). The Stream Monitoring Team shall apply the metrics stated in Appendix 3. The results of monitoring shall be used to:
 - i. inform adaptive management of the SEFs, restoration program, and operations of Licensee's Mono Basin facilities;
 - ii. inform the Board and the public of the status of stream and fishery restoration in light of the factors stated in Order 98-05 ¶ 1.b(4); and
 - iii. serve as the basis for any further revisions to or termination of the monitoring program.
- b. Adaptive Management. The flow requirements in Condition 1 are subject to adaptive (including real-time) management to achieve the goals specified in Order 98-05 ¶ 1.b(4).
 - (1). Form. The Stream Monitoring Team may recommend adaptive management of flow requirements in one of two ways:
 - i. In the Annual Monitoring Report and in comments to the AOP, for implementation in the following year.

- ii. On a real-time basis in response to unforeseen circumstances, especially during wetter than average years. Such recommendations shall be made by written notice to the Division of Water Rights. Such recommendations shall be developed in consultation with Licensee and Parties, each of whom shall designate representatives with the qualifications and authority necessary to assist in such adaptive management.
- (2). Implementation. The Licensee shall implement such recommendation unless timely disputed pursuant to the procedure specified in Order 98-05 ¶ 5 and Condition 9.
- (3). Range. Such adaptive management may modify the flow requirements specified in Table 1 or 2, by:
 - i. Modifying the start or end dates, duration, or ramping rate of a hydrograph component, or specifying the timing or magnitude of a flow release in excess of Table 1 or 2 due to other license requirements, in order to improve ecological functions; or
 - ii. Temporarily reducing flow for safety during stream monitoring activities.
- (4). Limitations. Such adaptive management, including the range specified in paragraph (3), shall not materially: (i) increase the volume of water required to meet the flow requirements in the applicable table and the requirements of Decision 1631 ¶ 6, (ii) reduce allowable export, or (iii) increase Licensee's operational or capital costs. Further, such adaptive management does not authorize Licensee to take any action otherwise prohibited by its Licenses.
- c. Annual Monitoring Reports. By [date], the Stream Monitoring Team shall submit to the Licensee the Annual Monitoring Report specified by Order 98-07 ¶¶ 1.b(2)(c).
 - (1). The team shall consult with Licensee and the other Parties in the preparation of these reports. It shall provide draft reports for their review and comment.
 - (2). Licensee shall submit these annual reports to the Division of Water Rights. Its submittal may include comments on the final report's findings and recommendations.
- d. Periodic Overview Report. The Stream Monitoring Team shall develop a Periodic Overview Report on the Stream Monitoring and Restoration Program.

This shall occur after Licensee has operated Grant Outlet to release SEFs in two above-Normal runoff years, at least one of which is Wet or Extreme Wet.

- (1). The report shall evaluate trends in stream conditions relative to the metrics stated in Condition 5.a(2) and Order 98-05 ¶ 1.b(4). It shall make recommendations for changes to the stream monitoring and restoration program to increase effectiveness or reduce cost of the program, or for termination thereof.
 - (2). In the development of the Periodic Overview Report, the Stream Monitoring Team shall consult with Licensee and Parties and shall provide a draft plan for their review and comment.
 - (3). The Stream Monitoring Team shall submit the Periodic Overview Report to the Division of Water Rights. In response to this report, Licensee may move for changes in the program or termination thereof. After considering any motion, responses thereto, or other comments by the Licensee or other Parties, the Division shall review and take final action on the recommendations in the report.
- e. Channel Maintenance. Stream Monitoring Team shall reopen and maintain side-channel entrances as recommended on pp. 129 – 131 of the *Synthesis Report*. The team or subconsultant shall be responsible to comply with any permitting requirements, and Licensee shall support such permitting and provide land access as necessary.

Condition 6 revises Order 98-05 ¶¶ 4 and 6, as follows. Condition 6.a revises Order 98-05 ¶ 6.d.1. Condition 6.b revises the requirement in Order 98-05 ¶ 6.d(3) that Licensee file an annual report by April 1. It adds the requirement that the Limnology and Waterfowl Directors prepare scientific reports, conforming to the existing requirement for the Stream Monitoring Program. Condition 6.c revises (supplements) the requirements in Order 98-05 ¶ 6.d(3). Condition 6.d revises Order 98-05 ¶ 4.b.

6. Waterfowl Habitat Restoration Program.

- a. Directors.
 - (1). Dr. John Melack (University of California Santa Barbara) shall direct and conduct the limnology monitoring described in Licensee's *Waterfowl Habitat Restoration Plan* (February 1996) as approved in Order 98-05 ¶4.d. The Division of Water Rights shall designate any successor, who shall have expertise in the limnology of saline lakes, after considering the recommendations of the Parties.

- (2). By [date], the Licensee and the Parties shall jointly nominate a director of the waterfowl population monitoring described in *Waterfowl Habitat Restoration Plan*. In the event of a dispute, the Division of Water Rights shall designate the director pursuant to the procedure provided in Order 98-05 ¶ 5.
- b. Monitoring Program. The Limnology and Waterfowl Directors shall continue the previously authorized monitoring programs, as may be modified by the Division of Water Rights on the basis of the Periodic Overview Report, in response to a motion by Licensee or another Party, or as otherwise determined.
- c. Annual Monitoring Report. By [date] each year, the Limnology and Waterfowl Directors shall each submit an Annual Monitoring Report to the Licensee, including evaluation of results and any recommendations for changes in the Waterfowl Habitat Restoration Program.
 - (1). In the development of their respective annual reports, the Limnology and Waterfowl Directors shall consult with the Licensee and other Parties and shall provide drafts for their review and comment.
 - (2). Licensee shall submit the final Annual Monitoring Reports to the Division of Water Rights. Its submittal may include comments on the findings and recommendations stated in the reports. After considering any comments by Licensee or other Parties, the Division shall review and take final action on any recommendations stated in the reports.
- d. Periodic Overview Report. Every five years, the Waterfowl and Limnology Directors shall jointly develop a Periodic Overview Report on the Waterfowl Program. The report shall evaluate trends and make recommendations for changes to the Waterfowl Program to increase effectiveness or reduce cost.
 - (1). In the development of the Periodic Overview Review, the Waterfowl and Limnology Monitoring Directors shall consult with Licensee and Parties and shall provide a draft report for their review and comment.
 - (2). The Waterfowl and Limnology Directors shall submit their Periodic Overview Report to the Division of Water Rights. In response to this report, Licensee may move for changes in the program or termination thereof. After considering any motion, responses thereto, or other comments by Licensee or other Parties, the Division shall review and take final action on any recommendations stated in the report.
- e. Habitat Improvements. The Waterfowl Monitoring Director may recommend use of the funds authorized by Order 98-05 ¶ 4.b, for the purpose of improving waterfowl habitat on U.S. Forest Service lands or elsewhere in the Mono Basin.

This director or subconsultants shall be responsible to comply with any permitting requirements, and Licensee shall support such permitting and provide land access as necessary.

Condition 7 revises Order 98-05 1.b.(1) and 4.d, by establishing a new agency for the purpose of contracting with the Monitoring Directors.

7. Mono Basin Monitoring Administration Team.

- a. **Purposes.** The Mono Basin Monitoring Administration Team (MAT) shall be established to: (1) develop an annual Expenditure Plan for monitoring and specified restoration actions; and (2) oversee a Fiscal Administrator's contracts with the Stream Monitoring Team, Limnology, and Waterfowl Directors (collectively, Monitoring Directors), for the performance of their respective monitoring tasks, and any contract for administrative services necessary for the MAT carry out its purposes.
- b. **Governance.** The MAT shall consist of: California Department of Fish and Wildlife, Mono Lake Committee, California Trout (with respect to the stream monitoring and restoration program only), and the Licensee.
 - (1). Within 6 months after [the order approving Appendix 1], the MAT members shall enter into an agreement specifying meeting and governance procedures, including procedures that provide for timely resolution of any disputes.
 - i. Under these procedures, the MAT shall carry out all actions approved by a majority of its members unless and until directed otherwise by the Division of Water Rights pursuant to Order 98-05 ¶ 5 and Condition 9. A MAT member may not delay or prevent action by inaction or failure to participate in votes.
 - ii. These procedures shall permit an independent annual audit under standard procedures used for a non-profit corporation. The cost of an audit shall be covered from a mutually agreeable source other than the funding provided by Licensee under Section 7.f.
 - (2). Each member shall designate a representative who shall participate in the MAT's deliberations and votes, as follows: (i) for Licensee, the Aqueduct Manager or higher; (ii) for DFW, an Environmental Scientist or higher; (iii) for Mono Lake Committee, the Eastern Sierra Policy Director or higher; and (iv) for California Trout, the Eastern Sierra Program Manager or higher.

- (3). The MAT shall conduct the tasks below in a manner that assures that funds are managed and used as authorized here and by further order of the Division of Water Rights.
- c. Fiscal Administrator. The MAT shall select and supervise a Fiscal Administrator, who shall be responsible: to (1) enter into and administer contracts with Monitoring Directors, (2) pay their invoices, and (3) perform certain other administrative duties.
- d. Administration of Monitoring Account.
 - (1). Account. The Fiscal Administrator shall establish and administer a Mono Basin Monitoring Account at a bank or similar financial institution.
 - (2). Contracting with Monitoring Directors.
 - i. The Fiscal Administrator shall prepare contracts and annual task orders with the Monitoring Directors, for the MAT's review and approval. Upon such approval, the Fiscal Administrator shall execute a contract or work order, as applicable.
 - ii. At the request of the applicable Monitoring Director, the Fiscal Administrator may enter into a conforming contract with a subconsultant for the performance of a monitoring task or a restoration project.
 - iii. The Monitoring Directors may assign tasks to Licensee's employees for performance, subject to the Licensee's approval and provided Licensee is responsible for the costs associated with such performance.
 - (3). Invoices. The MAT shall review invoices for consistency with the approved Expenditure Report and Plan and applicable work orders. Upon its approval of an invoice, MAT shall instruct Fiscal Administrator to pay the invoice.
- e. Other Administration. The Fiscal Administrator, directly or through a contractor acceptable to the MAT, shall: (1) assist the Licensee, MAT, and Monitoring Directors in convening meetings related to the preparation of required plans and report, (2) report to the MAT on all contracts and expenditures, and (3) assist MAT in preparation of the Expenditure Report and Plan and related matters.
- f. Funding. Licensee shall fund the Mono Basin Monitoring Account, as follows.

- (1). Within 30 days of [order approving settlement], Licensee shall make one-time payments of: (i) \$500,000 for stream restoration projects as specified in Condition 5.e; and (ii) \$275,000, pursuant to Order 98-05 ¶ 4.b as amended by Condition 6.e.
 - (2). By November 1 of each year, Licensee shall make an annual payment to the Monitoring Account for the purpose of next year's monitoring and associated administrative costs. This payment shall be \$575,000 (2013), of which \$299,000 shall be for stream monitoring, and \$276,000 for waterfowl and limnology monitoring. This payment shall be adjusted annually by CPI (Los Angeles-Riverside).
 - (3). Not later than September 1, the Licensee shall notify the Division of Water Rights if it disputes its obligation to provide such funding as required by Condition 7.f(2). Any such dispute shall be limited to the issue whether the MAT has performed as required by this condition. The Division shall undertake to resolve such dispute not later than November 1. Licensee shall not withhold any required payment to the Mono Basin Monitoring Account unless and until the Division authorizes such action following resolution of Licensee's dispute.
 - (4). The Division of Water Rights shall amend or end this funding obligation upon its termination of some or all of the monitoring programs, respectively. Under authority of Decision 1631 and Orders 98-05 and 98-07, the Division shall not increase the amount of funding required to be provided by Licensee.
- g. Expenditure Report and Plan. By [date], the MAT shall submit an Expenditure Report and Plan to the Division of Water Rights. The MAT, in consultation with the Monitoring Directors and the Fiscal Administrator, shall prepare a draft 30 days before [date].
- (1). The report shall include an accounting of all expenditures, contracts, and related matters in that year.
 - (2). The plan shall propose a plan for expenditure of the annual funding for the following year's monitoring tasks. It may propose: priorities for monitoring within the scope of the approved monitoring programs, the carry-over of funds to subsequent years for non-annual monitoring tasks, and the use of funds to cover the necessary costs of administration, including the Fiscal Administrator.
 - (3). The Division of Water Rights shall review and approve the expenditure plan, subject to any appropriate modifications.

- h. Termination of MAT. At any time after 10 years from [date of this order], Licensee may request termination of MAT, and Division of Water Rights shall approve such termination upon approval of an alternative method to implement required monitoring programs. At any time, the Division may terminate the MAT on its own initiative, or on motion demonstrating that the MAT has not performed as required in this Condition 7, or that the MAT's continuing administration of the monitoring programs will not be cost-effective. Termination of the MAT shall not terminate Licensee's obligations under this [order]. Any funds remaining in the Mono Basin Monitoring Account upon termination of the MAT shall revert to Licensee.
- i. Limitations. The Licensee shall operate its Mono Basin facilities in compliance with all applicable requirements. It shall not delegate any such responsibility to the MAT.

Condition 8 amends Decision 1631 ¶ 6.a(4).

8. Lake Hearing

In the event that the water level of Mono Lake has not reached an elevation of 6,391 feet by September 28, 2020, the Board will hold a hearing to consider the condition of the lake and the surrounding area, and will determine if any further revisions to this license are appropriate.

Condition 9 amends Order 98-05 ¶ 5.

9. Dispute Resolution and Hearing Procedures.

- a. Parties. For the purpose of Order 98-05 ¶ 5, Parties means: California Department of Fish and Wildlife, Mono Lake Committee, California Trout, [and].
- b. Service. Any notice or other document submitted to the Division of Water Rights pursuant to these conditions shall be simultaneously served to the Parties by electronic mail or equivalent method.
- c. Informal Dispute Resolution. The Division of Water Rights shall encourage and assist the Parties to undertake informal dispute resolution.

Attachment 2. Background of the Mono Basin Settlement Agreement
("Settlement Agreement Regarding Continuing Implementation of Water Rights
Orders 98-05 and 98-07")

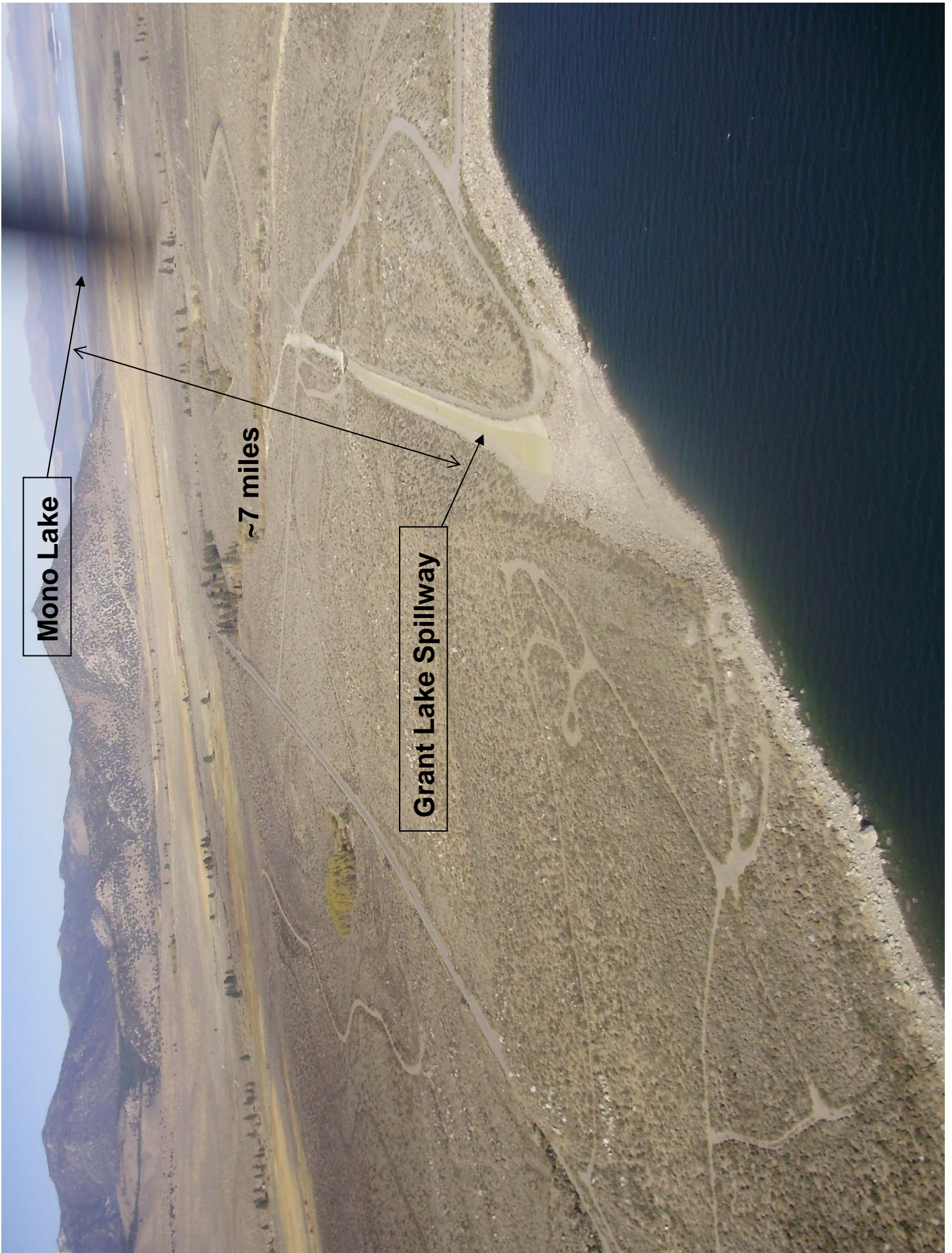
After several years of litigation concerning the State's responsibilities relating to the Los Angeles Department of Water Power (LADWP)'s Mono Basin Water Right Licenses (Licenses 10191 and 10192), the State Water Resources Control Board (SWRCB) conducted hearings in 1993 and 1994 to modify LADWP's two licenses. At the close of these hearings, the SWRCB found that LADWP water diversion activities in the Mono Basin had decreased the water levels of Mono Lake. On September 28, 1994, the SWRCB adopted the Mono Lake Basin Water Right Decision 1631 (Decision), which amended LADWP's Water Right Licenses in order to protect the public trust resources in the area.

This Decision, along with a subsequent Mono Lake settlement agreement, and SWRCB Water Rights Order (Order) Nos. 98-05 and 98-07, restricted water exports and required LADWP to undertake restoration activities in the Mono Basin. These documents also directed LADWP, inter alia, to fund and implement a stream monitoring program under the direction of two stream scientists and their team.

As directed by Order No. 98-05 ¶ 1.b(2)(a) – (b), the stream scientists evaluated the magnitude, duration, and frequency of flows necessary for the restoration of Mono Basin ecosystem, the need for an outlet to Grant Lake to achieve such flows, and related matters. Following a 12-year period of study and analysis, the stream scientists presented their recommendations in April 2010 in final report titled "*Mono Basin Stream Restoration and Monitoring Program: Final Report on Synthesis of Instream Flow Recommendation to the State Water Resources Control Board and the Los Angeles Department of Water and Power*" (hereafter, Synthesis Report).

LADWP expressed concern that certain recommendations in the Synthesis Report were not feasible due to cost and physical limitations, although there was no negative impact to Los Angeles' annual export right itself. The rest of the Parties, Cal Trout, the Mono Lake Committee, and California Department of Fish and Wildlife, expressed a strong desire to implement all aspects of the Synthesis Report. As an avenue to develop a mutually agreeable strategy to implement the Synthesis Report, LADWP along with the rest of the Parties requested SWRCB's permission to enter into a facilitated process to negotiate and resolve differences of opinion on several key issues of the Synthesis Report recommendations. The SWRCB authorized such negotiations, and by subsequent letters, extended the deadline for completion until September 30, 2013.

The Mono Basin Settlement Agreement resolves all differences between the Parties and provides a mutually-accepted approach to implementing the Synthesis Report recommendations.



Mono Lake

~7 miles

Grant Lake Spillway

Attachment 4. Map

