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**COUNTY OF INYO  
WATER DEPARTMENT**

January 28, 2009

To: Inyo County Planning Commission

From: Inyo County Water Commission

Subject: Water Commission recommendation regarding Coso Operating Company, Hay Ranch Water Extraction and Delivery System Conditional Use Permit 2007-003

Cc: D. Wilson, Planning Department  
T. Gretz, Planning Department

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Pursuant to Section 18.77.025 of the Inyo County Code, the Water Commission provides these recommendations to the Inyo County Planning Commission regarding Conditional Use Permit No. 2007-003 (CUP). The subject of the CUP is a proposal by Terra-Gen Operating Company (project proponent) to transfer groundwater from a groundwater basin in Inyo County to outside of the basin. The project proponent is seeking to pump water from Rose Valley to the Coso Geothermal Area for injection into the geothermal resource.

**RECOMMENDATIONS**

- I. The Inyo County Water Commission recommends rejection of this CUP application.
- II. In the event that the Planning Commission approves this CUP, the Water Commission recommends that the following mitigation measures be included in the Mitigation Monitoring and Reporting Program (Appendix 1 to the Coso Operating Company Hay Ranch Extraction and Delivery System Final Environmental Impact Report) and be imposed as conditions of the CUP.
  1. In addition to the wells identified in the Mitigation Monitoring and Reporting Program, monitoring shall be established at Davis Spring/Portuguese Bench.
  2. In the event that a private well owner believes they have been adversely impacted by project, that well owner shall contact the Inyo County Water Department. The Water Department shall make a determination as to the cause and degree of impact from the project on the well owner, and the remedy or compensation to be provided to the well owner by Coso. The Water Department may be assisted in making its determination by a consultant under the direction of the Water Department and funded by the project

proponent. Either party may appeal the Water Department's decision to the Planning Commission. The Planning Commission's decision may be appealed to the Board of Supervisors.

3. In the event that a groundwater monitoring threshold (trigger) is exceeded, or an allegation of adverse impact to a private well owner is brought forward, the burden of proof shall lie on the project proponent to show that the project did not cause the impact.
4. Triggers must account for continued water level declines after pumping stops.
5. The County shall initiate, at the project proponent's expense, mitigation in the event that water levels or flow at any wells or springs is reduced. It should not be incumbent on the well or spring owner to initiate mitigation or prove that mitigation is necessary.
6. The project proponent shall be responsible for mitigation of impacts for as long as adverse impacts exist.
7. The project proponent shall fund and the County shall direct a consultant to recalibrate and revise as necessary the groundwater model.
8. A minimum of twelve months shall be required before pumping begins to establish baseline water levels. The baseline water levels need to account for variations in precipitation and runoff.
9. Regardless of reaching triggers, the recalibration of the groundwater model must be completed no later than one year after pumping commences. If the groundwater model has not been recalibrated within one year, all pumping will cease until the groundwater model is recalibrated, its results known, and the County agrees that pumping can resume.
10. All monitoring data shall be publicly available in a timely way through a County website.
11. A biologist and a botanist directed by the County and funded by the project proponent shall conduct a complete inventory of monitor groundwater dependent biological resources in Rose Valley and at Little Lake, shall monitor groundwater dependent biological and botanical resources in Rose Valley and at Little Lake, and shall evaluate the sensitivity of the resources to lowered groundwater levels.

These mitigations apply specifically to the Davis Spring/Portuguese Bench area:

1. At Davis Spring/Portuguese Bench, flow meters should be installed on each artesian well beginning immediately so baseline data can be collected. Once normal flow patterns are documented by the flow meter data, any declining trend will be a trigger that results in immediate cessation of Hay Ranch pumping.
2. In the event of flow decline to the Davis Spring or siphon well, the project proponent will immediately provide a water system to return flow to pre-pumping levels. The project proponent shall install and maintain a permanent irrigation system by either providing a solar powered pumping system or running electrical power to the property to power the pumping system.
3. The project proponent will also pump sufficient water to maintain the habitat and sub-irrigated pasture currently sustained (a minimum of 5 acre-feet per acre on 25 acres).
4. The project proponent will pay for any legal professional services incurred by the Davis's as a result of the project.

5. The project proponent will provide a bond to produce sufficient income to return the Davis Ranch property to its pre-pumping condition and maintain it in that condition for as long as the pumping influences might affect the water table.
6. The bond should have allowances for inflation.
7. These mitigations shall continue for the Davis Spring/Portuguese Bench property regardless of the owner.