



**BIG PINE PAIUTE TRIBE OF THE OWENS VALLEY**

*Big Pine Paiute Indian Reservation*

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September 16, 2016

Los Angeles Board of Water and Power Commissioners  
Los Angeles Department of Water and Power  
Room 1555-H  
111 North Hope St.  
Los Angeles, CA 90012

Subject: Ongoing Irrigation Water Crisis at Big Pine Indian Reservation

Dear Board of Water and Power Commissioners:

This letter is to update your Commission on the ongoing irrigation water crisis on the Big Pine Indian Reservation. Earlier this year, the Big Pine Paiute Tribe of the Owens Valley (Tribe) held out hope that your agency would work with the Tribe expeditiously to repair the irrigation trunk line so that Los Angeles Department of Water and Power (LADWP) could fulfill its obligation to deliver water as required by the 1939 land exchange agreement. Unfortunately, very little has transpired between LADWP and the Tribe throughout the irrigation season resulting in the delivery of very little water to the Tribal community by LADWP. The Tribal community has been negatively impacted by the huge reduction in water which LADWP has delivered and as a result vegetable gardens have dried up and trees are dying throughout the Big Pine Indian Reservation.

The Tribe respectfully requests that the Los Angeles Department of Water and Power (LADWP) fully comply with its obligation to annually deliver four acre feet of water per acre to the 279.08-acre Big Pine Indian Reservation, as called for in the 1939 land exchange agreement between the City of Los Angeles Department of Water and Power and the United States of America (hereafter referred to as the 1939 agreement).

The 1939 agreement, section 32, clearly states, "*The City hereby agrees at all times to bear all operation, maintenance, and betterment charges entailed in the due performance of its obligations.*" The Tribe interprets this and other language in the 1939 agreement to mean that LADWP is responsible for delivery of the required water until it comes into the system located on Tribal land. If, as time goes by, the LADWP conveyance facilities require repairs, maintenance, or even updating, then LADWP is obligated to address these needs so there is no lapse in the City's ability to meet its water delivery requirement to the Reservation "in perpetuity."

The attached Letter of Permission which has been revised numerous times over the course of the irrigation season does not provide for water to flow to the Tribal lands, but allows tribal staff to do routine operations of turning valves and removing leaves or debris prior to water entering the trunk line from the holding pond. LADWP staff indicated that they would not do those routine activities and desired to have a Letter of Permission in place to approve of the activities since they were being done on City of Los Angeles land. This Letter of Permission will do nothing to alter the dilapidated condition of the trunk line which is in desperate need of repair in order for water to be able to move freely through it and onto Tribal lands. The dilapidated trunk line has created a water loss to the Reservation lands of approximately 1,259 acre-feet of water in 2015

and 2016 which has a monetary value of \$1.26 million dollars. As a result, the Tribe will be invoicing LADWP the monetary value of the water not delivered to Tribal lands.

The Tribe and the Tribe's ancestors diverted and used water from Big Pine Creek since time immemorial. The 1939 land exchange allowed the Tribe to continue to access a small quantity of the creek water in perpetuity. The Tribe is entitled to the creek water and objects to using groundwater or canal water for its outdoor irrigation needs. Therefore, the Tribe demands that LADWP fix the trunk line using modern, durable piping as soon as possible so that water can flow to Tribal lands in 2017. It is imperative that the Reservation continue to receive its irrigation water allotment and that LADWP meet its obligation to supply this much-needed water to the Tribal community. After the trunk line has been repaired, the Tribe requests that LADWP consider conveying the land and the trunk line to the Tribe for responsibility of all future operation and maintenance activities.

The Tribe would like to meet with the LADWP Board of Commissioners to discuss this matter in hopes of determining a prompt resolution. Should you have any questions about this matter, please contact Jill Paydon, Tribal Administrator, [j.paydon@bigpinepaiute.org](mailto:j.paydon@bigpinepaiute.org), or (760) 938-2003 ext. 223.

Sincerely,



Shannon Romero  
Tribal Chairwoman

Attachment

CC (w/o attachment): Mayor Eric Garcetti, City of Los Angeles  
David Wright, LADWP General Manager  
Inyo County Board of Supervisors  
Cynthia Gomez, Tribal Advisor, Office of Governor Edmund G. Brown Jr.  
Amy Dutschke, Pacific Regional Director, Bureau of Indian Affairs  
U. S. Congressman Col. Paul Cook (Ret.)  
California Assemblyman Devon Mathis  
California Senator Tom Berryhill  
U. S. Congresswoman Maxine Waters  
California Senator Kevin DeLeón  
U. S. Senator Barbara Boxer  
U. S. Senator Dianne Feinstein