

April 21, 2002

Mr. Gene Coufal
Los Angeles Department of Water and Power
300 Mandich St.
Bishop, CA 93514

Dear Gene,

Thank you and your staff, Mr. Jim Morris and Brian Tillemans for the meeting at the diversion weir in Round Valley on 21 Feb. I wish that it could have been more productive.

The flow of water to the homeowners' properties in 40 Acres has been reduced by the actions of the L.A. Department of Water and Power to a level which has, and is causing property damage. In addition, reduced inflows to ponds is causing stress to fish populations and some ditches have dried up causing the loss of fish and other aquatic life. There have been extensive losses of trees to some of the most downstream properties.

I am enclosing the most recent filing that I have made to the California Dept. of Water Resources for your information. There is one typo-there are only 94 (approximately) residents in 40 Acres, not 904. You will note that our water rights pre-date yours. You will also note that nowhere on this document, or any other document that I have seen, does it state that we need your blessing to secure our water.

If you have any legal document that states that you have the right to regulate our water flows, then please produce it forthwith. You will recall that during our 2/21/02 meeting Mr. Brian Tillemans stated that we were to get a certain amount of water and that he went on to remind me of his earlier threat about our water "allocation. That threat was made when we complained about the LADWP's placement of boulders that reduced the flow of Pine Creek at the Mill Creek diversion above Rovana which LADWP subsequently rectified. At our 2/21 meeting, I took the opportunity to challenge Mr. Tillemans' knowledge of the situation, asking where he got his information. You will also recall that he had no satisfactory or logical answer. I hope that you rely on other means to obtain data in future.

In addition to the document(s) regarding your ability to usurp our water rights please provide the following:

1. The work order for the diversion improvement, (I believe it is number 49) to include the project scope and any memos and background documentation along with a statement of the project scope and its intended mission.
2. The flow data that shows the amount of water coming out of 40 acres. Mr. Jim Morris and at least one of your predecessors had access to that data and we would like to have it.

Page 2.

Please regard this as formal notice that we, the homeowners of 40 Acres intend to pursue all legal remedies to secure the water rights granted us under state law. Also, that damage caused by your unilateral action will be taken under consideration in any future settlement or resolution.

For as long as anyone can remember, the residents of 40 Acres and the LADWP had shared responsibility in management of the ditch system that serves the area. We had our own lock on the chain that was attached to the control wheel that regulated the flow to our ditch system. Why was this successful system abandoned by LADWP?

I am deeply sorry that we were not able to deal with this matter informally. I had hoped that, by virtue of our personal, albeit limited, relationship, this matter would not go to this level. I must act now because my constituents are suffering harm on an on-going basis that is only getting worse as the warmer weather arrives.

I demand that the LADWP address this matter with dispatch before more damage ensues. The simple fact is this: the City of Los Angeles is taking water for profit from us without the benefit of law. I am sure that your legal staff can tell you what this is called.

Sincerely,

Thaddeus W. Taylor III
President 40 Acres Homeowner's Water Association
240 Ocean View Ave.
Bishop, CA 93514

Copy
California Department of Water Resources
California Department of Fish and Game
Inyo County Water Department
Inyo County Board of Supervisors
All property owners, Wright's 40 Acres
United States Bureau of Land Management, Bishop Office