



## **Owens Valley Indian Water Commission**

February 27, 2007

Ms. Judith Unsicker  
Lahontan Regional Water Quality Control Board  
2501 Lake Tahoe Blvd.  
So. Lake Tahoe, CA 96150

**Re.: Request for thermal designation for Keough's Hot Springs - Hot Ditch, Inyo County California and submittal of water quality data**

Dear Ms. Unsicker:

In January you were contacted by Ms. Darla Heil, the Environmental Specialist for the Owens Valley Indian Water Commission regarding the concerns that the tribal people of the Owens Valley have about the lowering of the water temperatures at Keough's Hot Ditch, downstream of Keough's Hot Springs Resort since a newer cooling system was installed at Keough's Hot Springs Resort by the current leaseholder, Mr. Earl Brown, during late 1998 or early 1999. The Tribal people of the Owens Valley consider this cooling of the hot springs water that flows through the natural pools below the resort (known locally as Keough's Hot Ditch, and herein referred to by that name) to constitute a thermal degradation of the hot springs water, and request that the Lahontan Regional Water Quality Control Board consider this degradation when revising the Clean Water Act, Section 303(d) List during 2007. To support this request the Owens Valley Indian Water Commission (Commission) is submitting data with this letter that they have gathered at Keough's Hot Ditch (including temperature, conductivity, pH, dissolved oxygen, and turbidity data) since 2000. The submitted data packet also includes the GPS locations of the data gathered as well as a map on which the data gathering site locations are plotted.

The native people of the Owens Valley have used Keough's Hot Springs for religious and healing purposes through the millennia, long before the springs were diverted into the cement resort pools now in use. The Keough's Hot Springs area is viewed by many of these native people as a sacred place, but now that the water released from the resort swimming pool is cooler, the people using the natural pools (Hot Ditch) below the resort pools report that they are not benefiting from the natural healing water from the springs. We believe that this constitutes a degradation of a beneficial use of the waters of Keough's Hot Springs – Hot Ditch due to the thermal degradation of the hot springs water by the Keough's Hot Springs Resort cooling system.

The Commission has not yet been able to obtain any water temperature data for Keough's Hot Ditch from the time before the current cooling system at the Keough's Hot Springs Resort began operation.

However, on several occasions since 2000 temperature data were recorded when the resort cooling system was not operating (see 1/11/00, 2/15/00, 2/29/00, 3/14/00, 3/28/00, 1/10/02, 2/20/02, 11/14/02, 3/14/03, & 10/25/06 – highlighted in yellow on the enclosed datasheets), and these data could be considered as base level data for the Keough's Hot Ditch water temperatures. Whenever Commission staff travel to Keough's Hot Ditch to measure the water quality parameters in the upper and lower pools, they also drive up to Keough's Hot Springs Resort to document whether or not the resort cooling system is operating. This information is then entered into the datasheets provided in this data package.

Please refer to the 2006 datasheet for the following analysis of the temperature variations observed during one of the incidents when measurements were taken when the resort cooling system was operating and when it was shut off. During the period of time from 10/22/06-10/26/06 Keough's Hot Springs Resort was closed for repair of the resort pools. Commission staff was able to take water temperature measurements at the Keough's Hot Ditch sites on 10/25/06 during the period when the resort cooling system had been off for several days. The October and November 2006 data shows that water temperatures at Keough's Hot Ditch changed significantly during the period when the Hot Springs Resort pools were closed for repairs and the cooling system was off (temperature measured on October 25<sup>th</sup>, highlighted in yellow) as compared to the water temperatures measured 10-days before (October 5<sup>th</sup>) and 21-days after (November 15<sup>th</sup>), when the resort cooling system was operating. Comparing the October 5<sup>th</sup> (resort cooling system operating) and October 25<sup>th</sup> (resort cooling system off) water temperature (all measured between 10:00-10:15 am PST) the water at Keough's Hot Ditch was 5.4-8.1°C (9.7-14.6°F) cooler when the resort cooling system was operating than when it was shut off. A similar comparison between the temperatures measured on 10/25/06 (cooling system off) and 11/15/06 (cooling system operating) again shows that the water temperatures were again significantly cooler (4.8-7.8°C; 8.7-14.0°F) when the cooling system was operating.

A second and very fundamental concern of the Owens Valley Indian Water Commission and the Tribes of the Owens Valley is that the document "The Water Quality Control Plan for the Lahontan Region" does not list cultural uses among the beneficial uses listed for the Lahontan Region. Considering that the indigenous people of the Lahontan Region have ties to the land and the water of the region going back perhaps 10,000 years, it seems that the cultural uses by these people of the water in the region should be considered a beneficial use in the Lahontan Plan, and listed as such.

We want to thank you for the opportunity to submit these data and to ask you to consider designating Keough's Hot Springs – Hot Ditch area a thermally degraded water body. Also we request that the Lahontan Basin Plan be amended to include cultural uses as a designated beneficial use in any future plan updates. For any questions on the data packet provided please contact, Ms. Darla Heil, Environmental Specialist, by e-mail at [darla@oviwc.com](mailto:darla@oviwc.com) or by telephone at the Commission office number given above. For any other questions please contact me by e-mail at [teri@oviwc.com](mailto:teri@oviwc.com) or by telephone at the Commission office number listed above.

Sincerely,



Teri L. Cawelti, Executive Director

Enclosure

Cc: Bishop Paiute Tribe, Bishop Paiute Tribe Environmental Office, Big Pine Paiute Tribe of the Owens Valley, Big Pine Paiute Tribe Environmental Office, Lone Pine Paiute-Shoshone Reservation, Lone Pine Paiute-Shoshone Reservation Environmental Office, file