

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted Virtually via GoToMeeting**  
**Thursday, April 8, 2021, 4:30 p.m.**

**I. Opening Procedures**

- A. Chairman Duncan called the meeting to order at 4:30 p.m.
- B. Chairman Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams (Executive Director) called roll and confirmed that all members of the Board were present. The following individuals were present at the meeting:

<b>Directors Present</b>	Chairman Dave Duncan – Borrego Water District (BWD)
	Vice Chairman Shannon Smith – Recreational Sector
	Jim Bennett – County of San Diego
	Mike Bozick – Agricultural Sector (alternate for Mike Seley)
	Mark Jorgensen – Community Representative
<b>Watermaster Staff Present</b>	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Kristan Culbert, Staff Scientist, West Yost
	Lauren Sather, Staff Scientist, West Yost
<b>Others Present</b>	Steve Anderson, BB&K, representing BWD
	Lyle Brecht, BWD Board Member
	Tammy Baker, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Jim Dax
	Kathy Dice, BWD Board Member
	Martha Deichler, Board Alternate – Community Rep.
	Trey Driscoll, Dudek, representing BWD
	Cathy Milkey, T2 Borrego LLC
	John Peterson, Environmental Working Group Member
	Rich Pinel, Board Alternate – Recreational Sector
	Anita Regmi, DWR
	Michele Staples, Jackson Tidus, representing AAWARE
	Leonardo Urrego-Vallowe, WBE, representing AAWARE
	Jim Dax

- D. Approval of Agenda. Director Smith moved to strike the word ‘interim’ from the title of the Agenda. Chairman Duncan requested that Item VB of the agenda – *Status of Stipulated Judgement* – be moved to the top of the agenda due to the important news regarding the Judgment.

**Motion:** Motioned by Director Smith, seconded by Director Bennett to approve the Agenda with noted corrections. *Motion carried unanimously (5-0-0).*

#### IV.D Status of Stipulated Judgement (Anderson/Stales).

Mr. Anderson reported that earlier in the day, April 8, 2021, the final Judgment to adjudicate the water rights in the Borrego Springs Subbasin was entered in the Superior Court of Orange County. Ms. Staples noted that a due date for the first Annual Report to the Court was set for April 22, 2022. A discussion ensued.

#### II. Public Correspondence

##### A. Correspondence Received.

- Executive Director (ED) Adams identified that the agenda package includes correspondence received from Lyle Brecht and Diane Johnson regarding recommendations for the Environmental Working Group (EWG). There were no further comments on the agenda item.

##### B. Public Comments. Chairman Duncan called for public comments. The following members of the public made comments:

- John Peterson congratulated the Watermaster and pumpers on officially entering the final Judgment.
- Cathy Milkey congratulated the Watermaster on entering the final Judgment.

#### III. Consent Calendar. The Consent Calendar for the April 8, 2021 meeting included:

##### A. *Approval of Minutes for Regular Board Meeting on March 11, 2021.* Minutes from the March 11, 2021 Board meeting should be corrected as follows:

- Modify the first sentence of item II.B as follows: "Public Comments. ~~ED Adams~~ Chairman Duncan called for public comments."
- Modify the first sentence of item VI as follows: "Director Jorgensen stated that there are concerns among the ~~community~~ **community** about reduced funding for air quality monitoring within the Borrego Springs area and inquired about BWD's plan."

##### B. *Approval of Minutes for Special Board Meeting on March 23, 2021.* There were no edits to the March 23 meeting minutes.

**Motion:** Motioned by Director Smith, seconded by Director Jorgensen to approve the Consent Calendar with noted corrections to meeting minutes. *Motion carried unanimously by roll-call vote (5-0-0).*

#### IV. Items for Board Consideration and Possible Action

##### A. *Water Year 2022 Budget (Adams).* Executive Director (ED) Adams presented the memo included in the agenda package, including an overview of the process and schedule to develop the WY 2022 budget and pumping assessment and the suggested administrative and technical items to consider within the scope of work. ED Adams requested Board input on the next steps. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Tammy Baker.

The key points of the ensuing discussion included:

- The West Yost budget estimates for administrative and technical work will be included for any subcontracted services.
- The budget will include other professional services, such as insurance and a financial audit.
- Watermaster staff have the experience and ability to track BPA and water rights using spreadsheets and a system of forms for documentation of transactions. Water rights accounting information will not be tracked within HydroDaVE, which is intended to store, manage, and visualize physical environmental and hydrological data.
- The Board requested extra lead time ahead of the May Watermaster Board meeting to review the first draft of the Water Year 2022 budget. Staff committed to release it about a week in advance of the meeting.
- Watermaster staff should proceed to procure Insurance now that the Judgment has been entered.

B. *Technical Advisory Committee (TAC) Meeting Agenda (Malone)*. Mr. Malone presented the proposed agendas for the April 2021 and May 2021 TAC meetings, as presented in the agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by John Peterson.

The key points of discussion included:

- The drawdown at pumping wells in the South Management Area, and the apparent differences in the change in water levels over time compared to other nearby wells, is a topic that could be addressed by the TAC.
- The Judgment requires that the TAC develop a scope of work and budget specifically to prepare for updating the estimate of Sustainable Yield by January 1, 2025. The initial years leading up to the update (e.g. WY 2022 and 2023) will likely focus on filing data gaps identified in the GMP, while subsequent years (WY 2024 and 2025) will be focused on updating the tools and estimate of the Sustainable Yield.
- The due date to complete a workplan for a new groundwater quality monitoring program is April 8, 2023 (two years following entry of Judgment). The TAC will weigh in on the scope and budget to prepare the workplan.

**Motion:** Motioned by Director Jorgensen, seconded by Director Bennett, to approve the agenda for the April 2021 meeting of the Technical Advisory Committee as presented in Board agenda package. *Motion carried unanimously by roll-call vote (5-0-0).*

C. *Semi-Annual Report of Groundwater Level and Quality Results: Fall 2020 (Adams)*. ED Adams summarized the results of the semi-annual monitoring program, as presented the agenda package memo. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by John Peterson.

The key points of discussion included:

- There is an error in the staff report that describes a trend in water level changes that is opposite the trend shown in the data referenced the report. Future reports should use revised language to avoid the confusion between increasing elevations vs. increasing depth to water.

- The TAC will address data gaps in the groundwater quality network in accordance with the schedule included in the final Judgment. The due date to complete a workplan for a new groundwater quality monitoring program is April 8, 2023 (two years following entry of Judgment).
- In future semi-annual reports to the Watermaster board, reporting of water quality standard exceedance standards should be separated by well type so it is clear if wells are being used for municipal potable supply or non-potable purposes.

#### **V. Reports.**

- A. Executive Director Reports. ED Adams reported on the following items:
  - The final outcomes to update the WY 2020 SGMA Annual Report following the March 23, 2021 Special Board meeting was presented as included within the agenda package. Staff thanked Trey Driscoll and his team at Dudek for supporting the rapid implementation of the changes discussed at the Special meeting. Chairman Duncan thanked Director Bennett for his time spent on reviewing the final WY 2020 Annual Report before its submission to DWR.
  - The mid-year pumping report to be presented in May will provide an overview of the implementation of meter read data collection and high-level summary of pumping to date within the Basin.
- B. Legal Counsel Report. Legal counsel reported on the following items:
  - Jim Markman commended all parties to the Judgment for being cooperative and cultivating a culture of trust that allowed the Stipulated Judgement to be completed in under two years.
- C. Chairperson's Report. The Board Chairman reported on the following items:
  - Chairman Duncan congratulated the Board for successfully entering the Stipulated Judgement.

#### **VI. Board Member Comments.** Chairman Duncan called for comments.

- Director Bennett informed the Board that a Borrego Community Revitalization meeting was scheduled for April 22, 2021.
- Directors Bennett and Smith offered thanks to the Borrego stakeholders and community for working cooperatively to finalize the Judgment, which is a major milestone towards achieving sustainability.

#### **VII. Next Meetings of the Borrego Springs Watermaster.** Chairman Duncan reviewed the potential agenda items for the next Board meetings included in the agenda package. The next meetings are:

- A. Regular Board Meeting – Thursday, May 13, 2021 at 4:30 p.m.
- B. Regular Board Meeting – Thursday, June 10, 2021 at 4:30 pm.

**VIII. Adjournment**

- A. Director Duncan adjourned the meeting at 6:07 p.m.

  
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Recorded by:  
Samantha Adams, Executive Director

  
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Attest:  
Shannon Smith, Vice Chairperson, Secretary,  
and Treasurer of the Board

Unapproved