

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted Virtually via GoToMeeting**  
**Thursday, May 13, 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 Seley – Agricultural Sector
	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
	Lauren Sather, Staff Scientist, West Yost
<b>Others Present</b>	Steven Anderson, BBK, representing BWD
	Lyle Brecht, BWD Board Member
	Tammy Baker, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Jim Dax
	Martha Deichler, Board Alternate – Community Rep.
	Trey Driscoll, Dudek, representing BWD
	Danny McCamish, Environmental Working Group Member
	Cathy Milkey, T2 Borrego LLC
	Rich Pinel, Board Alternate – Recreational Sector
	Michele Staples, Jackson Tidus, representing AAWARE
	Leonardo Urrego-Vallowe, WBE, representing AAWARE

- D. Approval of Agenda.

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

**II. Public Correspondence**

- A. Correspondence Received. (none)
- B. Public Comments. Chairman Duncan called for public comments. The following members of the public made comments:
  - Jim Dax addressed the Board on the subject of the availability of pumping data by user.

**III. Consent Calendar.** The Consent Calendar for the May 13, 2021 meeting included:

A. *Approval of Minutes for Regular Board Meeting on April 8, 2021.* Minutes from the April 8, 2021 Board meeting should be corrected as follows:

- Modify the second sentence of item IV.B as follows: “At the conclusion of the presentation, Chairman Duncan ~~asked~~ opened the floor to public comment, followed by Board discussion.”

B. *Approval of March 2021 Financial Report.*

C. *Approval of April 2021 Financial Report.*

Director Smith noted that the revenues on the April financial report do not yet reflect the value of the new assessment invoices that will be generated as a result of the Judgment being entered by the Court on April 8, 2021.

**Motion:** Motioned by Director Bennett, seconded by Director Seley 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. *Consideration of a motion directing Watermaster staff and legal counsel to take any and all actions required to enforce a Court order to obtain from certain benefitting parties the equitable reimbursement of costs incurred by Settling Parties in developing and implementing the Judgment by which Borrego Valley Groundwater Subbasin No. 7-024.01 will be sustainably managed (“the Judgment”) (Markman).* Mr. Markman presented his recommendations for implementing the Judgement Findings and Order to collect assessments from the Parties listed in Exhibits A1 and A2. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Rich Pinel.

The key points of discussion included:

- The Parties will be given 30 days from notice by Watermaster to make payment on the assessments.
- Watermaster will collect the assessments listed in both A1 and A2 and will subsequently issue checks to reimburse the original Settling Parties for the amounts identified in A2.
- The Court Order does not address collecting on payments owed from the original Settling Parties that did not yet pay their assessments. These payments also need to be collected within 30-days of notice by Watermaster.
- All parties with BPA are responsible to pay assessments listed Exhibits A1 and A2 of the Judgement Findings and Order, even parties with BPA that have no wells or are otherwise not pumping groundwater.
- Parties who fail to make payment will be reported to Court. The penalties and remedies for non-payment will be dependent on the Judge.
- The new Parties also need to be notified of the requirements to meter wells and verify their accuracy. Watermaster staff should provide 60 days from Notice to comply.
- Director Smith offered amendments to the recommended motion to include collection of payments by delinquent settling parties and to notify pumpers of meter installation and testing requirements.

**Motion:** Motioned by Vice Chairman Smith, seconded by Director Jorgensen, directing Watermaster staff and legal counsel to (1) implement the Court order which will result in an equitable distribution of costs incurred in developing and implementing the Judgment among all parties to the Judgment proportionate to their allocations of Baseline Pumping Allocations, (2) collect on past-due assessments from delinquent Settling Parties within 30 days of notice, and (3) issue notice to all new Parties of the requirement to install meters and verify accuracy within 60 days of notice. *Motion carried unanimously by roll-call vote (5-0-0).*

B. *Draft Water Year 2022 Budget for Watermaster Administrative Costs and Certain Technical Tasks (Adams).* ED Adams presented the first draft of portions of the Water Year 2022 Budget, as presented in the agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- The proposed WY 2022 budget is greater than was estimated by the Settling Parties and represents a 25 percent increase over what was anticipated. This is concerning given that this represents only a portion of the estimated costs for WY 2022.
- The legal budget is greater than what was anticipated. Mr. Markman explained that the estimate was calculated using an average monthly cost to date and then added 50 percent to account for potential Court appearances to resolve challenges.
- Director Smith will send the projected budget prepared by the Settling Parties to Watermaster staff for reference and review.
- The assumption that the TAC would meet bimonthly can be adjusted to quarterly, this will be addressed by the TAC at its May meeting.
- ED Adams reported that there are still start-up costs anticipated in the coming year and that is in part the reason costs are not decreasing as may have been anticipated. She also explained that the budget was developed to consider the maximum level of work that might be needed and so there is flexibility in the budget to make changes.
- While the budget reflects all of the possible Watermaster activities, the Board directed staff to adjust the budget to account for only the required and priority items. The budget can be amended as additional needs arise.

No Board actions were taken.

C. *Technical Advisory Committee (TAC) Report (Malone).* Mr. Malone summarized the TAC report, as presented in the agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- Clarification was made regarding item IV on the proposed agenda for the May 25, 2021 TAC meeting. The mid-year review of the well production meter-reading program will only

include a report out on the progress of the program, similar to the item that will be presented to the Board later in the meeting under Executive Director Reports (V.A).

**Motion:** Motioned by Director Bennett, seconded by Director Jorgensen, to approve the agenda for the May 25, 2021 TAC meeting. *Motion carried unanimously by roll-call vote (5-0-0).*

D. *Environmental Work Group Agenda (Malone).* Mr. Malone summarized proposed EWG agenda, as presented the Board agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- The Board requested that the EWG explain the relative importance and ranking for each of their recommended scope items.

**Motion:** Motioned by Director Jorgensen, seconded by Director Seley, to approve the agenda for the May 26, 2021 EWG meeting. *Motion carried unanimously by roll-call vote (5-0-0).*

E. *Update of the SGMA GSP Alternative Submission to DWR (Adams).* ED Adams presented an overview on the request from the CA Department of Water Resources (DWR) to update the Groundwater Sustainability Plan (GSP) Alternative submission package to reflect the final Judgment. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

**Motion:** Motioned by Vice Chairman Smith, seconded by Director Bennett, to direct staff to update the GSP Alternative submission to the DWR to reflect the final Judgment. *Motion carried unanimously by roll-call vote (5-0-0).*

F. *Establish Process for Invoicing BPA Parties with Manual-Read Meters (Adams).* ED Adams summarized two options for issuing invoices for reimbursement of Watermaster for meter-read services. At the conclusion of the presentation, a discussion ensued.

The key points of discussion included:

- Option A to pre-fund the meter reading services is consistent with the budgeting approach to pre-fund all anticipated annual Watermaster activities.

**Motion:** Motioned by Director Seley, seconded by Vice Chairman Smith approving Option A to pre-fund the meter reading services. *Motion carried unanimously by roll-call vote (5-0-0).*

## V. Reports.

A. Executive Director Reports. ED Adams reported on the following items:

- Mid-year Pumping Report. ED Adams presented an overview of the thus far successful implementation of the meter reading program and gave a high-level summary of pumping to date within the Basin. The handout presented is posted on the Watermaster website. The

Board recommended that a mid-year summary be issued to each of the Settling Parties summarizing pumping to date.

- B. Legal Counsel Report. None
- C. Chairperson's Report. None

**VI. Board Member Comments.** Chairman Duncan called for comments. There were no Board member comments

**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, June 10, 2021 at 4:30 p.m.
- B. Regular Board Meeting – Thursday, July 8, 2021 at 4:30 pm.

**VIII. Adjournment**

- A. Director Duncan adjourned the meeting at 5:52 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