

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

**I. Opening Procedures**

- A. Vice Chairman Smith called the meeting to order at 4:31 PM
- B. Vice Chairman Smith led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams (Executive Director) called roll and confirmed that a quorum of Board members was present. Borrego Water District was absent from the meeting. The following individuals were present at the meeting:

|                                  |   |
|----------------------------------|---|
| <b>Directors Present</b>         | Vice Chairman Shannon Smith – Recreational Sector           |
|                                  | Leanne Crow, Board Alternate – 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>            | Tammy Baker, BWD Board Member                               |
|                                  | Martha Deichler, Board Alternate – Community Representative |
|                                  | Trey Driscoll, Dudek, representing BWD                      |
|                                  | Diane Johnson, BWD Board Member                             |
|                                  | Michele Staples, Jackson Tidus, representing AAWARE         |
|                                  | Leonardo Urrego-Vallowe, WBE, representing AAWARE           |
|                                  | Dr. Michael Wells, Environmental Working Group Member       |
|                                  | Rich Pinel, Board Alternate – Recreational Sector           |

- D. Approval of Agenda.

**Motion:** Motioned by Director Jorgensen, seconded by Director Crow to approve the Agenda.  
*Motion carried unanimously (4-0-0).*

**II. Public Correspondence**

- A. Correspondence Received.
  - Letter to Board of Directors from David Garmon
- B. Public Comments. Vice Chairman Smith called for public comments. There were no public comments.

**III. Consent Calendar.** The Consent Calendar for the July 08, 2021 meeting included:

- A. *Approval of Minutes for Regular Board Meeting on June 10, 2021.*
- B. *Approval of June 2021 Financial Report.*

**Motion:** Motioned by Director Jorgensen, seconded by Director Crow, to approve the Consent Calendar. *Motion carried unanimously by roll-call vote (4-0-0).*

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

A. *Consideration of Approval of the Water Year 2022 Budget and Pumping Assessment.* ED Adams presented the final draft of the Operating Budget for WY 2022. At the conclusion of the presentation, Vice Chairman Smith opened the floor to public comment, followed by Board discussion. Public comment was made by Michele Staples. The key points of discussion included:

- The cost of sampling the Borrego Water District (BWD) wells is not included in the Budget. The BWD samples its own wells and covers the cost of the laboratory analysis.
- Clarification that the proposed revenue within the budget assumes that all assessments are paid in full and there is no bad debt.

**Motion:** Motioned by Director Crow, seconded by Director Jorgensen, approving the Water Year 2022 Budget. *Motion carried unanimously by roll-call vote (4-0-0).*

B. *Recordation of the Judgment in the Borrego Springs Adjudication.* James Markman summarized the steps and estimated costs associated with recording notice of the Judgment against all real property parcels in Basin. At the conclusion of the presentation, Vice Chairman Smith opened the floor to public comment, followed by Board discussion. Public comment was made by Michele Staples, Rich Pinel, and Tammy Baker.

The key points of discussion included:

- Director Crow explained the County's current practice, explaining that when someone applies for a new well permit from the County of San Diego's Department of Environmental Health and Quality (DEHQ), DEHQ has been instructed to notify the Planning & Development Services Department (PDS). PDS will then review the application and inform the applicant that Watermaster will need to make a finding pursuant to Section III.H of the Judgment before any well can be constructed. Director Crow expressed concerns that this method is not full proof, and the County is not able to deny permits.
- It is important that property owners are aware of the Watermaster regulations on drilling new wells. No one can legally drill a well without watermaster's approval but there could be costly efforts to take someone to Court after the fact.
- Recording against 4,000 APNs in the Basin could be costly. Potentially \$15,000 to \$20,000 for fees plus the cost of staff time.
- Harnessing the help of local real estate agents could be a cost-effective way to notify potential property owners of the regulations on drilling new well. However, this method is not full proof and would not cover transactions that rely on non-local real estate agents.
- Recordation of the Judgment would mean spending money now, to save costs down the road, avoiding conflict with landowners, and ensuring that there will not be the opportunity for landowners to claim to be unaware of the Judgment's prohibition of drilling of new wells unless certain conditions are met.

Following the discussion, the Board directed legal counsel to obtain a more detailed estimate of the cost, next steps, and timing to pursue and order the recordation. No Board action was taken.

C. *Process to Review and Approve Applications for De Minimis Pumping.* ED Adams explained the need to develop a process by which Watermaster reviews and approves applications for De Minimis Pumping, as presented in the agenda package. At the conclusion of the presentation, Vice Chairman Smith opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- If a request for De Minimis Pumping status is approved by the Board but then later it is discovered that the party has exceeded the De Minimis limit of 2 acre-feet per year, the party can be taken to court.
- The process by which Watermaster reviews and approves applications for De Minimis Pumping does not need to include the TAC.
- The applicants seeking to construct a new De Minimis well should be responsible for the costs of the review and approval of the applications. A fee, similar to a connection fee, could be developed.
- Watermaster staff and legal counsel should coordinate to discuss how other Watermaster's address this issue.

Following the discussion, the Board directed staff to develop an application and process to review and approve new De Minimis pumping wells, including a proposed fee schedule. No Board action was taken.

D. *Meter Reading Program: Meter Reading Frequency and Reminder of Annual Requirement for Verification of Meter Accuracy.* ED Adams summarized the existing TAC-recommended meter reading program and recommended extending it through the end of the calendar year. At the conclusion of the presentation, Vice Chairman Smith opened the floor to public comment, followed by Board discussion. Public comment was made by Michele Staples and Leonardo Urrego-Vallowe.

The key points of discussion included:

- The cost of reading manual-read meters is covered by the owners of the manual-read meters.

**Motion:** Motioned by Director Seley, seconded by Director Jorgensen, directing staff to extend the TAC-recommended meter reading program through the end of calendar year 2021 unless the TAC meets and recommends a different schedule. *Motion carried unanimously by roll-call vote (4-0-0).*

## V. Reports.

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

- Submission of Borrego Springs Judgment to DWR as an Alternative to a GSP. ED Adams reported to the Board that the completed Alternative application was submitted to DWR on June 25, 2021. Following the submission DWR opened a 90-day comment period that will last until September 8, 2021. Comments can be submitted directly to DWR through their SGMA portal at: <https://sgma.water.ca.gov/portal/alternative/all>.
- Status of Court-Ordered Pumping Assessments. ED Adams summarized the status of the court-ordered pumping assessments. ED Adams reported that not all payments have been received yet. At the August 12, 2021 Board meeting, ED Adams will present a list of those parties who have not paid in full and Mr. Markman will be prepared to discuss next steps to resolve the unpaid assessments.

B. Legal Counsel Report. NONE

C. Chairperson’s Report. NONE

**VI. Board Member Comments.** Vice Chairman Smith called for comments.

- A. Vice Chairman Smith directed staff to include a discussion about abandoned wells on the next meeting agenda.
- B. Director Seley reported that Tyler Bilyk has been elected as the new Alternate Director for the Agriculture Sector.

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

- A. Regular Board Meeting – Thursday, August 12, 2021 at 4:30 pm.
- B. Regular Board Meeting – Thursday, September 9, 2021 at 4:30 pm.

**VIII. Adjournment**

Vice Chairman Smith adjourned the meeting at 5:58 PM.



Recorded by:  
Samantha Adams, Executive Director



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