

RESOLUTION NO. 20-04 OF THE
BOARD OF DIRECTORS OF THE INTERIM BORREGO SPRINGS WATERMASTER ADOPTING RULES
AND REGULATIONS, SETTING THE TIME, DAYS AND LOCATION FOR THE CONDUCT OF ITS
REGULAR BOARD MEETINGS, PROVIDING FOR VIRTUAL BOARD MEETINGS AND PROVIDING
AUTHORITY FOR CERTAIN OFFICIALS TO EXECUTE AGREEMENTS ON ITS BEHALF

The Borrego Springs Watermaster does hereby find, determine and resolve as follows:

1. Those Rules and Regulations attached to this Resolution and marked as Exhibit 1 hereby are adopted as the Rules and Regulations governing the activities, functions and actions of the Watermaster.

2. The following time, days and location of the regular meeting of the Watermaster Board are as follows:

A. Time: 4:30 p.m.

B. Days: Second Thursday of each month.

C. Location: Board Meeting Room of Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, California.

3. Until Executive Orders of California's Governor concerning the conduct of public meetings are rescinded, or sooner, as ordered by this Watermaster Board, all meetings of this Board shall be virtual, conducted by telephonic or other electronic means in accordance with applicable meeting requirements.

4. This Watermaster Board's Chairperson, or in his or her absence, its Vice Chairperson and the Watermaster's Executive Director hereby are authorized to execute agreements on behalf of this Watermaster.

PASSED AND ADOPTED at a special meeting of the Board of Directors of the Interim Borrego Springs Watermaster held on the 10th day of September 2020, by the following vote:

AYES: Duncan, Seley, Smith, Deichler, Crow

NOES:

ABSENT:

Chairperson
Board of Directors

Secretary
ATTEST

EXHIBIT 1

[Rules and Regulations]

RULES AND REGULATIONS
OF THE
BORREGO SPRINGS WATERMASTER

[INSERT CASE INFORMATION]

TABLE OF CONTENTS

	Page
ARTICLE I GENERAL PROVISIONS	1
1.1 Title.....	1
1.2 Amendment.....	1
1.3 Definitions.....	1
1.4 Construction.....	2
ARTICLE II WATERMASTER ADMINISTRATION	3
2.1 Composition.....	3
2.2 Terms	3
2.3 Organization of Watermaster	3
2.4 Watermaster Staff	3
2.5 Compensation	4
2.6 Powers and Duties of the Watermaster.....	4
2.6.1 Standard of Performance.....	4
2.6.2 Selection of Watermaster Technical Consultant.....	4
2.6.3 Environmental Working Group (EWG).....	4
2.6.4 Accounting.....	4
2.6.5 Investment of Funds.....	4
2.6.6 Borrowing	4
2.6.7 Liability Insurance	4
2.6.8 Powers/Contracts	5
2.6.9 Record of Transfers.....	5
2.6.10 Enforcement Authority	5
2.6.11 Unauthorized Actions	5
2.6.12 Notice List.....	5
2.6.13 Service.....	6
2.6.14 Defense of Judgment.....	6
2.7 Administration	6
2.7.1 Offices.....	6
2.7.2 Records	6
2.8 Watermaster Meetings and Notice.....	7

2.8.1	Regular Meetings	7
2.8.2	Special Meetings	7
2.8.3	Adjournment	7
2.8.4	Minutes; Statement of Proceedings	7
2.8.5	Closed Sessions.....	7
2.9	Voting Procedures.....	8
2.10	Court Removal of Watermaster Board Members	8
ARTICLE III	WATERMASTER TECHNICAL ADVISORY COMMITTEE	8
3.1	Authorization; Composition.....	8
3.2	Compensation and Expenses.....	8
3.3	Powers and Functions	8
3.4	Advisory Committee’s Rules and Regulations	8
3.5	TAC Duties	8
ARTICLE IV	WATERMASTER TECHNICAL CONSULTANT.....	9
4.1	Selection.....	9
4.2	Duties	9
4.2.1	Performance of Duties	9
4.2.2	Monitoring Sustainable Yield.....	9
4.2.3	Reduction in Groundwater Pumping	9
4.2.4	Measuring Devices, Etc	9
4.2.5	Hydrologic Data Collection	9
4.2.6	Pumping Reports.....	10
4.2.7	Data, Estimates and Procedures.....	10
4.2.8	Annual Report Procedure.	10
4.2.9	Five Year Reports	10
4.2.10	Additional Technical Duties and Undertakings	10
ARTICLE V	MONITORING.....	10
5.1	Monitoring	10
5.2	Meters	10
5.3	Interim Meter Tests.....	11
5.4	Estimation of Pumping Due to Meter Maintenance	11
5.5	Pumping Reports.....	11
ARTICLE VI	ASSESSMENTS.....	11

6.1	Assessments	11
6.2	Delinquent Assessment Payments	11
6.3	Levy	11
6.4	Delinquent Assessment List.....	12
6.5	Assessment Accounting	12
6.6	Payment of Assessments Pending Review	12
6.7	Assessment Adjustments	12

ARTICLE I

GENERAL PROVISIONS

1.1 Title. This document will be known as the Borrego Springs Watermaster Rules and Regulations or Rules and Regulations. This document was adopted as part of and pursuant to the Judgment.

1.2 Amendment. The Rules and Regulations may be amended only by a Supermajority Vote of the Watermaster Board. All amendments shall be consistent with the Judgment and are subject to approval by the Court at the request of the Watermaster or upon the request of any Party after consideration of the objections of any Party.

1.3 Definitions. The definitions below are set forth for convenience of reference and are intended to be consistent with those set forth in the Judgment (to the extent there is overlap of terms). In the case of any inconsistencies, the definitions in the Judgment prevail over those described below. Any capitalized term used in these Rules and Regulations not defined herein, but defined in the Judgment, will have the meaning ascribed to such term in the Judgment.

1.3.1 Annual Allocation. The maximum amount of Pumping allowed for a Party to the Judgment in a given Water Year (excepting any Pumping of Carryover or imported water if available), which for any particular Water Year will be determined by multiplying the Party's BPA by the Pumping Percentage in effect for that Water Year. Annual Allocation will be rounded to the nearest whole acre-foot.

1.3.2 Annual Report. An annual report of Basin management and Watermaster activities filed with this Court

1.3.3 Basin. Borrego Springs Subbasin of the Borrego Valley Groundwater Basin, as defined by California Department of Water Resources (DWR) Bulletin No. 118, Subbasin No. 7.024.01.

1.3.4 BPA. The maximum allowed Pumping quantity allocated to a Party to the Judgment

1.3.5 Brown Act. The Ralph M. Brown Act, California Government Code sections 54950, et seq., as may be amended from time to time.

1.3.6 Carryover. Any portion of a Party's Annual Allocation not Pumped in the Water Year in which it is allowed, which may be accrued and produced in future Water Years

1.3.7 County. San Diego County government.

1.3.8 Groundwater Dependent Ecosystem (GDE). Ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface (California Code of Regulations, tit. 23, § 351(m)).

1.3.9 Groundwater Management Plan (GMP). The plan, attached as Exhibit 1 to the Judgment, which together with the Judgment is intended to implement the Physical Solution for the Basin, satisfy the substantive objectives of SGMA, and serve as an alternative to a groundwater sustainability plan under SGMA following approval by DWR, as authorized by Water Code sections 10733.6 and 10737.4.

1.3.10 Judgment. The Judgment entered by the Court on [date] in the action [case].

1.3.11 Lease. A transfer of Annual Allocation or Carryover for one Water Year (a single year Lease) or for several water years (a multi-year Lease), as will be set forth in the Lease agreement.

1.3.12 Management Areas. The North, Central and South areas of the Basin, as described in the GMP.

1.3.13 Overproduction. Pumping by a Party in any particular Water Year in excess of the sum of the Party's Annual Allocation and any leased Annual Allocation for that Water Year plus any accrued Carryover.

1.3.14 Overproduction Penalty Assessment. A penalty fee for Overproduction.

1.3.15 Party (Parties). Any Person(s) that has (have) been named and served or otherwise properly joined, or has (have) become subject to this Judgment of this Court and all their respective heirs, successors-in-interest and assigns.

1.3.16 Pumping Percentage. The percent of a Party's BPA that is authorized to be Pumped in any particular Water Year.

1.3.17 Rules and Regulations or Borrego Springs Watermaster Rules and Regulations. This document, as amended and supplemented.

1.3.18 SGMA. The Sustainable Groundwater Management Act set forth at California Water Code section 10720, et seq.

1.3.19 Sustainable Yield (Safe Yield). The maximum quantity of water, calculated over a base period representative of long-term conditions in the Basin that can be withdrawn annually from a groundwater supply without causing an Undesirable Result.

1.3.20 TAC. Technical Advisory Committee.

1.3.21 Undesirable Results. As defined in Water Code section 10721(x).

1.3.22 Water Year. October 1st to September 30th, consistent with Water Code section 10721(aa).

1.4 Construction. Unless the context clearly requires otherwise:

1.4.1 The plural and singular forms include the other;

1.4.2 “Shall,” “will,” and “must” are each mandatory;

1.4.3 “May” is permissive;

1.4.4 “Or” is not exclusive; and

1.4.5 “Includes” and “including” are not limiting.

1.4.6 The masculine gender shall include the feminine and neutral genders and vice versa.

1.4.7 Reference to any agreement, document, instrument, or report means such agreement, document, instrument or report as amended or modified and in effect from time to time in accordance with the terms thereof.

1.4.8 These Rules and Regulations shall be construed consistent with the Judgment. In the event of a conflict between these Rules and Regulations and the Judgment, the Judgment shall prevail.

ARTICLE II

WATERMASTER ADMINISTRATION

2.1 Composition. Pursuant to Section IV.A of the Judgment, the Court has appointed a Watermaster to administer the provisions of the Judgment, including the GMP and any subsequent instructions or orders of this Court thereunder.¹

2.2 Terms. Once appointed in the manner set forth in the Judgment, Watermaster Board members shall continue as board members indefinitely until they resign, are replaced by their respective appointing entity(s), vacate their seat or are removed by the Court for cause.

2.3 Organization of Watermaster. At its first meeting each year, the Watermaster Board will elect a chairperson and a vice chairperson from its membership. The Watermaster Board may also appoint a non-member secretary and a non-member treasurer as additional, non-voting staff members to the Watermaster Board.

2.4 Watermaster Staff. The Watermaster may hire staff consistent with the procedures and requirements of the Judgment. The Watermaster Board may delegate specified powers to any officer or employee of the Watermaster, subject to policies and standards established by the Watermaster Board.

¹ To the extent not inconsistent with law or the terms of the Judgment, these Rules and Regulations shall be applicable to any Interim Watermaster approved by the Court or otherwise operated by the Parties following agreement to implement the provisions of the Judgment by a substantial majority of the Parties before the Court’s entry of the Judgment.

2.5 Compensation. The entities and/or Parties appointing individuals to the Watermaster Board will be responsible for payment of compensation, if any, and reimbursement of expenses of their respective Watermaster Board representative.

2.6 Powers and Duties of the Watermaster.

2.6.1 Standard of Performance. The Watermaster shall carry out its duties, powers, and responsibilities in an impartial manner without favor or prejudice to any Management Area, Party, or purpose of use. In carrying out its charge, the Watermaster shall as required segregate and separately exercise in all respects the Watermaster powers delegated by the Court under the Judgment. In exercising its powers and fulfilling its duties, the Watermaster shall rely on and use the best available science, records, and data to implement the Judgment and these Rules and Regulations, consistent with the provisions of Section IV.E(9) of the Judgment.

2.6.2 Selection of Watermaster Technical Consultant. The Watermaster shall select the Watermaster Technical Consultant with the advice of the Technical Advisory Committee. The Watermaster Technical Consultant may exercise any duty or authority vested in the Watermaster as authorized by the Watermaster Board and permitted by the Judgment and applicable law. The Watermaster Technical Consultant may be an independent engineering firm or qualified individual experienced in groundwater hydrology to make recommendations to the Watermaster. The Watermaster Technical Consultant shall serve at the pleasure of the Watermaster Board and may be removed and replaced, subject to 30 days' advance written notice to the Parties and the approval of the Court if such Court approval is requested by any Party. Provided, however, that the Watermaster Technical Consultant may be removed immediately by unanimous vote of the Watermaster Board. The Watermaster Technical Consultant may also serve as Executive Director of the Watermaster.

2.6.3 Environmental Working Group (EWG). An EWG shall be established to advise the Watermaster on GDE and any other matters approved by the Watermaster Board.

2.6.4 Accounting. The Watermaster shall provide for the levy, billing, and collection of all assessments provided for under the Judgment, for the payment of costs and expenses of the Watermaster, and for the performance of such accounting and related functions as may be required in connection with those functions. All funds received, held, and disbursed by the Watermaster shall be by way of separate Watermaster accounts, subject to separate accounting and auditing.

2.6.5 Investment of Funds. The Watermaster may hold and invest all Watermaster funds in investments authorized from time to time for public agencies of the State of California, taking into account the need to increase the earning power of such funds and to safeguard the integrity thereof.

2.6.6 Borrowing. The Watermaster may borrow in anticipation of receipt of proceeds from any assessments authorized in the Judgment in an amount not to exceed the amount of assessments for one year following the procedures described in the Judgment.

2.6.7 Liability Insurance. The Watermaster shall be authorized to obtain and maintain such insurance policies as the Watermaster Board deems appropriate.

2.6.8 Powers/Contracts. The Watermaster may exercise any of the powers described in the Judgment, and may enter into contracts and agreements for the performance of any of such powers on its behalf, provided that Watermaster maintains full oversight of the exercise of such powers.

2.6.9 Record of Transfers. On an annual basis, the Watermaster shall prepare and maintain a report or record of any transfer of BPA among Parties, and update as needed Exhibit 4 to the Judgment. The Watermaster shall file, on an annual basis, an updated Exhibit 4 to the Judgment with the Court, or a statement that no transfer of BPA has occurred in the prior Water Year. Upon reasonable request, the Watermaster shall make such report or record available for inspection by any Party, subject to any order of the Court related to the privacy of information or otherwise.

2.6.10 Enforcement Authority. The Watermaster shall enforce the terms of the Judgment and Groundwater Management Plan as described in the Judgment, and in doing so, may exercise the enforcement authority granted to a groundwater sustainability agency under Water Code section 10732 in addition to any other authority authorized by the Judgment or subsequent order of the Court.

2.6.11 Unauthorized Actions. The Watermaster shall bring such action or motion as is necessary to enjoin any conduct prohibited by the Judgment or Groundwater Management Plan following the procedures described in the Judgment.

2.6.12 Notice List. At all times, the Watermaster shall maintain a current list of Parties to whom notices are to be sent and their addresses for purpose of service.

(a) The Watermaster shall also maintain a current list of such names and addresses of all Parties or their successors, as filed herein.

(b) The Watermaster shall make copies of such lists available to any requesting Party.

(c) Each Party shall designate a name, mailing address and email address to be used for purposes of all notices and service herein, either by its endorsement on the Judgment or by a separate designation to be filed within thirty (30) days after Judgment has been entered.

(d) If no designation is made, a Party's designee shall be deemed to be, in order of priority:

(i) The Party itself at the address on the Watermaster list; or

(ii) The Party's attorney of record.

(e) A Party may change its designation by submitting a written notice of such change to the Watermaster.

(f) A Party that desires to be relieved of receiving notices of Watermaster activity may submit a waiver of notice in a form to be provided by the Watermaster.

2.6.13 Service. Service of notices, determinations, requests, demands, objections, reports, and other papers pursuant to the Judgment, the Groundwater Management Plan and these Rules and Regulations is the responsibility of the Watermaster. The Watermaster will annually establish the service costs. Unless otherwise ordered by the Court, delivery to or service of any Party by the Watermaster, the Court, or any Party of any document required to be served upon or delivered to a Party pursuant to the Groundwater Management Plan or these Rules and Regulations shall be deemed made if made by electronic-filing on a website to be maintained by the Watermaster, with email correspondence to all Parties that have provided Watermaster with an email address pursuant to Section 2.6.12.

Delivery to or service upon any Party by the Watermaster, by any other Party, or by the Court, of any item required to be served upon or delivered to a Party under or pursuant to the Groundwater Management Plan or these Rules and Regulations may also be made by one of the following methods:

(a) First class mail, postage prepaid, addressed to the latest designee of the Party to be served and at the address on the latest designation field by the Party. If the item required to be served is available online, mail service is deemed complete upon mailing of the notice of the exact website location where the item may be viewed.

(b) Electronic Mail addressed to the latest designee of the Party to be served at the email address identified on the latest designation filed by the Party pursuant to Section 2.6.12.

2.6.14 Defense of Judgment. The Watermaster shall reasonably defend the Judgment, the GMP, these Rules and Regulations, and any decision of the Watermaster made pursuant to these Rules and Regulations against challenges brought by any person. Costs incurred by the Watermaster in defending such actions shall be considered a Watermaster general administrative expense.

2.7.16 Grant Funding. The Watermaster shall use best efforts to apply for available grant funding to further sustainable management of the Basin and offset its costs.

2.7 Administration.

2.7.1 Offices. The principal office of the Watermaster shall be located in Borrego Springs at such location or locations as may be designated from time to time by the Watermaster.

2.7.2 Records. The Watermaster's records shall be maintained at its principal office.

(a) Subject to protection of information not subject to disclosure by order of the Court, the Watermaster's records can be reviewed during regular business hours. If copies are requested, they may be obtained by paying for the cost of duplication.

(b) If records are requested in electronic format, the person requesting the records will be responsible for the cost of a consultant to prepare the documents plus the cost of any storage device necessary to provide electronic records.

(c) The Watermaster shall maintain a website.

(d) Subject to protection of information not subject to disclosure by order of the Court, the Watermaster shall publish those records and other matters that it deems to be of interest to the Parties, the general public, or the Court on its website.

2.8 Watermaster Meetings and Notice. The Watermaster shall hold meetings and provide notice of such meetings as provided for in the Judgment and these Rules and Regulations. Unless contrary to the provisions of the Judgment or the body of these Rules and Regulations, the Watermaster Board agrees to use best efforts to conduct its proceedings in conformance with the Governance Charter attached hereto as Exhibit A.

2.8.1 Regular Meetings. The Watermaster Board will conduct regular meetings at least quarterly. Unless otherwise specified, regular meetings shall be held at the principal office of the Watermaster or such other location designated by the Watermaster Board at such time(s) as specified in the necessary notice(s) thereof. The Watermaster shall provide electronic notice of any changes in the time or place of scheduled or regular meetings to all persons that request such notice.

2.8.2 Special Meetings. Special meetings may be called at any time by delivering notice thereof at least twenty-four (24) hours before the time of such meeting. The Watermaster Board shall ensure all special meetings are conducted in substantial accordance with the applicable provisions of the Brown Act.

2.8.3 Adjournment. Any Watermaster Board meeting may be adjourned to a time and place that is specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held or to be held, within twenty-four hours after the adoption of the order of adjournment.

2.8.4 Minutes; Statement of Proceedings. The secretary of the Watermaster Board (or designee) shall cause the preparation and subscription of the minutes of each Watermaster Board meeting and make available a copy thereof to all Parties and each person who has filed a request for copies of all minutes or notices in writing. The minutes shall contain a full and complete record of the proceedings of the Watermaster Board at each meeting, including the entry in full of all resolutions and of all decisions. The minutes shall constitute notice of all actions therein reported. Unless a reading of the minutes is ordered by a majority of the members of the Watermaster Board, minutes may be approved without reading. The Watermaster shall publish a copy of its minutes on the Watermaster's website.

2.8.5 Closed Sessions. The Watermaster Board may hold closed sessions when authorized by and in compliance with the Brown Act.

2.9 Voting Procedures.

2.9.1 Each member of the Watermaster Board shall have one (1) vote. No proxy or absentee voting is permitted.

2.9.2 All Watermaster decisions shall be by quorum, subject to any Supermajority Vote requirement, as described in the Judgment. A quorum is three members of the Watermaster Board.

2.10 Court Removal of Watermaster Board Members. Notwithstanding any other provisions of these Rules and Regulations, the Court retains and reserves full jurisdiction, power, and authority to remove any Watermaster, or member of the Watermaster Board, for good cause and substitute a new Watermaster or board member in place, upon its own motion or upon motion of any Party in accordance with the notice and hearing procedures set forth in the Judgment. The Court shall find good cause for the removal of a member of the Watermaster upon a showing that the Watermaster member(s) at issue has:

2.10.1 Failed to exercise its powers or perform its duties; or

2.10.2 Otherwise failed to act in the manner consistent with the provisions set forth in the Judgment or subsequent order(s) of the Court.

ARTICLE III

WATERMASTER TECHNICAL ADVISORY COMMITTEE

3.1 Authorization; Composition. Pursuant to the Judgment, a committee of representatives shall be organized to act as a Technical Advisory Committee (TAC).

3.2 Compensation and Expenses. The TAC members shall serve without compensation or reimbursement of expenses by Watermaster.

3.3 Powers and Functions. The TAC shall have the powers and duties described in the Judgment.

3.4 Advisory Committee's Rules and Regulations. Subject to section 3.5, procedures regarding organization, meetings, and other activities of the TAC shall be at the discretion of the TAC, with oversight by the Watermaster.

3.5 TAC Duties. The TAC shall:

3.5.1 Meet on a regular basis as described in the Judgment;

3.5.2 Review Watermaster's activities within the subject matter expertise described in the Judgment on at least a semi-annual basis; and

3.5.3 Make recommendations based on best science and data collected, consistent with the provisions of the Judgment, regarding the matters described in the Judgment and other matters as directed by the Watermaster.

ARTICLE IV

WATERMASTER TECHNICAL CONSULTANT

4.1 Selection. The Watermaster Board shall select the Watermaster Technical Consultant, who may also serve as the Watermaster Executive Director, with the advice of the TAC through the process described in the Judgment.

4.2 Duties.

4.2.1 Performance of Duties. In exercising its powers and fulfilling its duties, the Watermaster Technical Consultant shall rely on and use the best available science, records, and data to support the implementation of the Judgment and these Rules and Regulations.

4.2.2 Monitoring Sustainable Yield. The Watermaster Technical Consultant shall monitor production and related data and conduct Borrego Valley Hydrologic Model (BVHM) model runs as required by the Judgment, and include them in the Annual Report.

4.2.3 Reduction in Groundwater Pumping. The Watermaster Technical Consultant shall ensure that any required reductions of groundwater pumping take place pursuant to the terms of the Judgment and any orders by the Court.

4.2.4 Measuring Devices, Etc. The Watermaster Technical Consultant shall propose, and the Watermaster Board shall adopt and maintain, rules and regulations regarding metering and data collection consistent with the provisions of the Judgment.

4.2.5 Hydrologic Data Collection. The Watermaster Technical Consultant shall:

(a) Operate, and maintain wells, measuring devices, and/or meters necessary to monitor stream flow, precipitation, groundwater levels, and Management Areas as directed by the Judgment and the Watermaster and in compliance with the terms of any Entry Agreement required by the Judgment or by order of the Court, and cooperate with those who own and operate other wells and measuring devices to obtain the necessary data; provided, that the Watermaster Technical Consultant need not conduct such activities to the extent such data is reasonably available through other means, including but not limited to through meters installed on private wells that report data to Watermaster telemetrically; and

(b) Obtain such other data as may be necessary to carry out the Judgment and GMP, in compliance with the terms of the Judgment.

4.2.6 Pumping Reports. The Watermaster Technical Consultant shall require each Party to file an annual pumping report with the Watermaster. Pumpers shall prepare the pumping reports in a form prescribed by the Watermaster consistent with the provisions of the

Judgment. Such pumping reports shall be prepared in accordance with any relevant orders of the Court.

4.2.7 Data, Estimates and Procedures. The Watermaster Technical Consultant shall rely on and use the best available science, records, and data to support the implementation of the Judgment, including BVHM model runs. Where actual records of data are not available, the Watermaster Technical Consultant shall rely on and use sound scientific and engineering estimates. The Watermaster Technical Consultant may use preliminary records of measurements and, if revisions are subsequently made, may reflect such revisions in subsequent accounting.

4.2.8 Annual Report Procedure. The Watermaster Technical Consultant shall prepare an Annual Report containing the information set forth in Section IV.E(5)(b) of the Judgment for filing with the Court not later than April 1 of each Year, beginning April 1, 2021. Prior to filing the Annual Report with the Court, the Watermaster shall notify all Parties that a draft of the Annual Report is available for review by the Parties. The Watermaster shall provide notice to all Parties of a public hearing to receive comments and recommendations for changes in the Annual Report. At the hearing, the Watermaster will receive comments and recommendations for changes in the report. The notice of public hearing may include such summary of the draft Annual Report as the Watermaster may deem appropriate. The Watermaster shall distribute the Annual Report to any persons requesting copies and providing an email address for receipt of such Annual Report.

4.2.9 Five Year Reports. Per Water Code, section 10733.8, the Watermaster Technical Consultant shall prepare and present to the Watermaster Board for approval any five-year updates to the Groundwater Management Plan required by SGMA/DWR consistent with the terms of the Judgment.

4.2.10 Additional Technical Duties and Undertakings. The Watermaster Technical Consultant shall perform such additional technical duties and undertakings as assigned by Watermaster following input and recommendations from the tac prior to such assignment.

ARTICLE V MONITORING

5.1 Monitoring. By March 31, 2020, all Parties shall install approved meters on their wells for monitoring pumping and submit proof thereof to the Watermaster. The Watermaster or its designee shall provide forms to submit proof of meter installation. Each Party shall bear the cost of installing and maintaining meter(s) on each of its wells.

5.2 Meters. Approved meters are required, such as the SWIIM meter system that can electronically transmit water pumping and other data to the Watermaster in real time on a schedule as determined by the Watermaster, and include calibration by a qualified professional that the well owner will submit annually to the Watermaster. Upon installation and annually thereafter, each pumper shall arrange for the manufacturer or qualified installer of such meters to provide written verification to the Watermaster of the ongoing accuracy of the meter readings and meter calibration, as well as verification that there are no valves or other devices upstream of

the meter that could lead to pumped water being diverted before being read by the meter. The meter shall be accessible and installed according to good design practices. The Watermaster or its designee shall assist any Party having any question as to installation requirements.

5.3 Interim Meter Tests. Should a Party discover that the meter which measures the water pumping from any of the Party's wells is measuring inaccurately, the Party must immediately notify the Watermaster of the problem, and have the meter repaired within thirty (30) calendar days after discovery of the problem. Upon completion of such repair, the repaired meter shall be tested and sealed by any meter tester authorized by the Watermaster, as provided in these Rules and Regulations. Results of such meter tests shall be furnished to the Watermaster within ten (10) business days after testing.

5.4 Estimation of Pumping Due to Meter Maintenance. When pumping must be estimated due to lack of accurate meter measurements for any reason, the Watermaster or the Watermaster Technical Consultant must approve the method of estimation. A copy of the estimate calculations shall be supplied to the Watermaster.

5.5 Pumping Reports. The pumping reports described in Rule 4.2.6 shall be submitted to the Watermaster no later than December 15 of each Year.

ARTICLE VI

ASSESSMENTS

6.1 Assessments. The Watermaster's administrative budget shall be funded through the procedure described in the Judgment.

6.2 Delinquent Assessment Payments. Any assessment which becomes delinquent shall bear interest at the rate described in Water Code section 10730.6(b). This interest rate shall apply to any said delinquent assessment from the due date thereof until paid.

6.3 Levy. Unpaid Pumping Assessments and Overproduction Penalty Assessments will be recoverable as a lien against the parcel to which BPA is assigned and may be foreclosed in the manner provided by law. In addition, unpaid Pumping Assessments and Overproduction Penalty Assessments may be collected on the County property tax rolls, as allowed by law for public water agencies. The delinquent assessment, together with interest thereon, costs of suit, attorneys' fees and reasonable costs of collection, including obtaining a lien on the property, may also be collected pursuant to:

- (a) Motion by the Watermaster giving notice to the delinquent Party only;
- (b) Order to show cause proceeding, or
- (c) Such other lawful proceeding as may be instituted by the Watermaster or the Court.

6.4 Delinquent Assessment List. The Watermaster shall annually certify a list of all such unpaid delinquent assessments.

6.5 Assessment Accounting. The Watermaster shall account for receipt of all collections of assessments collected pursuant to the Judgment.

6.6 Payment of Assessments Pending Review. Payment of assessments levied by the Watermaster hereunder shall be made pursuant to the time schedule set forth in Sections IV.E(3) and V of the Judgment.

6.7 Assessment Adjustments. The Watermaster shall make assessment adjustments in whole or in part for assessments to any Party as a result of erroneous pumping reports or otherwise as necessary for the reporting period as either a credit or debit in the next occurring assessment invoice unless otherwise decided by the Watermaster. Assessment adjustments may be necessary due to overstated pumping, understated pumping, or errors in the assessment invoice discovered after the assessments have been approved.

EXHIBIT A: GOVERNANCE CHARTER

To achieve the mission of the Watermaster, Board members agree to the following goals for working together and membership on the Board:

- Commit to finding solutions for the common good to reduce critical overdraft in the Basin;
- Commit to the SGMA deadline of 2040 for reaching Sustainable Yield;
- Commit to working openly, honestly, and collaboratively with other Board members;
- Understand that different stakeholder interests must be considered to adequately evaluate all reasonable scenarios for resolving the overdraft; and
- Board members shall be principals or affiliates, not hired representatives of specific interests.

Section A – Unless otherwise directed by a Consensus of the Watermaster Board, Robert’s Rules of Order govern the operation of the Board in all cases not covered by this Governance Charter, though the Board may formulate specific procedural rules of order to govern the conduct of its meetings.

Section B – Meetings shall be held under the following discussion goals:

- Focus on the future as much as possible.
- All perspectives are valued. You are not required to defend your perspective, but you are asked to share it and to provide supporting rationale.
- All ideas have value. If you believe another approach is better, offer it as a constructive alternative.
- Everyone will have an equal opportunity to participate.
- Everyone will be encouraged to talk.
- One person speaks at a time.
- No side conversations.
- View disagreements as problems to be solved rather than battles to be won.
- Avoid ascribing motives to or judging the actions of others. Please speak about your experiences, concerns, and suggestions. Treat each other with respect.
- Avoid right-wrong paradigms.
- When communicating outside of a Watermaster Board meeting, Members are asked to speak only for themselves when asked about Watermaster activities unless there has been an official decision made by Watermaster consistent with the terms of the Judgment and these Rules and Regulations.

Section C – No vote of the Board shall be considered as reflecting an official decision of the Watermaster unless a vote was taken at a meeting conducted in compliance with the Judgment.