

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, May 11, 2023, 4:30 p.m.

The following individuals were present at the meeting:

Directors Present	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair* Shannon Smith – Recreational Sector
	Tyler Bilyk – Agricultural Sector
	Mark Jorgensen – Community Representative
	Jim Bennett – County of San Diego
Watermaster Staff Present	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Salberg, Staff Geologist, West Yost
Others Present	Cathy Milkey, representing Rams Hill
	David Garmon
	Diane Johnson, BWD Board Member
	Geoff Poole, BWD General Manager
	Jim Dax
	John Peterson, Environmental Working Group Member
	Kathy Dice, Board Alternate – BWD
	Leanne Crow, Board Alternate – County of San Diego
	Martha Deichler, Board Alternate – Community Representative
	Michele Staples, Jackson Tidus, representing AAWARE
	Rebecca Falk
	Russell McGlothlin, OMM, representing T2 Borrego
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Tom Watson, Aquilogic, TAC Member, representing T2 Borrego
	Travis Huxman
	Trey Driscoll, Intera, TAC Member, representing BWD

**Vice Chair Smith also serves as the Secretary and Treasurer of the Board*

Please visit the [Watermaster’s Website](#)¹ to access the Agenda Packet, recording, and presentation for the May 11, 2023 Meeting.

I. Opening Procedures

- A. Chair Duncan called the meeting to order at 4:31 PM at which time the meeting recording was started.
- B. Chair Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams, Executive Director (ED) called roll and confirmed that all members of the Board were present.

¹ <https://borregospringswatermaster.com/past-watermaster-meetings/>

D. Approval of Agenda.

Motion: Motioned by Director Bilyk, seconded by Director Jorgensen to approve the Agenda.
Motion carried unanimously by voice vote (5-0-0).

II. Public Correspondence

- A. Correspondence Received. ED Adams referenced the two items of correspondence from David Garmon and Travis Huxman included in the agenda package. Discussion included:
- Travis Huxman described the request from the University of California, Irvine (UCI) to collect groundwater quality samples, specifically to gather data on stable isotopes in groundwater. A discussion ensued regarding the logistics for fulfilling UCI's request to collect groundwater quality samples.

Following the discussion, the Board directed Watermaster staff to 1) coordinate with Travis Huxman and UCI to obtain a cost estimate for Watermaster to support collecting groundwater quality samples, and 2) agendize consideration of approval of the sampling support for the June 2023 Board meeting.

- B. Public Comments. Public comment was made by Diane Johnson on the topic of the new guidance materials released by DWR pertaining to de-minimis wells.

III. Consent Calendar. Chair Duncan called for any discussion on the Consent Calendar items included in the May 11, 2023 agenda package.

- Clarification that the line item of \$12,549.56 for "Subs Reimbursable" on page 16 of 44 of the Agenda package is for reimbursement to West Yost for the grant-reimbursable purchase of new transducers for the groundwater monitoring program. The new transducers were purchased and installed during the Spring 2023 monitoring event.

Motion: Motioned by Vice Chair Smith, seconded by Director Bilyk to approve the Consent Calendar.
Motion carried unanimously by roll-call vote (5-0-0).

IV. Items for Board Consideration and Possible Action

- A. *Budget Status Report for WY 2023.* ED Adams provided a summary of the budget status report for WY 2023 provided in the Agenda package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. There were no public comments.

The key points of discussion included:

- Expenditures presented in the April Budget Status Report (and financials) represent expenditures invoiced to date through March 31, 2023. Reporting period invoices from consultants are typically not received until mid-month following the close of the reporting period and thus are not received in time to be included in the reporting period financials. The first Land IQ invoice for work through March 31, 2023 had not been received when the

financials and status report were prepared. Vice Chair Smith requested that future Budget Status Reports (and financials) should include estimated consultant expenditures through the end of the reporting period to account for expenses that are not finalized by the time the report is prepared.

- Future Land IQ from subconsultants are not expected to be delayed. Despite the delayed Land IQ invoice, staff is on track to deliver the first quarterly grant reimbursement request to BWD by the May 15, 2023 deadline.
- The first quarterly report and grant reimbursement request for all grant projects in Borrego Springs will be submitted by BWD to the DWR by May 31, 2023. Once Watermaster staff completes the reporting information for the two grant-funded projects, the documents will be compiled together with a short cover letter for the Board's records. The grant summary report will be included in the Consent Calendar of the June 14, 2023 Agenda package for the Board to receive and file.

No Board action was taken.

- B. Initial Scoping Discussion for WY 2024 Budget.* ED Adams provided a detailed presentation of the first draft of the Water Year 2024 budget, including revenues, expenditures, and cash reserves. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by David Garmon, Diane Johnson, Michele Staples, Jim Dax, John Peterson, and Rebecca Falk.

The key points of discussion included:

- The interest rate for vendors needs to be increased from the current rate of 5.5% to reflect current high rates.
- The proposed dates in the schedule to publish the WY 2024 Budget and collect pumping assessments (listed on page 25 of 44 of the Agenda package) do not meet the Judgment required timeline (2-week delay) due to the timing of the Board meetings.
- Mr. Markman advised that it would be easier to change the date of Board meetings for Budget approval rather than requesting the Court amend the timeline provided in the Judgment.
- Despite an increase in pumping assessments, the cost per acre-foot in Borrego Springs is less than other Basins in California.

Following the discussion, the Board directed staff to 1) update the draft budget based on the comments received, and 2) provide the Board with options for holding a Special Board meeting in order to adopt the WY 2024 Budget in time to meet Judgment requirements.

- C. Review of Pumping-To-Date in Water Year (WY) 2023.* ED Adams provided a summary of the pumping-to-date for WY 2023 and described the information provided in the Agenda package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Tammy Baker.

The key points of discussion included:

- The Board requested that future pumping reports eliminate aggregating pumping by sector.

No Board action was taken.

D. Consideration of Approval of the Agenda for the Next Technical Advisory Committee Meeting. Andy Malone presented the proposed agenda for the upcoming TAC meeting scheduled for June 5, 2023. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. No public comment was made.

The key points of discussion included:

- Consideration of an additional agenda item for the TAC to discuss Watermaster assistance with the UCI groundwater sampling program (see Public Correspondence).

Motion: Motioned by Vice Chair Smith, seconded by Director Bilyk, to approve the staff recommended agenda with the addition of the UCI groundwater sampling request. *Motion failed by roll-call vote (2-3-0). Chair Duncan and Directors Jorgensen and Bennett voted no.*

Motion: Motioned by Director Jorgensen, seconded by Director Bennett, to approve the TAC meeting agenda included in the Board Agenda package. *Motion carried unanimously by roll-call vote (5-0-0).*

E. Agenda Setting Process and Agenda for June 14, 2023 Regular Meeting. ED Adams described the current and new proposed process for setting Board meeting agendas as described in the Agenda package. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Rebecca Falk, Steve Anderson, David Garmon, Diane Johnson, John Peterson, and Jim Dax.

The key points of discussion included:

- Mr. Markman described that the purpose of formalizing the agenda setting process is to provide equal opportunity for Board members bring forward subject matters and request their addition to the agenda, noting this is a standard practice for many Boards.
- The public noted that public correspondence is not always discussed by the Board. The Board has discretion to direct Watermaster staff on how to respond (if applicable) to any public correspondence received. The number of votes required to add an item to the agenda. Steve Anderson noted that some Boards use a voting process that only requires two out of five Board members in favor of adding an item to the agenda.
- Mr. Markman confirmed that having two out of five Board members vote in approval to add item(s) to the agenda does not violate the Brown Act.

Motion: Motioned by Director Jorgensen seconded by Chair Duncan, to adopt the recommended Agenda setting process with the inclusion of a requirement to have two out of five Board members

vote in favor of an items for it to be added to the agenda. *Motion failed by roll-call vote (2-3-0). Vice Chair Smith and Directors Bennett and Bilyk voted no.*

Motion: Motioned by Vice Chair Smith, seconded by Director Bilyk, to adopt the recommended Agenda setting process with a requirement to have a standard majority vote (three out of five Board members) in favor of agendizing an item(s) for the subsequent Board meeting. *Motion carried by roll-call vote (4-1-0). Director Jorgensen voted no.*

Following the motions to establish the agenda setting process, the Board discussed items to be included on the June 14, 2023 Board meeting, in addition to items listed in the Agenda package. The discussion included:

- A request to review of DWR’s comments on the Judgment and Groundwater Monitoring Plan (GMP), if available. Chair Duncan relayed that BWD met with Paul Gosselin at DWR in April and DWR communicated that a decision would be made around the end of April.
- Revise the proposed agenda item for reviewing the WY 2024 Budget to include possible adoption so that the Board may act to approve the budget during the June meeting If the budget is not approved, a Special Board meeting will be held to approve the WY 2024 Budget by July 1st.
- A request to add an item for the consideration of approval of Watermaster assistance in UCI groundwater sampling program.
- A request to add a presentation by UCI on the grant-funded GDE project.
- A request to add an item on the use of best available science, but that this could be added to a future meeting instead of in June.
- The proposed Agenda for the June 14, 2023 meeting included the following items:
 - Review Draft WY 2024 Budget (possible adoption)
 - Semi-Annual Monitoring Program Report (results from Spring 2023)
 - Consideration of approval of the EWG meeting Agenda for July 2023
 - Overview of work performed to-date in WY 2023 on the Sustainable Yield Redetermination
 - Consideration of approval of Watermaster assistance in UCI sampling program
 - UCI presentation of GDE project
 - DWR’s comments on Judgment/GMP (if available)

Motion: Motioned by Chair Duncan, seconded by Director Jorgensen, to approve the June 14, 2023 agenda with the additional requested items. *Motion carried unanimously by roll-call vote (5-0-0).*

V. Reports.

- A. Executive Director Reports. ED Adams reported on the first grant reimbursement request report, which is due by BWD to the DWR by May 31, 2023. When it is complete, ED Adams will prepare a cover letter summarizing the contents of the report and will provide the Board with the letter and a compilation of the grant reporting items. The report and cover letter will also be included in the Consent Calendar for the June 14, 2023 Agenda package for the Board to receive and file.

- B. Legal Counsel Report. Mr. Markman provided a report out from the April 2023 Status Conference with Judge Wilson. The three main discussion items raised by the Judge during the Status Conference included:
- Differences between allocated annual pumping and actual pumping, noting that actual pumping was lower than what was allocated.
 - A request to hold more Status Conferences. The Judge agreed to holding two to three Status Conferences annually and set the date for the next Status Conference for August 2023.
 - The role(s) of technical staff and how the Board receives technical information.

Following Mr. Markman's report, he responded to public and Board member comments and questions.

- C. Technical Consultant Report. Mr. Malone provided an update on the public outreach effort and progress to add wells to the Groundwater Monitoring Program. Watermaster staff has already added one well in the North Management Area to the monitoring network and is in discussion with several other well owners in the North Management Area.

Additionally, Mr. Malone provided a technical talk on the hydrogeology (see Board presentation slides). Discussion included:

- Groundwater levels at RH-6 have declined since the well began pumping. However, due to deliberate management of the pumping scheme used by Rams Hill, which allows water levels to recover prior to resuming pumping, groundwater levels at this well have begun to recover and stabilize in recent years.
- In response to concerns regarding groundwater levels at well RH-6, Mr. Malone proposed a technical process for establishing minimum thresholds for this well. An analysis would help describe the relationship between the shallow and deep aquifers.

- D. Chairperson's Report. NONE

VI. Board Member Comments. Chair Duncan called for comments.


- Vice Chair Smith thanked Mr. Malone for his technical talk on the hydrogeology and groundwater levels in the South Management Area. Vice Chair Smith noted that the lower aquifer from which the Rams Hill wells are pumping does not contain potable water and that because Rams Hill had obtained water rights from fallowed land elsewhere in the Basin, total pumping has not increased since operations began.

VII. Next Meetings of the Borrego Springs Watermaster. Chair Duncan reviewed the meeting dates listed in the agenda package.

- Watermaster Open House – Wednesday, June 14, 2023 at 1:00 pm (In Person)
- Regular Board Meeting – Wednesday, June 14, 2023 at 4:30 pm (In Person with virtual option)
- Regular Board Meeting – Thursday, July 13, 2023 at 4:30 pm

VIII. Adjournment

- A. Chair Duncan adjourned the meeting at 8:34 PM.



Recorded by:
Lauren Salberg, Staff Geologist, West Yost



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