

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted In-Person at Borrego Springs Library and Virtually via GoToMeeting**  
**Wednesday, June 14, 2023, 4:30 p.m.**

The following individuals were present at the meeting (in-person or virtually):

<b>Directors Present</b>	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
<b>Watermaster Staff Present</b>	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Salberg, Staff Geologist, West Yost
<b>Others Present</b>	David Garmon
	Diane Johnson, BWD Board Member
	Gina Moran, BWD Board Member
	Jim Dax, Board Alternate – Community Representative
	John Peterson, Environmental Working Group Member
	Michele Staples, Jackson Tidus, representing AAWARE
	Nikki Symington
	Rebecca Falk
	Rich Pinel, Board Alternate – Recreational Sector
	Rodney Bruce, Rams Hill
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Travis Huxman, UCI
	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](https://borregospringswatermaster.com/past-watermaster-meetings/)<sup>1</sup> to access the Agenda Packet, recording, and presentation for the June 14, 2023 Meeting.

**I. Opening Procedures**

- A. Chair Duncan called the meeting to order at 4:30 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 a quorum of all members of the Board were present.
- D. Approval of Agenda.

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

**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. Chair Duncan referenced the June 5, 2023 letter from Shannon Smith included in the agenda package.
- B. Public Comments. Chair Duncan called for public comments. There were no public comments.

**III. Consent Calendar.** Chair Duncan called for any discussion on the Consent Calendar items included in the June 14, 2023 agenda package. Discussion included:

- Confirmation by Chair Duncan that the statement reported on page 11 of 88 of the Agenda package within the May 2023 Board meeting minutes, regarding Chair Duncan’s statement on the status of review of the Groundwater Management Plan (GMP) by the Department of Water Resources (DWR) was an accurate reflection of his statements at the meeting.
- Vice Chair Smith noted that the Financial Reports on pages 14-15 of 88 of the Agenda package are reported differently than previous reports due to his requested changes in the accounting process, which now capture estimated vendor expenses through the end of the reporting period.
- The second installment of pumping assessments have been billed and are due June 30, 2023.
- The first grant reimbursement request and status report has been filed by the BWD with DWR. The report is a compilation of all reimbursable expenses that have occurred over the first 15 months of the grant reporting period. All invoices included in the report have been previously presented and reviewed by the Watermaster. Future reports will be simpler because they will cover only 3 months of activities and expenses.

**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. Presentation on Groundwater Dependent Ecosystems Project by UCI.** Travis Huxman gave a presentation on the Groundwater Dependent Ecosystems (GDE) project. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Diane Johnson, Tammy Baker, and Nikki Symington.

The key points of discussion included:

- The isotopic signatures of perched groundwater are different than the signature of deeper groundwater, allowing the researchers to distinguish between perched and deeper groundwater in vegetation.
- UCI has noted that Borrego Valley Hydrologic Model (BVHM) does not explicitly simulate the consumption of groundwater by GDEs. Mr. Huxman suggested the development of a smaller, “toy” model could allow Watermaster to identify the influence of GDEs on local groundwater.

- Monitoring and modeling can assist in helping to identify sustainability with groundwater levels with respect to GDEs.
- The distribution of wells identified for collecting groundwater quality samples for isotopic analysis are located in the south and central management areas, which are areas where mesquite trees are located.

No Board action was taken. Following the discussion, the Board took a five-minute break. The meeting resumed at 5:41 pm.

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

A. *Consideration of Approval of Watermaster Assistance in UCI Groundwater Sampling Program.* Andy Malone presented the proposed scope of work and cost estimate to meet UCI's request for Watermaster assistance collecting groundwater quality samples. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Jim Dax, Tammy Baker, Nikki Symington, Diane Johnson, and Travis Huxman.

The key points of discussion included:

- Clarification that the 17 wells Watermaster staff would sample for UCI do not include any BWD wells. UCI will work separately with BWD to sample their wells.
- The sampling will occur during the Watermaster's semi-annual monitoring event in the fall.
- Director Bilyk and Vice Chair Smith voiced support for establishing a precedent for requesting use of Watermaster staff resources and developing a procedure for the Watermaster to respond to external requests and consider the total cost of the request (such as legal review, staff time to prepare Board memos, edits to entry permits, etc.).
- Current entry permits for the groundwater quality and level monitoring program allow access only for sampling in accordance with the Watermaster's groundwater quality monitoring program. Permission from well owners to collect samples for UCI will need to be requested from each cooperator prior to conducting sampling.
- Consideration of TAC review of the scientific methods being used by UCI to assess groundwater uptake by mesquite trees using isotope sampling. Some Board members expressed that TAC input is only necessary if UCI recommends a management action. Others expressed that the TAC should be involved throughout the process.
- Discussion on Vice Chair Smith's letter, included in Section II.A Public Correspondence, which recommends and outlines a five-step process to establish a precedent for responding to requests for Watermaster support in performing technical work by others outside of the Judgment framework.

**Motion:** Motioned by Director Jorgensen, seconded by Director Bennett, to cooperate with UCI's request for Watermaster assistance with groundwater quality sampling and to get permission from well owners prior to sampling. *Motion carried by roll-call vote (4-1-0).* Director Bilyk voted no.

B. *Draft Water Year 2024 Budget.* ED Adams provided a detailed presentation on the second draft of the Water Year (WY) 2024 budget included in the Board 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:

- The equivalent price per acre-foot (af) of pumping for the pumping assessment is not calculated until the end of the water year, once the adjusted pumping calculation by Party is completed.
- Vice Chair Smith noted that the WY 2024 budget accounts for as much uncertainty as possible, but acknowledged that it does not account for everything, such as further delays in DWR payments.
- The rates for West Yost and other professional services assume an annual rate increase of approximately 3% per year. The current West Yost contract has approved rates based on the West Yost rates for calendar year 2023. As part of the contract amendment to incorporate the new WY 2024 budget, the rates will be proposed to be updated on January 1, 2024 to reflect the current calendar year, but will not change the budgeted amounts for completing work, as presented in the budget.
- Vice Chair Smith stated that there was nothing that would preclude him from recommending to adopt the WY 2024 Budget during the current Board meeting.
- Once approved, the WY 2024 budget will be published to the Watermaster website in accordance with the Judgment.

**Motion:** Motioned by Vice Chair Smith, seconded by Director Jorgensen, to approve the WY 2024 budget as presented by staff. *Motion carried unanimously by roll-call vote (5-0-0).*

- C. *Semi-Annual Monitoring Program.* Lauren Salberg presented the results from the Spring 2023 Semi-Annual Monitoring by describing the exhibits and appendices included 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 Diane Johnson.

The key points of discussion included:

- The DWR collected groundwater quality samples from the new monitoring well it constructed (MW-6S and MW-6D) during well development and during this sampling event they tested for a broader suite of constituents compared to the standard list of constituents the Watermaster tests for during semi-annual events. Director Bennett noted that all of the constituents tested by DWR have a primary or secondary maximum contaminant level (MCL) defined for drinking water.
- Exceedances of secondary MCLs impact the aesthetics of groundwater, such as taste, odor, or color.

No Board action was taken.

## VI. Reports.

- A. Legal Counsel Report. Chair Duncan reported that Mr. Markman had to depart the meeting early and ED Adams noted that Mr. Markman had no report to provide.

B. Technical Consultant Report. Mr. Malone reported on the following items included in the Agenda package (see Board presentation slides). Public comment was made by Travis Huxman and Tammy Baker. Discussion included:

- Status report on the Update of the Sustainable Yield:
  - The Farm Process (FMP) is still needed in the BVHM because it is used to simulate groundwater pumping for historical and future periods where groundwater pumping data is not available.
  - Crop type is a BVHM input that is updated to reflect changes in land uses in the Basin. However, the main focus of Task 2 – Update Water-Use factors in the FMP is to update the water use factors.
  - The scaling factors used in the FMP were adjusted during model calibration and resulted in unrealistic values of crop coefficients and on-farm efficiencies used in the model.
  - Evapotranspiration values used in the FMP may also be evaluated, based on TAC comments.
  - Director Bennett noted that the GMP recognized that groundwater pumping was the largest uncertainty in the model and expressed excitement that this task is focused on addressing the greatest uncertainty in the model.
  - The model will be improved through an iterative process and the results will change over time, as intended by the Sustainable Groundwater Management Act (SGMA).
  - Mr. Malone reported that the process for updating the water-use factors in the FMP has been vetted by the TAC and that the process of working with the TAC has been very productive.
- Some groundwater monitoring network gaps in the north management area have already been filled, and the community outreach effort has identified several other wells that could fill gaps in this area.
- Director Jorgenson thanked Mr. Malone, Director Bilyk, and Vice Chair Smith for their efforts in identifying wells to incorporate in the monitoring network.

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

- Mid-Year Pumping Reports were sent to Pumpers to report on pumping-to-date from the first six months of WY 2023.
- Parties were notified of the deadlines for the second installment of the Pumping Assessment and the Supplemental Pumping Assessment. Invoices for the second Pumping Assessment were then sent to Parties on May 31. Watermaster staff continues to be responsive to any comments or questions the Parties have regarding the assessments.
- BWD submitted the first grant reimbursement request and status report to the DWR at the end of May, prior to the report due date. DWR confirmed that the report was received but has provided no additional information. Questions from the DWR are expected since it is a large report covering 15 months and eight grant components.
- ED Adams corresponded with the local DWR representative to inquire about the status of the DWR's review of the GMP, following an update from BWD during the last Board meeting that the GMP review was expected to be complete by the end of April. ED Adams reported that it is not DWR's practice to provide a timeline or status of the review process and that

currently there is no statutory deadline for the review of Alternative Plans and so this may be a factor in DWR completing its review given that there are numerous plans requiring DWR review that do have regulatory deadlines. ED Adams will continue to stay in contact with DWR.

- Chair Duncan clarified that BWD had spoken with Paul Gosselin at DWR, the director of the SGMA program, and it was he who reported that Watermaster should expect comments on the GMP by the end of April.

D. Chairperson's Report. Chair Duncan made an announcement that Alternate Community Representative Martha Deichler has stepped down from her position. BWD sought nominations for her replacement in accordance with the process defined in the Judgment and appointed Jim Dax as the Alternate Community Representative.

VII. **Approval of Agenda Items for July 13, 2023 Board Meeting** Chair Duncan reviewed the potential agenda items for the next Board meetings listed in the agenda package. The Board discussed items to be included on the July 13, 2023 Board meeting agenda, in addition to items listed in the Agenda package. Discussion, and motions made during discussion, included:

- Director Bilyk requested adding an item for Board discussion on third-party requests for the utilization of Watermaster resources.

**Motion:** Motioned by Director Bilyk, seconded by Vice Chair Smith, to add an agenda item for Board discussion on third-party requests for the utilization of Watermaster resources. *Motion carried unanimously by roll-call vote (5-0-0).*

- The performance of a Water Quality Optimization study, as defined in the GMP. ED Adams noted that the most appropriate time to address this is during the required five-year assessment of data and plan progress, the information from which can be used to define a scope of an optimization study that can be implemented following the GMP update. Staff plans to discuss the scope of the five-year assessment with the TAC prior to proceeding. There is grant funding to cover the five-year assessment and update.
- Defining the duties of a Groundwater Sustainability Agency (GSA) as defined by SGMA and comparing these responsibilities to what's outlined in the Judgment. Mr. Anderson read from the Judgment and noted that the primary job of the Watermaster is to avoid undesirable results.
- TAC input on geophysical surveys across the Basin performed by DWR.

**Motion:** Motioned by Vice Chair Smith, seconded by Chair Duncan, to add an agenda item for a discussion on the duties of a GSA defined in SGMA Water Code sections to a future agenda, directing Mr. Markman to make a comparison of the code to the Judgment. *Motion carried unanimously by roll-call vote (5-0-0).*

- ED Adams updated the proposed Agenda for the July 13, 2023 meeting on the meeting screen based on discussion, noting it now includes the following items:
  - Budget Status report for WY 2023 for the period through June 30, 2023

- Consideration of approval of the EWG meeting agenda for August 2023
- Consideration of approval of the TAC meeting agenda for August 2023
- Board discussion of third-party requests for WM resources
- Closed Session – Staff performance reviews

**Motion:** Motioned by Director Bilyk, seconded by Vice Chair Smith, to approve the July 13, 2023 agenda presented. *Motion carried unanimously by roll-call vote (5-0-0).*


VIII. **Board Member Comments.** Chair Duncan called for comments, which included:


- Vice Chair Smith stated that it was good to meet in-person.
- Director Jorgensen discussed two items:
  - Acknowledgement of a regional decarbonization project and large scale industrial solar farm and how it may concern water use in the Basin.
    - (i) Vice Chair Smith clarified that the Judgement protects the Basin from water uses by projects of this nature.
  - The arrival of the Northern Tamarisk Leaf Beetle in Borrego Springs, which are deadly to tamarisk trees.

IX. **Next Meetings of the Borrego Springs Watermaster.** Chair Duncan reviewed the meetings listed in the agenda package.

- Regular Board Meeting – Thursday, July 13, 2023 at 4:30 pm
- Regular Board Meeting – Thursday, August 10, 2023 at 4:30 pm

X. **Adjournment.** Chair Duncan adjourned the meeting at 8:04 PM.

  
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 Recorded by:  
 Lauren Salberg, Staff Geologist, West Yost

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