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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **COUNTY OF ORANGE**

11  
12 BORREGO WATER DISTRICT,

13 Plaintiff,

14 v.

15 ALL PERSONS AND LEGAL ENTITIES  
WHO CLAIM A RIGHT TO EXTRACT  
GROUNDWATER FROM THE  
16 BORREGO VALLEY GROUNDWATER  
SUBBASIN NO. 7.024-01 WHETHER  
17 BASED ON APPROPRIATION,  
OVERLYING RIGHT, AND/OR WHO  
18 CLAIM A RIGHT TO THE USE OF  
STORAGE SPACE IN THE SUBBASIN;  
19 AGRI-EMPIRE,,

20 Defendants.  
21

Case No. 37-2020-00005776

**JOINT STATUS CONFERENCE  
STATEMENT OF BORREGO SPRINGS  
WATERMASTER**

Judge: Hon. Peter Wilson  
Dept: CX101

Date: August 18, 2023  
Time: 9:00 a.m.

Action Filed: January 30, 2020

[Exempt from filing fees pursuant to Govt. Code § 6103]

**RICHARDS WATSON GERSHON**  
ATTORNEYS AT LAW - A PROFESSIONAL CORPORATION

1 The Borrego Springs Watermaster (the “Watermaster”) submits this Joint Status  
2 Conference Statement in advance of the upcoming August 18, 2023 Status Conference.

3 **I. CASE STATUS**

4 Since April 2023, the Watermaster has engaged in the following activities in the  
5 course of administering the Judgment entered herein, while moving towards the goal of  
6 achieving a sustainable balanced basin:

- 7 1. Approved the Groundwater Monitoring Plan for the Borrego Valley  
8 Groundwater Subbasin No. 7.024-01 (the “Basin”), a significant step needed  
9 to fill in Basin data gaps.
- 10 2. Completed the CEQA process related to the two DWR grant funded projects:  
11 Biologic Restoration of Fallowed Land and Monitoring and Reporting for  
12 Sustainable Groundwater Management.
- 13 3. Received a presentation from Watermaster’s legal counsel comparing the  
14 responsibilities and powers of the Watermaster under the Judgment and a  
15 groundwater sustainability agency as defined by the Sustainable Groundwater  
16 Management Act (“SGMA”). This presentation was made at the request of  
17 the Borrego Water District’s director on the Watermaster Board.  
18 Watermaster’s counsel explained to the Board that the Watermaster’s powers  
19 are inclusive of those powers afforded to a groundwater sustainability agency,  
20 that the Judgment in this case must achieve the same standard of sustainable  
21 groundwater management as required by SGMA, and the Judgment advances  
22 the interests of sustainable groundwater management through the  
23 comprehensive adjudication of all groundwater rights in the Basin and the  
24 physical solution imposed by the Judgment.
- 25 4. Advanced the Watermaster’s five-year update to the sustainable yield set  
26 forth at Section III.F of the Judgment. This process requires the Watermaster  
27 to study and update the original sustainable yield estimate every five years.  
28 By January 1, 2025, the Watermaster must, following receipt of input and

1 recommendations from the Technical Advisory Committee (“TAC”), revise  
2 its determination of Sustainable Yield for Water Years 2025/2026 through  
3 2029/2030. (Judgment, § III.F(3), p. 20.)

4 5. During the last status conference, the Court inquired about representation on  
5 the TAC. Since that time, one of the parties holding a Baseline Production  
6 Allocation (“BPA”) has named John Petersen to serve on the TAC consistent  
7 with the provisions of the Judgment. (Judgment, § IV.G(1), p. 42.) In  
8 addition, the Watermaster is expected at its next board meeting to discuss  
9 whether to support the addition of a community representative to the TAC,  
10 which would require amendment of the Judgment. The parties have differing  
11 views on whether to approve an appointment process different from the  
12 Judgment’s procedure given that the TAC includes two members appointed  
13 by public agencies (Borrego Water District and San Diego County). The  
14 Watermaster will consider the matter and the parties will meet and confer to  
15 attempt to reach consensus. If necessary, the matter will be briefed for the  
16 Court’s consideration.


17 **II. PARTY COMMENTS**

18 The Watermaster continues to work cooperatively with all parties to administer and  
19 enforce the Judgment. On April 25, 2023, following the April 20, 2023 Status Conference,  
20 the Watermaster notified all parties of the August 11, 2023 deadline for the Watermaster to  
21 file a Joint Status Conference Statement. On August 1, 2023, the Watermaster circulated a  
22 draft status conference statement to the parties for input of proposed material, and requested  
23 comments to be included in the Joint Statement by no later than 5:00 p.m., August 10,  
24 2023. The parties request that another status conference be set no later than December  
25 2023.

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1 Dated: August 11, 2023  
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BORRÉGO SPRINGS WATERMASTER

1 **PROOF OF SERVICE**

2 Borrego Water District v. All Persons Who Claim A Right To Extract Groundwater, et al.  
3 Orange County Superior Court, Central, Case No. 37-2020-00005776

4 I, Turkoise Kennedy, declare:

5 I am a resident of the State of California and over the age of eighteen years and not a party  
6 to the within action. My business address is 350 S. Grand Avenue, 37th Floor, Los Angeles,  
7 California 90071. On August 11, 2023, I served the within document(s) described as:

8 **JOINT STATUS CONFERENCE STATEMENT OF BORREGO SPRINGS**  
9 **WATERMASTER**

10 on the interested parties in this action as stated on the attached service list.

11  (BY E-MAIL) By transmitting a true copy of the foregoing document(s) to the e-mail  
12 addresses set forth on the attached service list.

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct.

15 Executed on August 11, 2023, at Los Angeles, California.

16 

17 \_\_\_\_\_  
18 Turkoise Kennedy

**SERVICE LIST**

Borrego Water District v. All Persons Who Claim A Right To Extract Groundwater, et al.  
Orange County Superior Court, Central, Case No. 37-2020-00005776

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