

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, September 14, 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	Anita Regmi, DWR
	Clayton Greenberg
	Leanne Crow, Board Alternate – County of San Diego
	Diane Johnson, BWD Board Member
	Geoff Poole, BWD General Manager
	Gina Moran, BWD Board Member
	Jim Dax, Board Alternate – Community Representative
	John Peterson, EWG and TAC Member
	Miles Krieger
	Rich Pinel, Board Alternate – Recreational Sector
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	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 September 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.

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

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

II. Public Correspondence

- A. Correspondence Received. No public correspondence was received.
- B. Public Comments. Chair Duncan called for public comments. No public comments were made.

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

- Confirmation that the outstanding balance owed by the Watermaster to West Yost at the end of July 2023 is of \$448,394.65 (shown on page 20 of 199 of the Agenda package). The maximum borrowing limit of \$550,000 is not expected to be reached until October and may not be reached if DWR grant payments are received in October.

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

IV. Items for Board Consideration and Possible Action

- A. *Consideration of Approval of Statement of Work No. 6 and Contract Amendment No. 8 for West Yost Administrative and Technical Services in WY 2024.* ED Adams provided a summary of the memo and supporting materials included 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:

- The billing rate increase scheduled for January 1, 2024 will not increase the approved budget for WY 2024.
- The bullet on page 175 of 199 stating “Subconsultant will be billed at actual cost plus 10%” is incorrect and will be redacted from the billing rate schedule.

Motion: Motioned by Vice Chair Smith, seconded by Director Bilyk, to approve Statement of Work No. 6 and Contract Amendment No. 8 for West Yost Administrative and Technical Services in WY 2024 and redact the statement that the “Subconsultant will be billed at actual cost plus 10%”. *Motion carried unanimously by roll-call vote (5-0-0).*

- B. *Report from August 29, 2023 Technical Advisory Committee Meeting.* Andy Malone provided a summary of the items discussed at the August 29, 2023 TAC meeting. 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, Rich Pinel, Tammy Baker, and John Peterson.

The key points of discussion included:

- Few wells remain un-metered in the Basin. Contact with the owners of these wells has been unsuccessful, but outreach efforts continue.
- The TAC will review historical irrigation practices in the Basin to develop a better estimate of historical irrigation efficiencies to use in the Farm Process (FMP) as part of the effort to improve the ability of the FMP to estimate groundwater pumping.

- Board requested a status update on the ongoing effort to expand the groundwater monitoring program at a future Board meeting.
- The AEM survey data will identify and map the presence of bedrock and sediments in the aquifer system. These surveys can collect data up to 1,000 feet deep, which is adequate to map the depth to bedrock and aquifer sediments in the Borrego Springs Subbasin.
- The TAC determined that the irrigation efficiency values used in the FMP were much higher than the irrigation efficiencies of current irrigation practices in the Basin.
- How future model scenarios could model pumping.
- Clarification that future model scenarios to redetermine the Sustainable Yield have not yet been discussed by the TAC but will be discussed before projection scenarios are run.

No Board action was taken.

C. *Overview of Anticipated WY 2024 Calendar of Activities and Approval of WY 2024 Board Meeting Dates.* ED Adams provided an overview of the anticipated Watermaster activities, by month, for WY 2024 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 public can advertise the In-Person Open House once the date has been set.
- Five TAC meetings are scheduled for WY 2024 because there is a significant amount of work to complete to redetermine the Sustainable Yield by 2025. The Board will stay informed of TAC actions through TAC recommendation reports and debriefs given during Board meetings.
- A request to schedule the November Board Meeting and Open House as soon as possible. ED Adams will coordinate with Board members and the Borrego Springs Library to schedule the November 2023 Board meeting and Open House.

Motion: Motioned by Director Bennett, seconded by Director Jorgensen, to approve the WY 2024 Board meeting dates on the condition that the November 2023 Board Meeting and Open House are scheduled within the next week. *Motion carried unanimously by roll-call vote (5-0-0).*

D. *Community Representation on the Technical Advisory Committee.* ED Adams provided a summary of the memo 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 John Peterson, Rich Pinel, Jim Dax, Kathy Dice, and Tammy Baker.

The key points of discussion included:

- Members of the public and the Board expressed support for institutionalizing a position for a community member on the TAC.
- Having a community member on the TAC aligns with SGMA's emphasis on stakeholder engagement.

- Agreement that the community representative must meet the TAC requirements and would be pro bono and/or funded by the community itself (the Watermaster will not cover expenses associated with the community member).

Motion: Motioned by Director Jorgensen seconded by Director Bennett to file a motion with the Court to amend the Judgment to allow a community representative on the TAC. *Motion carried unanimously by roll-call vote (5-0-0).*

Following the discussion, the Board directed legal counsel to proceed to draft a motion to amend the Judgment.

E. *Status Update on DWR Review of Alternative Submission.* ED Adams provided a summary of the memo 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:

- Grant funding can be used to perform the five-year update of the GMP and address corrective actions, however, the work must be performed during the grant period.
- Agreement that the Watermaster should proceed with performing the five-year update of the Groundwater Management Plan (GMP) prior to receiving comments from the DWR because if DWR comments are further delayed, the Watermaster risks losing grant funding to perform the update.

Motion: Motioned by Director Bennett, seconded by Vice Chair Smith, to continue as planned to begin work on the five-year update of the GMP on October 1, 2023. *Motion carried unanimously by roll-call vote (5-0-0).*

V. Reports.

- A. Legal Counsel Report. Mr. Markman provided a summary of the August 2023 Status Conference and reported that:
 - Russ McGlothlin, Michele Staples, and Steve Anderson were also in attendance at the Status Conference.
 - A new Judge has been appointed to this case, who seems very interested in this case.
 - The Judge was pleased that John Peterson was appointed to the TAC.
- B. Technical Consultant Report. Mr. Malone provide a verbal update (see Board presentation slides) that the next EWG meeting is scheduled for September 26, 2023.
- C. Executive Director Reports. ED Adams reported that a meeting between the DWR grant manager and BWD will occur in the near future to review comments on the first Grant Request Report submitted in May. ED Adams noted that these meetings are a normal part of the grant submission process, especially following submission of the first report.

D. Chairperson's Report. NONE

VI. Approval of Agenda Items for October 12, 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 October 12, 2023 Board meeting agenda, in addition to items listed in the Agenda package. Discussion included:

- A request from the public to change the date of the next EWG meeting, which conflicts with the BWD's Board meeting.
- The number of wells that are metered as of the end of WY 2023 will be included as part of the Water Rights Accounting report next month.
- ED Adams updated the proposed Agenda for the October 12, 2023 meeting on the meeting screen based on discussion, noting the agenda now includes the following items:
 - Election of Board officers
 - Review draft WY 2023 Water Rights Accounting
 - Process and schedule to complete Water Year 2023 Annual Report
 - Report out from September EWG Meeting
 - Consideration of approval of the agenda for the November TAC Meeting
 - Update of Water Rights Transfer forms

Following the discussion, the Board directed staff to proceed with the October 12, 2023 agenda presented.

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

- Director Jorgensen thanked the Board for their unanimous support of a community TAC position.
- ED Adams agreed to sending the date of the next status conference to the Board.

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

IX. Adjournment

A. Chair Duncan adjourned the meeting at 6:41 PM.



Recorded by:
Lauren Salberg, Staff Geologist, West Yost



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