

**Borrego Springs Watermaster
Board of Directors Meeting
December 14, 2023
AGENDA ITEM IV.C**

To: Board of Directors
From: Samantha Adams, Executive Director
Date: December 14, 2023
Subject: Consideration of Approval of Resolution 23-03 to Establish a Process for the Approval of Third-Party Requests for Watermaster Resources and Services

<input checked="" type="checkbox"/> Recommended Action	<input checked="" type="checkbox"/> Provide Direction to Staff	<input type="checkbox"/> Information and Discussion
<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Cost Estimate: \$	

Recommended Action

Approve Resolution 23-03, or provide direction to Staff to revise the proposed process and resolution

Fiscal Impact: None anticipated. Approval of Resolution 23-03 would create a process to require reimbursement of costs associated with any approved requests for use of Watermaster resources or Staff services.

Background and Previously Related Actions by the Board

At the June 14, 2023 Regular Board meeting, the Board considered and approved a request from the University of California, Irvine (UCI) to provide Watermaster technical resources to support a groundwater monitoring event associated with the implementation of their grant-funded study of potential groundwater dependent ecosystems in the Borrego Springs Subbasin (Basin). This was a first of its kind request, whereby Watermaster Staff performed field monitoring services to support the UCI study and UCI will reimburse the Watermaster for the cost of services rendered. During the process to consider approval of UCI's requested services, Vice Chair Smith prepared a letter, included in the Public Correspondence section of the June Agenda package¹, which considered under what circumstances the Watermaster should provide support for third-party requests of Watermaster Staff services and emphasized the importance of setting a precedent for responding to such requests. The Board approved UCI's request for Watermaster's assistance with groundwater quality sampling at its June 2023 meeting and requested further discussion on how to address future third-party requests for Watermaster Staff services.

At the July 13, 2023 Regular Board meeting, the Board discussed developing a policy surrounding third-party requests for Watermaster services. The stated goal of such a policy was to create a clear,

¹ Available on the Watermaster's website at: https://borregospringswatermaster.com/wp-content/uploads/2023/06/20230614_Board-Agenda_Package_Pt1.pdf

standardized process that enables the Watermaster with the time to vet the technical aspects of the request and maximize recovery of the costs of staff time incurred in researching and satisfying the request. At the meeting, Watermaster Staff provided an overview of an existing Watermaster process satisfy requests for data and information from Watermaster Parties and non-Parties², and identified that this policy could serve as a model for a policy related to third-party requests for Watermaster resources. The Board agreed with this recommendation and directed Watermaster Staff to draft a Board Resolution for responding to requests for Staff Services (e.g. Staff labor for field work or technical services), using Vice Chair Smith's framework outlined in his letter to the Board dated June 5, 2023.

Discussion

The Watermaster currently has a standardized process in place to satisfy requests for data and information from Watermaster Parties and non-Parties, which was adopted at the July 2022 Regular Board meeting, and is detailed on Watermaster's website on the [Request for Information](#)³ page. The data request process is designed to handle the generally simple approach for responding to requests for data and information that already exist and are readily available. The existing data request process is not designed to handle more complex requests for the use of Watermaster resources. For the present policy under consideration, the "use" of Watermaster Resources refers to the use of Staff labor services to generate new information. Examples include, but are not limited to, technical services to run the Borrego Valley Hydrologic Model or Staff labor services to perform monitoring of wells in the Basin.

Watermaster Staff has prepared the enclosed draft *Resolution 23-03 to Establish a Process for the Approval of Requests for Watermaster Staff Services*. The resolution includes an attachment the details the approval process, which is designed to handle requests for resources on a case-by-case basis, as directed by the Board at the July meeting.

Next Steps

If approved, Watermaster Staff will develop the requisite standard forms described in the Resolution and post to the Watermaster website. If additional discussion is needed on a revised process and Resolution, Staff will bring the item back to the Board for further discussion and consideration at the January 11, 2024 Board meeting.

Enclosures

Resolution 23-03 to Establish a Process for the Approval of Requests for Watermaster Resources and Staff Services

Exhibit 1 to Resolution 23-03: Borrego Springs Watermaster Process for Third-Party Access to Watermaster Resources and Staff Services

² More information on the Watermaster's existing data request policy is available on the Watermaster's website at: [Request for Information – Borrego Springs Watermaster](#)

³ [Request for Information – Borrego Springs Watermaster](#)

RESOLUTION NO. 23-03
OF THE BOARD OF DIRECTORS OF THE BORREGO SPRINGS WATERMASTER
TO ESTABLISH A PROCESS FOR THE APPROVAL OF REQUESTS FOR
WATERMASTER RESOURCES AND STAFF SERVICES

WHEREAS, the Watermaster Board recognizes that it has resources available that may be useful to third parties from time to time in the performance of work to understand groundwater conditions in the Borrego Springs Subbasin. Such Watermaster resources include, but are not limited to, the Borrego Valley Hydrologic Model and Staff labor services for field or technical work.

WHEREAS, the Watermaster desires to support efforts to advance scientific understanding of the Basin in a manner that is consistent with the Judgment, specifically Section IV(C) and that are related to sustainable management of the Basin. As such, the Watermaster Board will consider requests for resources and Staff services on a case-by-case basis.

WHEREAS, the Watermaster desires to provide a clear, standardized process that enables the Watermaster with the time necessary to evaluate the technical aspects of any request and maximize recovery of the costs of staff time incurred in researching and satisfying the request.

NOW, THEREFORE, be it resolved by the Board of Directors of the Borrego Springs Watermaster, that:

1. The Board of Directors hereby establishes the *Borrego Springs Watermaster Process for Third-Party Access to Watermaster Resources and Staff Services* as defined in the attached Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Borrego Springs Watermaster held on the 14th day of December 2023 by the following vote:

AYES:

NOES:

ABSENT:

David Duncan, Chairperson
Board of Directors

Shannon Smith, Secretary of the Board
ATTEST

**Exhibit 1 to Resolution 23-03:
Borrego Springs Watermaster Process for Third-Party Access to
Watermaster Resources and Staff Services**

The Borrego Springs Watermaster will consider approval of any request for use of Watermaster Staff services on a case-by-case basis through the following process:

1. Requestor to fill out and submit the standard form requesting access to Watermaster staff services available on Watermaster's website page *Request for Information and Services* (<https://borregospringswatermaster.com/>)
2. Watermaster Staff will review the request and develop an estimated cost and agreement forms to procure the services requested.
 - a. The cost estimate will include:
 - i. Fixed fee for application process
 - ii. Line-item cost for requested services
 - iii. Contingency of 20% of the total line-item cost to perform requested services
 - iv. Rate sheet for staff services
 - v. General timeline to complete requested services
 - b. The agreement forms will include:
 - i. Requestor agreement to pay estimated costs if the request is approved by the Board (no fees will be due if the request is denied), including \$1,000 retainer to initiate the work
 - ii. Requestor agreement to provide all data and reports prepared related to the requested services
3. Upon requestor agreement to the terms of the request (via signature on the above noted agreement forms), Staff prepares a report to the Watermaster Board requesting consideration of approval to perform the requested services. The report will include:
 - a. Name and affiliation of the requestor
 - b. Summary description of the Staff services requested
 - c. Summary description of how the requestor intends to use the information developed through the services provided, including any available information on methods that will be applied in the analysis of any data collected
 - d. Identification of any permissions needed from Watermaster Parties to perform the services, such as gaining access to wells for monitoring
 - e. Summary of how the work relates to sustainable management of the Borrego Springs Subbasin
 - f. Description of any work products to be delivered to Watermaster
 - g. Any Staff recommendation to refer (or not) the request and/or the work developed through information generated by the request to the Technical Advisory Committee or Environmental Working Group
 - h. Estimated cost to be reimbursed to Watermaster for services performed
 - i. Timeline/schedule to complete requested services

- j. Any other information Staff deems relevant to the request
- 4. Watermaster Staff will make best efforts to agendaize the request for services at a regularly scheduled Watermaster Board meeting within 60 days of receiving the request.
- 5. Following Board action on the requested services, Staff will invoice the requestor for the retainer fee
- 6. Upon payment of the retainer fee, Staff will perform approved services per the schedule defined in the agreement
- 7. Upon completion of the Services, Staff will:
 - a. Send invoice for services to requestor
 - b. Provide an update to the Board regarding completion of services at a regularly scheduled Watermaster Board meeting
- 8. Upon completion of requestor's use of information generated by the services:
 - a. Requestor will provide the agreed upon documentation to Staff (laboratory results, data analysis, reports, etc.)
 - b. Staff will share the documentation with the Board, TAC, and/or EWG as defined in the approval process