

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted In-Person at Borrego Springs Library and Virtually via GoToMeeting**  
**Thursday, November 7, 2024, 4:30 p.m.**

The following individuals were present at the meeting:

<b>Directors Present</b>	Chair Dave Duncan – Borrego Water District (BWD)
	Vice Chair Tyler Bilyk – Agricultural Sector
	Secretary and Treasurer Shannon Smith – Recreational 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>	Cathy Milkey, representing Rams Hill
	Diane Johnson, BWD Board Member
	Esmeralda Garcia
	Geoff Poole, BWD General Manager
	Gina Moran, BWD Board Member
	Rich Pinel, Board Alternate – Recreational Sector
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Trey Driscoll, Intera, TAC Member representing BWD

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 November 7, 2024 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 Vice Chair Bilyk, seconded by Director Smith to approve the Agenda. *Motion carried unanimously by voice vote (5-0-0).*

**II. Public Correspondence**

- A. Correspondence Received. None.
- B. Public Comments. Chair Duncan called for public comments. There were no public comments.

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

III. **Consent Calendar.** Chair Duncan called for any discussion on the Consent Calendar items included in the November 7, 2024 agenda package. Discussion included:

- Director Smith noted that DWR grant disbursements are delayed. ED Adams explained that two of the most recent reimbursement requests have been approved, but that DWR has reported to BWD they are currently experiencing a 60-day delay in issuing payments.
- Chair Duncan asked ED Adams if she had any comments on the five water rights transfers included in the Consent Calendar; she replied that none of these transfers are out of the ordinary.

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

IV. **Board Workshop to Review Draft Recommendations on the Redetermination of the 2025**

**Sustainable Yield.** Andy Malone presented on the methods and results for redetermining the 2025 Sustainable Yield and provided the Board with a report-out from the Stakeholder Open House held prior to the Board meeting. Mr. Malone explained that the feedback received in the meeting (and from the Open House) would be relayed to the TAC and The Board asked questions throughout Mr. Malone's presentation. At the conclusion of the presentation, Chair Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Steve Anderson, Tammy Baker, Rich Pinel, and Cathy Milkey.

Public questions and comments, including Board and staff response if any, included:

- Steve Anderson, legal counsel for BWD, reported that it is typical for Sustainable Yield values in other adjudications to have round numbers. He asked if it's easier (administratively) to operate with a Sustainable Yield rounded to the nearest zero. ED Adams replied that there are no differences in the administrative or technical steps associated with implementing a Sustainable Yield that is or is not a rounded number.
- Questions about the differences in the ten different model versions used in the uncertainty analysis. Mr. Malone explained that the model parameters (primarily aquifer properties) adjusted during model calibration are different in each of the ten model versions.
- A Sustainable Yield that indicates an accuracy to the nearest acre-foot (*i.e.* 7,952 afy) could suggest a level of accuracy in our understanding of the basin that does not exist.
- Concern that a higher Sustainable Yield could cause Pumpers to ease up on reducing pumping. It was requested that the pumpers receive clear information about their future allocations so they understand there are still reductions that must occur. Staff explained that all pumpers will receive a notice of the new Sustainable Yield and a schedule of their pumping allocations through 2040.
- Isn't the best available science to the exact result of the "best" calibrated model simulation?
- Members of the public had various recommendations to the Board:
  - Adopt a Sustainable Yield of 7,952 afy based on the majority TAC recommendation.

- Adopt a Sustainable Yield of 7,900 afy because this does not imply a level of accuracy to the nearest acre-foot.

The key points of discussion by the Board included:

- Of all the improvements made to the Farm Process (FMP), adjusting irrigation efficiencies had the greatest impact on increasing (and improving) FMP-estimated pumping.
- The model results plotted on presentation slides (see [Board presentation slides](#) 9 and 11) are based on results from the *Calibrated* Borrego Valley Hydrologic Model (BVHM) (e.g. the run that yielded a result of 7,952 afy).
- A footnote can be added to the communication of the 2025 Sustainable Yield that explains/reminds there is a potential for it to be modified and reduced during future redeterminations in 2030 and 2035.
- There should be some indication of the uncertainty in the value of the Sustainable Yield. Mr. Malone explained that the TAC requested an uncertainty analysis be performed to help constrain the range of reasonable estimates of the Sustainable Yield to better inform their recommendation. This uncertainty is explained in technical reports and considered in the recommendation reports.
- The TAC and the Technical Consultant are recommending the *Calibrated* BVHM be used to simulate future pumping projection scenarios.
- The definitions of “best” and “most defensible” calibrated version of the BVHM and Sustainable Yield and the process by the TAC and the Technical Consultant for selecting the “best” version.
- Concern that adopting a Sustainable Yield of 7,952 afy may convey more accuracy than the model can simulate (i.e., Can the model really estimate the water budget to the nearest acre-foot?).
- Why did the Technical Consultant recommend a Sustainable Yield of 7,900 afy – and not the result of the best calibrated model?
- Pumpers will not experience a significant difference in their Rampdown schedule if the adopted Sustainable Yield falls within the recommended range of 7,800 to 7,952 afy.

No Board action was taken.

## V. Items for Board Consideration and Possible Action

- Final Water Year 2024 Water Rights Accounting.* ED Adams summarized 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.

Public questions and comments, including Board and staff response if any, included:

- What was the Pumping Assessment from last year (WY 2024)?

The key points of discussion by the Board included:

- Revisions to pumping estimates for WY 2021 through 2023 for one new BPA Party, who purchased a BPA property in 2021, will result in changes to prior pumping invoices for those years. The new invoices will reflect a lower assessment fee due to a lower pumping estimate.
- There is one remaining unmetered Pumper.
- A director described the motivation for establishing Carryover rules in the Judgment and identified that some Pumpers have maxed out their Carryover account balances (capped at 2 times Baseline Pumping Allocation [BPA]).
- The Judgment requires Carryover rules be analyzed by January 1, 2025.

**Motion:** Motioned by Director Bennett, seconded by Vice Chair Bilyk, to approve the WY 2024 Water Rights Accounting. *Motion carried unanimously by roll-call vote (5-0-0).*

B. *Final Water Year 2024 Budget Status and Approve Carry Forward Request to WY 2025.* 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. There were no public comments.

The key points of discussion by the Board included:

- The Board needs assurance that the work will be completed using grant funding.
- Concerns that several projects have been behind schedule all year and that there may not be enough time to complete these projects within the grant-funded timeframe. Staff explained that if work cannot be performed and completed using grant funding by March 2025, then the work will not be performed. BWD is supporting communications with DWR staff on items that are behind schedule and how to best address this.
- If there are concerns that not all grant funding will be spent on grant-funded projects, the Watermaster can repurpose some funding, such as purchasing transducers for future groundwater-level monitoring. This would ensure that the grant saves Pumpers as much money as possible. But, additional work would only be performed if there is time and it is approved by DWR.

**Motion:** Motioned by Director Smith, seconded by Director Jorgensen directing Watermaster Staff to bring forward a revised WY 2025 budget inclusive of the 'carry forward' request with the contingency that the vendors must take on the financial risk the additional budget is not reimbursed by the SGM grant if the work is not completed on time. *Motion carried unanimously by roll-call vote (5-0-0).*

C. *Easement Agreement and Cost Estimate for Monitoring the Viking Well.* ED Adams provided a summary of the memo included the agenda package, noting that BWD wrote a letter to Watermaster staff on the future use of the Viking Well. Chair Duncan then requested that Geoff Poole and Steve Anderson clarify their position on the ownership of the well. Geoff Poole, General Manager of the BWD, described the letter submitted on behalf of BWD to support this

agenda item and clarified BWD's position on the ownership of the Viking Well. 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 by the Board included:

- Other private well owners participating in the Groundwater Monitoring Program have not asked the Watermaster to help fund the eventual abandonment of their wells.
- BWD clarified that their request is to have the option of asking the Watermaster to assist BWD in funding the eventual abandonment of the well, if needed.
- Mr. Malone described that the Viking Well was identified as a good candidate to fill a groundwater-level monitoring data gap and was recommended in the Board-approved Groundwater Monitoring Plan published in 2023.
- Mr. Poole summarized the work performed by BWD to ensure the well could be added to the Watermaster's groundwater monitoring network.
- Director Duncan stated he will relay this information to the BWD Board and the BWD can decide whether or not to execute this agreement with the Watermaster.

**Motion:** Motioned by Director Smith, seconded by Director Jorgensen, for Watermaster Staff to continue to pursue an Entry Agreement for the Viking Well and to add this well to the groundwater-level monitoring program, as prescribed in the Board-approved Groundwater Management Plan. *Motion carried by majority roll-call vote (4-0-1).* Director Duncan abstained from the vote.

D. *Consideration of Approval of Next TAC Meeting Agenda.* Mr. Malone presented the proposed agenda for the future TAC meeting scheduled for December 9, 2024. 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 by the Board included:

- The agenda item on the redetermination of the 2025 Sustainable Yield is a tentative item and would be removed from the agenda if the Board approves the redetermination prior to the December 9<sup>th</sup> TAC meeting.

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

E. *Scope of Work to Redetermine the 2030 Sustainable Yield.* Mr. Malone described the memo included in the agenda package and summarized the potential tasks the TAC is considering for inclusion in a recommended scope of work to redetermine the 2030 Sustainable Yield over the WY 2026 to 209 period. 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.

Public questions and comments, including Board and staff response if any, included:

- Is the task for upgrading the BVHM to a new version or another platform being recommended due to cyber security concerns?
  - No, this task was developed for technical purposes, not security concerns.

The key points of discussion by the Board included:

- The TAC has provided their feedback on the list of potential tasks to include the future scope of work and their feedback will be discussed during the November 19, 2024 TAC meeting.
- The TAC recommendations and rankings of the potential tasks will be useful for the Board in making their decision to approve a scope of work.
- A recommendation to focus on monitoring and that the Watermaster doesn't need to develop a perfect model.

No Board action was taken.

## VI. Reports.

### A. Legal Counsel Report. Discussion included:

- Mr. Marman requested Mr. Anderson, BWD Legal Counsel, provide him with the documents related to the Viking Well for his review in support of negotiating the entry agreement.
- There are no updates related to the existing litigation case filed by Doljanin against certain persons associated with the Watermaster.

### B. Technical Consultant Report. Mr. Malone reported on the items listed in the agenda package memo (see slides 59 through 61 of the [Board presentation slides](#)). There were no additional topics discussed.

Board questions and comments included:

- Request for the draft reports and presentation on the Biological Restoration of Fallowed Lands project be presented to the Board prior to the March 2025 Board meeting, so that the Board has time within the grant-funded period to consider the results of this study and make recommendations.
- Is a Judgment amendment required to incorporate alternative fallowing methods identified and recommended from the Biological Restoration of Fallowed Lands project. If an amendment is required, can SGM grant funding be used for the amendment? Mr. Markman stated he would review the Judgment to clarify if an amendment is required. Grant funding could not be used for costs associated with amending the Judgment.

### C. Executive Director Reports. ED Adams reported on the items listed in the agenda package memo (see slides 62 through 63 of the [Board presentation slides](#)). There were no additional topics discussed.

Public question and comment included:

- When Board meeting dates change to the third Wednesday at 3pm starting in January 2025, will the agenda package be published earlier? Agenda packages for future Board meetings will continue to be published in accordance with Brown Act standards (72 hours prior to the meeting).

D. Chairperson's Report. NONE

VII. **Approval of Agenda Items for December 5, 2024 Board Meeting.** ED Adams reviewed the potential agenda items for the next Board meetings listed in the agenda package. The Board discussed items to be included on the December 5, 2024 Board meeting agenda, in addition to items listed in the Agenda package. Discussion included:

- ED Adams updated the proposed Agenda for the December 5, 2024 meeting on the meeting screen based on discussion, noting it now includes the following items:
  - Review updated recommendations on the 2025 Redetermination of the Sustainable Yield
  - Review draft recommendation of the Scope and Budget for WYs 2026 through 2029 to complete the 2030 Redetermination of the Sustainable Yield
  - Review calculation of the change in groundwater storage from spring 2023 to spring 2024
  - WY 2025 Budget Amendment
  - Viking Well follow-up
  - DWR comments, if any

**Motion:** Motioned by Director Smith seconded by Vice Chair Bilyk, to approve the December 5, 2024 agenda as presented on the monitor. *Motion carried unanimously by roll-call vote (5-0-0).*

VIII. **Board Member Comments.** Chair Duncan called for comments.

- Director Smith acknowledged that he is pushing hard on West Yost on the challenges related to the grant funded work and clarified that his comments are meant to encourage West Yost to continue making progress and meet deadlines.

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

X. **Adjournment**

- Chair Duncan adjourned the meeting at 7:18 PM.



Recorded by:

Lauren Salberg, Staff Geologist, West Yost



Attest:

Shannon Smith, Secretary and Treasurer of the Board