

Borrego Springs Watermaster Board Meeting

July 16, 2025

I. Opening Procedures

*****This meeting is being recorded**

- A. Call to Order and start meeting recording
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda



II. Public Correspondence

II.A – Written Correspondence

- July 2, 2025 Letter from David Garmon

II.B – Public Comment

Instructions for Public Comment

The public may address the Board on items within the Watermaster's Jurisdiction that are included or not included on the meeting agenda.

To address the Board on items that are not included on the meeting agenda, the public may request to speak during ***Agenda Item III – Public Correspondence***. Comments may be limited to three minutes per speaker.

To address the Board on items that are included on the meeting agenda, the Board Chairperson will call for public comments immediately following the agenda item's staff report presentation and prior to Board discussion.

The Board may direct staff to include topics brought forward during Public Correspondence and Comment on a future meeting agenda. No action or discussion is otherwise taken by the Board.

III. Consent Calendar

- A. Approval of Minutes: Regular Meeting – June 18, 2025
- B. Approval of June 2025 Financial Report
- C. Receive and file Watermaster Staff invoices from April 2025
 - Includes final invoices for grant-reimbursable projects
- D. Receive and file Watermaster Staff invoices from May 2025

IV. Election of New Board Chairperson, and possibly other Watermaster Officers

Recommended Actions:

Elect Chairperson, and other Officers as needed.

Fiscal Impact:

None.

V.A Election of New Board Chairperson, and possibly other Watermaster Officers



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BOARD DISCUSSION

V.B GDE Scope and Schedule

Recommended Actions:

Provide direction to Watermaster Staff on changes (if any) to the scope and schedule for the review and use the UCI Groundwater Dependent Ecosystem Study Report.

Fiscal Impact:

TBD based on Board direction.

V.B - GDE Scope and Schedule

- Watermaster's current scope/schedule for review and potential use of the GDE Study Report → Scope was developed with TAC, EWG, and TC input:
 - **Task 1. Evaluate the GDE Study Report as “Best Available Science”**
 - Required by the Judgment and Watermaster Policy
 - Collaborative effort between the TAC, EWG and Technical Consultant
 - Scope → TAC, EWG, TC review the report, conduct meetings, and proffer opinions on the report re: BAS
 - Schedule: WY 2025 and 2026
 - **Task 2. Evaluate the Need for BVHM Updates for Simulation of Groundwater ET**
 - Placeholder depending on the results of Task 1 (there may be other recommendations)
 - Improved understanding on groundwater ET → Recommend improvements to the BVHM to better simulate the water budget of the Basin for the 2030 Redetermination of the Sustainable Yield
 - Schedule: WY 2027

V.B - GDE Scope and Schedule

- Board Feedback:
 - Could execution of the scope of work be expedited, with Task 2 performed in WY 2026 (instead of WY 2027)?
 - Is there a more economical approach to determining how best to utilize the study?
 - Could a third-party consultant with specialties in desert ecology, Mesquite trees, and GDEs be hired by the Watermaster to conduct the GDE Study Report review?
- Watermaster Staff has identified scientists at the Desert Research Institute (DRI) to potentially perform the review of the GDE Study Report in Task 1
 - Resumes and cost estimate are forthcoming (by end of July)

V.B - GDE Scope and Schedule

- Questions for Board discussion:
 - Do you want to accelerate the schedule?
 - Do you want to hire an outside technical consultant to assist in the review? If so:
 - Would the Technical Consultant still review and provide a recommendation to the Board?
 - What should be the role of the TAC and EWG?

V.B GDE Scope and Schedule



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BOARD DISCUSSION

V.C TAC and EWG Meeting Agendas

Recommended Actions:

1. Approve the agenda for the next Technical Advisory Committee (TAC) meeting, with any recommended changes.
2. Approve the agenda for the next Environmental Working Group (EWG) meeting, with any recommended changes.

Fiscal Impact:

None. These meetings were included in the Watermaster WY 2025 budget.

V.C – TAC Meeting Agenda

- TAC meeting scheduled for August 7, 2025
- Agenda items:
 - Results of new BVHM Pumping Projections
 - Updates to Sustainable Management Criteria for Groundwater Levels and Storage

V.C – EWG Meeting Agenda

- EWG meeting to be scheduled for August 2025
- Agenda items:
 - Develop recommendations for the Board based on results of the Biological Restoration of Fallowed Lands project
 - Kick-off the review of the GDE Study Report

V.C TAC and EWG Meeting Agendas



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BOARD DISCUSSION

V.D WY 2025 – Q3 Watermaster Budget Status Report

Recommended Actions:

Board discussion.

Fiscal Impact:

None.

V.D - Budget Status Report as of June 30, 2025

Table 1. Borrego Springs Watermaster Budget Status Report for WY 2025
as of June 30, 2025 (3rd Fiscal Quarter)

Revenues, Expenditures, and Reserves	Approved WY 2025 Budget (as Amended)	Actual WY 2025 Year-to-Date	Percent (%) of Budget	Variance to Date (Budget minus Actual)	Projected Year End	Projected Year End % of Budget	Notes
Revenues	\$ 1,263,380	\$ 1,248,069.97	99%	\$ 15,310.03	\$ 1,248,070	99%	See below note re: DWR Prop 68 Revenue
Pumping Assessments Invoiced payments received	\$ 350,000	\$ 338,532.40	97%	\$ 11,467.60	\$ 338,532	97%	Variance due to reduction of assessment based on corrected pumping records for a Party with estimated reads in 2021, 2022, and 2023
Bad Debt (non-payment on Assessments)	\$ (2,500)	\$ -	0%	\$ (2,500.00)	\$ -	0%	2nd Installment was due 6/30, payments still coming in
Overproduction Penalty Assessments	\$ -	\$ -		\$ -			Have not recorded bad debt
Revenues Collected for Pass thru Expenses payments received	\$ 7,316	\$ 9,717.03	133%	\$ (2,401.03)	\$ 9,717	133%	Includes Meter Read Invoices and Field Support work for UCI
DWR Prop 68 Grant Reimbursements Accrued	\$ 908,564	\$ 899,820.54	99%	\$ 8,743.46	\$ 899,821	99%	Meter Read invoices were due 6/30, payments still coming in
Total Expenditures	\$ 1,476,037.60	\$ 1,246,706.53	84%	\$ 229,331.07	\$ 1,455,928	99%	
Administrative Services							
Watermaster Staff Admin Services	\$ 421,598	\$ 337,455.44	80%	\$ 84,142.16	\$ 419,703	100%	
Board Meetings	\$ 290,796	\$ 234,476.25	81%	\$ 56,319.35	\$ 288,966	99%	
Technical Advisory Committee Meetings	\$ 106,600	\$ 82,334.20	77%	\$ 24,265.40	\$ 107,390	101%	
Court Hearings	\$ 52,444	\$ 42,159.25	80%	\$ 10,284.75	\$ 53,089	101%	
Stakeholder Outreach/Workshops	\$ 3,510	\$ 678.75	19%	\$ 2,831.25	\$ 1,429	41%	
Administration and Management	\$ 12,543	\$ 11,976.25	95%	\$ 566.75	\$ 11,976	95%	Task is complete
Prop 68 Project Admin and Grant Reporting	\$ 78,699	\$ 60,741.30	75%	\$ 20,054.75	\$ 78,495	100%	
Other Administrative or Vendor Services	\$ 37,000	\$ 36,586.50	99%	\$ 413.50	\$ 36,587	99%	
Financial Audit	\$ 130,802	\$ 102,973.93	79%	\$ 27,828.07	\$ 130,732	100%	
Insurance	\$ 8,560	\$ 8,098.00	95%	\$ 462.00	\$ 8,098	95%	Task is complete
Misc. Expenses	\$ 45,401	\$ 32,582.30	72%	\$ 12,818.70	\$ 44,420	98%	Note: This is a pre-paid expense - to date value reflects balance sheet amount
Meter Accuracy Testing Vendors	\$ 2,500	\$ 79.00	3%	\$ 2,421.00	\$ 133	5%	
Interest on Vendor Terms During Prop 68 Grant Period	\$ 13,500	\$ 14,430.00	107%	\$ (930.00)	\$ 14,430	107%	Task is complete
Pass Through Expenses	\$ -	\$ 5.26		\$ (5.26)	\$ 5	--	
Reimbursement to BWD for GSP	\$ -	\$ 5.26		\$ (5.26)	\$ 5	--	
Legal Services	\$ 105,000	\$ 49,168.00	47%	\$ 55,832.00	\$ 98,000	93%	

Excerpt from Table 1 provided in Agenda package, compares Approved WY 2025 Budget (as amended) to actual as of June 30, 2025

V.D - Budget Status Report as of June 30, 2025

- **99% of planned revenues have been accrued to date.**
- **84% of planned expenditures have been spent to date.**
- **Year-end expenditure is projected to be \$1,455,928 (99% of budget).**
- **Payment liability to vendors with payment terms totals \$803,074.**
 - No payments were made to Land IQ from November 2024 to March 2025 due to challenges with the Restoration of Fallowed Lands project. Payments and accrual of interest resumed in April 2025.
 - Since June 30th, liability amount decreased by \$300,000 due to receipt of payment from DWR reimbursement #7.
 - Liabilities are expected to be paid down to \$149,988 by the end of the WY.
- **Cash reserves are \$590,907**
 - Represents about 7.4 months of operating expenditures

V.D WY 2025 – Q3 Watermaster Budget Status Report



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BOARD DISCUSSION

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Recommended Actions:

- Appoint a replacement member to the GMP/DWR Communications Committee
- Board discussion to provide input and feedback on Staff's recommended approach to address RCA No. 7

Fiscal Impact:

None. Board has allocated available budget to address RCAs.

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

- DWR approved Judgment and GMP as SGMA Alternative in February 2025, with seven **Recommended Corrective Actions (RCAs)** to improve management towards sustainability
 - Staff Report documents assessment of Judgment/GMP and the rationale for the RCAs
- How RCAs will be addressed will be documented in the 5-Year Assessment Report, due June 2026
- Today's Focus: RCA No. 7, which identified ambiguity in the GMP's role within adjudicated framework

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

RCA No. 7:

“Eliminate inconsistencies or ambiguities between the Stipulated Judgment and GMP, and resolve or clarify the intended role of the GMP in Subbasin management and make appropriate amendments to the GMP and/or Stipulated Judgment (as needed) to clearly and expressly reflect (and enforce) that intent, especially, but not limited to the following issues detailed in Section 6 of this assessment...”

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Recommended Approach:

- Prepare a written response to DWR that address DWR concerns
- We do not recommend that any changes to the Judgment be considered at this time
- It may be prudent to propose clarifying edits to the GMP to provide ultimate clarity to the DWR

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Five main points of confusion (from DWR Perspective):

1. Uncertainty About GMP's Authority
2. Disconnect Between Sustainable Yield and Sustainable Management Criteria
3. Inconsistent Processes for Adjusting Pumping
4. No Evidentiary Weight for GMP in Judicial Review
5. Uncertain Role of GMP in Water Quality Management

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Uncertainty About GMP's Authority

- Addressing this concern should include a detailed description of how and when the Watermaster relies on the GMP for various actions/decisions.
- Create a listing of the typical decisions being made by Watermaster, what the Judgment says, and how the GMP informs the decision process for each item.
 - Examples of Watermaster decisions include: approval of new De Minimis Wells, approval of Permanent Transfers, and assessment of Carryover.
- This would be an appropriate item for Staff to lead in preparing a draft response, with help from legal counsel, as needed.

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Disconnect Between Sustainable Yield and Sustainable Management Criteria

- To address this concern, it would be necessary to describe the technical process for how the GMP framework is applied in setting the Sustainable Yield.
- The process relied on for 2025 did not explicitly consider SMC outcomes in establishing the Sustainable Yield, though this is currently being addressed through model simulations of future pumping.
- Consider an adjustment to the approach for 2030 to analyze the model results of future pumping outcomes before finalizing the Sustainable Yield.
- This would be an appropriate item for Staff to lead in preparing a draft response, with help from legal counsel, as needed.

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Inconsistent Processes for Adjusting Pumping

- In context, the DWR is confused about when and how a change to the Sustainable Yield would be made in between the required five year updates, and Watermaster's authority to do this.
- There is a concern that the structure may not meet SGMA's expectations for timely, adaptive management based on real-time data that might indicate Undesirable Results are occurring.
- This would be an appropriate item for legal counsel to lead in preparing a draft response, with help from Staff, as needed.

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

No Evidentiary Weight for GMP in Judicial Review

- DWR likely sees this as a weakening of the GMP's authority, such that if the GMP is supposed to be the technical roadmap for managing the basin, then decisions based on it should carry some evidentiary weight. Without that, DWR is unsure whether the GMP will actually guide basin management in a meaningful or enforceable way.
- This would be an appropriate item for legal counsel to lead in preparing a draft response

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Uncertain Role of GMP in Water Quality Management

- To address this, it will be necessary to explain in detail Watermaster's intended process for collecting water quality data, analyzing data, determining when there is an unreasonable impact that should be assessed for cause, and what steps would be taken if a Watermaster action is the cause.
- This may necessitate an update to the GMP and its Water Quality PMA for clarity. This will be a subject a future workshop.
- This would be an appropriate item for Staff to lead in preparing a draft response, with help from legal counsel, as needed.

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Recommended Approach: Prepare a written response to DWR that address DWR concerns.

- Staff drafts responses to items 1, 2 and 5, with support from Staff as needed.
- Legal counsel drafts responses to topics 3 and 4, with support from Staff as needed.
- Watermaster Committee on DWR/GMP Communications reviews and edits the draft responses. The Committee could also request review by the authors of the Judgment (e.g. legal counsels for BWD, T2, and AWARE).
- The revised draft responses are presented to the Board for review and edit, and eventual approval.
- The approved responses are incorporated into the 5-Year Assessment Report and changes to the GMP (if any) incorporated as redline.

Note: With regard to DWR/GMP Communications Committee, it will be prudent to appoint one new member to the Committee.

IV.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA No. 7 – Judgment vs. GMP

Staff is seeking the following next steps :

- Board discussion :
 - Refine the proposed approach to address RCA No. 7, such as the proposed responsibilities for preparing draft responses
 - Provide any specific input/requests/feedback to staff for consideration in developing the responses to any topic
- Appoint a new member to the DWR/GMP Communications Committee.
- Provide direction to staff to request DWR/GMP Communications Committee to review the draft responses as they are developed.
- Based on Board direction, Staff will take next steps to coordinate the draft responses to RCA No. 7.

V.E WORKSHOP – Addressing DWR Comments on the Judgment/GMP: RCA #7 – Judgment vs. GMP



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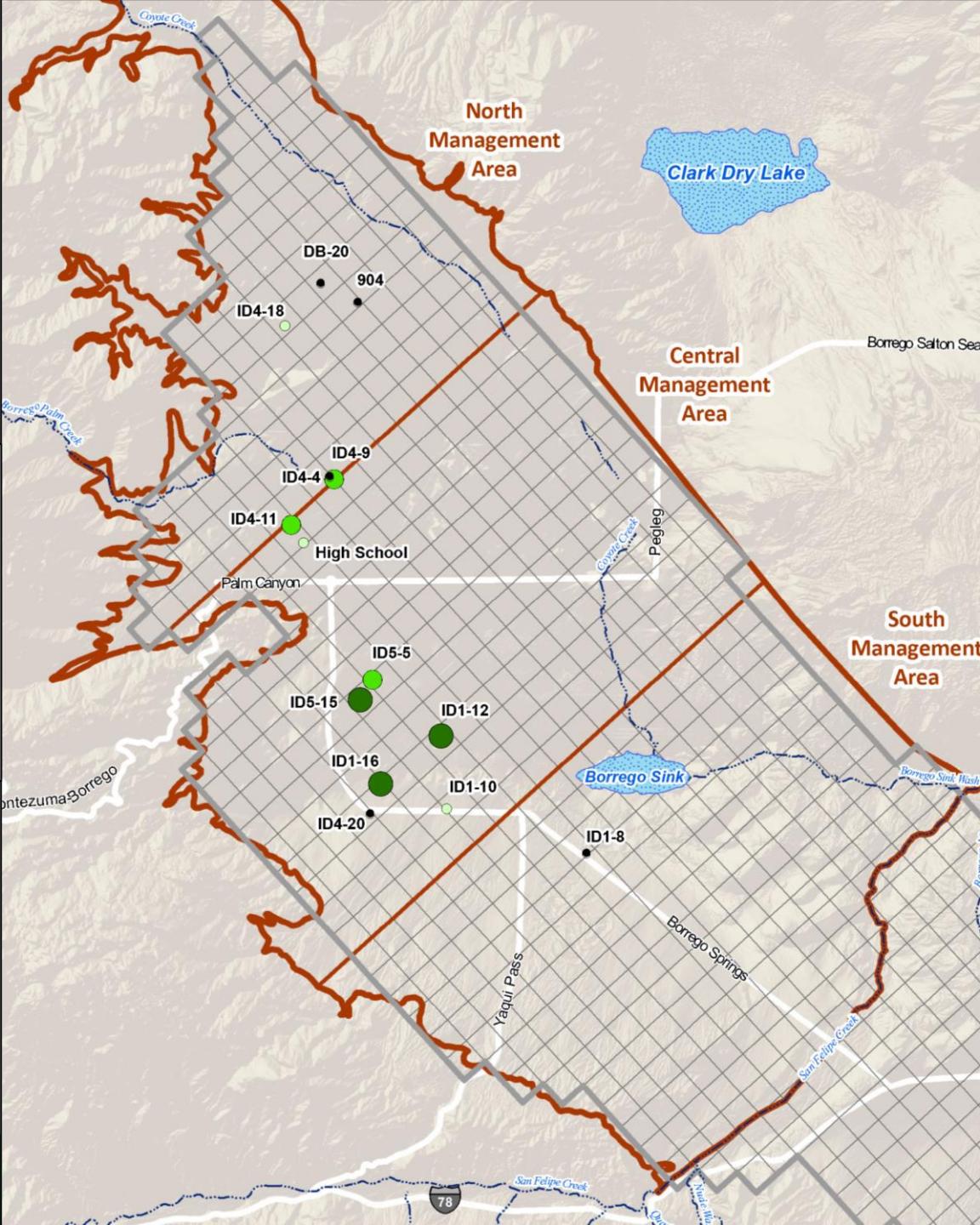
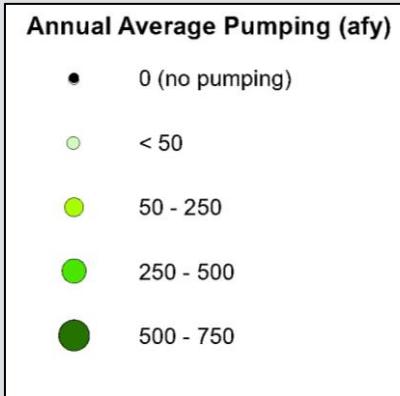
BOARD DISCUSSION

VI.A – Legal Counsel Report

VI.B – Technical Consultant Report

- BVHM Pumping Projections

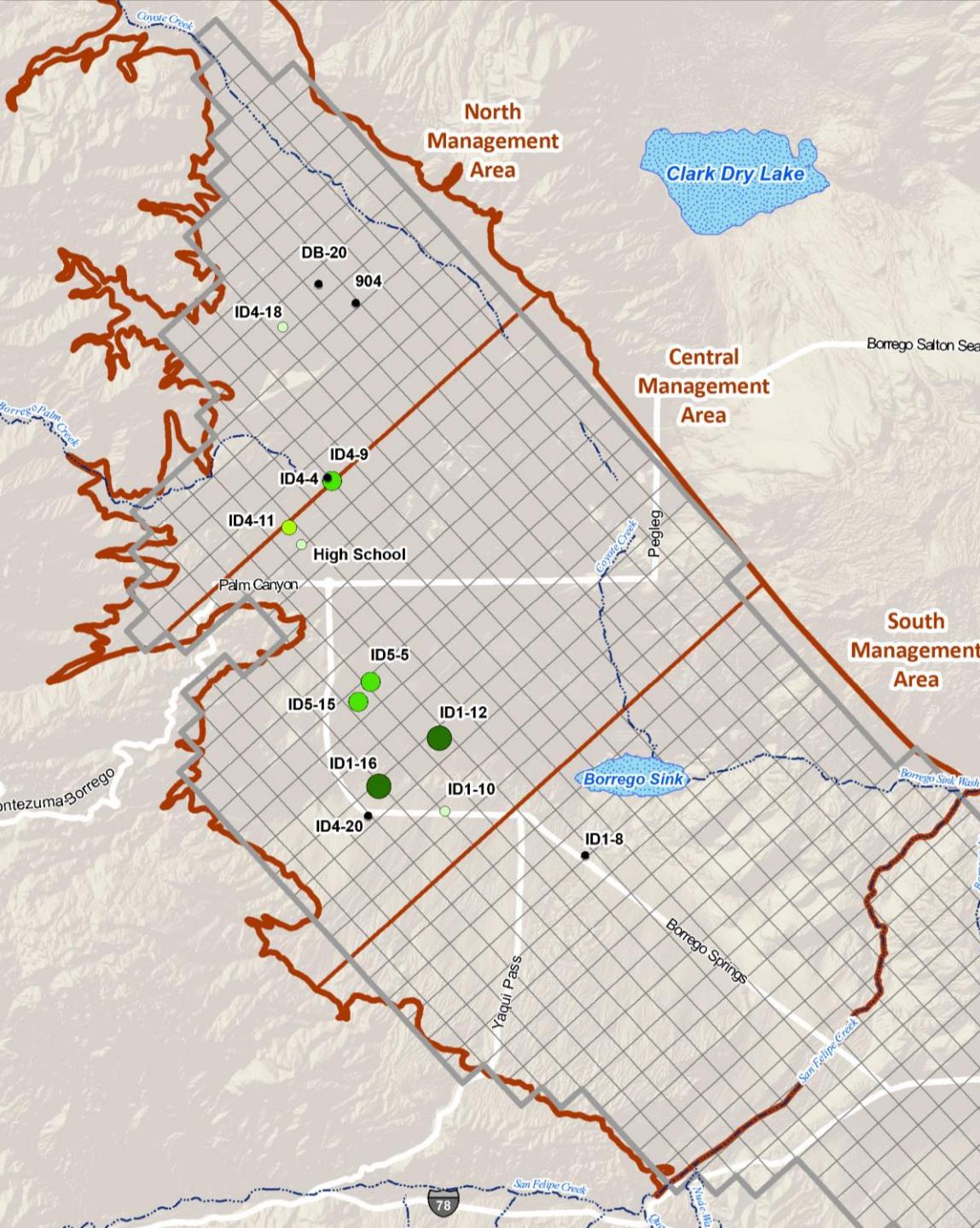
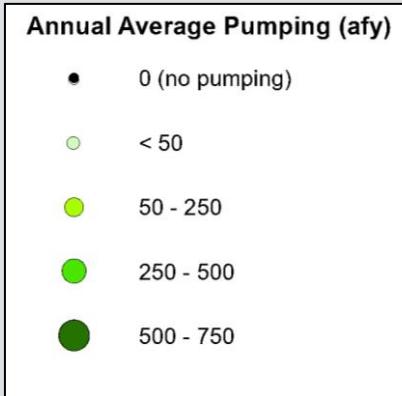
Initial Pumping Projection BWD Wells Only



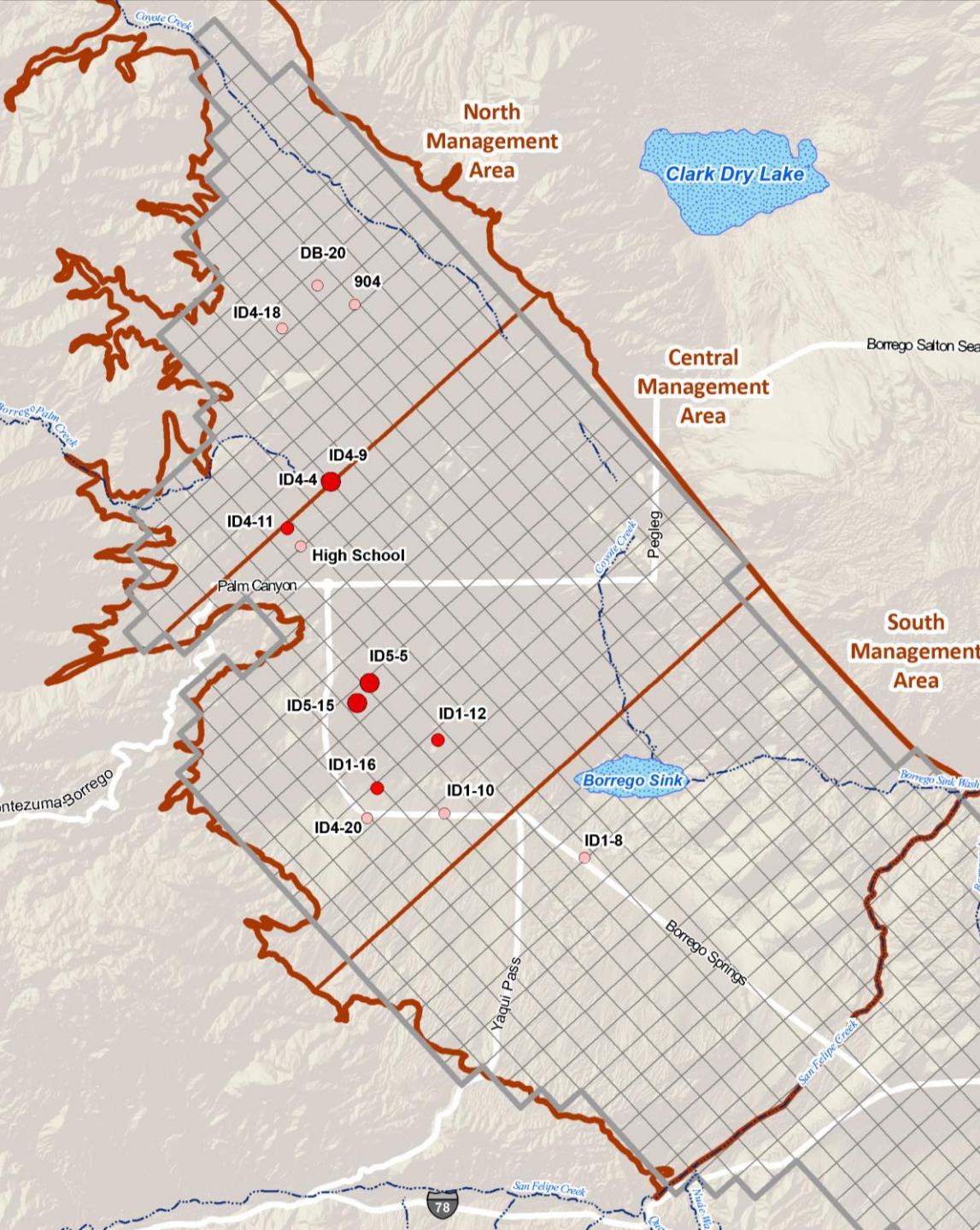
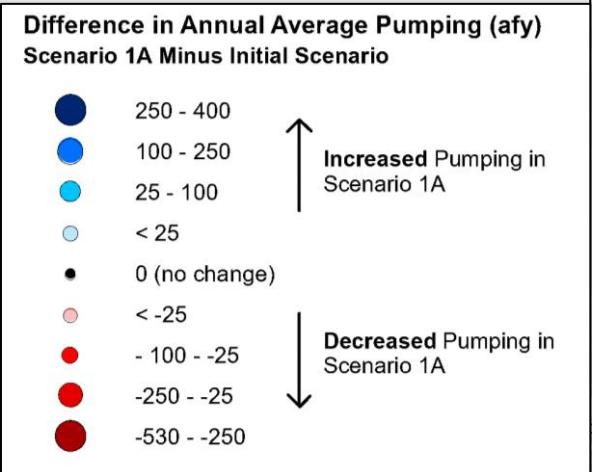
Scenario 1A

Pumping Projection

BWD Wells Only



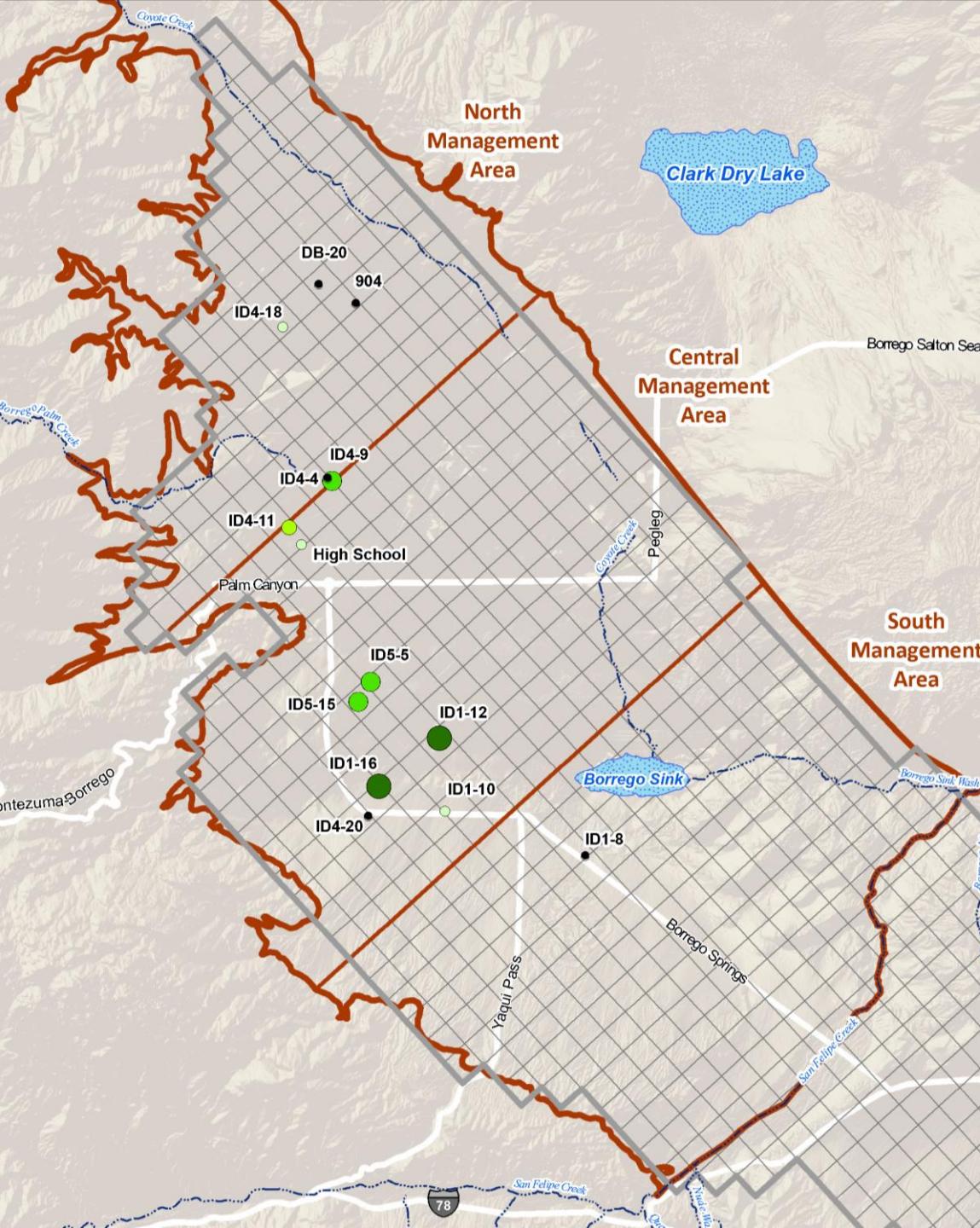
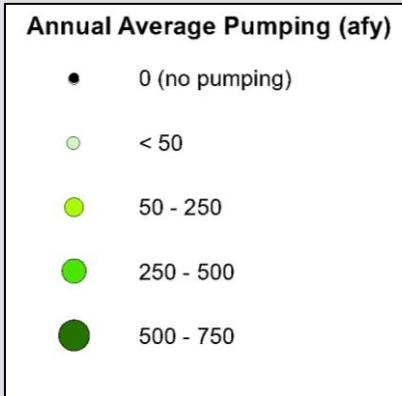
1A minus Initial BWD Wells Only



Scenario 1A

Pumping Projection

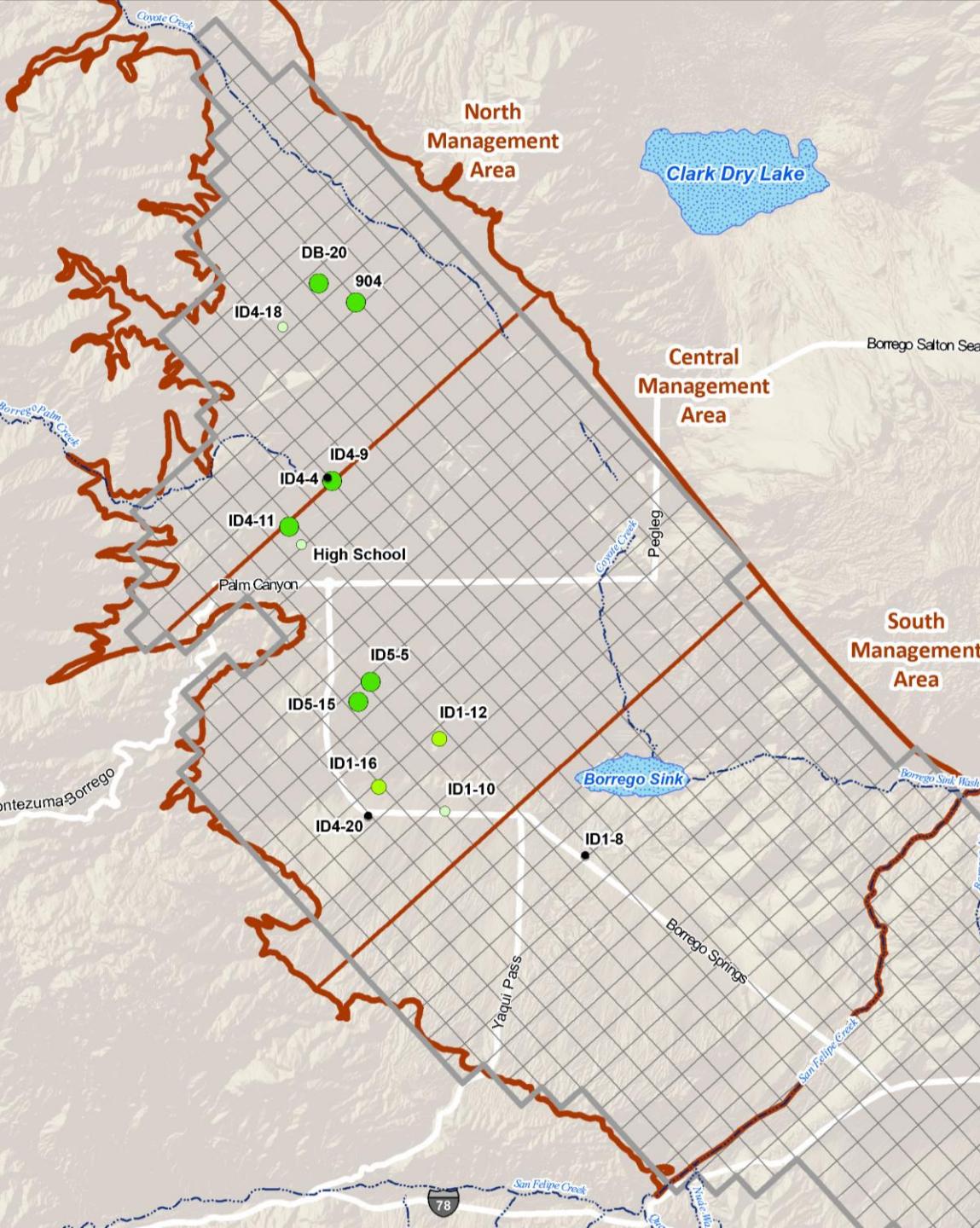
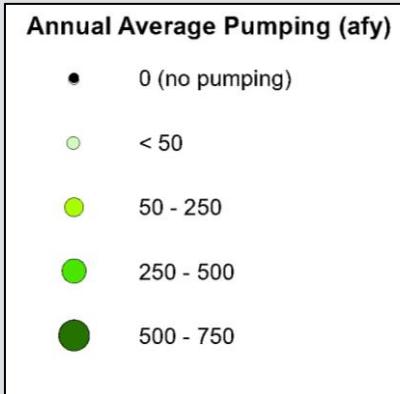
BWD Wells Only



Scenario 1B

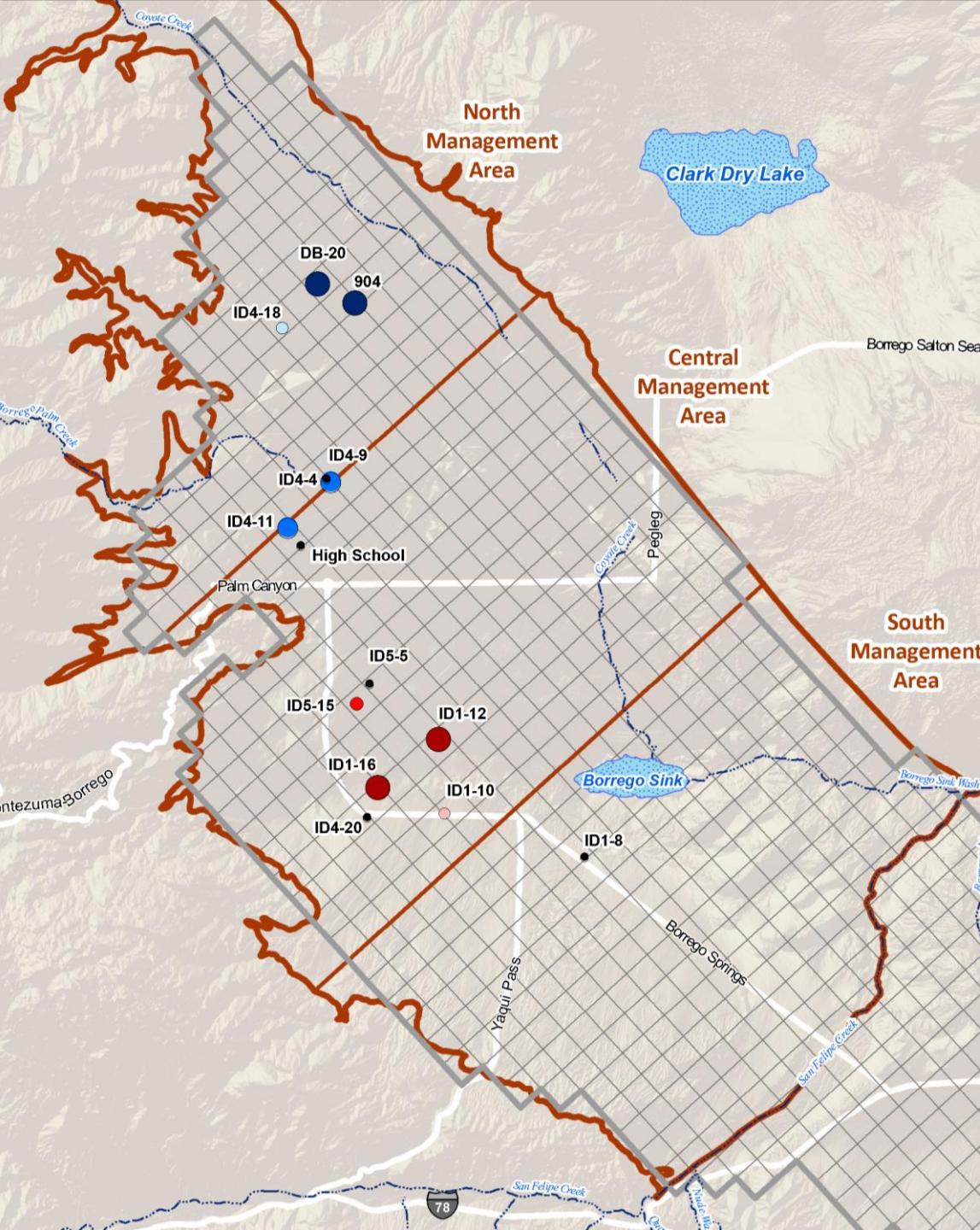
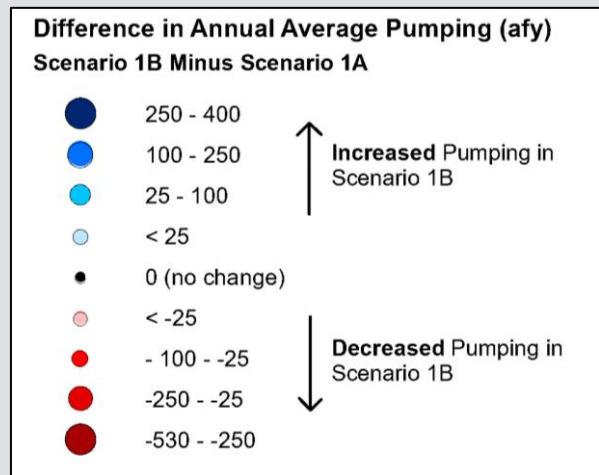
Pumping Projection

BWD Wells Only



1B minus 1A

BWD Wells Only



VI.C – Executive Director Report

SGM Grant Status

- Status of Reimbursement Requests:
 - Request #7: Payment of \$295,756.68 received on June 25, 2025. Full amount was used to pay down outstanding West Yost and Land IQ balances.
 - Request #8: Approved for payment and has been DocuSigned by DWR. Payment assumed September 2025. Amount = **\$301,825.33**
 - Request #9 & 10: Under review by DWR. BWD coordinating with subgrantees to address DWR comments/questions. Payment assumed December 2025 and March 2026.

VI.C – Executive Director Report

WY 2025 Pumping Assessments

- Invoices for second installment of WY 2025 pumping assessment and meter read invoices were mailed out week of May 19th
- Payment was due June 30, 2025
- Pumping Assessments:
 - 40% of payments have been received to-date
 - 60% of invoiced amount still pending (\$105,746)
- Meter Read Invoices:
 - 30% of payments have been received to-date
 - 70% of invoiced amount still pending (\$5,122)

BPA Party Updates

- No new updates since June meeting

VI.D – Chairperson's Report

VII. Establishing Agenda for August 20, 2025 Regular Board Meeting

Recommended Actions:

Develop and approve agenda for August 20, 2025 Regular Board Meeting

Process:

1. Review the initial August agenda topics planned by Staff
2. Review the September and October tentative topics planned by Staff and previously requested items by Board members, as listed below
3. List out additional items that have arisen during the July Board meeting
4. Call on Directors to request additional items for consideration of inclusion on the August 2025 or other future agenda
5. Consider motion(s) to approve the agenda (the agenda can be approved in a single motion or multiple motions to cover each item).

Note: The Agenda/items are approved by majority vote (3 of 5 directors)

Initial Agenda for August Regular Meeting

1. Consideration of Approval of Contract Amendment No. 13 and Statement of Work No. 8 for West Yost Administrative and Technical Services in WY 2026
2. Overview of BVHM Pumping Projection Results
3. Workshop: Sustainable Management Criteria – Water Levels and Storage
4. GDE Study – Next Steps

Future Agenda Items

September

1. WY 2026 Calendar of Activities
2. WY 2026 Meeting Dates
3. Report out from TAC and EWG meetings
4. EWG Recommendations on Biological Restoration of Fallow Lands Study
5. Workshop: Groundwater Quality and SGMA

October – IN PERSON

1. Draft WY 2025 Water Rights Accounting
2. Draft 2025 Final Budget Status Report
3. Election of Board Officers for WY 2025
4. Process and Schedule to complete WY 2025 Annual Report
5. Workshop: Overview of Public Comments in Sustainable Management Criteria

Set Agenda for August Regular Meeting

1. Consideration of Approval of Statement of Work No. 8 and Contract Amendment No. 13 for West Yost Administrative and Technical Services in WY 2026
2. Overview of BVHM Pumping Projection Results
3. Workshop: Sustainable Management Criteria – Water Levels and Storage

VII. Establishing Agenda for August 20, 2025 Regular Board Meeting



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BOARD DISCUSSION

VIII. Board Member Comments

IX. Next Meetings of the Borrego Springs Watermaster

- Regular Board Meeting – August 20, 2025
- Regular Board Meeting – September 17, 2025
- Technical Advisory Committee Meeting – August 7, 2025
- Environmental Working Group Meeting – August 2025 (date TBD)

X. Adjournment

- Thank you for your participation!