

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted In-Person at the Borrego Springs Library and via GoToMeeting**  
**Wednesday, October 15, 2025, 3:00 p.m.**

The following individuals were present at the meeting:

|                                  |                                                     |
|----------------------------------|-----------------------------------------------------|
| <b>Directors Present</b>         | Chair Tyler Bilyk – Agricultural Sector             |
|                                  | Vice Chair Jim Bennett – County of San Diego        |
|                                  | Treasurer Shannon Smith – Recreational Sector       |
|                                  | Secretary Gina Moran – Borrego Water District (BWD) |
|                                  | Mark Jorgensen – Community Representative           |
| <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>            | David Garmon                                        |
|                                  | Diane Johnson, BWD Board Member                     |
|                                  | Geoff Poole, BWD General Manager                    |
|                                  | George Peraza, DWR                                  |
|                                  | Jim Dax, Board Alternate - Community Representative |
|                                  | Kathy Dice, Board Alternate - BWD                   |
|                                  | Rich Pinel, Board Alternate - Recreational Sector   |
|                                  | Rodney Bruce, Rams Hill                             |
|                                  | Steve Anderson, BB&K, representing BWD              |
|                                  | Tammy Baker, BWD Board Member                       |
|                                  | Travis Huxman, UCI                                  |
|                                  | 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 October 15, 2025 Meeting.

**I. Opening Procedures**

- A. Chair Bilyk called the meeting to order at 4:01 PM at which time the meeting recording was started.
- B. Chair Bilyk 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 Moran, seconded by Director Jorgensen to approve the Agenda.  
*Motion carried unanimously by voice vote (5-0-0).*

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

- II. **Election of WY 2026 Board Officers.** Current officers from WY 2025 are Directors Bilyk (Chair), Bennett (Vice Chair), and Smith (Secretary, Treasurer). Chair Bilyk requested each current Board officer to state if they were/were not interested in keeping their positions for WY 2026.

**Motion:** Motioned by Director Smith, seconded by Director Jorgensen to elect the following slate of Board Officers in WY 2026: Chair Tyler Bilyk, Vice Chair Jim Bennett, Secretary Gina Moran, and Treasurer Shannon Smith. Motion carried unanimously by voice vote (5-0-0).

III. **Public Correspondence**

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

- IV. **Consent Calendar.** Chair Bilyk called for any discussion on the Consent Calendar items included in the October 15, 2025 agenda package. There were no public comments. Board comments included:

- The financial report on page 12 of 211 of the agenda package reflects a difference in the amount of the grant reimbursement assumed and the actual reimbursements received, which ED explained was a difference in timing of the vendor estimates and when certain expenses were actually billed to DWR. The differences net out in the end.

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

V. **Items for Board Consideration and Possible Action**

- A. *Selection of Peer Reviewer for the UCI GDE Study Report.* Andy Malone provided a summary of proposals received to perform a peer review of the Groundwater Dependent Ecosystem (GDE) Study Report, as included in the agenda package. At the conclusion of the presentation, Chair Bilyk opened the floor to public comment, followed by Board discussion. Public comment was made by David Garmon.

The key points of discussion by the Board included:

- Based on the review of TAC comments on the GDE Study Report, TAC members have identified that there are additional questions to address beyond the question of if this report is “best available science”.
- Based on Board direction from its August 2025 Board meeting, the request for proposal (RFP) sent to each candidate asked them to review the GDE Study Report and determine if it represents “Best Available Science” (BAS). Based on the TAC comments received, the Board discussed that the peer reviewer will need to do more than just answer “Is this report BAS”.
- The Board discussed the proposals received to perform the peer review of the GDE Study Report:
  - The USGS proposal was the most detailed and most technically strong. It was also the most expensive. There were concerns that the current federal shutdown would delay the USGS schedule, also noting that the USGS has its own internal review process that could extend the schedule.

- Rhode has SGMA experience, but there was concern about Rhode's advocacy background.
- Northern Arizona University and UC Riverside provided limited detail in their proposals.
- Mixed views were expressed on selecting University of California Riverside given that another UC campus (University of California Irvine) prepared the study. Some Board members viewed this as a conflict of having two UC schools prepare and review the report, others noted UC campuses operate independently and would not be a conflict of interest. UC Riverside was recognized for familiarity with southern California.
- The Nature Conservancy offered supported to whoever is selected as the Peer Reviewer; alleviating previously discussed concerns since they would be providing support, not leading the review.
- Cost estimates among proposals vary widely (\$6,000–\$100,000), raising concerns if all the reviewers would perform the same level of work and provide the Watermaster with information it can use to make management decisions. Emphasis on the need to ensure peer reviewers can address all TAC questions.
- The pros and cons of hiring an external consultant vs. hiring the Watermaster's Technical Consultant to (TC) perform the review of the GDE Study Report.
- The \$14,500 cost estimate for the TC effort includes review and coordination with the TAC, EWG, and peer reviewer. The TC has not provided a cost estimate for additional work to perform the peer review and prepare a recommendation report to the Board.
- Director Jorgensen has reviewed the GDE Study Report and considers the report to represent BAS.
- Additional time is needed before making a selection to consider the following:
  - What are the costs and schedule if West Yost were to perform the review?
  - Do the Peer Reviewer proposals need to be refined based on the level of detail included in the TAC comments on the GDE study report?

Following the discussion, the Board directed staff to:

1. Develop a cost estimate and schedule for West Yost to perform the peer review of the GDE Study Report
2. Share TAC and EWG comments on the GDE Study Report with the peer reviewers and confirm the peer reviewer's ability to (i) review the GDE Study Report and evaluate if it represents BAS, *and* (ii) address TAC/EWG comments. If needed, the peer reviewers may:
  - a. Meet with Director Bennett and Mr. Malone to discuss scope refinements.
  - b. Refine their scope, cost, and schedule based on the TAC/EWG comments and resubmit their proposal.
3. Schedule a special Board meeting in approximately two weeks to review the updated peer reviewer proposals and proposal from West Yost and select the peer reviewer to perform the review of the GDE Study Report.

- B. *Transfers of BPA and Carryover – Short-Term Approach and Formal Policy Development.* ED Adams provided a summary included in the agenda package. At the conclusion of the presentation, Chair Bilyk opened the floor to public comment, followed by Board discussion. Public comment was made by Steve Anderson, Tammy Baker, Jim Dax, and Geoff Poole.

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

- There is a \$500 per acre-foot Overproduction penalty fee if the Overproduction is not addressed.
- Restricting the location of transfers as a short-term solution will set a concerning precedent for a long-term approach.
- Tammy Baker summarized recommendations from the BWD Board:
  - Resolving WY 2025 Overproduction should be uncoupled from the topic of Undesirable Results. Overproduction represents water that has already been pumped and BWD recommends the Watermaster approve any transfers to cure Overproduction in WY 2025.
  - Recent model results are important and may influence business decisions but BWD disagrees with the concept that limiting transfers between management areas is the only solution. Restricting transfers could reduce the number of potential buyers and sellers of water rights.
- Steve Anderson, Legal Counsel to BWD, clarified that BWD's purchase of the Bauer property was to maintain existing BWD demands during the Rampdown, not to increase BWD pumping. He cautioned that restricting transfers could reduce BWD's ability to meet its water needs and encouraged the Board to consider other options under the Water Code rather than placing the burden solely on Parties engaged in transfers.

The key points of discussion by the Board included:

- Following requirements related to the transfer of water rights.
- The complexity of transfers of BPA associated with multiple parcels and the unique transfer agreement between D. Bauer and BWD.
  - Concern about setting a precedent for future transfers and that someone could transfer to avoid following responsibilities.
- Recommendation to develop and run an additional model projection scenario that evaluates the sustainability of the Basin under the Judgment allocation of water rights to determine if the Judgment allowed pumping is sustainable. If results indicate that the Judgment is unsustainable, responsibility lies with the entire Basin, not just the Transferor or Transferee to address the issue. This model run should be completed as part of the 5-Year Groundwater Management Plan (GMP) update.
- Concern that restricting transfers could have Basin-wide economic consequences.
- The 286 AF of Overproduction in WY 2025 has already occurred and approving transfers of Carryover to resolve the Overproduction would not exacerbate current Basin conditions.

- Some of the Overproduction to be cured in these transfers is Overproduction that occurred during the first three years of the Rampdown, in which Pumpers were given a grace period to cure until the end of WY 2025.
- Several Parties with outstanding transfers to cure Overproduction have consistently overpumped. Their Overproduction is likely to increase as the Rampdown schedule continues.
- Pumpers are notified in their mid-year pumping reports if they are at-risk of Overproduction.
- The Board should develop a policy related to water rights transfers to help inform future transfer decisions.

**Motion:** Motioned by Director Smith, seconded by Chair Bilyk to:

1. Approve the pending transfers of Carryover for WY 2025 without respect to the location of the Transferor or Transferee.
2. Notify Parties with Overproduction balances that the transfers approved this year are not setting a precedent for the upcoming year.
3. Prepare a scope, budget, and schedule to run an additional model scenario that could be used by the Board to support a long-term policy approach and included in the 5-Year GMP update.

*Motion carried unanimously by roll-call vote (5-0-0).*

- C. *Consideration of Approval of November 2025 TAC Agenda.* Mr. Malone presented the proposed agenda for the upcoming TAC meeting. At the conclusion of the presentation, Chair Bilyk 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 item to review and discuss the updated Sustainable Management Criteria (SMC) at the November TAC meeting is on-track with the schedule developed to complete the 5-year assessment of the GMP report.
- Clarification that the results from Scenario 1C will be shared with the Board at its November 2025 Board meeting.

**Motion:** Motioned by Vice Chair Bennett, seconded by Director Moran, to approve the TAC meeting agenda with the correction that the review of the Scenario 1C pumping projections will be reviewed during the November 2025 Board meeting. *Motion carried unanimously by roll-call vote (5-0-0).*

- D. *Overview of Public Comments Received on Sustainable Management Criteria during October 15, 2025 Open House.* ED Adams provided a summary of the public comments received during the Stakeholder Open House, which was focused on discussing updates to the SMC. At the conclusion of the presentation, Chair Bilyk opened the floor to public comment, followed by Board discussion. Public comment was made by Steve Anderson and Diane Johnson.

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

- There is additional opportunity for BWD to provide comments on the SMC. The TAC will discuss additional feedback at its November TAC meeting, which will be shared with the Board at its December 2025 Board meeting.
- Recommendation to include a brief summary of the current successes and challenges at the start of each Board meeting for the public new to Board meetings.

The key points of discussion by the Board included:

- Discussion on future Open Houses, including the number per year, length of event, and best times of the year.

No Board action was taken.

## **VI. Reports.**

- A. Legal Counsel Report. Mr. Markman complimented the Board on its sophisticated discussion on the water rights transfers topic (Item V.B), describing his experiences with other Basins.
- B. Technical Consultant Report. Mr. Malone reported on the items listed in the agenda package memo (see slides 32 through 33 of the [Board presentation slides](#)). There were no additional topics discussed.

Board questions and comments included:

- Discussion on how the current model projections account for Parties that currently over-pump.
- The assumptions and discussions with BWD and T2 used to develop Scenario 1C will be shared with the TAC and the Board.

Executive Director Reports. ED Adams reported on the items listed in the agenda package memo (see slides 34 through 42 of the [Board presentation slides](#)). There were no additional topics discussed. Board questions and comments included:

- Clarification on how pumping is classified by sector for total pumping and if the classifications change based on transfers of water rights.
- Request for Board action at a future meeting to add additional signatories to the Watermaster bank account.
- Director Moran volunteered to be added as a signatory to the bank account.
- Chair Bilyk and Vice Chair Bennett summarized their experiences on the Borrego Springs Panel at the 2025 Western Groundwater Congress.

- C. Chairperson's Report. Chair Bilyk complimented the Board on its ability to navigate tough topics and conversations. He emphasized that the Board allows logic to prevail and that they have a good track record of what's been accomplished over the past five years.

VII. **Approval of Agenda Items for November 17, 2025 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 November 17, 2025 Board meeting agenda, in addition to items listed in the Agenda package. Discussion included:

- ED Adams updated the proposed Agenda for the November 17, 2025 meeting on the meeting screen based on discussion, noting it now includes the following items:
  - Final Water Year 2025 Water Rights Accounting and Transfers of Water Rights
  - Final Water Year 2025 Budget Status Report
  - Consideration of approval to engage with C.J. Brown & Company, CPAs to Perform the WY 2025 Annual Financial Audit
  - GMP Assessment and Update Workshop:
    - RCA #6: Land Subsidence
    - RCA #2: Domestic Well Mitigation
  - Resolution on the Bank Signatory
  - Discuss performing an additional model scenario that simulates the water rights afforded in the Judgment at an upcoming Board meeting
  - GDE Study Report Review

**Motion:** Motioned by Director Jorgensen seconded by Director Moran, to approve the November 17, 2025 agenda presented. *Motion carried unanimously by roll-call vote (5-0-0).*

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

- Director Bennett commented that the County of San Diego is performing a review of the fallowing methods developed as part of the SGM grant funded project and will provide comments within 60 days. Their review is focused on fire and flood control.
  - The EWG meeting will be further postponed until the County completes its review since the only agenda topic for the October EWG meeting was a discussion and review of the sand fences.

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

X. **Adjournment.** Chair Bilyk adjourned the meeting at 7:30 PM.



Recorded by:

Lauren Salberg, Staff Geologist, West Yost



Attest:

Gina Moran, Secretary of the Board