

MINUTES
BORREGO SPRINGS WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Thursday, December 9, 2021, 4:30 p.m.

I. Opening Procedures

- A. Chairman Duncan called the meeting to order at 4:30 PM
- B. Chairman Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams (Executive Director, ED) called roll and confirmed that all members of the Board were present. The following individuals were present at the meeting:

Directors Present	Chairman Dave Duncan – Borrego Water District (BWD)
	Vice Chairman Shannon Smith – Recreational Sector
	Jim Bennett – County of San Diego
	Mike Seley – Agricultural Sector
	Mark Jorgensen – Community Representative
Watermaster Staff Present	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant, West Yost
	Lauren Sather, Staff Scientist, West Yost
Others Present	Diane Johnson (BWD Director)
	Elena Thompson
	Jim Dax
	Kathy Dice, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Leonardo Urrego-Vallowe, WBE, representing AAWARE
	Martha Deichler, Board Alternate – Community Representative
	Rich Pinel, Board Alternate – Recreational Sector
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Tyler Bilyk, Board Alternate - Agricultural Sector
	Geoff Poole, General Manager, BWD
	Michele Staples, Jackson Tidus, representing AAWARE

- D. Approval of Agenda.

Motion: Motioned by Vice Chairman Smith, seconded by Director Bennett to approve the Agenda.
Motion carried unanimously (5-0-0).

II. Public Correspondence

- A. Correspondence Received. NONE
- B. Public Comments. Chairman Duncan called for public comments. The following public comments were made:
 - Elaina Thompson commented on the state of the fallowed land adjacent to the Indian Head Ranch community.

III. Consent Calendar. Chairman Duncan called for any discussion on the Consent Calendar items included in the December 09, 2021 agenda package. There was no board discussion.

Motion: Motioned by Vice Chairman Smith, seconded by Director Bennett 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 Scope of Work and Budget for Watermaster Staff to Prepare a DWR Grant Application for SGMA Implementation Funding of Planning Efforts and Projects in the Borrego Springs Subbasin (MALONE).* Andy Malone summarized the memo in the agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Diane Johnson, Jim Dax, Rich Pinel, and Leonardo Urrego-Vallowe. The key points of discussion included:

- The Department of Water Resources (DWR) is anticipating publishing the final guidelines and proposal solicitation package (PSP) before the holidays.
- It is unclear who the grant applicant will be based on eligibility. Watermaster may not be eligible, but the DWR has communicated there will be an eligible applicant in the Borrego Subbasin.
- Access to the budget in West Yost's Tasks 4 and 5 of the proposed scope of work should be contingent on Watermaster being the eligible grant applicant.
- Concern about the very short timeline to submit the application in the draft PSP. Staff should proceed as though the final PSP will have a similarly aggressive schedule.
- Grant projects with more detail will score higher during the review process.

Motion: Motioned by Vice Chairman Smith, seconded by Director Bennett, to

- approve the attached amendment to Exhibit A of the Borrego Springs Watermaster Professional Services Agreement with West Yost to include Statement of Work No. 4 describing the scope of work and associated budget of \$54,631 to prepare the DWR grant application for SGMA implementation funding with the amendment that Task 4 and 5 are contingent on Watermaster being the grant applicant; and
- approve the budget to implement Statement of Work No. 4 from Watermaster's cash reserves.

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

B. *Agendas for Ad Hoc Meetings of the Technical Advisory Committee and Environmental Working Group (MALONE).* Andy Malone summarized the memo in the agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. No public comments were made. The key points of discussion included:

- Mr. Malone confirmed that the cost of the ad hoc meeting for the TAC and EWG is included in Task 3 of the scope and budget to prepare the grant application as presented in Agenda Item IV.A.

Motion: Motioned by Director Jorgensen, seconded by Director Seley, to approve the agendas for an ad hoc TAC and EWG meetings. *Motion carried unanimously by roll-call vote (5-0-0).*

C. *Consideration of Approval to Establish a Processes to Approve or Deny Applications for New De Minimis Pumping and New Wells or Replacement Wells in the Borrego Springs Subbasin (MALONE).* Andy Malone summarized the memo in the agenda package. At the conclusion of the presentation, Chairman Duncan opened the floor to public comment, followed by Board discussion. Public comment was made by Michele Staples. The key points of discussion included:

- Director Bennett thanked Watermaster Staff for their hard work and their willingness to collaborate with the County and the Borrego Water District on this effort.
- In addition to the actions required by the resolutions, other actions, like posting the applications to the website, should be considered and discussed with the Board once Watermaster receives its first application.

Motion 1: Motioned by Director Bennett, seconded by Vice Chairman Smith, to adopt Resolution No. 21-02 of the Board of Directors of the Borrego Springs Watermaster to Establish a Process to Approve or Deny Applications for New De Minimis Pumping in the Borrego Springs Subbasin. *Motion carried unanimously by roll-call vote (5-0-0).*

Motion 2: Motioned by Director Bennett, seconded by Vice Chairman Smith, to adopt Resolution No. 21-03 of the Board of Directors of the Borrego Springs Watermaster to Establish a Process to Approve or Deny Applications for the Construction of New or Replacement Non-De Minimis Wells in the Borrego Springs Subbasin. *Motion carried unanimously by roll-call vote (5-0-0).*

V. Reports.

- A. Legal Counsel Report. Mr. Markman reported on the following items
- On December 9, 2021, the Court approved the 26 orders for Recordation of the Judgement.
 - Watermaster Legal Staff recently filed a motion to recover unpaid fees invoiced to two Watermaster parties. The court hearing is set for January 20th. Watermaster Staff will distribute the information to access the Court’s public listening line for those wanting to attend the hearing.
- B. Executive Director Reports. ED Adams reported on the following items:
- Update on compliance with metering requirements. Watermaster Staff will send out a demand letter requiring compliance with metering requirement by the January deadline to all parties that Watermaster has been unable to get in contact with. Watermaster Staff will report to the Board and recommend referring parties that have not complied with the metering requirements to the Court after the January deadline.
 - Update on compliance with Following Standards. Watermaster Staff is working on getting clarification on how to implement the Judgement requirements to formalize conversion of water credits to BPA for parties that do not have access to property to address well abandonment requirements.
- C. Chairperson’s Report. NONE

VI. Board Member Comments. Chairman Duncan called for comments from the Board. The following comments were made:

- Vice Chairman Smith reported that the virtual meeting between BWD and local realtors is scheduled for December 16, 2021.
- Vice Chairman Smith inquired regarding the status of the Watermaster’s annual financial audit. ED Adams reported that staff has requested a quote from an audit company and will provide the quote to Vice Chairman Smith once it is received.
- Director Jorgenson reported that the community has requested the Board agenda package be sent out the Thursday or Friday before the meeting, not the Monday before. Mr. Markman reminded that this is not a requirement. The Board agenda need only be posted 72 hours in advance of the Regular Board meeting, and the supporting agenda materials are not required to be included with the Agenda.

VII. **Next Meetings of the Borrego Springs Watermaster.** Chairman Duncan reviewed the potential agenda items for the next Board meetings included in the agenda package. The next meetings are:

- A. Regular Board Meeting – Thursday, January 13, 2022 at 4:30 pm.
- B. Regular Board Meeting – Thursday, February 10, 2022 at 4:30 pm.

VIII. **Adjournment**

- A. Chairman Duncan adjourned the meeting at 5:50 PM.



Recorded by:
Lauren Sather, West Yost Staff



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