

**MINUTES**  
**BORREGO SPRINGS WATERMASTER BOARD MEETING**  
**Conducted Virtually via GoToMeeting**  
**Thursday, January 13, 2022, 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. Executive Director (ED) Samantha Adams called roll and confirmed that all members of the Board were present. The following individuals were present at the meeting:

<b>Directors Present</b>	Chairman Dave Duncan – Borrego Water District (BWD)
	Vice Chairman Shannon Smith – Recreational Sector
	Jim Bennett – County of San Diego
	Mike Seley – Agricultural Sector
	Martha Deichler, Board Alternate – 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 Sather, Staff Scientist, West Yost
<b>Others Present</b>	Anita Regmi, DWR
	Cathy Milkey, T2 Borrego LLC
	Diana Del Bono, BWD Administration Manager
	Diane Johnson, BWD Director
	Geoff Poole, BWD General Manager
	Jessica Clabaugh, BWD Finance Officer
	Jim Dax
	John Peterson, Environmental Working Group Member
	Kathy Dice, BWD Board Member
	Leanne Crow, Board Alternate – County of San Diego
	Leonardo Urrego-Vallowe, WBE, representing AAWARE
	Michele Staples, Jackson Tidus, representing AAWARE
	Rebecca Falk
	Rich Pinel, Board Alternate – Recreational Sector
	Steve Anderson, BB&K, representing BWD
	Tammy Baker, BWD Board Member
	Trey Driscoll, Dudek, representing BWD
	Tyler Bilyk, Board Alternate - Agricultural Sector

- D. Approval of Agenda.

**Motion:** Motioned by Director Deichler, seconded by Vice Chairman Smith 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 members made comment:

- John Peterson spoke on the subject of subsidence monitoring at BWD Well ID4.

III. **Consent Calendar.** Chairman Duncan called for any discussion on the Consent Calendar items included in the January 13, 2022 agenda package. There was no discussion.

**Motion:** Motioned by Director Deichler, seconded by Vice Chairman Smith, 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 a Real Estate Transfer Disclosure Statement.* ED Adams 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:

- It would be helpful to have a plain language summary in addition to the Real Estate Transfer Disclosure Statement.
- Any plain language summary of the disclosure should recommend an attorney review the Judgment with a buyer.
- The specific language included in the disclosure is important.

**Motion:** Motioned by Director Seley, seconded by Director Deichler, to approve the enclosed Real Estate Transfer Disclosure Statement for posting to the Watermaster website. *Motion carried unanimously by roll-call vote (5-0-0).*

B. *Consideration of Approval to Contract the Watermaster's Annual Financial Audit.* ED Adams 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:

- Lance, Soll & Lunghard, LLP has worked with West Yost in the Six Basins for over ten years and therefore is less costly than an alternative company because they know West Yost's financial software.
- The cost of staff time to procure additional quotes is not worth the cost savings given the minimal cost of the audit.

**Motion:** Motioned by Director Seley, seconded by Director Deichler, to approve \$8,000 quote to perform the financial audit and direct Staff to engage Lance, Soll & Lunghard, LLP to perform the work. *Motion carried unanimously by roll-call vote (5-0-0).*

C. *Watermaster WY 2021 Annual Report – Report Outline and Schedule for Review and Submittal to DWR and Court.* ED Adams 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. No action was taken by the Board.

The key points of discussion included:

- The current schedule for preparing the WY 2021 Annual Report is condensed due to the ongoing DWR Prop 68 grant proposal efforts. The schedule for next year will be extended and provide additional review time for Board member and public input.
- ED Adams clarified that the WY 2020 Annual Report was only used to satisfy the requirements of the DWR. The WY 2021 Annual Report will be expanded and used to satisfy the requirements of the DWR and the Court.
- ED Adams clarified that the section called “Watermaster Powers and Responsibilities” will summarize the section of the Judgment by this name.

*D. Methods to Estimate Annual Change in Basin Storage.* 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 John Peterson and Rebecca Falk. No action was taken by the Board.

The key points of discussion included:

- Data from additional monitoring wells, particularly in the Northern portion of the Basin will provide better information for the annual change in storage estimate.
- The annual change in storage estimate is a DWR regulatory requirement and the results of the analysis are not used to make management decisions.
- It is Important to prioritize acquiring monitoring data from pre-existing wells in the northern part of the basin before considering new well construction.
- John Peterson proposed a monitoring plan for the northern management area to the BWD and the BWD indicated this would best be done through collaboration with Watermaster.

*E. DWR Grant Application for SGMA Implementation: Update and Possible Action(s).* 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, Rebecca Falk, Jim Dax, Tammy Baker, and Leonardo Urrego-Vallowe.

The discussion was divided into two parts: (1) review of the proposed Watermaster project submissions and budget to continue supporting grant efforts and (2) review of a letter to the BWD.

The key points of discussion on Watermaster Projects and budget included:

- Removal of the construction of the monitoring well from the monitoring and reporting project may be beneficial due to its high cost.
- The grant provides an opportunity to accelerate the timeline for certain actions, such as updating Watermaster’s modeling tools (BVHM), given there are grant funds available to cover the costs.
- Watermaster should prioritize monitoring.

- Director Deichler reported that Director Jorgensen believes it would be beneficial for Tubb Canyon and Watermaster to work collaboratively on the project regarding the groundwater dependent ecosystems.

**Motion 1:** Motioned by Vice Chairman Smith, seconded by Director Deichler, to approve the remaining budget of \$19,820 in Amendment No. 4 (attached) to finalize the preparation of the DWR grant application for SGMA implementation funding. *Motion carried unanimously by roll-call vote (5-0-0).*

The key points of discussion on the draft Letter to BWD included:

- The letter should be edited to address the following:
  - Paragraph 2, third sentence. Update to clarify that the Physical Solution authorizes Watermaster to develop and implement programs and projects “to attain the sustainability goals of SMA, ***including but not limited to*** accomplishing pumping reductions...”.
  - Top of Page 2. Change the last sentence of the third paragraph to say: “The [grant proceeds] ~~\$10 million~~ will be spent through June 30, 2025”.

**Motion 2:** Motioned by Director Seley, seconded by Director Deichler, to send the final Statement of Principles Letter to BWD with the two modifications discussed. *Motion carried unanimously by roll-call vote (5-0-0).*

## I. Reports.

### A. Legal Counsel Report.

- Update on Status of Judgment Recordation. The effort to work with the County of San Diego on the recording is moving along and is nearly completed.
- Counsel Markman reminded of the January 20, 2021 Court Hearing to hear the motion on payments by delinquent parties. To date, there has been no opposition to the motion filed. ED Adams noted that the instructions to access the hearing listening line will be posted to Watermaster’s Website.
  - Director Deichler commented that a BPA party who may be one of the delinquent parties contacted her about the Watermaster invoices. They were unable to understand the information because the information was only provided in English. She will provide Staff with contact information for the Party.

### B. Executive Director Reports. ED Adams reported on the following items:

- Status of Contact to Known Property Owners that Purchased Property from BPA Parties. Watermaster Staff has sent letters to property owners that have purchased property from BPA parties. So far, they have received a response from one property owner indicating that the property has been sold again.
- Status of Metering. There are still a few parties that are not in compliance. Watermaster Staff is keeping in contact with these parties and if needed will send out demand letters requiring compliance with metering requirements.

- Status of Payment of First Installment of Assessments. Watermaster has received most of the payments. Once the payment is more than 2 months late, Staff will notify parties that interest will be charged, as afforded by the Judgment.
- Status of Research on Compliance Challenges with Following Standards. This work is still ongoing pending additional research. Counsel Markman reported that he may need to issue a legal opinion on the following standard application to water credits that were converted to BPA as part of the Judgment. ED Adams will provide future updates at subsequent meetings.
- Update on Status of Watermaster’s Budget. Watermaster Staff will begin providing a quarterly update on the Status of the Watermaster’s Budget.

C. Chairperson’s Report. Chairman Duncan provided an update on the BWD’s latest work to develop the Project Review Committee (PRC) process for the Prop 68 grant.

- To represent the Watermaster, the BWD discussed adding to the PRC 1 member from the recreation sector and 1 member from the agricultural sector.
- Members of the PRC cannot vote on their own projects.
- The scoring of projects by the PRC will be done in a group setting.

**II. Board Member Comments.** Chairman Duncan called for comments. No Board Member comments were made.

**III. Next Meetings of the Borrego Springs Watermaster.** The next meetings are:

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

**IV. Adjournment**

- A. Chairman Duncan adjourned the meeting at 6:45 PM.



Recorded by:  
Lauren Sather, West Yost Staff



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