

# **Borrego Springs Watermaster Board Meeting**

November 17, 2021

# Opening Procedures

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call
- D. Approval of Agenda



# Public Correspondence

## 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 II – 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.

No written correspondence received

# Consent Calendar

- A. Approval of Minutes – October 14, 2021
- B. Approval of September 2021 Financial Report
- C. Approval of October 2021 Financial Report

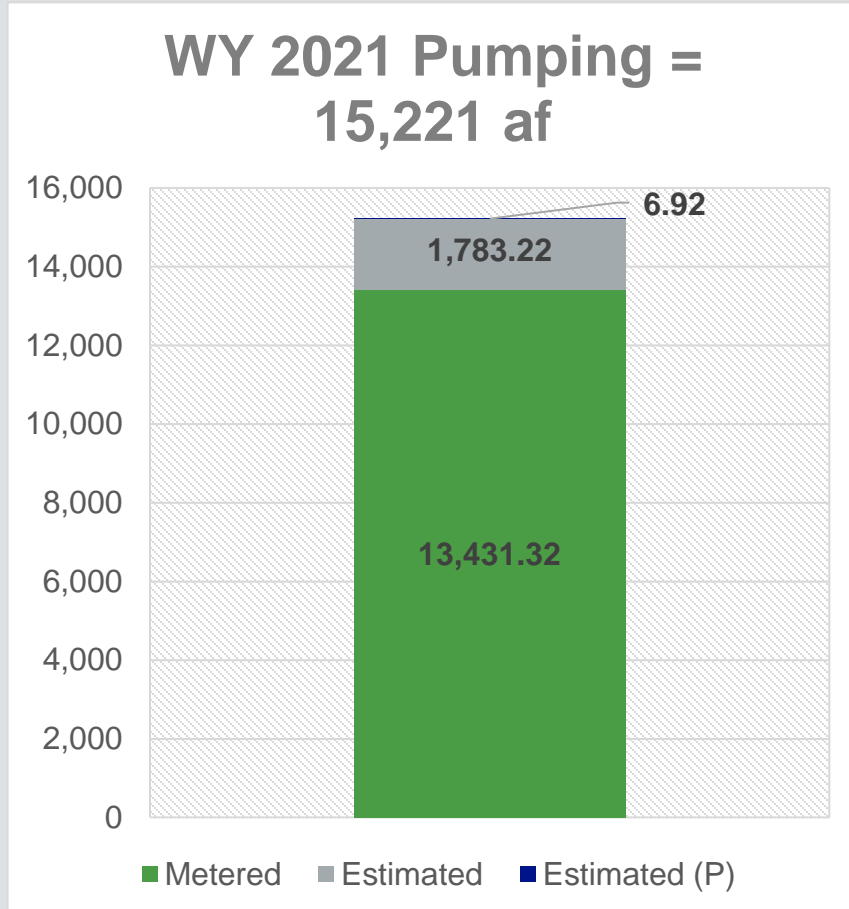
## **IV.A – Summary of Water Year 2021 Water Rights Accounting**

### **Recommended Action:**

For Board information and discussion

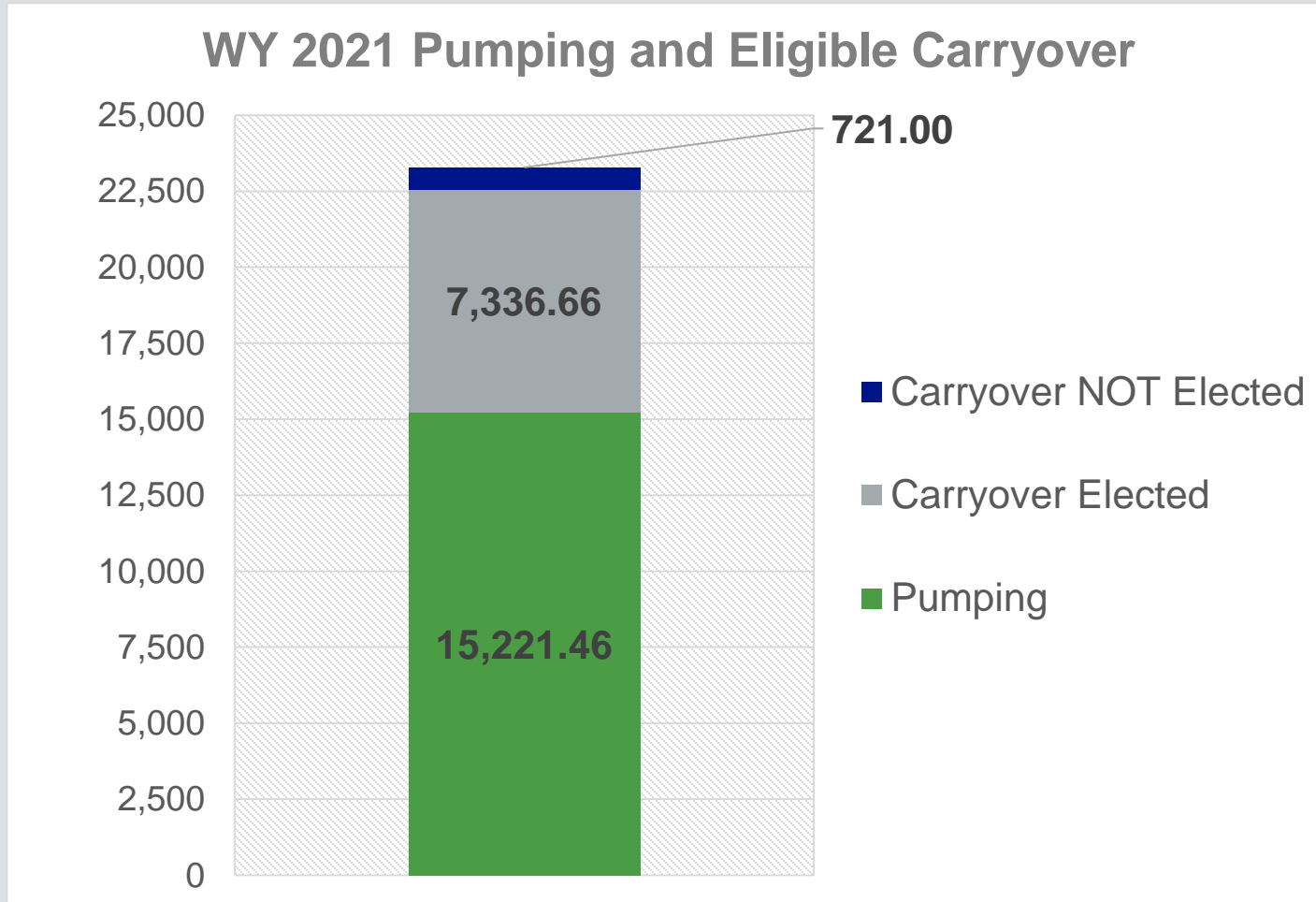
**Fiscal Impact:** None.

# IV.A – Summary of Water Year 2021 Water Rights Accounting



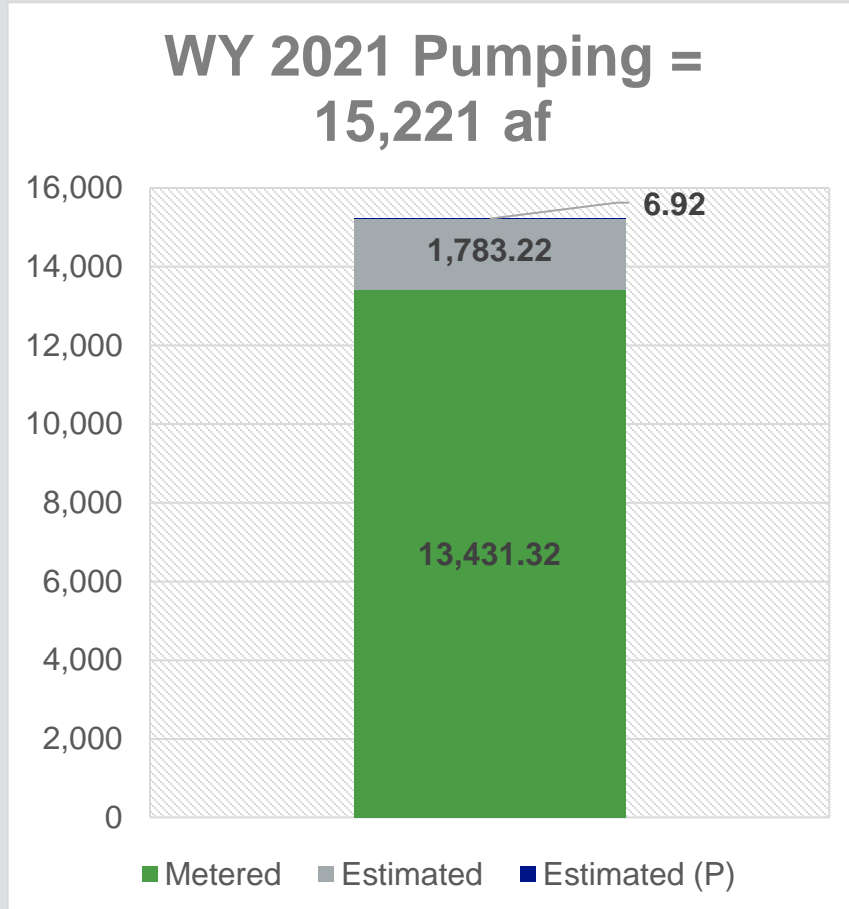
- 44 Parties with rights as of entry of Judgment
  - 14 are not active pumpers
  - 19 had metered pumping for entire WY 2021
  - 10 pumpers with estimated pumping
    - 2 pumpers: “Estimated (P)” : based on partial-year meter data
    - 8 pumpers “Estimated” based on prior methods used to estimate pumping in the GMP because no meters or incomplete data

# IV.A – Summary of Water Year 2021 Water Rights Accounting



- WY 2021 Pumping Allocation based on 5% rampdown: **23,122 af**
- Eligible Carryover: **8,085.07 af**

# IV.A – Summary of Water Year 2021 Water Rights Accounting



## WY 2021 Stats

- 1 permanent transfer of BPA (BPA was from Water Credits)
- No transfers or leases of annual allocation
- 167 af of Overproduction (*e.g. in excess of annual pumping allocation*)
  - 7 parties
    - 4 based on estimates
    - 3 based on meter data



# “Adjusted Pumping Calculation” to Set Pumping Assessment Rate

+ Annual Allocation Pumped in 2021	+ 15,221.46
– Prior Year Carryover Pumped in 2021	- 0
– Leased Rights Pumped in 2021	- 0
+ Elected Carryover for Future Pumping	+ 7,336.66

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“Adjusted Pumping” = 22,558.12 af

# How are assessments owed by the Parties calculated?

## Pumping Assessment Rate \$/af =

\$Pumping Assessment Set by Board	\$458,000
÷ Total “Adjusted Pumping” for all Parties	22,558.12 af
<hr/>	
= Pumping Assessment Rate	\$20.30/af

# How are assessments owed by the Parties calculated?

## Pumping Assessment =

Adjusted Pumping	1,085.00 af
x Assessment Rate	\$20.30/af
<hr/>	
	\$22,025.50

## IV.A – Summary of Water Year 2021 Water Rights Accounting

- Overproduction – Section III.G and V.2 of Judgment
- Special provisions in first three water years (2021, 2022, 2023)
  - Overproduction up to the Maximum Overproduction limit does not need to be completely remedied until the end of the fifth year: September 30, 2025)
    - Maximum Overproduction Limit = 120% of Annual Allocation
  - Overproduction in excess of the Maximum Overproduction limit must be remedied by the end WY 2022 (September 30, 2022)
- Remedies
  - Reduced pumping in subsequent year (below annual allocation)
  - Transfers/leases from other parties
- Overproduction Penalty Assessment if not remedied timely – to be set by Watermaster at an amount not less than \$500/af

## IV.A – Summary of Water Year 2021 Water Rights Accounting

### Next Steps

- Issue invoices for first installment of WY 2022 pumping assessments (DUE: December 31, 2021)
- Issue letter to parties to explain remedies for Overproduction
- Watermaster Board will need to establish an Overproduction Penalty Assessment prior to close of WY 2022 as the assessments must be issued no later than October 30, 2022 to any Party that does not remedy its Overproduction by September 30, 2021

## IV.B – Grant Funding Opportunity for SGMA Implementation

### Eligible Project Types:

- Filling data gaps
- Project development activities (e.g., feasibility studies, design, permits, CEQA)
- Long-term planning studies
- Interested party outreach and engagement
- Annual reporting for GSP Alternatives
- Identifying and proper destruction of abandoned wells
- Soil carbon enhancement and Healthy Soil Initiative activities
- Native yield studies
- Instrumentation for monitoring wells
- Installation of meters on groundwater production and agricultural wells
- Installation of monitoring well(s)
- Groundwater remediation projects
- Wastewater treatment recycling
- Projects and programs that support water supply reliability, water conservation, water use efficiency and water banking, exchange, and reclamation
- Planning, design, and environmental documentation

## IV.B – Grant Funding Opportunity for SGMA Implementation

### Major Question:

Who should be the grant applicant? Watermaster? BWD representing the Watermaster? Either way, it appears Watermaster and BWD should work collaboratively.

### Recommended Action:

Direct Watermaster Staff to:

1. Prepare and submit comments to the DWR on the draft Guidelines and Proposal Solicitation Package to encourage the DWR to make current and planned Watermaster activities grant eligible
2. Develop a cost estimate for Watermaster Staff to prepare a grant application and provide the Board with options to fund the preparation and submittal of the grant application.

**Fiscal Impact:** None for the recommended action. Future recommended actions to direct Staff to prepare a grant application will require a budget amendment on the order of \$30,000 to \$40,000, based on past experience.

## IV.C – Consideration of Approval to Establish Process to Approve or Deny Applications for New De Minimis Pumping and New Wells or Replacement Wells in the Borrego Springs Subbasin

### Recommended Action:

1. Adopt Resolution No. 21-02 of the Board of Directors of the Borrego Springs Watermaster to Adopt a Process to Approve or Deny Applications for New De Minimis Pumping in the Borrego Springs Subbasin
2. Adopt Resolution No. 21-03 of the Board of Directors of the Borrego Springs Watermaster to Adopt a Process to Approve or Deny Applications for the Construction of New Wells or Replacement Wells in the Borrego Springs Subbasin.

**Fiscal Impact:** None. The proposed processes are designed to recapture costs for Watermaster Staff to process, review, and approve the applications.



## **IV.D – Recent Observation of a Protruding Wellhead**

### **Recommended Action:**

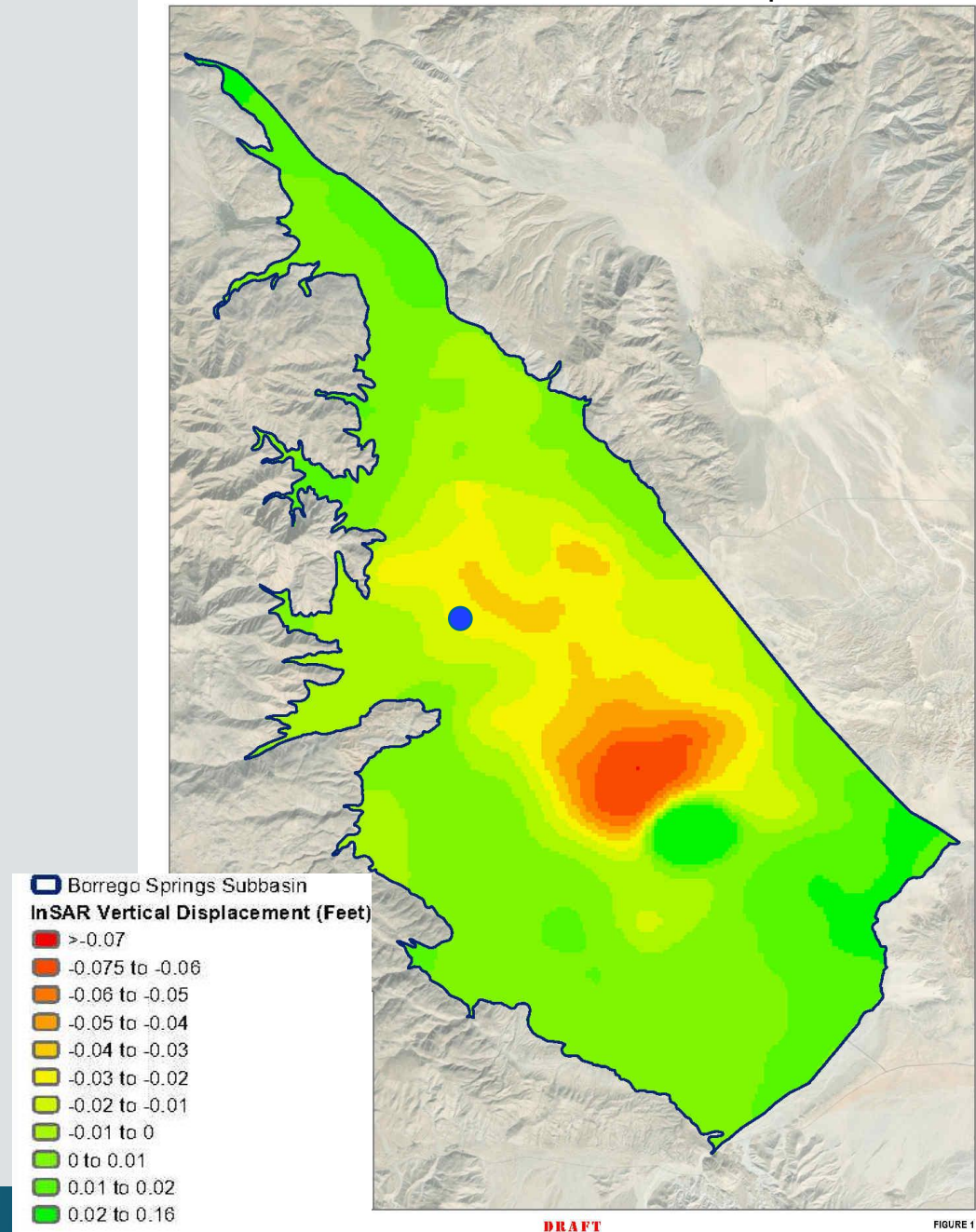
Discuss the topic of land subsidence and direct Watermaster Staff to take any specific action deemed necessary.

**Fiscal Impact:** None.

# IV.D – Recent Observation of a Protruding Wellhead



Subsidence between June 2015 and September 2019



## V.A – Legal Counsel Report

- Status update: Recordation of the Judgment
- Status update: Actions to resolve unpaid assessments

## V.B – Executive Director Report

- Status update: Compliance with metering requirements
  - Recall: 8 pumpers with “Estimated” pumping based on prior methods uin the GMP because no meters or incomplete data
    - 1 is now metered and reporting
    - 2 are actively working on getting metered (in conversation with Watermaster staff)
    - 2 are metered with telemetry and have not sufficiently reported to Watermaster
    - 3 parties have not made any contact with Watermaster and we assumed pumping is continuing the properties consistent with past assumptions
      - 2 are properties that have been sold to new owners and staff are trying to initiate contact
- Status update: Compliance with fallowing standards
  - Issue: BPA parties have no ownership of parcels or ability to address well abandonment requirements

## V.C – Technical Consultant Report

- Technical Advisory Committee
- Environmental Working Group