

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

WHEREAS, a Stipulated Judgment (Judgment) was entered in the Superior Court of California on April 8, 2021 that determined and adjudicated all groundwater rights in the Borrego Springs Subbasin (Subbasin) and established the Borrego Springs Watermaster (Watermaster) to administer and enforce the provisions of the Judgment including its Physical Solution.

WHEREAS, Section IV.E.8. of the Judgment: *"The Watermaster shall undertake any action, including bringing any motion to the Court, necessary to enjoin unauthorized Pumping."*

WHEREAS, Section III.L. of the Judgment states: *"Parties may change the point of Pumping on their real property for any BPA [Baseline Pumping Allocation] or portion thereof to another point of Pumping on the same Party's real property, whether by County-permitted new wells or replacement wells, so long as such change of point of Pumping does not cause Undesirable Results or interfere with an existing well of another Party."*

WHEREAS, a non-de minimis pumper is defined as any Party who pumps greater than two acre-feet per year for use on real property overlying the Basin.

WHEREAS, the County of San Diego Department of Environmental Health & Quality (DEHQ) is responsible for reviewing applications and issuing permits for the construction of new water wells in San Diego County.

WHEREAS, the DEHQ requires any person or party that applies for a permit to construct a new water well in the Subbasin to obtain approval from the Watermaster prior to DEHQ issuing the permit.

NOW, THEREFORE, be it resolved by the Board of Directors of the Borrego Springs Watermaster, that:

1. The Board of Directors hereby establishes the process to approve or deny applications for the construction of new or replacement non-de minimis wells in the Borrego Springs Subbasin that complies with Sections IV.E.8 and III.H of the Judgment as described in the attached Exhibit 1.
2. The Board of Directors hereby approves the application form for a New or Replacement Non-De Minimis Well in the Borrego Springs Subbasin in the attached Exhibit 2.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Borrego Springs Watermaster held on the 9th day of December 2021, by the following vote:

AYES: Duncan, Smith, Seley, Jorgensen, Bennett

NOES:

ABSENT:



David Duncan, Chairperson
Board of Directors



Shannon Smith, Secretary of the Board
ATTEST

**PROCESS TO APPROVE OR DENY APPLICATIONS
FOR THE CONSTRUCTION OF NEW OR REPLACEMENT NON-DE MINIMIS WELLS
IN THE BORREGO SPRINGS SUBBASIN**

1. The applicant for the construction of a new or replacement non-de minimis well will need to complete two (2) forms and submit them to the Watermaster:
 - i. A County of San Diego Department of Environmental Health & Quality (DEHQ) permit application for construction of a new water well. The DEHQ permit application is available on the DEHQ [website](#).¹ Applicants are required to submit certain information about the proposed new well on the DEHQ permit application. This information will assist the Watermaster in its determination of whether pumping from the well will cause Undesirable Results or interfere with an existing well of another Party (see 3. below).
 - ii. A Watermaster application for a New or Replacement Non-De Minimis Well in the Borrego Springs Subbasin (Exhibit 2 of Resolution 21-03). The Watermaster application will be made available on the Watermaster website, and will ask the applicant for the following:
 - a. The applicant understands and acknowledges that all water production on the property identified in this Application is authorized and constrained in accordance with the terms and provisions contained in the Judgment and the Watermaster Rules and Regulations (adopted and amended from time to time in order to implement the terms of the Judgment).
 - b. The applicant agrees to obtain the necessary water rights prior to extracting groundwater, in accordance with the requirements of the Watermaster Board.
 - c. A commitment that the well will be drilled, constructed, and developed by a California-licensed well drilling contractor.
 - d. A commitment to submit to Watermaster the following information upon well and wellhead completion:
 - (1) The Well Driller's Log with the as-built well construction information.
 - (2) Flow meter information, including: manufacturer; meter name, model number, serial number; units of measurement; and a photograph of the flow meter face and meter reading prior to well startup.
 - (3) Other information and data associated with well construction, including but not limited to: well development data (e.g. pumping rates, depth-to-water measurements); water-quality test results; the final pumping rate.

¹ https://www.sandiegocounty.gov/content/sdc/deh/lwqd/lu_water_wells.html

- e. A commitment to pay a one-time fee to cover the Watermaster's costs for application processing and the evaluation for Undesirable Results (see 3. below).²
 - f. Signature of the applicant.
 2. Watermaster Staff will review the application to ensure that the applicant has the necessary water rights for non-de minimis pumping in the basin, and will check with the Borrego Water District to confirm that no water right limitations exist for the specific well location.
 3. Watermaster Staff will determine whether pumping from the proposed new or replacement well will cause Undesirable Results or interfere with an existing well of another Party. This determination will be conducted on a case-by-case basis and will consider all information provided on the proposed well, its proximity to other wells, and its proposed pumping rate, among other factors. Section I.A.60 of the Judgment defines *Undesirable Results* consistent with Water Code section 10721[x].
 - i. If Watermaster Staff determines that pumping from the new or replacement well **will** cause Undesirable Results or interfere with an existing well of another Party, then the applicant and the DEHQ will be notified, with technical explanation, and the application will be denied.
 - ii. If Watermaster Staff determines that pumping from the new or replacement well **will not** cause Undesirable Results or interfere with an existing well of another Party, then the application process continues as described below.
 4. Watermaster Staff will invoice and collect the one-time application fee from the applicant (1.ii.e above).
 5. The Chairperson of the Watermaster Board will sign the application signifying Watermaster approval and the determination that the new or replacement well **will not** cause Undesirable Results or interfere with an existing well of another Party.
 6. Watermaster staff will send the approved and signed application to the applicant with a cover letter that outlines their commitments to the Watermaster (1.ii. above). The applicant will need the approved and signed Watermaster application to complete the DEHQ permit application for construction of the new water well.
 7. If Watermaster Staff denies the application, the applicant shall be provided thirty (30) days from the date of the notice of denial to file a written appeal of that Staff decision to the Watermaster Board. That Board shall conduct a hearing on that appeal within forty-five (45) days of its receipt and shall either affirm or deny the appeal by Resolution containing appropriate findings of fact and legal conclusions. If the Watermaster Board affirms the denial of the application, the applicant may appeal that denial to the Court within ninety (90) days of the date of the Watermaster Board action and that appeal shall be conducted in accordance with Section VII.A.1. of the Judgment. If the application is approved at any stage of the

² Watermaster fees will be calculated and invoiced to the applicant on a case-by-case basis and will be dependent on the staff time required to execute the work and the current hourly rate schedule for staff as approved by the Watermaster Board.

appellate process established in this paragraph 6, the Watermaster Staff will then collect, and the applicant will pay, the one-time application fee and the Chairperson of the Watermaster Board shall then sign the Watermaster application.

**APPLICATION FOR CONSTRUCTION OF A
NEW OR REPLACEMENT NON-DE MINIMIS WELL
IN THE BORREGO SPRINGS SUBBASIN**

BORREGO SPRINGS WATERMASTER
23692 Birtcher Drive Lake Forest, CA 92630
Tel. 949-420-3030
BorregoSpringsWM@westvost.com

The adjudication of groundwater pumping rights in the Borrego Springs Subbasin (Judgment) was filed in the Superior Court of California on April 8, 2021: *Borrego Water District v. All Persons Who Claim a Right To Extract Groundwater in the Borrego Valley Groundwater Subbasin No. 7.024 Whether Based on Appropriation, Overlying Right, or Other Basis of Right, and/or Who Claim a Right to Use of Storage Space in the Subbasin; et al.* (Case No. [37-2020-00005776](#)). All persons who desire to construct a new or replacement non-de minimis well in the Subbasin for the purpose of pumping greater than two acre-feet per year must first obtain approval from Watermaster prior to obtaining a well permit from the County of San Diego. Follow the instructions below to seek Watermaster approval:

1. Complete a **Water Well Permit Application** which is available on the San Diego County, Department of Environmental Health & Quality (DEHQ) [website](#). [Do not send the application to the DEHQ until you have received a signed copy of this application from the Borrego Springs Watermaster]
2. Complete and sign this application.
3. Submit both applications to the Borrego Springs Watermaster at the mailing or email address above.

Applicant Name: _____ APN for Well Location: _____

Mailing Address: _____

Phone: _____ Email: _____

With my signature below, I hereby commit to the following (please check all boxes):

- I understand and hereby acknowledge that any and all water production on the property identified in this Application is authorized and constrained in accordance with all terms and provisions contained in the Judgment and contained in Watermaster Rules and Regulations (adopted and amended from time to time in order to implement the terms of the Judgment).
- I agree to obtain the necessary water rights prior to extracting groundwater, in accordance with the requirements of the Watermaster Board.
- The new well will be constructed by a California-licensed well drilling contractor.
- I will submit the following information to Watermaster upon well and flow-meter installation:
 - a. The Well Driller's Log with the as-built well construction information.
 - b. Flow-meter information, including: manufacturer; meter name, model number, serial number; units of measurement; and a photograph of the flow meter face and meter reading prior to well startup.
 - c. Other information and data associated with well construction including but not limited to: well development data (e.g. pumping rates, depth-to-water measurements); water-quality test results; the final pumping rate.
- I agree to be invoiced, and pay to Watermaster, a one-time fee to cover the Watermaster's costs for application processing and the evaluation for Undesirable Results.

Applicant Signature

Date

Chairperson of the Watermaster Board

Date

This **Application for a New or Replacement Non-De Minimis Well in the Borrego Springs Subbasin** will be approved and signed under the following conditions: (i) Watermaster determination that pumping from the well **will not** cause Undesirable Results or interfere with an existing well of another Party; (ii) your payment of the one-time fee to cover the Watermaster's costs for application processing and the evaluation for Undesirable Results (you will receive a separate invoice for the fee); and (iii) your future compliance with the commitments listed above. Non-compliance with any commitment on this application is grounds to revoke Watermaster approval.

You must submit a final approved copy of this application, signed by the Chairman of the Watermaster Board, to the San Diego County DEHQ to obtain approval of your **Water Well Permit Application**.