

**TRANSFER OF WATER RIGHTS:  
PERMANENT TRANSFER OF BPA**

BORREGO SPRINGS WATERMASTER

23692 Birtcher Drive, Lake Forest, CA 92630,  
Tel. 949-420-3030, [BorregoSpringsWM@westyost.com](mailto:BorregoSpringsWM@westyost.com)

Pursuant to Section III.I of the Stipulated Judgment—ordered by the Superior Court of the State of California, County of Orange on April 8, 2021 (Case No. [37-2020-00005776](#))—all Baseline Pumping Allocations (BPA) may be permanently transferred by and among Parties to the Judgment who are in good standing with the Watermaster. Carefully review Sections III.I and III.J prior to completing this form.

**Section 1. Overview and Signature. To be filled out by Parties\* to the Permanent Transfer of BPA Rights**

*\*a Transferee who is not a Party to the Judgment **must intervene as a Party** as a condition of completing any Permanent Transfer*

\_\_\_\_\_ (“Transferor”) has assigned and permanently transferred to \_\_\_\_\_ (“Transferee”) BPA rights in the amount of \_\_\_\_\_ acre-feet.

The transfer of rights is a (select one):

- Permanent Transfer with [ ] full or [ ] partial land conveyance with associated change to assignment of BPA. Attach deed (or comparable instrument) and water rights restrictive covenant(s) per Section III.I.(6) of the Judgment documenting BPA allocations. Fill out Section 2 of this form.
- Permanent Transfer separate from BPA Parcel transfer: Assignment of BPA that originated from water credits conversion to BPA Parcel and Wells. Fill out Sections 2 and 3 of this form.
- Permanent Transfer separate from BPA Parcel transfer: Permanent following of all or a portion of an original BPA Parcel and transfer of BPA rights to a different BPA Parcel/Wells. Fill out Sections 2 and 4 of this form.

The BPA transferred is assigned for use at the following parcel(s) and well(s). If Transferee is already an owner of BPA listed in Exhibit 4 of the Judgment, and the assignment is to the entirety of the parcels and wells already listed, need only state below *“Those parcel(s) and well(s) listed in Exhibit 4 for Transferee”*.

Parcel(s)\*\*: \_\_\_\_\_

Well(s)\*\*: \_\_\_\_\_

*\*\*attach additional sheets if necessary to list all parcels and wells*

I hereby certify that I have read and reviewed Sections III.I and III.J of the Stipulated Judgment, the conditions of Sections III.I.(6) and III.I.(7) have been satisfied, and I understand the means by which the Judgment requires groundwater pumping be permanently reduced to achieve sustainability of the Borrego Springs Subbasin.

\_\_\_\_\_  
Transferor Signature

\_\_\_\_\_  
Transferee Signature

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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**Section 2. General Information on Transferor and Transferee**

- Yes    No            Transferee is a Party to the Judgment
- Yes    No            Transferor is in good standing with the Watermaster  
If not, explain: \_\_\_\_\_
- Yes    No            Transferee is in good standing with the Watermaster  
If not, explain: \_\_\_\_\_
- Yes    No            The transfer is subject to restrictions based on location of Transferee's BPA  
Parcel per evidence-based findings published by the Watermaster.
- Yes    No            Watermaster was notified of transfer for approval pursuant to III.I.(7).

**Anti-Speculation Considerations.**

- Yes    No            Transferee is subject to anti-speculation considerations. Provide explanation:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If Yes, Transferee:

- Yes     No            Provided Eligibility Proof pursuant to III.I.(2).b
- Yes     No            Meets Eligibility Requirement

**Section 3. Information for Transfers of BPA Converted from Water Credits**

- Yes     No            Has Watermaster issued Transferor with a status letter converting the water  
credits to BPA?
- If no, attach (1) water rights restrictive covenant and (2) detailed evidence that  
fallowing has been completed to minimum standards in Exhibit 3 of the  
Judgment.

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**Section 4. Information for Transfers Involving Permanent Following of BPA Parcels**

Yes  No Has BPA parcel been followed prior to execution of this transfer to satisfy the minimum following requirements described in Exhibit 3 of the Judgment?

**If Yes:**

Yes  No Has documentation been provided to and confirmed by Watermaster that the following standards have been satisfied? If no, attach:

- (1) water rights restrictive covenant
- (2) detailed evidence that following has been completed to minimum standards in Exhibit 3 of the Judgment.

**If No:**

Indicate which of the following methods will be utilized to ensure following is completed within 12 months of the transaction:

- Deposit to Watermaster of 120% of the funds needed to complete the following
- Security or performance bond secured in favor of the Watermaster in an amount equal to 120% of the anticipated cost of the following
- Escrow account opened with a reputable title company with a holdback from the purchase price equal to 120% of the anticipated cost of following, payable to the Watermaster if not timely completed within 12 months of the transaction.

**Section 5. Watermaster Review and Signature. To be completed by Watermaster Staff.**

I hereby certify that I have reviewed the documents and confirmed the information provided by the Transferor and Transferee. By signature below, it is deemed that the Permanent Transfer is:

- approved without requirement of further action
- approved subject to curing the criteria listed in the attached finding of an Eligibility Violation. Failure to address these criteria within the stated Cure Period, will result in reversal or potential forfeiture of the Transfer pursuant to Section III.I.(3) of the Judgment.

Following execution of this form, the transfer will be formally recorded by updating Watermaster's records and Exhibit 4 of the Judgment. The updated Exhibit 4 will be posted to the Watermaster website and published with the next Annual Report to the Court (due April 1<sup>st</sup> of each year).

\_\_\_\_\_  
Executive Director Signature

\_\_\_\_\_  
Legal Counsel Signature

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_