

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ORANGE  
CENTRAL JUSTICE CENTER

APR 08 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: \_\_\_\_\_, DEPUTY

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BEST BEST & KRUEGER LLP

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE**

BORREGO WATER DISTRICT,  
Plaintiff,

v.

ALL PERSONS WHO CLAIM A RIGHT TO  
EXTRACT GROUNDWATER IN THE  
BORREGO VALLEY GROUNDWATER  
SUBBASIN NO. 7.024-01 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; AGRI-EMPIRE, ~~et al~~;  
Defendants.

Case No. 37-2020-00005776  
Judge: Peter Wilson  
Dept: CX102

**~~PROPOSED~~ JUDGMENT FINDINGS  
AND ORDER**

Complaint filed : January 30, 2020  
Trial Date:

1 This matter came regularly for hearing in the above-entitled Court on April 8, 2021 before  
 2 the Honorable Peter Wilson on the Motion for Entry of Stipulated Judgment filed by PLAINTIFF  
 3 BORREGO WATER DISTRICT and DEFENDANTS T2 BORREGO LLC; T2 FARMS LLC;  
 4 T2 HOLDING LLC; DAVID AND JULI BAUER AS TRUSTEES OF THE D&J BAUER  
 5 FAMILY TRUST 11-18-04, JM ROADRUNNER, LLC; SELEY RANCHES, L.P.;  
 6 SHENANDOAH GROWERS, INC.; GAMINI D. WEERASEKERA; THE JENSEN FAMILY  
 7 TRUST DATED AUGUST 5, 1983; THE SOMMERVILLE TRUST DATED NOVEMBER 22,  
 8 1983; TRUST A OF THE CONZELMAN FAMILY TRUST DATED NOVEMBER 22, 1983;  
 9 TRUST C OF THE CONZELMAN FAMILY TRUST DATED NOVEMBER 22, 1983; and  
 10 MICHAEL C. WARD (collectively "Moving Parties"). Appearances were made as noted on the  
 11 record.

12 The Moving Parties requested that pursuant to Section 850 of the Code of Civil Procedure,  
 13 the Court adopt the proposed stipulated judgment ("Judgment"), electronically lodged on March  
 14 12, 2021, a hard copy of which was separately lodged with the Court on March 29, 2021, and  
 15 which is posted on <https://www.borregowaterlawsuit.com/> and  
 16 <https://www.borregowd.org/judgment/> and incorporated herein by reference. No objections to the  
 17 Motion were filed. Having considered the papers and evidence submitted by the Moving Parties,  
 18 the Court finds as follows:

### FINDINGS OF FACT & LAW

19 WHEREAS, Borrego Water District ("BWD" or "District") filed the underlying  
 20 comprehensive adjudication pursuant to Title 10, Chapter 7 of the California Code of Civil  
 21 Procedure (sections 830, et seq.), for the Court to determine all rights to pump groundwater in the  
 22 Borrego Valley Groundwater Subbasin No. 7.024-01 ("Basin"), whether based on appropriation,  
 23 overlying right, or other basis of right, and all rights to use of storage space in the Basin; enter  
 24 judgment based upon the criteria set forth in section 850 of the Code of Civil Procedure; impose a  
 25 physical solution pursuant to section 849 of the Code of Civil Procedure; and issue a preliminary  
 26 injunction pursuant to section 847 of the Code of Civil Procedure (the "Comprehensive  
 27 Adjudication").

28 WHEREAS, the Court has subject matter jurisdiction to comprehensively adjudicate  
 rights to extract groundwater in the Basin and use the Basin's storage space, and to impose a

1 physical solution in this action pursuant to Code of Civil Procedure section 834.

2 WHEREAS, pursuant to Section 834 of the Code of Civil Procedure, the court may  
3 determine all groundwater rights of a basin, whether based on appropriation, overlying right, or  
4 other basis of right, and use of storage space in the basin.

5 WHEREAS, pursuant to Section 834 of the Code of Civil Procedure, the court's final  
6 judgment may, for the groundwater rights of each party, declare the priority, amount, purposes of  
7 use, extraction location, place of use of the water, and use of storage space in the basin, together  
8 with appropriate injunctive relief, subject to terms adopted by the court to implement a physical  
9 solution in the comprehensive adjudication.

10 WHEREAS, pursuant to Section 836 of the Code of Civil Procedure, BWD lodged with  
11 the court a draft Notice titled "NOTICE OF COMMENCEMENT OF GROUNDWATER BASIN  
12 ADJUDICATION" and draft Form Answer titled "ANSWER TO ADJUDICATION  
13 COMPLAINT." Copies of the draft Notice and draft Form Answer are available at  
14 <http://www.borregowaterlawsuit.com> and <http://www.borregowd.org/judgment>.

15 WHEREAS, the Court approved service of the approved Notice and Form Answer in  
16 accordance with section 836 of the Code of Civil Procedure as a substitute for the summons  
17 otherwise provided for in Civil Actions pursuant to section 412.20 of the Code of Civil Procedure

18 WHEREAS, BWD identified the assessor parcel numbers and physical addresses of all  
19 real property in the Basin and the names and addresses of all holders of fee title to real property in  
20 the Basin using the records of the assessor or assessors of San Diego County ("Overlying  
21 Landowners") and completed service of the Overlying Landowners as required by the Court.

22 WHEREAS, pursuant to Code of Civil Procedure section 836(k), upon receipt of the  
23 requisite notice, the Overlying Landowners interested in this proceeding had a duty to appear in  
24 this action and submit proof of their claims, if any.

25 WHEREAS, BWD also named as defendants persons who have or claim an interest in one  
26 or more parcels in the Basin, and/or extract or store water in the Basin, and/or claim rights or  
27 interests in the Basin.

28

1           WHEREAS, notices for entry of default were filed with the Court in advance of the  
2 hearing for the named Defendants who were served but did not appear.

3           WHEREAS, 48 persons appeared in the Comprehensive Adjudication, including named  
4 Defendants and person who received notice pursuant to Section 836 (collectively the  
5 “Defendants”).

6           WHEREAS, 27 of the Defendants are identified as groundwater extractors in the Basin.

7           WHEREAS, the total volumes of groundwater pumped by each groundwater extractor,  
8 pumping more than two acre feet per year from the Basin during the years 2015 through 2019 are  
9 estimated in Exhibit A to the Declaration of Trey Driscoll, attached hereto as Exhibit “B,” and  
10 incorporated herein by reference.

11           WHEREAS, BWD and some of the Defendants (collectively “Settling Parties”) entered  
12 into a settlement agreement titled First Amendment to Settlement Agreement dated February 23,  
13 2021 to establish the terms and process for their stipulation to the proposed Judgment to  
14 comprehensively determine and adjudicate all rights to extract and store groundwater in the Basin  
15 and to establish a physical solution for the Sustainable Groundwater Management for the Basin  
16 that complies with Article X, section 2 of the California Constitution” (the “Settlement  
17 Agreement”).

18           WHEREAS, the proposed Judgment is supported by more than 50 percent of all parties  
19 who are groundwater extractors in the basin or use the basin for groundwater storage and is  
20 supported by groundwater extractors responsible for at least 85 percent of the groundwater  
21 extracted in the basin during the five calendar years before the filing of the complaint (the  
22 “Stipulating Parties”).

23           WHEREAS, all parties were afforded an opportunity to object to the proposed Judgment  
24 and to demonstrate, by a preponderance of evidence, that the proposed Judgment does not satisfy  
25 one or more criteria described in subdivision (a) of Section 850 of the Code of Civil Procedure  
26 and/or that the proposed Judgment substantially violates the water rights of the objecting party.

27           WHEREAS, there were no objecting parties, and no evidence was submitted showing that  
28 the proposed Judgment does not satisfy one or more criteria described in subdivision (a) of

1 Section 850 of the Code of Civil Procedure or that the proposed Judgment substantially violates  
2 the water rights of the objecting party.

3 WHEREAS, the proposed Judgment meets the criteria described in subdivision (a) of  
4 Section 850 of the Code of Civil Procedure: (1) The proposed Judgment is consistent with  
5 Section 2 of Article X of the California Constitution; (2) the proposed Judgment is consistent with  
6 the water right priorities of all non-stipulating parties and any persons who have claims that are  
7 exempted pursuant to Section 833 of the Code of Civil Procedure in the Basin; and (3) there were  
8 no objecting parties for purposes of subdivision (a) of Section 850.

9 WHEREAS, the Moving Parties also intend to seek a determination by the California  
10 Department of Water Resources ("DWR"), pursuant to Water Code section 10733.6(b)(2), that  
11 the judgment resulting from this Comprehensive Adjudication satisfies the objectives of SGMA,  
12 and may serve as an alternative to a groundwater sustainability plan pursuant to Water Code  
13 section 10737.4.

14 WHEREAS, the Moving Parties requested that the Court direct the Settling Parties,  
15 pursuant to Water Code section 10737.4(a)(1), to submit the proposed Judgment, if entered by  
16 this Court, to DWR for such consideration pursuant to Water Code sections 10733.6.

17 WHEREAS, the Moving Parties also requested that the Court order certain equitable  
18 reimbursements of costs incurred by the Settling Parties in developing and implementing the  
19 proposed Judgment from those persons receiving a grant of pumping allocation including  
20 Baseline Pumping Allocation ("BPA") under the Judgment (the "Benefited Parties") that have not  
21 yet contributed to those costs.

22 WHEREAS, the Court finds that the initial assessment for the costs of the preliminary  
23 actions taken to manage the Basin while the adjudication is processed (e.g., funding of  
24 Watermaster and the Basin's water quality monitoring plan) ("Initial Basin Management Costs"),  
25 as set forth in the Declaration of Shannon Smith, Treasurer to the Watermaster ("Smith  
26 Declaration") totals \$1,166,064 [24,293 AF x \$48/AF] and that the total due from the Benefitted  
27 Parties who have BPA and who have not yet been billed or paid is \$103,968.00, as set forth in  
28 Exhibit A of the Smith Declaration and attached hereto as Exhibit "A-1".

1           WHEREAS, the Court finds that reimbursement of the Initial Basin Management Costs by  
2 the Benefited Parties in proportion to their respective shares of the BPA is fair and reasonable and  
3 the Benefitted Parties that are not Settling Parties should reimburse the Settling Parties based  
4 upon their proportional share of the total BPA.

5           WHEREAS, the Court finds the BWD incurred substantial expense to prepare the  
6 groundwater sustainability plan for the Basin (“GSP Costs”), which was adapted to serve as the  
7 groundwater management plan included within the Judgment; that the Settling Parties agreed to  
8 reimburse BWD for a portion of this expense and have thus far been billed for \$113,333.33, as set  
9 forth in Exhibit A of the Smith Declaration and attached hereto as Exhibit “A-2,” of such  
10 expense; and that the Settling Parties are entitled to reimbursement from the Benefitted Parties  
11 including the Borrego Springs Unified School District (“School District”) and the California State  
12 Parks (“State Parks”), all of which have not yet been billed and did not pay in the amounts set  
13 forth in the Smith Declaration concerning these expenses.

14           WHEREAS, the Court finds that the expenses anticipated to be imposed on Benefited  
15 Parties under the Judgment, inclusive of the GSP Costs for which reimbursement is sought by the  
16 Settling Parties, are materially lower than those expenses the Benefited Parties would have born  
17 pursuant to the implementation of the draft GSP, and it is appropriate as a matter of equity for any  
18 person receiving an allocation under the Judgment to pay a proportionate share of the GSP Costs.

19  
20           **NOW, THEREFORE, IT APPEARING TO THE COURT THAT THE PROPOSED**  
21 **JUDGMENT SATISFIES THE REQUIREMENTS OF SECTION 850 OF THE CODE OF**  
22 **CIVIL PROCEDURE AND THERE IS PROPER CAUSE THEREFORE, IT IS HEREBY**  
23 **ORDERED, ADJUDGED AND DECREED THAT:**

24           1.       The proposed stipulated judgment (“Judgment”), electronically lodged on March  
25 12, 2021, a hard copy of which was separately lodged with the Court on March 29, 2021, and  
26 which is posted on <https://www.borregowaterlawsuit.com/> and  
27 <https://www.borregowd.org/judgment/> and incorporated herein by reference, shall be the  
28 judgment of the Court in this Comprehensive Adjudication and shall be binding on the parties to

1 the comprehensive adjudication and all of their successors in interest, including, but not limited  
2 to, their heirs, executors, administrators, assigns, lessees, licensees, agents and employees, all  
3 other successors in interest, and all landowners or other persons claiming rights to extract  
4 groundwater from the Basin.

5 2. The Settling Parties shall submit the Judgment to DWR for evaluation and  
6 assessment pursuant to Water Code Section 10733.6(b)(2).

7 3. The Watermaster is authorized to collect and the Benefitted Parties are required to  
8 pay the amounts set forth in Exhibits "A-1" and "A-2" attached hereto and incorporated herein by  
9 reference.

10 4. Each Party shall bear their own costs and litigation expenses, including attorneys'  
11 fees incurred in connection with this Comprehensive Adjudication.

12 5. The Court shall retain continuing jurisdiction of this Comprehensive Adjudication  
13 pursuant to Code of Civil Procedure section 852 to enforce the Judgment, the Physical Solution,  
14 and the terms of the Settlement Agreement, and to address other issues identified in the Judgment,  
15 if necessary.

16 Dated: 4/8, 2021



18 \_\_\_\_\_  
19 Honorable Peter Wilson  
20 Judge of the Superior Court

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**EXHIBIT A-1**



Exhibit A1 p. 1

Section 4 Actions Pending Entry of Judgment  
 Borrego Water District v. ALL PERSONS WHO CLAIM A RIGHT TO  
 EXTRACT GROUNDWATER IN THE  
 BORREGO VALLEY GROUNDWATER  
 SUBBASIN

Name	Allocation or BPA (Acre Feet)	Initial Assessment Per		Due from Non-Settling Parties	Section 4 Actions Pending Judgment	Original Billing to Settling Parties
		BPA AF				
Agri-Empire	574	\$ 48.00	\$	\$ 27,552.00		
Anza-Borrego Desert State Park (State of CA)	20	\$ 48.00				
Rick and Joan Anson co-trustees of the Anson Family Trust 08-18-03	2	\$ 48.00	\$	\$ 96.00		
Alan & Tracy Asche	5	\$ 48.00	\$	\$ 240.00		
Gary D. & Darlis A. Bailey	7	\$ 48.00	\$	\$ 336.00		
David and Juli Bauer, co-trustees of the D&J Bauer Family Trust 11-18-04	1,826	\$ 48.00			\$ 87,648.00	
William M. Bauer	670	\$ 48.00			\$ 32,160.00	
Borrego Air Ranch Mutual Water & Improvement Co.	12	\$ 48.00	\$	\$ 576.00		
Borrego Nazareth LLC (Borrego Springs Resort & Club Circle)	1,462	\$ 48.00			\$ 70,176.00	
Borrego Unified School District (Borrego Elementary)***	22	\$ 48.00				
Borrego Water District	2,581	\$ 48.00			\$ 123,888.00	
Raymond A. Carpenter and Susan R. Carpenter, co-trustees of the Carpenter Family Trust 12-11-07	6	\$ 48.00	\$	\$ 288.00		
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Cogan Ranch)	686	\$ 48.00			\$ 32,928.00	
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gable House)	486	\$ 48.00			\$ 23,328.00	
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gigi Ranch)	878	\$ 48.00			\$ 42,144.00	

Exhibit A1 p. 2

Section 4 Actions Pending Entry of Judgment

Borrego Water District v. ALL PERSONS WHO CLAIM A RIGHT TO  
EXTRACT GROUNDWATER IN THE  
BORREGO VALLEY GROUNDWATER  
SUBBASIN

Name	Allocation or BPA (Acre Feet)	Initial Assessment		Section 4 Actions Pending Judgment	Original Billing to Settling Parties
		BPA AF	Due from Non-Settling Parties		
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS – Peg Leg Ranch)	676	\$ 48.00	\$ 32,448.00		\$ 32,448.00
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS – Rancho Caterina)	1,379	\$ 48.00	\$ 66,192.00		\$ 66,192.00
Conzelman Family Trust A 11-22-83 (OASIS – De Anza Ranch)	636	\$ 48.00	\$ 30,528.00		\$ 30,528.00
Desert Farm LLC Crumrine Family Trust 04-19-06	21	\$ 48.00	\$ 1,008.00		\$ 1,008.00
C W C Casa Del Zorro LLC	22	\$ 48.00	\$ 1,056.00		\$ 1,056.00
De Anza Desert Country Club	957	\$ 48.00	\$ 45,936.00		\$ 45,936.00
Desert Flora Nursery (John B. & Silvia H. Hogan)	8	\$ 48.00	\$ 384.00		\$ 384.00
John Doljanin, West Coast Trees	887	\$ 48.00	\$ 42,576.00		\$ 42,576.00
Genus LP	112	\$ 48.00	\$ 5,376.00		\$ 5,376.00
Jack McGrory; JM Roadrunner, LLC (Cogan)	555	\$ 48.00	\$ 26,640.00		\$ 26,640.00
JM RoadRunner, LLC (Road Runner I)	671	\$ 48.00	\$ 32,208.00		\$ 32,208.00
JM RoadRunner, LLC (Road Runner II)	387	\$ 48.00	\$ 18,576.00		\$ 18,576.00
Robert Larkins	2	\$ 48.00	\$ 96.00		\$ 96.00
Michael Maiter & John Savittieri	1	\$ 48.00	\$ 48.00		\$ 48.00
Mountain Springs Organics, Inc. (Gardini D. Weerasekera)	103	\$ 48.00	\$ 4,944.00		\$ 4,944.00
Manuel & Araceli C. Navarro	14	\$ 48.00	\$ 672.00		\$ 672.00
Monica Real Estate Holdings LP	18	\$ 48.00	\$ 864.00		\$ 864.00
Doug Munson & Patricia Munson	1	\$ 48.00	\$ 48.00		\$ 48.00
Ronald Pecoff	114	\$ 48.00	\$ 5,472.00		\$ 5,472.00
Roadrunner Club at Borrego, LP	520	\$ 48.00	\$ 24,960.00		\$ 24,960.00

Exhibit A1 p. 3

Section 4 Actions Pending Entry of Judgment

**Borrego Water District v. ALL PERSONS WHO CLAIM A RIGHT TO  
EXTRACT GROUNDWATER IN THE  
BORREGO VALLEY GROUNDWATER  
SUBBASIN**

Name	Allocation or BPA (Acre Feet)	Initial Assessment		Section 4		Original Billing to Settling Parties
		BPA AF Per	Due from Non-Settling Parties	Actions Pending Judgment		
RTA Borrego, LLC	12	\$ 48.00	\$ 576.00			
Jose G. & Maria E. Sanchez	4	\$ 48.00	\$ 192.00			
Seley Ranches, L.P.	2,226	\$ 48.00	\$ 106,848.00			
Shenandoah Growers, Inc.	61	\$ 48.00	\$ 2,928.00			
Max Siefker	2	\$ 48.00	\$ 96.00			
Brian Siefker, trustee of the Brian Siefker Trust 12-18-01	3	\$ 48.00	\$ 144.00			
Kent R. Smith, trustee of the Smith Kent R. Revocable Living Trust 01-04-90	32	\$ 48.00	\$ 1,536.00			
The Springs RV and Golf Resort, LP	287	\$ 48.00	\$ 13,776.00			
T2 Borrego LLC	965	\$ 48.00	\$ 46,320.00			
T2 Borrego, LLC (Ram's Hill Golf Club)	2,518	\$ 48.00	\$ 120,864.00			
T2 Farms, LLC	485	\$ 48.00	\$ 23,280.00			
Bagdasarian Farms, LLC	1,142	\$ 48.00	\$ 54,816.00			
Joel Vanasdlen	36	\$ 48.00	\$ 1,728.00			
Michael C. Ward	82	\$ 48.00	\$ 3,936.00			
Wisdom Gabriel B&Weis-Wisdom Diana Family 2008 Trust 08-01-08	1	\$ 48.00	\$ 48.00			
William D. Wright and Edna J. Wright, co-trustees of the Wright Family Living Trust 06-19-89	158	\$ 48.00	\$ 7,584.00			
<b>TOTAL</b>	<b>24,335</b>			<b>103,968.00</b>		<b>\$ 1,062,096.00</b>

Less: Allocations to ABDSP and Borrego Unified School District 42

**Total BPA per Exhibit 4**

**24,293**

**EXHIBIT A-2**

Exhibit A2 p. 1

Allocation of GSP Preparation Costs

Borrego Water District v. ALL PERSONS WHO CLAIM A RIGHT TO

EXTRACT GROUNDWATER IN THE

BORREGO VALLEY GROUNDWATER

SUBBASIN

Name	Allocation or BPA (Acre Feet)	Proportionate Responsibility	Settlement Agreement		Original Billing to Settling Parties	Due From Non-Settling Parties (Due To) Settling Parties
			Section 6.1 GSP Prep Costs	113,333.33		
Agri-Empire	574	2.3587%	\$ 2,673.24	\$	-	\$ 2,673.24
Anza-Borrego Desert State Park (State of CA)	20	0.0822%	\$ 93.14	\$	-	\$ 93.14
Rick and Joan Anson co-trustees of the Anson Family Trust 08-18-03	2	0.0082%	\$ 9.31	\$	-	\$ 9.31
Alan & Tracy Asche	5	0.0205%	\$ 23.29	\$	-	\$ 23.29
Gary D. & Darlis A. Bailey	7	0.0288%	\$ 32.60	\$	-	\$ 32.60
David and Juli Bauer, co-trustees of the D&J Bauer Family Trust 11-18-04	1,826	7.5036%	\$ 8,504.07	\$	9,343.39	\$ (839.32)
William M. Bauer	670	2.7532%	\$ 3,120.33	\$	3,428.30	\$ (307.97)
Borrego Air Ranch Mutual Water & Improvement Co.	12	0.0493%	\$ 55.89	\$	-	\$ 55.89
Borrego Nazareth LLC (Borrego Springs Resort & Club Circle)	1,462	6.0078%	\$ 6,808.85	\$	7,480.85	\$ (672.00)
Borrego Unified School District (Borrego Elementary)***	22	0.0904%	\$ 102.46	\$	112.57	\$ (10.11)
Borrego Water District	2,581	10.6061%	\$ 12,020.27	\$	13,206.62	\$ (1,186.35)
Raymond A. Carpenter and Susan R. Carpenter, co-trustees of the Carpenter Family Trust 12-11-07	6	0.0247%	\$ 27.94	\$	-	\$ 27.94
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Cogan Ranch)	686	2.8190%	\$ 3,194.85	\$	3,510.17	\$ (315.32)
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gable House)	486	1.9971%	\$ 2,263.41	\$	2,486.79	\$ (223.38)
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gigi Ranch)	878	3.6080%	\$ 4,089.03	\$	4,492.60	\$ (403.57)
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Peg Leg Ranch)	676	2.7779%	\$ 3,148.28	\$	3,459.00	\$ (310.72)

Exhibit A2 p. 2

Allocation of GSP Preparation Costs

Borrego Water District v. ALL PERSONS WHO CLAIM A RIGHT TO

EXTRACT GROUNDWATER IN THE

BORREGO VALLEY GROUNDWATER

SUBBASIN

Name	Allocation or BPA (Acre Feet)	Proportionate Responsibility	Settlement Agreement		Original Billing to Settling Parties	Due From Non-Settling Parties (Due To) Settling Parties
			Section 6.1 GSP Prep Costs	113,333.33		
Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS – Rancho Caterina)	1,379	5.6667%	6,422.30	\$	7,056.15	\$ (633.85)
Conzelman Family Trust A 11-22-83 (OASIS – De Anza Ranch)	636	2.6135%	2,961.99	\$	3,254.32	\$ (292.33)
Desert Farm LLC Crumrine Family Trust 04-19-06	21	0.0863%	97.80	\$	-	\$ 97.80
C W C Casa Del Zorro LLC	22	0.0904%	102.46	\$	112.57	\$ (10.11)
De Anza Desert Country Club	957	3.9326%	4,456.95	\$	-	\$ 4,456.95
Desert Flora Nursery (John B. & Silvia H. Hogan)	8	0.0329%	37.26	\$	-	\$ 37.26
John Doljanin, West Coast Trees	887	3.6450%	4,130.95	\$	4,538.65	\$ (407.70)
Genus LP	112	0.4602%	521.61	\$	-	\$ 521.61
Jack McGrory, JIM Roadrunner, LLC (Cogan)	555	2.2807%	2,584.75	\$	2,839.86	\$ (255.11)
JIM RoadRunner, LLC (Road Runner I)	671	2.7573%	3,124.99	\$	3,433.41	\$ (308.42)
JIM RoadRunner, LLC (Road Runner II)	387	1.5903%	1,802.34	\$	1,980.22	\$ (177.88)
Robert Larkins	2	0.0082%	9.31	\$	-	\$ 9.31
Michael Maiter & John Savittieri	1	0.0041%	4.66	\$	-	\$ 4.66
Mountain Springs Organics, Inc. (Gamini D. Weerasekera)	103	0.4233%	479.69	\$	527.04	\$ (47.35)
Manuel & Araceli C. Navarro	14	0.0575%	65.20	\$	-	\$ 65.20
Monica Real Estate Holdings LP	18	0.0740%	83.83	\$	92.10	\$ (8.27)
Doug Munson & Patricia Munson	1	0.0041%	4.66	\$	-	\$ 4.66
Ronald Pecoﬀ	114	0.4685%	530.92	\$	-	\$ 530.92
Roadrunner Club at Borrego, LP	520	2.1368%	2,421.75	\$	1,785.78	\$ 635.97
RTA Borrego, LLC	12	0.0493%	55.89	\$	-	\$ 55.89
Jose G. & Maria E. Sanchez	4	0.0164%	18.63	\$	-	\$ 18.63
Seley Ranches, L.P.	2,226	9.1473%	10,366.96	\$	11,390.13	\$ (1,023.17)
Shenandoah Growers, Inc.	61	0.2507%	284.09	\$	312.13	\$ (28.04)
Max Siefker	2	0.0082%	9.31	\$	-	\$ 9.31
Brian Siefker, trustee of the Brian Siefker Trust 12-18-01	3	0.0123%	13.97	\$	-	\$ 13.97

Exhibit A2 p. 3

Allocation of GSP Preparation Costs

Borrego Water District v. ALL PERSONS WHO CLAIM A RIGHT TO  
EXTRACT GROUNDWATER IN THE  
BORREGO VALLEY GROUNDWATER  
SUBBASIN

Name	Allocation or BPA (Acre Feet)	Proportionate Responsibility	Settlement Agreement		Original Billing to Settling Parties	Due From Non-Settling Parties (Due To) Settling Parties
			Section 6.1 GSP Prep Costs	113,333.33		
Kent R. Smith, trustee of the Smith Kent R. Revocable Living Trust 01-04-90	32	0.1315%	\$ 149.03	\$	\$ -	\$ 149.03
The Springs RV and Golf Resort, LP	287	1.1794%	\$ 1,336.62	\$	\$ 2,343.52	\$ (1,006.90)
T2 Borrego LLC	965	3.9655%	\$ 4,494.24	\$	\$ 4,937.77	\$ (443.53)
T2 Borrego, LLC (Ram's Hill Golf Club)	2,518	10.3472%	\$ 11,726.87	\$	\$ 12,884.26	\$ (1,157.39)
T2 Farms, LLC	485	1.9930%	\$ 2,258.75	\$	\$ 2,481.68	\$ (222.93)
Bagdasarlian Farms, LLC	1,142	4.6928%	\$ 5,318.54	\$	\$ 5,843.45	\$ (524.91)
Joel Vanasdien	36	0.1479%	\$ 167.66	\$	\$ -	\$ 167.66
Michael C. Ward	82	0.3370%	\$ 381.89	\$	\$ -	\$ 381.89
Wisdom Gabriel B&Weis-Wisdom Diana Family 2008 Trust 08-01-08	1	0.0041%	\$ 4.66	\$	\$ -	\$ 4.66
William D. Wright and Edna J. Wright, co-trustees of the Wright Family Living Trust 06-19-89	158	0.6493%	\$ 735.84	\$	\$ -	\$ 735.84
<b>TOTAL</b>	<b>24,335</b>	<b>100.0000%</b>	<b>\$ 113,333.33</b>	<b>\$ 113,333.33</b>	<b>\$ 113,333.33</b>	<b>\$ (0.00)</b>

Less: Allocations to ABDSP and Borrego Unified School District

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**Total BPA per Exhibit 4**

**24,293**

# EXHIBIT B



**"EXHIBIT A. BORREGO SPINGS SUBBASIN 5-YEAR PUMPING 2015 TO 2019"**

**Table 1. Borrego Springs Groundwater Subbasin 5-Year (2015-2019) Estimated Annual Groundwater Production**

Property / Business Name	Pumper	Annual Production By Year (Acre-Feet)				
		2015*	2016	2017	2018	2019*
<b>Agricultural Water Use***</b>						
Agri Empire	Agri Empire	0.00	342.26	0.00	0.00	0.00
B & J Landscaping	B & J Landscaping (Alan & Tracy Asche)	3.83	3.83	0.00	0.00	0.00
Bailey	Gary D. & Darlis A. Bailey	4.33	4.26	4.26	4.26	4.26
Bauer Farm	D&J Bauer Family Trust 11-18-04	1,807.63	1,807.63	1,807.63	1,807.63	1,807.63
Burnand	T2 Borrego LLC (Burnand)	753.79	753.79	0.00	0.00	0.00
Carpenter Family	Carpenter Family Trust 12-11-07	5.69	4.33	4.33	4.33	4.33
Center Pivot**	T2 Borrego LLC (Center Pivot)**	93.30	66.04	0.00	0.00	0.00
Cogan	JM RoadRunner LLC (Cogan)	530.34	549.46	549.46	549.46	549.46
Crumrin	Crumline Family Trust 04-19-06	20.75	20.75	20.75	26.90	26.90
Desert Flora Nursery	Desert Flora Nursery (John B. & Silvia H. Hogan)	7.99	7.99	7.99	7.99	7.99
Ellis Farms (West Coast Trees)	Ellis Farms (West Coast Trees; John Doljanin)	898.57	881.24	893.07	820.00	820.00
Fortiner	T2 Farms LLC	485.47	485.47	485.47	485.47	485.47
Fortiner WC Site**	T2 Borrego LLC (Fortiner)**	638.86	270.24	0.00	0.00	0.00
Mountain Springs Organics LLC	Mountain Springs Organics (Gaminl D. Weerasekera)	58.51	78.26	119.11	72.63	72.63
Navarro	Manuel & Araceli C. Navarro	13.58	13.58	13.58	13.58	13.58
OASIS - Cogan Ranch	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Cogan Ranch)	686.27	686.27	686.27	686.27	686.27
OASIS - De Anza Ranch	Conzelman Family Trust A 11-22-83 (OASIS - De Anza Ranch)	636.31	636.31	465.38	465.38	465.38
OASIS - Gable House	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gable House)	485.96	485.96	485.96	485.96	485.96
OASIS - Gigl Ranch	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gigl Ranch)	875.67	875.67	875.67	875.67	875.67
OASIS - Pegleg Ranch	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Peg Leg Ranch)	675.51	675.51	675.51	675.51	675.51
OASIS - Rancho Caterina	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Rancho Caterina)	1,379.03	1,379.03	1,379.03	1,041.41	1,041.41
Pecoff	Ronald Pecoff	112.75	112.75	89.72	84.36	84.36
Road Runner I	JM RoadRunner LLC (Road Runner I)	615.03	636.20	637.34	515.53	615.53
Road Runner II	JM RoadRunner LLC (Road Runner II)	387.07	387.07	387.07	363.89	363.89
Sanchez	Jose G. & Maria E. Sanchez	4.26	4.26	1.20	1.20	1.20
Seley Ranch	Seley Ranches LP	1,950.81	1,994.94	2,026.84	1,945.90	1,945.90
Shenandoah Growers, Inc.	Shenandoah Growers, Inc. (former Sonora Desert Palms)	60.74	60.74	0.00	20.66	40.02
Trojan Citrus	Trojan Citrus LLC	795.49	795.49	1,142.34	1,142.34	1,142.34
Vanasdlen	Joel Vanasdlen	26.12	7.09	0.00	0.00	0.00
Viking II WC Site**	Lundberg Family Trust (formerly Lundavid LLC) (Cert. No. 2014-003-0001) (Viking 2)**	0.00	0.00	0.00	0.00	0.00
Ward	Michael C. Ward	81.54	81.54	81.54	81.54	81.54
William Bauer	William M. Bauer	670.16	670.16	670.16	670.16	670.16
Wright Family Living Trust	Wright Family Living Trust 06-19-89	158.43	158.43	158.43	158.43	158.43
Wright WC Site**	The Springs LLC (Wright 2)**	169.94	70.81	0.00	0.00	0.00
<b>Sub-total Agricultural Water Use</b>		<b>15,093.73</b>	<b>15,007.35</b>	<b>13,668.09</b>	<b>13,006.45</b>	<b>13,025.81</b>
<b>Golf Course Water Use</b>						
Borrego Springs Resort (Borrego Springs Country Club)****	Borrego Nazareth LLC (Borrego Springs Resort)****	655.22	625.34	717.33	717.33	625.50
Club Circle****	Borrego Nazareth LLC (Circle Club)****	66.39	72.80	71.60	71.60	71.60
De Anza***	De Anza Country Club***	954.57	963.79	963.27	937.54	825.52
Road Runner***	Road Runner Golf & Country Club***	348.83	348.83	348.83	348.83	348.83
The Springs at Borrego Springs****	The Springs at Borrego Springs****	114.69	94.26	163.38	184.28	184.28
Rams Hill	T2 Borrego, LLC (Ram's Hill Golf Club)	997.70	940.20	794.50	714.36	751.94
<b>Sub-total Golf Water Use</b>		<b>3,137.39</b>	<b>3,045.22</b>	<b>3,058.91</b>	<b>2,973.94</b>	<b>2,807.67</b>
<b>Municipal Water Use</b>						
Borrego Water District	Borrego Water District	1,719.91	1,610.42	1,568.04	1,593.74	1,466.48
<b>Sub-total Municipal Water Use</b>		<b>1,719.91</b>	<b>1,610.42</b>	<b>1,568.04</b>	<b>1,593.74</b>	<b>1,466.48</b>
<b>Other Non-De Minimis Water Users**</b>						
Casa Del Zorro***	C W C Casa Del Zorro LLC***	12.91	12.91	12.91	11.36	11.36
Borrego Elementary***	Borrego Unified School District (Borrego Elementary)***	19.09	19.09	19.03	25.16	25.16
Air Ranch*****	Borrego Air Ranch Mutual Water & Improvement Co*****	12.00	12.00	12.00	12.00	12.00
State Park-Palm Canyon*****	Anza-Borrego Desert State Park (State of CA)*****	6.40	5.72	4.00	4.00	4.00
<b>Sub-total Other Non-De Minimis Water Use</b>		<b>50.40</b>	<b>49.72</b>	<b>47.93</b>	<b>52.51</b>	<b>52.51</b>
<b>De Minimis Water Users</b>						
Domestic (count = 49)		24.50	24.50	24.50	24.50	24.50
Industrial (count = 3)		1.50	1.50	1.50	1.50	1.50
State (count = 1)		0.50	0.50	0.50	0.50	0.50
<b>Sub-total De Minimis Water Use</b>		<b>26.50</b>	<b>26.50</b>	<b>26.50</b>	<b>26.50</b>	<b>26.50</b>
<b>Total Water Use</b>		<b>20,028</b>	<b>19,739</b>	<b>18,369</b>	<b>17,853</b>	<b>17,379</b>

**Notes:**

\*2015 pumping extrapolated from 2014 aerial imagery for all sites without metered production records. Irrigation in 2019 confirmed using 2020 aerial imagery.

\*\*Water Credits sites assumed to cease irrigation either on date of issuance of water credits or based on review of mid-2014 aerial imagery

\*\*\*Aerial imagery analysis performed for De Anza and Road Runner golf courses, all agriculture use and other non-de minimis users.

\*\*\*\*No metered data available from County of San Diego Major Use Permit for 2018 and/or 2019. Previous year used to estimate pumping.

\*\*\*\*\*Water use factor of 0.5 acre feet per dwelling unit

\*\*\*\*\*Metered water use. State Park notes that 2017 data and part of 2016 data is an estimate. 2019 is estimated based on previous year.