

MINUTES
BORREGO SPRINGS INTERIM WATERMASTER BOARD MEETING
Conducted Virtually via GoToMeeting
Monday, January 14, 2021, 4:30 p.m.

I. Opening Procedures

- A. Chairman Duncan called the meeting to order at 4:30 p.m.
- B. Chairman Duncan led the meeting participants in the Pledge of Allegiance.
- C. Samantha Adams (Executive Director) called roll and confirmed that all members of the Board were present. The following individuals were present at the meeting:

Directors Present	Chairman Dave Duncan – Borrego Water District
	Vice Chairman Shannon Smith – Recreational Sector
	Jim Bennett – County of San Diego
	Mike Seley – Agricultural Sector (joined at 4:33 pm)
	Mark Jorgensen – Community Representative
Watermaster Staff Present	James M. Markman, Legal Counsel
	Samantha Adams, Executive Director, West Yost
	Andrew Malone, Lead Technical Consultant (TC), West Yost
	Kristan Culbert, Staff Scientist, West Yost
Others Present	Kathy Dice, BWD Board Member (Board Alternate)
	Lyle Brecht, BWD Board Member
	Rich Pinel, Roadrunner Club/Springs Resort (Board Alternate)
	Leanne Crow, County of San Diego (Board Alternate)
	Martha Diechler, Board Alternate – Community Rep.
	Trey Driscoll, Dudek
	Steve Anderson, BB&K
	Geoff Poole, GM, Borrego Water District
	Michele Staples, Jackson Tidus
	Cathy Milkey, Rams Hill
	Anita Regmi, DWR
	Rebecca Falk
	Tammy Baker, BWD Board Member
	John Peterson
	Danny McCamish
	Leonardo Urrego-Vallowe
	Nancy Karas, County of San Diego
	Jim Engelke

- D. Approval of Agenda.

Motion: Motioned by Director Smith, seconded by Director Bennett to approve the Agenda as included in the Board meeting package. *Motion carried unanimously (4-0-0). Director Seley was absent from the vote.*

II. Public Correspondence

- A. Correspondence Received – none.
- B. Public Comments – none.

III. Consent Calendar

The Consent Calendar for the December 10, 2020 meeting included:

A. *Approval of Minutes*

- *November 12, 2020* – no corrections to minutes.
- *December 10, 2020* – Director Bennett noted that he would email minor typo corrections to Executive Director (ED) Adams.

- B. *December 2020 Financial Report.* ED Adams noted that that five pumpers have not yet paid their first installment of the pumping assessments and that outreach to these pumpers would continue. She also reported that reminders will be sent to all pumpers about the second installment of the pumping assessment, which is due March 1, 2021.

Motion: Motioned by Director Jorgensen, seconded by Director Smith to approve Consent Calendar with noted corrections to meeting minutes. *Motion carried unanimously (5-0-0).*

IV. Items for Board Consideration

- A. *Consideration of Assignment of the WEI Professional Services Agreement with the Borrego Springs Watermaster to West Yost Associates.* ED Adams presented the recommendations as provided in the Board Package. Director Smith reported to the Board that he conducted the requested due diligence reviews of West Yost through speaking with the President and Operations Director of West Yost Associates and outreach to four West Yost clients (that were not WEI clients). Director Smith reported that discussions with client references were positive without exception and discussions with West Yost CEO and COO confirmed the contractual obligation that ED Adams and TC Malone will remain in their respective roles for the duration of the contract without substitution unless we consent.

Motion: Motioned by Director Bennett, seconded by Director Smith to approve execution of the Consent to Assignment. *Motion carried unanimously by roll call vote (5-0-0).*

- B. *Environmental Working Group Membership Selection.* Chairman Duncan led the discussion by recommending that the Board consider appointing four of the six Environmental Working Group (EWG) applicants: Dice, McCamish, Peterson, and Wells. A discussion ensued, with the following key points:

- The Board determined that there is no limit on the number of EWG at-will members.
- Four of the applicants would bring professional expertise in environmental science and important connections to outside scientific organizations and grant opportunities to the EWG.

Motion: Motioned by Director Smith, seconded by Director Seley to appoint applicants Dice, McCamish, Peterson, and Wells to the EWG. *Motion carried unanimously by roll call vote (5-0-0).*

C. *Fallowing Standards Verification for Conversion of Water Credits to BPA.*

ED Adams reviewed the memo on the Board package, including the January 7, 2021 letter received from the Borrego Water District on its review of consistency of the water credits properties with the following standards in Exhibit 3 of the proposed Stipulated Judgment. A discussion ensued, with the following key points:

- Dudek conducted extensive review of the fallowed properties in 2018 in support of the GSP, and Director Duncan confirmed both that and the information reported by the BWD in its January 7, 2021 letter to the Executive Director were based on this work. In addition, BWD staff conducted additional field visits to verify the findings.
- Viking Ranch water credits were issued as BPA to multiple parties. The property is abandoned and fallowed. A ten-acre portion of the ranch, which was not part of the fallowed area, was retained by the property owner, Lance Lundberg. There is a former production well on this 10-acre portion of land. It was confirmed based on well records provided by Dudek that the well is not located within the boundary of the fallowed property.
- Additional verification of the Viking Ranch property is warranted because a portion of the water credits being converted to BPA will go to the BWD, and it would be appropriate to have a secondary review so the approval of the water credits conversion is not based on self-reported information from BWD.
- Trey Driscoll of Dudek reported that extensive studies of the Viking Ranch property have been performed and could be relied on by the Board of evidence that it has been fallowed and meets the criteria set forth in the Exhibit 3. Mr. Driscoll also stated that Dudek had previously recommended that the Viking Ranch well be converted to a monitoring well due to its location and lack of nearby monitoring wells.
- Ultimately, the Watermaster is responsible for determining compliance with the following standards in Exhibit 3 and will issue the letters approving conversion of water credits to BPA. Executive Direct Adams recommended that based on the extensive work done by Dudek and verified by BWD, that the Board rely on the findings presented in lieu of additional field verifications.
- The Board requested that Mr. Driscoll of Dudek prepare a short letter to the Board with supporting information that demonstrates that the Viking Ranch parcels meet the following standards.
- For fallowed properties with wells that have not been properly abandoned, the property owners may abandon the well or request to convert it to a monitoring well. The Watermaster has the discretion to accept the well as a monitoring well and require that certain work be performed to ensure the usefulness or integrity of the well for inclusion in the monitoring program.

Motion: Motioned by Director Smith, seconded by Director Bennett to draft letters certifying conversion of water credits to BPA for the BPA parties listed in Table 1 of Agenda Item IVC as “Letter of Approval of Conversion to BPA”; with the approval of conversion of the BWD water credits pending review of the Dudek letter, *motion carried unanimously by roll call vote (5-0-0).*

Motion: Motioned by Director Smith, seconded by Director Bennett to draft letters that describe the actions required to convert water credits to BPA to send to the BPA parties listed in Table 1 of Agenda Item IVC as "Letter of Requirements to Convert to BPA". *Motion carried unanimously by roll call vote (5-0-0).*

V. Reports

A. Executive Director Report.

- *Summary of December 2020 semi-annual groundwater monitoring event.* ED Adams reported the work that was completed during the December 2020 semi-annual groundwater and surface water monitoring event.
- *Summary of December 2020 self-reporting for meter reading.* ED Adams reported that all but two Settling Party pumpers self-reported their meter read data for December 2020, including the QA/QC data required for telemetry verifications. Watermaster staff will continue outreach to these pumpers that are not yet reporting pumping information.
- *WY 2020 SGMA Annual Report.* ED Adams reported that the WY 2020 SGMA Annual Report is due on April 1, 2021 and will be presented for Board approval at the March 2021 meeting.
- *Data sharing and privacy protocols.* ED Adams explained that she is working to obtain clarification on the expectations of data privacy as envisioned by the Settling Parties and the proposed Stipulated Judgement. This will be important to understand before presenting data at public meetings and in upcoming reports.

B. Legal Counsel Report – *none.* The public was recognized with an ongoing question concerning the application of the Brown Act to the Watermaster. The Chair declined to have further discussion on the topic.

C. Chairperson's Report— *none.*

D. Status of Stipulated Judgement. Mr. Anderson provided an overview of the latest activities and court proceedings. Mr. Anderson stated that the case is proceeding on schedule, which was confirmed by Michele Staples.

VI. Board Member Comments. Director Smith commended the progress and success of the Watermaster, including successful reporting of pumping by the parties and the completion of the monitoring program through the challenges of COVID. There were no further comments from the Board.

VII. Next Meetings of the Borrego Springs Watermaster

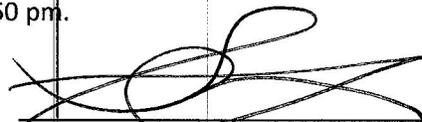
- A. Regular Board Meeting – Thursday, February 11, 2021 at 4:30 pm.
- B. Regular Board Meeting – Thursday, March 11, 2021 at 4:30 pm.

VIII. Adjournment

- A. Director Duncan adjourned the meeting at 5:50 pm.

Kristan Culbert

Recorded by: Kristan Culbert
West Yost



Attest: Shannon Smith, Board Secretary