

Borrego Springs Interim Watermaster
Special Board Meeting
August 27, 2020 @ 4:30 p.m.

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AGENDA

Items with supporting documents in the Board Package are denoted with a page number.

I. OPENING PROCEDURES

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

II. PUBLIC CORRESPONDANCE

- A. Public Comments (may be limited to 3 min per person)
- B. Correspondence Received: *None*

III. CONSENT CALENDAR

- A. Approval of Minutes
 - i. Special Meeting – June 11, 2020.....Page 3
 - ii. Special Meeting – June 25, 2020.....Page 5
 - iii. Special Meeting – July 16, 2020.....Page 7
 - iv. Special Meeting – July 30, 2020.....Page 9

IV. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

- A. Schedule of Special Board Meetings through October 1, 2020.....Page 11
Recommendation: Approve schedule of Special Board Meetings through October 1, 2020

- B. Procedure for Approving Consultant Invoices.....Page 12
Recommendation: Appoint Director(s) to review and approve WEI monthly invoices for professional services.

- C. Watermaster Administrative Actions.....Page 13
Recommendation: Direct staff and counsel to include a series of recommended administrative actions to be considered at the next Watermaster Board meeting to facilitate and govern subsequent Watermaster operations

- D. Meter VerificationPage 33
Recommendation: Approve Resolution No. 20-03 of the Interim Borrego Springs Watermaster Establishing Criteria for Verification of Meter Calibration, Installation, and Accuracy

- E. Initial Meter Reads for WY 2021.....Page 44
Recommendation: Discuss logistics for performing the initial meter reading.

- F. Request for Letter of Support for the Borrego Valley Stewardship Council Grant Application (Deichler).....Page 46
Recommendation: Discuss Alt. Director Deichler’s request for support. The supporting materials are included herein.

V. REPORTS AND UPDATES

- A. Legal Counsel Report - *verbal*
- B. Executive Director Report - *verbal*

VI. BOARD MEMBER COMMENTS

VII. NEXT MEETINGS OF THE BORREGO SPRINGS WATERMASTER

**Dates are pending outcome of Agenda Item IV.A*

- A. *Special Board – Thursday, September 10, 2020 4:30 pm
 - i. Potential Agenda Items:
 - 1. Meter Verification Progress and Meter Reading Update
 - 2. Watermaster Administrative Procedures
- B. *Special Board – Thursday, September 24, 2020 4:30 pm
 - i. Potential Agenda Items:
 - 1. Meter Verification Progress and Meter Reading Update

VIII. ADJORNMENT

Borrego Springs Watermaster Board
MINUTES
Special Meeting
June 11, 2020 @ 4:00 p.m.
Borrego Water District:
806 Palm Canyon Drive, Borrego Springs, CA 92004

I. OPENING PROCEDURES

a. Call to Order: Borrego Water District General Manager Geoff Poole called the meeting to order at 4:10 p.m.

b. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.

c. Roll Call: Directors: Present: Dave Duncan, Mark Jorgensen, Mike Seley, Shannon Smith

Absent: Jim Bennett (excused absence)

Staff: Geoff Poole, BWD
Michele Staples, Jackson Tidus
Esmeralda Garcia, BWD
Wendy Quinn, Recording Secretary

Public: Rebecca Falk Tim Ross, DWR
Martha Deichler, BSUSD Anita Regmi, DWR
Rich Pinel Wildermuth
Environmental

d. Approval of Agenda: *MSC: Smith/Seley approving the Agenda as written. The roll call vote was unanimous.*

e. Approval of Minutes: None

f. Comments from the Public on Items not on the Agenda: None

g. Comments from Directors: None

h. Correspondence Received from the Public: Rebecca Falk referred to the previous meeting and her suggestion that finalists for the WMB staff positions make public statements prior to the final decision. She made a formal request that this be seriously considered. Mr. Poole responded, noting that the community representative on the WMB may communicate with his constituents, and there was no intent to use diversionary tactics. The deliberations on the selection will be in closed session, and the selection will be announced in public.

II. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

None

III. STAFF REPORT

A. Financial Reports: None

B. Water Use Reports: None

C. Executive Director's Report: None

IV. **CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT:** Appointment of Watermaster Legal Counsel (LC) pursuant to subdivision (b)(1) of Government Code Section 54957.

V. **CLOSED SESSION: PUBIC EMPLOYEE APPOINTMENT:** Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957.

The Board adjourned to closed session at 4:20 p.m. Thereafter, the open session was reconvened. There was no reportable action.

VI. CLOSING PROCEDURE

The next Board Meeting has yet to be scheduled at Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004. There being no further business, the meeting was adjourned.

Borrego Springs Watermaster Board
MINUTES
Special Meeting
June 25, 2020 @ 3:00 p.m.
OPEN SESSION ITEMS TO BE HEARD AT 5:30
Borrego Water District: 806 Palm Canyon Drive
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order: Borrego Water District General Manager Geoff Poole called the meeting to order at 3:09 p.m.
B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.
C. Roll Call: Directors: Present: Jim Bennett, Dave Duncan, Mark Jorgensen, Mike Seley, Shannon Smith
Staff: Geoff Poole, BWD
Steve Anderson, Best Best & Krieger
Michele Staples, Jackson Tidus
Jim Markman, Richards Watson
Gershon
Esmeralda Garcia, BWD
Wendy Quinn, Recording Secretary
Public: Rebecca Falk Martha Deichler
Tammy Baker Leanne Crow
D. Approval of Agenda: MSC: Smith/Seley approving the Agenda as amended (move Approval of Minutes to after the closed session). The roll call vote was unanimous.
E. Approval of Minutes: Moved to after the closed session.
F. Comments from the Public on Items not on the Agenda: None
G. Comments from Directors: None
H. Correspondence Received from the Public: None

II. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT: Appointment of Watermaster Legal Counsel (LC) pursuant to subdivision (b)(1) of Government Code Section 54957 V.

III. CLOSED SESSION: PUBIC EMPLOYEE APPOINTMENT: Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957.

The Board adjourned to closed session at 3:12 p.m., and the open session reconvened at 5:40 p.m. Mr. Poole reported that the Board had interviewed three candidates for Executive Director/Technical Consultant in closed session and would interview the fourth following the open session.

I. OPENING PROCEDURES (continued)

D. Approval of Minutes:
May 14, 2020 Watermaster Board Special Meeting. MSC: Duncan/Jorgensen approving the Minutes of May 14, 2020 as amended (change Item II.D in part to read as follows: second sentence, “. . . Ms. Falk he had requested this item to assist with after reading Rebecca Falk’s her newspaper column”; third paragraph, first and second sentences, “. . . whatever is said by a WMB member is the opinion of that member She noted that the County refers official media inquiries to the Media Communications Office, and if that individual Board of Supervisors members speak to the press frequently, and they make it clear

it is a personal opinion”; third sentence, “Ms. Falk felt the language requirement in the Policy requiring that sensitive issues be immediately referred to the Executive Director was too loose and therefore open to an overly restrictive interpretation”). The motion carried by roll call vote, with Director Bennett abstaining and all other Directors voting aye.

May 28, 2020 Watermaster Board Special Meeting. *MSC: Smith/Duncan approving the Minutes of May 28, 2020 as amended (add Rebecca Falk to the public attendance). The motion carried by roll call vote, with Director Bennett abstaining and all other Directors voting aye.*

IV. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

A. Agreement with Richards Watson Gershon to serve as Watermaster Legal Counsel: Mr. Poole reported that after interviews, the WMB had selected Jim Markman as its Legal Counsel and has negotiated a contract with him and his firm with Steve Anderson’s help. Mr. Anderson reported he had sent Mr. Markman a standard retainer agreement, including rates and the extent to which the firm will be involved in the ongoing adjudication. For the most part, that will be handled by the pumpers, because they signed the settlement agreement and are essential parties to the lawsuit. The WMB is not a party to the suit, but an arm of the Court; but if the WMB decides they want the attorney to take a more active role, that is their right. For example, once the preliminary injunction is issued, there could be judgment compliance issues.

MSC: Smith/Duncan engaging Jim Markman and Richards Watson Gershon according to the terms reviewed by Mr. Anderson. The motion carried by roll call vote, with Director Bennett abstaining and all other Directors voting aye.

Mr. Poole will arrange for Mr. Markman to address the Board at a future meeting, as he had to leave early today.

B. Meter Reading Options: Mr. Smith noted that meter data must be captured by September 30. There are a number that need to be manually read. He recommended asking BWD if they would be interested in reading these meters, supervised by the Watermaster. He hoped to have a response and possible proposal at the next meeting. Mr. Poole replied that once he had the locations and number of meters, he would present it to the BWD Board. *MSC: Smith/Seley requesting a proposal from BWD for services to read meters and to certify their installation. The motion carried by roll call vote, with Director Duncan abstaining and all other Directors voting aye.*

V. STAFF REPORT

- A. Financial Reports: None**
- B. Water Use Reports: None**
- C. Executive Directors Report: None**

III. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT: Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957 (continued): The Board adjourned to closed session at 6:15 p.m., and the open session reconvened at 7:45 p.m. There was no reportable action.

VI. CLOSING PROCEDURE

The next Board Meeting is scheduled for July 16, 2020 at Borrego Water District, 806 Palm Canyon Dr., Borrego Springs, CA 92004. There being no further business, the meeting was adjourned at 7:45 p.m..

Borrego Springs Interim Watermaster Board
MINUTES
Special Meeting
July 16, 2020 @ 4:30 p.m.
OPEN SESSION ITEMS TO BE HEARD AT 5:30
Borrego Water District: 806 Palm Canyon Drive,
Borrego Springs, CA 92004

I. OPENING PROCEDURES

- A. Call to Order: Borrego Water District General Manager Geoff Poole called the meeting to order at 4:30 p.m.
B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.
C. Roll Call: Directors: Present: Jim Bennett, Mike Bozick, Dave Duncan, Mark Jorgensen, Shannon Smith
Staff: Geoff Poole, BWD
Michele Staples, Jackson Tidus
Esmeralda Garcia, BWD
Wendy Quinn, Recording Secretary
Public: Rebecca Falk Cathy Milkey
Martha Deichler, BSUSD Anita Regmi, DWR
Rich Pinel Trey Driscoll, Dudek
Diane Johnson, BWD Leanne Crow, County
Kathy Dice, BWD
D. Approval of Agenda: MSC: Approving the Agenda as written. The roll call vote was unanimous.
E. Approval of Minutes: None
F. Comments from the Public on Items not on the Agenda: None
G. Comments from Directors: None
H. Correspondence Received from the Public: None

II. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT: Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957. The Board adjourned to closed session at 4:35 p.m., and the open session reconvened at 5:35 p.m. There was no reportable action.

I. OPENING PROCEDURES (continued)

- F. Comments from the Public & Requests for Future Agenda Items (continued): None

III. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

A. Selection of Executive Director/Technical Consultant: Mr. Poole reported that the Board discussed the Executive Director/Technical Consultant position in closed session and requested staff to obtain further information, return to closed session to discuss the contract, and announce the decision in open session. In two weeks the contract will be presented to the Board for consideration of approval. Rebecca Falk requested a list of the individual candidates, not just their firms.

B. Proposal from Borrego Water District to provide Meter Reading and Related Services: Mr. Poole reported that the cost for BWD staff to read meters would be \$45.63 per hour plus a ten percent administrative fee on the total bill. If additional services are desired, i.e.

confirming that the meters are installed correctly, David Dale, the District Engineer and a registered civil engineer, is available for a little over \$100 an hour plus the administrative fee.

C. Confirmation of Water Credit Properties Following Status and Related Issues: Director Smith noted that the first paragraph of the Board package attachment should read, “. . . within six months,” rather than “three.” He explained that he had requested assurance that there were no unresolved issues relative to fallowing under BWD’s water credit program as a starting place for the Watermaster letters to be sent under the proposed Stipulated Judgment. Mr. Poole replied that water credits are not issued until all fallowing requirements have been met. He will confirm that. *MSC: Smith/Jorgensen requesting that BWD confirm there are no unresolved issues regarding fallowing under the BWD water credit program as of this date. The motion passed by roll call vote, with Director Duncan abstaining and all other Directors voting aye. Director Bozick voted in place of Director Seley.*

D. Meter Reading Schedule and Related Issues: Director Smith reported that meter reading will begin 76 days from now. The Stipulation provides for meter reading intervals. He suggested preparing for the initial reading on September 30 or October 1, and including it in the WMB database. Seven of the parties will use electronic reading, and the others will be read manually. An entry agreement will be sent to all parties. Alternate Director Deichler pointed out that not all Board package materials were included in the version that was distributed. Michele Staples pointed out that this item was not included in the agenda package posted on the Watermaster page of the BWD website and requested that the item be continued to the next meeting so the public and Watermaster attorney could review it.

IV. STAFF REPORT

- A. Financial Reports: None**
- B. Water Use Reports: None**
- C. Executive Director’s Report: None**

V. CLOSING PROCEDURE

The next Board Meeting is scheduled for July 30, 2020 at Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004. There being no further business, the meeting was adjourned at 6:00 p.m.

Borrego Springs Interim Watermaster Board

MINUTES

Special Meeting

July 30, 2020 @ 4:30 p.m.

OPEN SESSION ITEMS TO BE HEARD AT 5:30

Borrego Water District: 806 Palm Canyon Drive,
Borrego Springs, CA 92004

I. OPENING PROCEDURES

A. Call to Order: Borrego Water District General Manager Geoff Poole called the meeting to order at 4:30 p.m.

B. Pledge of Allegiance: Those present stood for the Pledge of Allegiance.

C. Roll Call: Directors: Present: Jim Bennett, Mike Bozick, Dave Duncan, Mark Jorgensen, Shannon Smith
Staff: Geoff Poole, BWD

Jim Markman, Richards, Watson & Gershon

Esmeralda Garcia, BWD
Wendy Quinn, Recording Secretary

Public: Rebecca Falk Cathy Milkey
Martha Deichler, BSUSD Rich Pinel
Tammy Baker Leanne Crow, County
Kathy Dice, BWD
Steve Anderson, Best Best & Krieger
Michele Staples, Jackson Tidus

D. Approval of Agenda: *MSC: Duncan/Bozick approving the Agenda as written. The roll call vote was unanimous.*

E. Approval of Minutes: None

F. Comments from the Public & Requests for Future Agenda Items: Mr. Poole invited the Board’s attention to correspondence from Rebecca Falk in the Board package. He referred to her earlier correspondence and his response, noting that there had been some misunderstandings which were worked out, and discussions were continuing. Ms. Falk requested a public comment period prior to selection of WMB staff. Director Bennett explained that the County has a public comment period when it selects consultants, during which the public and other contractors may protest.

G. Comments from Directors: Director Duncan requested direction as to whether he can discuss information from WMB closed sessions with the BWD Board in closed session. He recommended establishing a policy. Director Smith asked Jim Markman to review the issue at the next meeting. Mr. Poole will work with him.

Mr. Markman explained that he had never been in a closed session where personnel was discussed and others were invited in, unless it was a recruiter. He didn’t think closed session items should be discussed outside the WMB. Mr. Poole pointed out that the WMB is in a unique situation, and Board members would like to share information with their constituents. How can this happen? Perhaps an amendment to the Stipulated Agreement? Mr. Markman suggested that closed session topics could be discussed without actually repeating what was said in closed session.

H. Correspondence Received from the Public: None

II. CLOSED SESSION: PUBLIC EMPLOYEE APPOINTMENT: Appointment of Watermaster Technical Consultant/Executive Director pursuant to subdivision (b)(1) of Government Code Section 54957. The Board adjourned to closed session at 5:00 p.m., and the open session reconvened at 5:30 p.m. The reportable action is set forth in Item III.A. Alternate Director Deichler replaced Director Jorgensen on the Board.

I. OPENING PROCEDURES (continued)

F. Comments from the Public & Requests for Future Agenda Items (continued): Martha Deichler asked whether Alternates could attend closed sessions, and Mr. Poole agreed to put it on the next Agenda.

G. Comments from Directors (continued): None

III. ITEMS FOR BOARD CONSIDERATION AND POSSIBLE ACTION

A. Selection of Executive Director/Technical Consultant: Mr. Markman reported that a motion was unanimously adopted in closed session to direct staff to bring back a final agreement for Board consideration at the next meeting, to hire Wildermuth Environmental.

B. Meter Reading and Related Issues: Director Smith reported that four pumpers had installed electronic meters, and the rest will need to be read manually. He proposed the following actions: (1) Establish September 30, 2020 as the initial meter reading date; (2) distribution Entry Agreements to all parties who chose not to install electronic meters; (3) solicit proposals in addition to BWD’s for provision of meter reading services; (4) convene the Technical Advisory Committee to establish recommended rules and regulations regarding metering and data collection; and (5) place the TAC recommendation on the Agenda for action consideration by the WMB. *MSC: Smith/Deichler approving the proposed actions. The roll call vote was unanimous.* Director Duncan requested that a third party certification that the meters were correctly installed be included on the next Agenda.

C. Letter from BWD re: No Unresolved Deficiencies on Previously Fallowed Lands: Mr. Poole noted that existing BWD water credits would be converted to BPAs. He had worked with Steve Anderson on a letter to the WMB assuring them there were no unresolved deficiencies on previously fallowed lands, and the BWD Board has approved the letter. Director Smith recommended a letter to water credit owners informing them their credits would become BPAs. Mr. Anderson suggested double-checking to make sure all water credit lands have covenants recorded against them. Director Smith asked that that and any related items be placed on a future Agenda before issuing a letter of compliance or noncompliance. Michele Staples referred to page 29 of the Stipulated Judgment, requiring the Technical Consultant to confirm that fallowing standards under the Stipulated Judgment have been met.

D. Continuation of Watermaster Administrative Support by BWD Staff thru August 2020: Mr. Poole announced that the BWD Board would like BWD’s administrative support to the WMB to end at the end of August.

IV. STAFF REPORT

- A. Financial Reports:** None
- B. Water Use Reports:** None
- C. Executive Director’s Report:** None

V. CLOSING PROCEDURE

The next Board Meeting is scheduled for August 13, 2020 at Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, CA 92004. There being no further business, the meeting was adjourned at 6:00 p.m.

**Interim Borrego Springs Watermaster
Board of Directors Meeting
August 27, 2020
AGENDA ITEM IV.A**

To: Board of Directors
From: Samantha Adams (WEI), Executive Director
Date: August 26, 2020
Subject: Schedule of Special Board Meetings through October 1, 2020

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input type="checkbox"/> Information Only	<input type="checkbox"/> Cost Estimate:	\$

Recommended Action

Approve list of meeting dates through October 1, 2020

Fiscal Impact: None. Meetings are anticipated in the approved budget within the Executive Director and Legal Counsel contracts.

Discussion

Several Directors have requested to understand when the Watermaster will switch from holding Special meetings and to holding less-frequent regular meetings of the Board. Given the logistics required of the meter installation and reading program, staff recommends that the Board continue its special meeting schedule for the month of September as follows:

- Thursday, September 10th at 4:30 pm via teleconference
- Thursday, September 24th at 4:30 pm via teleconference

Legal Counsel will discuss the process for establishing regular meetings of the Board in a subsequent agenda item.

**Interim Borrego Springs Watermaster
Board of Directors Meeting
August 27, 2020
AGENDA ITEM IV.B**

To: Board of Directors
From: Samantha Adams (WEI), Executive Director
Date: August 26, 2020
Subject: Procedure for Approving Consultant Invoices

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input type="checkbox"/> Information Only	<input type="checkbox"/> Cost Estimate:	\$

Recommended Action

Appoint two Directors to be responsible for review and approval of the WEI monthly invoices for professional services.

Fiscal Impact: None.

Discussion

The Board of Directors approved the Professional Services Agreement (PSA) with Wildermuth Environmental, Inc. (WEI) at its August 13, 2020 Board meeting. The PSA includes a provision which states: "The Watermaster will appoint a director to approve invoices subject to ratification by the Watermaster at its next scheduled meeting."

WEI prepares invoices on a monthly basis on a time and materials basis. Invoices include a listing of the labor hours, rate, and total cost for each staff person that performed work during the month and a summary of the work performed. Staff recommends the following process for review and approval of the invoices:

- Two Directors be appointed to perform the review and approval.
- The invoices be submitted monthly via email to the appointed Director(s) and to legal counsel.
- Following review, the Directors notify WEI and legal counsel via email that the invoices are approved for payment, or request further information needed to finalize the approval.
- The check for payment will be submitted to the Directors with a copy of the email approving payment for signature.

**Interim Borrego Springs Watermaster
Board of Directors Meeting
August 27, 2020
AGENDA ITEM IV.C**

To: Board of Directors
From: James L. Markman, General Counsel
Date: August 26, 2020
Subject: Proposed administrative actions to be considered at the next Watermaster Board meeting to facilitate Watermaster operations

Recommended Action

Direct staff and counsel to include a series of recommended administrative actions to be considered at the next Watermaster Board meeting to facilitate and govern subsequent Watermaster operations

Fiscal Impact: None.

Background and Previous Actions by the Board

The Settlement Agreement pursuant to which this Watermaster Board was organized and members appointed included approved Watermaster Rules and Regulations (see Exhibit 5 to the agreed upon Stipulated Judgment which is incorporated in the Settlement Agreement as Exhibit C). Those Watermaster Rules and Regulations (“the Rules”) are attached to this Report as Exhibit 1. The Rules prescribe processes necessary to implement the functions of the Watermaster. Our suggestion to the Watermaster is to adopt the Rules now in order to implement the Settlement Agreement even though a Court order has not yet been issued to formalize the existence of the Watermaster as an agent of the Court. Any basic actions taken now may be ratified following formal creation of the Watermaster when Judgment is entered in the pending adjudication proceeding. Accordingly, we propose that at the Watermaster special meeting in September, there be included on the agenda consideration of the following actions necessary to facilitate Watermaster operations:

1. Consideration of the election of a Chairperson of the Watermaster Board for Water Year 2020-2021 (October 1, 2020 through September 30, 2021).
2. Consideration of the election of a Vice Chairperson of the Watermaster Board for Water Year 2020-2021.
3. Consideration of the appointment of a non-member Secretary as an additional non-voting member of the Watermaster Board.
4. Consideration of the appointment of a non-member Treasurer as an additional non-voting member of the Watermaster Board.
5. Consideration of the adoption of a Resolution which accomplishes the following:
 - a. Adopts the Rules;
 - b. Establishes the location of the principal office of the Watermaster which shall serve as the location at which Watermaster’s records are maintained;

- c. Sets the location, day and hour for the conduct of regular meetings of the Watermaster Board. By way of example only, the Watermaster Board could set the second Thursday of each month at 4:30 p.m. in the Board meeting room of Borrego Water District, 806 Palm Canyon Drive, Borrego Springs, California as the time and place for regular meetings.
- d. Provides that until Executive Orders of California's Governor concerning the conduct of public meetings are rescinded or, sooner, as ordered by the Watermaster Board, all meetings of the Watermaster Board will be conducted by telephonic or other electronic means in accordance with applicable meeting requirements.

We will be available at the September special Watermaster Board meeting to answer any questions on these proposed actions.

Attachment - Exhibit 1 - Rules and Regulations of the Borrego Springs Watermaster

EXHIBIT 1

RULES AND REGULATIONS
OF THE
BORREGO SPRINGS WATERMASTER

[INSERT CASE INFORMATION]

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ARTICLE I

GENERAL PROVISIONS

1.1 Title. This document will be known as the Borrego Springs Watermaster Rules and Regulations or Rules and Regulations. This document was adopted as part of and pursuant to the Judgment.

1.2 Amendment. The Rules and Regulations may be amended only by a Supermajority Vote of the Watermaster Board. All amendments shall be consistent with the Judgment and are subject to approval by the Court at the request of the Watermaster or upon the request of any Party after consideration of the objections of any Party.

1.3 Definitions. The definitions below are set forth for convenience of reference and are intended to be consistent with those set forth in the Judgment (to the extent there is overlap of terms). In the case of any inconsistencies, the definitions in the Judgment prevail over those described below. Any capitalized term used in these Rules and Regulations not defined herein, but defined in the Judgment, will have the meaning ascribed to such term in the Judgment.

1.3.1 Annual Allocation. The maximum amount of Pumping allowed for a Party to the Judgment in a given Water Year (excepting any Pumping of Carryover or imported water if available), which for any particular Water Year will be determined by multiplying the Party's BPA by the Pumping Percentage in effect for that Water Year. Annual Allocation will be rounded to the nearest whole acre-foot.

1.3.2 Annual Report. An annual report of Basin management and Watermaster activities filed with this Court

1.3.3 Basin. Borrego Springs Subbasin of the Borrego Valley Groundwater Basin, as defined by California Department of Water Resources (DWR) Bulletin No. 118, Subbasin No. 7.024.01.

1.3.4 BPA. The maximum allowed Pumping quantity allocated to a Party to the Judgment

1.3.5 Brown Act. The Ralph M. Brown Act, California Government Code sections 54950, et seq., as may be amended from time to time.

1.3.6 Carryover. Any portion of a Party's Annual Allocation not Pumped in the Water Year in which it is allowed, which may be accrued and produced in future Water Years

1.3.7 County. San Diego County government.

1.3.8 Groundwater Dependent Ecosystem (GDE). Ecological communities or species that depend on groundwater emerging from aquifers or on groundwater occurring near the ground surface (California Code of Regulations, tit. 23, § 351(m)).

1.3.9 Groundwater Management Plan (GMP). The plan, attached as Exhibit 1 to the Judgment, which together with the Judgment is intended to implement the Physical Solution for the Basin, satisfy the substantive objectives of SGMA, and serve as an alternative to a groundwater sustainability plan under SGMA following approval by DWR, as authorized by Water Code sections 10733.6 and 10737.4.

1.3.10 Judgment. The Judgment entered by the Court on [date] in the action [case].

1.3.11 Lease. A transfer of Annual Allocation or Carryover for one Water Year (a single year Lease) or for several water years (a multi-year Lease), as will be set forth in the Lease agreement.

1.3.12 Management Areas. The North, Central and South areas of the Basin, as described in the GMP.

1.3.13 Overproduction. Pumping by a Party in any particular Water Year in excess of the sum of the Party's Annual Allocation and any leased Annual Allocation for that Water Year plus any accrued Carryover.

1.3.14 Overproduction Penalty Assessment. A penalty fee for Overproduction.

1.3.15 Party (Parties). Any Person(s) that has (have) been named and served or otherwise properly joined, or has (have) become subject to this Judgment of this Court and all their respective heirs, successors-in-interest and assigns.

1.3.16 Pumping Percentage. The percent of a Party's BPA that is authorized to be Pumped in any particular Water Year.

1.3.17 Rules and Regulations or Borrego Springs Watermaster Rules and Regulations. This document, as amended and supplemented.

1.3.18 SGMA. The Sustainable Groundwater Management Act set forth at California Water Code section 10720, et seq.

1.3.19 Sustainable Yield (Safe Yield). The maximum quantity of water, calculated over a base period representative of long-term conditions in the Basin that can be withdrawn annually from a groundwater supply without causing an Undesirable Result.

1.3.20 TAC. Technical Advisory Committee.

1.3.21 Undesirable Results. As defined in Water Code section 10721(x).

1.3.22 Water Year. October 1st to September 30th, consistent with Water Code section 10721(aa).

1.4 Construction. Unless the context clearly requires otherwise:

- 1.4.1 The plural and singular forms include the other;
- 1.4.2 “Shall,” “will,” and “must” are each mandatory;
- 1.4.3 “May” is permissive;
- 1.4.4 “Or” is not exclusive; and
- 1.4.5 “Includes” and “including” are not limiting.
- 1.4.6 The masculine gender shall include the feminine and neutral genders and vice versa.
- 1.4.7 Reference to any agreement, document, instrument, or report means such agreement, document, instrument or report as amended or modified and in effect from time to time in accordance with the terms thereof.
- 1.4.8 These Rules and Regulations shall be construed consistent with the Judgment. In the event of a conflict between these Rules and Regulations and the Judgment, the Judgment shall prevail.

ARTICLE II

WATERMASTER ADMINISTRATION

2.1 Composition. Pursuant to Section IV.A of the Judgment, the Court has appointed a Watermaster to administer the provisions of the Judgment, including the GMP and any subsequent instructions or orders of this Court thereunder.¹

2.2 Terms. Once appointed in the manner set forth in the Judgment, Watermaster Board members shall continue as board members indefinitely until they resign, are replaced by their respective appointing entity(s), vacate their seat or are removed by the Court for cause.

2.3 Organization of Watermaster. At its first meeting each year, the Watermaster Board will elect a chairperson and a vice chairperson from its membership. The Watermaster Board may also appoint a non-member secretary and a non-member treasurer as additional, non-voting staff members to the Watermaster Board.

2.4 Watermaster Staff. The Watermaster may hire staff consistent with the procedures and requirements of the Judgment. The Watermaster Board may delegate specified powers to any officer or employee of the Watermaster, subject to policies and standards established by the Watermaster Board.

¹ To the extent not inconsistent with law or the terms of the Judgment, these Rules and Regulations shall be applicable to any Interim Watermaster approved by the Court or otherwise operated by the Parties following agreement to implement the provisions of the Judgment by a substantial majority of the Parties before the Court’s entry of the Judgment.

2.5 Compensation. The entities and/or Parties appointing individuals to the Watermaster Board will be responsible for payment of compensation, if any, and reimbursement of expenses of their respective Watermaster Board representative.

2.6 Powers and Duties of the Watermaster.

2.6.1 Standard of Performance. The Watermaster shall carry out its duties, powers, and responsibilities in an impartial manner without favor or prejudice to any Management Area, Party, or purpose of use. In carrying out its charge, the Watermaster shall as required segregate and separately exercise in all respects the Watermaster powers delegated by the Court under the Judgment. In exercising its powers and fulfilling its duties, the Watermaster shall rely on and use the best available science, records, and data to implement the Judgment and these Rules and Regulations, consistent with the provisions of Section IV.E(9) of the Judgment.

2.6.2 Selection of Watermaster Technical Consultant. The Watermaster shall select the Watermaster Technical Consultant with the advice of the Technical Advisory Committee. The Watermaster Technical Consultant may exercise any duty or authority vested in the Watermaster as authorized by the Watermaster Board and permitted by the Judgment and applicable law. The Watermaster Technical Consultant may be an independent engineering firm or qualified individual experienced in groundwater hydrology to make recommendations to the Watermaster. The Watermaster Technical Consultant shall serve at the pleasure of the Watermaster Board and may be removed and replaced, subject to 30 days' advance written notice to the Parties and the approval of the Court if such Court approval is requested by any Party. Provided, however, that the Watermaster Technical Consultant may be removed immediately by unanimous vote of the Watermaster Board. The Watermaster Technical Consultant may also serve as Executive Director of the Watermaster.

2.6.3 Environmental Working Group (EWG). An EWG shall be established to advise the Watermaster on GDE and any other matters approved by the Watermaster Board.

2.6.4 Accounting. The Watermaster shall provide for the levy, billing, and collection of all assessments provided for under the Judgment, for the payment of costs and expenses of the Watermaster, and for the performance of such accounting and related functions as may be required in connection with those functions. All funds received, held, and disbursed by the Watermaster shall be by way of separate Watermaster accounts, subject to separate accounting and auditing.

2.6.5 Investment of Funds. The Watermaster may hold and invest all Watermaster funds in investments authorized from time to time for public agencies of the State of California, taking into account the need to increase the earning power of such funds and to safeguard the integrity thereof.

2.6.6 Borrowing. The Watermaster may borrow in anticipation of receipt of proceeds from any assessments authorized in the Judgment in an amount not to exceed the amount of assessments for one year following the procedures described in the Judgment.

2.6.7 Liability Insurance. The Watermaster shall be authorized to obtain and maintain such insurance policies as the Watermaster Board deems appropriate.

2.6.8 Powers/Contracts. The Watermaster may exercise any of the powers described in the Judgment, and may enter into contracts and agreements for the performance of any of such powers on its behalf, provided that Watermaster maintains full oversight of the exercise of such powers.

2.6.9 Record of Transfers. On an annual basis, the Watermaster shall prepare and maintain a report or record of any transfer of BPA among Parties, and update as needed Exhibit 4 to the Judgment. The Watermaster shall file, on an annual basis, an updated Exhibit 4 to the Judgment with the Court, or a statement that no transfer of BPA has occurred in the prior Water Year. Upon reasonable request, the Watermaster shall make such report or record available for inspection by any Party, subject to any order of the Court related to the privacy of information or otherwise.

2.6.10 Enforcement Authority. The Watermaster shall enforce the terms of the Judgment and Groundwater Management Plan as described in the Judgment, and in doing so, may exercise the enforcement authority granted to a groundwater sustainability agency under Water Code section 10732 in addition to any other authority authorized by the Judgment or subsequent order of the Court.

2.6.11 Unauthorized Actions. The Watermaster shall bring such action or motion as is necessary to enjoin any conduct prohibited by the Judgment or Groundwater Management Plan following the procedures described in the Judgment.

2.6.12 Notice List. At all times, the Watermaster shall maintain a current list of Parties to whom notices are to be sent and their addresses for purpose of service.

(a) The Watermaster shall also maintain a current list of such names and addresses of all Parties or their successors, as filed herein.

(b) The Watermaster shall make copies of such lists available to any requesting Party.

(c) Each Party shall designate a name, mailing address and email address to be used for purposes of all notices and service herein, either by its endorsement on the Judgment or by a separate designation to be filed within thirty (30) days after Judgment has been entered.

(d) If no designation is made, a Party's designee shall be deemed to be, in order of priority:

(i) The Party itself at the address on the Watermaster list; or

(ii) The Party's attorney of record.

(e) A Party may change its designation by submitting a written notice of such change to the Watermaster.

(f) A Party that desires to be relieved of receiving notices of Watermaster activity may submit a waiver of notice in a form to be provided by the Watermaster.

2.6.13 Service. Service of notices, determinations, requests, demands, objections, reports, and other papers pursuant to the Judgment, the Groundwater Management Plan and these Rules and Regulations is the responsibility of the Watermaster. The Watermaster will annually establish the service costs. Unless otherwise ordered by the Court, delivery to or service of any Party by the Watermaster, the Court, or any Party of any document required to be served upon or delivered to a Party pursuant to the Groundwater Management Plan or these Rules and Regulations shall be deemed made if made by electronic-filing on a website to be maintained by the Watermaster, with email correspondence to all Parties that have provided Watermaster with an email address pursuant to Section 2.6.12.

Delivery to or service upon any Party by the Watermaster, by any other Party, or by the Court, of any item required to be served upon or delivered to a Party under or pursuant to the Groundwater Management Plan or these Rules and Regulations may also be made by one of the following methods:

(a) First class mail, postage prepaid, addressed to the latest designee of the Party to be served and at the address on the latest designation field by the Party. If the item required to be served is available online, mail service is deemed complete upon mailing of the notice of the exact website location where the item may be viewed.

(b) Electronic Mail addressed to the latest designee of the Party to be served at the email address identified on the latest designation filed by the Party pursuant to Section 2.6.12.

2.6.14 Defense of Judgment. The Watermaster shall reasonably defend the Judgment, the GMP, these Rules and Regulations, and any decision of the Watermaster made pursuant to these Rules and Regulations against challenges brought by any person. Costs incurred by the Watermaster in defending such actions shall be considered a Watermaster general administrative expense.

2.7.16 Grant Funding. The Watermaster shall use best efforts to apply for available grant funding to further sustainable management of the Basin and offset its costs.

2.7 Administration.

2.7.1 Offices. The principal office of the Watermaster shall be located in Borrego Springs at such location or locations as may be designated from time to time by the Watermaster.

2.7.2 Records. The Watermaster's records shall be maintained at its principal office.

(a) Subject to protection of information not subject to disclosure by order of the Court, the Watermaster's records can be reviewed during regular business hours. If copies are requested, they may be obtained by paying for the cost of duplication.

(b) If records are requested in electronic format, the person requesting the records will be responsible for the cost of a consultant to prepare the documents plus the cost of any storage device necessary to provide electronic records.

(c) The Watermaster shall maintain a website.

(d) Subject to protection of information not subject to disclosure by order of the Court, the Watermaster shall publish those records and other matters that it deems to be of interest to the Parties, the general public, or the Court on its website.

2.8 Watermaster Meetings and Notice. The Watermaster shall hold meetings and provide notice of such meetings as provided for in the Judgment and these Rules and Regulations. Unless contrary to the provisions of the Judgment or the body of these Rules and Regulations, the Watermaster Board agrees to use best efforts to conduct its proceedings in conformance with the Governance Charter attached hereto as Exhibit A.

2.8.1 Regular Meetings. The Watermaster Board will conduct regular meetings at least quarterly. Unless otherwise specified, regular meetings shall be held at the principal office of the Watermaster or such other location designated by the Watermaster Board at such time(s) as specified in the necessary notice(s) thereof. The Watermaster shall provide electronic notice of any changes in the time or place of scheduled or regular meetings to all persons that request such notice.

2.8.2 Special Meetings. Special meetings may be called at any time by delivering notice thereof at least twenty-four (24) hours before the time of such meeting. The Watermaster Board shall ensure all special meetings are conducted in substantial accordance with the applicable provisions of the Brown Act.

2.8.3 Adjournment. Any Watermaster Board meeting may be adjourned to a time and place that is specified in the order of adjournment. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the meeting was held or to be held, within twenty-four hours after the adoption of the order of adjournment.

2.8.4 Minutes; Statement of Proceedings. The secretary of the Watermaster Board (or designee) shall cause the preparation and subscription of the minutes of each Watermaster Board meeting and make available a copy thereof to all Parties and each person who has filed a request for copies of all minutes or notices in writing. The minutes shall contain a full and complete record of the proceedings of the Watermaster Board at each meeting, including the entry in full of all resolutions and of all decisions. The minutes shall constitute notice of all actions therein reported. Unless a reading of the minutes is ordered by a majority of the members of the Watermaster Board, minutes may be approved without reading. The Watermaster shall publish a copy of its minutes on the Watermaster's website.

2.8.5 Closed Sessions. The Watermaster Board may hold closed sessions when authorized by and in compliance with the Brown Act.

2.9 Voting Procedures.

2.9.1 Each member of the Watermaster Board shall have one (1) vote. No proxy or absentee voting is permitted.

2.9.2 All Watermaster decisions shall be by quorum, subject to any Supermajority Vote requirement, as described in the Judgment. A quorum is three members of the Watermaster Board.

2.10 Court Removal of Watermaster Board Members. Notwithstanding any other provisions of these Rules and Regulations, the Court retains and reserves full jurisdiction, power, and authority to remove any Watermaster, or member of the Watermaster Board, for good cause and substitute a new Watermaster or board member in place, upon its own motion or upon motion of any Party in accordance with the notice and hearing procedures set forth in the Judgment. The Court shall find good cause for the removal of a member of the Watermaster upon a showing that the Watermaster member(s) at issue has:

2.10.1 Failed to exercise its powers or perform its duties; or

2.10.2 Otherwise failed to act in the manner consistent with the provisions set forth in the Judgment or subsequent order(s) of the Court.

ARTICLE III

WATERMASTER TECHNICAL ADVISORY COMMITTEE

3.1 Authorization; Composition. Pursuant to the Judgment, a committee of representatives shall be organized to act as a Technical Advisory Committee (TAC).

3.2 Compensation and Expenses. The TAC members shall serve without compensation or reimbursement of expenses by Watermaster.

3.3 Powers and Functions. The TAC shall have the powers and duties described in the Judgment.

3.4 Advisory Committee's Rules and Regulations. Subject to section 3.5, procedures regarding organization, meetings, and other activities of the TAC shall be at the discretion of the TAC, with oversight by the Watermaster.

3.5 TAC Duties. The TAC shall:

3.5.1 Meet on a regular basis as described in the Judgment;

3.5.2 Review Watermaster's activities within the subject matter expertise described in the Judgment on at least a semi-annual basis; and

3.5.3 Make recommendations based on best science and data collected, consistent with the provisions of the Judgment, regarding the matters described in the Judgment and other matters as directed by the Watermaster.

ARTICLE IV

WATERMASTER TECHNICAL CONSULTANT

4.1 Selection. The Watermaster Board shall select the Watermaster Technical Consultant, who may also serve as the Watermaster Executive Director, with the advice of the TAC through the process described in the Judgment.

4.2 Duties.

4.2.1 Performance of Duties. In exercising its powers and fulfilling its duties, the Watermaster Technical Consultant shall rely on and use the best available science, records, and data to support the implementation of the Judgment and these Rules and Regulations.

4.2.2 Monitoring Sustainable Yield. The Watermaster Technical Consultant shall monitor production and related data and conduct Borrego Valley Hydrologic Model (BVHM) model runs as required by the Judgment, and include them in the Annual Report.

4.2.3 Reduction in Groundwater Pumping. The Watermaster Technical Consultant shall ensure that any required reductions of groundwater pumping take place pursuant to the terms of the Judgment and any orders by the Court.

4.2.4 Measuring Devices, Etc. The Watermaster Technical Consultant shall propose, and the Watermaster Board shall adopt and maintain, rules and regulations regarding metering and data collection consistent with the provisions of the Judgment.

4.2.5 Hydrologic Data Collection. The Watermaster Technical Consultant shall:

(a) Operate, and maintain wells, measuring devices, and/or meters necessary to monitor stream flow, precipitation, groundwater levels, and Management Areas as directed by the Judgment and the Watermaster and in compliance with the terms of any Entry Agreement required by the Judgment or by order of the Court, and cooperate with those who own and operate other wells and measuring devices to obtain the necessary data; provided, that the Watermaster Technical Consultant need not conduct such activities to the extent such data is reasonably available through other means, including but not limited to through meters installed on private wells that report data to Watermaster telemetrically; and

(b) Obtain such other data as may be necessary to carry out the Judgment and GMP, in compliance with the terms of the Judgment.

4.2.6 Pumping Reports. The Watermaster Technical Consultant shall require each Party to file an annual pumping report with the Watermaster. Pumpers shall prepare the pumping reports in a form prescribed by the Watermaster consistent with the provisions of the

Judgment. Such pumping reports shall be prepared in accordance with any relevant orders of the Court.

4.2.7 Data, Estimates and Procedures. The Watermaster Technical Consultant shall rely on and use the best available science, records, and data to support the implementation of the Judgment, including BVHM model runs. Where actual records of data are not available, the Watermaster Technical Consultant shall rely on and use sound scientific and engineering estimates. The Watermaster Technical Consultant may use preliminary records of measurements and, if revisions are subsequently made, may reflect such revisions in subsequent accounting.

4.2.8 Annual Report Procedure. The Watermaster Technical Consultant shall prepare an Annual Report containing the information set forth in Section IV.E(5)(b) of the Judgment for filing with the Court not later than April 1 of each Year, beginning April 1, 2021. Prior to filing the Annual Report with the Court, the Watermaster shall notify all Parties that a draft of the Annual Report is available for review by the Parties. The Watermaster shall provide notice to all Parties of a public hearing to receive comments and recommendations for changes in the Annual Report. At the hearing, the Watermaster will receive comments and recommendations for changes in the report. The notice of public hearing may include such summary of the draft Annual Report as the Watermaster may deem appropriate. The Watermaster shall distribute the Annual Report to any persons requesting copies and providing an email address for receipt of such Annual Report.

4.2.9 Five Year Reports. Per Water Code, section 10733.8, the Watermaster Technical Consultant shall prepare and present to the Watermaster Board for approval any five-year updates to the Groundwater Management Plan required by SGMA/DWR consistent with the terms of the Judgment.

4.2.10 Additional Technical Duties and Undertakings. The Watermaster Technical Consultant shall perform such additional technical duties and undertakings as assigned by Watermaster following input and recommendations from the tac prior to such assignment.

ARTICLE V MONITORING

5.1 Monitoring. By March 31, 2020, all Parties shall install approved meters on their wells for monitoring pumping and submit proof thereof to the Watermaster. The Watermaster or its designee shall provide forms to submit proof of meter installation. Each Party shall bear the cost of installing and maintaining meter(s) on each of its wells.

5.2 Meters. Approved meters are required, such as the SWIIM meter system that can electronically transmit water pumping and other data to the Watermaster in real time on a schedule as determined by the Watermaster, and include calibration by a qualified professional that the well owner will submit annually to the Watermaster. Upon installation and annually thereafter, each pumper shall arrange for the manufacturer or qualified installer of such meters to provide written verification to the Watermaster of the ongoing accuracy of the meter readings and meter calibration, as well as verification that there are no valves or other devices upstream of

the meter that could lead to pumped water being diverted before being read by the meter. The meter shall be accessible and installed according to good design practices. The Watermaster or its designee shall assist any Party having any question as to installation requirements.

5.3 Interim Meter Tests. Should a Party discover that the meter which measures the water pumping from any of the Party's wells is measuring inaccurately, the Party must immediately notify the Watermaster of the problem, and have the meter repaired within thirty (30) calendar days after discovery of the problem. Upon completion of such repair, the repaired meter shall be tested and sealed by any meter tester authorized by the Watermaster, as provided in these Rules and Regulations. Results of such meter tests shall be furnished to the Watermaster within ten (10) business days after testing.

5.4 Estimation of Pumping Due to Meter Maintenance. When pumping must be estimated due to lack of accurate meter measurements for any reason, the Watermaster or the Watermaster Technical Consultant must approve the method of estimation. A copy of the estimate calculations shall be supplied to the Watermaster.

5.5 Pumping Reports. The pumping reports described in Rule 4.2.6 shall be submitted to the Watermaster no later than December 15 of each Year.

ARTICLE VI

ASSESSMENTS

6.1 Assessments. The Watermaster's administrative budget shall be funded through the procedure described in the Judgment.

6.2 Delinquent Assessment Payments. Any assessment which becomes delinquent shall bear interest at the rate described in Water Code section 10730.6(b). This interest rate shall apply to any said delinquent assessment from the due date thereof until paid.

6.3 Levy. Unpaid Pumping Assessments and Overproduction Penalty Assessments will be recoverable as a lien against the parcel to which BPA is assigned and may be foreclosed in the manner provided by law. In addition, unpaid Pumping Assessments and Overproduction Penalty Assessments may be collected on the County property tax rolls, as allowed by law for public water agencies. The delinquent assessment, together with interest thereon, costs of suit, attorneys' fees and reasonable costs of collection, including obtaining a lien on the property, may also be collected pursuant to:

- (a) Motion by the Watermaster giving notice to the delinquent Party only;
- (b) Order to show cause proceeding, or
- (c) Such other lawful proceeding as may be instituted by the Watermaster or the Court.

6.4 Delinquent Assessment List. The Watermaster shall annually certify a list of all such unpaid delinquent assessments.

6.5 Assessment Accounting. The Watermaster shall account for receipt of all collections of assessments collected pursuant to the Judgment.

6.6 Payment of Assessments Pending Review. Payment of assessments levied by the Watermaster hereunder shall be made pursuant to the time schedule set forth in Sections IV.E(3) and V of the Judgment.

6.7 Assessment Adjustments. The Watermaster shall make assessment adjustments in whole or in part for assessments to any Party as a result of erroneous pumping reports or otherwise as necessary for the reporting period as either a credit or debit in the next occurring assessment invoice unless otherwise decided by the Watermaster. Assessment adjustments may be necessary due to overstated pumping, understated pumping, or errors in the assessment invoice discovered after the assessments have been approved.

EXHIBIT A: GOVERNANCE CHARTER

To achieve the mission of the Watermaster, Board members agree to the following goals for working together and membership on the Board:

- Commit to finding solutions for the common good to reduce critical overdraft in the Basin;
- Commit to the SGMA deadline of 2040 for reaching Sustainable Yield;
- Commit to working openly, honestly, and collaboratively with other Board members;
- Understand that different stakeholder interests must be considered to adequately evaluate all reasonable scenarios for resolving the overdraft; and
- Board members shall be principals or affiliates, not hired representatives of specific interests.

Section A – Unless otherwise directed by a Consensus of the Watermaster Board, Robert’s Rules of Order govern the operation of the Board in all cases not covered by this Governance Charter, though the Board may formulate specific procedural rules of order to govern the conduct of its meetings.

Section B – Meetings shall be held under the following discussion goals:

- Focus on the future as much as possible.
- All perspectives are valued. You are not required to defend your perspective, but you are asked to share it and to provide supporting rationale.
- All ideas have value. If you believe another approach is better, offer it as a constructive alternative.
- Everyone will have an equal opportunity to participate.
- Everyone will be encouraged to talk.
- One person speaks at a time.
- No side conversations.
- View disagreements as problems to be solved rather than battles to be won.
- Avoid ascribing motives to or judging the actions of others. Please speak about your experiences, concerns, and suggestions. Treat each other with respect.
- Avoid right-wrong paradigms.
- When communicating outside of a Watermaster Board meeting, Members are asked to speak only for themselves when asked about Watermaster activities unless there has been an official decision made by Watermaster consistent with the terms of the Judgment and these Rules and Regulations.

Section C – No vote of the Board shall be considered as reflecting an official decision of the Watermaster unless a vote was taken at a meeting conducted in compliance with the Judgment.

**Interim Borrego Springs Watermaster
Board of Directors Meeting
August 27, 2020
AGENDA ITEM IV.D**

To: Board of Directors
From: Samantha Adams (WEI), Executive Director
Andy Malone, PG (WEI), Lead Technical Consultant
Date: August 26, 2020
Subject: Verification of Meter Calibration, Installation, and Accuracy

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input type="checkbox"/> Information Only	<input type="checkbox"/> Cost Estimate:	\$

Recommended Action

Approve Resolution No. 20-03 of the Interim Borrego Springs Watermaster Establishing Criteria for Verification of Meter Calibration, Installation, and Accuracy

Fiscal Impact: None.

Background and Previous Actions by the Board

The Settlement Agreement, Stipulated Judgment, and Rules & Regulations require that all pumpers with a Baseline Pumping Allocation (BPA) install approved meters on their wells for monitoring of pumping and submit proof thereof to the Watermaster. At its March 30, 2020 Special Board meeting, the Board approved Resolution No. 20-02 establishing approved meters.

The Judgment and Rule & Regulations spell out the following additional requirements for meter installation and verification of meter accuracy:

- The Watermaster or its designee shall provide forms to submit proof of meter installation. Each Party shall bear the cost of installing and maintaining meter(s) on each of its wells. (Rules & Regulations section 5.1)
- Upon installation, and annually thereafter, each pumper shall arrange for the manufacturer or qualified installer of such meters to provide written verification to the Watermaster of the ongoing accuracy of the meter readings and meter calibration, as well as verification that there are no valves or other devices upstream of the meter that could lead to pumped water being diverted before being read by the meter. (Stipulated Judgment section IV.E(6), Rules & Regulations section 5.2)
- The Watermaster Technical Consultant shall propose, and the Watermaster Board shall adopt and maintain, rules and regulations regarding metering and data collection consistent with the provisions of the Judgment. (Rules & Regulations section 4.2.4)

- The meter shall be accessible and installed according to good design practices. The Watermaster or its designee shall assist any Party having any question as to installation requirements. (Rules & Regulations section 5.2)

Proof of Installation and Meter Verification

The Watermaster's inaugural year of groundwater pumping accounting begins on October 1, 2020. Prior to the start of the water year, the Board requires proof of meter calibration and installation and written verification by a third-party vendor of meter accuracy for all pumpers who are signatory to the Settlement Agreement (the settling parties). To assist the settling parties in completing these actions, the Watermaster should:

1. Provide a form that describes the information that must be submitted to the Watermaster as qualifying proof of meter calibration and installation.
2. Provide a form that describes the information that must be submitted to Watermaster to verify the accuracy of the meter readings upon installation, and annually thereafter.
3. Produce a list of qualified third-party vendors that can provide verification of meter installation and accuracy in the event that such verifications were not performed by the manufacturer of the meter upon installation.
4. Perform outreach to all settling parties to inform them of the requirements and deadline for submittal of information.
5. Publish these forms and a list of qualified third-party vendors that can provide verification of meter installation and accuracy on the Watermaster website.

The attached Exhibits 1 and 2 are the proposed forms for items (1) and (2) above, respectively. Each exhibit has attachments with examples of qualifying information that meets the requirements.

The attached Exhibit 3 is an initial list of qualified third-party vendors. WEI staff contacted each vendor to review its meter testing services and to collect and review sample forms used to document meter accuracy testing. This list can be expanded to include additional vendors in consultation with the Technical Consultant.

Recommended Next Steps

Approve Resolution No. 20-03 of the Interim Borrego Springs Watermaster Establishing Criteria for Verification of Meter Calibration, Installation, and Accuracy

Encl.

Resolution No. 20-03; Exhibit 1 – Requisite Information to Demonstrate Proof of Meter Calibration and Installation to the Borrego Springs Watermaster; Exhibit 2 – Requisite Information to Verify Accuracy of Meters to the Borrego Springs Watermaster; Exhibit 3 – Approved Third-Party Meter Verification Vendors

RESOLUTION NO 20-03 OF THE
BOARD OF DIRECTORS OF THE INTERIM BORREGO SPRINGS WATERMASTER Establishing Criteria for
Verification of Meter Calibration, Installation, and Accuracy

WHEREAS, the Settlement Agreement, Stipulated Judgment and Rules & Regulations of the Interim Borrego Springs Watermaster (“Watermaster”) require pumpers with Baseline Pumping Allocations to install Watermaster approved meters.

WHEREAS, the Watermaster adopted Resolution No. 20-02 establishing a list of approved meters on March 30, 2020.

WHEREAS, the Stipulated Judgment and Rules & Regulations require that upon installation, and annually thereafter, each pumper shall arrange for the manufacturer or qualified installer of such approved meters to provide written verification to the Watermaster of the ongoing accuracy of the meter readings and meter calibration.

WHEREAS, per section 5.1 of the Watermaster Rules & Regulations, the Watermaster or its designee shall provide forms to submit proof of meter installations.

WHEREAS, the first meter reading will be collected by October 1, 2020 and written verification of meter accuracy for existing and new wells must be submitted to Watermaster prior to the first meter read .

NOW, THEREFORE, be it resolved by the Board of Directors of the Interim Borrego Springs Watermaster, as follows:

1. The Board of Directors hereby approves the attached Exhibit 1 as the list of information that must be submitted to the Watermaster as qualifying proof of meter calibration and installation.
2. The Board of Directors hereby approves the attached Exhibit 2 as the list of information that must be submitted to the Watermaster to verify the accuracy of meter readings.
3. The Board of Directors hereby directs the Technical Consultant to maintain and publish to the Watermaster website a list of approved third-party vendors that can provide verification of meter installation and accuracy when these services are not performed by the manufacturers of the approved meter types.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Interim Borrego Springs Watermaster held on the 27th day of August 2020, by the following vote:

AYES:

NOES:

ABSENT:

President
Board of Directors

Secretary
ATTEST

**Exhibit 1
Requisite Information to Demonstrate Proof of Meter Calibration and Installation
to the Borrego Springs Watermaster**

For all new meter installations, the following information must be submitted to the Watermaster as proof of meter calibration and proper installation for each well owned by pumpers with a Baseline Pumping Allocation. The information can be submitted in any format, but all information is required to be considered complete. In the event that a required item cannot be provided, please provide a detailed explanation.

Pumper and Well Information:

- Pumper Name
- Well ID
- Well Name

Meter Information:

- Manufacturer
- Meter Type
- Meter Model
- Meter Size
- Serial Number
- Installation Date
- Certificate of factory calibration

Attachments A1 and A2 are examples of factory calibration forms.

Verification of Proper Installation

- Photographs of the well and meter that clearly show:
 - The meter make, model, and serial number
 - The meter read face
 - That there are no valves or other devices upstream of the meter that could divert water before being read by meter
- A signed letter from the manufacturer or qualified vendor verifying that:
 - There are no valves or other devices upstream of the meter that could divert water before being read by meter
 - The meter is accessible for meter reading
 - The meter has been installed according to good design practices

Attachment B is an example of an appropriate photographic log of well and meter.



Badger Meter

Order {[Order Number]}-{[Order Line Number]}

BMI Serial #:	51626244	BME Serial #:	1905-035
BMI Item #:	100-0072	BME Part #:	9010306
BMI Catalog String:	M2-030-P1-A-MWW-S-XXGF-STD		

Detector Type 2

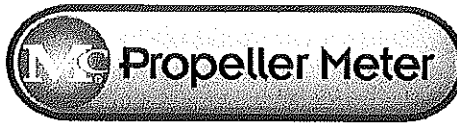
Nominal Size:	3 Inches or 80 DN	Pressure Rating:	150 ASA
Connection:	Type 2	Material:	C-Steel
Liner:	PTFE	Max Temperature:	212 °F or 100 °C
Electrode:	Hastelloy C22	Protection Class:	IP 67
Detector Housing:	C-Steel painted	Detector Offset:	-0.0046 m/s
Detector Constant:	1858.7		

Amplifier: M2000

Mounting:	Detector mounted	Protection Class:	IP 67
Amplifier Housing:	Cast aluminium	Cable Length:	N/A
Flow Range:	2.4 to 956 GPM	Flow Direction:	Bi-directional
Full Scale Flow (Qn):	200 GPM	Power Supply:	85-265 VAC
Min/Max Alarm:	Min = 0% Max = 100%	Low Flow Cut Off:	0.2%
Empty Pipe Detection Active:	Yes	Pulse Rate:	1 pulse / Gallon
Analog Output:	4...20 mA	Pulse Width:	1:1
Pulse Output:	Active (Open Collector)	Full Scale Flow:	200 GPM
Software	1.19 ES		

	<u>Flow Rate (% of Qn)</u>	<u>% Deviation</u>
Measure Point 1:	25	0.08
Measure Point 2:	50	-0.02
Measure Point 3:	75	-0.08

The calibration of the Badger Meter ModMag M1000, M2000, M3000, M4000, M5000 and 7600P meters, sizes ¼ inch through 20 inches, are traceable to the International Systems of units using the services of the Czech Metrology Institute (CMI). The National Institute of Standards and Technology (NIST) recognizes the validity of CMI's calibration and measurement certificates.



CERTIFIED TEST REPORT

CUSTOMER: FAIN DRILLING
MODEL NO: MW503
METER SERIAL NO: 20-00488

CONFIGURATION

METER INSIDE DIAMETER: 2.988
METER OUTSIDE DIAMETER: _____
TEST DATE: 1/17/2020
TEST FACILITY: Volumetric
IDEAL TEST CONSTANT: 6000

CALIBRATION DATA

	<u>Tested TC</u>	<u>GPM</u>	<u>Accuracy</u>
1	6008	261	100.1

CERTIFIED BY: Robert Galusha ID#: 176785 DATE: 1/17/2020

* This calibration was performed on a gravimetric or volumetric test facility, traceable to the National Institute of Standards and Technology, USA. The estimated flow measurement uncertainty of the calibration facilities are:
Gravimetric +/- 0.15% Volumetric +/- 0.5%



3255 WEST STETSON AVENUE
HEMET, CA 92545 USA
PHONE (951) 652-6811 / FAX (951) 652-3078
WEB SITE: <http://www.mccrometer.com> E-MAIL: customerservice@mccrometer.com



20-00488

Exhibit 2

Requisite Information to Verify Accuracy of Meters to the Borrego Springs Watermaster

The accuracy of the pumping meters installed at each well owned by pumpers with a Baseline Pumping Allocation, whether existing or new, must be verified by the Watermaster prior to the first meter read for the start of Water Year 2022, which starts on October 1, 2020. The accuracy of all meters must be verified annually thereafter.

The following information must be submitted to the Watermaster to verify the meter accuracy. The information can be submitted in any format, but all information is required to be considered complete. In the event that a required item cannot be provided, please provide a detailed explanation.

Pumper and Well Information:

- Pumper Name
- Well ID
- Well Name

Verification of Meter Accuracy

- A form prepared by a qualified vendor documenting the results of the meter accuracy test. The form must include and demonstrate:
 - The meter test date
 - The meter information (make, model, size, serial number, units of reporting)
 - The test information: test method, meter reads before and after test, metered flow, actual flow, accuracy of meter read.
 - The average accuracy result of at least two tests that measured meter accuracy.
- Photograph of the well meter face that verifies the beginning and end meter reads during the accuracy test. If the meter verification was performed prior after March 30, 2020 but before August 31, 2020, this information is not required.
- A signed letter from the manufacturer or qualified vendor that:
 - Reports the average accuracy (+/- %) of each meter tested
 - Indicates meters where the variability between at least two meter accuracy test results is greater than +/-5%. These meters require calibration to meet accuracy standards.
 - If a calibration is performed, submit forms documenting the calibration results and additional information from the vendor certifying the post-calibration accuracy. Calibration must be completed within 30 days of a finding that the meter does not meet the accuracy standards.

Attachments C1 and C2 are examples of meter accuracy tests performed by qualified vendors.



PUMP CHECK

Pumping Systems Analysts
Hydraulic Test Report

(951) 684-9801 • Lic. 799498 • Fax (951) 684-2988

CERTIFICATE OF ACCURACY

Customer: [REDACTED]
Location: [REDACTED]
Identification: [REDACTED]
System: [REDACTED]

Test Date: 09/17/2018

Meter Size: 6" Make: Water Specialties
Meter No: 973969-06 Register: CuFt x 100

General Data

Meter read before test: 401457 Meter read after test: 401473

Pipe ID: 8.0625 (Inch) Pipe area: 51.054 (sq.in.) Pressure: 5.0 (Lbs/sq.in.)

Test Data

Test Before Inspection

Test Equipment			Totalizer		Volume			Metered GPM	Percent of Flow
Test No.	Mano Read	Actual GPM	Second Read	First Read	Diff.	Convert to Gallons	Time in Seconds		
1	11.20	572	401461	401457	4	2,992	316.70	567	99.1%
2	11.15	569	401466	401461	5	3,740	397.50	565	99.2%
3	11.10	567	401472	401466	6	4,488	478.85	562	99.2%
Avg.		569.3					Avg.	564.6	99.2%

Remarks

34.07.466n117.43.232w
PC 3122/SCE 41078

Rhonda Steward
cn=Rhonda Steward, o=Pump
Check, ou,
email=rhonda@pumpcheck.c
om, c=US
2018.09.25 09:08:20 -0700'

Approved _____

McCall's Meters Inc.

Field Test Report

1498 Mesa View Street
Hemet, CA 92543
Tel: 951-654-3799 Fax: 951-654-3991

Utility: XXXXX
XXXXX
XXXXX

Date: 11-26-18
Tech: TD & ND

Account Number: XXXX
Meter Location:

Size: 8"
Manuf: Water Specialties
Type: Prop w/ transmitter
Ser No: 20070812-06

Test Point: Remove 1" sampler before meter and outside shed

Pipe I.D. 6.000 inches
Pipe Area: 28.27 sq. inches
Pressure: NA psi

Meter Readings:
Meterhead: 718122 Units: Gals x 1000
Remote: Units:

	Meter	Trans
Drive Gear	NA	
Driven Gear	NA	

TEST BEFORE REPAIR

Test No.	Pitot Data		Subject Meter Data						
	Mano. Diff.	Pitometer Flow GPM	Totalizer Units Gals x 1000		Test Run Volume Gallons	Test Run Time		Meter Flow GPM	Indicated Meter Accuracy
			Stop Read	Start Read		Min.	Sec.		
1	5.9	166.8	614316	614315	1000.0	5	47.6	172.6	103.5 %
2									
3									
4									
5									

	Meter	Trans
Drive Gear		
Driven Gear		

TEST AFTER REPAIR

1									
2									
3									
4									
5									

Remarks: The test results indicate proper meter accuracy.

Photographs 1 to 4: Flow meter installation



Photograph 1



Photograph 2



Photograph 3



Photograph 4

**Borrego Springs Watermaster
Qualified Vendors for Meter Verification and Calibration**

1. McCall's Meter Sales and Service, Inc.
 - a. Address and contact info
 - i. 1498 Mesa View Street, Hemet, CA 92543
 - ii. Office: (951) 654-3799
 - iii. Fax: (951) 654-3991
 - iv. <http://mccallsmeters.com/>

2. Pump Check
 - a. Address and contact info
 - i. P.O. Box 5646, Riverside, CA 92517
 - ii. Office: (951) 684-9801
 - iii. Fax: (951) 653-1950
 - iv. info@pumpcheck.com
 - v. <http://pumpcheck.com/>

**Interim Borrego Springs Watermaster
Board of Directors Meeting
August 27, 2020
AGENDA ITEM IV.E**

To: Board of Directors
From: Samantha Adams (WEI), Executive Director
Date: August 26, 2020
Subject: Initial Meter Reads for WY 2021

<input checked="" type="checkbox"/> For Action	<input type="checkbox"/> Fiscal Impact	<input type="checkbox"/> Funds Budgeted
<input type="checkbox"/> Information Only	<input type="checkbox"/> Cost Estimate:	\$

Recommended Action

Direct staff and counsel to: (1) work with BWD to develop an agreement to perform the initial meter reads and (2) execute the Right of Entry Permits with the pumpers.

Fiscal Impact: None. Pumpers bear the cost of installing, maintaining, and reading meters.

Background and Previous Actions by the Board

Section VI.A of the Stipulated Judgment requires that: “Parties holding BPA will install and maintain, at their own expense, meters approved by Watermaster that can electronically transmit a recording of the amount of Groundwater Pumped from the Basin and other data to the Watermaster in real time on a schedule as determined by the Watermaster. This meter program will result in cost savings by avoiding the need for the Watermaster to physically read, inspect and validate the accuracy of meters. Alternatively, any Party holding BPA may elect to install and maintain, at its own expense, other meters approved by Watermaster on condition that: (i) the Watermaster physically read the meters on the schedule determined by the Watermaster and the Party pay all costs associated with the Watermaster’s reading, accounting and reporting related to such meters; and (ii) the Party has executed an Entry Agreement as specified in Exhibit “8” for the purpose of allowing Watermaster access to the Party’s well.”

In discussions at prior meetings, the Board has identified that a meter read for September 30, 2020 must be reported to the Watermaster for all wells belonging to pumpers who are signatory to the Settlement Agreement (the settling parties). The meters for settling parties who elected to install manual read meters must be read by the Watermaster. As a cost-effective approach to reading these meters, the Board requested a quote from Borrego Water District (BWD) to perform the meter reads. It was identified that that the BWD cost is cheaper than utilizing WEI staff for this field work.

Discussion

To complete the meter reads by September 30, 2020, the following Watermaster actions are required:

1. Select a contractor to perform the manual read meters and execute any necessary agreements to contract for these services. To be selected, a contractor must be able to comply with the requirements of the Right of Entry Permit (Exhibit 8 to the Judgment).
2. Execute the required Right of Entry Permits with each pumper who has a manual meter on its well(s).
3. Develop a standard form/procedure for documenting the meter reads.
4. Determine the meter reading frequency following the initial meter read.

Although the BWD has been identified as a contractor that can perform the meter reading services and comply with the requirements of the Right of Entry Permit, some concerns have been raised with regard to transparency and equity:

- The intent of the provision in the Stipulated Judgment is to avoid self-reporting by the pumpers.
- Allowing BWD to read the meters is allowing self-reporting.
- It may not be possible to find a comparably priced approach to have a third party read the BWD meters, increasing the cost to BWD to report.

Given the minimal time available to complete tasks 1 through 4 above by September 30, 2020, staff recommends that the Watermaster only resolve a plan for the initial meter reading at this time. For the initial meter read, items 1 and 2 are critical path discussions for the August 27, 2020 Board meeting. Items 3 and 4 can be deferred to a subsequent discussion in early September.

Staff recommends that the Watermaster contract with the BWD to perform the initial meter reads. For this initial meter reading event, the transparency issues are proposed to be resolved by requiring that BWD provide time-stamped photographs of all meters read along with any hand written notes of the field meter reads.

Once the initial meter reading event is complete and the Watermaster has had the opportunity to assess the process, a long term plan for performing the manual meter reads can be developed.

Recommended Next Steps

Direct staff and counsel to: (1) work with BWD to develop an agreement to perform the initial meter reads and (2) execute the Right of Entry Permits with the pumpers.

Request for BWMB to be Grant Signatory

Every 10 years Borrego Springs rewrites/revises its Community Plan to present to San Diego County. The Borrego Valley Stewardship Council (BVSC) is currently working on a vision for Borrego Springs' future and including as many organizations, associations and community members as possible in this process. Our expectation is that these ideas and visions will inform and become part of the process to update the Borrego Springs Community Plan that is scheduled to begin in a few years. The BVSC has applied for a Department of Conservation, Sustainable Groundwater Management Coordinator Grant Program whose funds will allow the BVSC to hire a facilitator to lead us through this 2 year process.

The BWMB is asked to be a signatory on this grant request to show support and commitment to the process.

Attached is a sample letter of support which can be altered as desired.

Thank you,

Martha Deichler
Kathy Dice
Borrego Valley Stewardship Council

COOPERATOR/PARTNER LETTER

Shanna Atherton
Associate Environmental Planner
Division of Land Resource Protection
Department of Conservation

RE: 2020 Sustainable Groundwater Management Watershed Coordinator Grant Program

Dear Ms. Atherton and Grant Application Review Committee,

I am writing to offer our support for the Borrego Valley Stewardship Council (BVSC) effort to seek Department of Conservation funding for the 2020 Sustainable Groundwater Management Watershed Coordinator Grant Program.

<<NAME OF ORGANIZATION>> is a signatory of the BVSC’s Memorandum of Understanding. We support the premise that integrated land and watershed planning is critical to ensuring that the needs of all community members are addressed. Borrego Springs is at a pivotal juncture in its planning, simultaneously implementing its Groundwater Management Plan to comply with the Sustainable Groundwater Management Act and updating its Community Plan to guide future land-use decisions. These are the major governing documents that manage Borrego’s natural resources, and now is the time for the Borrego Springs community to define a vision for the future of its watershed.

In coordination with the BVSC, we will support development and implementation of the watershed coordination program through:

- The commitment of 3 to 6 hours per month (over the 3-year course of the grant period) of personal or staff time necessary to participate in integrated planning meetings, respond to information requests, provide access to necessary information, and providing feedback on work products; and
- A similar time commitment, as needed, to help to promote and/or participate in education and outreach initiatives; (and)

<<NAME OF ORGANIZATION>> looks forward to working with the BVSC as it facilitates collaborative efforts to improve the Borrego Springs watershed. We strongly encourage you to fund BVSC’s grant application.

Sincerely,

[NAME, TITLE, ORGANIZATION]