

Indian Wells
(760) 568-2611

Irvine
(949) 263-2600

Los Angeles
(213) 617-8100

Manhattan Beach
(310) 643-8448

Steven M. Anderson
(951) 826-8279
steven.anderson@bbklaw.com



BEST BEST & KRIEGER
ATTORNEYS AT LAW

3390 University Avenue, 5th Floor, P.O. Box 1028, Riverside, CA 92502
Phone: (951) 686-1450 | Fax: (951) 686-3083 | www.bbklaw.com

Ontario
(909) 989-8584

Sacramento
(916) 325-4000

San Diego
(619) 525-1300

Walnut Creek
(925) 977-3300

Washington, DC
(202) 785-0600

January 30, 2020

Mark Nordberg
California Department of Water Resources
Sustainable Groundwater Management Branch
901 P Street, Room 213
P.O. Box 942836
Sacramento, CA 94236

Re: Borrego Springs Subbasin No. 7-024.01 – Submission of GSP
Alternative for Department Review

Dear Mr. Nordberg,

Pursuant to Water Code sections 10733.6 and 10737.4, Borrego Water District (BWD) hereby submits to the Department of Water Resources (DWR) a proposed Stipulated Judgment, including a groundwater management plan (GMP), constituting a “Physical Solution,” for DWR’s review and approval to serve as an alternative to a groundwater sustainability plan (GSP) for the Borrego Springs Subbasin of the Borrego Valley Groundwater Basin, as defined by DWR Bulletin No. 118 as Subbasin No. 7-024.01 (Basin), in compliance with the Sustainable Groundwater Management Act (SGMA). A complaint seeking a comprehensive adjudication of the groundwater rights of the Basin has been filed by BWD in the Superior Court for San Diego County, pursuant to Code of Civil Procedure (CCP) sections 830, *et seq.* The comprehensive adjudication also seeks to sustainably manage the entirety of the Basin under SGMA.

BWD, together with the County of San Diego and collectively constituting the Borrego Valley Groundwater Sustainability Agency (BVGSA), developed a draft final GSP for the Basin, available at <https://www.sandiegocounty.gov/content/sdc/pds/SGMA/borrego-valley/GSP.html>. The County withdrew from the BVGSA effective December 31, 2019. The draft GSP has been modified to conform its terms to the Stipulated Judgment proposed in the comprehensive adjudication and repurposed as a GMP, an integral part of the proposed Stipulated Judgment. Both the original draft GSP and modified GMP cover the entirety of the Basin as defined by DWR. BWD, together with the stipulating parties, intend that the GMP, together with the Physical Solution embodied in the Stipulated Judgment, fulfill all of the substantive requirements for sustainable management of the Basin prescribed by SGMA.

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The complaint makes reference to the proposed Stipulated Judgment, GMP, and other documents described herein. As set forth in CCP section 838, it is expected that the Chairperson of the Judicial Council will assign this matter to a judge sitting outside San Diego County.

BWD submits the following documents in support of this submission:

1. Settlement Agreement – Agreement entered into by BWD, agricultural, and recreational interests in the Basin, collectively pumping more than 90% of Basin groundwater, to resolve disputes regarding water rights in the Basin and to agree to the Stipulated Judgment. Among other topics, the Settlement Agreement provides for the formation and funding of an interim Watermaster to manage the Basin during the pendency of the comprehensive adjudication, with court approval of such management via issuance of a preliminary injunction and other appropriate interlocutory orders. The BVGSA will continue to exist with BWD as the sole GSA, but will remain dormant during the pendency of the lawsuit and will be dissolved and replaced by the Watermaster once final Judgment issues. The Settlement Agreement includes the following exhibits:
 - A. Party List / Pumping volumes 2014 to 2018 (with 2018 being the last year when pumping data is currently available)
 - B. Form Answer
 - C. Stipulated Judgment (see below)
 - D. Stipulation
 - E. Interim Watermaster Budget
2. Proposed Stipulated Judgment, to be approved as part of the comprehensive adjudication, including the following exhibits:
 1. Proposed GMP
 2. Stipulation
 3. Minimum Following Standards
 4. Baseline Pumping Allocations
 5. Watermaster Rules and Regulations

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6. Water Rights Restrictive Covenant Forms
7. Processes for Selecting Watermaster Representatives
8. Entry Agreement Form
3. Elements Guide (Coordination Document) – Prepared to describe and cross-reference SGMA's regulatory requirements with the provisions of the Stipulated Judgment and GMP to assist DWR with its evaluation of these documents.
4. Resolution No. 2020-01-01 – Executed by BWD's Board of Directors authorizing (1) the Board President to execute the Settlement Agreement; (2) legal counsel to file the complaint to initiate the comprehensive adjudication; and (3) BWD staff to submit this GSP alternative to DWR.
5. CEQA Notice of Exemption for Resolution No. 2020-01-01.
6. Complaint seeking a comprehensive adjudication of Basin groundwater rights.

BWD submits that, upon DWR's approval and upon entry of the Stipulated Judgment in the comprehensive adjudication, management pursuant to the proposed Physical Solution, including the initial interim management, will satisfy the objectives and requirements of SGMA to manage the Basin sustainably. BWD appreciates DWR's guidance during the preparation of this GSP alternative. If you have questions or need additional information, please do not hesitate to contact me.

Sincerely,



Steve Anderson
of BEST BEST & KRIEGER LLP
General Counsel, Borrego Water District

cc: Geoff Poole, BWD