

# **Borrego Springs Watermaster**

*c/o West Yost • 23692 Birtcher Drive • Lake Forest, CA 92630*

June 15, 2021

Craig Altare  
California Department of Water Resources  
Sustainable Groundwater Management Office  
P.O. Box 942836 Sacramento, CA 94236-0001  
Craig.Altare@water.ca.gov

Dear Mr. Altare,

As the recently confirmed Borrego Springs Watermaster Board, we are pleased to submit to you the requested update to the Alternative Elements Guide submission package for Borrego Springs Subbasin No. 7.024-01 ("Basin") to facilitate your review of the alternative plan. As you know, our plan is set forth in a Judgment entered by the Orange County Superior Court on April 8, 2021.

This alternative plan is submitted as a result of the exercise of the Comprehensive Groundwater Adjudication Statute (Code of Civ. Proc. §§ 830 et seq.). This Statute allowed the Basin to go beyond what could have been accomplished pursuant to a GSP that would have been submitted by the GSA and, of particular note, the alternative GSP we are operating under:

- *resolved* all water rights disputes
- provided an *accelerated* path to groundwater sustainability by our community; and
- *avoided* the economic and social costs that would have resulted from protracted litigation, which would have ensued absent addressing water rights issues facing the community.

After decades of discussion among pumpers that failed to produce a resolution for the Basin, the friendly adjudication process provided a path to solve the issues facing this critically overdrafted Basin including meeting the requirements of the Sustainable Groundwater Management Act ("SGMA"). We are proud that our community developed this solution together.

This process required compromise by all parties and required that all face the realities of a material change in prior pumping and groundwater management practices, resulting in economic impact to each pumper. The ability of this community to come together in compromise to result in compliance with SGMA; to result in resolving water rights issues; and to result in a plan for adaptive management of the Basin over time pursuant to its Groundwater Management Plan ("GMP") should be affirmed by DWR and held out as a model for how groundwater management disputes should be resolved by others in California.

The Judgment entered on April 8, 2021 adopts the GMP, and the GMP is administered by a Court-established Watermaster and Watermaster Board ("WMB"). The WMB is advised by a Technical Advisory Committee populated by experts in hydrogeology and related sciences. The Judgment and GMP contained therein implement a "physical solution" for the Basin and satisfy the substantive objectives of SGMA. The physical solution embodied in the Judgment meets the overarching sustainability goal of SGMA to operate the Basin within its sustainable yield without causing undesirable results. Accordingly, the Judgment:

## **Board of Directors**

*David Duncan (Chairperson) • Shannon Smith (Vice Chairperson)*  
*• Mike Seley • Mark Jorgensen • Jim Bennett*

1. Comprehensively adjudicates all common law groundwater rights in the Basin consistent with reasonable and beneficial use under Article X, section 2 of the California Constitution;
2. Provides a physical solution for the long-term management of the Basin and the pumping and use of groundwater without causing undesirable results, consistent with the objectives of SGMA; and
3. Allows the community to comply with the objectives and dictates of SGMA.

Pursuant to Water Code section 10737.4(a)(1), the Borrego Water District, as plaintiff in the friendly adjudication, has submitted the final Judgment to you for evaluation and assessment as an alternative GSP.

We respectfully request that DWR confirm that the final Judgment meets your requirements as an alternative GSP at your earliest convenience. We welcome the opportunity to meet with you to discuss any questions you may have with respect to the final Judgment. In the interim, we will be managing the Basin pursuant to the GMP where we have already begun the accelerated pumping reductions that are necessary to reach sustainability.

Respectfully submitted,

Borrego Springs Watermaster Board



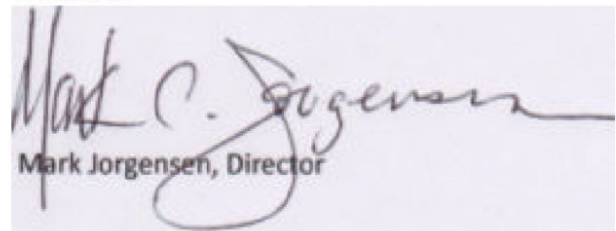
Dave Duncan, Chairperson



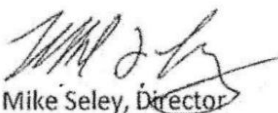
Shannon Smith, Vice Chairperson, Secretary, and Treasurer

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Jim Bennett, Director



Mark Jorgensen, Director



Mike Seley, Director