

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER

APR 08 2021

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

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

BORREGO WATER DISTRICT,
Plaintiff,

v.

ALL PERSONS WHO CLAIM A RIGHT TO
EXTRACT GROUNDWATER IN THE
BORREGO VALLEY GROUNDWATER
SUBBASIN NO. 7.024-01 WHETHER
BASED ON APPROPRIATION,
OVERLYING RIGHT, OR OTHER BASIS
OF RIGHT, AND/OR WHO CLAIM A
RIGHT TO USE OF STORAGE SPACE IN
THE SUBBASIN; AGRI-EMPIRE, ~~et al~~,

Defendants.

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

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

Complaint filed : January 30, 2020
Trial Date:

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

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

19 **FINDINGS OF FACT & LAW**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 Dated: 4/8, 2021



17
18
19 Honorable Peter Wilson
20 Judge of the Superior Court
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EXHIBIT A-1

Exhibit A1 p. 1

Section 4 Actions Pending Entry of Judgment

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

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

Exhibit A1 p. 2

Section 4 Actions Pending Entry of Judgment

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

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

Exhibit A1 p. 3

Section 4 Actions Pending Entry of Judgment

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

Name	Allocation or BPA (Acre Feet)	Initial Assessment Per BPA AF	Section 4 Actions Pending Judgment Due from Non-Settling Parties	Original Billing to Settling Parties
RTA Borrego, LLC	12	\$ 48.00	\$ 576.00	
Jose G. & Maria E. Sanchez	4	\$ 48.00	\$ 192.00	
Seley Ranches, L.P.	2,226	\$ 48.00		\$ 106,848.00
Shenandoah Growers, Inc.	61	\$ 48.00		\$ 2,928.00
Max Siefker	2	\$ 48.00	\$ 96.00	
Brian Siefker, trustee of the Brian Siefker Trust 12-18-01	3	\$ 48.00	\$ 144.00	
Kent R. Smith, trustee of the Smith Kent R. Revocable Living Trust 01-04-90	32	\$ 48.00	\$ 1,536.00	
The Springs RV and Golf Resort, LP	287	\$ 48.00		\$ 13,776.00
T2 Borrego LLC	965	\$ 48.00		\$ 46,320.00
T2 Borrego, LLC (Ram's Hill Golf Club)	2,518	\$ 48.00		\$ 120,864.00
T2 Farms, LLC	485	\$ 48.00		\$ 23,280.00
Bagdasarian Farms, LLC	1,142	\$ 48.00		\$ 54,816.00
Joel Vanasdlen	36	\$ 48.00	\$ 1,728.00	
Michael C. Ward	82	\$ 48.00	\$ 3,936.00	
Wisdom Gabriel B&Weis-Wisdom Diana Family 2008 Trust 08-01-08	1	\$ 48.00	\$ 48.00	
William D. Wright and Edna J. Wright, co-trustees of the Wright Family Living Trust 06-19-89	158	\$ 48.00	\$ 7,584.00	
TOTAL	24,335		\$ 103,968.00	\$ 1,062,096.00
Less: Allocations to ABDSP and Borrego Unified School District	42			
Total BPA per Exhibit 4	24,293			

EXHIBIT A-2

Exhibit A2 p. 1

Allocation of GSP Preparation Costs

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

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

Exhibit A2 p. 2

Allocation of GSP Preparation Costs

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

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

Exhibit A2 p. 3

Allocation of GSP Preparation Costs

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

Name	Allocation or BPA (Acre Feet)	Proportionate Responsibility	Settlement Agreement Section 6.1 GSP Prep Costs \$ 113,333.33	Original Billing to Settling Parties	Due From Non-Settling Parties (Due To) Settling Parties
Kent R. Smith, trustee of the Smith Kent R. Revocable Living Trust 01-04-90	32	0.1315%	\$ 149.03	\$ -	\$ 149.03
The Springs RV and Golf Resort, LP	287	1.1794%	\$ 1,336.62	\$ 2,343.52	\$ (1,006.90)
T2 Borrego LLC	965	3.9655%	\$ 4,494.24	\$ 4,937.77	\$ (443.53)
T2 Borrego, LLC (Ram's Hill Golf Club)	2,518	10.3472%	\$ 11,726.87	\$ 12,884.26	\$ (1,157.39)
T2 Farms, LLC	485	1.9930%	\$ 2,258.75	\$ 2,481.68	\$ (222.93)
Bagdasarian Farms, LLC	1,142	4.6928%	\$ 5,318.54	\$ 5,843.45	\$ (524.91)
Joel Vanasdlen	36	0.1479%	\$ 167.66	\$ -	\$ 167.66
Michael C. Ward	82	0.3370%	\$ 381.89	\$ -	\$ 381.89
Wisdom Gabriel B&Weis-Wisdom Diana Family 2008 Trust 08-01-08	1	0.0041%	\$ 4.66	\$ -	\$ 4.66
William D. Wright and Edna J. Wright, co-trustees of the Wright Family Living Trust 06-19-89	158	0.6493%	\$ 735.84	\$ -	\$ 735.84
					\$ -
TOTAL	24,335	100.0000%	\$ 113,333.33	\$ 113,333.33	\$ (0.00)
Less: Allocations to ABDSP and Borrego Unified School District	42				
Total BPA per Exhibit 4	24,293				

EXHIBIT B

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

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

Property / Business Name		Pumper	Annual Production By Year (Acre-Feet)				
			2015*	2016	2017	2018	2019*
Agricultural Water Use***							
Agri Empire	Agri Empire		0.00	342.26	0.00	0.00	0.00
B & J Landscaping	B & J Landscaping (Alan & Tracy Asche)		3.83	3.83	0.00	0.00	0.00
Bailey	Gary D. & Darlis A. Bailey		4.33	4.26	4.26	4.26	4.26
Bauer Farm	D&J Bauer Family Trust 11-18-04		1,807.63	1,807.63	1,807.63	1,807.63	1,807.63
Burnand	T2 Borrego LLC (Burnand)		753.79	753.79	0.00	0.00	0.00
Carpenter Family	Carpenter Family Trust 12-11-07		5.69	4.33	4.33	4.33	4.33
Center Pivot**	T2 Borrego LLC (Center Pivot)**		93.30	66.04	0.00	0.00	0.00
Cogan	JM RoadRunner LLC (Cogan)		530.34	549.46	549.46	549.46	549.46
Crumlin	Crumline Family Trust 04-19-06		20.75	20.75	20.75	26.90	26.90
Desert Flora Nursery	Desert Flora Nursery (John B. & Silvia H. Hogan)		7.99	7.99	7.99	7.99	7.99
Ellis Farms (West Coast Trees)	Ellis Farms (West Coast Trees; John Doljanin)		898.57	881.24	893.07	820.00	820.00
Fortiner	T2 Farms LLC		485.47	485.47	485.47	485.47	485.47
Fortiner WC Site**	T2 Borrego LLC (Fortiner)**		638.86	270.24	0.00	0.00	0.00
Mountain Springs Organics LLC	Mountain Springs Organics (Gaminl D. Weerasekera)		58.51	78.26	119.11	72.63	72.63
Navarro	Manuel & Araceli C. Navarro		13.58	13.58	13.58	13.58	13.58
	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Cogan Ranch)		686.27	686.27	686.27	686.27	686.27
OASIS - Cogan Ranch	Conzelman Family Trust A 11-22-83 (OASIS - De Anza Ranch)		636.31	636.31	465.38	465.38	465.38
	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gable House)		485.96	485.96	485.96	485.96	485.96
OASIS - Gable House	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gable House)		485.96	485.96	485.96	485.96	485.96
	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Gligl Ranch)		875.67	875.67	875.67	875.67	875.67
OASIS - Gligl Ranch	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Peg Log Ranch)		675.51	675.51	675.51	675.51	675.51
OASIS - Peglog Ranch	Conzelman Family Trust A 11-22-83; Conzelman Family Trust C 11-22-83; Jensen Family Trust 8-05-83; Sommerville Trust 11-22-83 (OASIS - Ranch Caterina)		1,379.03	1,379.03	1,379.03	1,041.41	1,041.41
OASIS - Rancho Caterina	Ronald Pecoff		112.75	112.75	89.72	84.36	84.36
Pecoff	JM RoadRunner LLC (Road Runner I)		615.03	636.20	637.34	515.53	515.53
Road Runner I	JM RoadRunner LLC (Road Runner II)		387.07	387.07	387.07	363.89	363.89
Road Runner II	Jose G. & Maria E. Sanchez		4.26	4.26	1.20	1.20	1.20
Sanchez	Seley Ranches LP		1,950.81	1,994.94	2,026.84	1,945.90	1,945.90
Seley Ranch	Shenandoah Growers, Inc. (former Sonora Desert Palms)		60.74	60.74	0.00	20.66	40.02
Shenandoah Growers, Inc.	Trojan Citrus LLC		795.49	795.49	1,142.34	1,142.34	1,142.34
Trojan Citrus	Joel Vanasden		26.12	7.09	0.00	0.00	0.00
Vanasden	Lundberg Family Trust (formerly Lundavid LLC) (Cert. No. 2014-003-0001) (Viking 2)**		0.00	0.00	0.00	0.00	0.00
Viking II WC Site**	Michael C. Ward		81.54	81.54	81.54	81.54	81.54
Ward	William M. Bauer		670.16	670.16	670.16	670.16	670.16
William Bauer	Wright Family Living Trust 06-19-89		158.43	158.43	158.43	158.43	158.43
Wright Family Living Trust	The Springs LLC (Wright 2)**		169.94	70.81	0.00	0.00	0.00
Wright WC Site**							
Sub-total Agricultural Water Use			15,093.73	15,007.35	13,668.09	13,006.45	13,025.81
Golf Course Water Use							
Borrego Springs Resort (Borrego Springs Country Club)****	Borrego Nazareth LLC (Borrego Springs Resort)****		655.22	625.34	717.33	717.33	625.50
Club Circle****	Borrego Nazareth LLC (Circle Club)****		66.39	72.80	71.60	71.60	71.60
De Anza***	De Anza Country Club***		954.57	963.79	963.27	937.54	825.52
Road Runner***	Road Runner Golf & Country Club***		348.83	348.83	348.83	348.83	348.83
The Springs at Borrego Springs****	The Springs at Borrego Springs****		114.69	94.26	163.38	184.28	184.28
Ram's Hill	T2 Borrego, LLC (Ram's Hill Golf Club)		997.70	940.20	794.50	714.36	751.94
Sub-total Golf Water Use			3,137.39	3,045.22	3,058.91	2,973.94	2,807.67
Municipal Water Use							
Borrego Water District	Borrego Water District		1,719.91	1,610.42	1,568.04	1,593.74	1,466.48
Sub-total Municipal Water Use			1,719.91	1,610.42	1,568.04	1,593.74	1,466.48
Other Non-De Minimis Water Users***							
Casa Del Zorro***	C W C Casa Del Zorro LLC***		12.91	12.91	12.91	11.36	11.36
Borrego Elementary***	Borrego Unified School District (Borrego Elementary)***		19.09	19.09	19.03	25.16	25.16
Air Ranch*****	Borrego Air Ranch Mutual Water & Improvement Co*****		12.00	12.00	12.00	12.00	12.00
State Park-Palm Canyon*****	Anza-Borrego Desert State Park (State of CA)*****		6.40	5.72	4.00	4.00	4.00
Sub-total Other Non-De Minimis Water Use			50.40	49.72	47.93	52.51	52.51
De Minimis Water Users							
Domestic (count = 49)			24.50	24.50	24.50	24.50	24.50
Industrial (count = 3)			1.50	1.50	1.50	1.50	1.50
State (count = 1)			0.50	0.50	0.50	0.50	0.50
Sub-total De Minimis Water Use			26.50	26.50	26.50	26.50	26.50
Total Water Use			20,028	19,739	18,369	17,653	17,379

Notes:

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

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

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

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

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

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