# County of San Diego

**MARK WARDLAW**
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**DARREN GRETLER**
ASSISTANT DIRECTOR
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January 13, 2016

Mark Nordberg, GSA Project Manager
Senior Engineering Geologist
Department of Water Resources
901 P Street, Room 213A
Post Office Box 942836
Sacramento, CA 94236

Delivery via E-Mail and US Mail
(MarkNordberg@water.ca.gov)

**NOTICE OF ELECTION TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY FOR THE BORREGO VALLEY GROUNDWATER BASIN**

Dear Mr. Nordberg:

Pursuant to California Water Code Section 10723.8, the County of San Diego (County), a political subdivision of the State of California, gives notice to the California Department of Water Resources (DWR) of the County's decision to become a Groundwater Sustainability Agency (GSA) and to undertake sustainable groundwater management in the portion of the Borrego Valley Groundwater Basin (DWR Basin No. 7-24) within the boundary of San Diego County. The County overlies a portion of the basin as indicated on the attached map (Exhibit A of Attachment 1).

On January 6, 2016, the County Board of Supervisors held a public hearing in accordance with California Water Code Section 10723(b). The public hearing was noticed in the Daily Transcript in accordance with Government Code Section 6066 (Attachment 2).

After holding the public hearing, the County Board of Supervisors adopted Resolution Number 16-001 (Attachment 1) electing to become a GSA over the portion of the Borrego Valley Groundwater Basin within the boundary of San Diego County. No new bylaws, ordinances, or authorities were adopted by the County at that time.

The County is coordinating with Borrego Water District (BWD), which also submitted notice of election to DWR to become a GSA over the Borrego Valley Groundwater Basin within San Diego County. The County and BWD intend to work cooperatively to jointly manage groundwater in the basin. The County of Imperial and Imperial Irrigation District provided notice of election to DWR to become GSAs over the portion of the basin within

Imperial County. It should be noted that BWD and the County intend to submit a basin boundary adjustment under separate cover which will request that DWR adjust the basin boundaries in Bulletin 118-2003.

The County Board of Supervisors authorized the Director of Planning & Development Services to negotiate inter-agency agreements with BWD, the County of Imperial, Imperial Irrigation District, and/or other agencies or entities utilizing groundwater in the Borrego Valley Groundwater Basin, as necessary for the purpose of implementing a cooperative and coordinated governance structure to sustainably manage the basin.

Pursuant to California Water Code Section 10723.2, the County will consider the interests of all beneficial uses and users of groundwater, as well as those responsible for implementing a Groundwater Sustainability Plan (GSP). An initial list of stakeholders and interested parties include, but are not limited to, the following:

a) Holders of overlying groundwater rights, including:
   1) Agricultural users – 17 property owners encompassing about 3,976 acres.
   2) Domestic well owners – About 275 wells within the GSA boundary.
b) Municipal well operators – No incorporated cities within the GSA boundary.
c) Public water systems – Borrego Water District.
d) Local land use planning agencies – County of San Diego and Borrego Springs Community Sponsor Group.
e) Environmental users of groundwater – Anza-Borrego Desert State Park.
f) Surface water users, if there is a hydrologic connection between surface and groundwater bodies – No hydrologic connection.
g) The federal government, including, but not limited to, the military and managers of federal lands – None.
h) California Native American tribes – None.
i) Disadvantaged communities, including, but not limited to, those served by private domestic wells or small community water systems – Borrego Water District ratepayers and domestic well owners.
j) Entities listed in Section 10927 that are monitoring and reporting groundwater elevations in all or a part of a groundwater basin managed by the groundwater sustainability agency – The BWD and County have filed and maintain California Statewide Groundwater Elevation Monitoring (CASGEM) monitoring data with the DWR.

The County intends to work cooperatively with stakeholders to develop and implement the GSP for the Borrego Valley Groundwater Basin and will maintain a list of interested parties to be included in the formation of the GSP. By this notification, the County has provided DWR with all applicable information in California Water Code Section

10723.8(a). If you have any questions, or require additional information, please contact the County Groundwater Geologist, Jim Bennett, at (858) 694-3820.

Sincerely,

MARK WARDLAW, Director
Planning & Development Services

Attachments:
Attachment 1 – Resolution No. 16-001 (with Exhibit A – Borrego Valley Groundwater Basin Map)
Attachment 2 – Proof of Publication

# Attachment 1 – Resolution No. 16-001 (with Exhibit A – Borrego Valley Groundwater Basin Map)

Resolution No.:16-001
Meeting Date: 1/6/16 (1)

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY OVER BORREGO VALLEY GROUNDWATER BASIN.**

**WHEREAS,** on September 16, 2014, the Sustainable Groundwater Management Act (SGMA) was signed into law and adopted into the California Water Code, commencing with Section 10720, and became effective on January 1, 2015;

**WHEREAS,** the legislative intent of the SGMA is to provide for sustainable management of groundwater basins and sub-basins defined by the California Department of Water Resources (DWR), to enhance local management of groundwater, to establish minimum standards for sustainable groundwater management, and to provide local groundwater agencies with the authority and the technical and financial assistance necessary to sustainably manage groundwater;

**WHEREAS,** Water Code Section 10723(a) authorizes local land use authorities, water suppliers, and certain other local agencies, or a combination of local agencies, overlying a groundwater basin to elect to become a Groundwater Sustainability Agency (GSA) for the basin;

**WHEREAS,** San Diego County (County) is a local agency qualified to become a GSA under SGMA;

**WHEREAS,** the County overlies a portion of Borrego Valley (DWR Basin No. 7-24), a DWR-designated medium-priority, non-adjudicated groundwater basin, as shown on the map at Exhibit "A" attached to this Resolution.

**WHEREAS,** California Water Code Section 10723.8 requires that a local agency electing to serve as a GSA notify DWR of its election to form the GSA and undertake sustainable groundwater management within a basin;

**WHEREAS,** California Water Code Section 10723.8 mandates that within 90 days of the posting of a notice by DWR of an entity's election to form a GSA, that entity shall be presumed to be the exclusive GSA for that area unless another entity provides notice to DWR of its intent to form a GSA, or notice that the entity has formed a GSA;

**WHEREAS,** on August 11, 2015 the County of Imperial provided notice to DWR of election to form a GSA within the portion of Borrego Valley that lies within their jurisdiction;

**WHEREAS,** on October 27, 2015 Borrego Water District (BWD) provided notice to DWR of its election to form a GSA within the portion of Borrego Valley that lies within its jurisdiction;

**WHEREAS,** California Water Code Section 10724(a) states that if there is an area within the basin that is not within the management area of another entity, the County will be presumed to be the GSA for that area;

**WHEREAS,** no other entities have jurisdiction over the Borrego Valley Groundwater Basin in its entirety within San Diego County;

**WHEREAS,** the County intends to work cooperatively with the BWD, the County of Imperial, and community interests to form a GSA over Borrego Valley Groundwater Basin;

**WHEREAS,** the County is uniquely qualified to become the GSA over that portion of Borrego Valley Groundwater Basin located within the County as a result of its;

- current jurisdiction over the entire extent of Borrego Valley Groundwater Basin within the County of San Diego (reference Exhibit "A");
- experience in regulating groundwater through the San Diego County Groundwater Ordinance (San Diego County Code Title 6, Division 7, Chapter 7 Groundwater), and groundwater monitoring via the County's role of administering and enforcing State standards and local ordinances pertaining to the construction or destruction of any well or boring within the County (Article 4, Section 67 of the San Diego County Code and the California Well Standards Bulletin 74-90); and
- experience regulating groundwater use by making land use decisions based on the availability of groundwater for project use and whether or not the project will negatively impact groundwater quantity or quality.

**WHEREAS,** establishing the County as a GSA will enable the County to coordinate well permitting and extraction allocations with Groundwater Sustainability Plan (GSP) requirements, apply uniform basin management requirements, and ensure diverse stakeholder interests are represented during GSP development;

**WHEREAS,** the County is committed to the management of its groundwater resources to create and promote sustainable groundwater use for the residents of the State of California, the County of San Diego, and Borrego Valley, in particular;

**WHEREAS,** the County held a public hearing on January 6, 2016 after publication of notice pursuant to Government Code Section 6066 to consider adoption of this Resolution; and

**WHEREAS,** no new bylaws were adopted in conjunction with this Resolution and the County's existing Board of Supervisors will serve for governance purposes of the GSA or until the County and BWD cooperatively adopt a governing structure for a unified GSA; and

**WHEREAS,** adoption of this Resolution does not constitute a "Project" under the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines because it is an administrative action that does not result in any direct or indirect physical change in the environment.

**THEREFORE, BE IT RESOLVED** that the Board of Supervisors of the County of San Diego does hereby elect to become a GSA for the portion of DWR Basin No. 7-24 within the jurisdiction of the County of San Diego, pursuant to California Water Code Section 10723, as shown on Exhibit "A" attached to this Resolution.

**BE IT FURTHER RESOLVED** that the County shall develop an outreach program to ensure that all beneficial uses and users of groundwater are considered.

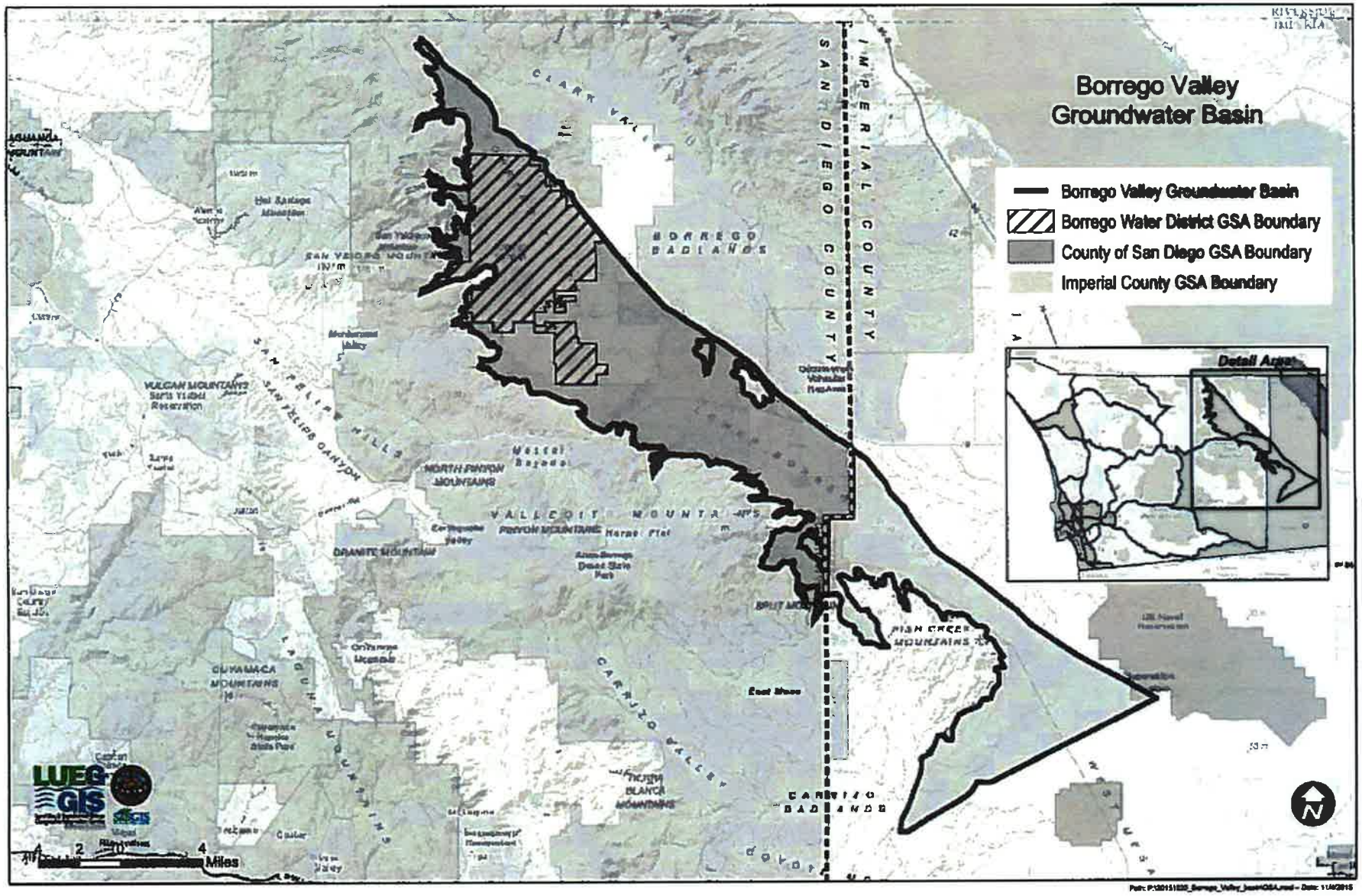
**BE IT FURTHER RESOLVED** that the Clerk of the Board of Supervisors is hereby directed to submit to DWR, on behalf of the County, a notice of this action to become a GSA and undertake sustainable groundwater management in accordance with SGMA for the portion of DWR Basin No. 7-24 within the jurisdiction of the County of San Diego.

**BE IT FURTHER RESOLVED** that the notification to DWR shall include the boundary of the portion of DWR Basin No. 7-24 within the jurisdiction of the County of San Diego that the County intends to sustainably manage, a copy of this Resolution, and the initial list of interested parties developed pursuant to California Water Code Section 10723.2, including an explanation of how their interests will be considered in the development and implementation of the GSP.

Approved as to form and legality

Senior Deputy County Counsel
By: Justin Crumley

Exhibit A


Borrego Valley
Groundwater Basin
Borrego Valley Groundwater Basin
Borrego Water District GSA Boundary
County of San Diego GSA Boundary
Imperial County GSA Boundary
Detail Area
CLARK VALLEY
BORREGO BADLANDS
SAN DIEGO COUNTY
IMPERIAL COUNTY
SAN FELIPE HILLS
SAN FELIPE CANYON
VULCAN MOUNTAINS
NORTH PINYON MOUNTAINS
VALLECITO MOUNTAINS
PINYON MOUNTAINS
GRANITE MOUNTAIN
CUYAMACA MOUNTAINS
LAGUNA MOUNTAINS
CARRIZO VALLEY
CARRIZO BADLANDS
PISH CREEK MOUNTAINS
East Mesa
LUEG GIS
Miles

ON MOTION of Supervisor D. Roberts, seconded by Supervisor Jacob, the above Resolution was passed and adopted by the Board of Supervisors, County of San Diego, State of California, on this 6th day of January, 2016, by the following vote:

**AYES:** Cox, Jacob, D. Roberts, R. Roberts, Horn

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STATE OF CALIFORNIA)
County of San Diego)SS

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.

DAVID HALL
Clerk of the Board of Supervisors

By: _____
Elizabeth Miller, Deputy

Resolution No. 16-001
Meeting Date: 01/06/16 (1)

# Attachment 2 – Proof of Publication

**THE DAILY TRANSCRIPT**

This space for filing stamp only

2652 4TH AVE 2ND FL, SAN DIEGO, CA 92103
Telephone (619) 232-3486 / Fax (619) 270-2503

Jim Bennett
SD CO CLERK OF THE BOARD
1600 PACIFIC HWY., RM. 402
SAN DIEGO, CA - 92101

SD#: 2825264

NOTICE IS HEREBY GIVEN that the Board of Supervisors of the County of San Diego (County) will consider whether to elect to become a Groundwater Sustainability Agency (GSA) for the Borrego Valley Groundwater Basin. Pursuant to California Government Code section 6066 and California Water Code section 10723, the resolution to become a GSA will be considered for adoption on January 6, 2016. After the public hearing, the Board may elect to submit a notice of intent for the County to become a GSA to the California Department of Water Resources (DWR). The notice of intent shall be posted by DWR pursuant to Water Code Section 10733.3 and will include a description of the proposed boundaries of the basin for which the County will be the GSA. The Board of Supervisors meets at 9:00 a.m. in Room 310, County Administration Center, 1600 Pacific Highway, San Diego, California. Interested persons are encouraged to review the text of the proposed resolution. A copy of the full text is posted in the office of the Clerk of the Board of Supervisors, Room 402, of the County Administration Center.
12/21, 12/28/15

**SD-2825264#**

# PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California )
County of SAN DIEGO ) ss

Notice Type: GOV - GOVERNMENT LEGAL NOTICE

Ad Description:

AUTHORIZATION TO BECOME A GROUNDWATER SUSTAINABILITY AGENCY OVER

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of THE DAILY TRANSCRIPT, a newspaper published in the English language in the city of SAN DIEGO, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SAN DIEGO, State of California, under date of 05/13/2003, Case No. GIC808715. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

12/21/2015, 12/28/2015

Executed on: 12/28/2015
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature

*A0000039670 03*