

Meeting Date: October 11, 2023 (02)

ORDINANCE NO. 10866 (N.S.)
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ADMINISTRATIVE CODE ARTICLE
10249 SECTIONS 67.720 AND 67.750, RELATING TO GROUNDWATER

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors intends by this ordinance to comply with Judgment Findings and Order for California Superior Court Case No. 37-2020-00005776; *Borrego Water District v. All Persons who claim a right to extract Groundwater in the Borrego Valley Groundwater Subbasin No. 7.024-01, et al.* Nothing in the ordinance is intended to supersede any requirements imposed on water service adopted by any local public agency water provider or any other water purveyor.

Section 2. Section 67.720 of the San Diego County Administrative Code is hereby amended to read as follows:

SEC. 67.720. (Borrego Valley)

The following provisions apply to Projects that would extract or use groundwater resources in the Borrego Springs Subbasin. This area is identified in *California's Groundwater (Bulletin 118)* as basin No. 7-024.01 (California Department of Water Resources. 2020 update).

Water rights in the Borrego Springs Subbasin have been adjudicated. The adjudication of groundwater pumping rights in the Borrego Springs Subbasin was approved by the Superior Court of California on April 8, 2021: *Borrego Water District 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; et al.* (Case No. 37-2020-00005776) [2021 Judgment].

All future water pumping will be subject to the 2021 Judgment and governed by the Borrego Springs Watermaster (Watermaster). The Watermaster, with oversight from the Superior Court of California, is the entity primarily responsible for managing groundwater resources in the Borrego Springs Subbasin and tasked with ensuring water is allocated according to established water rights. Water production in the Borrego Springs Subbasin is authorized and constrained in accordance with all terms and provisions contained in the 2021 Judgment and contained in Watermaster Rules and Regulations (adopted and amended from time to time in order to implement the terms of the 2021 Judgment). The 2021 Judgment assigns Baseline Pumping Allocations (BPAs) to specific landowners (except as to specific public agencies named in the 2021 Judgment) and attaches that BPA to parcels or wells in the basin. The BPA becomes the basis for annual pumping allowances to ensure sustainable groundwater management of the basin.

- A. A Project listed in Section 67.711 proposing to use groundwater shall obtain adequate BPA for all proposed water uses in accordance with the requirements of the 2021 Judgment: Prior to approval of a Project, the applicant shall demonstrate to the satisfaction of the Director the ability to obtain necessary BPA.

Section 3. Section 67.750 of the San Diego County Administrative Code is hereby amended to read as follows:

Meeting Date: October 11, 2023 (02)

SEC. 67.750. (Exemptions).

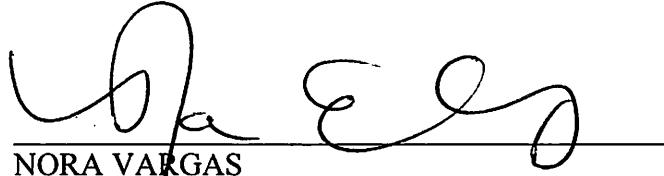
(a) - (c) [no changes].

(d) Projects within the Borrego Springs Subbasin are exempt from minimum parcel sizes imposed by Section 67.722.A.

Section 4. This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the San Diego Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
Claudia G. Silva, County Counsel
BY: Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 11th day of October 2023.



NORA VARGAS
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer
ABSENT: Desmond, (District 4 Seat Vacant)

ATTEST my hand and the seal of the Board of Supervisors this 11th day of October 2023.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Teresa Zurita, Deputy



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