

Bennett, Jim

From: Nancy L. Collins <NCollins@rwglaw.com>
Sent: Tuesday, May 21, 2019 3:04 PM
To: LUEG, GroundWater, PDS
Subject: Letter to County of San Diego
Attachments: Letter to County of San Diego.pdf

Attached please find a letter from James Markman regarding the above-referenced matter. The original is being sent via first-class mail.

Nancy

Nancy L. Collins
Legal Secretary



RICHARDS WATSON GERSHON

1 Civic Center Circle
P.O. Box 1059
Brea, CA 92822-1059
T: 714.990.0901 x602
F: 714.990.6230
E: ncollins@rwglaw.com
W: rwglaw.com

*Secretary to James L. Markman,
Paula Gutierrez Baeza, Roy Clarke
and Isra Shah*



James L. Markman

T 714.990.0901
F 714.990.6230
E jmarkman@rwglaw.com

1 Civic Center Circle, PO Box 1059
Brea, California 92822-1059
rwglaw.com

VIA ELECTRONIC MAIL & U. S. MAIL

County of San Diego
Planning & Development Services
c/o: Jim Bennett
5510 Overland Avenue, Suite 310
San Diego, California 92123

Re: Re: Comment of Borrego Springs Unified School District on Draft
Sustainability Plan for the Borrego Springs Groundwater Basin

Dear Sirs:

The undersigned represents Borrego Springs Unified School District (“the District”) concerning the SGMA process for the Borrego Springs Groundwater Basin. There is one specific comment which we hereby provide to you regarding the District’s Baseline Pumping Allocation quantified by you in a letter to the District dated July 13, 2018. That comment is that in determining rampdown reductions in the District’s Baseline Pumping Allocation related to water production serving the District’s elementary school, you are required to recognize that the pumping right exercised by the District is a priority overlying right under California law, but also is protected against prescription by California Civil Code section 1007. Therefore, unlike other overlying rights, such as agricultural production rights and recreational (golf course) production rights, the District’s overlying rights remain superior to the rights of any appropriator and, specifically superior to the rights of Borrego Water District. That factor of priority of pumping must be considered in developing a rampdown or pumping reduction program as part of the final Implementation Plan.

Please respond or call at your convenience if you would like additional information about the District's input and suggestion stated in this letter.

Very truly yours,



James L. Markman

cc: Mark Stevens, Superintendent
Borrego Springs Unified School District

10000-0194\2300175v1.doc