

Beaumont Basin Watermaster  
**MEETING AGENDA**  
**DATE: Tuesday, April 8, 2008**  
**TIME: 10:00 AM**  
**PLACE: BCVWD**  
**560 Magnolia Avenue**  
**Beaumont, CA, 92223**

1. Call to Order
2. Roll Call
  - A. City of Banning: Jim Earhart
  - B. City of Beaumont: Dee Moorjani
  - C. Beaumont Cherry Valley Water District: C.J. Butcher
  - D. South Mesa Water Company: George Jorritsma
  - E. Yucaipa Valley Water District: Joe Zoba
3. Pledge of Allegiance
4. Oral and Written Communication

Anyone wishing to address the Watermaster on any matter not on the Agenda of this meeting may do so now. The oral communications portion of this Agenda is to hear comments. If any question or concern arises related to any issues not on the Agenda, it will be referred to Staff for appropriate response. Anyone wishing to speak on an item on the Agenda may do so at the time the Watermaster considers that item. All persons wishing to speak must fill out a Request to Speak Form and give it to the Clerk at the beginning of the meeting. Forms are available from Clerk upon request. Each speaker is limited to three (3) minutes.

5. Consent Calendar
  - A. Approve Minutes of January 8, 2008
  - B. Approve Minutes of March 25, 2008
  - C. Treasurer Report April 2008
  - D. Budget Transfers W-1010 and W-1011
  - E. Appointment of Jim Earhart to Watermaster Representing City of Banning
6. Status Reports (verbal Reports)
  - A. Report on Well Monitoring – Transducer Installation
  - B. Resource Optimization Scope of Work
  - C. Report on Cooperative Agreement Between SGPGA and the Regional Board
7. Correspondence
  - A. Letter from Santa Ana Regional Water Quality Control Board dated March 18, 2008  
Transmitting Resolution 2008-0018

**NOTE TIME AND DATE**

- B. Letter from the City of Banning dated March 5, 2008 regarding Authority for Water Stored in Beaumont
- C. Letter from Mr. Aklufi dated March 10, 2008 – Response to the City of Banning Letter Dated March 5, 2008
- D. Letter from the Santa Ana Regional Board to Supervisor Ashley regarding Report on Onsite Waste Disposal Systems in the Cherry Valley Community of Interest.

8. Watermaster Reports

- Watermaster Members
- Chief of Watermaster Services
- Watermaster Engineer – STWMA PC 1, Application AB-303 Grant
- Watermaster Legal Counsel

9. Adjournment

**Draft Record of the Minutes  
Beaumont Basin Watermaster  
January 8, 2008**

**Watermaster Members Present**

City of Banning:	Jim Earhart
Beaumont Cherry Valley Water District:	C.J. Butcher
South Mesa Water Company:	George Jorritsma
Yucaipa Valley Water District:	Mr. Nelson
City of Beaumont:	Dave Dillon

**Watermaster Members Absent**

Yucaipa Valley Water District:	Joseph Zoba
City of Beaumont:	Dee Moorjani

**Watermaster Members Late**

South Mesa Water Company:	George Jorritsma
Yucaipa Valley Water District:	Mr. Nelson

**Consultants Present**

Joe Aklufi:	Aklufi & Wysoki
Andrew Schlange:	San Timoteo Watershed Management Authority (STWMA)/ Beaumont Basin Watermaster (BBWM)
Mark Wildermuth:	Wildermuth Environmental, Inc.
Mike Plinski:	Wildermuth Environmental, Inc.

**Others Present**

George Thacker	City of Banning
Barbara Voigt:	San Geronio Pass Water Agency
Luwana Ryan:	CVAN
Patsy Reeley:	CVAN
Frances Flanders:	CVAN
William Lash	BCVWD
Blanca Marin	BCVWD
Ira Pace	
Steve Rhodes	
Jim Anderson	

2. **Acting Chairman Dave Dillon called the meeting to order at 10:00am**
3. **Acting Chairman Dave Dillon led everyone in the *Pledge of Allegiance***
4. **Oral and Written Communication**

Schlange indicated that there were several requests to speak on items of the agenda and recommended that the requests be presented with the correspondent item.

5. **Consent Calendar**

Schlange requested Watermaster to add Budget Transfer Requests W-1008 and W-1009 and Treasurer's Report to Item 5. These items were approved on a unanimous motion by all Watermaster members

- A. Approve Minutes of May 15, 2007, Managers Meeting
- B. Approve Minutes of September 11, 2007
- C. Approve Minutes of October 23, 2007, Managers Meeting
- D. Treasurer Report- Budget Transfers W-1008 and W-1009
- E. List of Tasks Orders Issued
- F. Correspondence Received and Responded to

Schlange indicated that a letter was received from Frances Flanders to be added on Item F.

Motion to approve the Consent Calendar made by Member *Butcher*, second by Member *Earhart*, and by unanimous vote

### **Moved to approve the consent calendar with the additions**

## **6. Status Reports**

### **A. Establishment of Rules and Regulations for Allocation of Unused Overlayers Pumping Rights**

Schlange indicated that a Workshop needs to take place in April of 2008 to address this issue to establish the Rules and Regulations to make these transfers of unused overlayers water to appropriators in accordance with the stipulated agreement.

*Mr. Wildermuth* of Wildermuth Environmental Inc. stated that unused water will be available to appropriators in July of 2008. He provided a graph and briefly explained the estimated amounts corresponding to appropriators.

Short discussion followed between Committee members and the public regarding companies not pumping anymore, how many overlayers are there currently and 2007 reclaimed water that was not put back in the ground.

### **B. Update of Activities**

No reported activities on this item.

## **7. Action Items**

### **A. Resolution 2008-001, Establishing a public Records Act policy**

Mr. Schlange briefly explained the need to adopt policy to set out handling responses of record requests and suggested that the public bring their own recorders to record meetings. Letter was received from Frances Flanders in protest to this item.

Frances Flanders indicated that the Resolution 2008-001 is in violation of the Brown Act and she provided a list of examples, quoted sections of the Resolution and compared them to sections of the Brown Act.

Luwana Ryan referred to different sections of the Resolution. She indicated that Section 1 states that the public records are in the BCVWD locations but there are not, Section 3, decisions should not be taken unilaterally because it is a five member Board, Section 6, Policies and procedures are never destroyed; they are amended only. She recommended that the Committee checks with IRS and FDIC to check if they are in compliance with tax laws. She further stated that because of the structure of these entities, the public never knows were to go for public records.

Legal Counsel, Aklufi offered clarification on some items: The resolution does not state that the Records are at that location; the record requests need to be submitted to this address, there is no uniform destruction of records statute and that the resolution does not mandate the records to be destroyed it states that if the record is to be destroyed is has to be with a required minimum time.

In view of the Frances Flanders' letter, Mr. Schlange questioned Legal Counsel, Mr. Joseph Aklufi as to whether the Watermaster meeting was in accordance with the present laws. Mr. Aklufi indicated that the meeting did and were meeting the requirements of laws governing.

Legal Counsel, Aklufi recommended making two changes to the Resolution for clarity to the public. Delete "as public records" and change "transcribed" by "approved" in Section 6 second paragraph on the Resolution.

Motion made by Member *Butcher*, Second by Member *Earhart*, and by unanimous vote to approve 2008-001 with modifications.

#### **Move to approve Resolution 2008-001 with modifications**

##### **B. Resolution 2008-002- To adopt the upper Santa Ana River Watershed Integrated Regional Water Management Plan.**

Mr. Schlange indicated that the Santa Ana Watershed Project Authority and the San Bernardino Valley Municipal Water District were developing an Integrated Water Resources Plan for the Upper Santa Ana Watershed. Staff was authorized to enter into discussion with the San Bernardino Valley Municipal Water District to incorporate activities from STWMA's Integrated Resources Management Plan. Potential extension of the Brine Line was a major project included in the report in addition to the overall integrated plan. He indicated the document is completed and on file at the BCVWD offices and recommended that the Watermaster approve Resolution 2008-002.

Motion by member *Butcher*, second by member *Dillon* and by unanimous vote to approve the 2008-002 Resolution as presented

#### **Moved approval of Resolution 2008-002 entitled "to Adopt the Upper Santa Ana River Watershed Integrated Regional Water Management Plan"**

##### **C. Biennial Engineers Report**

Mr. Schlange indicated that the Draft Biennial Engineers Report was reviewed at the October 23<sup>rd</sup> meeting held at Yucaipa Valley Water District meeting and comments were incorporated into the final report.

Motion by member *Dillon*, second by member *Butcher* and by unanimous vote to approve Biennial Engineers Report

#### **Moved to approve the Biennial Engineers Report**

#### **D. Water Supply and Water Supply Conditions in the San Gorgonio Pass Region**

Mr. Schlange reported that LAFCO requested that STWMA demonstrate adequate water supplies to meet future water demands in the area and indicated that STWMA, the Watermaster and the Pass Agency submitted a report last year to LAFCO. LAFCO requested that the updated reports be submitted annually. He indicated that this report was presented at the October 23, 2007 meeting and comments were submitted and incorporated to the final report.

Mrs. Ryan referred to Table 2 figures for recycled water production available should not be there as recycled water was not being used. She also stated that the figures projected for 2008 are figures that can not be met.

Mr. Wildermuth provided a brief explanation on this item stating that the figures are only estimated figures.

Mr. Ryan questioned if the figures on the So. California Professional Golf Association which showed 2, 200 that will be used by BCVWD in 2009 were accurate.

Mr. Wildermuth stated that he would review these figures as the report was made with the information at that time, in May of 2007 and the new report with new figures will be created in May of 2008.

Mrs. Voigt questioned the Committee as to why they are not sending the report with the new figures at this point.

Mr. Schlange stated that this report closed in May of 2007 and when the new report on May of 2008 will show the new figures.

Motion by member Earhart, second by member Nelson and by unanimous vote

Move to approve the Water Supply and Water Conditions in the San Gorgonio Pass Region Report

#### **E. Fourth Annual Report of the Beaumont Basin Watermaster**

Mr. Schlange stated that the report was reviewed at the October 23<sup>rd</sup>, 2007 Managers Meeting, various agency members input were included in the final report. He also indicated that an Audit letter was attached which showed that the Watermaster has operated in accordance with the standards established by the American Institute of Certified Public Accountants in handling Watermaster monies.

Mrs. Flanders indicated that the on Page 12 under Watermaster Web-site the most current agenda is June 2007 and minutes were listed as "coming soon". She also read a portion of the section 54950 Water Code.

Mrs. Ryan stated that the Watermaster has done its responsibilities in metering these wells so that there are very accurate production figures.

Mr. Schlange stated that one meter also installed in the second year of the Watermaster activities. Three other wells those are outstanding. A policy was adopted on land use, on water production for that land use, and the size of the parcels. It was done at a Watermaster meeting in an open public meeting and adopted as a policy instead of metering the remaining three wells.

Motion made by member Dillon, second by member Butcher and by unanimous vote to approve the Fourth Annual Report of the Beaumont Basin Watermaster

Moved to approve the fourth Annual Report

**8. Watermaster Reports**

- Watermaster Members
- Chief of Watermaster Services -
- Watermaster Engineer – STWMA PC No 1, Application AB-303 Grant- Mr. Schlange indicated that the application was submitted in December by Project Committee No 1
- Watermaster Legal Counsel- No Reports given by Legal Counsel

**9. Adjournment of meeting 11:15 A.M.**

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C.J. Butcher, Secretary of the Watermaster

**Draft Record of the Minutes  
Beaumont Basin Watermaster  
March 25, 2008**

**Watermaster Members Present**

City of Banning:	George Thacker
City of Beaumont:	Dee Moorjani
Beaumont Cherry Valley Water District:	C.J. Butcher
South Mesa Water Company:	George Jorritsma
Yucaipa Valley Water District:	Joe Zoba

**Watermaster Members Present**

City of Banning: Jim Earhart

**Consultants Present**

Joe Aklufi:	Aklufi and Wysocki
Andrew Schlange:	San Timoteo Watershed Management Authority (STWMA) Beaumont Basin Watermaster (BBWM)

Mark Wildermuth:	Wildermuth Environmental, Inc.
Mike Plinski:	Wildermuth Environmental, Inc.

**Others Present**

Jeff Davis	SGPWA
Stella Parks	BCVWD
Patsy Reeley	CVAN
Barbara Voigt	SGPWA
Luwana Ryan	CVAN
Frances Flanders	CVAN
Blanca Marin	BCVWD

Chairman George Jorritsma called the meeting to order at 10:00 a.m.

Chairman George Jorritsma led everyone in the Pledge of Allegiance

**4. Oral and Written Communication**

Chairman Jorritsma indicated that there were no requests to speak from the public.

**5. Discussion Regarding Rules and Regulations Regarding Assignment of Unused Overlying Rights per the Judgment**

Schlange indicated that the purpose of this workshop was to receive comments and input regarding a proposed rule that the Watermaster is proposing to implement the un-pumped overlyers' water to appropriators per the Watermaster Judgment.



Mark Wildermuth, Wildermuth Environmental, Inc. explained the assignment of the overlying rights from the overlying parties to the appropriative parties which will start in fiscal year 2008/09.

After discussion Schlange stated that the Watermaster has until July to approve the rule and so this item will not be brought to the April agenda. Schlange invited Committee members to submit comments or concerns.

#### **6. Discussion Regarding Authority for Storm Water Capture When Recharged by Appropriators (Discussion only)**

Schlange stated that this item was put in the agenda because BCVWD has been capturing and recharging and the Watermaster needs to talk about as to how to account for this water. Schlange announced a tentative schedule for the Watermaster to meet in a special meeting for April 22<sup>nd</sup> 2008 at 10:00 a.m.

Frances Flanders had numerous questions for the Committee.

Schlange requested that Frances Flanders submits her concerns in writing.

#### **7. Adjournment**

Chairman Jorritsma adjourned the meeting at 10:40 a.m.

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C.J. Butcher, Secretary of the Watermaster

**Beaumont Basin Watermaster Unaudited Financial Report  
FY 2007-2008 Budget**

BBWM FY 2008  
April Report

*Andy's*

Acct#	TO #		Adopted Original Budget	W-1008 to FY 2007 Y/E Actual	W-1009 1/10/08	W-1010 tentative 2/14/08	W-1011 tentative 4/1/08	Revised Budget	Rev Received Exp Paid	Remaining to Receive or Pay
<b>MEMBER CONTRIBUTIONS</b>										
--	--	FY 2007 Fund Balance Carryover - to ACTUAL	(40,000.00)	1,950.52				(38,049.48)	38,049.48	0.00
3105	--	City of Beaumont	(76,142.00)					(76,142.00)	76,142.00	0.00
3110	--	Beaumont Cherry Valley WD	(76,142.00)					(76,142.00)	76,142.00	0.00
3115	--	Yucaipa Valley Water District	(58,875.00)					(58,875.00)	58,875.00	0.00
3120	--	City of Banning FY 2007 Received						0.00	35,000.00	0.00
3120	--	City of Banning FY 2008	(76,142.00)					(76,142.00)	76,142.00	0.00
3125	--	South Mesa Water Company	(39,500.00)					(39,500.00)	39,500.00	0.00
<b>TOTAL BUDGET CONTRIBUTION (REVENUE)</b>			<b>(366,801.00)</b>	<b>1,950.52</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>(364,850.48)</b>	<b>399,850.48</b>	<b>0.00</b>
<b>EXPENSES:</b>										
5000	--	Interest Earned	0.00					0.00	Expenses Paid 6.35	6.35
<b>Administrative Expenses</b>										
5001	1	JAS Chief of Watermaster Services (\$4250 per month)	51,000.00					51,000.00	(38,250.00)	12,750.00
5010	2	Misc & Meetings (TO#2=\$5,000)	5,001.00					5,001.00	(5,000.00)	1.00
5020	3	WEI Acquisition/Computation & Annual Report	20,000.00					20,000.00	(17,114.41)	2,885.59
5040	--	Annual Audit	1,500.00		900.00			2,400.00	(2,400.00)	0.00
5060	4	WEI General Engineering	25,000.00					25,000.00	(9,452.67)	15,547.33
5063	6	WEI Groundwater Level Monitoring Program	25,000.00					25,000.00	(17,912.19)	7,087.81
5064	--	Meter Installation	10,000.00				(5,000.00)	5,000.00	0.00	5,000.00
5065	--	STWMA Update of Water Demand and Supply Projections	10,000.00					10,000.00	(10,000.00)	0.00
5070	--	A&W General Legal (A&W \$150 per hour)	10,000.00			2,149.48	5,000.00	17,149.48	(12,787.50)	4,361.98
<b>Special Project Group A Expenses (STWMA)</b>										
5071	9	STWMA Conjunctive-Use Marketing	10,000.00					10,000.00	(10,000.00)	0.00
5072	10	STWMA Salt Mitigation Fee Implementation	30,000.00					30,000.00	(30,000.00)	0.00
5073	11	STWMA Regional Resource Optimization Scoping Work	100,000.00					100,000.00	(100,000.00)	0.00
5080	--	Reserve	5,000.00	(1,950.52)	(900.00)	(2,149.48)		0.00	0.00	0.00
5090	--	STWMA PC1 - Group B	64,300.00					64,300.00	(64,300.00)	0.00
<b>TOTAL BUDGET EXPENSES</b>			<b>366,801.00</b>	<b>(1,950.52)</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>364,850.48</b>	<b>(317,210.42)</b>	<b>47,640.06</b>
<b>Difference of Revenue Received &amp; Expenses Paid</b>									<b>82,640.06</b>	
									<b>Cash fund Balance</b>	

**Beaumont Basin Watermaster Unaudited Financial Report  
FY 2007-2008 Budget and Expenses**

**Watermaster FY 2008  
April 2008**

<b>MEMBER CONTRIBUTIONS</b>	
FY 2007 Fund Bal Carryove	38,049.48
3105 City Beaumont Funds	76,142.00
3110 BCVWD Funds	76,142.00
3115 YVWD Funds	58,875.00
3120 City Banning Funds	35,000.00
3120 City Banning Funds	76,142.00
3125 South Mesa Funds	39,500.00
	<u>399,850.48</u>

Invoice Date	Invoice Number	Date Paid	Check #	Ck Amount	GL # TO #	Savings	Chief of WM	Misc. &	Acq/Com-	Annual Audit	General	Groundwater	Meter	Update of	General	Conjunctive	Salt Mitigation	Regional	Reserves	STWMA PC1	Budget Total
						Interest Earned	Services- TO#1	Meetings - TO#2	putation of Prod Data- TO#3		Engineering - TO#4	Monitoring- TO#6	Installation TO#7	Demand- TO#7	Legal TO#9	Use Mktg- TO#9	Fee- TO#10	Resource- TO#11		Group B TO#10	
				0.00		5000 0.00	51,000.00	5010 5,001.00	5020 20,000.00	5040 2,400.00	5060 25,000.00	5063 25,000.00	5064 5,000.00	5065 10,000.00	5070 17,149.48	5071 10,000.00	5072 30,000.00	5073 100,000.00	5080 0.00	5090 64,300.00	364,850.48
07/23/07	July 2007 - JAS	09/07/07	2015	(4,250.00)	1		(4,250.00)														(4,250.00)
08/23/07	Aug 2007 - JAS	09/07/07	2015	(4,250.00)	1		(4,250.00)														(4,250.00)
09/24/07	Sept 2007 - JAS	10/10/07	2016	(4,250.00)	1		(4,250.00)														(4,250.00)
07/31/07	July 2007 - A&W	10/10/07	2017	(1,950.00)											(1,950.00)						(1,950.00)
08/28/07	Aug 2007 - A&W	10/10/07	2017	(862.50)											(862.50)						(862.50)
09/30/07	Sept 2007 - A&W	10/10/07	2017	(2,175.00)											(2,175.00)						(2,175.00)
	Qtr ended 9/30/07 int	09/30/07		3.17		3.17															3.17
11/01/07	Oct 2007 - A&W	11/08/07	2018	(1,950.00)											(1,950.00)						(1,950.00)
11/02/07	BCVWD-(Flanders)	11/08/07	2019	(25.00)				(25.00)													(25.00)
	Deposit (Flanders)	11/08/07		25.00				25.00													25.00
10/24/07	Oct 2007 - JAS	10/10/07	2020	(4,250.00)	1		(4,250.00)														(4,250.00)
10/23/07	STWMS-per budget	12/13/07	2021	(10,000.00)										(10,000.00)							(10,000.00)
11/30/07	Nov 2007 - A&W	12/13/07	2022	(1,387.50)											(1,387.50)						(1,387.50)
11/24/07	Nov 2007 - JAS	12/13/07	2023	(4,250.00)	1		(4,250.00)														(4,250.00)
11/20/07	WEI #2007698	12/13/07	2024	(5,000.00)	2			(5,000.00)													(5,000.00)
11/20/07	WEI #2007699	12/13/07	2024	(11,972.36)	3				(11,972.36)												(11,972.36)
11/20/07	WEI #2007700	12/13/07	2024	(2,976.71)	4					(2,976.71)											(2,976.71)
11/20/07	WEI #2007701	12/13/07	2024	(8,175.00)	6							(8,175.00)									(8,175.00)
	Qtr ended 12/31/07 int	12/31/07		3.18		3.18															3.18
12/18/07	WEI #2007768	01/07/08	2025	(35.00)	3				(35.00)												(35.00)
12/18/07	WEI #2007769	01/07/08	2025	(497.50)	6							(497.50)									(497.50)
12/31/07	Travis Hickey CPA-#115	01/07/08	2026	(2,400.00)						(2,400.00)											(2,400.00)
12/24/07	Dec 2007 - JAS	01/07/08	2027	(4,250.00)	1		(4,250.00)														(4,250.00)
12/28/07	Dec 2007 - A&W	01/07/08	2028	(450.00)											(450.00)						(450.00)
07/30/07	BCVWD-VOID	02/14/08	2029	0.00																0.00	0.00
01/24/08	Jan 2008 - JAS	02/14/08	2030	(4,250.00)	1		(4,250.00)														(4,250.00)
01/29/07	Jan 2008 - A&W	02/14/08	2031	(1,950.00)											(1,950.00)						(1,950.00)
02/01/08	STWMA-per budget	02/14/08	2032	(140,000.00)												(10,000.00)	(30,000.00)	(100,000.00)			(140,000.00)
01/18/08	WEI #2007837	02/14/08	2033	(4,042.50)	3				(4,042.50)												(4,042.50)
01/18/08	WEI #2007838	02/14/08	2033	(4,775.72)	6							(4,775.72)									(4,775.72)
07/03/07	STWMA-PC1	03/10/08	2034	(64,300.00)																(64,300.00)	(64,300.00)
02/29/08	Feb 2008 - A&W	03/10/08	2035	(375.00)											(375.00)						(375.00)
03/10/08	Feb 2008 - JAS	03/10/08	2036	(4,250.00)	1		(4,250.00)														(4,250.00)
02/19/08	WEI #2008048	03/10/08	2037	(1,064.55)	3				(1,064.55)												(1,064.55)
02/19/08	WEI #2008049	03/10/08	2037	(5,777.49)	4																(5,777.49)
02/19/08	WEI #2008050	03/10/08	2037	(840.00)	6							(840.00)									(840.00)
03/27/08	Mar 2008 - A&W	04/01/08	2038	(1,687.50)											(1,687.50)						(1,687.50)
03/24/08	Mar 2008 - JAS	04/01/08	2039	(4,250.00)	1		(4,250.00)														(4,250.00)
03/18/08	WEI #2008117	04/01/08	2040	(698.47)	4							(698.47)									(698.47)
03/18/08	WEI #2008118	04/01/08	2040	(3,623.97)	6							(3,623.97)									(3,623.97)
																					0.00
<b>FUND BALANCE</b>				<b>82,640.06</b>		<b>6.35</b>	<b>12,750.00</b>	<b>1.00</b>	<b>2,885.59</b>	<b>0.00</b>	<b>15,547.33</b>	<b>7,087.81</b>	<b>5,000.00</b>	<b>0.00</b>	<b>4,361.98</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>47,640.06</b>

<b>Fund Recap</b>	
Checking Account Balance	76,440.65
Savings Account Balance	6,199.41
<b>Total Fund Balance</b>	<b>82,640.06</b>

## Letter of Transmittal

**From:** J. Andrew Schlange  
**To:** Watermaster Committee Members  
**Date:** April 8, 2008  
**Re:** Budget Transfers

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Transmitted herewith, please find Budget Transfers W-1010 and W-1011. these budget transfers will provide funding to legal counsel so that discussion regarding purchase of additional water supply can continue between Watermaster staff and legal counsel, and Pass Agency Staff and Legal Counsel.

**Recommendation:**

That the Watermaster Committee approve Budget Transfers W-1010 and W-1011.

Respectfully,

J. Andrew Schlange,  
Chief of Watermaster Services





## Beaumont Basin Watermaster BUDGET TRANSFER REQUEST LOG

FORM NUMBER	DATE APPROVED	DESCRIPTION: FROM	DESCRIPTION: TO	TOTAL AMOUNT
<b>W-1001</b>	12/14/2004	Acq/Computation of Prod ...	Annual Report	1,712.25
<b>W-1002</b>	06/14/2005	General Legal	Acq/Computation of Prod Data	3,000.00
<b>W-1003</b>	06/14/2005	Budgeting & Assessments	Meetings	4,900.00
<b>W-1004</b>	06/14/2005	Budgeting & Assessments	General Engineering	4,900.00
<b>W-1005</b>	10/18/2006	Meter Installation	General Engineering	5,000.00
<b>W-1006</b>	10/18/2006	Budget Correction to FY 2006 YE	Rev & Exp adjustment	19,724.95
<b>W-1007</b>	3/13/07	#5080-Reserves	#5063-Groundwater	6,000.00
<b>W-1008</b>	01/08/2008	Budget Correction to FY 2007 YE	Rev & Exp adjustment	1,950.52
<b>W-1009</b>	01/08/2008	#5080-Reserves	#5040-Annual Audit	900.00
<b>W-1010</b>		#5080-Reserves	#5070-General Legal	2,149.48
<b>W-1010</b>		#5064-Meter Installation	#5070-General Legal	5,000.00
<b>W-1012</b>				
<b>W-1013</b>				
<b>W-1014</b>				
<b>W-1015</b>				
<b>W-1016</b>				
<b>W-1017</b>				
<b>W-1018</b>				
<b>W-1019</b>				
<b>W-1020</b>				
<b>W-1021</b>				
<b>W-1022</b>				
<b>W-1023</b>				
<b>W-1024</b>				
<b>W-1025</b>				
<b>W-1026</b>				
<b>W-1027</b>				
<b>W-1028</b>				

LAW OFFICES  
AKLUF AND WYSOCKI  
3403 TENTH STREET, SUITE 610  
RIVERSIDE, CALIFORNIA 92501  
(951) 682-5480

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JOSEPH S. AKLUF (Bar No. 68619)  
AKLUF AND WYSOCKI  
3403 Tenth Street, Suite 610  
Riverside, California 92501  
(951)682-5480 Office  
(951)682-2619 Fax

NO FILING FEE REQUIRED PER  
GOVERNMENT CODE, SEC. 6103

Attorneys for Plaintiff, SAN TIMOTEO  
WATERSHED MANAGEMENT AUTHORITY

SUPERIOR COURT OF THE STATE OF CALIFORNIA.  
FOR THE COUNTY OF RIVERSIDE. RIVERSIDE COURT

SAN TIMOTEO WATERSHED  
MANAGEMENT AUTHORITY, a public  
agency,  
  
Plaintiff,  
  
vs.  
  
CITY OF BANNING, a municipal  
corporation; etc., et al.,  
  
Defendants.

CASE NO. RIC 389197  
  
CITY OF BANNING'S NOMINATION  
OF JAMES EARHART TO THE  
BEAUMONT BASIN WATERMASTER  
COMMITTEE  
  
AND  
[PROPOSED] ORDER THEREON

- Pursuant to the authority of Section 4, Article VI of the "Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin", the Beaumont Basin Watermaster shall consist of a committee composed of persons nominated by the City of Banning, the City of Beaumont, the Beaumont-Cherry Valley Water District, the South Mesa Mutual Water Company and the Yucaipa Valley Water District.
- In accordance therewith, the City of Banning appointed its Director of Public Works, Mr. Paul Toor, which appointment was confirmed by this Court on March 8, 2004.
- Effective January 22, 2008, Mr. Toor left the employ of the City of Banning and resigned as the City's representative on the Watermaster Committee. .
- Therefore, in accordance with the Judgment and the official action of the City of Banning, the City hereby nominates Mr. James Earhart, an employee of the City, as the City's

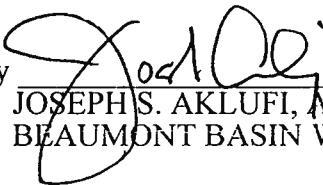


1 representative on the Watermaster Committee and the successor to Mr. Toor.

2 NOW, THEREFORE, the Beaumont Basin Watermaster hereby respectfully requests that  
3 this Court approve the appointment of Mr. James Earhart to the Watermaster Committee as the  
4 representative of the City of Banning.

5 Dated: February 5, 2008

6 AKLUFU AND WYSOCKI

7  
8 By  \_\_\_\_\_  
9 JOSEPH S. AKLUFU, Attorneys for the  
10 BEAUMONT BASIN WATERMASTER

11  
12 ORDER

13 Paul Toor having left the employ of the City of Banning and resigned as its representative  
14 on the Watermaster Committee established under the Judgment herein; and

15 The City of Banning, by and through the Watermaster, having filed herein its nomination  
16 of James Earhart as the City's representative, in place of Paul Toor.

17 IT IS ORDERED that James Earhart, Director of Public Works of the City of Banning, is  
18 hereby appointed as the City's representative on the Watermaster Committee to serve in  
19 accordance with the terms of the Judgment herein, such appointment to be effective January 22,  
20 2008.

21 Dated: \_\_\_\_\_

22  
23  
24 \_\_\_\_\_  
25 JUDGE OF THE SUPERIOR COURT

LAW OFFICES  
AKLUFI AND WYSOCKI  
3403 TENTH STREET, SUITE 610  
RIVERSIDE, CALIFORNIA 92501  
(951) 682-5480

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF RIVERSIDE.

I am employed in the County of Riverside, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3403 Tenth Street, Suite 610, Riverside, California 92501.

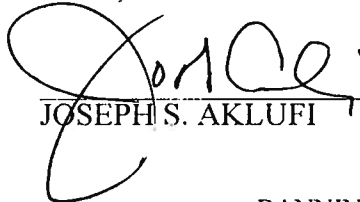
On February 5, 2008, I served the foregoing document described as: CITY OF BANNING'S NOMINATION OF JAMES EARHART TO THE BEAUMONT BASIN WATERMASTER COMMITTEE AND [PROPOSED] ORDER THEREON on interested parties in this action by placing the original or true copy thereof enclosed in sealed envelopes, except as otherwise indicated below, addressed as follows:

- |   |   |
|---|---|
| City of Banning<br>Attention: Randy Anstine, City Manager<br>Post Office Box 998<br>Banning, California 92220                             | South Mesa Mutual Water Company<br>Attention: George Jorritsma,<br>General Manager<br>Post Office Box 458<br>Calimesa, California 92320 |
| City of Beaumont<br>Attention: Alan C. Kapanicas, City Manager<br>550 East Sixth Street<br>Beaumont, California 92223                     | Yucaipa Valley Water District<br>Attention: Joe Zoba, General Manager<br>Post Office Box 730<br>Yucaipa, California 92399               |
| Beaumont-Cherry Valley Water District<br>Attention: Charles Butcher, General Manager<br>560 Magnolia Avenue<br>Beaumont, California 92223 |   |

- (BY MAIL) I deposited such envelope in the mail at Riverside, California. The envelope was mailed with first class postage thereon fully prepaid.
- (BY PERSONAL SERVICE) I delivered such envelope(s) by hand to the offices of the addressee.
- (BY FACSIMILE) I caused the above-referenced document(s) to be delivered by telecopier to the addressee(s) at their respective facsimile numbers.
- (BY OVERNIGHT DELIVERY) I caused such envelope(s) to be delivered today to an overnight delivery service (United Parcel Service) for next day delivery to the addressee(s).

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 5, 2008. at Riverside, California.

  
\_\_\_\_\_  
JOSEPH S. AKLUFI



# California Regional Water Quality Control Board Santa Ana Region



Linda S. Adams  
Secretary for  
Environmental Protection

3737 Main Street, Suite 500, Riverside, California 92501-3348  
Phone (951) 782-4130 • FAX (951) 781-6288 • TDD (951) 782-3221  
www.waterboards.ca.gov/santaana

RECEIVED  
MAR 10 2008  
Arnold Schwarzenegger  
Governor

March 6, 2008

BY:.....

Mr. Chuck Butcher  
Beaumont-Cherry Valley Water District  
560 Magnolia Avenue  
Beaumont, CA 92223

## RESOLUTION OF APPRECIATION NO. R8-2008-0018 FOR STAKEHOLDER PARTICIPATION IN BASIN PLANNING AND REGULATORY ACTIVITIES

Dear Mr. *Chuck* Butcher:

During late 2007, Regional Board Chair Carole Beswick requested that the Regional Board consider a Resolution recognizing the efforts of stakeholders within the Santa Ana Region who have contributed to task force or work group efforts on both basin planning and regulatory activities. On January 18, 2008, the Regional Board adopted Resolution No. R8-2008-0018 (copy attached), expressing appreciation for the efforts of stakeholders who have been the driving force for the collaborative and highly successful basin planning and other regulatory task force and work group efforts in the Santa Ana Region, since at least 1995.

Stakeholder participation in these activities has fostered a watershed approach that recognizes and incorporates consideration for the water quality needs and concerns of the entire watershed, and an awareness of how activities in one portion of the watershed can affect water quality in other, hydrologically downgradient areas. The Regional Board believes that this watershed awareness has allowed Santa Ana Region stakeholders to act in a more consensus-based manner, which has greatly facilitated the successful implementation of important and necessary basin planning and regulatory programs, providing significant water quality and public policy benefits. It has been frequently stated that this stakeholder-driven approach should serve as the statewide model for how to deal with these very important water quality concerns.

Thank you for your participation in this process.

Sincerely,

Gerard J. Thibeault  
Executive Officer  
Santa Ana Regional Water Quality Control Board

Enclosure

California Environmental Protection Agency



**California Regional Water Quality Control Board  
Santa Ana Region**

**Resolution No. R8-2008-0018**

**Resolution of Appreciation for Stakeholder Participation  
In Basin Planning and Regulatory Activities**

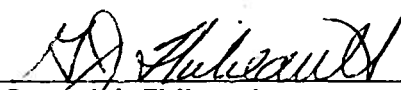
**WHEREAS, The California Regional Water Quality Control Board, Santa Ana Region (hereinafter, Regional Board), finds that:**

1. The Regional Board has participated in a number of cooperative Basin Planning and regulatory Development activities with stakeholders within the Santa Ana Region;
2. These cooperative efforts with stakeholders have come to be identified as "Task Force" activities;
3. Task Force projects within the Region have included Basin Planning activities, such as the Nitrogen/ Total Dissolved Solids (N/TDS) Task Force, a Santa Ana River Use Attainability Task Force, task forces for a number of TMDL (Total Maximum Daily Load) projects in the Santa Ana and San Jacinto Watershed, and the Stormwater Quality Standards Task Force; and efforts that might be considered more regulatory in nature, such as the task force working on monitoring programs for emerging contaminants and the task force for the so-called Cooperative Agreement to Protect Water Quality and Encourage the Conjunctive Uses of Imported Water in the Santa Ana River Basin;
4. Many task force efforts within the Santa Ana Region have been managed and coordinated by staff of the Santa Ana Watershed Project Authority, with the support and cooperation of the SAWPA member agencies, representing the vast majority of the Region, including (alphabetically) Eastern Municipal Water District, Inland Empire Utilities Agency, Orange County Water District, San Bernardino Valley Municipal Water District, and Western Municipal Water District;
5. The agencies and organizations represented by the task force members provided support for the participation of their staff members in the task forces and also provided the financial support for the scientific and engineering consultants and management services for the task forces; this support for staff participation and consultant services contributed enormously to the success of the task force projects;
6. Task force efforts within the Region have resulted in the development of consensus-driven and scientifically Superior and defensible Basin Planning and regulatory products; and
7. The task force approach has been enormously successful addressing Basin Planning (including TMDLs) and regulatory matters.

**THEREFORE BE IT RESOLVED THAT, the California Regional Water Quality Control Board, Santa Ana Region,**

1. Thanks all task force participants and their agencies and organizations for the efforts of the Individual task force members and for the support of task force activities within the Santa Ana Watershed; and
2. Congratulates all of the participants in task force activities related to projects within the Santa Ana Region for Jobs well-done; and
3. Directs the Executive Officer to send letters of appreciation on behalf of the Regional Board to the Individuals and organizations that have participated in task force activities within the Santa Ana Region.

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Santa Ana Region, on January 18, 2008.

  
\_\_\_\_\_  
**Gerard J. Thibeault**  
Executive Officer



**City of Banning**  
**Public Utilities**  
**Department**

March 5, 2008

J. Andrew Schlange  
General Manager  
San Timoteo Watershed  
Management Authority  
4 Crown Court  
Rancho Mirage, CA 92270

Re: Legal Authority for Water Stored in the Beaumont Groundwater Basin

Dear Andy:

The City would like to support future development within the City's boundary by assigning the existing 11,431 Acre Feet (ac ft) of water stored in the Beaumont Groundwater Basin to a specific project that needs a water supply to meet the requirements of SB 610 and SB 221. Also, is there any way the 5,900 ac ft allowable pumping per year from the Beaumont Groundwater Basin up to 2014 be legally supported as away of meeting SB 610 and SB 221?

An idea might be a project could be assigned pumping rights of a portion of the 5,900 ac ft: say for 8 years an amount of 1,000 ac ft up to 2014. Then assign 1,000 acre ft for 12 years of the already stored amount of 11,431 ac ft plus this year's surplus. This could provide a project with twenty years of 1,000 ac ft of water supply.

It is presumed that any EIR with this kind of proposed assignment would be challenged by an environmental group. Can the adjudication of the basin be used to legally support the City with the aforementioned proposed assignment? Do you have any other suggestions of a method that could meet the test required to finalize a CEQA document involving the Basin for a water supply for twenty years?

I'm looking for some form of formal assurance for the City's development community.

Sincerely,

George Thacker  
Assistant Public Utilities Director

cc: Joe Akulfi  
3403 10<sup>th</sup> Street #610  
Riverside, CA 92590



**AKLUFİ & WYSOCKI**  
ATTORNEYS AT LAW

3403 TENTH STREET, SUITE 610  
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JOSEPH S. AKLUFİ  
DAVID L. WYSOCKI

TELEPHONE  
(951) 682-5480

FACSIMILE  
(951) 682-2619

E-MAIL  
AandWLaw@aol.com

March 10, 2008

Mr. George Thacker  
Assistant Public Utilities Director  
City of Banning  
Public Utilities Department  
Post Office Box 998  
Banning, California 92220-0998

Re: Legal Authority for Water Stored in the Beaumont Groundwater Basin

Dear Mr. Thacker:

Your letter dated March 5, 2008, to Mr. Schlange of the San Timoteo Watershed Management Authority has been referred to me for a response.

The Judgment adjudicating the Beaumont Basin (San Timoteo Watershed Management Authority v. City of Banning, et al., Riverside County Superior Court Case No. RIC 389197) awards the City of Banning specific water rights in the Beaumont Basin.

The Judgment also created the Watermaster, of which the City is a member. The Watermaster maintains an accounting of all water pumped from, and recharged to, the Beaumont Basin, by the parties to the Judgment. That accounting also includes an accounting of the City's water rights in the Beaumont Basin.

Because these water rights are protected by law, it is my opinion that the City not only has a legally-protected right to take its assigned share of water from the Beaumont Basin, but may also legally assign its interest in that share to third parties for use within the City's jurisdiction.

I hope this adequately responds to your inquiry.

Very truly yours,

AKLUFİ AND WYSOCKI

**JOSEPH S. AKLUFİ**

JOSEPH S. AKLUFİ

JSA:dvh

cc: Chief of Watermaster Services  
Beaumont Basin Watermaster

Beaumont Basin Engineer  
(Mark Wildermuth)



**California Regional Water Quality Control Board**  
**Santa Ana Region**



**Linda S. Adams**  
*Secretary for  
 Environmental Protection*

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 www.waterboards.ca.gov/santaana

**Arnold Schwarzenegger**  
*Governor*

March 11, 2008

County Supervisor Marion Ashley  
 Riverside County Board of Supervisors  
 4080 Lemon St., 5<sup>th</sup> Floor  
 P.O. Box 1645  
 Riverside, CA 92501  
 Attn: Jaime Hurtado

**MARCH 7, 2008 REQUEST FOR COMMENTS CONCERNING WILDERMUTH  
 ENVIRONMENTAL REPORT ON WATER QUALITY IMPACTS IN THE CHERRY VALLEY  
 COMMUNITY OF INTEREST**

Dear Supervisor Ashley:

This is in response to a request by Jaime Hurtado of your staff for comments concerning the report prepared by Wildermuth Environmental entitled, "Water Quality Impacts from On-Site Waste Disposal Systems in the Cherry Valley Community of Interest, March 2007." As I discussed with Mr. Hurtado, Wildermuth Environmental is a well-respected engineering firm with extensive water quality experience.

The subject report was reviewed by Cindy Li, Ph.D., an engineering geologist on Regional Board staff. Dr. Li found the report to be credible and that it identified a number of water quality concerns related to the use of individual waste disposal systems in the Cherry Valley area.

We are supportive of efforts by Riverside County staff to respond to the concerns identified by the Wildermuth Environmental report, and we look forward to continued cooperation between the County and the Regional Board in this matter. Should there be any further questions concerning this important issue, our staff contacts on this project are Dr. Cindy Li at 951-782-4906 and Hope Smythe at 951-782-4493.

Sincerely,

  
 Gerard J. Thibeault  
 Executive Officer

cc. Regional Board  
 Chuck Butcher, BCVWD  
 Mark Wildermuth, WEinc

**California Environmental Protection Agency**

