Beaumont Basin Watermaster AGENDA DATE: Tuesday, June 10, 2008 TIME: 10:00 a.m. 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. Action Items
 - A. Proposed Budget Fiscal Year 2008-2009

Recommendation: Approve Budget

B. Assignment of Unused Overlying Pumping Allocation to Appropriators and Proposed Rule and Regulation 7.8 entitled: "Availability of Unused Overlying Production and Allocation to the Appropriator Parties"

Recommendation: Approve Staff Report and adopt Rule and Regulation 7.8

- 6. Closed Session
 - a. Discussion and Possible Action Regarding Potential Litigation. Pursuant to Government Code Section 54956.9 1 Case
- 7. Adjournment

Letter of Transmittal

From: J. Andrew Schlange

To: Beaumont Basin Watermaster

Date: June 10, 2008

Re: Proposed Fiscal Year 2008-2009 Budget

Transmitted herewith, please find the proposed Watermaster Fiscal Year 2008-2009 Budget for your consideration and approval.

Recommendation:

That the Beaumont Basin Watermaster Committee approve the Watermaster Budget

Respectfully,

J. Andrew Schlange, Chief of Watermaster Services

Table 1a Proposed STWMA Budget Fiscal Year 2008 - 2009

Description		2007-08	Budget		Projected	Remaining	Proposed	
Diske prom	Original	Budget Adjustments Through 5/1/08	Proposed Budget Adjustment post 5/1/08	Revised Budget	through June 30 2008	2007-08	2008-09 Budget	
ADMINISTRATIVE REVENUES								
Undesignated Carry Forward	\$25,000	\$68,259		\$93,259	\$93,259	\$0	\$100,000	а
Beaumont Watermaster-Special Projects Group A	\$140,000			\$140,000	\$140,000	\$0	\$185,000	
Beaumont Watermaster	\$10,000			\$10,000	\$10,000	\$0	\$0	
Grant Funding from AB303	\$15,706	\$1,124		\$16,830	\$16,830	\$0	\$0	
Beaumont Cherry Valley Water District	\$73,265			\$73,265	\$73,265	\$0	\$13,167	
City of Beaumont	\$73,265			\$73,265	\$73,265	\$0	\$13,167	
South Mesa Water Company	\$5,000			\$5,000	\$5,000	\$0	\$5,000	
Yucaipa Valley Water District	\$73,265			\$73,265	\$73,265	\$0	\$13,167	
Total Budget Revenues	\$415,501	<u>\$69,383</u>	환	\$484,884	<u>\$484,884</u>	<u>\$0</u>	<u>\$329,500</u>	
ADMINISTRATIVE EXPENSES								
Manager's Salary	\$51,000			\$51,000	\$51,000	\$0	\$54,000	
Legal	\$10,000	\$5,000		\$15,000	\$15,000	\$0	\$18,000	
General Engineering, As-Requested Services	\$45,000			\$45,000	\$40,000	\$5,000	\$45,000	
Misc Expenses	\$2,000			\$2,000	\$500	\$1,500	\$2,000	
Grant, Loan, Financial Assistance	\$5,000		\$26,000	\$31,000	\$31,000	\$0	\$5,000	Ь
Revise Water Demand and Supply Plans	\$10,000			\$10,000	\$10,000	\$0	\$10,000	
Audit	\$0			\$0	\$0	\$0	\$3,000	
Reserve	\$7,500			\$7,500	\$0	\$7,500	\$7,500 \$0	
Interest Earned Subtotal Administration	\$ <u>130,500</u>	\$ <u>5,000</u>	\$ <u>26,000</u>	\$0 \$ <u>161,500</u>	\$0 \$ <u>147,500</u>	\$0 \$ <u>14,000</u>	\$ <u>144,500</u>	
SPECIAL MANAGEMENT STUDIES AND PROGRAMS								
WEI Grant Subsidence FY 2007 Carryover	\$0	\$69,383		\$69,383	\$17,659	\$51,724	\$0	
RWQCB- Ambient Quality Estimation	\$0	\$50,000	(\$26,000)	\$24,000	\$0	\$24,000	\$0	
EWSPGA Feasibility Assessment for SARI Extension to Beaumont TO								
18	\$15,000	(\$5,000)		\$10,000	\$12,000	(\$2,000)	\$0	
Coordination with SAWPA and YVWD Regarding SARI Ext	\$30,000			\$30,000	\$8,000	\$22,000	. \$0	
Integrated Resources Planning with Other Reg. Agencies	\$100,000	(\$50,000)		\$50,000	\$15,000	\$35,000	\$0	1
BWSPGA Conjunctive-Use Marketing	\$10,000			\$10,000	\$0	\$10,000	\$5,000	
EWSPGA Salt Mitigation Fee Implementation for the Beaumont and San Timoteo Management Zones	\$30,000			\$30,000	\$20,000	\$10,000	\$30,000	
BWSPGA Regional Resource Optimization Scoping Work	\$100,000			\$100,000	\$120,000	(\$20,000)	\$50,000	
BWSPGA Identify and Acquire New Supplemental Water Supply; Revenue Plan to Fund Purchase of Supplemental Water	\$0			\$0	\$0	\$0	\$100,000	
Subtotal Special Projects	\$ <u>285,000</u>	\$ <u>64,383</u>	(<u>\$26,000</u>)	\$323,383	\$ <u>192,659</u>	\$ <u>130,724</u>	\$ <u>185,000</u>	
Total Expenses	\$ <u>415,500</u>	\$ <u>69,383</u>	\$ <u>0</u>	\$ <u>484,883</u>	\$ <u>340,159</u>	\$ <u>144,724</u>	\$329,500	

a - estimated less than the Total "Remaining 2007-08"

b - AB303 grant application costs most of which have not been billed

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STWMA STMWA PC 1 Beaumont Watermaster

Table 1b Proposed STWMA PC-1 Budget Fiscal Year 2008 - 2009

Description		2007- 08	Budget		Projected	Remaining	Proposed	
	Original	Budget Adjustments Through 5/1/08	Proposed Budget Adjustment post 5/1/08	Revised Budget	through June 30 2008	2007-08	2008-09 Budget	
REVENUES Undesignated Carry Forward Beaumont Basin Watermaster Special Projects Group B Beaumont Cherry Valley Water District City of Beaumont	\$130,000 \$64,300 \$284,800 \$284,800			\$130,000 \$64,300 \$284,800 \$284,800	\$130,000 \$64,300 \$284,800 \$284,800	\$0 \$0 \$0 \$0	\$274,000 \$0 \$180,264 \$255,264	a
Total Budget Revenues	<u>\$773,900</u>	<u>\$</u> 0	<u>\$0</u>	\$763,900	<u>\$763,900</u>	<u>\$0</u>	<u>\$709,528</u>	
EXPENSES General Administration							001 000	
Manager's Salary	\$23,400 \$13,000			\$23,400 \$13,000	\$23,400 \$13,000	\$0 \$0	\$31,200 \$10,000	
Legal General Engineering, As-Requested Services	\$13,000 \$0			\$0	\$0	\$0	\$20,000	
Reserve	\$10,000			\$10,000	\$10,000	\$0	\$5,000	
Interest Earned	\$0			\$0	\$0	\$0	\$0	
Subtotal General Administration	\$46,400	\$ <u>0</u>	\$ <u>0</u>	\$ <u>46,400</u>	\$ <u>46,400</u>	\$ <u>0</u>	\$ <u>66,200</u>	
Special Projects								
Groundwater Development in the Beaumont South Basin WEI TO 1	\$100,000			\$100,000	\$34,000	\$66,000	\$0	
Beaumont and STWMA Maximum Benefit Obligations								1
SAWPA – Annual SAR Report	\$3,200			\$3,200	\$3,200	\$0	\$1,563	
RWQCB Max Benefit Monitoring WEI TO 17	\$150,000			\$150,000	\$120,000	\$30,000	\$150,000	
SAWPA Admin	\$3,600			\$3,600	\$3,600	\$0	\$1,765	
SAWPA Reclamation Guidance Document	\$2,000			\$2,000	\$2,000	\$0	\$0	
SAWPA – Emerging Contaminants	\$11,700			\$11,700	\$11,700	\$0	\$0	
SAWPA Triennial Wasteload Allocation Study	\$12,000			\$12,000	\$12,000	\$0	\$0	
SAWPA – Triennial Ambient Water Quality Estimation (all of	\$35,000			\$35,000	\$35,000	\$0	\$0	
STWMA)	\$30,000		1 0	\$30,000	\$00,000	\$30,000	\$0	۱.
San Timoteo Creek Recycled Water Discharge Modeling Prepare Title 22 Compliance Report and Obtain Master Recycling Permit	<i>\$</i> 30,000							1
WEI TO4	\$30,000			\$30,000	\$30,000	\$0	\$30,000	0
Prepare Title 22 Engineering Report for Recycled Water Recharge	\$140,000			\$140,000	\$100,000	\$40,000	\$80,000	1
Design Edgar Canyon Well Field	\$200,000			\$200,000	\$80,000	\$120,000	\$120,000	d
Obtain SRF Loan for Protection of BCVWD Water Sources	\$10,000			\$10,000	\$22,000	(\$12,000)	\$10,000	1
Develop Groundwater Supply from San Timoteo Canyon	\$0			\$0	\$0	\$0	\$0	e
Beaumont Recycled Water Discharge Permit for Multiple Discharge	**			**	so	\$0	\$250,000	
Points Subtotal Special Projects	\$0 \$ <u>727,500</u>	\$ <u>0</u>	\$ <u>0</u>	\$0 \$ <u>727,500</u>	\$453,500	\$ <u>274,000</u>	\$250,000 \$ <u>643,328</u>	'
Total PC-1 Expenses	\$773,900	<u>\$0</u>	\$ <u>0</u>	\$ <u>773,900</u>	\$499,900	\$274,000	\$709,528	

a - Estimated Total "Remaining 2007-08." The unspent budget is a reflection of outside interference or issues that prohibited completing the assignments. b - Work is being completed in the SAWPA Wasteload Allocation work that the City and STWMA are participating in with funds from 2007-08; therefore the money was not spent c - work is on hold pending completion of work by BCVWD and the City of Beaumont. d - work is on hold pending access to BVMWC and CVMWC wells for pump testing; and resolution of geophysical consultants issues on bedrock control e - deferred indefinitely f - first year budget estimate; creates more habitat with the absolute minimum recycled water discharge Have not received the numbers from YVWD and we need to determine what the follow up actions.

Proposed Beaumont Basin Watermaster Budget Fiscal Year 2008 - 2009

Description		2007-08		-	Projected	Remaining	Proposed	
	Original	Budget Adjustments Through 5/1/08	Proposed Budget Adjustment post 5/1/08	Revised	through June 30, 2008	2007-08	2008-09 Budget	
						-		ſ
Indesignated Carry Forward	\$40,000			\$40,000	\$40,000	\$0	\$8,000	
Beaumont Cherry Valley Water District	\$24,500)		\$24,500	\$24,500	\$0	\$50,500	
	\$24,500			\$24,500	\$24,500	\$0	\$50,500	
City of Beaumont		1		\$24,500	\$24,500	\$0	\$50,500	
City of Banning	\$24,500	1				\$0	\$50,500	
South Mesa	\$24,500			\$24,500	\$24,500			1
Yucaipa Valley Water District	\$24,500			\$24,500	\$24,500	\$0	\$50,500	
Total Administrative Revenues	\$162,500	<u>\$0</u>	<u>\$0</u>	\$162,500	\$162,500	<u>\$</u> 0	<u>\$260,500</u>	
ADMINISTRATIVE EXPENSES		5						
General Manager's Salary	\$51,000	1.1		\$51,000	\$51,000	\$0	\$54,000	1
	\$5,000			\$5,000	\$5,000	\$0	\$7,500	1
Meetings	\$0,000	2		40,000	40,000	· · ·		1
equisition/Computation of Production and Data, Coordination of		8		\$20,000	\$17,300	\$2,700	\$20,000	1
Replenishment Activities, Annual Report	\$20,000		S - 3					
Annual Audit	\$1,500	\$900	1	\$2,400	\$2,400	\$0 \$0	\$3,000	1
Seneral Engineering	\$25,000		2 î	\$25,000	\$25,000	\$0	\$25,000	1
Meter Installation	\$10,000	(\$5,000)		\$5,000	\$0	\$5,000	\$0	1
General Legal	\$10,000	\$7,149		\$17,149	\$16,000	\$1,149	\$18,000	1
Subsidence Monitoring Program paid to STVMA	\$0			\$0	\$0	so	\$37,000	
	\$25,000			\$25,000	\$25,000	\$0	\$16,000	L
Broundwater Level Monitoring Program	\$10.000			\$10,000	\$10,000	\$0	\$10,000	
Jpdate of Water Demand and Supply Projections							\$50,000	L
Biennial Engineer's Report	\$0			\$0	\$0	\$0	\$50,000	
Develop Methodology and R&R to Estimate and Assign New Storm	\$0			\$0	\$0	\$0	\$15,000	L
water Recharge		(05.000)						L
Reserve	\$5,000	(\$5,000)		\$0	\$0	\$0	\$5,000	
nterest Paid					\$0	\$0	\$0	Ł
Total Administrative Expenses	\$162,500	(\$1,951)	\$ <u>0</u>	\$ <u>160,549</u>	\$ <u>151,700</u>	\$ <u>8,849</u>	\$260,500	
TO THUS SOD ODSOLAL DOG ISSTE CROUD & (STMMA)								1
REVENUES FOR SPECIAL PROJECTS GROUP A (STWMA)						*0	*0	L
Undesignated Carry Forward	\$0			\$0	\$0	\$0	\$0	L
Beaumont Cherry Valley Water District	\$34,375			\$34,375	\$34,375	\$0	\$45,625	
City of Beaumont	\$34,375			\$34,375	\$34,375	\$0	\$45,625	
City of Banning	\$34,375			\$34,375	\$34,375	\$0	\$45,625	
South Mesa	\$2,500			\$2,500	\$2,500	\$0	\$2,500	1
NS	\$34,375			\$34,375	\$34,375	\$0	\$45,625	
Yucaipa Valley Water District	\$140,000	\$0	\$0		\$140,000	\$0	\$185,000	
Total Budgeted Revenues for Special Projects Group A	4140,000		-	4140,000	<u></u>			L
SPECIAL PROJECT GROUP A EXPENSES (STWMA)								
Conjunctive-Use Marketing	\$10,000			\$10,000	\$10,000	\$0	\$5,000	
Salt Mitigation Fee Implementation for the Beaumont Management Zone	\$30,000			\$30,000	\$30,000	\$0	\$30,000	1
	\$100,000			\$100,000	\$100,000	\$0	\$50,000	
Regional Resource Optimization Scoping Work	\$100,000		1 (d)	\$100,000	\$100,000	•••		L
Identify and Acquire New Supplemental Water Supply; Revenue Plan to	\$0		1	\$0	\$0	\$0	\$100,000	L
Fund Purchase of Supplemental Water Fotal Special Project Group A Expenses	\$140,000	\$0	\$0	\$140,000	\$140,000	\$0	\$185,000	L
the second s	4 140,000	ni milane patrone a caratante		4140,000	4140,000		•	-
REVENUES FOR SPECIAL PROJECTS GROUP B (STWMA PC1)							5	1
Undesignated Carry Forward	\$0			\$0	\$0	\$0	\$0	t
Beaumont Cherry Valley Water District	\$17,267		L	\$17,267	\$17,267	\$0	\$0	1
City of Beaumont	\$17,267		1	\$17,267	\$17,267	\$0	\$0	ł
				\$17,267	\$17,267	\$0	\$0	1
City of Banning	\$17,267							1
South Mesa	\$12,500			\$12,500	\$12,500	\$0	\$0	
rucaipa Valley Water District	\$0	2507		\$0	\$0	\$0	\$0	
otal Budgeted Revenues for Special Projects Group B	\$84,301	<u>\$0</u>	<u>\$0</u>	\$64,301	<u>\$64,301</u>	<u>\$0</u>	\$ 0	1
SPECIAL PROJECT GROUP B EXPENSES (STWMA PC1)	8 B							1
SAWPA – Admin	\$3,600			\$3,600	\$3,600	\$0	\$0	1
							\$0	1
SAWPA – Reclamation Guidance Document	\$2,000			\$2,000	\$2,000	\$0		. 1
SAWPA – Emerging Contaminants	\$11,700			\$11,700	\$11,700	\$0	\$0	- 1
SAWPA – Triennial Ambient Water Quality Estimation (all of STWMA)	\$35,000		1	\$35,000	\$35,000	\$0	\$0	
	E40 000	1	1	\$12,000	\$12,000	\$0	\$0	1
SAWPA – Triennial Wasteload Allocation Study	\$12,000	10.45	1					
SAWPA Triennial Wasteload Allocation Study Total Special Project Group B Expenses	\$12,000 \$64,300	\$ <u>0</u>	\$ <u>0</u>	\$64,300	\$64,300	\$ <u>0</u>	<u>\$0</u>	1

a - deleted indefinitely from the budget and replaced by water duty or other method deemed appropriate by Watermaster.

b - required before appropriators can get access to new yield created by new recharge.

c - necessary to meet future water demands post 2013

d - required every third year starting in 2007-08

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 Table 2 Summary of Proposed Revenues for the STWMA, STWMA PC1 and Beaumont Watermaster

 Fiscal Year 2008 - 2009

Agency	STWL1A	STWMA PC I	Wa	atermaster -		
- (gene)			Admin	Group A	Group B	
evenues by Member for the STWMA, the STWMA PC1 and th	e Beaumont Waterma	ster				
BCVWD	\$13,167	\$180,264	\$50,500	\$45,625	\$0	\$289,556
Beaumont	\$13,167	\$255,264	\$50,500	\$45,625	\$ 0	\$364,556
Banning	\$0	\$0	\$50,500	\$45,625	\$ 0	\$96,125
SMWC	\$5,000	\$0	\$50,500	\$2,500	\$0	\$58,000
YWWD	\$13,167	\$0	\$50,500	\$45,625	\$0	\$109,292
Total	\$44,500	\$435,528	\$252,500	\$185,000	\$ <u>0</u>	\$ <u>917,528</u>
ther Revenue						
Watermaster Special Projects	\$185,000	\$0	\$0	(\$185,000)	\$0	\$0
Undesignated Carryover	\$100,000	\$274,000	\$8,000	\$0	\$0	\$382,000
otal Program Costs	\$329,500	\$709,528	\$260,500	\$ 0	\$ <u>0</u>	\$ <u>1,299,528</u>

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20080527_STWMA_PC1_BBW_Budget.xis - 20080524 WBS for Engineering Created on 5/24/2008 Printed on 5/27/2008

Description	CARL NIGHT	South States		Labor			THOMAS CONSIGNATION	A CANADA A	Strength of the	Other Direct Chings.	r Churges	Sec. 1985		Contraction of the local data	Total Coxtv	CONTINUES ONLY
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	Proceed	Principal Associate	Senior	Staff		Field Perver	J	Tracel	Suba	tab	Repro	Mare.	Total ODCs	Subrav	Task Order	Budget
	They are				Ecitor	Viel Dave										
Identify and Acquire New Supplemental Water Supply, Revenue						-	-\$16.560								\$100,200	\$100,000
Plan to Fund Purchase of Supplemental Water ²							-									
Task Develop Approach to Identify New Sunctemental Supplies	99					9	la -						9	\$16.400	50	
Task 2 identify Specific Sources of New Supplemental Supplies	20					20	\$32,800						\$5,000	\$37,800		
Task 3 Negotiate Terms to Acquire New Supplemental Supply	20					20		\$5,000					\$5,000	\$37,800		
Tark 4 Develop Revenue Plan to Acquire New Supplies	ŝ					ŝ	100						8	\$8.200		
Subtotal Beaumont Watermaster Engineering Tasks							\$302,130	\$11,750	\$35,000	8	\$10,400	\$500	\$37,650	\$354,980	\$354,980	000'855\$
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STWMA PC-1 Engineering Tasks																
Genoral Engineering As-requented Services	=				-	13	\$18,880	\$1,000					\$1,000	\$19,880	\$19,880	\$20,000
RWQCB Max Banelit Monitoring TO 17 Tark I Conduct Surface and Ground Water Manitoring Tark 2 Prepare Amuel Report Tark 3 Prepare Amuel Report			s 12.0	<u>C</u> 2 2	8	2 80	\$75,840 \$20,480 \$12,080	40 \$5.000		000'56\$	0005\$		005\$ 000'1\$	\$115,840 \$21,480 \$12,580	\$149,900	\$150,000
Propure Tide 22 Compliance Report and Obtain Marter Racycling Permit WEI TO4 As-requested Services	24		50			2 23	\$26,920	920 \$1.000					\$1,000	\$27.920	\$27,920	000 '015
Propare Title 21 Engineering Report for Racycled Water Recharge	840-														\$134,200	000'08\$
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- involves a meeting Notes

2. The general scope is purposedially vague as the sources and methods to efficiently identify and control the cost of this property acquisition are better handled in doted session.
3. A summer cost to complete non Chino Basin part of the Santa Ana Basin is about 40 percent of the SWMWD service area

Beaumont Basin Watermaster

560 Magnolia Avenue Beaumont, CA 92223 www.stwma.org Office (951) 845-9581 Mobile (760) 574-6236 Email Jasa921@aol.com

To: Beaumont Basin Watermaster Parties to the Beaumont Basin Stipulated Agreement

From: J. Andrew Schlange, Chief of Watermaster Services Mark Wildermuth, Watermaster Engineer

Subject: Proposed Amendment to the Watermaster Rules and Regulations to Add 7.8 Availability of Unused Overlying Production and Allocation to the Appropriator Parties

Groundwater production and storage rights in the Beaumont Basin were agreed on in 2003 and 2004 and are described in the Stipulated Agreement, which was approved by Superior Court in February 2004 (see the Stipulated Agreement at www.beaumontwatermaster.org). The overlying parties to the stipulation were decreed specific production rights with the water to be pumped from and used on specific parcels. In lieu of storage accounts and carryover rights, the overlying parties were each allowed to exercise their rights over a five-year period. If an overlying party were to produce more than five times their decreed right over this five-year period, they would be required to pay assessments to the Watermaster so that the Watermaster could purchase replenishment water on their behalf. Exhibit B to the Judgment lists the overlying parties and their decreed overlying rights. Exhibit D lists the overlying parties and their rights can be pumped and used.

The water rights allocated to the overlying parties essentially equaled the decreed safe yield of the Beaumont Basin, and, thus, there was no safe yield available for appropriation. The individual water rights of the appropriators are expressed as percentage allocations of the safe yield that is not used by the overlying parties. These rights are listed in Exhibit C to the Stipulated Agreement. There are three ways the appropriator parties can gain access to the safe yield. The first is through an annual foregoing of an overlying right as provided for in Section III.3 of the Stipulated Agreement and Section 7 of the Watermaster Rules and Regulations.

Secondly, appropriators could gain access to part of the safe yield if Watermaster were to determine that the safe yield is greater than the 8,650 acre-ft decreed in the Stipulated Agreement. In this case, the appropriators would exclusively share the safe yield in excess of 8,650 acre-ft/yr, based on Exhibit C to the stipulation. Pursuant to the Stipulated Agreement, the safe yield will be 8,650 acre-ft/yr for each of the first ten years following the effective date of the stipulated agreement (Section I.3.x). Thereafter, Watermaster may, based on the best scientific information, redetermine the safe yield.

And, the third way for appropriators to gain access to part of the safe yield would be for an overlying party or parties to under produce their rights over a preceding five-year period. In this case, a portion of the unused safe yield would be available for appropriation. Next fiscal year, 2008/09, will be the first fiscal year in which unproduced overlying rights may be available for appropriation. Based on the production records maintained by the Watermaster (see the *Fourth Annual Report of the Beaumont Watermaster 2006/07*), the volume of water unproduced by the overlying parties in fiscal 2003/04 was about 4,406 acre-ft. The estimated aggregate production by the overlying parties since the Stipulated Agreement became effective is shown in Table 1 below. Table 2 illustrates how the unproduced rights would be allocated among the appropriators. To be clear, the overlying rights are not being transferred or diminished in any way: only the unproduced water from a fiscal year preceding the then current five-year production period is being assigned to the appropriators.

Table 1

Estimated Under Production by Overlying Parties to the Beaumont Basin Judgment

Total Under Estimated Overlying **Fiscal Year** Overlying Production Production Cumulative Rights Under Production 2003/04 8650 4,244 4,406 4,406 2004/05 8650 3,497 5,153 9,559 8650 2005/06 3,432 5,218 14,777 2006/07 8650 3,763 4,887 19,664 2007/08¹ 8650 3,564 5,086 24,750 Totals 18,500 24,750

(acre-ft/yr)

1 -- production estimated based on average of three prior years

Table 2

Estimated Allocation of Unproduced Overlying Rights to Appropriators for FY 2008/09

Appropriator	Share of Safe Yield (%)	Allocation (acre-ft)
Popping	31.43%	1 295
Banning		1,385
BCVWD	42.51%	1,873
SMWC	12.48%	550
YVWD	13.58%	598
Total	100.00%	4,406

Attached to this staff letter is a proposed amendment to the Watermaster Rules and Regulations that is intended to memorialize the intent of the parties that negotiated the Stipulated Agreement and to provide clear direction to the Watermaster and Watermaster staff on the procedures to determine the availability of unproduced overlying groundwater and allocate any such amounts to the appropriators. The schedule for determining and allocating such amounts is provided in Table 3 for ten years starting in fiscal 2008/09.

Available Unused Overlying Production in Fiscal	Will be Allocated to the Appropriator Parties in Fiscal
2003/04	2008/09
2004/05	2009/10
2005/06	2010/11
2006/07	2011/12
2007/08	2012/13
2008/09	2013/14
2009/10	2014/15
2010/11	2015/16
2011/12	2016/17
2012/13	2017/18

Table 3

Schedule to Allocate Unproduced Overlying Water to Appropriators

7.8 **Availability of Unused Overlying Production and Allocation to the Appropriator Parties.** Except as provided for in Section 7.0 herein, to the extent that groundwater pumping by an overlying party to the Judgment does not exceed five times the share of safe yield assigned to the overlying party during any five-year period (see column 4 of Exhibit B to the Judgment), the amount of groundwater not produced by such overlying party pursuant to its rights under the Judgment shall be available for allocation to the appropriator parties in accordance with their respective percentage shares of unused safe yield (see column 3 of Exhibit C to the Judgment). The availability and allocation of any such groundwater not produced by the overlying parties in accordance with their rights under the Judgment shall be first determined in fiscal year 2008/09 and every year thereafter. The table below illustrates the transfer process anticipated in the Judgment.

Available Unused	Will be Allocated to the
Overlying Production in	Appropriator Parties in
Fiscal	Fiscal
2003/04	2008/09
2004/05	2009/10
2005/06	2010/11
2006/07	2011/12
2007/08	2012/13
2008/09	2013/14
2009/10	2014/15
2010/11	2015/16
2011/12	2016/17
2012/13	2017/18

Groundwater not produced by the overlying parties in accordance with their rights under the Judgment and determined to be available for allocation to the appropriator parties pursuant hereto may be utilized by the appropriator parties in accordance with the terms of the Judgment and these Rules and Regulations. Neither this rule nor its operation shall be deemed or construed in any way to change, limit or otherwise affect any rights awarded to and held by the overlying parties pursuant to the Judgment. Nor shall this rule or its operation result in any liability to the overlying parties or be deemed or construed as a transfer, assignment, forfeiture or abandonment of any overlying rights under the Judgment.