

**DRAFT RECORD OF THE MINUTES OF THE  
BEAUMONT BASIN WATERMASTER MEETING  
May 11, 2010**

**Watermaster Members Present:**

City of Banning:	Duane Burk
Beaumont Cherry Valley Water District:	Anthony Lara
South Mesa Water Company:	George Jorritsma
Yucaipa Valley Water District:	Joseph Zoba

**Watermaster Members Absent:**

City of Beaumont:	Dave Dillon
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**Consultants Present:**

Joseph Aklufi	Aklufi & Wysocki
Mark Wildermuth (arrived 10 min late)	Wildermuth Environmental Inc
Samantha Adams (arrived 10 min late)	Wildermuth Environmental Inc

**Others Present:**

Niki Magee	Self
Luwana Ryan	Self
Patsy Reeley	Self
Judith Bingham	Self
Frances Flanders	Self
Barbara Voigt	SGPWA
Jeff Davis	SGPWA
Dave Dysart	SGPWA
Stella Parks	BCVWD
Dr. Blair Ball	BCVWD
John Halliwill	BCVWD
Blanca Marin	BCVWD
John Ohanian	Oak Valley Partners

**1. Call to Order**

Chairman Jorritsma called the meeting to order at 9:05 a.m., 560 Magnolia Avenue, Beaumont, California

**2. Roll Call**

Member Dillon was absent to this meeting.

**3. Pledge of Allegiance**

Chairman Jorritsma led the pledge.

**4. Oral and Written Communication**

Chairman Jorritsma invited Judy Bingham to address the Commission on an item not on the agenda. Ms. Bingham addressed her concerns on several conflicts of interests that are "allowed" by the Watermaster. Her first concern is that Mr. Wildermuth is employed by both, the City of Beaumont and the Watermaster creating a conflict of interest as Mr. Wildermuth can not serve two "masters". Mr. Wildermuth's contract never goes out to bid and there are always task orders for his services. She

indicated that Mr. Wildermuth has no credibility with the public after he "lied" about the sewerage of Cherry Valley and now the public will never accept him again. She indicated that the scam was

engineered to facilitate the annexation of Cherry Valley into the City of Beaumont, so that Urban Logic Consultants could increase their territory and therefore, make more money as they do up to 9% of all the City's public works. She further stated that Dave Dillon, Ernie Eager and Dee Pak Moorjani have a private corporation which made four million in 2006 and 2007 and 4.8 million in 2008. She further expressed her opinion about Mr. Aklufi by stating that "is he the god father or is he the enforcer?" She indicated that it is time that the Commission hires a legal consultant whose job is not to protect Urban Logic's profits or "the very corrupt" City of Beaumont. She offered to provide copies to back up this information if anyone was interested.

Chairman Jorritsma invited Frances Flanders to address the Commission on an item not on the agenda. Ms. Flanders expressed her agreement to Ms. Bingham's statements because she does not agree that Mr. Wildermuth and Mr. Aklufi should serve individual people in this Commission. She would like to see an independent person doing the kinds of jobs where one person does not do work for both.

## 5. Consent Calendar

- A. Approve Minutes of April 14, 2010\*
- B. Treasurer's Report for the period ending April 30, 2010\*

Member Zoba moved to approve the Consent Calendar. Member Burk seconded. The motion passed with Member Dillon absent.

## 6. Action Items

- A. Mandatory and Discretionary Duties of the Watermaster  
(Memorandum 10-10)

Member Zoba reported on this item indicating that at the April 14, 2010 meeting he asked for a list of mandatory and discretionary duties of the Watermaster. His intent was to focus the Watermaster into the mandatory functions. Another purpose was to use this list of mandatory and discretionary duties as a base for the Watermaster budget and to further identify what the mandatory functions of the Watermaster are and then adequately fund them. He indicated that the General Administration of the Watermaster function is primarily completed by the Annual Report. He indicated that he also noticed that the Biennial Engineer's report does not fall under the mandatory duties of the Watermaster and in some cases it duplicates the Annual Report. He would like the members of the Commission to consider including some of the mandatory duties in the Annual Report so that it becomes only one report which can be then updated yearly. A lot of the functions will become then discretionary and if any member wants to bring any of these items for discussion for the Committee to review and to determine as to how the funding will look like and determine whether or not to pursue it.

Chairman Jorritsma invited Luwana Ryan to address the Commission on this item. Ms. Ryan stated that after rereading the duties and responsibilities in the Adjudication, she found no judicial classifications of mandatory and discretionary powers and duties. She indicated that the responsibilities to decide what the Watermaster want or might not want to do should probably go back to the court. When the adjudication happened there were approximately 500 people who were not notified. She stated that the Commission should let a judge decide on what is mandatory and what is discretionary. She recommended that the Commission should read the adjudication if they want to know what their responsibilities are.

Chairman Jorritsma invited Dr. Blair Ball to address the Commission on this item. Dr. Ball, speaking as a rate payer, asked that the Commission be judicious at what they do as a Watermaster, as due to the economic times the Watermaster needs to do what they are obligated to do. He suggested letting other agencies do what they do best, so that the Watermaster does not have to "reinvent the wheel".

Member Zoba commented that it is important for the agencies in this region to identify what their roles are. If each agency defines their role and minimize the overlap then the agencies will operate more efficiently. He indicated that the Yucaipa Valley Water District Board could work with other agencies'

boards to do cooperative projects. He further stated that the Judgment is very specific and that it is a good idea that the Commission reviews this document and decides on any changes.

Chairman Jorritsma invited Niki Magee to address the Commission on this item. Ms. Magee expressed her concern regarding the adjudication not granting Beaumont Cherry Valley Water District overlied rights. She indicated that this might be the responsibility of the Watermaster. She recommended that the Watermaster obtain from the Beaumont Cherry Valley Water District copies of the deeds to determine whether or not it requires an action in court.

Member Lara commented that it was his understanding that if you have an overlied right, you exercise it but you have to use that on your land and the District does not do that as the District does not own all of the land it serves.

Ms. Magee explained that the deeds supersede the judgment. She stated that "The fact is, water was segregated from the land when the deeds were issued. In a case of a large parcel, the land is segregated from the water the District owns the water, yet the owner of the land was given the rights to the water."

B. Presentation of the Draft Fiscal Year 2010/2011 Budget Proposal  
(Memorandum 10-11)

Member Zoba provided a brief verbal report on this item indicating the memorandum included in the agenda was providing three options in the budget for the Watermaster to consider. He indicated that the recommendation made on the first two options is not to fund the Chief of Watermaster Services position. Member Zoba welcomed Members of the Watermaster to submit any comments and or suggestions to be included in the budget. He indicated that all task orders expire on June 30<sup>th</sup>, 2010.

Member Burke questioned about what Mandatory and Discretionary duties fall under the options A and B provided in the Draft Budget.

Member Zoba indicated that a lot of the Mandatory Duties will be included when the Watermaster completes the Annual Report.

Member Lara expressed his agreement with the fact that a lot of the Discretionary Duties listed are already taken care of by the regulatory agencies. He commented that a lot of items on this list can be easily deleted. He further indicated that it appears that there is a lot of redundant work being done by the Watermaster and the surrounding agencies. He would like to work with other agencies to eliminate doing unnecessary work and therefore save the ratepayers money.

Chairman Jorritsma invited Dr. Blair Ball to address the Commission on this item. Dr. Ball noted his agreement regarding the Watermaster decision not to hire a new general manager. He also agreed that the Watermaster needs to work with other agencies. He further requested that when the Commission considers who to hire for professional, legal, engineering and auditor services to go out to bid. He further recommended that the Watermaster hires professionals who are not financially involved with other agencies.

C. Applications for Groundwater Storage Agreements  
(Memorandum 10-12)

Chairman Jorritsma and Member Lara requested that typos be corrected on the memorandum for this item as it should read "240,000 acre feet" and Yucaipa's request should read "45,000"

Chairman Jorritsma invited Dr. Blair Ball to address the Commission on this item. Dr. Ball requested that each request be taken individually and that each provides an explanation as to why the increase in their account is needed. He further requested that the City of Beaumont's application be tabled as no representatives were present to provide an explanation. He asked for explanation as to why the City of Beaumont has a need to expand their storage account as the City of Beaumont is not a water district; the City of Beaumont has no wells and they have no pipes.

Chairman Jorritsma invited John Halliwill to address the Commission on this item. Mr. Halliwill requested to speak as an individual and not as a board member of the Beaumont Cherry Valley Water District, indicating that he has attended a few Beaumont Cherry Valley Water District and City of Beaumont meetings regarding the recycled water coming from the City of Beaumont. He indicated that the City of Beaumont has received a document from the District to finalize this ability to take that water. The District has not received any comments related to this document. He spoke regarding the application from the City indicating that the application states that the City will transfer the water to retailer agencies but the City is not specific as to who the retail agency is. He further indicated that the Recharge Facility located on Brookside and Beaumont Avenue should be listed and documented.

Member Burke indicated that his application indicates that the water that Banning is recharging is from this location. He indicated that there is currently no paperwork indicating that the City of Banning is paying fees to Beaumont Cherry Valley Water District. He would like to memorialize an agreement between the City of Banning and the Beaumont Cherry Valley Water District.

- i. City of Beaumont- Member representative was absent.
- ii. Yucaipa Valley Water District- Member Zoba indicated that the Yucaipa Valley Water District has the smallest storage account approved. He indicated that his storage account is 100 acre feet to reach its storage capacity. He indicated that he wants Yucaipa Water District to increase its capacity to store water in the event that surface water is not available. He recommended that the Watermaster approve Yucaipa's request.
- iii. City of Banning – Member Burke indicated that the City of Banning is requesting to increase their water account because the City of Banning does not want to extract water from the Beaumont Basin; the City of Banning wants to keep banking the water that BCVWD is recharging for the City of Banning to use it during dry years. He also indicated that the City of Banning is working with the Beaumont Cherry Valley Water District and other agencies in search of other sources of water therefore the City of Banning wants to have that extra capacity for future use.
- iv. Beaumont Cherry Valley Water District- Member Lara indicated that the Beaumont Cherry Valley Water District has the largest storage account. He also indicated that the District depends on water from the Beaumont Basin. He indicated his agreement that agencies need to look for other sources of water for use in dry years. He indicated that the District is currently not receiving recycled water from the City of Beaumont however; the District is working on obtaining a permit to bring recycled water from the west to offset the District's over-pumping. He further indicated that it is unclear as to why a land use planning agency is part of the Judgment and why they are even members of the Watermaster. He indicated that he has questioned in the past and there has been no answer. He stated that the District's job is to supply water to its customers the City's job is something else and both agencies should not intertwine. He recommended that the Watermaster table the City of Beaumont's application as he would like to hear from one of the City representatives about what their need to increase their water account is and why do they even have a water account if they are not a water district.

Member Lara moved to table the City of Beaumont's application until a representative of the City of Beaumont attends a Watermaster meeting to address the need for an increase in their account. Member Burke seconded. The motion passed with Member Dillon Absent.

Member Zoba moved to approve its request to increase the Yucaipa Water District's account. Member Burke seconded. The motion passed unanimously.

Member Lara moved to approve the Beaumont Cherry Valley Water District's application to increase its account. Member Zoba seconded. The motion passed with Member Dillon absent.

Member Burke moved to table his request until the City of Beaumont comes back to the Watermaster to explain its need for increase in their capacity and until an agreement is memorialized between the City

of Banning and the Beaumont Cherry Valley Water District for the use of the recharge by the City of Banning. Member Lara seconded. The motion passed with Member Dillon absent.

**7. Board Member Comments**

Next Watermaster meeting was scheduled for June 8, 2010 at 9:00 a.m.

Member Zoba encouraged other members to submit any comments or suggestions to be incorporated in the budget and any items for discussion in future agendas.

**8. Adjournment**

Chairman Jorritsma adjourned the meeting at 10:05 a.m.

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Anthony Lara, Secretary to the  
Beaumont Basin Watermaster