

# **Notice and Agenda of a Meeting of the Beaumont Basin Watermaster Wednesday, September 21, 2011 at 10:00 a.m.**

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## **Meeting Location:**

Beaumont Cherry Valley Water District  
560 Magnolia Avenue  
Beaumont, CA, 92223

## **Watermaster Members:**

- City of Banning: Represented by Duane Burk
  - City of Beaumont: Represented by Dave Dillon
  - Beaumont Cherry Valley Water District: Represented by Eric Fraser
  - South Mesa Water Company: Represented by George Jorritsma
  - Yucaipa Valley Water District: Represented by Joseph Zoba
- 

## **I. Call to Order**

## **II. Roll Call**

A.	City of Banning:	Duane Burk
B.	City of Beaumont:	Dave Dillon
C.	Beaumont Cherry Valley Water District:	Eric Fraser
D.	South Mesa Water Company:	George Jorritsma
E.	Yucaipa Valley Water District:	Joseph Zoba

## **III. Pledge of Allegiance**

## **IV. Public Comments** At this time, members of the public may address the Beaumont Basin Watermaster on matters within its jurisdiction; however, no action or discussion may take place on any item not on the agenda. To provide comments on specific agenda items, please complete a Request to Speak form and provide that form to the Secretary prior to the commencement of the meeting.

## **V. Consent Calendar**

- A. Approve Minutes of April 7, 2011
- B. Unaudited Financial Report - June 30, 2011

## **VI. Discussion Items**

- A. Reorganization of the Beaumont Basin Watermaster Committee - Appointment of Officers (Chairman, Vice Chairman, Secretary and Treasurer) [Workshop Memorandum No. 11-01 - Page 8 of 26]

Recommendation: That the members of the Watermaster conduct nominations for the appointment of officers of the Beaumont Basin Watermaster.

- B. Presentation of Draft Budget for Fiscal Year 2011-2012 [Workshop Memorandum No. 11-02 - Page 11 of 26]

Recommendation: This agenda item is presented for discussion by the Watermaster members with the goal of adopting an operating budget for Fiscal Year 2011-12.

- C. Status Report Related to the Beaumont Basin Watermaster Annual Report for Fiscal Years 2009/10 and 2010/11 [Workshop Memorandum No. 11-03 - Page 13 of 26]

Recommendation: No recommendation.

- D. Review of Draft Basin Accounting Agreement Between Beaumont Basin Watermaster and San Geronio Pass Water Agency [Workshop Memorandum No. 11-04 - Page 18 of 26]

Recommendation: No recommendation.

- E. Adoption of Resolution No. 2011-01, A Resolution of the Beaumont Basin Watermaster Adopting Amendment to Rule 2.12 "Annual Report" of the Rules and Regulations of the Watermaster [Workshop Memorandum No. 11-05 - Page 23 of 26]

Recommendation: Adopt Resolution No. 2011-01 as presented.

- F. Preparation of a Request for Proposals for Annual Reporting Services [Workshop Memorandum No. 11-06 - Page 25 of 26]

Recommendation: Authorize the preparation of a Request For Proposals for annual reporting services.

- G. Overview of Legal Services for the Beaumont Basin Watermaster [Workshop Memorandum No. 11-07 - Page 26 of 26]

Recommendation: No recommendation

## **VII. Watermaster Member Comments**

## **VIII. Adjournment**

**NEXT MEETING DATE: October 26, 2011 at 10:00 am**

# CONSENT CALENDAR

Record of the minutes of the  
Beaumont Basin Watermaster meeting  
April 7, 2011

Meeting Location

Beaumont Cherry Valley Water District  
560 Magnolia Avenue  
Beaumont, CA 92223

**1. Call to Order**

Chairman Jorritsma called the meeting to order at 9:00 a.m.

**2. Roll Call**

A. City of Banning:	Duane Burk	Absent
B. City of Beaumont:	Dave Dillon	Present
C. Beaumont Cherry Valley Water District:	Anthony Lara	Present
D. South Mesa Water Company:	George Jorritsma	Present
E. Yucaipa Valley Water District:	Joseph Zoba	Present

**3. Others Present**

John Covington	Dr. Blair Ball
Jennifer Aires	John Guldseth
Ray Morris	John Jeter
Luwana Ryan	Jeff Davis
Frances Flanders	James Earhart
Barbara Voigt	Knute Dahlstrom
Mark Wildermuth	Mark Knorrington

**4. Pledge of Allegiance**

Chairman Jorritsma led the pledge.

**5. Public Comments:**

Chairman Jorritsma invited Frances Flanders to address the Commission on an item not on the agenda. Mrs. Flanders suggested that the Watermaster consider the use different consultants and staff that don't work here to avoid a slant.

**6. Consent Calendar**

- A. Approve Minutes of September 14, 2010\*\*
- B. Unaudited Financial Report for Fiscal Year 2010-2011\*\*

Member Dillon moved to approve the Consent Calendar including Minutes of September 14, 2010 with corrections. Member Zoba seconded. The motion passed with Member Burk absent.

**7. Action Items**

- A. Resolution No. 2011-01, A Resolution of the Beaumont Basin Watermaster Adopting an Amendment to Rule 2.12 "Annual Report" of the Rules and Regulations of the Watermaster\*\*

Member Zoba recommended that the Commission table this item as legal counsel needs to clarify some of the dates of completion of the reports mentioned on the resolution.

Member Zoba moved to table this item and bring it back to next meeting. Member Lara seconded. The motion passed with Member Burk absent.

B. Budget Proposal to Prepare the Beaumont Basin Watermaster Annual Report Covering Fiscal Years 2009-10 and 2010-11 \*\*

After a brief report, Member Zoba moved to approve. Member Dillon seconded. The motion passed with Member Burk absent.

## **8. Discussion Items**

A. Potential Storage Agreement with the San Gorgonio Pass Water Agency

Chairman Jorritsma invited Luwana Ryan to address the Commission on an item not on the agenda. Mrs. Ryan recommended that Members of the Commission discuss the benefits to the rate/tax payers by having a Storage Agreement.

Chairman Jorritsma invited General Manager of the San Gorgonio Pass Agency, Jeff Davis to speak on this item. Mr. Davis referred to the common interest that the Beaumont Basin Watermaster and the Agency have on the Beaumont Basin. He further read the Section 2.1 of the Beaumont Basin Watermaster's Rules and Regulations. He indicated that he has instructed the Agency's legal counsel to draft an agreement and he will forward it to all Watermaster members for comments.

B. Future Activities of the Watermaster

- a) Quantification of New Stormwater Recharge
- b) Storage Agreements
- c) Others

After discussion, the Commission recommended presenting Items 7A, 7Ba and 7Bb to the next Beaumont Basin Watermaster Meeting.

## **9. Adjournment**

Chairman Jorritsma adjourned the meeting at 9:48 a.m.

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Anthony Lara, Secretary to the  
Beaumont Basin Watermaster

# Beaumont Basin Watermaster

## Unaudited Financial Report for Fiscal Year 2010-2011

Period Ending - June 30, 2011

Monday, September 12, 2011

	Account Number	Approved Budget Fiscal Year 2011	Year-To-Date	Percentage of Approved Budget
OPERATING REVENUE:				
Carryover from FY 2010 Fiscal Year	--	\$14,659.29	\$14,659.29	100.0%
City of Banning	3120	\$6,000.00	\$6,000.00	100.0%
City of Beaumont	3105	\$6,000.00	\$6,000.00	100.0%
Beaumont Cherry Valley Water District	3110	\$6,000.00	\$6,000.00	100.0%
South Mesa Mutual Water Company	3125	\$6,000.00	\$6,000.00	100.0%
Yucaipa Valley Water District	3115	\$6,000.00	\$6,000.00	100.0%
<b>Total Operating Revenue</b>		<b>\$44,659.29</b>	<b>\$44,659.29</b>	<b>100.0%</b>

	Account Number	Approved Budget Fiscal Year 2011	Year-To-Date	Percentage of Approved Budget
OPERATING EXPENSES:				
Bank Fees & Interest	5000	\$350.29	\$406.60	116.1%
Miscellaneous & Meetings	5010	\$5,000.00	\$979.10	19.6%
Acquisition/Computation & Annual Report	5020	\$17,500.00	\$0.00	0.0%
Annual Audit	5040	\$2,200.00	\$2,150.00	97.7%
General Engineering	5060	\$5,000.00	\$0.00	0.0%
Groundwater Level Monitoring Program	5063	\$10,000.00	\$0.00	0.0%
Legal Expenses	5070	\$3,500.00	\$375.00	10.7%
Reserve Funding	5080	\$1,109.00	\$318.34	28.7%
<b>Total Operating Expense</b>		<b>\$44,659.29</b>	<b>\$4,229.04</b>	<b>9.5%</b>

**Revenue Over / (Under) Expenses                      \$0.00                      \$40,430.25                      --**

# DISCUSSION ITEMS

## **WATERMASTER MEMORANDUM NO. 11-01**

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Reorganization of the Beaumont Basin Watermaster Committee (Chairman, Vice Chairman, Secretary and Treasurer)

**Recommendation:** That the members of the Watermaster conduct nominations for the appointment of officers of the Beaumont Basin Watermaster.

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Reviewing the minutes of the Watermaster, it appears that the officers of the organization were originally appointed at the inaugural meeting of the Beaumont Basin Watermaster on February 10, 2004. Since this time the organization has functioned very well with responsibilities shared between the member agencies.

Should the Watermaster Committee members desire to reorganize, the following roles should be assigned: Chairman, Vice Chairman, Secretary and Treasurer.



001

**BEAUMONT BASIN WATERMASTER**  
February 10, 2004 Meeting

The inaugural meeting of the Beaumont Basin Watermaster was held at the offices of the Yucaipa Valley Water District, 12770 Second Street, Yucaipa, CA 92399.

**WATERMASTER MEMBERS PRESENT**

Banning, City of	Paul Toor
Beaumont, City of	Dee Moorjani
Beaumont-Cherry Valley Water District	Chuck Butcher
South Mesa Mutual Water Company	George Jorritsma
Yucaipa Valley Water District	Joe Zoba

**Consultants Present**

Joe Aklufi	Aklufi & Wysoki
J. Andrew Schlange	San Timoteo Watershed Management Authority
Mark Wildermuth	Wildermuth Environmental, Inc.
Traci Stewart	Wildermuth Environmental, Inc.

**Others Present**

Fred Riedman	Merlin Properties
Steve Anderson	BB&K
Ira Pace	Self
Ray Wilson	Sharondale Homeowners Assoc.
Stan Riddell	Walt Beckman
Arlene Riddell	Walt Beckman
Mark Knorringa	Oak Valley Partners

**1. Call to Order**

Mr. Joe Aklufi called the meeting to order shortly after 9:00 a.m. He asked Member Zoba of Yucaipa Valley Water District (YVWD), as the hosting entity, to Chair the meeting until officers could be appointed under Item 5. Appointment of Officers later in the agenda.

**2. Roll Call**

Member Zoba noted all Watermaster members were in attendance and asked everyone to go around the room to introduce themselves.

**3. Pledge of Allegiance**

Member Zoba asked Mr. Schlange to lead everyone in the Pledge of Allegiance.

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**4. Oath of Office**

Mr. Aklufi asked all Watermaster Members to stand and raise their right hands to pledge their Oath of Office after him.

**5. Appointment of Officers (Chairman, Vice Chairman, Secretary and Treasurer)**

Member Zoba asked if there were any nominations for the office of Chairman of the Beaumont Basin Watermaster.

Motion by Member Butcher, second by Member Zoba, and by unanimous vote:

***Moved to nominate Mr. George Jorritsma for the office of Chairman.***

Member Zoba turned the meeting over to Chairman Jorritsma immediately following his election.

Chairman Jorritsma asked if there were any nominations for the office of Vice Chairman of the Beaumont Basin Watermaster.

Motion by Member Butcher, second by Member Toor, and by unanimous vote:

***Moved to nominate Mr. Dee Moorjani for the office of Vice Chairman.***

Chairman Jorritsma asked if there were any nominations for the office of Secretary of the Beaumont Basin Watermaster.

Motion by Member Zoba, second by Member Moorjani, and by unanimous vote:

***Moved to nominate Mr. Chuck Butcher for the office of Secretary.***

Chairman Jorritsma asked if there were any nominations for the office of Treasurer of the Beaumont Basin Watermaster.

Motion by Member Butcher, second by Member Moorjani, and by unanimous vote:

***Moved to nominate Mr. Joe Zoba for the office of Treasurer.***

**6. Discussion regarding staffing and consultants.**

Chairman Jorritsma opened the floor for discussion regarding Watermaster staffing and consultants.

Member Butcher made an initial motion that Mr. Schlange, Mr. Wildermuth and Mr. Aklufi continue in their current roles to develop Watermaster through the STWMA budget for six months until RFP's could be issued for both legal and engineering services, and a budget for his and other consultant's services could be adopted. Member Zoba indicated he would be more comfortable if a budget could be developed and presented as soon as possible so that all members could participate equally as anticipated by the Judgment. Member Toor indicated his City's fiscal year begins on July 1, and that he would have to include proposed budget participation with his draft budget for consideration by his council when they next consider adopting the City's budget.

## WATERMASTER MEMORANDUM NO. 11-02

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Presentation of Draft Budget for Fiscal Year 2011-2012

**Recommendation:** This agenda item is presented for discussion by the Watermaster members with the goal of adopting an operating budget for Fiscal Year 2011-12.

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The Beaumont Basin Watermaster started the current fiscal year with an operating fund balance of \$40,430.25. The current operating fund balance is primarily due to the minimal activities of the Watermaster. While the budget for last year anticipated expenses of \$44,659, the activities of the Watermaster resulted in actual expenses of \$4,229.

During the current fiscal year (FY 2011-2012), the Watermaster will be completing two annual reports (see Watermaster Memorandum No. 11-03) for a cost of \$18,500. Additionally, the Watermaster may elect to change the annual reporting to a calendar year which will result in a third annual report being completed this fiscal year. This line item has been increased from \$17,500 last year to \$35,000 this year to provide for the completion of three reports. Most of the other line items have been reduced to reflect a minimal level of activity.

	<b>Approved Budget for Fiscal Year 2011</b>	<b>Proposed Budget Fiscal Year 2012</b>
OPERATING EXPENSES:		
Bank Fees & Interest	\$350.00	\$500.00
Miscellaneous & Meetings	\$5,000.00	\$1,000.00
Acquisition/Computation & Annual Report	\$17,500.00	\$35,000.00
Annual Audit	\$2,200.00	\$2,200.00
General Engineering	\$5,000.00	\$0.00
Groundwater Level Monitoring Program	\$10,000.00	\$0.00
Legal Expenses	\$3,500.00	\$1,000.00
Reserve Funding	\$1,109.00	\$730.25
<b>Total Operating Expense</b>	<b>\$44,659.00</b>	<b>\$40,430.25</b>

All of the budget line items have been reduced to the minimum amount possible to operate the organization during these difficult economic times. While the proposed budget does not require a financial contribution by the member agencies, it is likely that any unforeseen expenses not anticipated will result in a requirement to contribute funds to the organization. However, if this is an acceptable level of service/activity, it appears this organization may be able function annually for a cost of \$5,000 to \$6,000 per member agency.

# Beaumont Basin Watermaster

## Budget for Fiscal Year 2011-2012

Tuesday, September 13, 2011

----- Fiscal Year 2010-11 ----- Fiscal Year 2010-11

OPERATING REVENUE:		Account Number	Approved Budget Fiscal Year 2011	Proposed Budget Fiscal Year 2012
Carryover from Prior Fiscal Year		--	\$14,659.29	\$40,430.25
City of Banning		3120	\$6,000.00	\$0.00
City of Beaumont		3105	\$6,000.00	\$0.00
Beaumont Cherry Valley Water District		3110	\$6,000.00	\$0.00
South Mesa Mutual Water Company		3125	\$6,000.00	\$0.00
Yucaipa Valley Water District		3115	\$6,000.00	\$0.00
<b>Total Operating Revenue</b>			<b>\$44,659.29</b>	<b>\$40,430.25</b>

OPERATING EXPENSES:		Account Number	Approved Budget for Fiscal Year 2011	Projected Expenses Fiscal Year 2011	Proposed Budget Fiscal Year 2012
Bank Fees & Interest		5000	\$350.00	\$406.60	\$500.00
Miscellaneous & Meetings		5010	\$5,000.00	\$979.10	\$1,000.00
Acquisition/Computation & Annual Report		5020	\$17,500.00	\$0.00	\$35,000.00
Annual Audit		5040	\$2,200.00	\$2,150.00	\$2,200.00
General Engineering		5060	\$5,000.00	\$0.00	\$0.00
Groundwater Level Monitoring Program		5063	\$10,000.00	\$0.00	\$0.00
Legal Expenses		5070	\$3,500.00	\$375.00	\$1,000.00
Reserve Funding		5080	\$1,109.00	\$318.34	\$730.25
<b>Total Operating Expense</b>			<b>\$44,659.00</b>	<b>\$4,229.04</b>	<b>\$40,430.25</b>

**Revenue Over / (Under) Expenses      \$0.29      \$40,430.25      \$0.00**

## **WATERMASTER MEMORANDUM NO. 11-03**

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Status Report Related to the Beaumont Basin Watermaster Annual Report for Fiscal Years 2009/10 and 2010/11

**Recommendation:** No recommendation.

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At the Beaumont Basin Watermaster meeting on April 7, 2011, the Watermaster Committee approved the attached proposal from Wildermuth Environmental for the completion of the Annual Reports for Fiscal Years 2009/10 and 2010/11. Based on the proposal, a draft report is due on September 30, 2011, and the final report is due on October 31, 2011.

Due to a delay starting the data collection, a draft report will be available for review in October. A meeting of the Beaumont Basin Watermaster has been tentatively scheduled for October 26, 2011 which may provide an opportunity to receive and file the final reports.

The purpose of this agenda item is to discuss the project status and develop a schedule for the draft and final reports.



March 31, 2011

Beaumont Basin Watermaster  
Attention: George Jorritsma, Chairman  
Office of the Watermaster Secretary  
C/O Beaumont Cherry Valley Water District  
560 Magnolia Ave.  
Beaumont, CA 92223

**Subject: Budget proposal to prepare the Beaumont Basin Watermaster Annual Report covering Fiscal Years 2009/10 and 2010/11**

Dear Mr. Jorritsma:

Per your request, Wildermuth Environmental, Inc. (WEI) is pleased to submit this proposal for the preparation of the Beaumont Basin Watermaster Annual Report covering Fiscal Years 2009/10 and 2010/11. The proposed scope of work is outlined below. The estimated cost to perform the scope of work is \$18,500. Table 1 shows the breakdown of this fee. Table 2 provides WEI's rate schedule for 2011.

### **Scope of Work**

#### **Task 1: Preparation of the Annual Report for FY 2009/10 and FY 2010/11**

##### **Task 1.1 – Collect, Compile, Review, and Process Data**

The purpose of this task is to collect the groundwater production, recharge, and elevation data needed for the preparation of the annual report, covering the period of July 1, 2009 through June 30, 2011. Data will be checked for QA/QC and uploaded to a centralized relational database, HydroDaVE™. Data collection will begin on July 15, 2011.

##### **Task 1.2 – Estimate Pumping from Metered Wells**

The purpose of this task is to calculate annual production in FY 2009/10 and FY 2010/11 for all Watermaster parties who meter their groundwater production wells.

##### **Task 1.3 – Estimate Pumping from Parties with Unmetered Wells**

The purpose of this task is to estimate annual production in FY 2009/10 and FY 2010/11 for all Watermaster parties who do not meter their groundwater production wells.

##### **Task 1.4 – Describe Pumping, Recharge, and Storage Activities**

The purpose of this task is to summarize the administrative activities of the Watermaster, the production and recharge activities of the individual parties, and to compute storage account balances as of the end of FY 2009/10 and FY 2010/11.



Mr. David Dillon  
Re: 2011 budget proposal

January 24, 2011  
Page 2 of 2

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**Task 1.5 – Prepare Draft Report and Submit to Parties for Review**

The purpose of this task is to complete the draft Annual Report. The draft report findings will be presented to the Watermaster for comments and questions. If the data requested in Task 1.1 is submitted in a timely manner, the Draft Annual Report will be submitted by September 30, 2011.

**Task 1.4 – Describe Pumping, Recharge, and Storage Activities**

The purpose of this task is to incorporate the Watermaster's comments and questions on the Draft Report into a Final Report. If the comments are provided two weeks after submittal of the Draft Report, the Final Report will be submitted by October 31, 2011.

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We are ready to begin executing this scope of work on July 1, 2011. We appreciate the opportunity to serve the Watermaster in this important and timely pursuit. Please call me or Samantha Adams if you have any questions or need further assistance.

Very truly yours,

**Wildermuth Environmental, Inc.**



Mark J. Wildermuth, PE  
President

Encl. Table 1, Table 2

**Table 1**  
**Work Breakdown Structure and Fee Estimate to Provide Professional Services**  
**Beaumont Basin Watermaster**

Description	Notes	Labor							Other Direct Charges				Total Program Costs		
		Principal III	Principal I, II	Senior	Staff	Eng Tech	Total Labor		Travel	Repro	Total ODCs		Task	Project	
							Person Days	Cost			Task	Project			
Task 1 - Preparation of Annual Report for FY 2009/10 and FY 2010/11	a			0.5	2	2.5	\$2,700	\$18,240					\$254		\$18,494
1.1 Collect, Compile, Review, and Process Data															\$2,700
1.2 Estimate Pumping from Metered Wells				0.25	1	1.25	\$1,350								\$1,350
1.3 Estimate Pumping from Parties with Unmetered Wells		0.25		2		2.25	\$2,930								\$2,930
1.4 Describe Watermaster Activities and Compute Storage Account Balance				2		2	\$2,480								\$2,480
1.5 Prepare Draft Report and Submit to Parties for Review	b	0.5		3	2	0.5	6	\$7,120		\$74	\$30	\$104			\$7,224
1.6 Prepare Final Report				0.75	0.5	0.25	1.5	\$1,660			\$150	\$150			\$1,810
Totals						16		\$18,240		\$74	\$180		\$254		\$18,494

**Notes:**

- a One report will be prepared covering both FY 2009/10 and FY 2010/11
- b Includes attendance of one Watermaster meeting to present Draft Report



**Table 2**  
**WEI Time and Material Rate Sheet for 2011**

Staff Type	Hourly Rate		
Principal Engineer III/Scientist III	\$210	-	\$230
Principal Engineer I & II/Scientist I & II	\$200	-	\$210
Supervising Engineer/Scientist	\$185	-	\$200
Senior Engineer/Scientist	\$140	-	\$170
Staff Engineer/Scientist	\$123	-	\$155
Database Manager	\$165	-	\$195
Engineering Technician	\$88	-	\$108
Field Technician	\$73	-	\$85
Office Administrator	\$95	-	\$110
Expert Witness <sup>1</sup>	\$420	-	\$430

<sup>1</sup> Preparation of testimonial material is billed at the normal hourly rate. Witness preparation, depositions, and testimony are billed at the expert witness rate, with a minimum charge of one day.

a Mileage for passenger vehicles will be billed at the IRS rate.

Subject to annual adjustments.

b Other project-related travel costs will be passed through.

## **WATERMASTER MEMORANDUM NO. 11-04**

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Review of Draft Basin Accounting Agreement Between Beaumont Basin Watermaster and San Gorgonio Pass Water Agency

**Recommendation:** No recommendation.

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At the Watermaster meeting on April 7, 2011, the Watermaster Committee received a verbal report from Jeff Davis, General Manager of the San Gorgonio Pass Water Agency, that the Agency's legal counsel was instructed to draft an agreement for storage in the Beaumont Basin. On July 13, 2011, the members of the Watermaster Committee received the attached agreement prepared by Kidman, Behrens & Tague that has been reviewed by the Board of Directors of the San Gorgonio Pass Water Agency.

This item has been added to the agenda to provide a forum for review and discussion by the Watermaster Committee, the San Gorgonio Pass Water Agency and the members of the public.

Attorney-Client Privilege  
Kidman, Behrens & Tague

**BASIN ACCOUNTING AGREEMENT**  
**BETWEEN BEAUMONT BASIN WATERMASTER**  
**AND SAN GORGONIO PASS WATER AGENCY**

This Basin Accounting Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_, by and between SAN GORGONIO PASS WATER AGENCY ("Agency") and the BEAUMONT BASIN WATERMASTER ("Watermaster") collectively hereinafter called "Parties."

**RECITALS**

**WHEREAS**, the Agency is a State Water Project ("SWP") Contractor authorized pursuant to its enabling act, Water Code Appendix §101, *et seq.* (the "Act"), to acquire or contract to acquire waterworks, waters, and/or water rights, including, but not limited to, water from the State of California from the SWP, and to provide, sell, and deliver that water under the control of the Agency to cities and other public corporations, persons, corporations or public and private agencies within the Agency for use within the service area of said Agency; and

**WHEREAS**, the Agency is authorized pursuant to the Act to acquire, control, distribute, store, spread, sink, treat, purify, reclaim, recapture, and salvage any water, including sewage and storm waters, for the beneficial use or uses and protection of the Agency or its inhabitants or the owners of rights to water therein; and

**WHEREAS**, the Agency is authorized to make contracts and do all acts necessary for the full exercise of its powers; and

**WHEREAS**, Section 15.5 of the Agency Act provides that "...in allocating water received from the State Water Project pursuant to this Act, the highest priority shall be given to eliminating groundwater overdraft conditions within any agency or district receiving the water;" and

**WHEREAS**, the Watermaster was established as the watermaster for the Beaumont Basin by court order in *San Timoteo Watershed Management Authority v. City of Banning, et al*, RCSC Case No. RIC 389197 ("Action") and the Watermaster is authorized to monitor groundwater levels, ground levels, storage and water quality in the Beaumont Basin as set forth in the Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin, entered in the Action (the "Judgment"); and

**WHEREAS**, the Beaumont Basin is within the boundaries of Beaumont-Cherry Valley Water District, the City of Banning, South Mesa Water Company and Yucaipa Valley Water District, who are parties to the Judgment and members of the Watermaster; and

Attorney-Client Privilege  
Kidman, Behrens & Tague

**WHEREAS**, the Agency has spread and percolated over 6,600 AF of water into the Beaumont Basin since 2003, through its spreading grounds on Little San Geronio Creek and has entered into water service agreements with Beaumont-Cherry Valley Water District and with the City of Banning for groundwater replenishment in the Beaumont Basin, and with Yucaipa Valley Water District for domestic, industrial, and municipal purposes; and

**WHEREAS**, the Agency is planning to lease, acquire, and construct additional replenishment facilities overlying the Beaumont Basin, including a proposed "Agreement for Joint Use of Water Recharge Facility" with the City of Beaumont and the Riverside County Flood Control and Water Conservation District for the Agency's use of Noble Creek to recharge Beaumont Basin and a proposed "Agreement for Lease of Capacity in Recharge Facility and Pipeline" with the Beaumont-Cherry Valley Water District; and

**WHEREAS**, although the Agency was not a party to the litigation resulting in the Judgment and is not bound by the Judgment or the Watermaster Rules and Regulations, the Agency Act policies, programs, and projects are geared to supplying supplemental water to users within its service area and, in addition, giving the highest priority to eliminating groundwater overdraft conditions in the Beaumont Basin; and

**WHEREAS**, Agency and Watermaster have a common interest in monitoring recharge and water production activities and groundwater levels in the Beaumont Basin; and

**WHEREAS**, the Watermaster is authorized by the Judgment and its Rules and Regulations to coordinate with the Agency and to enter into agreements that can include, but not be limited to, provisions concerning management activities; and

**WHEREAS**, the Watermaster is authorized to enter into contracts for the performance of its powers pursuant to the Judgment;

**NOW, THEREFORE**, in consideration of the mutual promises, covenants, and terms and conditions herein, the Parties agree as follows:

**AGREEMENT**

**1.0 REPORTS TO WATERMASTER.** No later than June 30 of each year, for submission in the Watermaster's annual report, the Agency shall, for each of its recharge facilities that it owns, leases, or shares, provide the Watermaster a report stating the amount of water it has recharged, sold and transferred in "situ" within the Beaumont Basin for the period from January 1 to December 31 of the previous year. Such amounts shall be determined by the Agency's measurement devices and engineering calculation concerning each of its recharge facilities.

**2.0 ACCOUNTING FOR WATER.** The Watermaster shall maintain a continuing account of water recharged, sold and transferred in "situ" in the Beaumont Basin by

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the Agency as provided by the Agency pursuant to section 1.0. An accounting of water recharged, sold and transferred in "situ" in the Beaumont Basin by the Agency for the past year (January 1 to December 31) and a cumulative total of water recharged, sold and transferred in "situ" in the Beaumont Basin by the Agency since the effective date of this Agreement shall be included in the Watermaster's official annual report required by its Rules and Regulations and the Judgment. Watermaster's documents reflecting the accounting required by this section 2.0 shall be available for review at any time upon reasonable notice by the Agency.

**3.0 REPORTS TO THE AGENCY.** The Watermaster shall provide to the Agency, no later than September 30 of each year during the term of this Agreement, an annual statement reflecting the accounting maintained by the Watermaster pursuant to Section 2.0 of this Agreement. The annual statement must include the amount of water recharged, sold and transferred in "situ" in the Beaumont Basin by the Agency for the past year (January 1 to December 31) and a cumulative total of water recharged, sold and transferred in "situ" in the Beaumont Basin by the Agency since the effective date of this Agreement. The statement provided to the Agency shall be continuously posted on the Watermaster's website for public access.

**4.0 RECONCILIATION OF DIFFERENCES CONCERNING ACCOUNTING.** If there be any differences in the reports and accounting that cannot be resolved by agreement, then either party may submit to the other party a notice ("Notice") requesting a meet and confer to discuss the differences. Within ten (10) days after receipt of the Notice, representatives of the Agency and Watermaster shall meet and confer and attempt to resolve the differences. If the parties are unable to resolve the dispute in good faith within twenty-five (25) days after receipt of the Notice, then the matter may be submitted to non-binding mediation as follows:

A. Watermaster and Agency may commence mediation by providing the other party a written request for mediation no later than thirty (30) days after receipt of the Notice, setting forth the subject of the difference and the relief requested. Watermaster and Agency covenant that they shall participate in the mediation in good faith, and that they shall share equally in costs charged by the mediator. The mediation shall begin no later than sixty (60) days after receipt of the Notice and shall end no later than ninety (90) days after receipt of the Notice. All offers, promises, conduct, and statements, whether oral or written, made in the course of the mediation by Watermaster or Agency, or their agents, employees, experts, and attorneys, and by the mediator or any of the mediator's employees, are confidential, privileged, and inadmissible for any purpose, including impeachment, in any arbitration or other proceeding involving the Watermaster or the Agency, provided that evidence that is otherwise admissible or discoverable shall not be rendered inadmissible or non-discoverable as a result of its use in the mediation. The provisions of this Section 4.0 may be enforced by any court of competent jurisdiction, and the party seeking such enforcement shall be entitled to an award of all costs, fees, and expenses, including attorneys' fees, to be paid by the party against whom such enforcement is ordered.

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**5.0 SALE AND TRANSFER OF AGENCY WATER.** Agency may, in its sole and absolute discretion sell or transfer Agency water in the Beaumont Basin to any retail water agency within the Agency boundaries that has entered into and maintains a Watermaster Groundwater Storage Agreement.

**6.0 JUDGMENT.** Neither this Agreement nor any Agency action hereunder shall bind the Agency to the Judgment or the Watermaster Rules and Regulations.

**7.0 TERM OF AGREEMENT.** The initial term of this Agreement shall be for a period of ten (10) years from the date of execution. The initial term may be extended upon written agreement of the Parties.

**8.0 NOTICE.** Any notices may be given by mail postage prepaid, addressed as follows:

Watermaster:

Agency:

**IN WITNESS WHEREOF,** the Parties hereto have caused this Agreement to be duly executed by their respective authorized officers.

**BEAUMONT BASIN WATERMASTER**

**AGENCY**

By: \_\_\_\_\_

By: \_\_\_\_\_

[NAME & TITLE]

[NAME & TITLE]

## **WATERMASTER MEMORANDUM NO. 11-05**

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Adoption of Resolution No. 2011-01, A Resolution of the Beaumont Basin Watermaster Adopting Amendment to Rule 2.12 "Annual Report" of the Rules and Regulations of the Watermaster

**Recommendation:** Adopt Resolution No. 2011-01 as presented.

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At the Watermaster meeting on April 7, 2011, the Watermaster Committee reviewed a draft resolution to change the preparation of our annual reports from a fiscal year to a calendar year. The main reason for this change is to align our water reporting period with water extraction filings, Urban Water Management Plans and other water related reports that are based on a calendar year instead of a fiscal year.

**RESOLUTION NO. 2011-01****A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER  
ADOPTING AN AMENDMENT TO RULE 2.12 "ANNUAL REPORT" OF THE  
RULES AND REGULATIONS OF THE WATERMASTER**

**WHEREAS**, the Judgment establishing the Beaumont Basin Watermaster (Riverside Superior Court Case No. 389197) empowers the Watermaster to adopt appropriate rules and regulations for the conduct of Watermaster affairs; and

**WHEREAS**, to better coordinate intergovernmental water resource management planning activities and to improve the usefulness of the Watermaster's Annual Report, the Watermaster desires to amend the dates of issuance of the draft and final versions of the Annual Report; and

**WHEREAS**, Watermaster Rule No. 2.12 requires the Watermaster to prepare a draft annual report by August of each year and a final report by September of each year; and

**WHEREAS**, the Watermaster desires to amend date of issuance of the draft report to May of each year and the final report by July of each year; and

**WHEREAS**, the Watermaster has given notice of the proposed amendment and conducted a public hearing for the purpose of receiving oral and written comments concerning the amendment.

**NOW, THEREFORE**, the Beaumont Basin Watermaster hereby resolves as follows:

**Section 1: Adoption of Amendment to Rule 2.12**

Rule 2.12 of the Beaumont Basin Watermaster Rules and Regulation is hereby amended in its entirety to read as follows:

**"2.12 Annual Report.** A draft annual report shall be prepared by May and final report shall be prepared by July of each year. At a minimum, the annual report will describe Watermaster's operations, assessments and expenditures, and a review of Watermaster activities. The annual report shall also include a summary report describing and updating any basin condition information collected or analyzed and a current active party list."

**Section 2: Notice of Adoption**

The Secretary of the Watermaster is hereby authorized and directed to disseminate copies of this Resolution Amendment to all pumpers within the Beaumont Basin and other interested parties, and to incorporate such Amendment in the Rules and Regulations of the Watermaster and maintain the same on its website for reference.

PASSED AND ADOPTED this 21<sup>st</sup> day of September, 2011.

BEAUMONT BASIN WATERMASTER

By: \_\_\_\_\_  
Chairman of the Watermaster



## **WATERMASTER MEMORANDUM NO. 11-06**

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Preparation of a Request for Proposals for Annual Reporting Services

**Recommendation:** Authorize the preparation of a Request For Proposals for annual reporting services.

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At the Watermaster meeting on September 14, 2010, the Watermaster Committee decided to form an ad hoc committee to prepare a Request for Proposal (RFP) for annual reporting services. At the subsequent meeting on April 7, 2011, the Watermaster Committee authorized Wildermuth Environmental to prepare the annual reports for fiscal years 2009/10 and 2010/11. The preparation of the RFP was subsequently delayed.

With the anticipated completion of the annual reports and the possible change in reporting period (see Watermaster Memorandum No. 11-05), it is now an ideal time to revisit the preparation of the RFP for our annual report preparation.

I would be willing to lead this effort with the preparation of a draft Request for Proposals to be presented for approval at the next Watermaster meeting on October 26, 2011.

## **WATERMASTER MEMORANDUM NO. 11-07**

**Date:** September 21, 2011

**From:** Joseph Zoba, Treasurer

**Subject:** Overview of Legal Services for the Beaumont Basin Watermaster

**Recommendation:** No recommendation.

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Over the past couple of years the activities of the Beaumont Basin Watermaster has shifted from a joint public policy role together with the San Timoteo Watershed Management Authority to an administrative role ensuring compliance of each Party with the Physical Solution as provided in the *Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin* dated February 2, 2004. As such, the role of legal counsel has been significantly reduced and reflects more of the administrative duties related to court filings and meeting assistance rather than legal confrontation.

The purpose of this agenda item is to discuss the role, need, and assessment of legal services for the Beaumont Basin Watermaster.