

**Record of the Minutes of the  
Beaumont Basin Committee Meeting of the  
Beaumont Basin Watermaster  
Wednesday, June 7, 2017**

**Meeting Location:**

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

**I. Call to Order**

*Chairman Arturo Vela called the meeting to order at 10:03 a.m.*

**II. Roll Call**

<i>City of Banning</i>	<i>Arturo Vela</i>	<i>Present</i>
<i>City of Beaumont</i>	<i>Kyle Warsinski</i>	<i>Present</i>
<i>Beaumont Cherry Valley Water District</i>	<i>Eric Fraser</i>	<i>Present</i>
<i>South Mesa Water Company</i>	<i>George Jorritsma</i>	<i>Present</i>
<i>Yucaipa Valley Water District</i>	<i>Joseph Zoba</i>	<i>Present</i>

*Kyle Warsinski was present as the alternate representing the City of Beaumont in the absence of Member Dave Dillon. Thierry Montoya was present representing legal counsel for the Beaumont Basin Watermaster.*

*Members of the public who registered their attendance were: David Fenn, Fran Flanders, Steve Lehtonen, Tom Shalhoub, Mike Thompson, Ron Duncan, Paeter Garcia, Claudeen Diaz and John Covington.*

**III. Pledge of Allegiance**

*Chairman Vela led the pledge of allegiance.*

**IV. Public Comments**

*Judy Bingham informed the Watermaster Committee that a complaint had been filed with the federal EPA regarding the State Water Quality Control Board. She stated that several complaints had also been filed with the Fair Political Practices Commission regarding some of the friends of Mark Orozco who sit on the Board of the Beaumont-Cherry Valley Water District.*

**V. Consent Calendar**

- A. Meeting Minutes
  - 1. Meeting Minutes for February 1, 2017
  - 2. Meeting Minutes for April 5, 2017

*Member George Jorritsma motioned to approve the consent calendar. The motion was seconded by Member Eric Fraser and passed 5-0.*

## **VI. Reports**

- A. Report from Engineering Consultant - Hannibal Blandon, ALDA Engineering

*Engineer Hannibal Blandon reported that a proposal for developing a sound model for estimating groundwater storage losses was still in progress and would be presented at the August meeting of the Watermaster Committee.*

- B. Report from Legal Counsel - Thierry Montoya, Alvarado Smith

*Legal Counsel Thierry Montoya reported that he had been in communication with Member Kyle Warsinski, who had received a Public Records Act Request from Icon for a fully executed groundwater well monitoring agreement. Legal Counsel Montoya stated that whoever had the agreement should forward it to Member Warsinski.*

*Legal Counsel Montoya also reported on a discussion he had been in with Paeter Garcia, legal counsel for the San Gorgonio Pass Water Agency (SGPWA), where they had been working out language in the final provision of their application for groundwater storage.*

## **VII. Discussion Items**

- A. Status Report on Water Level Monitoring throughout the Beaumont Basin through May 31, 2017 [Memorandum No. 17-13, Page 15 of 202]

Recommendation: No recommendation.

*Engineer Blandon gave a status report of the water level monitoring throughout the basin. He stated that nothing had changed from the last report, and that in general water levels were beginning to come up in various locations.*

- B. 2016 Consolidated Annual Report and Engineering Report - Draft Report [Memorandum No. 17-14, Page 20 of 202]

Recommendation: No recommendation - For informational purposes only.

*Engineer Blandon apologized for being unable to present the draft Consolidated Annual Report and Engineering Report at this meeting, and stated that the draft report would be submitted at the August meeting.*

- C. 2014 Sustainable Groundwater Management Act Reporting Requirements and its Impacts on the 2017 Consolidated Annual Report and Engineering Report [Memorandum No. 17-15, Page 21 of 202]

Recommendation: No recommendation - For discussion.

*Engineer Blandon provided a background of the Watermaster Committee's historical timeline in adopting the Consolidated Annual Report and Engineering Report, and how that timeline would be impacted in the future by reporting requirements imposed by the 2014 Sustainable Groundwater Management Act.*

*Engineer Blandon stated that he would like to hear feedback regarding several options the Committee had as it related to submitting the report in future years, beginning with the 2017 report.*

*After discussion among the Members of the Committee regarding several different options, Member Jorritsma made a motion to change the regularly scheduled meeting in April 2018 to the last Wednesday of the month of March. The motion was seconded by Member Warsinski and passed 5-0.*

- D. Approval of the Groundwater Storage Application and Groundwater Storage Agreement in the Beaumont Basin for the San Gorgonio Pass Water Agency in the Amount of 10,000 Acre Feet [Memorandum No. 17-16, Page 24 of 202]

*Recommendation: That the Watermaster adopts Resolution No. 2017-01, A Resolution of the Beaumont Basin Watermaster to Confirm and Adopt San Gorgonio Pass Water Agency's Application for Groundwater Storage Agreement, Subject to Stated Conditions.*

*Member Joseph Zoba gave an overview of the topic of the agenda, Resolution No. 2017-01, highlighting the four conditions under which the Watermaster Committee would approve the storage account requested by the SGPWA.*

*Member Fraser voiced his support of the language in the Resolution presented today and made a motion to approve Resolution No. 2017-01 as drafted. Member Zoba seconded the motion.*

*David Fenn, Board President of the SGPWA, requested that the Watermaster Committee approve the application in the same way it has already approved other storage accounts, and he provided reasons that the SGPWA cannot agree to the draft conditions in Resolution 2017-01.*

*Steve Lehtonen, District Three Director of the SGPWA, yielded his time to Paeter Garcia, legal counsel for the SGPWA.*

*Paeter Garcia, legal counsel for the SGPWA, stated that for reasons set forth in the letter from his office dated May 31<sup>st</sup>, the SGPWA is not agreeable to any of the conditions set forth in the draft Resolution. Mr. Garcia continued to discuss the reasons why the SGPWA disagrees with the types of conditions proposed by the motion. He went on to state that if there is any concern that the stored water in the supplemental account of the SGPWA would be pulled out from under the Members in the basin, the SGPWA has offered, in the spirit of cooperation, a right of first refusal, a binding legal mechanism that would ensure that the Members get first crack at that water. He noted that after speaking with Watermaster Legal Counsel Montoya as well as conferring with the SGPWA, the SGPWA is agreeable to reduce the four conditions down to the one that puts velvet handcuffs on the water.*

*Member Fraser requested that Mr. Garcia outline what the SGPWA finds to be unacceptable in the other three conditions, which Mr. Garcia subsequently did.*

*Member Fraser responded to the concerns outlined by Mr. Garcia, explaining why the Watermaster felt each condition worked in the best interests of the*

*retail agencies who have an obligation to meet the terms and conditions of the stipulated judgment.*

*Member Jorritsma asked Legal Counsel Montoya for his opinion in regard to the conditions put in place by the Watermaster in the draft Resolution in comparison to the conditions that the SGPWA has put in place. Legal Counsel Montoya expressed his surprise at the letter from Mr. Garcia, as he had felt there was more consensus between the two parties than there actually turns out to be in regard to the four conditions.*

*At Member Warsinski's request, Legal Counsel Montoya read into the record the most recently drafted version of the fourth condition.*

*Member Warsinski asked Mr. Garcia about whether the SGPWA preferred the word supplemental over the word imported as an important component of the draft Resolution. There was discussion among the Members, Mr. Garcia, and Legal Counsel Montoya about this issue, regarding the fact that supplemental is a defined term in the stipulated judgment while imported is not. Also mentioned was the issue of the responsibility that the Watermaster has to protect the water quality of the Basin, and if sources other than the State Water Project water are to be used by the SGPWA, that is the SGPWA's responsibility to outline those supplemental sources so that the Watermaster can fulfill its responsibility.*

*Jeff Davis, General Manager of the SGPWA, explained that any source of imported water to the SGPWA would have to be moved through the State Water Project aqueduct, therefore subjecting that water to similar standards of water quality as that of State Water Project water, effectively making the water quality discussion a non-issue for Watermaster purposes. Member Fraser respectfully disagreed, noting that supplemental water could come in other forms such as recycled water, stream and creek diversions, and storm water, as examples.*

*Member Zoba asked Mr. Garcia to allude to what Mr. Fenn may have been referring to when he mentioned there being conflicts between this proposed Resolution and resolutions, ordinances and the Act of the SGPWA. Mr. Garcia stated that what he thought Mr. Fenn was mentioning was that it is difficult, if not impossible, for the SGPWA Board to agree to conditions that are either expressly or implicitly at odds with its ability to carry out what the ordinances in the SGPWA law obligate the SGPWA to do.*

*At Member Fraser's request, Mr. Garcia began to explain the specific conditions in the proposed Resolution that conflicted with resolutions and ordinances of the SGPWA. Member Zoba explained his reasons as to why he believes the conditions in the proposed Resolution is not in conflict with most of the SGPWA ordinances or resolutions, with the exception of one ordinance, which revolves around the decision of the SGPWA Board to either make water available or not.*

*Subsequently, Mr. Fraser made an amendment to his original motion, stating that he would not like to move Resolution 2017-01, as he finds that the application seems to have inconsistencies in terms of the sources of water. Member Fraser therefore moved to table the item to a future meeting until the*

*Watermaster has resolution on those specific items and understands a little more fully what sources of supply the SGPWA is proposing to use, also giving Watermaster Legal Counsel additional time to review the concerns raised by the SGPWA's representative.*

*Several Members brought up ideas of having legal counsel of both parties and an ad-hoc committee get together to discuss the main issues at hand in order to find an agreeable solution.*

*The amended motion died for lack of a second, and a vote was taken on the original seconded motion to approve Resolution No. 2017-01 as drafted. The motion passed 3-2, with Members Fraser, Zoba, and Chairman Vela in favor, and Members Jorritsma and Warsinski opposed.*

### **VIII. Topics for Future Meetings**

- A. Development of a methodology and policy to account for new yield from capturing local storm water in the basin.
- B. Development of a methodology and policy to account for groundwater storage losses in the basin resulting from the spreading of additional water sources.
- C. Development of a methodology and policy to account for recycled water recharge.
- D. Develop a protocol to increase the accuracy and consistency of data reported to the Watermaster.
- E. Develop a policy to account for transfers of water that may result when an Appropriator provides water service to an Overlying Party.

### **IX. Comments from the Watermaster Committee Members**

*Chairman Vela reported that Michael Rock, listed as the Alternate Member for the City of Banning, has resigned from the City of Banning, and after his last day on June 15, 2017, the City of Banning will submit for a replacement alternate.*

### **X. Announcements**

- A. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, August 2, 2017 at 10:00 a.m.

### **XI. Adjournment**

*Vice-Chairman Jorritsma adjourned the meeting at 12:02 p.m.*

Attest:

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Tony Lara, Secretary (Alternate)  
Beaumont Basin Watermaster