

# Notice and Agenda of a Meeting of the Beaumont Basin Watermaster

Wednesday, December 5, 2018 at 10:00 a.m.

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## Meeting Location:

Beaumont Cherry Valley Water District  
560 Magnolia Avenue  
Beaumont, California 92223  
(951) 845-9581

## Watermaster Members:

City of Banning  
City of Beaumont  
Beaumont Cherry Valley Water District  
South Mesa Water Company  
Yucaipa Valley Water District

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### I. Call to Order

### II. Roll Call

City of Banning: Arturo Vela (Alternate: Luis Cardenas)

City of Beaumont: \_\_\_\_\_ (Alternate: Kyle Warsinski)

Beaumont Cherry Valley Water District: Daniel Jagers (Alternate: Mark Swanson)

South Mesa Water Company: George Jorritsma (Alternate: Dave Armstrong)

Yucaipa Valley Water District: Joseph Zoba (Alternate: Jennifer Ares)

### 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. Meeting Minutes

1. Meeting Minutes for October 3, 2018 [Page 4 of 69]

### VI. Reports

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

B. Report from Hydrogeological Consultant - Thomas Harder, Thomas Harder & Co.

C. Report from Legal Counsel - Keith McCullough/Thierry Montoya, Alvarado Smith

### VII. Discussion Items

A. Status Report on Water Level Monitoring throughout the Beaumont Basin through November 15, 2018 [Memorandum No. 18-23, Page 10 of 69]

Recommendation: No recommendation.

B. Comparative Groundwater Production and Allowable Extractions through October 2018 [Memorandum No. 18-24, Page 19 of 69]

Recommendation: No recommendation.

C. Status Report on the Development of a Return Flow Methodology for the Beaumont Basin [Memorandum No. 18-25, Page 20 of 69]

Recommendation: No recommendation.

- D. Discussion Regarding Task Order No. 18 with ALDA Inc. for the Preparation of the 2018 Consolidated Annual Report, Estimate of the Basin Safe Yield, Update of the Groundwater Model, and Associated Consulting Services for 2019 [Memorandum No. 18-26, Page 25 of 69]

Recommendation: That the Watermaster Committee approve Task Order No. 18 for a sum not to exceed \$95,970.

- E. Discussion Regarding Task Order No. 19 with ALDA Inc. for the Installation, Maintenance, and Data Collection of Water Level Monitoring Equipment in 2019 [Memorandum No. 18-27, Page 33 of 69]

Recommendation: That the Watermaster Committee approves Task Order No. 19 for a sum not to exceed \$ 21,520.

- F. Discussion Regarding Draft Resolution No. 2019-01 Amending the Judgment at the Riverside Superior Court's Request to Correct a Clerical Error - An Incorrect Reference to "8,610 Acre Feet" on Judgment, Page 7, Line 26 - Correcting Such to "8,650 Acre Feet" [Memorandum No. 18-28, Page 39 of 69]

Recommendation: That the Watermaster Committee schedule Resolution No. 2019-01 for consideration at the next regular Watermaster meeting on February 6, 2019.

- G. Discussion Regarding the "Facts About the Beaumont Basin Watermaster" [Memorandum No. 18-29, Page 63 of 69]

Recommendation: That the Watermaster Committee provides comments on the draft document to be included as part of future meeting packets.

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

- A. Development of a methodology and policy to account for new yield from capturing local stormwater 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.
- F. Discussion of Overlyer return flow credit and how it might be managed

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

##### **X. Announcements**

- A. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, February 6, 2019 at 10:00 a.m.

##### **XI. Adjournment**

# Consent Calendar

**DRAFT**  
**Record of the Minutes of the  
Beaumont Basin Committee Meeting of the  
Beaumont Basin Watermaster  
Regular Meeting  
Wednesday, October 3, 2018**

**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 10:00 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>Daniel Jagers</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> |

*Thierry Montoya was present representing legal counsel for the Beaumont Basin Watermaster.*

*Tom Harder and Hannibal Blandon were present as consultants and engineers for the Beaumont Basin Watermaster.*

*Staff present were: Mark Swanson, Bill Clayton, and Erica Gonzales from BCVWD.*

*Members of the public who registered or attended were: Fran Flanders and John Covington.*

**III. Pledge of Allegiance**

*Chairman Vela led the pledge of allegiance.*

**IV. Public Comments: None.**

**V. Correspondence:**

- A. Correspondence dated September 26, 2018 from Yucaipa Valley Water District - Transfer of 29.57 Acre Feet of Overlying Water Rights in the



Beaumont Basin for Tract No. 32702-3 (80 lots) Pursuant to Beaumont Basin Watermaster Resolution No. 2017-02

No action was required. Mr. Jagers requested a running balance of overlying rights transfers. Mr. Zoba said this could be provided.

## **VI. Consent Calendar**

*It was moved by Member Jorritsma and seconded by Member Jagers to approve the Meeting Minutes of the following dates:*

1. Meeting Minutes for August 1, 2018

|          |   |
|----------|---|
| AYES:    | Jagers, Warinski, Jorritsma, Vela, Zoba |
| NOES:    | None.                                   |
| ABSTAIN: | None.                                   |
| ABSENT:  | None.                                   |
| STATUS:  | Motion Approved                         |

## **VII. Reports**

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

*Mr. Blandon reported on the scope of work for the return flow.*

B. Report from Hydrogeological Consultant – Thomas Harder, Thomas Harder & Co.

*Mr. Harder gave a brief report.*

C. Report from Legal Counsel – Thierry Montoya, Alvarado Smith

*Legal Counsel Thierry Montoya reported that at a hearing on Sept. 17 the court appointed Mark Swanson the alternate member for BCVWD. The adjudication case has been assigned to a new judge.*

*A status conference is set on November 6 and the new judge has various questions. The judge noted a clerical error on page 7, line 26 of the judgment: the basin safe yield reads 8,610 AF. This must be amended to reflect 8,650 AF. He recommended a resolution to amend the error, and counsel will send a draft to the Board members for review.*

## VIII. Discussion Items

- A. Independent Accountant's Financial Report of Agreed-Upon Procedures for the Beaumont Basin Watermaster.

Recommendation: That the Watermaster Committee received and files the Independent Accountant's Financial Report. For the period ending June 30, 2018.

*Mr. Zoba noted this is a routine item. There was no discussion.*

*It was moved by Member Zoba and seconded by Member Jagers to receive and file the Independent Accountant's Financial Report for the period ending June 30, 2018.*

|          |   |
|----------|---|
| AYES:    | Jagers, Warinski, Jorritsma, Vela, Zoba |
| NOES:    | None.                                   |
| ABSTAIN: | None.                                   |
| ABSENT:  | None.                                   |
| STATUS:  | Motion Approved                         |

- B. Status Report on Water Level Monitoring throughout the Beaumont Basin through September 25, 2018.

Recommendation: No recommendation.

*Mr. Blandon gave a report. He noted that levels declined in Yucaipa Well 44. The cable was pulled and it was realized that no data had been recorded for the last six months. It will be replaced on Oct. 3.*

*Declining levels were also noted at Banning M-8, and M-9. The Oak Valley well requires replacement of a probe, and BCVWD 2 requires replacement of the communications cable.*

- C. Comparative Groundwater Production and Allowable Extractions through August 2018

Recommendation: No recommendation. Information Only.

*Total extraction through August was 14,424; total production was 9,040.*

- D. Consideration of Task Order No. 17 with ALDA Inc. for the Development of a Return Flow Methodology for the Beaumont Basin.

Recommendation: That the Watermaster Committee approve Task Order No. 17 as a Special Project Expense for a sum not to exceed \$40,140 and direct the Treasurer to invoice specific Appropriators based on anticipated benefit.

*Mr. Thomas Harder reported that Task 1 has been completed – contact was made with the BCVWD, City of Banning, and YVWD; all are sending information on water deliveries. Water deliveries will need to be tied to APNs. It will be helpful to understand the size of the parcels in order to understand the amount of water delivered according to size.*

*Task 2, he continued, is to apply methodologies to the most recent calendar year. Task 3 is to reevaluate return flow, and Task 4 will be to compose the tech memo.*

*Member Jorritsma indicated that South Mesa should not be funding any part of Task Order 17. Member Warinski said he does not see the benefit for the City of Beaumont and suggested the three water agencies pay for the work. Member Zoba suggested the concept of return flow would change over time, and there should be a proportional share of those benefitting. Members Vela and Jagers suggested there is indeed benefit to the City of Beaumont.*

*After discussion, it was moved by Member Zoba and seconded by Member Jagers to proceed with Task Order 17 and split the cost between BCVWD, YVWD, and the City of Banning.*

|          |   |
|----------|---|
| AYES:    | Jagers, Warinski, Jorritsma, Vela, Zoba |
| NOES:    | None.                                   |
| ABSTAIN: | None.                                   |
| ABSENT:  | None.                                   |
| STATUS:  | Motion Approved                         |

E. Discussion Regarding the Perfection of Appropriative Rights Following the Conversion of Overlying Water Rights to Appropriative Rights.

*Counsel Montoya advised that this memo supersedes the previous memo and summarized the content.*

*Mr. Jagers commented that this is a complex issue affected by legislation in California. He voiced concern that if not all of transferred right is used and there is a significant amount left over, it will affect the agencies over time.*

*Chairman Vela asked for clarification on use of water on overlying property; if transferred water may be used outside the property from which it comes. Counsel Montoya indicated that judgement and case*

*law grants the appropriator latitude, and said he agrees with Member Jagers and said there is need to set a clear plan. Zoba suggested reviewing the transfer steps at the December meeting.*

## **IX. Topics for Future Meetings**

- A. Development of a methodology and policy to account for new yield from capturing local stormwater 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
- F. Discussion of Overlier return flow credit and how it might be managed

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

*Chair Vela reiterated the storage loss methodology. Mr. Harder assured the tech memo would be finalized and distributed to the Committee this week.*

*Mr. Warinski announced that Mr. Jakher is no longer working for the City of Beaumont, so a new primary member will need to be appointed.*

## **XI. Announcements**

- A. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, December 5, 2018 at 10:00 a.m.

## **XII. Adjournment**

*Chairman Vela adjourned the meeting at 10:54 a.m.*

Attest:

*DRAFT UNTIL APPROVED*

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Daniel Jagers, Secretary  
Beaumont Basin Watermaster

# Discussion Items

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-23

**Date:** December 5, 2018

**From:** Hannibal Blandon, ALDA Inc.

**Subject:** Status Report on Water Level Monitoring throughout the Beaumont Basin through November 15, 2018

**Recommendation:** No recommendation.

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At the present time, there are 14 monitoring wells collecting water level information on an hourly basis at various locations throughout the basin. In addition, there are two monitoring probes collecting barometric pressures at opposite ends of the Beaumont Basin. The location of active monitoring wells is depicted in the attached Figure No. 1.

Water levels at selected locations are depicted in Figures 2 through 6 and are described as follows:

- ✓ Figure No. 2 – Water levels at YVWD Well No. 34 and Oak Valley Well No. 5 are considered representative of basin conditions in the Northwest portion of the basin. Water levels at YVWD No. 34 were not recorded between July 2017 and July 2018 due to several reasons including faulty equipment and repeated vandalism. Over the last four months a new probe was installed and the security at this location was enhanced. Since July 2017 the water level at this well declined by five feet to 2,141 ft in elevation.
- ✓ At Oak Valley No. 5 the water level declined by seven feet since March 2018 and it is currently at an elevation of 2,129 ft. This elevation is just two feet lower than when we started recording water levels in August 2015. Communications cable is not working and needs to be replaced.
- ✓ Figure No. 3 – Two of the Noble Creek observation wells are presented in this figure representing the shallow and deep aquifers. In the shallow aquifer, the water level has increased close to 85 feet over the last 18 months from a low of 2,337 ft. to 2,421 ft., recorded in mid-November 2018. Levels in the deep aquifer have risen recently to their highest elevation (2,276 ft) since the summer of 2015.
- ✓ Figure No. 4 – Southern Portion of the Basin. Water level at the Summit Cemetery well is highly influenced by a nearby pumping well that is used to irrigate the cemetery grounds. The water level at this well continues to fluctuate over a 20-foot band. Conversely, the water level at the Sun Lakes well has fluctuated minimally over the same period as it decreased three feet over the last three years.

- ✓ Figure No. 5 illustrates levels at three wells owned by the City of Banning in the Southeast portion of the basin. While water level at the Old Well No. 15 (Chevron Well) has been fairly flat over the last two years, a somewhat significant and steady decline, close to 23 feet, was recorded at Banning M-8 between the summer of 2015 and the winter of 2017. The probe at Banning M-8 was removed in late January 2018 as there seems to be an obstruction in the well at a depth of approximately 350 ft below ground. City staff has indicated that the pump at this well was going to be pulled during the summer of 2018, but that has not happened yet. Water level at Banning M-9, recorded at an elevation of 2,130 ft, is close to the lowest elevation since the monitoring program began in 2015. The water level at this location has declined by 14 ft since the beginning of the year.
- ✓ Figure No. 6 illustrate recorded water level at BCVWD No. 2 and the new monitoring well BCVWD No. 25. Over the last two years, the level at BCVWD No. 2 has increased by over 20 feet topping in May 2017 at an elevation of 2,220 ft.; current water level is slightly lower at 2,214 ft. Water level at BCVWD No. 25 were in sync with BCVWD No. 2 until production at this well (25) started in April 2018 when the well pumped up to 18 hours per day during non-TOU hours. Daily values shown in this graph are based on the highest daily level to minimize the impact of pumping conditions. The water level at this well has declined by seven feet since April 2018.

### **New Equipment Installation**

- ✓ None.

### **Troubleshooting Issues**

The following malfunctioning issues were encountered during our November 15, 2018 field visit:

- ✓ BCVWD No. 2 – Communications cable did not work during the September and November visits. Probe was removed from the well to download data and lowered again. The communications cable (550 ft) at this well needs to be replaced.
- ✓ Oak Valley No. 5 – Communications cable is not working; however, probe continues to record hourly water levels. Probe was pulled from the well to download data and lowered again. A new communication cable needs to be installed at this location,
- ✓ The new water level meter continues to provide inconsistent water level information despite of temporary repairs conducted by engineering staff. This device will be sent to Solinst for repairs.

## **New Monitoring Sites**

- The property owned by the Catholic Dioceses of San Bernardino-Riverside counties, near Rancho Calimesa Mobile Home Park has three abandoned wells. Two of these wells cannot be used at this time because the probe could not be lowered; however, the third site has great potential. This well is approximately 400 ft deep and the water level is at approximately 160 feet below ground.

## **Potential New Monitoring Sites**

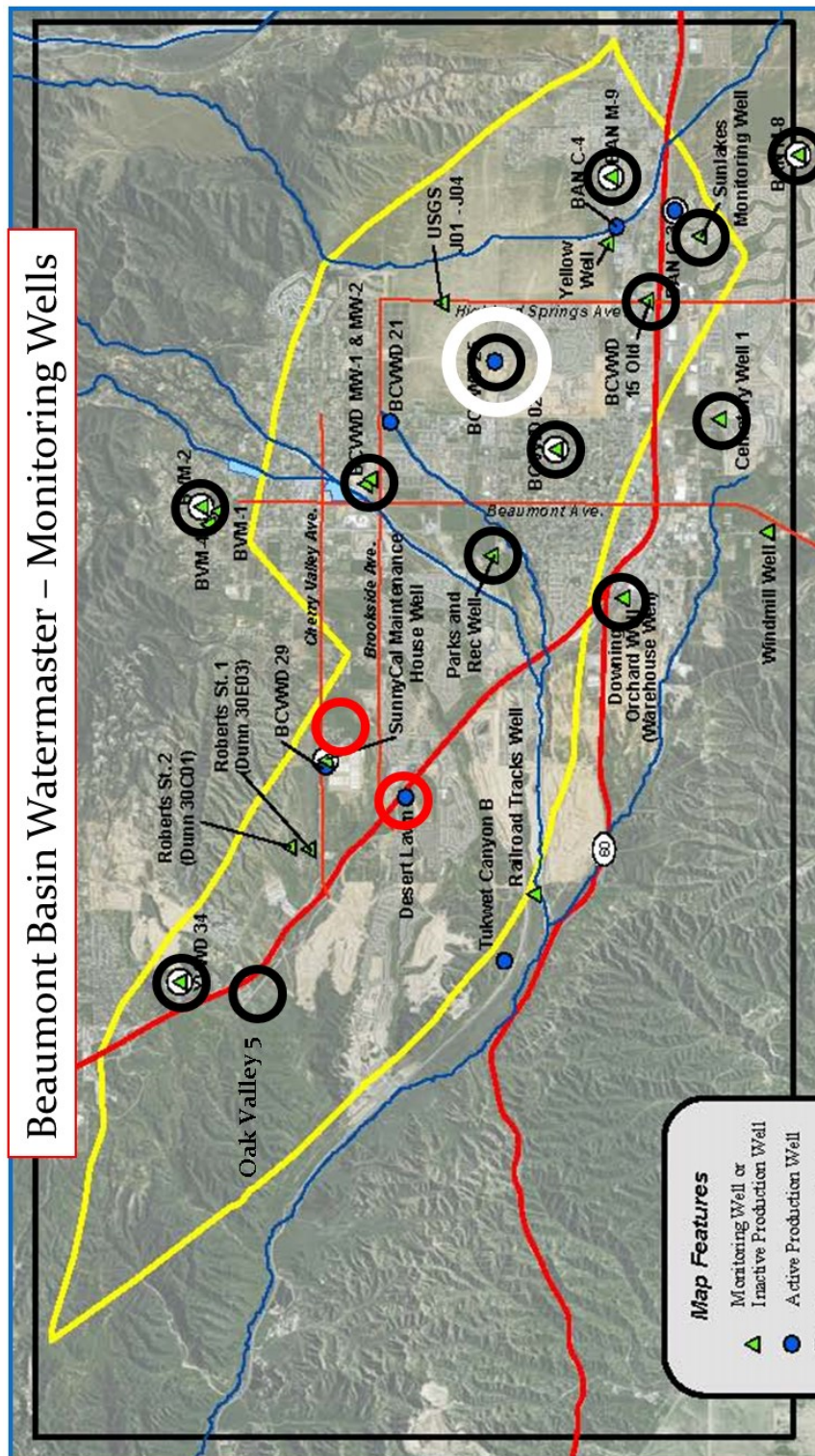
Potential new monitoring sites include:

- Sharondale Home Owner Association wells
- Rancho Calimesa Mobile Home Park
- Desert Lawn
- Sunny Cal Ranch Area
- Plantation by the Lake well

## **New Equipment Requirements**

- Communications cable needs to be replaced at BCVWD No. 2 well (550 ft) and at Oak Valley Ranch (200 ft).





#### Potential Monitoring Wells

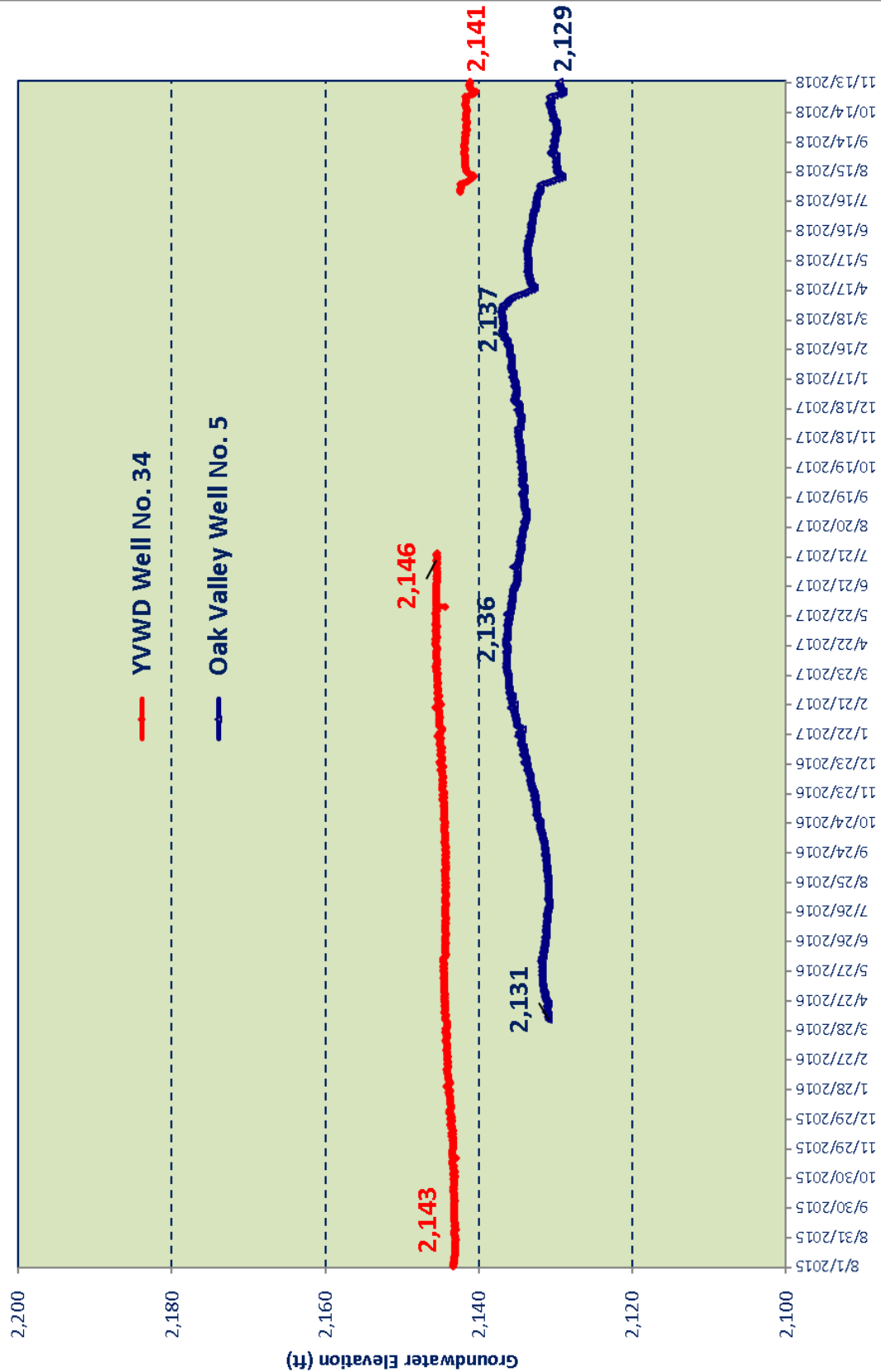
|                           |                           |
|---------------------------|---------------------------|
| Desert Lawn               | Sunny Cal Ranch Area      |
| Rancho Calimesa Mobile HP | Sharondale Mesa Owners A. |



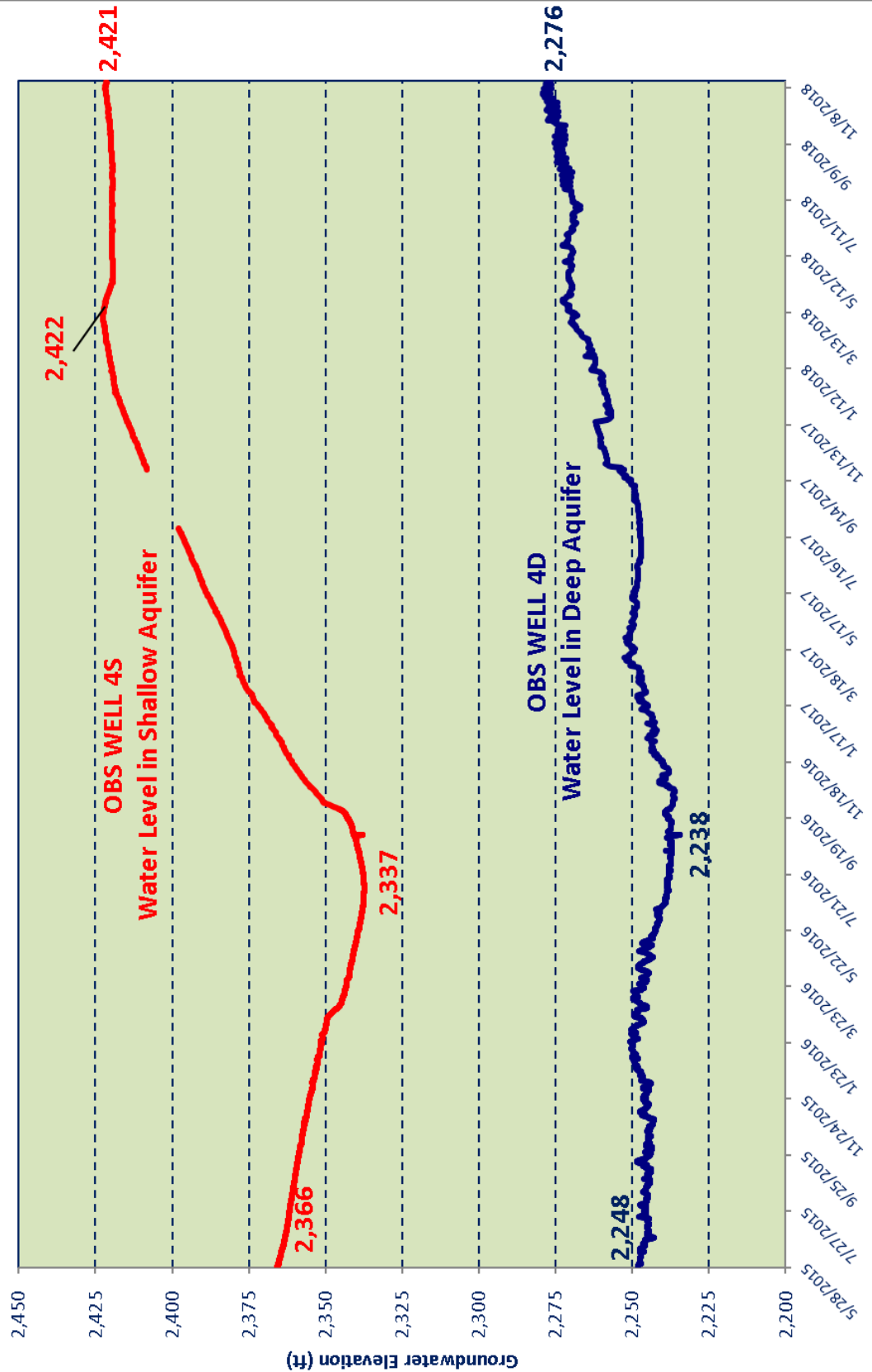
#### Wells with Working Monitoring Probes

|                             |                        |
|-----------------------------|------------------------|
| Bonita Vista No. 2          | BCVWD Old 15 (Banning) |
| Noble Creek Ponds 4 Deep    | Summit Cemetery No. 1  |
| Noble Creek Ponds 4 Shallow | Sun Lakes Golf Course  |
| Noble Creek Park            | Banning M-8            |
| BCVWD No. 2                 | Banning M-9            |
| BCVWD No. 25                | YVWD No. 34            |
| Oak Valley Partners No. 5   | ICON Warehouse         |

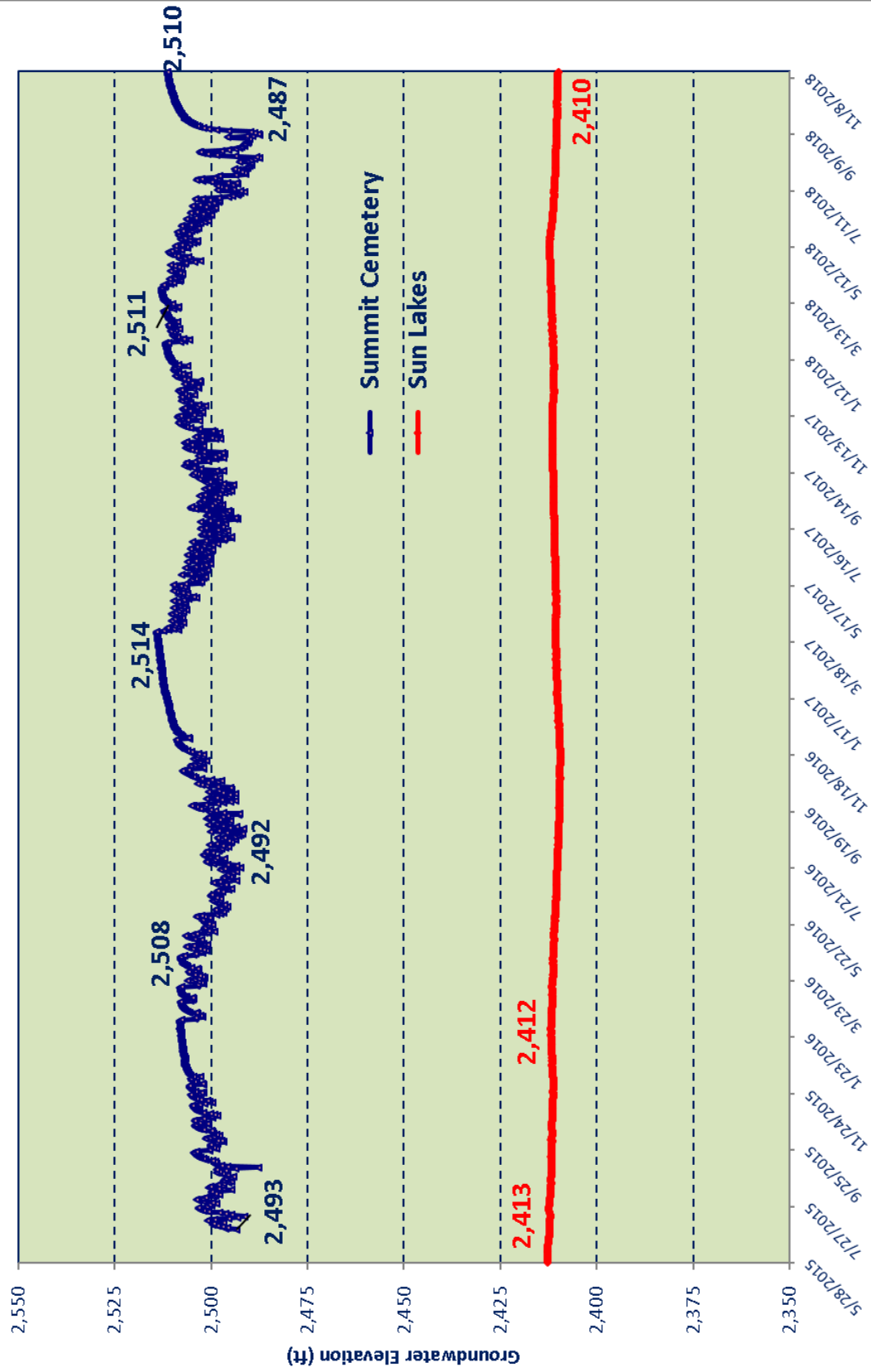
**Figure No. 2**  
**Static Groundwater Elevations at YVWD No. 34 and Oak Valley No. 5**  
 (July 29, 2015 through Nov 15, 2018)



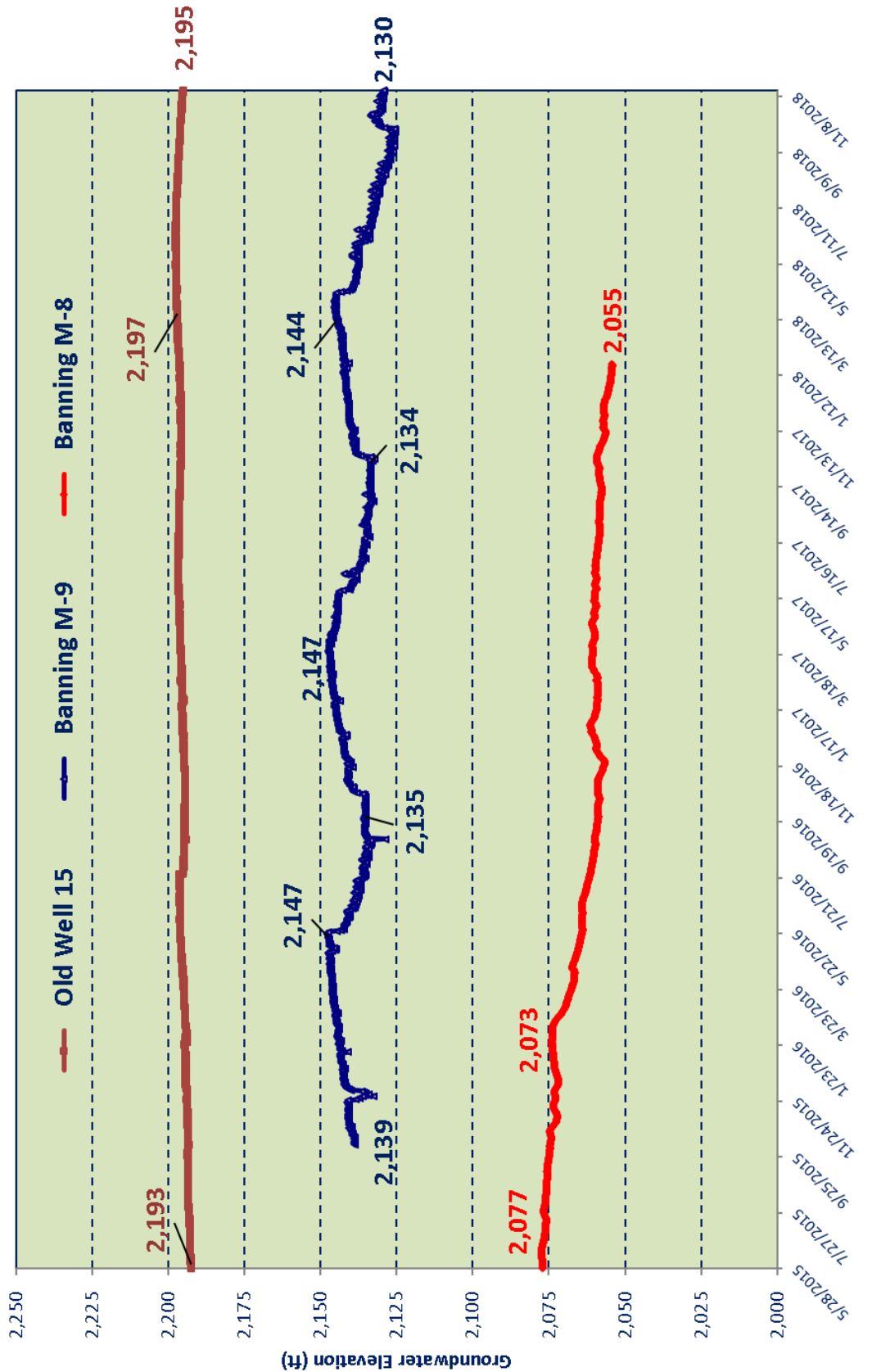
**Figure No. 3**  
**Static Groundwater Elevations at Noble Creek Obs. Well 4S and 4D**  
 (May 28, 2015 through Nov 15, 2018)



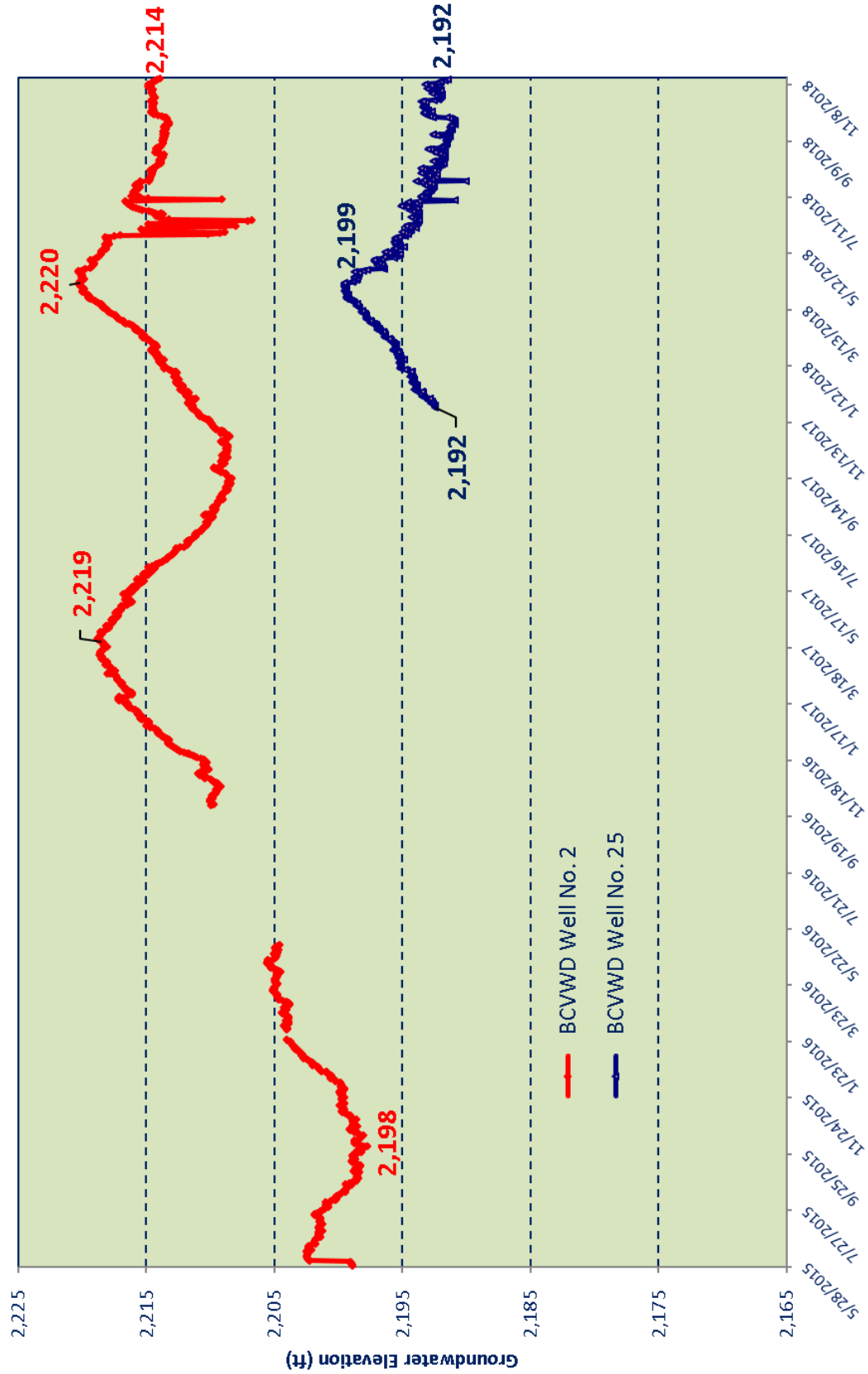
**Figure No. 4**  
**Static Groundwater Elevations at Summit Cemetary and Sun Lakes Wells**  
 (May 28, 2015 through Nov 15, 2018)



**Figure No. 5**  
**Static Groundwater Elevations in the Banning Area**  
 (May 28, 2015 through Nov 15, 2018)



**Figure No. 6**  
**Static Groundwater Elevations at BCVWD Wells No. 2 and 25**  
 (May 28, 2015 through Nov 15, 2018)





# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-24

Date: December 5, 2018

From: Hannibal Blandon, ALDA Inc.

Subject: Comparative Groundwater Production and Allowable Extractions through October 2018

Recommendation: No recommendation.

The purpose of this Technical Memorandum is to present a comparison of production rights from the basin against actual production by Appropriators. Production rights consist of the sum of Unused Production by Overlying Users from 2013 transferred to Appropriators for 2018 and Imported Water Spreading. This sum is compared against actual production through October 2018.

During the first ten months of the year a total of 10,106 ac-ft of water were produced from the basin by the Appropriators while 10,741 ac-ft of imported water were spread at the Noble Creek spreading grounds. Unused production by Overlying users for 2013 was estimated at 6,365 ac-ft.

The table below presents the above comparison for all Appropriators; all numbers shown in acre feet, except as noted.

|  | City of Banning | Beaumont Cherry Valley Water District | South Mesa Mutual Water Company | Yucaipa Valley Water District | Total         |
|--|-----------------|---------------------------------------|---------------------------------|-------------------------------|---------------|
| Transfer of Overlying Rights from 2013 | 2,001           | 2,706                                 | 794                             | 864                           | <b>6,365</b>  |
| Imported Water                         | 859             | 9,882                                 | 0                               | 0                             | <b>10,741</b> |
| <b>Total</b>                           | <b>2,860</b>    | <b>12,588</b>                         | <b>794</b>                      | <b>864</b>                    | <b>17,106</b> |
|  |                 |                                       |                                 |                               |               |
| Production                             | 1,484           | 8,139                                 | 322                             | 160.9                         | <b>10,106</b> |
| % of Total                             | 51.9%           | 64.7%                                 | 40.6%                           | 18.6%                         | <b>59.1%</b>  |

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-25

**Date:** December 5, 2018

**From:** Joseph Zoba, Treasurer

**Subject:** Status Report on the Development of a Return Flow Methodology for the Beaumont Basin

**Recommendation:** No recommendation.

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In the 2013 Reevaluation of the Beaumont Basin Safe Yield, return flows were estimated based on overall land use factors. On October 3, 2018, the Watermaster Committee approved Task Order No. 17 with ALDA for the development of a return flow methodology for the Beaumont Basin for a sum not to exceed \$40,140.

The purpose of this agenda item is to receive an update on the status of Task Order No. 17.



# ALDA Inc.

5928 Vineyard Avenue  
Alta Loma, CA 91701  
Tel: (909) 587-9916  
Fax: (909) 498-0423

October 3, 2018

Arturo Vela, President  
Beaumont Basin Watermaster Technical Committee  
560 Magnolia Avenue  
Beaumont, California 92223

Subject: **Beaumont Basin Watermaster – Task Order No. 17**  
**Scope of Work to Develop a Return Flow Accounting Methodology**  
**for the Beaumont Basin**

Dear Mr. Vela:


ALDA Inc., in association with Thomas Harder & Company, is pleased to provide our proposal to conduct Task Order No. 17 for the Board's consideration. Under this task, the ALDA team will develop a return flow accounting methodology in the Beaumont Basin.

As reported in the 2013 Reevaluation of the Beaumont Basin Safe Yield, return flows were estimated based on overall land use factors. The current approach, as presented in previous Watermaster meetings, considers using the actual amount of water delivered to individual parcels within the basin as available in GIS format. The development of this methodology will result in a more accurate accounting of return flows by Appropriator.

We welcome your thorough review of our proposed scope services. Should you have any questions on our proposed services or need further information, please contact us at 909-587-9916 during normal business hours.

Very truly yours

ALDA Inc.



F. Anibal Blandon, P.E.  
Principal

Beaumont Basin Watermaster – Task Order No. 17

Develop a Return Flow Accounting Methodology

10/03/18

## **TASK OBJECTIVES**

The objective of Task No. 17 is as follows:

- A. To develop a methodology to estimate return flows resulting from the direct use of water within the Beaumont groundwater basin.

## **SCOPE OF SERVICES**

### **Task 1 – Develop Return Flow Accounting Methodology**

The ALDA team will develop a return flow accounting methodology for consideration by the Beaumont Basin Watermaster Board. As opposed to the previous return flow analysis, which was conducted based on general land use conditions, the new accounting methodology will incorporate parcel by parcel water delivery records. While the new methodology will still rely on assumptions with respect to indoor vs. outdoor water use and irrigation consumptive use, it will be more detailed than the previous method and can be updated on a year by year basis.

It is our understanding that the City of Banning and the Beaumont-Cherry Valley Water District (BCVWD) have customer-specific water delivery records for the portions of their service areas that overlie the Beaumont Basin. It is assumed that the Yucaipa Valley Water District (YVWD) also has available customer-specific water delivery records. Using the available water delivery records, the ALDA team will develop a return flow accounting methodology for Appropriators in the Beaumont Basin. The return flow accounting methodology will take into account the following factors:

1. Accounting for water delivered to customers within the Beaumont Basin Adjudication boundary.
2. Assumptions as to how much of the water delivered to customers is applied for outdoor irrigation.
3. Assumptions as to how much of the water applied for outdoor irrigation becomes deep percolation and is returned to the groundwater.
4. Methodology for addressing parcels that are within an Appropriator service area but overlie and extend across the Beaumont Basin Adjudication Boundary.

The cost estimate for this task assumes that the water delivery records are linked to Assessor's Parcel Numbers (APNs) and will be provided by the Appropriators electronically (Excel or GIS format).

### **Task 2 – Apply Return Flow Methodology for the Most Recent Calendar Year**

Using the proposed methodology developed from Task 1 and the parcel data obtained from the Appropriators, the ALDA team will estimate the return flow, by Appropriator, for the most recent calendar year that data is available. The return flow will be estimated for

**Beaumont Basin Watermaster – Task Order No. 17****Develop a Return Flow Accounting Methodology**

10/03/18

the portions of each Appropriators' service areas that overlie the Beaumont Basin adjudicated area.

**Task 3 – Reevaluate Return Flow Seepage Lag**

In addition to evaluating the volume of deep percolation of irrigation that returns to the groundwater, the ALDA team will reevaluate the delay between the time the water is applied at the land surface and when it reaches the groundwater table. The previous estimate of recharge delay (25 years) was based on evaluation of hydrographs for wells in one area of the basin - the City of Beaumont (Beaumont-Cherry Valley Water District Wells 1 and 2). As the delay is, in part, dictated by the depth to groundwater, which varies across the basin, it will be beneficial to develop spatially distributed recharge delay estimates based on groundwater depth and subsurface geological conditions. The revised delay estimates will impact the year in which return flow is credited to Appropriators.

**Task 4 – Prepare a Return Flow Methodology Technical Memorandum**

The ALDA team will describe the return flow methodology in a Technical Memorandum (TM) for review and comment by the Watermaster Board. The TM will include:

- ✓ The purpose and background for the analysis,
- ✓ A description of the proposed return flow accounting methodology,
- ✓ Estimates of return flow, by Appropriator, for the most recent calendar year that data is available,
- ✓ A comparison of return flow using the proposed methodology with return flow estimates as were previously developed, and
- ✓ Findings from the return flow seepage lag analysis including supporting data for developing the spatially distributed seepage lag estimates.

The TM will include supporting tables showing return flow estimates by Appropriator, a map showing aerially distributed estimates of seepage lag, and supporting data.

The cost estimate for this task includes submittal of one draft version of the TM for review and comment by the Watermaster Board, and one final version upon incorporation of comments.

**COST ESTIMATE and SCHEDULE**

The estimated cost for this scope of work is \$ 40,140 as summarized in the table below. The total estimated schedule to complete the proposed scope of services is estimated at six months.

## Beaumont Basin Watermaster – Task Order No. 17

## Develop a Return Flow Accounting Methodology

10/03/18

| <b>Task Description</b>   | <b>Project Manager</b> | <b>Principal Hydro-geologist</b> | <b>Project Hydro-geologist</b> | <b>Staff Hydro-geologist</b> | <b>Graphics</b> | <b>Clerical</b> | <b>Total Cost</b> |
|---|------------------------|----------------------------------|--------------------------------|------------------------------|-----------------|-----------------|-------------------|
| 1.- Develop Return Flow Accounting Methodology                                | 4                      | 10                               | 44                             | 24                           |                 |                 | \$10,080          |
| 2.- Apply Return Flow Accounting Methodology to the Most Recent Calendar Year | 4                      | 4                                | 20                             | 40                           |                 |                 | \$7,640           |
| 3.- Reevaluate Return Flow Seepage Lag  | 4                      | 6                                | 40                             | 60                           |                 |                 | \$12,300          |
| 4.- Prepare a Report Flow Methodology Technical Memorandum                    | 8                      | 8                                | 32                             | 16                           | 16              | 8               | \$10,120          |
| Total:  |                        |                                  |                                |                              |                 |                 | \$40,140          |

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-26

**Date:** December 5, 2018

**From:** Joseph Zoba, Treasurer

**Subject:** Discussion Regarding Task Order No. 18 with ALDA Inc. for the Preparation of the 2018 Consolidated Annual Report, Estimate of the Basin Safe Yield, Update of the Groundwater Model, and Associated Consulting Services for 2019

**Recommendation:** That the Watermaster Committee approve Task Order No. 18 for a sum not to exceed \$95,970.

---

A new task order is necessary to authorize ALDA Inc. to provide technical support services to the Watermaster Committee during Calendar Year 2019.

The proposed scope of services for Task Order No. 18, consistent with previously years, provides for the preparation of the 2018 Consolidated Annual Report, estimate of the 2018 Safe Yield of the Beaumont Basin, and Associated Consulting Services in support to Watermaster activities during 2019. In addition, this task order incorporates the annual update of the groundwater model to 2018 hydrologic conditions.

The estimated cost of completion is based on the amended rates for 2017-21 calendar years and it is the same cost used under Task Order No. 12 for similar services provided during calendar year 2017 and under Task Order No. 15 during calendar year 2018.

The financial impacts associated with the proposed contract would result in a budget line item of approximately \$95,970, and if approved would result in an invoice sent to each Watermaster Committee member in the amount of \$19,194.

# Beaumont Basin Watermaster

## INDEPENDENT CONTRACTOR'S TASK ORDER ISSUED TO ALDA, INC.

### TASK ORDER NO. 18

**Project Title:** Professional Engineering Services - Preparation of the 2018 Operating Safe Yield and Annual Report and Engineering Support Services for Calendar Year 2019

**Task Order Authorization Date:** December 5, 2018

**Contractor Name:** Alda, Inc.  
**Contact:** Mr. F. Anibal Blandon  
**Address:** 5928 Vineyard Avenue  
Alta Loma, California 91701  
**Telephone:** (909) 587-99160  
**Fed. Tax ID #:** 45-4578114

#### SUMMARY OF TASK ORDER:

| Description              | Amount   | Reference                        |
|--------------------------|----------|----------------------------------|
| Original Contract Amount | \$95,970 | Watermaster Memorandum No. 18-26 |

This TASK ORDER No. 18 is issued pursuant to that certain Agreement for Services by Independent Contractor between the BEAUMONT BASIN WATERMASTER ("OWNER") and ALDA, INC. (CONTRACTOR") dated May 16, 2012 (the "AGREEMENT").

The OWNER and CONTRACTOR have entered into this TASK ORDER as specifically set forth herein below, and except as specifically provided herein, the AGREEMENT shall remain in full force and effect as originally stated.

1. Tasks to be Performed & Compensation. CONTRACTOR shall provide all labor, materials, and equipment to perform the following tasks as fully described in the attached Task Order No. 18 Scope of Services dated December 5, 2018.

2. Watermaster Committee Participants. The OWNER has determined that the Watermaster Committee participants in this Task Order shall include:

- City of Banning;
- City of Beaumont;
- Beaumont Cherry Valley Water District;
- South Mesa Mutual Water Company; and
- Yucaipa Valley Water District.

3. Term. This Task Order shall remain in full effect until the proposed project is completed which is estimated to be by December 31, 2019.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this Task Order and the related contract documents.

**Beaumont Basin  
Watermaster**

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

Dated: December 5, 2018

Name: Arturo Vela, Chairman

**Alda, Inc.**

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

Dated: December 5, 2018

Name: Hannibal Blandon

# ALDA Inc.

5928 Vineyard Avenue  
Alta Loma, CA 91701  
Tel: (909) 587-9916  
Fax: (909) 498-0423

December 5, 2018

Joseph B. Zoba, General Manager  
Yucaipa Valley Water District  
12770 Second Street  
Yucaipa, California 92399

Subject: **Beaumont Basin Watermaster – Task Order No. 18  
Preparation of the 2018 Operating Safe Yield and Annual Report and  
Engineering Support Services for Calendar Year 2019**

Dear Mr. Zoba:

Please find attached our proposed scope of services and consulting fee for Task Order No. 18 under the Engineering Services contract with the Beaumont Basin Watermaster dated May 10, 2012 and amended in February 2017. The proposed scope of services includes a) the preparation of the consolidated Annual Report for 2018, b) an estimate of the operating safe yield for 2018, c) the update of the groundwater model to include 2018 hydrologic data, and d) provide general consulting services in support to Watermaster activities during 2019.

We welcome your thorough review of our proposed scope services. Should you have any questions on our proposed services or need further information, please contact us at 909-587-9916 during normal business hours.

Very truly yours

ALDA Inc.



F. Anibal Blandon, P.E.  
Principal



Beaumont Basin Watermaster – Task Order No. 18  
2018 Annual Report and Associated Consulting Services for 2019

Dec 5, 2018

## **TASK OBJECTIVES**

The objectives of Task No. 18 are as follows:

- A. Prepare the consolidated Annual Report for CY 2018
- B. Estimate the Operating Safe Yield for Calendar Year 2018
- C. Update groundwater model to include 2018 hydrologic data
- D. Provide general consulting support services during 2019

## **SCOPE OF SERVICES**

### **Task 1 – Data Collection**

The ALDA/TH&Co team will collect, compile, and tabulate the following data:

- ✓ Climate and hydrologic information
- ✓ Monitoring and data collection programs
- ✓ Monthly water production from member agencies
- ✓ Monthly imported water recharge by each party
- ✓ Monthly rainfall from the USGS, Army Corps, and/or National Weather Service
- ✓ Monthly static groundwater levels at dedicated monitoring wells and selected production wells from the water agencies
- ✓ Monthly deliveries of imported water, groundwater from other basins, and surface water diversions from various water agencies
- ✓ Semi-annual static groundwater levels from production wells
- ✓ Water quality information as documented in the California Department of Public Health database.
- ✓ Water quality information from the Beaumont Management Zone Maximum Benefit Program

### **Task 2 – Preparation of 2018 Consolidated Annual Report and Engineering Report**

The expanded annual report will consolidate the topics discussed in previous annual reports and those included in the bi-annual Engineering Report. The ALDA/TH&Co team will prepare a draft and a final annual report documenting the operations of the Beaumont Basin Watermaster. This includes water levels, water transfers between agencies, water production, assessment of basin conditions, carryovers, replenishment obligations and water quality conditions throughout the basin. In addition, the report will incorporate the results of the Operating Safe Yield analysis, conducted under Task 3 and long-term hydrographs from selected wells in the basin. The report will also include the annual independent financial reports (prepared by others) and a description of Watermaster activities and Board actions.

With regards to water quality, the analysis will initially focus on Nitrate and TDS comparing them to Basin Objectives. In addition, the presence of selected constituents

Beaumont Basin Watermaster – Task Order No. 18  
2018 Annual Report and Associated Consulting Services for 2019

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Dec 5, 2018

in drinking water will be documented. The report will document current water quality concentrations in relation to current Federal and State Drinking Water Standards.

Ten color copies of the draft and final annual reports will be provided along with a digital file of the report. In addition, an editable database will be provided that includes all supporting information for the annual report.

### **Task 3 – Annual Determination of the Operating Safe Yield**

The ALDA/TH&Co team will review groundwater levels, groundwater production, and groundwater recharge data for the Beaumont Basin area as a basis for determining the annual operating safe yield (OSY) of the basin for the Calendar Year 2018. The focus of the review will be groundwater level trends at the eight monitoring wells previously reported in the annual reports. Groundwater level trends will be evaluated in the context of groundwater production and basin and artificial recharge in order to make a determination of OSY.

The ALDA/TH&Co team will generate an Annual OSY Technical Memorandum (TM) that summarizes the analysis and provides a recommended OSY for the upcoming year. The TM will be suitable for incorporation into the Annual Report.

### **Task 4 – Update Groundwater Model to 2018 Conditions**

The ALDA/TH&Co team will prepare and input the 2018 groundwater levels, groundwater production, and artificial recharge into the groundwater flow model for analysis. The model will be run with the updated data and the results analyzed to validate the calibration. The budget for this task assumes that additional calibration will not be necessary.

### **Task 5 – Review of Rules and Regulations**

The ALDA/TH&Co team will review the existing Rules and Regulations annually to determine whether it reflects current policies/practices and will make recommendations that will be documented as part of the annual report.

### **Task 6 – Meeting Attendance and Agenda Assistance**

The ALDA/TH&Co team will prepare for, attend, and participate in up to six (6) regular Watermaster meetings in 2019. In addition, the ALDA/TH&Co team will assist in agenda preparation as required by Watermaster.

## **SCHEDULE**

A draft of the annual report and operating safe yield will be presented to the Beaumont Basin Watermaster at the February 2019 Board meeting. Comments on the draft annual report will be addressed and presented at the March 27, 2019 Board meeting. General consulting support services will be provided throughout the year.

Beaumont Basin Watermaster – Task Order No. 18  
 2018 Annual Report and Associated Consulting Services for 2019

Dec 5, 2018

## **COST ESTIMATE**

Our estimated cost to perform the scope of work as outlined herein is \$95,970.00 (Ninety Five Thousand Nine Hundred Seventy Dollars and 00/100); this estimate is based on 651 technical and administrative hours and is summarized in the attached table by task and sub-task. This cost is identical to Task Order No. 12 for similar services provided during calendar year 2017 and Task Order No. 15 during calendar year 2018.

Billing rates for the 2019 Calendar Year are based on the new amended contract and are applicable through 2021.

### **Beaumont Basin Watermaster Billing Rates for Task Order No. 18**

#### **Billing Rates for ALDA Inc.**

Billing rates for Task Order No. 18:

| <b>Position</b>             | <b>Hourly Rate</b> |
|-----------------------------|--------------------|
| Project Manager             | \$180.00           |
| Project Engineer            | \$150.00           |
| Staff Engineer              | \$130.00           |
| Graphics / Designer Drafter | \$ 95.00           |
| Clerical                    | \$ 65.00           |

#### **Billing Rates for Thomas Harder and Company**

Billing rates for Task Order No. 18:

| <b>Position</b>          | <b>Hourly Rate</b> |
|--------------------------|--------------------|
| Principal Hydrogeologist | \$180.00           |
| Senior Hydrogeologist    | \$140.00           |
| Project Hydrogeologist   | \$120.00           |
| Staff Hydrogeologist     | \$ 95.00           |
| Field Technician         | \$ 70.00           |
| Graphics                 | \$ 85.00           |
| Clerical                 | \$ 65.00           |
| Expert Witness           | \$360.00           |

# Beaumont Basin Watermaster - Task Order No. 18 Preparation of Expanded Annual Report and Operating Safe Yield for 2018 and General Support Services for 2019

| Task / Subtask   | ALDA Inc.  |            | Thomas Harder & Co.   |                     |                   |          | Total Hours | Cost (\$)        |
|--|------------|------------|-----------------------|---------------------|-------------------|----------|-------------|------------------|
|  | PM         | PE         | Principal Hydrologist | Project Hydrologist | Staff Hydrologist | Clerk    |             |                  |
| <b>Task 1 - Data Collection</b>                                  | 20         | 60         |                       |                     |                   |          | 80          | \$ 12,600        |
| <b>Task 2 - 2018 Annual Report</b>                               |            |            |                       |                     |                   |          | 276         | \$ 39,480        |
| 2.1 - Document pumping for metered wells                         | 4          | 8          |                       |                     |                   |          | 12          | \$ 1,920         |
| 2.2 - Document pumping for unmetered wells                       |            | 2          |                       |                     |                   |          | 2           | \$ 300           |
| 2.3 - Document basin activities                                  | 12         | 8          |                       |                     |                   |          | 20          | \$ 3,360         |
| 2.4 - Develop groundwater contour maps                           | 2          |            | 1                     | 1                   | 6                 | 2        | 12          | \$ 1,400         |
| 2.5 - Calculate change in storage                                | 2          |            | 2                     | 6                   | 24                | 8        | 42          | \$ 4,400         |
| 2.6 - Evaluate groundwater quality                               | 20         | 44         |                       |                     |                   |          | 64          | \$ 10,200        |
| 2.7 - Incorporate long-term hydrographs                          | 2          | 2          |                       |                     |                   |          | 4           | \$ 660           |
| 2.7 - Prepare draft report                                       | 16         | 40         | 2                     | 8                   | 12                | 12       | 90          | \$ 12,560        |
| 2.8 - Prepare final report                                       | 8          | 16         | 2                     | 4                   |                   |          | 30          | \$ 4,680         |
| <b>Task 3 - Annual Determination of the Operating Safe Yield</b> |            |            |                       |                     |                   |          | 89          | \$ 11,250        |
| 3.1 - Review of data for 2018                                    |            |            | 1                     | 4                   | 16                |          | 21          | \$ 2,180         |
| 3.2 - Preparation of QSY TV's for 2018                           | 16         | 8          | 6                     | 20                  | 6                 | 4        | 68          | \$ 9,070         |
| <b>Task 4 - Update GW Model to 2018 Conditions</b>               | 8          | 8          | 2                     | 12                  | 24                |          | 54          | \$ 6,720         |
| <b>Task 5 - Review of Rules and Regulations</b>                  | 8          |            |                       |                     |                   |          | 8           | \$ 1,440         |
| <b>Task 6 - Meeting Attendance and Agenda Assistance</b>         |            |            |                       |                     |                   |          | 144         | \$ 24,480        |
| 5.1 - Assistance with agenda preparation                         | 24         | 48         | 18                    |                     |                   |          | 90          | \$ 14,760        |
| 5.2 - Attend Watermaster meetings                                | 30         |            | 24                    |                     |                   |          | 54          | \$ 9,720         |
| <b>TOTALS:</b>   | <b>172</b> | <b>244</b> | <b>58</b>             | <b>55</b>           | <b>88</b>         | <b>4</b> | <b>651</b>  | <b>\$ 95,970</b> |

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-27

**Date:** December 5, 2018

**From:** Joseph Zoba, Treasurer

**Subject:** Discussion Regarding Task Order No. 19 with ALDA Inc. for the Installation, Maintenance, and Data Collection of Water Level Monitoring Equipment in 2019

**Recommendation:** That the Watermaster Committee approves Task Order No. 19 for a sum not to exceed \$ 21,520.

---

A new task order is necessary to authorize ALDA Inc. to provide water level monitoring services in 2019.

The proposed scope of services for Task Order No. 19, provides for the identification of new monitoring sites and installation of related equipment and the operation, maintenance, and data collection at existing sites during calendar year 2019. It is anticipated that up to 18 monitoring sites will be operational in the Beaumont Basin during Calendar Year 2018.

The financial impacts associated with the proposed contract would result in a budget line item of approximately \$21,520, and if approved would result in an invoice sent to each Watermaster Committee member in the amount of \$4,304.

# Beaumont Basin Watermaster

## INDEPENDENT CONTRACTOR'S TASK ORDER ISSUED TO ALDA, INC.

### TASK ORDER NO. 19

**Project Title:** Professional Engineering Services - Installation, Maintenance, and Operation of Water Level Monitoring Equipment for Calendar Year 2019

**Task Order Authorization Date:** December 5, 2018

**Contractor Name:** Alda, Inc.  
**Contact:** Mr. F. Anibal Blandon  
**Address:** 5928 Vineyard Avenue  
 Alta Loma, California 91701  
**Telephone:** (909) 587-99160  
**Fed. Tax ID #:** 45-4578114

#### SUMMARY OF TASK ORDER:

| Description              | Amount   | Reference                        |
|--------------------------|----------|----------------------------------|
| Original Contract Amount | \$21,520 | Watermaster Memorandum No. 18-27 |

This TASK ORDER No. 19 is issued pursuant to that certain Agreement for Services by Independent Contractor between the BEAUMONT BASIN WATERMASTER ("OWNER") and ALDA, INC. (CONTRACTOR") dated May 16, 2012 (the "AGREEMENT").

The OWNER and CONTRACTOR have entered into this TASK ORDER as specifically set forth herein below, and except as specifically provided herein, the AGREEMENT shall remain in full force and effect as originally stated.

- Tasks to be Performed & Compensation. CONTRACTOR shall provide all labor, materials, and equipment to perform the following tasks as fully described in the attached Task Order No. 19 Scope of Services dated December 5, 2018.
- Watermaster Committee Participants. The OWNER has determined that the Watermaster Committee participants in this Task Order shall include:
  - City of Banning;
  - City of Beaumont;
  - Beaumont Cherry Valley Water District;
  - South Mesa Mutual Water Company; and
  - Yucaipa Valley Water District.
- Term. This Task Order shall remain in full effect until the proposed project is completed which is estimated to be by December 31, 2019.

[The remainder of this page is intentionally left blank.]

IN WITNESS WHEREOF, the parties have executed this Task Order and the related contract documents.

**Beaumont Basin  
Watermaster**

**Alda, Inc.**

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

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

Dated: December 5, 2018

Dated: December 5, 2018

Name: Arturo Vela, Chairman

Name: Hannibal Blandon

# **ALDA Inc.**

5928 Vineyard Avenue  
Alta Loma, CA 91701  
Tel: (909) 587-9916  
Fax: (909) 498-0423

Dec 5<sup>th</sup>, 2018

Joseph B. Zoba, General Manager  
Yucaipa Valley Water District  
12770 Second Street  
Yucaipa, California 92399

Subject: **Beaumont Basin Watermaster – Task Order No. 19  
Installation, Maintenance, and Operation of Water Level Monitoring  
Equipment**

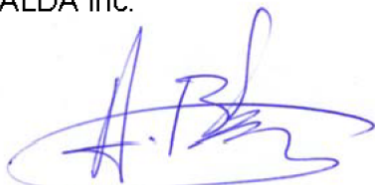
Dear Mr. Zoba:

Please find attached our proposed scope of services and consulting fee for Task Order No. 19 under the Engineering Services contract with the Beaumont Basin Watermaster dated May 10, 2012 and amended in February 2017. The proposed scope of services includes a) coordination of equipment purchase and authorization from private owners, b) installation of monitoring equipment at additional sites, c) operations and maintenance of equipment at existing sites, and d) reporting to Watermaster Committee.

We welcome your thorough review of our proposed scope services. Should you have any questions on our proposed services or need further information, please contact us at 909-587-9916 during normal business hours.

Very truly yours

ALDA Inc.



F. Anibal Blandon, P.E.  
Principal



## **TASK OBJECTIVES**

The objectives of Task No. 19 are as follows:

- A. Install Groundwater Level Monitoring Equipment at New Sites
- B. Conduct Operations and Maintenance of Existing Equipment
- C. Report Water Level Conditions to Watermaster Committee

## **SCOPE OF SERVICES**

### **Task 1 – Selection of Sites and Equipment Acquisition**

The ALDA team will select additional monitoring sites for installation of water level monitoring equipment. Selection of the final sites will be based on a number of parameters including location within the basin, distance to pumping wells, accessibility to site, and on-site improvements requirement amongst others. As part of this effort, the ALDA team will contact property owners as applicable to obtain authorization for installation of monitoring equipment.

Estimated Hours: 8 Hours

Estimated Cost: \$1,200.00

### **Task 2 – Installation of Monitoring Equipment**

The ALDA team will install water level probes at each of the new selected sites. Required modifications at some of the well head sites, such as installation of plates, locks, measurement ports, etc., will be coordinated by the ALDA team to make sure all sites operate adequately and the monitoring equipment is secured.

In addition, groundwater level at each site will be determined to calibrate the monitoring probes individually.

Estimated Hours: 16 Hours

Estimated Cost: \$2,080.00

### **Maintenance of Selected Sites**

The ALDA team will visit the selected sites every two months to download the collected data and to check that the probes are working as intended. In addition, probes will be calibrated twice a year. Close coordination with member agencies and selected private parties will be required to gain access to the sites during each visit. A total of six visits to each site is anticipated during Calendar Year 2019.

Estimated Hours: 64 Hours

Estimated Cost: \$9,600.00

#### **Task 4 – Reporting to Watermaster**

The information collected at the selected sites will be tabulated and presented at the Watermaster Committee meetings as a regular agenda item. In addition, water level histograms will be prepared and incorporated into the annual report.

Estimated Hours: 48 Hours

Estimated Cost: \$8,640.00

#### **COST ESTIMATE**

Our estimated cost to perform the scope of work as outlined herein is \$21,520.00 (Twenty One Thousand Five Hundred Twenty Dollars and 00/100); this estimate is based on 136 technical and administrative hours. Services will be billed on a time and material basis up to the approved limit and according to the billing rates below.

#### **Billing Rates for ALDA Inc.**

Billing rates for Task Order No. 19:

| <b>Position</b>             | <b>Hourly Rate</b> |
|-----------------------------|--------------------|
| Project Manager             | \$180.00           |
| Project Engineer            | \$150.00           |
| Staff Engineer              | \$130.00           |
| Graphics / Designer Drafter | \$ 95.00           |
| Clerical                    | \$ 65.00           |

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-28

**Date:** December 5, 2018

**From:** Thierry Montoya, Legal Counsel

**Subject:** Discussion Regarding Draft Resolution No. 2019-01 Amending the Judgment at the Riverside Superior Court's Request to Correct a Clerical Error - An Incorrect Reference to "8,610 Acre Feet" on Judgment, Page 7, Line 26 - Correcting Such to "8,650 Acre Feet"

**Recommendation:** That the Watermaster Committee schedule Resolution No. 2019-01 for consideration at the next regular Watermaster meeting on February 6, 2019.

---

The Riverside Superior Court maintains jurisdiction over the Beaumont Basin via the Stipulation for Judgment and the Stipulated Judgment on file with the Court. At a recent status conference hearing, the Hon. Judge Reimer of Department 5, which is assigned to the Judgment, noted a clerical error in our Judgment denominating the total amount of overlying rights at 8210 acre-feet which is incorrect, and a handwritten strike-out and handwritten reference to the correct amount of overlying rights: 8650 acre-feet. The handwritten note is not initialed or affirmed in any way.

His Honor requests that the Judgment be "amended" to correct this clerical error and to maintain the integrity of the pleadings.

Attached for the Board's review is the draft Resolution with the order to correct and the draft Amended Judgment making the correction.

**A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER TO AMEND THE JUDGMENT AT THE RIVERSIDE SUPERIOR COURT'S REQUEST TO CORRECT A CLERICAL ERROR—AN INCORRECT REFERENCE TO “8610 ACRE FEET” ON JUDGMENT, PAGE 7, LINE 26—CORRECTING SUCH TO “8650 ACRE FEET”**

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

**WHEREAS**, the Stipulated Judgment grants to the Riverside Superior Court (the “Court”) “[f]ull jurisdiction, power and authority is retained and reserved to the Court for purposes of enabling the Court...to make such further or supplemental order or directions as may be necessary or appropriate...[to include order] to modify, amend or amplify any of the provisions of this Judgment...”, pursuant to Stipulated Judgment, IV CONTINUING JURISDICTION, page 12:27-13:8;

**WHEREAS**, the Court reviewed the Stipulated Judgment on September 17, 2018, noting the clerical error in terms of the reference to “8610 acre feet” as the alleged “Projected Maximum Production of water from Beaumont Basin pursuant to Overlying Water Rights...in Column 4 of Exhibit “B,”...” which is actually 8650 acre feet based on Exhibit “B,” and appears to have been corrected by some unknown party, and confirmed on the Stipulated Judgment, page 7:26, and further issuing an Order for the amendment of the Stipulated Judgment to correct this “clerical error.” See, the attached Tentative Opinion, attached to this Resolution as Exhibit “A,”;

**WHEREAS**, BBW is proposing to file to the Court the attached “Amended Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin”, attached as Exhibit “B,” which merely corrects the clerical error on the Stipulated Judgment, page 7:26 to substitute “8610” for “8650.”

**WHEREAS**, the Beaumont Basin Watermaster issued copies of the Amended Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin to members of its Watermaster Committee for review in advance of the December 5, 2018, Beaumont Basin Watermaster meeting; and,

**WHEREAS**, the Beaumont Basin Watermaster met on December 5, 2018 to take this matter up, finding that the foregoing is true and accurate, and;

**NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN WATERMASTER** that it does hereby adopt the Amended Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin establishing the Beaumont Basin Watermaster (Riverside Superior Court Case No. 389197), the attached Exhibit “B.”

///  
///  
///

**PASSED AND ADOPTED** this 6th day of February, 2018.

**BEAUMONT BASIN WATERMASTER**

By: \_\_\_\_\_  
Art Vela, Chairman of the  
Beaumont Basin Watermaster

# EXHIBIT A

3

|           |   |  |
|-----------|---|--|
| RIC389197 | SAN TIMOTEO WATERSHED<br>MANAGEMENT AUTHORITY V.<br>CITY OF BANNING | MOTION BY BEAUMONT BASIN<br>WATERMASTER TO APPOINT<br>ALTERNATE MEMBER TO<br>WATERMASTER |
|-----------|---|--|

**Tentative Ruling:**

The unopposed motion is granted. The proposed order will be signed as modified.

Counsel for the Watermaster shall nevertheless appear at the hearing and be prepared to address the following questions:

1. The copy of the judgment attached to the declaration of Montoya (at p. 7) appears to reflect a clerical correction. Is that correct? If so, has the judgment ever been amended to make that correction?
2. The text of the judgment (at ¶ 1.4) refers to Exhibits A through E. The copy in the Court's file does not include Exhibit E. The copy attached to the declaration of Montoya also omits Exhibit E. Does the Watermaster have a copy of Exhibit E?
3. The declaration of Montoya includes an Exhibit C, to which the text of the declaration does not appear to refer. What is that document?
4. Exhibit A to the judgment appears to have been in color originally. When it was scanned by the Court upon the Court's conversion from paper files, it was scanned in black and white. Does the Watermaster have a copy of Exhibit A in color?
5. Paragraph V.3 of the judgment says that "the Beaumont Basin is at or near a condition of Overdraft." Is that still the case? Is that condition improving, worsening, or staying relatively constant?
6. Paragraph V.3 of the judgment directs the Watermaster to bring an action or a motion to enjoin any Production that is not in accordance with the terms of the Judgment. Has such an enforcement action ever been taken? If so, with what result?
7. Paragraph VI.2 of the judgment authorizes the Watermaster to develop and implement a groundwater management plan and program for the Beaumont Basin, which plan shall be filed with the Court and shall be subject to review and approval by the Court. Has such a plan ever been developed? If not, why not?
8. Paragraph VI.5.Y of the judgment requires the Watermaster to re-determine the safe yield of the basin at least every 10 years, beginning in 2014. Was that done in 2014? When does the Watermaster anticipate doing so again? Does the judgment require that safe-yield determination to be approved by the Court?
9. Paragraph VII.2 of the judgment authorizes intervention by nonparties. Has that ever occurred?

## EXHIBIT B



ALVARADO SMITH  
A PROFESSIONAL CORPORATION  
SANTA ANA

1 KEITH E. MCCULLOUGH (CA Bar No. 142519  
kmccullough@alvaradosmith.com

2 THIERRY R. MONTOYA (CA Bar No. 158400)  
tmontoya@AlvaradoSmith.com

3 ALVARADO SMITH  
A Professional Corporation  
4 1 MacArthur Place, Suite 200  
Santa Ana, California 92707  
5 Tel: (714) 852-6800  
Fax: (714) 852-6899

**EXEMPT FROM FILING FEES  
GOVERNMENT CODE § 6103**

7 Attorneys for Defendant  
Beaumont Basin Watermaster

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**FOR THE COUNTY OF RIVERSIDE**

**CENTRAL DISTRICT**

11 SAN TIMOTEO WATERSHED MANAGEMENT  
12 AUTHORITY, a public agency

**CASE NO.: RIC 389197**

**JUDGE:** Craig G. Riemer

**DEPT:** 5

13 Plaintiff,

14 vs

**AMENDED JUDGMENT PURSUANT TO  
STIPULATION ADJUDICATING  
GROUNDWATER RIGHTS IN THE  
BEAUMONT BASIN**

15 CITY OF BANNING, a municipal corporation;  
16 BEAUMONT-CHERRY VALLEY WATER  
DISTRICT, an irrigation district; YUCAIPA  
17 VALLEY WATER DISTRICT, a county water  
district; PLANTATION ON THE LAKE LLC, a  
California limited liability company; SHARONDALE  
18 MESA OWNERS ASSOCIATION; an  
unincorporated association; SOUTH MESA  
19 MUTUAL WATER COMPANY, a mutual water  
company, CALIFORNIA OAK VALLEY GOLF  
20 AND RESORT LLC, a California limited liability  
company; OAK VALLEY PARTNERS LP, a Texas  
21 limited partnership; SOUTHERN CALIFORNIA  
SECTION OF THE PROFESSIONAL GOLFERS  
22 ASSOCIATION OF AMERICA, a California  
corporation; SUNNY-CAL EGG AND POULTRY  
23 COMPANY, a California corporation; MANHEIM,  
MANHEIM & BERMAN, a California General  
24 Partnership; WALTER M. BECKMAN, individually  
and as Trustee of the BECKMAN FAMILY TRUST  
25 dated December 11, 1990; THE ROMAN  
CATHOLIC BISHOP OF SAN BERNARDINO, a  
26 California

**AMENDED JUDGMENT PURSUANT TO STIPULATION ADJUDICATING GROUNDWATER RIGHTS IN  
THE BEAUMONT BASIN**

4700333.1 -- N1356.1

Corporation; MERLIN PROPERTIES, LLC;  
LEONARD M. STEARNS AND DOROTHY D.  
STEARNS, individually and as Trustees of the  
LEONARD M. STEARNS FAMILY TRUST OF  
1991; and DOES 1 through 500, inclusive,  
Defendants.

## I. INTRODUCTION

### 1. Pleadings, Parties and Jurisdiction

The complaint herein was filed on February 20, 2003, seeking an adjudication of water rights, injunctive relief and the imposition of a physical solution. The defaults of certain defendants have been entered, and certain other defendants dismissed. Other than defendants who have been dismissed or whose defaults have been entered, all defendants have appeared herein. This Court has jurisdiction of the subject matter of this action and of the parties herein.

### 2. Stipulation for Judgment

Stipulation for Entry of Judgment has been filed by and on behalf of all defendants who have appeared herein.

### 3. Definitions

As used in this Judgment, these terms shall have the following meanings:

A. Appropriator or Appropriator Parties: the pumpers identified in Exhibit "C" attached hereto.

B. Appropriator's Production Right: consists of an Appropriator's share of Operating Yield, plus (1) any water acquired by an Appropriator from an Overlying Producer or other Appropriator pursuant to this Judgment, (2) any water withdrawn from the Appropriator's storage account, (3) and New Yield created by the Appropriator.

C. Appropriative Water: the amount of Safe Yield remaining after satisfaction of Overlying Water Rights.

D. Appropriative Water Right: each Appropriator's share of Appropriative Water, such share expressed as a percentage as shown on Exhibit "C"

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1 E. Beaumont Basin or Beaumont Storage Unit: the area situated within the boundaries  
2 shown on Exhibit "A" attached hereto.

3 F. Conjunctive Use: the storage of water in a Groundwater Basin for use at a later time.

4 G. Groundwater: water beneath the surface of the ground within the zone below the  
5 water table in which soil is saturated with water.

6 H. Groundwater Basin: an area underlain by one or more permeable formations capable  
7 of furnishing a substantial water supply.

8 I. Groundwater Storage Agreement: a standard form of written agreement between the  
9 Watermaster and any Person requesting the storage of Supplemental Water.

10 J. Groundwater Storage Capacity: the space available in a Groundwater Basin that is  
11 not utilized for storage or regulation of Safe Yield and is reasonably available for Stored Water  
12 and Conjunctive Use.

13 K. Minimal Producer: any Producer who pumps 10 or fewer acre feet of Groundwater  
14 from the Beaumont Basin per year.

15 L. New Yield: increases in yield in quantities greater than historical amounts from  
16 sources of supply including, but not limited to, capture of available storm flow, by means of  
17 projects constructed after February 20, 2003, as determined by the Watermaster.

18 M. Operating Yield: the maximum quantity of water which can be produced annually  
19 by the Appropriators from the Beaumont Basin, which quantity consists of Appropriative Water  
20 plus Temporary Surplus.

21 N. Overdraft: a condition wherein the total annual production from a Groundwater  
22 Basin exceeds the Safe Yield thereof.

23 O. Overlying Parties: the Persons listed on Exhibit "B", who are owners of land which  
24 overlies the Beaumont Basin and have exercised Overlying Water Rights to pump therefrom.  
25 Overlying Parties include successors in interest and assignees.

26 P. Overlying Water Rights: the quantities decreed to Overlying Parties in Column 4 of  
27 Exhibit "B" to this Judgment.  
28

Q. Overproduction: by an Appropriator, measured by an amount equal to the Appropriator's actual annual production minus the Appropriator's Production Right. By a new overlying producer, an amount equal to what the overlying producer pumped during the year.

R. Party (Parties): any Person(s) named in this action, or who has intervened, or has become subject to this Judgment either through stipulation, trial or otherwise.

S. Person: any individual, partnership, association, corporation, governmental entity or agency, or other organization.

T. Physical Solution: the physical solution set forth in Part V of this Judgment.  
Produce, Producing, Production, Pump or Pumping: the extraction of groundwater.

U. Producer or Pumper: any Person who extracts groundwater.

V. Recycled Water: has the meaning provided in Water Code Section 13050(n) and includes other nonpotable water for purposes of this Judgment.

W. Safe Yield: the maximum quantity of water which can be produced annually from a Groundwater Basin under a given set of conditions without causing a gradual lowering of the groundwater level leading eventually to depletion of the supply in storage. The Safe Yield of the Beaumont Basin is 8650 acre feet per year in each of the ten (10) years following entry of this Judgment.

X. San Timoteo Watershed Management Authority: a joint powers public agency whose members are the Beaumont-Cherry Valley Water District, the City of Beaumont, the South Mesa Mutual Water Company and the Yucaipa Valley Water District.

Y. Stored Water: Supplemental Water stored in the Beaumont Basin pursuant to Groundwater Storage Agreement with the Watermaster.

Z. Supplemental Water: water imported into the Beaumont Basin from outside the Beaumont Basin including, without limitation, water diverted from creeks upstream and tributary to Beaumont Basin and water which is recycled and useable within the Beaumont Basin.

AA. Temporary Surplus: the amount of groundwater that can be pumped annually in excess of Safe Yield from a Groundwater Basin necessary to create enough additional storage capacity to prevent the waste of water.

BB. Watermaster: the Person appointed by the Court to administer and enforce the Physical Solution.

4. List of Exhibits

The following exhibits are attached to this Judgment and made a part hereof:

Exhibit "A" - - "Location Map of Beaumont Basin"  
 Exhibit "B" - - "Overlying Owners and Their Water Rights"  
 Exhibit "C" - - "Appropriators and Their Water Rights"  
 Exhibit "D" - - "Legal Description of Lands of the Overlying Parties"  
 Exhibit "E" - - "Location of Overlying Producer Parcels" and Boundary of the Beaumont Basin"

## II. INJUNCTIONS

1. Injunction Against Unauthorized Production of Beaumont Basin Water

Each party herein is enjoined, as follows:

A. Overlying Parties: Each defendant who is an Overlying Party, and its officers, agents, employees, successors and assigns, is hereby enjoined and restrained from producing groundwater from the Beaumont Basin in any five-year period hereafter in excess of five times the share of the Safe Yield assigned to the Overlying Parties as set forth in Column 4 of Exhibit "B", as more fully described in the Physical Solution.

B. Appropriator Parties: Each defendant who is an Appropriator Party, and its officers, agents, employees, successors and assigns, is hereby enjoined and restrained from producing groundwater from the Beaumont Basin in any year hereafter in excess of such party's Appropriator's Production Right, except as additional annual Production may be authorized by the provisions of the Physical Solution.

2. Injunction Against Unauthorized Storage or Withdrawal of Stored Water.

Each and every Party, and its officers, agents, employees, successors and assigns, is hereby enjoined and restrained from storing Supplemental Water in the Beaumont Basin for withdrawal, or causing withdrawal of water stored by that Party, except pursuant to the terms of a written Groundwater Storage Agreement with the Watermaster and in accordance with Watermaster Rules and Regulations. Any Supplemental Water stored in the Beaumont Basin, except pursuant to a Groundwater Storage Agreement, shall be deemed abandoned and not classified as Stored Water.

1 **III. DECLARATION AND ADJUSTMENT OF RIGHTS**

2 1. **Overlying Rights**

3 The Overlying Parties are currently exercising overlying Water Rights in the Beaumont Basin.  
 4 As shown on Exhibit "B", the aggregate Projected Maximum Production of water from the Beaumont  
 5 Basin pursuant to Overlying Water Rights is 8650 acre feet and the Overlying Water Rights are  
 6 individually decreed, in Column 4 of Exhibit "B", for each Overlying Party. The Overlying Parties shall  
 7 continue to have the right to exercise their respective Overlying Water Right as set forth in Column 4 of  
 8 Exhibit "B" except to the extent their respective properties receive water service from an Appropriator  
 9 Party, as contemplated by Paragraph III.3 of this Judgment.

10 2. **Appropriator's Share of Operating Yield**

11 Each Appropriator Party's share of Operating Yield is shown on Exhibit "C". Notwithstanding  
 12 any other provision of this Judgment, each Appropriator Party may use its Appropriator's Production  
 13 Right anywhere within its service area.

14 3. **Adjustment of Rights**

15 A. The Overlying Parties shall have the right to exercise their respective Overlying  
 16 Water Rights except as provided in this Paragraph 3.

17 B. To the extent any Overlying Party requests, and uses its Exhibit "B", Column 4  
 18 water to obtain water service from an Appropriator Party, an equivalent volume of potable  
 19 groundwater shall be earmarked by the Appropriator Party which will serve the Overlying  
 20 Party, up to the volume of the Overlying Water Right as reflected in Column 4 of Exhibit "B"  
 21 attached hereto, for the purpose of serving the Overlying Party. The intent of this provision is  
 22 to ensure that the Overlying Party is given credit towards satisfying the water availability  
 23 assessment provisions of Government Code, Section 66473.7 et seq. and Water Code, Section  
 24 10910 et seq. or other similar provisions of law, equal to the amount of groundwater  
 25 earmarked hereunder.

26 C. When an overlying Party receives water service as provided for in subparagraph  
 27 III.3.B the Overlying Party shall forebear the use of that volume of the Overlying Water  
 28 Right earmarked by the Appropriator Party. The Appropriator Party providing such service



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1 shall have the right to produce the volume of water foregone by the Overlying Party, in  
2 addition to other rights otherwise allocated to the Appropriator Party.

3 D. Should the volume of the Overlying Water Right equal or exceed the volume of  
4 potable groundwater earmarked as provided in subparagraph 3.B, the Appropriator Party  
5 which will serve the Overlying Party shall (i) impose potable water charges and assessments  
6 upon the Overlying Party and its successors in interest at the rates charged to the then-  
7 existing regular customers of the Appropriator Party, and (ii) not collect from such Overlying  
8 Party any development charge that may be related to the importation of water into the  
9 Beaumont Basin. The Appropriator Party which will serve the Overlying Party pursuant to  
10 Subparagraph 111.3.5 shall also consider, and negotiate in good faith regarding, the provision  
11 of a meaningful credit for any pipelines, pump stations, wells or other facilities that may exist  
12 on the property to be served.

13 E. In the event an Overlying Party receives Recycled Water from an Appropriator  
14 Party to serve an overlying use served with groundwater, the Overlying Water Right of the  
15 Overlying Party shall not be diminished by the receipt and use of such Recycled Water.  
16 Recycled Water provided by an Appropriator Party to an Overlying Party shall satisfy the  
17 criteria set forth in the California Water Code including, without limitation, the criteria set  
18 forth in Water Code Sections 13550 and 13551. The Appropriator Party which will serve the  
19 Recycled Water shall have the right to use that portion of the Overlying Water Right of the  
20 Overlying Party offset by the provision of Recycled Water service pursuant to the terms of  
21 this subparagraph; provided, however, that such right of use by the Appropriator Party shall  
22 no longer be valid if the Recycled Water, provided by the Appropriator Party to the  
23 Overlying Party, does not satisfy the requirements of Sections 13550 and 13551 and the  
24 Overlying Party ceases taking delivery of such Recycled Water.

25 F. Nothing in this Judgment is intended to impair or adversely affect the ability of an  
26 Overlying Party to enter into annexation or development agreements with any Appropriator  
27 Party.  
28

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G. Oak Valley Partners LP ("Oak Valley") is developing its property pursuant to Specific Plans 216 and 216A adopted by the County of Riverside ("County") in May 1990, and Specific Plan 318 adopted by the County in August, 2001, (Specific Plans 216, 216A and 318 are collectively referred to as the "Specific Plans"). The future water supply needs at build-out of the Specific Plans will greatly exceed Oak Valley's Projected Maximum Production, as reflected in Exhibit "B" to the Judgment, and may be as much as 12,811 acre feet per year. Oak Valley has annexed the portion of its property now within the City of Beaumont into the Beaumont-Cherry Valley Water District ("BCVWD"), and is in the process of annexing the remainder portion of its property into the Yucaipa Valley Water District ("YVWD"), in order to obtain retail water service for the development of the Oak Valley Property pursuant to the Specific Plans (for purposes of this subparagraph BCVWD and YVWD are collectively referred to as the "Water Districts", and individually as a "Water District"). YVWD covenants to use its best efforts to finalize the annexation of the Oak Valley property within the Calimesa City limits. Oak Valley, for itself and its successors and assigns, hereby agrees, by this stipulation and upon final annexation of its property by YVWD, to forbear from claiming any future, unexercised, overlying rights in excess of the Projected Maximum Production of Exhibit "B" of 1806 acre feet per year. As consideration for the forbearance, the Water Districts agree to amend their respective Urban Water Management Plans ("UWMP") in 2005 as follows: BCVWD agrees that 2,400 acre feet per year of projected water demand shall be included for the portion of Oak Valley to be served by BCVWD in its UWMP, and YVWD agrees to include 8,000 acre feet per year of projected water demand as a projected demand for the portion of Oak Valley to be served by YVWD in its UWMP by 2025. The Water Districts agree to use their best judgment to accurately revise this estimate to reflect the projected water demands for the UWMP prepared in 2010. Furthermore, the Water Districts further agree that, in providing water availability assessments prior to 2010, as required by Water Code §10910 and water supply verifications as required by Government Code §§66455.3 and 66473.7, or any similar statute, and in maintaining their respective UWMP, each shall consider the foregoing respective



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projected water demand figures for Oak Valley as proposed water demands. The intent of the foregoing requirements is to ensure that Oak Valley is credited for the forbearance of its overlying water rights and is fully accounted for in each Water District's UWMP and overall water planning. The Water Districts' actions in performance of the foregoing planning obligations shall not create any right or entitlement to, or priority or allocation in, any particular water supply source, capacity or facility, or any right to receive water service other than by satisfying the applicable Water District's reasonable requirements relating to application for service. Nothing in this subparagraph G is intended to affect or impair the provision of earmarked water to Overlying Parties who request and obtain water service from Appropriator Parties, as set forth in subparagraph III.3.B, above.

H. Persons who would otherwise qualify as Overlying Producers based on, an interest in land lying within the City of Banning's service area shall not have the rights described in this Paragraph 111.3.

4. Exemption for Minimal Producers

Unless otherwise ordered by the Court, Minimal Producers are exempt from the provisions of this Judgment.

**IV. CONTINUING JURISDICTION**

Full jurisdiction, power and authority is retained and reserved to the Court for purposes of enabling the Court, upon application of any Party, by a motion noticed for at least a 30-day period (or consistent with the review procedures of Paragraph VII.6 herein, if applicable), to make such further or supplemental order or directions as may be necessary or appropriate for interim operation of the Beaumont Basin before the Physical Solution is fully operative, or for interpretation, or enforcement or carrying out of this Judgment, and to modify, amend or amplify any of the provisions of this Judgment or to add to the provisions hereof consistent with the rights herein decreed; except that the Court's jurisdiction does not extend to the redetermination of (a) Safe Yield during the first ten years of operation of the Physical Solution, and (b) the fraction of the share of Appropriative Water of each Appropriator.

**V. THE PHYSICAL SOLUTION**

1. Purpose and Objective

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In accordance with the mandate of Section 2 of Article X of the California Constitution, the Court hereby adopts, and orders the parties to comply with, a Physical Solution. The purpose of the Physical Solution is to establish a legal and practical means for making the maximum reasonable beneficial use of the waters of Beaumont Basin, to facilitate conjunctive utilization of surface, ground and Supplemental Waters, and to satisfy the requirements of water users having rights in, or who are dependent upon, the Beaumont Basin. Such Physical Solution requires the definition of the individual rights of all Parties within the Beaumont Basin in a manner which will fairly allocate the native water supplies and which will provide for equitable sharing of costs of Supplemental water.

2. Need for Flexibility

The Physical Solution must provide maximum flexibility and adaptability in order that the Watermaster and the Court may be free to use existing and future technological, social, institutional and economic options. To that end, the Court's retained jurisdiction shall be utilized, where appropriate, to supplement the discretion granted herein to the Watermaster.

3. Production and Storage in Accordance With Judgment

This Judgment, and the Physical Solution decreed herein, address all Production and Storage within the Beaumont Basin. Because the Beaumont Basin is at or near a condition of Overdraft, any Production outside the framework of this Judgment and Physical Solution will potentially damage the Beaumont Basin, injure the rights of all Parties, result in the waste of water and interfere with the Physical Solution. The Watermaster shall bring an action or a motion to enjoin any Production that is not in accordance with the terms of this Judgment.

4. General Pattern of Operation

One fundamental premise of the adjudication is that all Producers shall be allowed to pump sufficient water from the Beaumont Basin to meet their respective requirements. Another fundamental premise of the adjudication is that Overlying Parties who pump no more than the amount of their Overlying Water Right as shown on Column 4 of Exhibit "B" hereto, shall not be charged for the replenishment of the Beaumont Basin. To the extent that pumping exceeds five (5) times the share of the Safe Yield assigned to an Overlying Party (Column 4 of Exhibit "B") in any five (5) consecutive years,

1 or the share of Operating Yield Right of each Appropriator Party, each such Party shall provide funds to  
2 enable the Watermaster to replace such Overproduction.

3 5. Use of Available Groundwater Storage Capacity

4 A. There exists in the Beaumont Basin a substantial amount of available  
5 Groundwater Storage Capacity. Such Capacity can be reasonably used for Stored Water and  
6 Conjunctive Use and may be used subject to Watermaster regulation to prevent injury to existing  
7 Overlying and Appropriative water rights, to prevent the waste of water, and to protect the right  
8 to the use of Supplemental Water in storage and Safe Yield of the Beaumont Basin.

9 B. There shall be reserved for Conjunctive Use a minimum of 200,000 acre feet of  
10 Groundwater Storage Capacity in the Beaumont Basin provided that such amount may be  
11 reduced as necessary to prevent injury to existing water rights or existing uses of water within the  
12 Basin, and to prevent the waste of water. Any Person may make reasonable beneficial use of the  
13 Groundwater Storage Capacity for storage of Supplemental Water; provided, however, that no  
14 such use shall be made except pursuant to a written Groundwater Storage Agreement with the  
15 Watermaster. The allocation and use of Groundwater Storage Capacity shall have priority and  
16 preference for Producers within the Beaumont Basin over storage for export. The Watermaster  
17 may, from time-to-time, redetermine the available Groundwater Storage Capacity.

18 **VI. ADMINISTRATION**

19 1. Administration and Enforcement by Watermaster

20 The Watermaster shall administer and enforce the provisions of this Judgment and any  
21 subsequent order or instructions of the Court.

22 2. Watermaster Control

23 The Watermaster is hereby granted discretionary powers to develop and implement a  
24 groundwater management plan and program for the Beaumont Basin, which plan shall be filed with and  
25 shall be subject to review and approval by, the Court, and which may include water quantity and quality  
26 considerations and shall reflect the provisions of this Judgment. Except for the exercise by Overlying  
27 Parties of their respective Rights described in Column 4 of Exhibit "B" hereto in accordance with the  
28 provisions of the Physical Solution, groundwater extractions and the replenishment thereof, and the

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1 storage of Supplemental Water, shall be subject to procedures established and administered by the  
2 Watermaster. Such procedures shall be subject to review by the Court upon motion by any Party.

3 3. Watermaster Standard of Performance

4 The Watermaster shall, in carrying out its duties and responsibilities herein, act in an impartial  
5 manner without favor or prejudice to any Party or purpose of use.

6 4. Watermaster Appointment

7 The Watermaster shall consist of a committee composed of persons nominated by the City of  
8 Banning, the City of Beaumont, the Beaumont-Cherry Valley Water District, the South Mesa Mutual  
9 Water Company and the Yucaipa Valley Water District, each of which shall have the right to nominate  
10 one representative to the Watermaster committee who shall be an employee of or consultant to the  
11 nominating agency. Each such nomination shall be made in writing, served upon the other parties to this  
12 Judgment and filed with the Court, which shall approve or reject such nomination. Each Watermaster  
13 representative shall serve until a replacement nominee is approved by the Court. The nominating agency  
14 shall have the right to nominate that representative's successor.

15 5. Powers and Duties of the Watermaster

16 Subject to the continuing supervision and control of the Court, the Watermaster shall have and  
17 may exercise the following express powers, and shall perform the following duties, together with any  
18 specific powers, authority, and duties granted or imposed elsewhere in this Judgment or hereafter ordered  
19 or authorized by the Court in the exercise of its continuing jurisdiction:

20 A. Rules and Regulations: The adoption of appropriate rules and regulations for the  
21 conduct of Watermaster affairs, copies of which shall be provided to all interested parties.

22 B. Wellhead Protection and Recharge: The identification and management of  
23 wellhead protection areas and recharge areas.

24 C. Well Abandonment: The administration of a well abandonment and well  
25 destruction program.

26 D. Well Construction: The development of minimum well construction  
27 specifications and the permitting of new wells.

28 E. Mitigation of Overdraft: The mitigation of conditions of uncontrolled overdraft.

- 1 F. Replenishment: The acquisition and recharge of Supplemental Water.
- 2 G. Monitoring: The monitoring of groundwater levels, ground levels, storage, and  
3 water quality.
- 4 H. Conjunctive Use: The development and management of conjunctive-use  
5 programs.
- 6 I. Local Projects: The coordination of construction and operation, by local agencies,  
7 of recharge, storage, conservation, water recycling, extraction projects and any water  
8 resource management activity within or impacting the Beaumont Basin.
- 9 J. Land Use Plans: The review of land use plans and coordination with land use  
10 planning agencies to mitigate or eliminate activities that create a reasonable risk of  
11 groundwater contamination.
- 12 K. Acquisition of Facilities: The purchase, lease and acquisition of all necessary real  
13 and personal property, including facilities and equipment.
- 14 L. Employment of Experts and Agents: The employment or retention of such  
15 technical, clerical, administrative, engineering, accounting, legal or other specialized  
16 personnel and consultants as may be deemed appropriate. The Watermaster shall maintain  
17 records allocating the cost of such services as well as all other expenses of Watermaster  
18 administration.
- 19 M. Measuring Devices: Except as otherwise provided by agreement the Watermaster  
20 shall install and maintain in good operating condition, at the cost of the Watermaster, such  
21 necessary measuring devices or meters as Watermaster may deem appropriate. Such devices  
22 shall be inspected and tested as deemed necessary by the Watermaster and the cost thereof  
23 borne by the Watermaster. Meter repair and retesting will be a Producer expense.
- 24 N. Assessments: The Watermaster is empowered to levy and collect the following  
25 assessments:
- 26 (1) Annual Replenishment Assessments
- 27 The Watermaster shall levy and collect assessments in each year, in amounts  
28 sufficient to purchase replenishment water to replace Overproduction by any Party.



(2) Annual Administrative Assessments

a. Watermaster Expenses: The expenses of administration of the Physical Solution shall be categorized as either "General Watermaster Administration Expenses", or "Special Project Expenses".

i. General Watermaster Administration

Expenses: shall include office rent, labor, supplies, office equipment, incidental expenses and general overhead. General Watermaster Administration Expenses shall be assessed by the Watermaster equally against the Appropriators who have appointed representatives to the Watermaster.

ii. Special Project Expenses: shall include special

engineering, economic or other studies, litigation expenses, meter testing or other major operating expenses. Each such project shall be assigned a task order number and shall be separately budgeted and accounted for.

Special Project Expenses shall be allocated to the Appropriators, or portion thereof, on the basis of benefit.

O. Investment of Funds; Borrowing: The Watermaster may hold and invest Watermaster funds as authorized by law, and may borrow, from time-to-time, amounts not exceeding annual receipts.

P. Contracts: The Watermaster may enter into contracts for the performance of any of its powers.

Q. Cooperation With Other Agencies: The Watermaster may act jointly or cooperate with other local, state and federal agencies.

R. Studies: The Watermaster may undertake relevant studies of hydrologic conditions and operating aspects of the management program for the Beaumont Basin.

S. Groundwater Storage Agreements: The Watermaster shall adopt uniform rules and a standard form of agreement for the storage of Supplemental Water,

1 provided that the activities undertaken pursuant to such agreements do not injure any  
2 Party.

3 T. Administration of Groundwater Storage Capacity: Except for the exercise  
4 by the Overlying Parties of their respective Overlying Water Rights described in Part  
5 III, above, in accordance with the provisions of the Physical Solution, all Groundwater  
6 Storage capacity in the Beaumont Basin shall be subject to the Watermaster's rules  
7 and regulations, which regulations shall ensure that sufficient storage capacity shall be  
8 reserved for local projects. Any Person or entity may apply to the Watermaster to store  
9 water in the Beaumont Basin.

10 U. Accounting for Stored Water: The Watermaster shall calculate additions,  
11 extractions and losses and maintain an annual account of all stored water in the  
12 Beaumont Basin, and any losses of water supplies or Safe Yield resulting from such  
13 stored water.

14 V. Accounting for New Yield: Recharge of the Beaumont Basin with New  
15 Yield water shall be credited to the Party that creates the New Yield. The Watermaster  
16 shall make an independent scientific assessment of the estimated New Yield created  
17 by each proposed project. New Yield will be allocated on an annual basis, based upon  
18 monitoring data and review by the Watermaster.

19 W. Accounting for Acquisitions of Water Rights: The Watermaster shall  
20 maintain an accounting of acquisitions by Appropriators of water otherwise subject to  
21 Overlying Water Rights as the result of the provision of water service thereto by an  
22 Appropriator.

23 X. Annual Administrative Budget: The Watermaster shall prepare an annual  
24 administrative budget for public review, and shall hold a public hearing on each such  
25 budget prior to adoption. The budget shall be prepared in sufficient detail so as to  
26 make a proper allocation of the expenses and receipts. Expenditures within budgeted  
27 items may thereafter be made by the Watermaster as a matter of course.  
28

Y. Redetermining the Safe Yield: The Safe Yield of the Beaumont Basin shall be redetermined at least every 10 years beginning 10 years after the date of entry of this Judgment.

6. Reports and Accounting

(a) Production Reports: Each Pumper shall periodically file, pursuant to Watermaster rules and regulations, a report showing the total production of such Pumper from each well during the preceding report period, and such additional information as the Watermaster may reasonably require.

(b) Watermaster Report and Accounting: The Watermaster shall prepare an annual report of the preceding year's operations, which shall include an audit of all assessments and Watermaster expenditures.

7. Replenishment

Supplemental Water may be obtained by the Watermaster from any source. The Watermaster shall seek the best available quality of Supplemental Water at the most reasonable cost for recharge in the Basin. Sources may include, but are not limited to:

- (a) Recycled Water;
- (b) State Water Project Water;
- (c) Other imported water.

Replenishment may be accomplished by any reasonable method including:

- (a) Spreading and percolation, or injection of water in existing or new facilities;
- and/or
- (b) In-lieu deliveries for direct surface use, in lieu of groundwater extraction.

**VII. MISCELLANEOUS PROVISIONS**

1. Designation of Address for Notice and Service

Each Party shall designate, in writing to the plaintiff, the name and address to be used for purposes of all subsequent notices and service herein, such designation to be delivered to the plaintiff within 30 days after the Judgment has been entered. The plaintiff shall, within 45 days after judgment has been entered, file the list of designees with the Court and serve the same on the Watermaster and all



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Parties. Such designation may be changed from time-to-time by filing a written notice of such change with the Watermaster. Any Party desiring to be relieved of receiving notices of Watermaster activity may file a waiver of notice on a form to be provided by the Watermaster. The Watermaster shall maintain, at all times, a current list of Parties to whom notices are to be sent and their addresses for purposes of service. The Watermaster shall also maintain a full current list of names and addresses of all Parties or their successors, as filed herein. Copies of such lists shall be available to any Person. If no designation is made, a Party's designee shall be deemed to be, in order of priority: (i) the Party's attorney of record; or (ii) if the Party does not have an attorney of record, the Party itself at the address on the Watermaster list.

2. Intervention After Judgment

Any Person who is neither a Party to this Judgment nor a successor or assignee of a Party to this Judgment may seek to become a party to this Judgment by filing a petition in intervention.

3. Interference with Pumping

Nothing in this judgment shall be deemed to prevent any party from seeking judicial relief against any other party whose pumping activities constitute an unreasonable interference with the complaining party's ability to extract groundwater.

4. Successors and Assigns

This Judgment and all provisions herein shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

5. Severability

The provisions of this Judgment are severable. If any provision of this Judgment is held by the Court to be illegal, invalid or unenforceable, that provision shall be excised from the Judgment. The remainder of the terms of the Judgment shall remain in full force and effect and shall in no way be affected, impaired or invalidated by such excision. This Judgment shall be reformed to add, in lieu of the excised provision, a provision as similar in terms to the excised provision as may be possible and be legal, valid and enforceable.

6. Review Procedures

Any action, decision, rule or procedure of the Watermaster pursuant to this Judgment shall be subject to review by the Court on its own motion or on timely motion by any Party, as follows:

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1 A. Effective Date of Watermaster Action: Any order, decision or action of the  
2 Watermaster pursuant to this Judgment on noticed specific agenda items shall be deemed to  
3 have occurred on the date of the order, decision or action.

4 B. Notice of Motion: Any Party may, by a regularly-noticed motion, petition the  
5 Court for review of the Watermaster's action or decision pursuant to this Judgment. The  
6 motion shall be deemed to be filed when a copy, conformed as filed with the Court, has been  
7 delivered to the Watermaster, together with the service fee established by the Watermaster  
8 sufficient to cover the cost to photocopy and mail the motion to each Party. The Watermaster  
9 shall prepare copies and mail a copy of the motion to each Party or its designee according to  
10 the official service list which shall be maintained by the Watermaster according to Part VII,  
11 paragraph 1, above. A Party's obligation to serve the notice of a motion upon the Parties is  
12 deemed to be satisfied by filing the motion as provided herein. Unless ordered by the Court,  
13 any petition shall not operate to stay the effect of any Watermaster action or decision which is  
14 challenged.

15 C. Time for Motion: A motion to review any Watermaster action or decision shall be  
16 filed within 90 days after such Watermaster action or decision, except that motions to review  
17 Watermaster assessments hereunder shall be filed within 30 days of mailing of notice of the  
18 assessment.

19 D. De Novo Nature of Proceeding: Upon filing of a petition to review a Watermaster  
20 action, the Watermaster shall notify the Parties of a date when the Court will take evidence  
21 and hear argument. The Court's review shall be de novo and the Watermaster decision or  
22 action shall have no evidentiary weight in such proceeding.

23 E. Decision: The decision of the Court in such proceedings shall be an appealable  
24 Supplemental Order in this case. When the same is final, it shall be binding upon the  
25 Watermaster and the Parties.

26 DATED: \_\_\_\_\_

27 By: \_\_\_\_\_  
28 Judge of the Superior Court

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 18-29

**Date:** December 5, 2018

**From:** Joseph Zoba, Treasurer

**Subject:** Discussion Regarding the “Facts About the Beaumont Basin Watermaster”

**Recommendation:** That the Watermaster Committee provides comments on the draft document to be included as part of future meeting packets.

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At the Watermaster Committee meeting on October 3, 2018, the Watermaster Committee members discussed a concept to provide general information about the Watermaster at the back of each meeting packet. The purpose of this information is to: (1) provide general information about the Watermaster for the public; and (2) to provide quick access to facts for the Watermaster Committee members.

It would be possible to add the Judgment to the back of each meeting packet for reference, but since the additional pages would increase the printing costs for our meetings the Judgment has been excluded.

A draft fact sheet is attached for your review and comment. This draft document has also been attached to this meeting packet to show how the material will be included in future meeting packets.

## Facts About the Beaumont Basin Watermaster

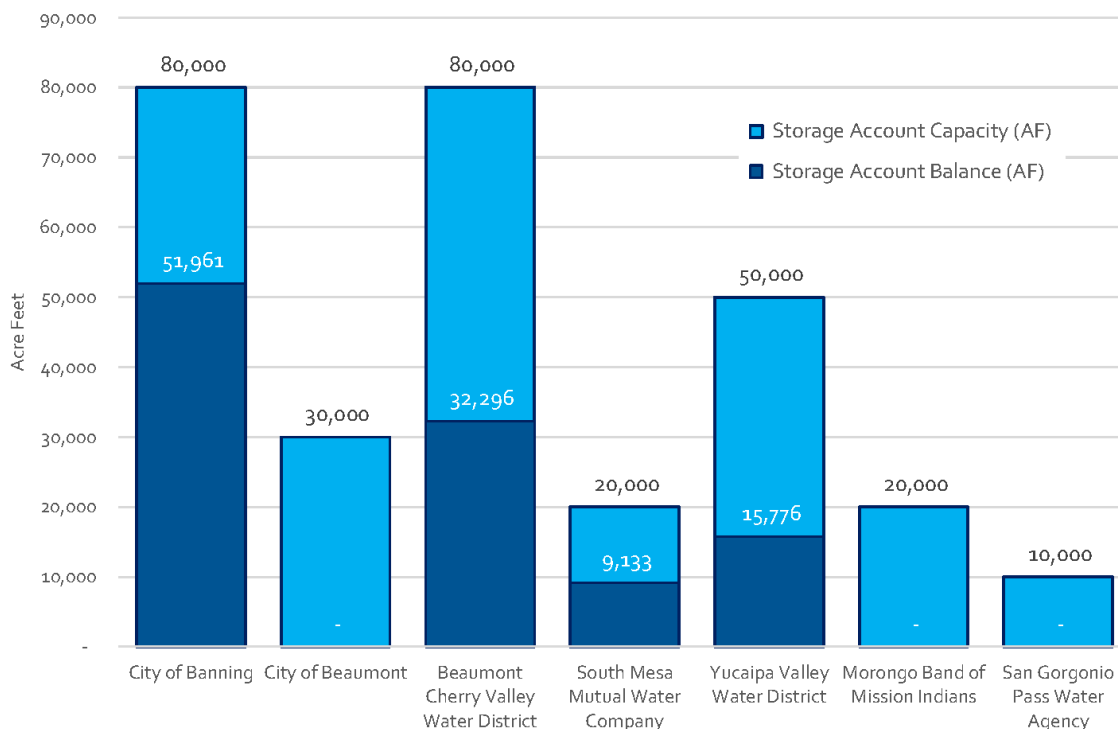
**Authority and Formation:** Case No. RIC 389197 – A Stipulated Agreement signed by Honorable Judge Gary Tranbarger of the Superior Court of the State of California, County of Riverside on February 4, 2004 (the “Judgment”).

**Online Documentation:** [www.beaumontbasinwatermaster.org](http://www.beaumontbasinwatermaster.org)

**Watermaster Members:**

- City of Banning
  - Arturo Vela and Luis Cardenas
- City of Beaumont
  - \_\_\_\_\_ and Kyle Warsinski
- Beaumont Cherry Valley Water District
  - Dan Jagers and Mark Swanson
- South Mesa Mutual Water Company
  - George Jorritsma and David Armstrong
- Yucaipa Valley Water District
  - Joseph Zoba and Jennifer Ares

Storage Account Balances (as of December 31, 2017)



Original Safe Yield Determination (2004): 8,650 acre feet per year  
 Safe Yield Re-evaluation (2014): 6,700 acre feet per year  
 Safe Yield Re-evaluation (2024): To be determined

| Overlying Party to the Judgment         | 2004 Initial Overlying Water Right (acre feet) | 2014 Updated Overlying Water Right (acre feet) |
|---|--|--|
| California Oak Valley Golf and Resort   | 950.0  | 735.8  |
| Plantation on the Lake                  | 581.0  | 450.0  |
| Sharondale Mesa Owners Association      | 200.0  | 154.9  |
| Tukwet Canyon Golf Club                 | 2,200.0  | 1704.0   |
| Rancho Calimesa Mobile Home Park        | 150.0  | 116.2  |
| Gutierrez, Hector, et.al.               | 10.0   | 7.7  |
| Darmont, Boris and Miriam               | 2.5  | 1.9  |
| Aldama, Nicolas and Amalia              | 7.0  | 5.4  |
| McAmis, Ronald L.                       | 5.0  | 3.9  |
| Nikodinov, Nick                         | 20.0   | 15.5   |
| Beckman, Walter M.                      | 75.0   | 58.1   |
| Albor Properties III                    | 300.0  | 232.4  |
| Sterns, Leonard M. and Dorothy D.       | 200.0  | 154.9  |
| Sunny-Cal Egg and Poultry Company       | 1,439.5  | 1,115.0  |
| Merlin Properties                       | 550.0  | 426.0  |
| Oak Valley Partners                     | 1,806.0  | 1,398.9  |
| Roman Catholic Bishop of San Bernardino | 154.0  | 119.3  |
| <b>Total</b>                            | <b>8,650.0</b>                                 | <b>6,700.0</b>                                 |

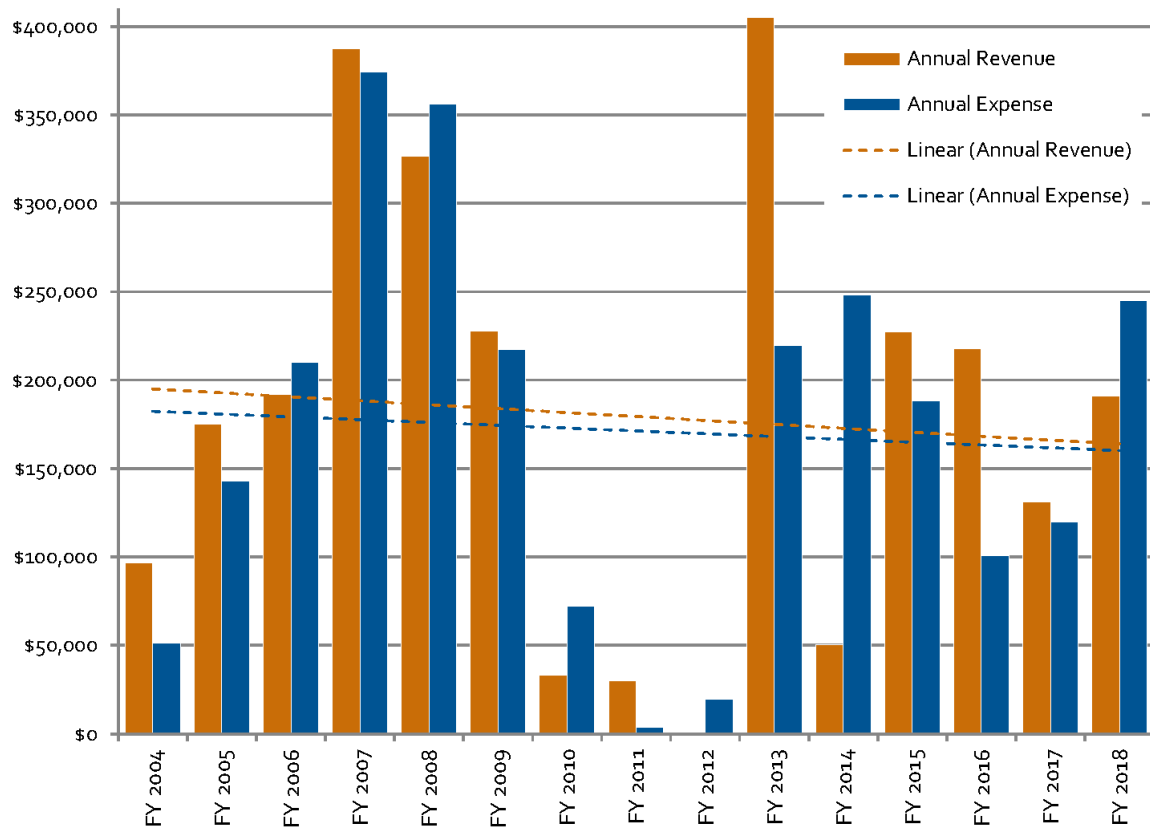
#### Transfer of Overlying Rights to Overlying-Appropriative Rights:

Beaumont Basin Watermaster Resolution No. 17-02 adopted on August 30, 2017 transferred all of the overlying water rights from Oak Valley Partners to Yucaipa Valley Water District.

| Summary of Assigned Overlying-Appropriative Rights | Watermaster Notification Date | Earmarked Amount (acre feet) |
|--|-------------------------------|------------------------------|
| Assignment No. 1 to Yucaipa Valley Water District  | 3/28/2018                     | 90.94                        |
| Assignment No. 2 to Yucaipa Valley Water District  | 8/1/2018                      | 59.89                        |
| Assignment No. 3 to Yucaipa Valley Water District  | 10/3/2018                     | 29.57                        |
| <b>Total</b>                                       |                               | <b>180.40</b>                |

### Financial Information:

Each year the Beaumont Basin Watermaster has an independent accountant's review of the financial standing. The following illustration provides a summary of the annual revenue and expenditure information since the formation of the Beaumont Basin Watermaster.



# Facts About the Beaumont Basin Watermaster

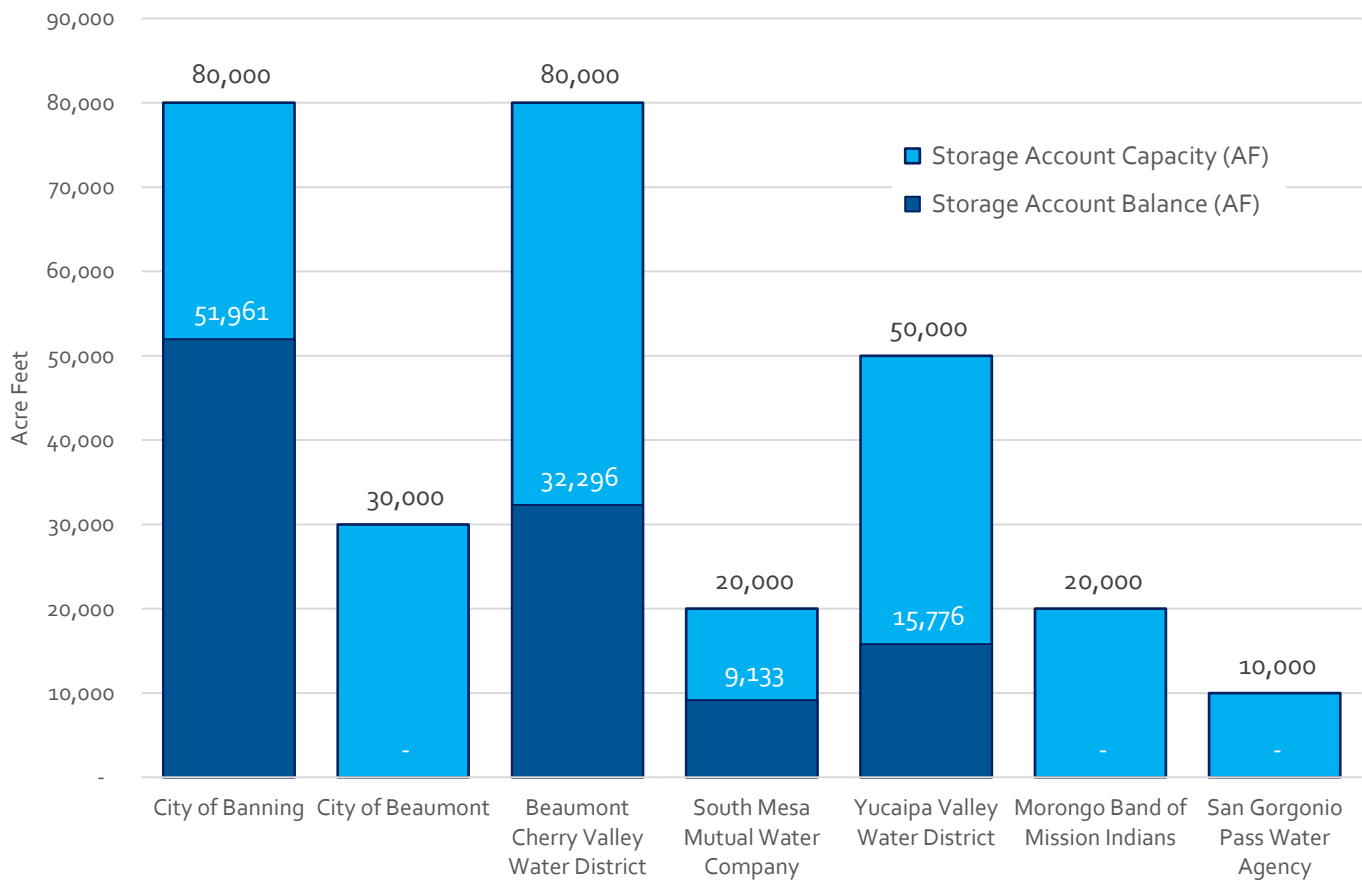
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**Storage Account Balances (as of December 31, 2017)**



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