

**Record of the Minutes of the
Beaumont Basin Committee Meeting of the
Beaumont Basin Watermaster
Regular Meeting
Wednesday, February 6, 2019**

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 10:02 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.

Hannibal Blandon and Ben Lewis were present as consultants and engineers for the Beaumont Basin Watermaster.

Staff present were: James Bean and Erica Gonzales from BVCWD.

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

Correspondence dated January 11, 2019 from Yucaipa Valley Water District - Transfer of 2.65 Acre Feet of Overlying Water Rights in the Beaumont Basin

for Parcel 6 of Parcel Map No. 33105 Pursuant to Beaumont Basin Watermaster Resolution No. 2017-02

Chair Vela introduced the letter and explained it indicates the YVWD has accepted a transfer of 2.65 acre-feet of overlying water rights in the Beaumont Basin for Parcel 6 of Parcel Map 33105 pursuant to BBWM Resolution 2017-02.

VI. Consent Calendar

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

1. Meeting Minutes for December 5, 2018

AYES:	Jagers, Jorritsma, Vela, Zoba
NOES:	None.
ABSTAIN:	Warsinski
ABSENT:	None
STATUS:	Motion Approved

VII. Reports

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

No report.

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

Mr. Blandon explained that Mr. Harder is not present, but representing Tom Harder and Company today are Ben Lewis and Jada Mecca who will answer any questions from the Committee.

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

Legal Counsel Thierry Montoya reported he attended a status conference on January 29 with the Riverside Superior Court and advised them that the resolution to amend the judgment to correct the scrivener's error was presented at the December meeting and recommended for signature. Having received no comments, he said, it will be submitted to Mr. Vela for execution then filed with the Court. There will be a subsequent hearing to confirm the Resolution has been signed and the judgment has been amended.

Last week, Montoya reported, he met with Joe Zoba to discuss the accounting for transfers of overlying rights to appropriate rights.

VIII. Discussion Items

- A. Reorganization of the Beaumont Basin Watermaster Committee - Chairman, Vice-Chairman, Secretary, and Treasurer

Recommendation: That the members of the Watermaster either reaffirm the existing officers or conduct nominations for the appointment of new officers of the Beaumont Basin Watermaster.

The Committee's current officers:

Chair – Art Vela

Vice-Chair – George Jorritsma

Secretary – Dan Jagers

Treasurer – Joe Zoba

It was moved by Member Zoba and seconded by Member Warsinski to re-affirm the current Watermaster Committee officers.

AYES:	Jagers, Jorritsma, Vela, Warsinski, Zoba
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.
STATUS:	Motion Approved

- B. Status Report on Water Level Monitoring throughout the Beaumont Basin through January 22, 2019

Recommendation: No recommendation.

Mr. Blandon gave a report. He noted that at the Noble Creek spreading grounds there has been a significant (over 90 feet in the shallow aquifer, and 46 feet in the deeper aquifer) increase in water levels in the last 18 months. He reminded the Committee that the probe at Banning Well 8 had been lost, but the city has recently pulled the pump and a new probe will be installed.

There is new monitoring well site at BCVWD Well 29. Mr. Blandon reported that he has visited other potential monitoring well sites, but has found that the representatives are comfortable with reading the water levels, but not with signing the required contract. He suggested considering no contract, or focusing only on pumping wells.

He reported on another potential monitoring site at Sharondale Well 1 owned by Clearwater Operations.

Mr. Blandon reported on some needed repairs: a communications cable for Beaumont well 29 and Well 2, and Oak Valley 5. He noted that many wells are older with sharp edges and when the cable is pulled up, it is cut.

Mr. Warsinski asked about the issues with contracts. He noted that he had to explain to the ICON manager the benefits to the region. Mr. Blandon explained that the smaller overlying users, although willing to have the probe installed, tend to balk at the signing of a contract.

Chair Vela asked about the communications cable issues. Mr. Blandon answered that data is still being collected. The probe is pulled, the data extracted from the probe, then it is lowered back into the well.

Engineer Blandon advised there are plenty of existing wells of which ownership is unknown; many are monitored by the USDS and San Geronio Pass Water Agency. A probe could easily be installed. He suggested this is an issue to consider.

C. Status Report on the Development of a Return Flow Methodology for the Beaumont Basin

Recommendation: No recommendation.

Mr. Ben Lewis with Thomas Harder and Company explained that he has the needed data from BCVWD, YVWD and the City of Banning and has correlated water accounts to Assessor's Parcel Numbers or addresses for BCVWD and Banning, which was out of scope. YVWD provided records tied to an APN. Mr. Lewis said he hopes they can finish the work and stay within budget.

Mr. Lewis reported that the development of the return flow methodology has begun, detailed some tasks, and said he expects to provide the draft technical memorandum by the March 27 meeting.

D. Presentation of the Draft 2018 Consolidated Annual Report and Engineering Report.

Recommendation: No recommendation.

Engineer Blandon presented the draft 2018 report.

Only one resolution, 2018-01 was adopted in 2018, rescinding 2017-01 which gives the San Geronio Pass Water Agency the right to store up to 10,000 acre-feet of water in the basin.

Blandon explained the 25-year historical precipitation chart from 1994-2018, showing an average of 14.3 inches. Looking at the last eight years, average precipitation is below the 25-year average. This is almost 3 inches lower than the 100-year average of 17 inches. He said he hopes this year the curve will begin bending to the positive side.

He pointed out the total 2018 production for each appropriator, totaling more than 15,000 acre-feet. This is the third highest production year since inception of the judgment, and about 2,000 acre-feet higher than the 2014 – 2018 five-year average.

Mr. Blandon pointed out that Oak Valley Golf and Resort used 85 percent of their overlying water rights, followed by Plantation on the Lake at 85 percent over the last five years. None of the large producers are close to their limits. Between 2014 and 2018, production averaged 2,100 acre-feet, or approximately 32 percent of overlying right. Numbers reported by Plantation on the Lake in previous years were inaccurate. The 2018 report shows the corrected data.

Engineer Blandon drew attention to the comparison of annual production by overlying users and appropriators. He pointed out significant changes in 2014 as a result of the reevaluation of the basin safe yield, and in 2018 due to the transfer of overlying rights from Oak Valley to YVWD.

For recharge, Blandon noted, in 2018 the City of Banning spread 600 acre-feet, and BCVWD spread over 12,000 acre-feet. Overall, since the inception of the judgment, close to 98,000 acre-feet has been recharged to the basin, he stated.

Blandon explained the current status of water rights and pointed out that 180.4 acre-feet of overlying rights was transferred to appropriative rights of YVWD under Resolution 2017-02.

Engineer Blandon explained a chart showing the 6,365 acre-feet of under-production of 2013 is being transferred to 2018 and divided among the appropriators. Blandon gave a review of storage account balances, increasing by 4,140 acre-feet in 2018.

Wastewater discharges continue to increase as the area continues to develop, Blandon explained.

Mr. Jagers provided a handout with a downward revision of some of the numbers related to BCWVD's storage account and production. Mr. Jagers detailed some additional numeral discrepancies.

He pointed to the overlyer transfer to appropriator and said he believes there is still a struggle with how that vehicle moves forward in time.

The judgment identifies that those activities are earmarked for water utilized, and it seems an open-needed question. Responses have been received from legal counsel, said Mr. Jagers, but it is his opinion that it has not yet been resolved. The numbers presented equate to a 180 AF reduction in the safe yield, Jagers posited. Mr. Bandon countered that it does not reduce the safe yield; it just transfers 180 AF of the overlying allocation to an appropriator. Chair Vela queried and Mr. Jagers reiterated that the question is unresolved at the Watermaster level regarding interpretation of the judgment and the way in which the water is credited.

Mr. Bandon said his understanding is that the transfer of water right is permanent and allows YVWD to begin producing that amount because of the number of things the YVWD must do to prepare to deliver that water and the infrastructure required to convey the water to the ultimate user. This makes that water fully available to YVWD immediately. That understanding is reflected in the report, Bandon concluded. Mr. Jagers further clarified his position. Mr. Bandon acknowledged there is uncertainty. Chair Vela recollected that the right is perfected as soon as the water is put into use anywhere in YVWD's service area.

The intent, explained Legal Counsel Montoya, is the overlyer uses its rights to provide service. It is straying from the agreement if the appropriator takes the position that it can be used as he sees fit; that's not the intent of the agreement. The law is not clear but does provide a reasonable amount of time for an appropriator to put that water to use. The portion that has already been transferred to YVWD for use in the development has been perfected, and is clearly appropriative, Montoya explained. The process is factually based, he said. Counsel advised that to make hard and fast rules now based on one example is not in the best interest of the members of the Watermaster as a whole, and he recommended continuing discussion.

Mr. Jagers said he expects to see a reduction in the safe yield due to underflow considered in the model, which will no longer be available due to the SGPWA building their recharge facilities. He reiterated that there does not appear to be a vehicle to move forward the BBWM activities in a way that is agreed upon.

Jagers suggested that it should be documented in the annual report that these things are unresolved; otherwise, a precedent will be set. Member Zoba opined that there is not a perfection issue. As soon as an overlyer dedicates their water rights in a letter to YVWD, the transfer is immediate. The intent of the adjudication was the transfer of overlying rights to appropriators, he said. He reminded the Committee about the Wildermuth transfer scenario, which could be included as a table in the report. The process must be a bright line – once the transfer is done,

it's over, and the appropriator must do everything it can to provide service to those parcels.

Mr. Jagers further detailed concerns and said he would like to see a vehicle that addresses all concerns and provides a clear path. Member Zoba indicated this happens through the development agreement process. Discussion of different scenarios ensued. Chair Vela agreed that language should be included in the annual report that a policy to formalize how the transfers are treated is still being formulated.

Mr. Blandon reminded the Committee that the annual production report is due to the state by April, which is why the annual report is prepared in March. The changes made by the Committee can be incorporated into the annual report in a second draft and the production figures submitted to the state while discussion continues.

Mr. Zoba advised that YVWD is experiencing development and these scenarios of concern must be resolved. Some examples may not be related to the adjudication and are instead a matter of law, he posited. Discussion continued. Legal counsel Montoya stated that once an overlying user manifests its intent to transfer the water, that transfer occurs. With development, the water is being put to use in phases and all of it is contemplated for use. Montoya pointed to the memorandums which set forth that because of development in a phased manner, there is reasonable time allowed to the appropriate party to put that water to full and complete use.

Mr. Jagers suggested that transferred rights should be subject to reductions as are the overlying rights if the safe yield declines in the future. He said he is asking for clear resolution to avoid any misunderstanding.

Mr. Zoba offered to copy his comments to everyone. Engineer Blandon suggested he produce the report documenting water production and incorporating Committee member comments for submission to the state by the April 1 deadline as this discussion continues over a few meetings. He will provide a draft via email for members to review prior to the next meeting.

The Committee scheduled a special meeting for March 6 at 11 a.m.

Engineer Blandon resumed his presentation. Mr. Ben Lewis reported on the operating safe yield, which can fluctuate significantly each year. Engineers believe the change in storage reflected by the model is under-predicting the groundwater mound underneath the Noble Creek recharge basins. With the 2023 reevaluation, it is recommended to recalibrate the model, Lewis said.

Lewis shared the long-term trends and changes in groundwater levels from December 2017 to December 2018. On the western side there was a decline of one to five feet; on the eastern side there was an increase of one to five feet. Mr. Jagers pointed out that the model considered a certain amount of recharge, and BCWVD has added substantially more.

Water quality data is garnered from the California Department of Public Health and the Beaumont Basin Management Zone Maximum Benefit Report by Dudek, Blandon explained. The Dudek data will be incorporated when available later this month. Over the five-year analysis, none of the primary state and federal standards were exceeded. Overall, the water quality is very good, he concluded.

The recommendation for a policy to account for groundwater storage losses is being carried forward from previous reports. In 2018, a study was conducted on basin storage to estimate how much water is lost based on imported water spreading activities, which may be used to develop a policy. Also suggested is a process to assure accuracy and consistency of data reporting, such as regular calibration and maintenance of water meters.

Mr. Blandon indicated he would incorporate comments from BCWVD and YVWD in the next draft.

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 Overlyer return flow credit and how it might be managed

X. Comments from the Watermaster Committee Members

Member Zoba commented that he appreciates the dialogue. The Committee has been at this for 15 years, he said, and he appreciates working together. There is a new percolation test and monitoring wells going in off Singleton near

the Singleton well, and Mr. Zoba said he would coordinate with Mr. Blandon and Mr. Harder to share information.

XI. Announcements

- A. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, March 27, 2019 at 10:00 a.m.
- B. A special meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, March 6, 2019 at 11:00 a.m.

XII. Adjournment

Chairman Vela adjourned the meeting at 11:45 a.m.

Attest:



Daniel Jagers, Secretary
Beaumont Basin Watermaster