

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

Wednesday, June 5, 2019 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 March 27, 2019 - To be presented at the August 7, 2019 meeting.

### 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. Consideration of Resolution No. 2019-02 Amending Section 7 of the Rules and Regulations of the Beaumont Basin Watermaster [Memorandum No. 19-12, Page 4 of 33]

Recommendation: That the Watermaster Committee adopt Resolution No. 2019-02.

B. Status Report on Water Level Monitoring throughout the Beaumont Basin through May 27, 2019 [Memorandum No. 19-13, Page 20 of 33]

Recommendation: No recommendation.

- C. A Comparison of Production and Allowable Extractions through April 2019  
[Memorandum No. 19-14, Page 30 of 33]

Recommendation: No recommendation - For informational purposes only.

#### **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. Discussion of 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, August 7, 2019 at 10:00 a.m.

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

# Discussion Items

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 19-12

**Date:** June 5, 2019

**From:** Joseph Zoba, Treasurer

**Subject:** Consideration of Resolution No. 2019-02 Amending Section 7 of the Rules and Regulations of the Beaumont Basin Watermaster

**Recommendation:** That the Watermaster Committee adopt Resolution No. 2019-02.

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At the Watermaster meeting held on March 6, 2019, the members of the Watermaster Committee discussed the process by which water rights can be transferred from an Overlying Party to an Appropriator Party.

The Watermaster Committee reviewed a draft resolution at a special meeting held on March 27, 2019 but referred the topic to an ad hoc committee comprised of Yucaipa Valley Water District and Beaumont Cherry Valley Water District and legal counsel.

The members of the ad hoc committee have prepared revisions to Section 7 of the Rules and Regulations as provided in the attached Resolution No. 2019-02.



## MEMORANDUM

TO: Beaumont Basin Watermaster (“BBW”)  
 FROM: Thierry Montoya  
 DATE: May 28, 2019  
 RE: Resolution of the Beaumont Basin Watermaster to Amend Section 7 of the Rules and Regulations of the Watermaster

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As previously agenzized, an *Ad Hoc* Committee of the BBW, consisting of Joseph Zoba of the Yucaipa Valley Water District, Dan Jagers of the Beaumont Cherry Valley Water District, and myself, as legal counsel for the BBW, met on April 16, 2019, and again on May 7, 2019, to review and analyze the BBW’s Rules and Regulations (“R&R”) “Adjustment of Rights” language, concerning overlying to appropriative water rights transfers and the accounting for such, for consistency with the February 4, 2004, “Judgment Pursuant to Stipulation Adjudicating Groundwater Rights in the Beaumont Basin’s” relevant water transfer language. The attached Resolution No. 2019-02 (Exhibit “A”) is the result of the *Ad Hoc* Committee’s recommended changes to R&R’s Section 7’s “Adjustment of Rights” language to better comport it to the Judgment.

### **The Judgment’s and R&R’s Language Regarding Transfer of Overlying Water Rights to an Appropriator**

The Judgment defines “overlying parties” as “...owners of land which overlies the Beaumont Basin and have exercised Overlying Water Rights to pump therefrom.” See, Judgment, Introduction, section 3(O), lines 13-17. Appropriators hold an interest in “...the amount of Safe Yield remaining after satisfaction of Overlying Water Rights.” See, Judgment, Introduction, section 3(C), lines 3-4.

Within that legal construct, the Judgment and the R&R “...allow for the transfer of an overlying water right and when transferred to an appropriative party, the former overlying water right becomes an appropriative right “...to the extent their respective properties [the Overlying Properties] receive water service from an Appropriative Party...” See, Judgment, Declaration and Adjustment of Rights, section 1, lines 7:28-8:5. The Judgment further has a provision for the accounting of such transferred rights—from overlying to appropriative—stating, “[t]o the extent any Overlying Party requests, and uses its Exhibit “B”, Column 4 water to obtain water service from an Appropriative Party, an equivalent volume of potable groundwater shall be earmarked by the Appropriative Party which will serve the Overlying Party, up to the volume of the Overlying Water Rights as reflected in Column 4 of Exhibit “B” attached hereto, for the purpose of serving the Overlying Party.” See, Judgment, Declaration and Adjustment of Rights, section 3(B), lines 15-22. In the event that “...the Overlying Party receives water service as provided...the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriative Party. The Appropriator Party providing such service shall have the right to produce the volume of water foregone by the

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Overlying Party, in addition to other rights otherwise allocated to the Appropriator Party.” See, Judgment, Declaration and Adjustment of Rights, section 3(C), lines 8:28-9:7; section G, lines 11:9-14; 12:4-7.

As noted above, the Judgment and the Rules are consistent with California law holding that an overlying water right can be terminated, transferred, or abandoned—and when such occurs, the former overlying right becomes appropriative in nature. See, *Fall River Valley Irr. Dist. v. Mt. Shasta Power Corp.* (1927) 202 Cal. 56, 65-- riparian and overlying water rights may also be abandoned by both the concurrence of an intent to abandon and the act of relinquishing possession.

To that extent that R&R, Section 7’s “Adjustments of Rights” provisions were aligned with the Judgment and case law on the issue of water transfers of an overlying right to an appropriative party, that language is set forth in the proposed Resolution No. 2019-02 and its Attachment “A.” Those sections of R&R, Section 7 that were excised were removed as not being sufficiently tied to the Judgment.

Finally, the *Ad Hoc* Committee recommends language for a “Form 5,” as notice of an overlying to appropriative water rights transfer.

## SECTION 7 ADJUSTMENTS OF RIGHTS

**7.0 In General.** Overlying Parties shall have the right to exercise their respective Overlying Water Rights except to the extent provided in Section III, Paragraph 3, entitled Adjustment of Rights, of the Judgment. (Judgment, p. 8, lines 12-14).

(a) To the extent any Overlying Party requests, and uses its adjudicated water rights to obtain water service from an Appropriator Party, an equivalent volume of potable groundwater shall be earmarked by the Appropriator Party which will serve the Overlying Party, up to the volume of the Overlying Water Rights as reflected in Column 4 of Exhibit "B" of the Judgment, for the purpose of serving the Overlying Party. (Judgment, p. 8, lines 15-27).

(b) When an Overlying Party receives water service as provided for in paragraph 7(a), the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriator Party. The Appropriator Party providing such service shall have the right to produce the volume of water foregone by the Overlying Party, in addition to other rights otherwise allocated to the Appropriator Party. (Judgment, p. 8, line 28 – p. 9, line 7).

(c) Should the volume of the Overlying Water Right equal or exceed the volume of potable groundwater earmarked as provided in paragraph 7(a), the Appropriator Party which will serve the Overlying Party shall:

(i) Impose potable water charges and assessments upon the Overlying Party and its successors in interest at the rates charged to the then-existing regular customers of the Appropriator Party, and

(ii) Not collect from such Overlying Party any development charge that may be related to the importation of water into the Beaumont Basin.

(d) If an Appropriator Party provides recycled water to serve an overlying use served with groundwater, then the Overlying Water Right shall not be diminished by the receipt of recycled water.

**7.1 Notice of Adjustment of Rights- from an Overlying Pumper to Appropriator.** The Overlying Pumper and Appropriator shall complete a Notice of Adjustment of Rights (Form 5 - Notice to Adjust Rights of an Overlying Party due to Proposed Provision of Water Service by an Appropriator) and file it with the Watermaster ~~within 30 days of entering into a Service Agreement.~~

(a) Accounting for **Adjustment of Rights Transfers.** Watermaster staff will shall maintain an accounting of acquisitions by Appropriators of water otherwise subject to Overlying Water Rights as the result of the provision of water service by an Appropriator. The Watermaster shall maintain an accounting of all adjustments of rights based on actual meter readings or other measuring devices. The accounting will be presented transfers, and such accounting shall be included in the Annual Report and other relevant Watermaster reports as appropriate.

**7.2 — Transfer of Water Between Appropriators.** Any Appropriator may transfer all or any portion of its Appropriator's Production Right or Operating Yield that is surplus to its needs to another Appropriator in accordance with these Rules and Regulations.

**7.3 — ~~Watermaster Supervision and Approval.~~** ~~Any proposed transfer shall first be approved by the Watermaster and implemented under Watermaster supervision.~~

**7.4 — ~~Marketing Procedures.~~** ~~An Appropriator wishing to transfer all or any portion of its Appropriator's Production Right may do so in any one of the following three ways:~~

- ~~(a) — The Appropriator may undertake its own marketing efforts and negotiate an agreement with one or more Appropriators; or~~
- ~~(b) — The Appropriator may request assistance from the Watermaster to conduct a sealed bidding process among the Appropriators and award a contract to the highest bidder; or~~
- ~~(c) — The Appropriator may request the Watermaster to allocate the total amount of water to be transferred to the accounts of the other Appropriators in proportion to their respective shares of the Operating Safe Yield and assess each of the Appropriators for the water at a cost not to exceed a Watermaster-approved Groundwater Replenishment Rate.~~

**7.5 — ~~Disposition of Revenue.~~** ~~Any revenue generated from the transfer of surplus water shall be used first to reduce or pay off delinquent Annual Administrative Assessments and Annual Replenishment Assessments, if any, and the balance shall be paid over to the transferring party. At the transferring party's option, the balance may be credited to future Assessments.~~

**7.67.2 Accounting for Transfers.** The Watermaster shall maintain an accounting of all transfers, and such accounting shall be included in the Annual Report and other relevant Watermaster reports as appropriate.

**7.77.3 Availability of Unused Overlying Production and Allocation to the Appropriator Parties.** Except as provided for in Section 7.0 herein, to the extent that groundwater pumping by an overlying party to the Judgment does not exceed five times the share of safe yield assigned to the overlying party during any five-year period (see column 4 of Exhibit B to the Judgment), the amount of groundwater not produced by such overlying party pursuant to its rights under the Judgment shall be available for allocation to the appropriator parties in accordance with their respective percentage shares of unused safe yield (see column 3 of Exhibit C to the Judgment). The availability and allocation of any such groundwater not produced by the overlying parties in accordance with their rights under the Judgment shall be first determined in fiscal year 2008/09 and every year thereafter. The table below illustrates the allocation process anticipated in the Judgment.

Available Unused Overlying Production in Fiscal	Will be Allocated to the Appropriator Parties in Fiscal
2003/04	2008/09
2004/05	2009/10
2005/06	2010/11



2006/07	2011/12
2007/08	2012/13
2008/09	2013/14
2009/10	2014/15
2010/11	2015/16
2011/12	2016/17
2012/13	2017/18

Groundwater not produced by the overlying parties in accordance with their rights under the Judgment and determined to be available for allocation to the appropriator parties pursuant hereto may be utilized by the appropriator parties in accordance with the terms of the Judgment and these Rules and Regulations. Neither this rule nor its operation shall be deemed or construed in any way to change, limit or otherwise affect any rights awarded to and held by the overlying parties pursuant to the Judgment. Nor shall this rule or its operation result in any liability to the overlying parties or be deemed or construed as a transfer, assignment, forfeiture or abandonment of any overlying rights under the Judgment.

**Adjusted Water Rights Pursuant to Section 3 of the Judgment  
(Example Tabulation for Annual Reporting Purposes)**

<u>Overlying Party to the Judgment</u>	<u>2004 Initial Overlying Water Right (acre feet)</u>	<u>2014 Updated Overlying Water Right (acre feet)</u>	<u>Beaumont Cherry Valley Water District</u>		<u>Yucaipa Valley Water District</u>	
			<u>Earmarked</u>	<u>Transferred</u>	<u>Earmarked</u>	<u>Transferred</u>
<u>California Oak Valley Golf and Resort</u>	<u>950.0</u>	<u>735.8</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Plantation on the Lake</u>	<u>581.0</u>	<u>450.0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Sharondale Mesa Owners Association</u>	<u>200.0</u>	<u>154.9</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Tukwet Canyon Golf Club</u>	<u>2,200.0</u>	<u>1704.0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Rancho Calimesa Mobile Home Park</u>	<u>150.0</u>	<u>116.2</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Gutierrez, Hector, et.al.</u>	<u>10.0</u>	<u>7.7</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Darmont, Boris and Miriam</u>	<u>2.5</u>	<u>1.9</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Aldama, Nicolas and Amalia</u>	<u>7.0</u>	<u>5.4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>McAmis, Ronald L.</u>	<u>5.0</u>	<u>3.9</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Nikodinov, Nick</u>	<u>20.0</u>	<u>15.5</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Beckman, Walter M.</u>	<u>75.0</u>	<u>58.1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Albor Properties III</u>	<u>300.0</u>	<u>232.4</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Sterns, Leonard M. and Dorothy D.</u>	<u>200.0</u>	<u>154.9</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Sunny-Cal Egg and Poultry Company</u>	<u>1,439.5</u>	<u>1,115.0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Merlin Properties</u>	<u>550.0</u>	<u>426.0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Oak Valley Partners</u>	<u>1,806.0</u>	<u>1,215.85</u>	<u>0</u>	<u>0</u>	<u>2.65</u>	<u>180.40</u>
<u>Roman Catholic Bishop of San Bernardino</u>	<u>154.0</u>	<u>119.3</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b><u>Total</u></b>	<b><u>8,650.0<sup>1</sup></u></b>				<b><u>6,700.0<sup>2</sup></u></b>	

1. Original Safe Yield - February 4, 2004
2. Recalculated Safe Yield - Resolution No. 2015-01

## Beaumont Basin Watermaster - Form 5

**NOTICE TO ADJUST RIGHTS OF AN OVERLYING PARTY DUE TO  
PROPOSED PROVISION OF WATER SERVICE BY AN  
APPROPRIATOR**

Please take notice that \_\_\_\_\_ ("Appropriator")  
proposes to provide retail water service to \_\_\_\_\_  
("Overlying Owner") and that \_\_\_\_\_ acre feet ("Earmarked Water") of Overlying Water Rights  
will be transferred to the Appropriator when the Overlying Owner receives water service.

Notice is hereby given that the Watermaster will reduce the Overlying Owner's Overlying Water  
Right(s) (as shown in Exhibit B, Column 4 of the Judgment and modified by the redetermination  
of safe yield) by the amount of Earmarked Water and adjust the Appropriative Water Rights of the  
Appropriator effective on the day when water service is first provided by the Appropriator.

**OVERLYING OWNER****APPROPRIATOR**

<u>Overlying Party</u>	<u>Appropriator Party</u>
<u>Authorized Agent – Print Name</u>	<u>Authorized Agent – Print Name</u>
<u>Title</u>	<u>Title</u>
<u>Signature</u>	<u>Signature</u>
<u>Date</u>	<u>Date</u>
<u>Address for Notice</u>	<u>Address for Notice</u>
<u>Telephone</u>	<u>Telephone</u>
<u>Email Address</u>	<u>Email Address</u>

<u>For Watermaster Use</u>
<u>Date Form is Received:</u>
<u>Date Earmarked Water is First Used:</u>

Beaumont Basin Watermaster - Form 7

**NOTICE OF TRANSFER OF APPROPRIATOR PRODUCTION RIGHT OR  
OPERATING YIELD BETWEEN APPROPRIATORS**  
**Calendar Year**

Notice is hereby given that commencing on January 1, \_\_\_\_\_ and terminating on December 31, \_\_\_\_\_, \_\_\_\_\_ ("Transferor") hereby transfers to \_\_\_\_\_ ("Transferee") the quantity of \_\_\_\_\_ acre-feet of corresponding Appropriator Production Right or Operating Yield adjudicated to Transferor or its predecessor in interest in the Judgment rendered in the Case of SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY vs. CITY OF BANNING, et. Al., RIC 389197, entered on February 4, 2004.

**TRANSFEROR****TRANSFEE**

_____	_____
<u>Entity Name</u>	<u>Entity Name</u>
_____	_____
<u>Authorized Agent – Print Name</u>	<u>Authorized Agent – Print Name</u>
_____	_____
<u>Title</u>	<u>Title</u>
_____	_____
<u>Signature</u>	<u>Signature</u>
_____	_____
<u>Date</u>	<u>Date</u>
_____	_____
<u>Address for Notice</u>	<u>Address for Notice</u>
_____	_____
<u>Telephone</u>	<u>Telephone</u>
_____	_____
<u>Email Address</u>	<u>Email Address</u>

<b><u>For Watermaster Use</u></b>
<u>Date Form is Received:</u>
<u>Date Earmarked Water is First Used:</u>

**RESOLUTION NO. 2019-02****A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER TO AMEND  
SECTION 7 OF THE RULES AND REGULATIONS OF THE WATERMASTER**

**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.

**NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN  
WATERMASTER AS FOLLOWS:**

1. The Beaumont Basin Watermaster hereby rescinds Section 7 of the Beaumont Basin Watermaster Rules and Regulations in its entirety and replaces Section 7 of the Beaumont Basin Watermaster Rules and Regulations as provided in Attachment A. .
2. The Beaumont Basin Watermaster hereby adopts Form 5 entitled, "Notice to Adjust Rights of an Overlying Party due to Proposed Provision of Water Service by an Appropriator", and Form 7 entitled, "Notice of Transfer of Appropriator Production Right or Operating Yield Between Appropriators" as provided in Attachment A.
3. The Secretary of the Watermaster is hereby authorized and directed to disseminate copies of this Resolution to all pumpers within the Beaumont Basin and other interested parties, and to incorporate such Amendment in the Rules and Regulations of the Watermaster and maintain same on its website for reference.

**PASSED AND ADOPTED** this 5<sup>th</sup> day of June 2019.

BEAUMONT BASIN WATERMASTER

By:

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Art Vela, Chairman of the  
Beaumont Basin Watermaster

## **Attachment A**

## SECTION 7 ADJUSTMENTS OF RIGHTS

- 7.0 In General.** Overlying Parties shall have the right to exercise their respective Overlying Water Rights except to the extent provided in Section III, Paragraph 3, entitled Adjustment of Rights, of the Judgment. (Judgment, p. 8, lines 12-14).
- (a) To the extent any Overlying Party requests, and uses its adjudicated water rights to obtain water service from an Appropriator Party, an equivalent volume of potable groundwater shall be earmarked by the Appropriator Party which will serve the Overlying Party, up to the volume of the Overlying Water Rights as reflected in Column 4 of Exhibit "B" of the Judgment, for the purpose of serving the Overlying Party. (Judgment, p. 8, lines 15-27).
  - (b) When an Overlying Party receives water service as provided for in paragraph 7(a), the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriator Party. The Appropriator Party providing such service shall have the right to produce the volume of water foregone by the Overlying Party, in addition to other rights otherwise allocated to the Appropriator Party. (Judgment, p. 8, line 28 – p. 9, line 7).
  - (c) Should the volume of the Overlying Water Right equal or exceed the volume of potable groundwater earmarked as provided in paragraph 7(a), the Appropriator Party which will serve the Overlying Party shall:
    - (i) Impose potable water charges and assessments upon the Overlying Party and its successors in interest at the rates charged to the then-existing regular customers of the Appropriator Party, and
    - (ii) Not collect from such Overlying Party any development charge that may be related to the importation of water into the Beaumont Basin.
  - (d) If an Appropriator Party provides recycled water to serve an overlying use served with groundwater, then the Overlying Water Right shall not be diminished by the receipt of recycled water.
- 7.1 Notice of Adjustment of Rights from an Overlying Pumper to an Appropriator.** The Overlying Pumper and Appropriator shall complete a Notice of Adjustment of Rights (Form 5 - Notice to Adjust Rights of an Overlying Party due to Proposed Provision of Water Service by an Appropriator) and file it with the Watermaster.
- (a) Accounting for Transfers. Watermaster shall maintain an accounting of acquisitions by Appropriators of water otherwise subject to Overlying Water Rights as the result of the provision of water service by an Appropriator. The Watermaster shall maintain an accounting of all transfers, and such accounting shall be included in the Annual Report and other relevant Watermaster reports as appropriate.
- 7.2 Transfer of Water Between Appropriators.** Any Appropriator may transfer all or any portion of its Appropriator's Production Right or Operating Yield that is surplus to its needs to another Appropriator in accordance with these Rules and Regulations. The

Watermaster shall maintain an accounting of all transfers, and such accounting shall be included in the Annual Report and other relevant Watermaster reports as appropriate.

- 7.3 Availability of Unused Overlying Production and Allocation to the Appropriator Parties.** Except as provided for in Section 7.0 herein, to the extent that groundwater pumping by an overlying party to the Judgment does not exceed five times the share of safe yield assigned to the overlying party during any five-year period (see column 4 of Exhibit B to the Judgment), the amount of groundwater not produced by such overlying party pursuant to its rights under the Judgment shall be available for allocation to the appropriator parties in accordance with their respective percentage shares of unused safe yield (see column 3 of Exhibit C to the Judgment). The availability and allocation of any such groundwater not produced by the overlying parties in accordance with their rights under the Judgment shall be first determined in fiscal year 2008/09 and every year thereafter. The table below illustrates the allocation process anticipated in the Judgment.

Available Unused Overlying Production in Fiscal	Will be Allocated to the Appropriator Parties in Fiscal
2003/04	2008/09
2004/05	2009/10
2005/06	2010/11
2006/07	2011/12
2007/08	2012/13
2008/09	2013/14
2009/10	2014/15
2010/11	2015/16
2011/12	2016/17
2012/13	2017/18

Groundwater not produced by the overlying parties in accordance with their rights under the Judgment and determined to be available for allocation to the appropriator parties pursuant hereto may be utilized by the appropriator parties in accordance with the terms of the Judgment and these Rules and Regulations. Neither this rule nor its operation shall be deemed or construed in any way to change, limit, or otherwise affect any rights awarded to and held by the overlying parties pursuant to the Judgment. Nor shall this rule or its operation result in any liability to the overlying parties or be deemed or construed as a transfer, assignment, forfeiture, or abandonment of any overlying rights under the Judgment.



**Adjusted Water Rights Pursuant to Section 3 of the Judgment**  
(Example Tabulation for Annual Reporting Purposes)

Overlying Party to the Judgment	2004 Initial Overlying Water Right (acre feet)	2014 Updated Overlying Water Right (acre feet)	Beaumont Cherry Valley Water District		Yucaipa Valley Water District	
			Earmarked	Transferred	Earmarked	Transferred
California Oak Valley Golf and Resort	950.0	735.8	0	0	0	0
Plantation on the Lake	581.0	450.0	0	0	0	0
Sharondale Mesa Owners Association	200.0	154.9	0	0	0	0
Tukwet Canyon Golf Club	2,200.0	1704.0	0	0	0	0
Rancho Calimesa Mobile Home Park	150.0	116.2	0	0	0	0
Gutierrez, Hector, et.al.	10.0	7.7	0	0	0	0
Darmont, Boris and Miriam	2.5	1.9	0	0	0	0
Aldama, Nicolas and Amalia	7.0	5.4	0	0	0	0
McAmis, Ronald L.	5.0	3.9	0	0	0	0
Nikodinov, Nick	20.0	15.5	0	0	0	0
Beckman, Walter M.	75.0	58.1	0	0	0	0
Albor Properties III	300.0	232.4	0	0	0	0
Sterns, Leonard M., and Dorothy D.	200.0	154.9	0	0	0	0
Sunny-Cal Egg and Poultry Company	1,439.5	1,115.0	0	0	0	0
Merlin Properties	550.0	426.0	0	0	0	0
Oak Valley Partners	1,806.0	1,215.85	0	0	2.65	180.40
Roman Catholic Bishop of San Bernardino	154.0	119.3	0	0	0	0
<b>Total</b>	<b>8,650.0<sup>1</sup></b>		<b>6,700.0<sup>2</sup></b>			

1. Original Safe Yield - February 4, 2004
2. Recalculated Safe Yield - Resolution No. 2015-01

## Beaumont Basin Watermaster - Form 5

## NOTICE TO ADJUST RIGHTS OF AN OVERLYING PARTY DUE TO PROPOSED PROVISION OF WATER SERVICE BY AN APPROPRIATOR

Please take notice that \_\_\_\_\_ ("Appropriator") proposes to provide retail water service to \_\_\_\_\_ ("Overlying Owner") and that \_\_\_\_\_ acre feet ("Earmarked Water") of Overlying Water Rights will be transferred to the Appropriator when the Overlying Owner receives water service.

Notice is hereby given that the Watermaster will reduce the Overlying Owner's Overlying Water Right(s) (as shown in Exhibit B, Column 4 of the Judgment and modified by the redetermination of safe yield) by the amount of Earmarked Water and adjust the Appropriative Water Rights of the Appropriator effective on the day when water service is first provided by the Appropriator.

**OVERLYING OWNER****APPROPRIATOR**

Overlying Party	Appropriator Party
Authorized Agent – Print Name	Authorized Agent – Print Name
Title	Title
Signature	Signature
Date	Date
Address for Notice	Address for Notice
Telephone	Telephone
Email Address	Email Address

For Watermaster Use
Date Form is Received:
Date Earmarked Water is First Used:

Beaumont Basin Watermaster - Form 7

## NOTICE OF TRANSFER OF APPROPRIATOR PRODUCTION RIGHT OR OPERATING YIELD BETWEEN APPROPRIATORS Calendar Year \_\_\_\_\_

Notice is hereby given that commencing on January 1, \_\_\_\_\_ and terminating on December 31, \_\_\_\_\_, \_\_\_\_\_ ("Transferor") hereby transfers to \_\_\_\_\_ ("Transferee") the quantity of \_\_\_\_\_ acre-feet of corresponding Appropriator Production Right or Operating Yield adjudicated to Transferor or its predecessor in interest in the Judgment rendered in the Case of SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY vs. CITY OF BANNING, et. Al., RIC 389197, entered on February 4, 2004.

**TRANSFEROR****TRANSFEE**

Entity Name	Entity Name
Authorized Agent – Print Name	Authorized Agent – Print Name
Title	Title
Signature	Signature
Date	Date
Address for Notice	Address for Notice
Telephone	Telephone
Email Address	Email Address

<b>For Watermaster Use</b>
Date Form is Received:
Date Earmarked Water is First Used:

# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 19-13

**Date:** June 5, 2019

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

**Subject:** Status Report on Water Level Monitoring throughout the Beaumont Basin through May 27, 2019

**Recommendation:** No recommendation.

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At the present time, there are 16 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 7 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. In mid-summer 2018 a new probe was installed and the security at this location was enhanced. Water level at this well has been very stable in the last four years increasing by two feet since August 2015 to the current elevation of 2,142 ft.
- ✓ At Oak Valley No. 5 the water level declined by seven feet since March 2018, but is showing signs of recovery and it is currently at an elevation of 2,132 ft. This elevation is one foot higher than when we started recording water levels in August 2015. A new communications cable was installed during our last visit, but collected information is not consistent with previous recordings. Data is being evaluated to assess the reason for the discrepancy.
- ✓ 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 84 feet over the last two years from a low of 2,337 ft. to 2,421 ft. In the deep aquifer, water level has increased by 52 ft since the summer of 2016.
- ✓ 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 two 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 and was reinstalled last week. Water level at Banning M-9 has fluctuated in a 13-foot range, between 2,134 ft and 2,147 ft. since monitoring began in the summer of 2015. Currently, water elevation is at 2,138 ft. Water level over the last four months are not depicted in the figure due to problems with the communications cable. It is likely that the communications cable would need to be replaced.
- ✓ Figure No. 6 illustrate recorded water level at BCVWD No. 2 and BCVWD No. 25. Over the last two years, the level at BCVWD No. 2 has increased by over 26 feet and is currently at the highest elevation recorded since monitoring began. Water level at BCVWD No. 25 is in sync with BCVWD No. 2 despite of pumping close to 18 hours a day and it is also at the highest level recorded. Over the last six months, the water level at these two wells has increased by 10 ft at each well.
- ✓ Figure No. 7 depicts the recorded water level at the two newest observation wells, BCVWD No. 29 and Tukwet Canyon Well "B". BCVWD is a pumping well, but it has not been used since the monitoring probe was installed in March 2019. Tukwet B is a dedicated monitoring well in the southern portion of the basin. At both wells the recorded water fluctuated within a few inches over the last two months.

## **New Monitoring Wells**

Since the last reporting period, two new wells have been equipped with monitoring equipment. These two wells are located in the western portion of the basin where we information was lacking. BCVWD No. 29, similar to BCVWD No. 25, is a production well that is normally operated 18 hours a day during the summer to take advantage of Time of Use (TOU) energy schedules. Water levels at this well will be recorded hourly; the highest daily level will be used as a representation of static water conditions. The second well is Tukwet Canyon Golf Course Well B, which is a non-production well at this time and will be used to monitor water levels in the southern portion of the basin. The location of these wells is depicted in Figure 1 below.

## **New Equipment Installation**

- ✓ A new communications cable (500 ft long) was installed at BCVWD No. 2
- ✓ A new communications cable (200 ft long) was installed at Oak Valley Well No. 5

## **Troubleshooting Issues**

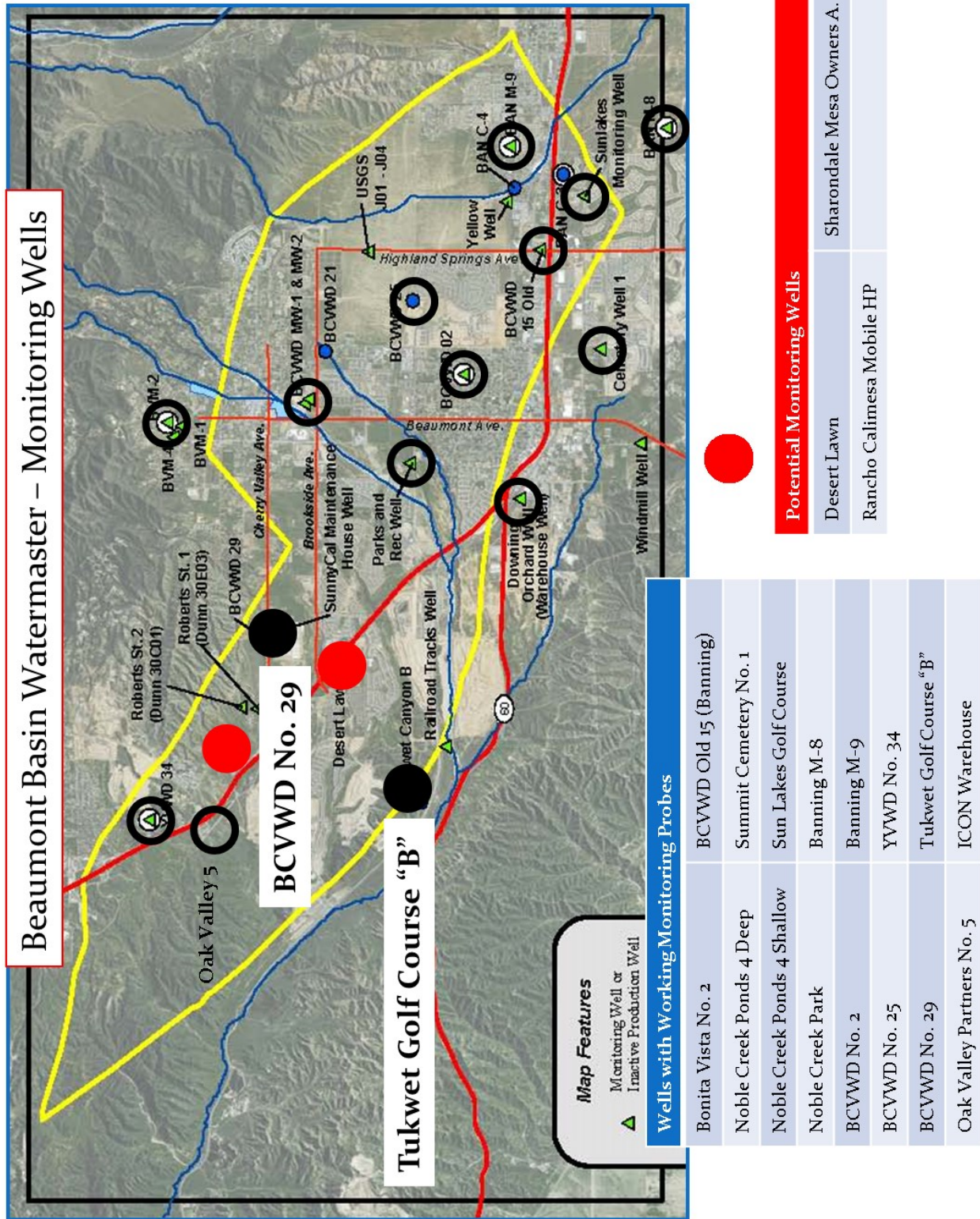
The following malfunctioning issues were encountered during our May 28, 2019 field visit:

- ✓ Banning M-9 – Communications cable did not allow us to upload water level information from the probe for the second time; however, the probe continues to record levels on an hourly basis. A new communications cable will be ordered for this well since we have not been able to extract the data for the last four months.

## **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.
- We have approached Clearwater Operations to consider the installation of a water level probe at Sharondale Well No. 1. This company provides maintenance and operations support to Sharondale HOA. We are in the process of coordinating a field visit to assess the feasibility of installing the probe.
- At Plantation by the Lake, another potential monitoring well site, communications with owner have not be reestablished.

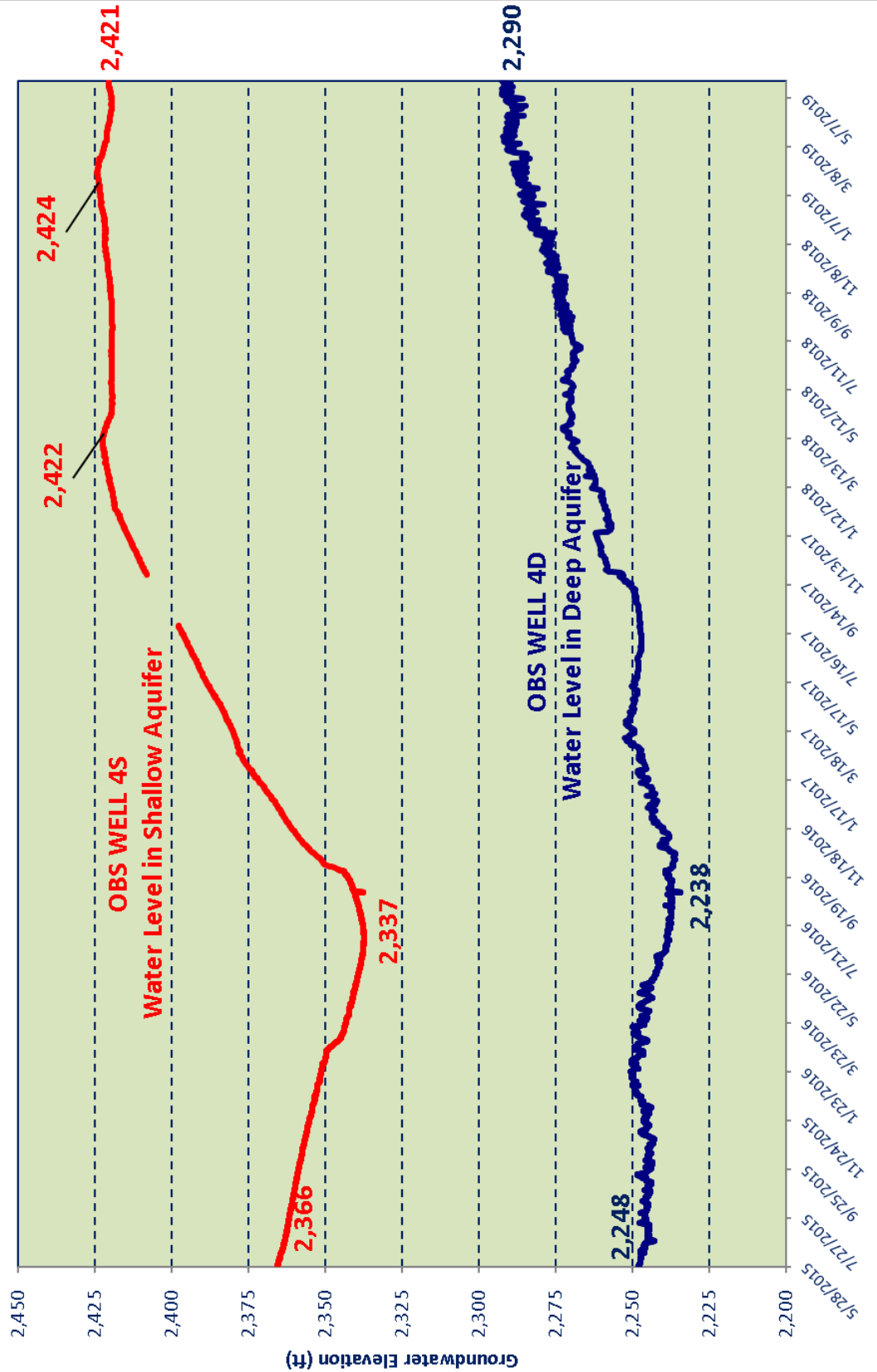




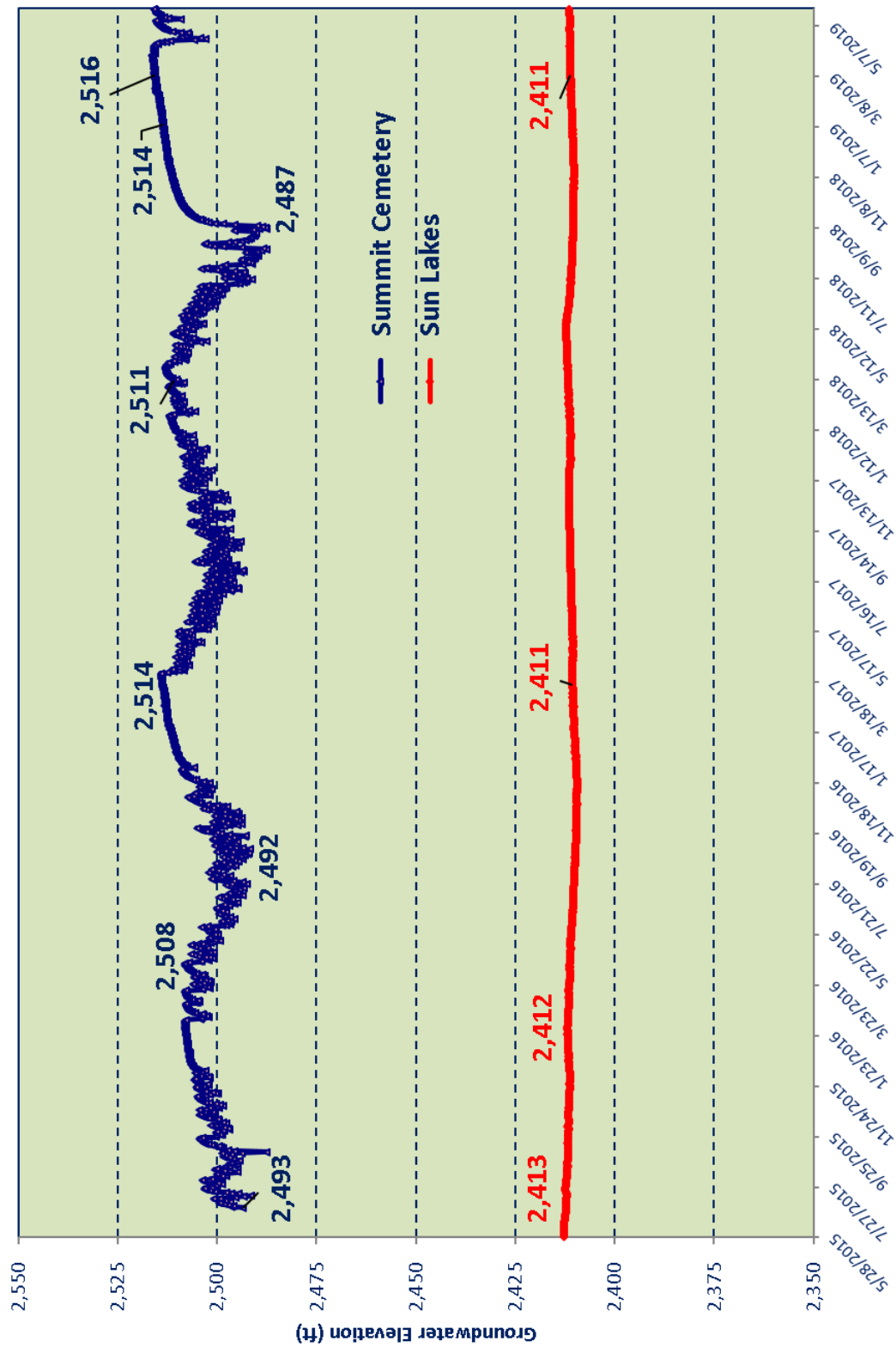
**Figure No. 2**  
**Static Groundwater Elevations at YVWD No. 34 and Oak Valley No. 5**  
(July 29, 2015 through May 27, 2019)



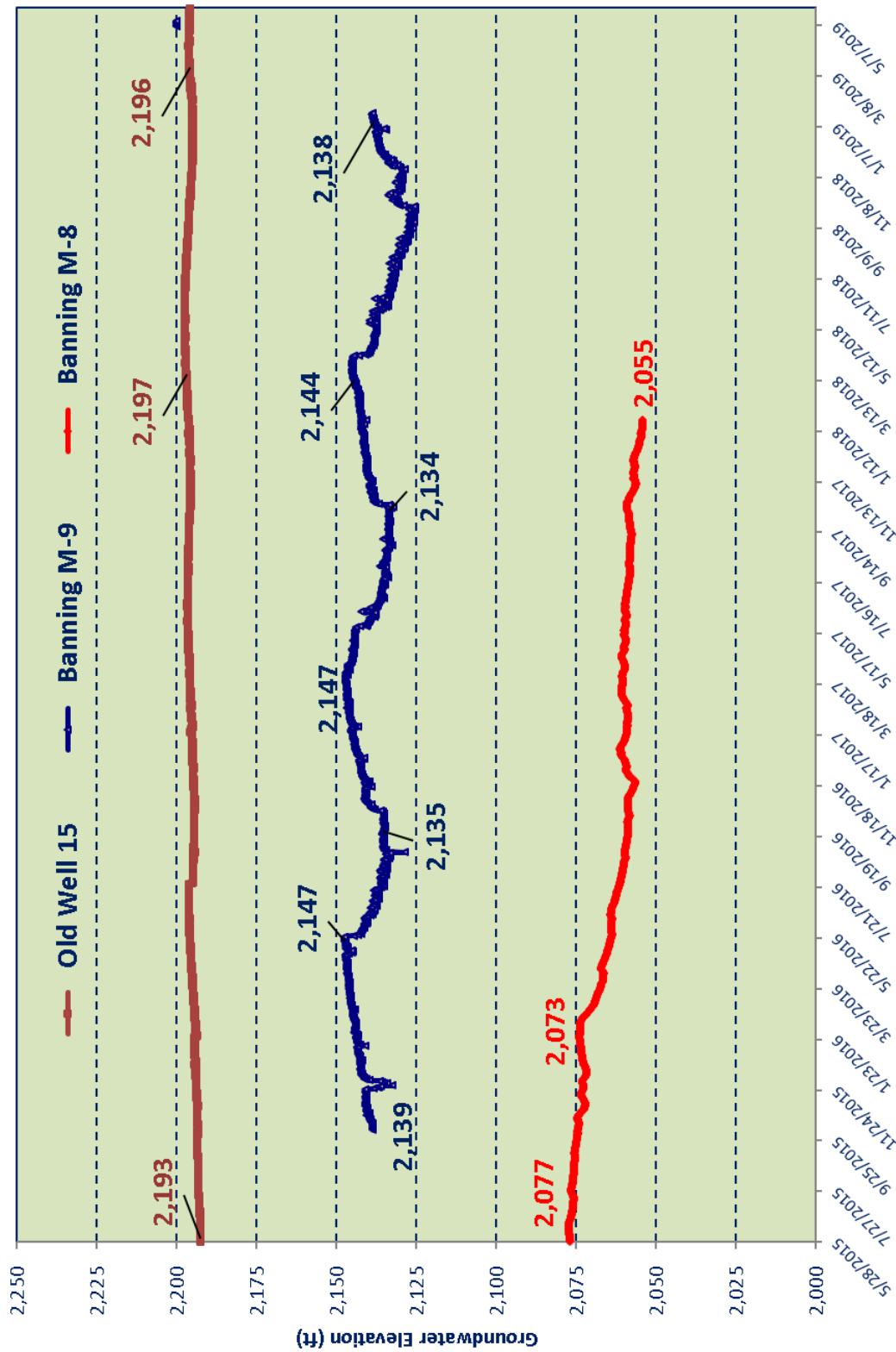
**Figure No. 3**  
**Static Groundwater Elevations at Noble Creek Obs. Well 4S and 4D**  
 (May 28, 2015 through May 27, 2019)



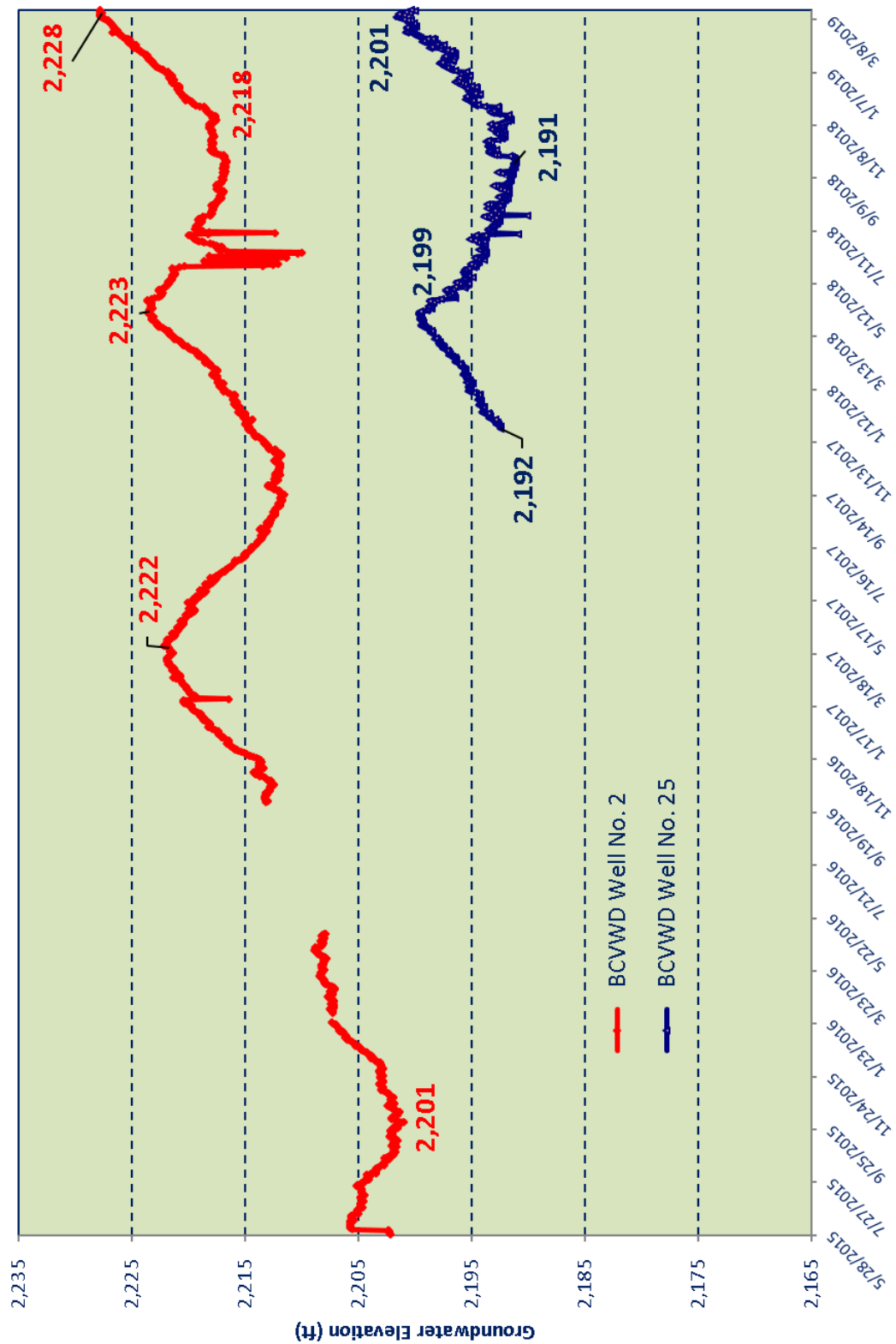
**Figure No. 4**  
**Static Groundwater Elevations at Summit Cemetery and Sun Lakes Wells**  
 (May 28, 2015 through May 27, 2019)



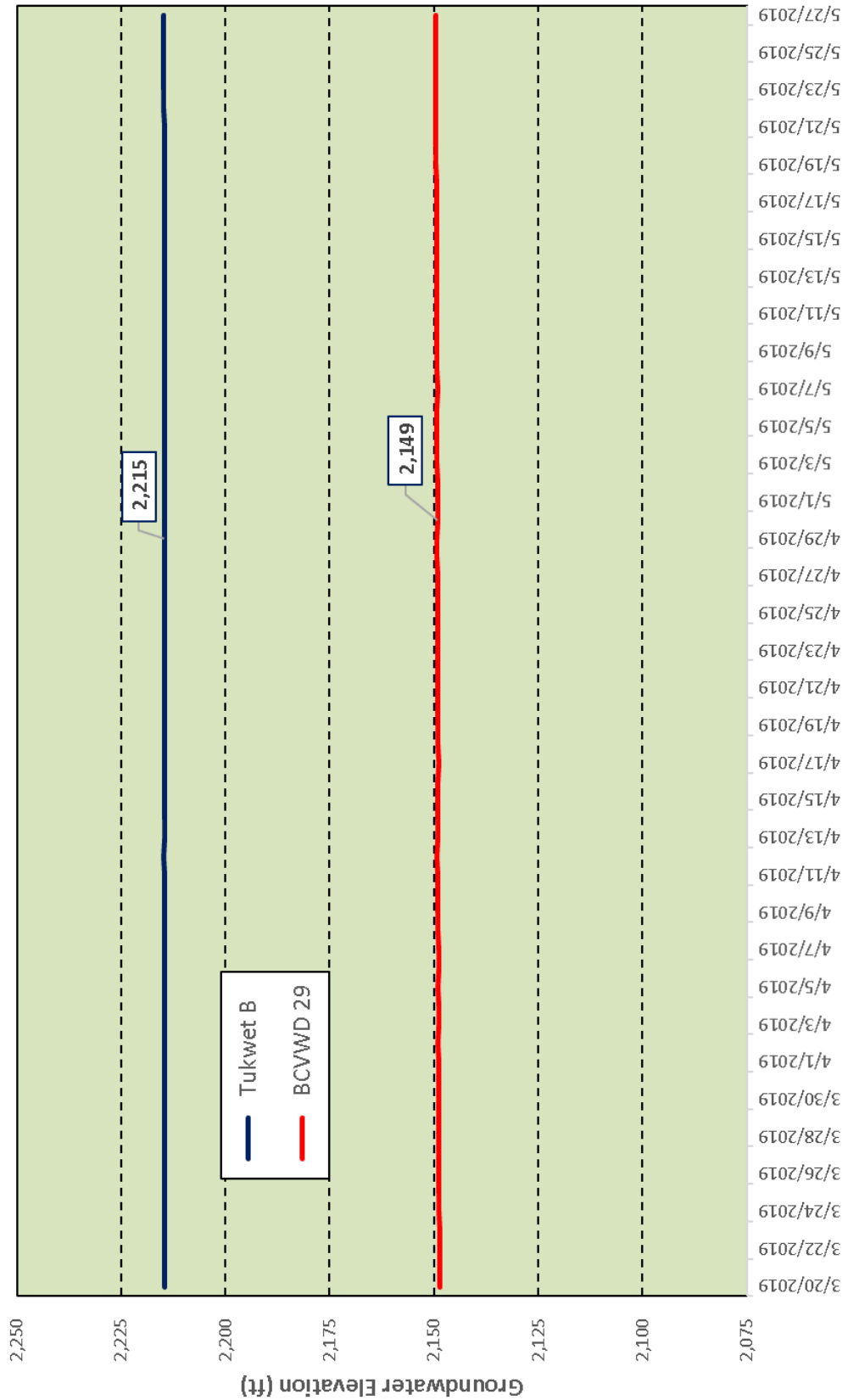
**Figure No. 5**  
**Static Groundwater Elevations in the Banning Area**  
 (May 28, 2015 through May 27, 2019)



**Figure No. 6**  
**Static Groundwater Elevations at BCVWD Wells No. 2 and 25**  
 (May 28, 2015 through May 27, 2019)



**Figure No. 7**  
**Static Water Level at BCVWD No. 29 and Tukwet Cyn B**  
 Mar 20, 2019 through May 27, 2019



# BEAUMONT BASIN WATERMASTER

## MEMORANDUM NO. 19-14

**Date:** June 5, 2019

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

**Subject:** A Comparison of Production and Allowable Extractions through April 2019

**Recommendation:** No recommendation - For informational purposes only.

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 2014 transferred to Appropriators for 2019 and Imported Water Spreading. This sum is compared against actual production through April 2019. It should be noted that 2019 is the first year in which the Transfer of Overlying Rights were derived from the current basin safe yield of 6,700 ac-ft/yr.

During the first four months of the year a total of 2,866 ac-ft of water were produced from the basin by the Appropriators while 3,102 ac-ft of imported water were spread at the Noble Creek spreading grounds. Unused production by Overlying users for 2014 was estimated at 4,481 ac-ft. The table below presents the above comparison for all Appropriators; all numbers shown in ac-ft, 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 2014	1,408	1,905	559	609	4,481
Imported Water	125	2,977	0	0	1,214
<b>Total</b>	<b>1,533</b>	<b>4,882</b>	<b>559</b>	<b>609</b>	<b>7,583</b>
Production	460	2,342	64	0	2,866
% of Total	30.0%	48.0%	11.5%	0.0%	37.8%

# Facts About the Beaumont Basin Watermaster

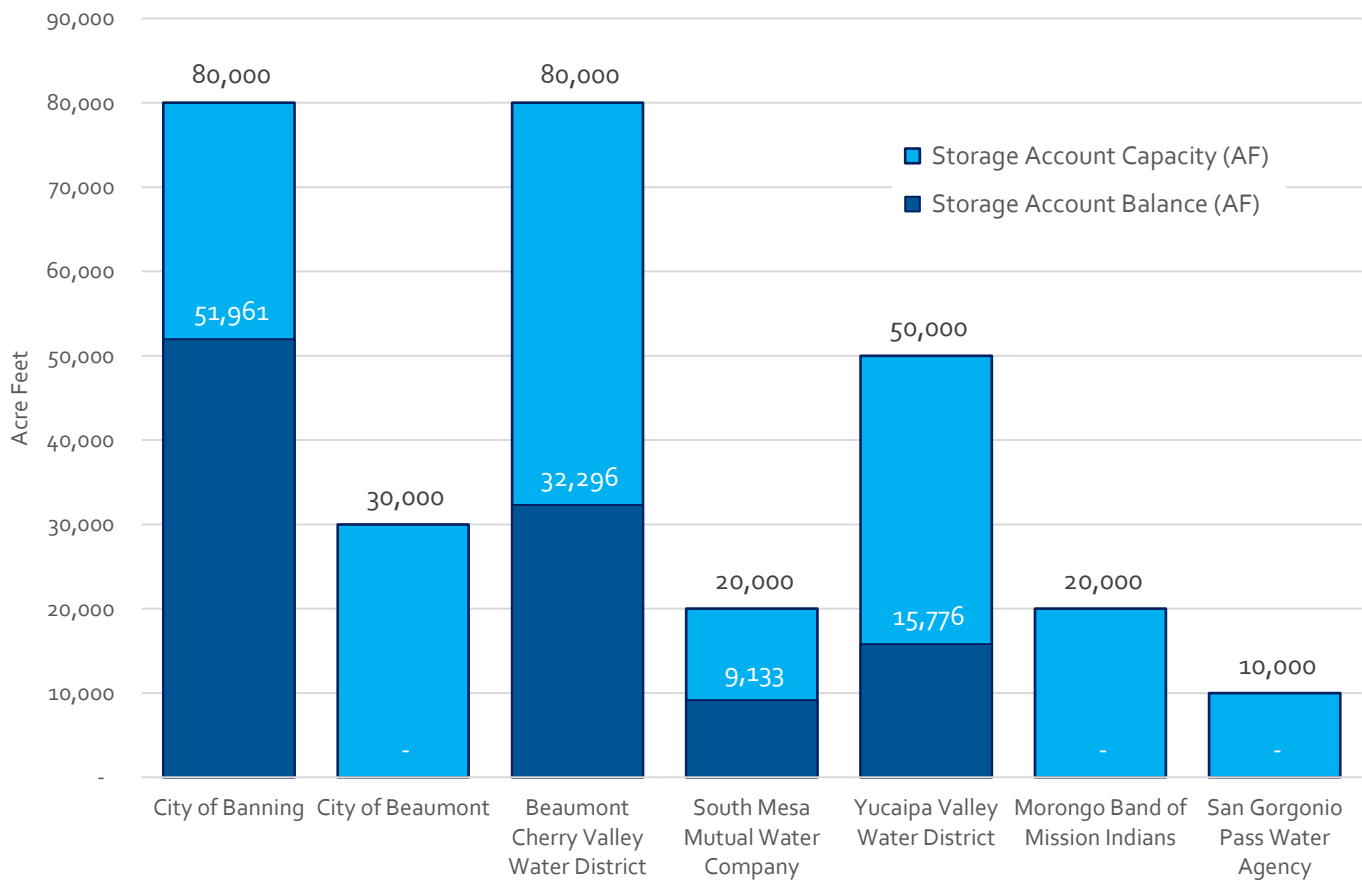
**Authority and Formation:** Case No. RIC 389197 – A Stipulated Agreement signed by Honorable Judge Gary Tranbarger of the Superior Court of the State of California, County of Riverside on February 4, 2004 (the “Judgment”).

**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)**



<b>Original Safe Yield Determination (2004):</b>	8,650 acre feet per year
<b>Safe Yield Re-evaluation (2014):</b>	6,700 acre feet per year
<b>Safe Yield Re-evaluation (2024):</b>	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
Assignment No. 4 to Yucaipa Valley Water District	2/6/2019	2.65
<b>Total</b>		<b>183.05</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.

