

**Record of the Minutes of the
Beaumont Basin Committee Meeting of the
Beaumont Basin Watermaster
Regular Meeting
Wednesday, December 2, 2020**

Meeting Location:

*There was no public physical meeting location due to the coronavirus pandemic.
Meeting held via video teleconference pursuant to:
California Government Code Section 54950 et. seq. and
California Governor's Executive Orders N-29-20 and N-33-20*

I. Call to Order

Chairman Arturo Vela called the meeting to order at 10:05 a.m.

II. Roll Call

<i>City of Banning</i>	<i>Arturo Vela</i>	<i>Present</i>
<i>City of Beaumont</i>	<i>Robert Vestal</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 (BBWM). Hannibal Blandon and Thomas Harder were present as engineers for the BBWM.

*Members of the public who registered and / or attended:
Lance Eckhart, San Geronio Pass Water Agency
Mark Swanson, Beaumont-Cherry Valley Water District*

III. Pledge of Allegiance

Chair Vela led the pledge.

IV. Public Comments:

None.

V. Consent Calendar

1. Meeting Minutes for August 27, 2020

It was moved by Member Jagers and seconded by Member Jorritsma to approve the Meeting Minutes of August 27, 2020:

AYES:	Jaggers, Jorritsma, Vela, Vestal, Zoba
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.
STATUS:	Motion Approved

2. Meeting Minutes for October 7, 2020

The Meeting Minutes of October 7, 2020 were pulled for discussion. Member Dan Jaggers explained that due to technical difficulties there was no recording of the meeting. Minutes were prepared using notes, he explained, but it is important that Item 5C and Item 6E regarding the transfer of water rights should be reviewed by legal counsel. He recommended bringing back the minutes to the next meeting. Member Zoba concurred. Mr. Jaggers recommended the minutes be circulated to the members for comment and then agendized for discussion to assure completeness.

VI. Reports

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

No report.

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

Task Order 8 San Gorgonio Pass Water Agency Model Data Request: Mr. Harder reported that the requested data has been provided to the San Gorgonio Pass Water Agency's (SGPWA) consultants and his staff is working with them further to provide additional information. The item is within budget, he assured.

Task Order 17 Return Flow Analysis: Mr. Harder indicated that he is working with Yucaipa Valley to obtain data needed to finalize the analysis.

Task Order 22 Water Quality Analysis: work is ongoing. Preliminary results must be checked before presentation to the Committee.

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

Mr. Montoya advised that he received a call last month from a party requesting an opinion on water rights which presented a conflict of interest. Mr. Montoya said he advised the party to seek his own counsel and ended the call. In response to a question from Mr. Zoba, Mr. Montoya indicated the caller was a property owner.

VII. Discussion Items

- A. Status Report on the Beaumont Basin Water Level Monitoring Program through November 18, 2020

Recommendation: Presentation - no recommendation

Mr. Blandon reported there are 16 water monitoring wells. At Yucaipa 34, the barometric pressure probe was missing, and probably fell to the bottom of the well. A new probe has been ordered. The level has been in decline over the last year, which is something to monitor, he said.

The observation wells at Noble Creek continue to rise, he advised. The Summit Cemetery Well continues to fluctuate due to nearby pumping, Blandon reported. He noted that Banning M-8 has lost 37 feet since 2015.

Mr. Blandon advised that Beaumont-Cherry Valley No. 2 and No. 25 have experienced significant decline since No. 3 began pumping.

Mr. Blandon advised the Committee of some needed equipment.

Member Zoba noted that he had visited Yucaipa Well 34 and expressed said he was not impressed with the way in which the cables were attached to the well. Zoba and Blandon discussed the cable assembly.

- B. A Comparison of Production and Allowable Extractions through October 2020

Recommendation: No recommendation; informational only

Mr. Blandon shared the table of Production vs. Allowable Extractions and advised the Committee total production was about 96 percent of the total allowable for the appropriators combined. He noted that Banning and Yucaipa Valley Water District (YVWD) at this point were exceeding their production and will need to withdraw from the local storage accounts.

Mr. Zoba pointed out that if the Form 5 had been reflected as it was in previous tables and the overlying water rights had been included, that YVWD would not be exceeding its portion of the basins. He asked about the change. Mr. Blandon explained that it had previously been shown including the water rights from Oak Valley Partners (OVP) being

transferred to YVWD which would have shown a credit of 380 acre-feet. However, he continued, because that issue continues to be unresolved, legal counsel indicated the actual number listed should be prior to assignments from OVP.

Member Zoba registered an objection to the Table of Production vs. Allowable Extractions (through October 2020) as presented.

Member Jagers noted that Beaumont-Cherry Valley Water District's (BCVWD) numbers will go down, and Banning's will go up due to transfer of water produced from co-owned wells during the Apple Fire and Eldorado Fire. He noted additional demand related to grading water for a Banning development. Mr. Jagers suggested he and Mr. Vela confer. Mr. Blandon requested the actual quantities be provided monthly in order to be allocated to each producer. Chair Vela concurred.

C. 2019 Consolidated Annual Report and Engineering Report – Presentation of Draft Report

Recommendation: No recommendation; informational only

Mr. Blandon reminded the Committee that the presentation of the report had been delayed in hopes of doing so in person, but it is time to present.

Mr. Blandon reminded the Board of the approval of Resolution 2019-01 accepting the application for groundwater storage from SGPWA, and 2019-02 approving a new Section 7 of the Rules and Regulations.

Blandon presented an overview of historical precipitation, production by agency totaling 14,121 acre-feet. He noted that there has been significant fluctuation in average production from 2015 through 2019. BCVWD's total production grew from 72 to 79 percent of the total production over a five-year period. Member Jagers commented on anomalies - that 2014 included drought restrictions and 2019 was a wet year. Mr. Blandon will provide additional graphs.

Annual production by overlying users has declined to about half of what was produced since the beginning of the judgment, Blandon advised. He compared the five-year average and listed the highest use of overlying rights.

Member Zoba asked about Oak Valley Partners. Mr. Blandon pointed out the OVP property was formerly a cattle ranch and estimated use was 2.5 acre-foot at a minimum, but that use will cease to be included in 2020. Member Zoba suggested discussion of the water rights transfer

and the forbearance of water for documentation. In response to Member Zoba, Mr. Bandon indicated the Form 5 was included in Appendix A. Mr. Zoba reminded the Committee of discussion in December 2019 that indicated everything during the calendar year would be documented, and suggested discussion of the Form 5 be included.

In response to Member Zoba, Mr. Bandon pointed to the discrepancy of opinion between YVWD and other Committee members regarding the credit and continuing discussion. Zoba posited that it is part of the Engineer's responsibility to document the activities surrounding the overlier relinquishing their rights and putting the rights into an appropriative pool. The annual report is to build a record and by being silent on these important points it does a disservice to the Watermaster, as it gets lost over time, Zoba stated.

Chair Vela indicated it is appropriate to include receipt of the Form 5 and reflect that discussion had occurred. Member Zoba suggested including a compilation of the minutes. Mr. Bandon acknowledged and suggested an Appendix to include the meeting minutes for the year. Member Zoba indicated that may be helpful for historic purposes. Chair Vela concurred.

Engineer Bandon reviewed upward trends in water production by Appropriators. Overlying production in 2019 was the lowest on record, he added. Only two agencies imported water in 2019 totaling 12,621. Mr. Jagers indicated this figure will also need to include spreading by the SGPWA in their new facility. Mr. Bandon indicated it was on a different chart.

Mr. Bandon reported on 2014 underproduction conversion to 2019 and presented the allocation. He detailed the conversion of OVP's 183.05 acre-feet in overlying rights to YVWD appropriative rights under Resolution 2017-02. Member Zoba opined that with the assumptions drawn related to the cattle ranch the report is not accurate. He pointed to the Form 5 transfer of rights from an overlier which subsequently did not produce water, and other activities in 2019 related to production, water rights, and transfers. Member Jagers indicated there is an impasse related to what legal counsel reported out as transfer and what YVWD identifies. He suggested that Member Zoba note his concerns in response comments to the report and that subsequent discussion in the modified report could address the facts submitted. Chair Vela suggested that comments be reviewed by legal counsel.

Member Zoba advised that there is a reliance moving forward that the Appropriator has been accommodating and extracted 1,400 acre-feet that now looks like it is going to hit YVWD's storage account when it was actually a transfer. To replenish will cost a half million dollars, Zoba

opined, and said the Rules and Regulations were clear and were followed.

Member Zoba suggested adding an Appendix to include all comment letters received on the report. He also suggested the production by BCVWD from the co-owned wells be reported as a transfer to Banning. Counsel Montoya indicated that would not be a transfer. Discussion ensued on past practice and how to report. Mr. Blandon will research.

Mr. Blandon reported that 4,696 acre-feet were added to storage and detailed the conversion of underproduction from 2014. Mr. Zoba pointed out an issue with reporting of the 183.5 acre-feet of OVP.

Mr. Tom Harder presented the 2019 Operating Safe Yield estimate and reminded there is no safe yield in the judgment. Mr. Harder responded to comments by Mr. Jagers related to groundwater elevation and reminded the Committee that the safe yield is to be recalculated in 2022.

Mr. Harder pointed out three wells experiencing declines and three in which long term levels are rising. Mr. Blandon shared water quality data.

Engineer Blandon presented recommendations to develop a policy to account for groundwater storage losses, develop a protocol to increase accuracy and consistency of data reporting and to file an annual report with the Court.

Chair Vela confirmed that a revised draft including all comments would come back to the Committee for final approval depending on when agency comments are submitted.

SGPWA General Manager Lance Eckhart suggested addressing water losses and discussion of the ability to potentially store water over the 10,000 SGPWA account threshold to assure a robust water portfolio and secure local supplies. Member Jagers pointed to levels showing decline on the west side and east side of the Basin and said he is interested in losses over time and relationship to production vs. leakage. Chair Vela agreed with wrap up of the water loss analysis and said the Committee could entertain Mr. Eckhart's points.

Member Zoba indicated he does not want to delay the report but said that he does not see this as being a fair report on which to comment, as it overlooks a lot of what actually occurred. He opined that Mr. Blandon should provide a revised edition for comment. Chair Vela recommended that Mr. Blandon work with legal counsel on any language to be included and suggested that all members provide comments.

Mr. Blandon stated he would work with legal and address the comments made by Member Zoba. Mr. Montoya agreed that a new draft would be appropriate and said the report must be full and comprehensive.

- D. Discussion Regarding Task Order No. 23 with ALDA Inc. for the Preparation of the 2020 Consolidated Annual Report, Estimate of Basin Safe Yield, Update of the Groundwater Model, and Associated Consulting Services for 2021

Recommendation: That the Watermaster approves Task Order No. 23 for a sum not to exceed \$95,970

Engineer Blandon explained this is a new task order to continue providing the services that have been over the last few years including preparation of the 2020 Annual Report, estimate of basin safe yield for 2020, update of the groundwater model, and consulting services. The fee is the same as it has been since 2017 at \$95,970.

Member Zoba provided historical background and suggested the Committee discuss bringing on an administrator to provide more assistance with administration including assembling the meeting packets to make better use of the funds. He mentioned retired water managers who may assist the Committee with a guiding hand and assist in building a good working relationship between all the resources in the Valley. He indicated it may be worthwhile to consider how to proceed in the future.

Mr. Blandon said he understands the issues raised over water rights and said he would be happy to provide additional assistance if desired. Member Jagers pointed to the scope of services and indicated the numbers seem reasonable for the hours of work being done. He said it seems unlikely to find more value in the hours presented. Jagers acknowledged the administrative needs, noted that all agencies are busy and said that if greater expenditure is needed for additional services it could be discussed. Chair Vela concurred that the hours are appropriate for the tasks and suggested if desired, the group work collectively to develop a scope of work. He noted that ALDA is doing a great job, but the public expects the contract to be competitive.

It was moved by Member Zoba to continue this item to the next meeting.

Mr. Blandon indicated that the contract expires at the end of 2020 but there were funds remaining in the budget to continue the work into 2021.

Member Zoba acknowledged delays but suggested setting an expectation that the annual report should be scheduled for completion within four months of the calendar year end. He assured that this is not about ALDA, but to look at how things can be done better.

Mr. Blandon reminded the Committee about the reasons for delays in 2018 and 2019 and noted that prior reports had been timely. Jagers concurred. Chair Vela pointed out that if the Committee chooses to take a different approach, it will take a lot more time for the RFP process. He recommended amending the ALDA contract to continue services until a new consultant was on board or the ALDA contract was renewed.

It was moved by Member Zoba and seconded by Chair Vela to table Task Order No. 23 to the February 3, 2021 meeting. The motion was approved by the following vote:

AYES:	Jagers, Vela, Vestal, Zoba
NOES:	Jorritsma.
ABSTAIN:	None.
ABSENT:	None.
STATUS:	Motion Approved 4-1

- E. Discussion Regarding Task Order No. 24 with ALDA Inc. for the Installation, Maintenance, and Data Collection of Water Level Monitoring Equipment in 2021

Recommendation: That the Watermaster approves Task Order No. 24 for a sum not to exceed \$21,520

Engineer Blandon explained this is to continue the water level monitoring work at the same cost since 2017.

Chair Vela recommended continuance of the item given the tabling of the item above. Member Zoba noted this item could stand alone and there is value to Mr. Blandon working throughout the year.

It was moved by Member Jagers and seconded by Member Zoba to approve Task Order No. 24 for a sum not to exceed \$21,520. The motion was approved by the following vote:

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

VIII. Topics for Future Meetings

- a. Development of a methodology and policy to account for groundwater storage losses in the basin resulting from the artificial recharge of water resources.
- b. Development of a methodology and policy to account for recycled water recharge.

IX. Comments from the Watermaster Committee Members

Mr. Jagers indicated hope for rain to green the hillsides.

X. Announcements

- a. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, February 3, 2021 at 10:00 a.m.
- b. Future Meeting Dates:
 - i. Wednesday, April 7, 2021 at 10:00 a.m.
 - ii. Wednesday, June 2, 2021 at 10:00 a.m.
 - iii. Wednesday, August 4, 2021 at 10:00 a.m.
 - iv. Wednesday, October 6, 2021 at 10:00 a.m.
 - v. Wednesday, December 1, 2021 at 10:00 a.m.

XI. Adjournment

Chairman Vela adjourned the meeting at 11:53 a.m.

Attest:



Daniel Jagers, Secretary
Beaumont Basin Watermaster