

**Record of the Minutes of the
Beaumont Basin Committee Meeting of the
Beaumont Basin Watermaster
Special Meeting
Thursday, March 10, 2022**

Meeting Location:

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

The meeting was also available via teleconference.

I. Call to Order

Chairman Arturo Vela called the meeting to order at 11:00 a.m.

II. Roll Call

<i>City of Banning</i>	<i>Arturo Vela</i>	<i>Present</i>
<i>City of Beaumont</i>	<i>Jeff Hart</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>Dave Armstrong</i>	<i>Present</i>
<i>Yucaipa Valley Water District</i>	<i>Joe Zoba</i>	<i>Present</i>

Hannibal Blandon and Thomas Harder were present as engineers for the BBWM.

Thierry Montoya was present as BBWM legal counsel.

Members of the public who registered and / or attended:

Lance Eckhart, San Geronio Pass Water Agency

Jennifer Ares, Yucaipa Valley Water District

III. Pledge of Allegiance

Chair Vela led the pledge.

IV. Public Comments:

None.

V. Consent Calendar

- A. Consideration of Resolution 2022-03: Authorizing Public Meetings to be Held via Teleconferencing Pursuant to Government Code Section 54953(e) and Making Findings and Determinations Regarding Same

It was moved by Member Zoba and seconded by Member Jaggars to approve the Consent Calendar.

AYES:	Armstrong, Hart, Jaggars, Vela, Zoba
NOES:	None.
ABSTAIN:	None.
ABSENT:	None.
STATUS:	Motion Approved

VI. Reports

A. Report from Legal Counsel – Thierry Montoya, Alvarado Smith Effect of Court Ruling on Production versus Extraction Credits

Counsel Montoya advised that he analyzed the Court's ruling regarding motions filed as to overlier and appropriator transfer and the procedural creation of Rule 7.3 and its implementation. Whether the Court's ruling could have any bearing on issues discussed relative to production vs. extraction credits. He drew attention to the memo included in the agenda packet regarding the ruling, which applies to issues when the pleadings cover the issues considered by the Court. Here, the Court's ruling was without prejudice, which means that some of the issues could have survived based on new facts. Survival depends on when or if there are new facts; an issue to be determined if it ever arises within the context of the prior pleadings.

The key is that the Court focused on the implementation of Rule 7.3 and found no evidence at the time the issue was before it of any inconsistency between Rule 7.3 and the physical solution, and its implementation did not cause harm to the Basin, and did not negatively impact the use of overlying water rights. The Court had some very helpful language in the order: findings that the Watermaster has freedom within the ambit of the judgment to come up with a physical solution, water plans, amendments, and to address those issues. The Court noted it is a stipulated judgment, so it isn't entirely fluid; however, there is room to move and for the Court to reasonably interpret and amend concepts that have a footing within the judgment.

This is good in terms of moving forward with discussion on the issues of water in storage accounts. All basins lose water, Montoya said, and there are lots of ways to address the issue. It should continue to be discussed. Within the language of the order, it would run afoul of the order if it were said that the storage accounts have no foundation. But what has been done with the accounts regarding pumping or not, those issues are wide open.

Prior discussion regarding giving credit to overlying water rights holders for what is in the storage account seems inconsistent with one of the judge's findings that the implementation of Rule 7.3 does not hamper the water rights granted under the judgment. Overliers are still free to use their water right and to transfer their water, and it appears that giving credit under those circumstances would be a fundamental shift from the amended judgment.

Watermaster discussion is enhanced by having some latitude from the Court, but the Committee can move forward with issues as to how best to implement Rule 7.3, not to set it aside.

Montoya said he would give guidance if certain issues arose within the amended judgment and within the order.

VII. Discussion Items

- A. Draft Groundwater Water Well Level Measuring Procedures and Review of Draft Response Letter to the Regional Water Quality Control Board

Recommendation: Review, comment and provide direction.

Member Jagers reminded the Committee about communication received and responded to from the Regional Board. In response, he prepared a draft concept on how the procedure may fit into BBWM Rules and Regulations as a starting point for discussion.

Member Zoba suggested a section on applicability to consultants, or a non-appropriator well site, trusting that all Committee members have their own processes and procedures in place. One stop further might be for each to collect their own data and submit to the consultant, he noted.

Jagers noted the applicability of a general procedure / reference for all staff for consistency. Zoba agreed it could serve as a foundation, but suggested loosening some language to allow for other processes agencies may use. He suggested staff review.

Jagers indicated he would be willing to compile comments and input from staff and spearhead the effort to complete the policy.

Member Armstrong noted it is a good guideline. Chair Vela recommended a notification process or timeline for the owner of the well, i.e., 24- or 48-hours' notice. In addition to naming specific equipment, Vela suggested adding "or available and approved measuring devices."

Engineer Tom Harder said that as the one who is interpreting the data, he agreed with Member Jagers that a common minimum standard of measuring water level in the wells would allow some assurance that there is quality associated with the measurement. He noted the importance of reliable data and said he would review the procedure.

Member Hart expressed concern that this should not create hardship for other agencies. It was suggested to later discuss a standard to set up wells for a fixed base survey.

Engineer Hannibal Blandon recommended GPS coordinates for all wells in the Basin to provide a good ground elevation basis. He acknowledged Jagers' point on the potential of inaccurate tape length. In his conversations with staff, Blandon said he learned that staff rarely waits 24 hours of pump idle time to collect samples, especially in the summertime when wells must be active. The data they provide might not be true static data, he explained.

Blandon also noted the frequency of data collection should be every 60 minutes, not 10 minutes.

Members will provide comments to Jagers. Chair Vela continued the item to the April 6, 2022 meeting.

B. Transfer of Water from San Geronio Pass Water Agency Storage Account to Beaumont-Cherry Valley Water District Storage Account

Recommendation: Receive and file.

Member Jagers introduced the letters from San Geronio Pass Water Agency (SGPWA) and BCVWD regarding the transfer of water. He requested memorialization of the transfer. Mr. Lance Eckhart indicated this is a movement of water and accounts have been adjusted. Everyone received their fair ration; it is just a different source of water, he stated.

This is the first year that SGPWA has used its storage account and moved it to one of the retailers, Eckhart said. He added that he is pleased that the 580 acre-feet was pre-stored, and there is \$500 million in this year's budget to buy excess water; but there is none available.

Member Jagers noted the need for discussion on how to proceed moving forward and suggested a running total to be kept of such transfers. Member Zoba pointed out a form for such transfers; Jagers indicated the form for transfers between appropriators could be modernized and use.

For purposes of the annual report, the transfer will be memorialized in 2022, Blandon noted.

C. Workshop: Review of Watermaster Foundations and Setting of Goals and Objectives

Recommendation: Discussion

Member Jagers directed attention to the February 2, 2022 memo from the City of Beaumont. Member Hart indicated that the intention was to provide a basic framework for initiation of discussion. He reviewed the suggested items for discussion and the objective of the discussion.

Chair Vela emphasized the effort necessary to dive into the topics in preparation for the workshops and suggested working on the easier items and waiting for a facilitator / coordinator to guide others.

Member Hart suggested beginning with a higher-level examination of the mission statement, vision statement and some of the goals and objectives to help define more detailed stages to tackle some of the items, as some are not as pressing as others. He said the intent was to assure all are on the same page and working toward a common goal.

Vela noted that some items will have related technical analysis which may get rolled into the efforts to redetermine the safe yield.

Jagers cautioned that the high-level outline is needed, but the other pieces must not be forgotten moving forward. These things do not happen without effort, he explained, and acknowledged Member Zoba's efforts. The long-term solution is probably not for one entity but for a consultant or subcategory of the next round of work, he noted. Being demonstrated here is how much there is to tackle, he added. Moving forward, a strategy that serves the needs of the Watermaster is needed, and it cannot be one entity's staff. He suggested the Committee members parse up the work or retain a consultant.

Member Zoba recalled that the agency previously had a Chief of Watermaster Services, an employee that was funded by all agencies who did a great job. After a while, YVWD took on the role to push out agendas, but there is a lot to do, he noted. He suggested an RFP for a position that would be able to provide research, memorandums, and recommendations. Jagers, Vela and Hart concurred regarding the need for expertise and assistance. Mr. Zoba will develop an RFP for the position with Memorandum 22-06 attached.

Mr. Harder commented that Member Hart's outline looks similar to a Groundwater Sustainability Plan or a Basin Management Plan. It is beneficial from the technical side to have a clear understanding of needs,

goals and operation of the Basin before any technical studies or modeling is done, he said, and recommended a formal action plan.

Chair Vela agreed and noted it further justifies assistance with development of scope and assistance through the RFP process, and manage whoever is hired.

It is a lot like the Sustainable Groundwater Management Act, but there is a judgment here and protection of storage is important, as all have built groundwater management plans around it, Member Armstrong stated.

Chair Vela continued the item to a future meeting.

D. Consideration of Engagement of Coordinator / Facilitator to lead future Workshops

Recommendation: Direct staff to identify an available candidate or candidates and bring back information to the April 6, 2022 meeting

Chair Vela indicated that this ties into the RFP to be produced. He continued the item to the next meeting.

VIII. Comments from the Watermaster Committee Members

Member Zoba noted the construction of an industrial building on Cherry Valley Boulevard and advised of an arrangement between Beaumont-Cherry Valley Parks and Recreation District and YVWD for use of the groundwater well. Recycled water pipeline is also being extended for the landscaping needs, he noted.

Member Jagers advised that the intent is to continue to offer hybrid teleconference and in-person meetings at the BCVWD office. The AB 361 item will continue to be agendaized.

In response to Chair Vela, Counsel Montoya advised that the term extension amendment to the contract for completion of the annual report should be agendaized on the April 6, 2022 meeting. Jagers reminded that the work was authorized for 2022 and an RFP would be created as part of the workshop activities. Mr. Montoya reminded about outstanding tasks and the need for a new contract moving forward.

IX. Announcements

- a. Special Meeting / workshop date: None set.
- b. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, April 6, 2022 at 11:00 a.m.
- c. Future Meeting Dates:
 - i. June 1, 2022 at 11:00 a.m.
 - ii. August 3, 2022 at 11:00 a.m.
 - iii. October 5, 2022 at 11:00 a.m.
 - iv. December 7, 2022 at 11:00 a.m.

XI. Adjournment

Chairman Vela adjourned the meeting at 12:17 p.m.

Attest:



Daniel Jagers, Secretary
Beaumont Basin Watermaster