

REVISED Notice and Agenda

Regular Meeting of the Beaumont Basin Watermaster

Wednesday, June 7, 2023 at 11:00 a.m.

Meeting Location:
Beaumont-Cherry Valley Water District
560 Magnolia Avenue • Beaumont, California 92223

This meeting is hereby noticed pursuant to California Government Code Section 54950 et. seq.

Members of the Watermaster Committee:

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

COVID-19 NOTICE

This meeting of the Watermaster Committee is open to the public who would like to attend in person. COVID-19 safety guidelines are in effect pursuant to the Cal/OSHA COVID-19 Prevention Emergency Standards and the California Department of Public Health Recommendations

- Face coverings are recommended for all persons and should be properly worn over the nose and mouth at all times
- Maintain 6 feet of physical distancing from others in the building who are not in your party

Online Meeting Participation Link:

<https://us02web.zoom.us/j/81638720446?pwd=UnNZcC9TbGZzTGFMHdhVkJRMbIczQT09>

Telephone: (669) 900-9128 / Meeting ID: 816-3872-0446 / Passcode: 636756

One-Tap Mobile: +16699009128,,81638720446#,,,*636756#

*For Public Comment, use the “**Raise Hand**” feature if on the video call when prompted, if dialing in, please **dial *9 to “Raise Hand”** when prompted*

Meeting materials are available on the Watermaster website:

<https://beaumontbasinwatermaster.org/>

BEAUMONT BASIN WATERMASTER COMMITTEE – JUNE 7, 2023

I. Call to Order

II. Roll Call

Committee Member Agency	Primary Representative	Alternate
City of Banning	Arturo Vela, Chair	VACANT
City of Beaumont	Jeff Hart	Robert Vestal
Beaumont-Cherry Valley Water District	Daniel Jaggers	Mark Swanson
South Mesa Water Company	Dave Armstrong	VACANT
Yucaipa Valley Water District	Joseph Zoba	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, or, RAISE HAND electronically or Press *9 when prompted for public comment.

ACTION ITEMS

Action may be taken on any item on the agenda.

V. Consent Calendar

- A. Meeting Minutes
 - a. April 5, 2023 Regular Meeting [\[Page 6\]](#)
- B. Status Report on Water Level Monitoring throughout the Beaumont Basin through May 16, 2023 [\[Page 16\]](#)
- C. A Comparison of Production versus Extraction Credits through April 2023 [\[Page 26\]](#)
- D. Financial Status Report [\[Memorandum No. 23-11, Page 27\]](#)

VI. Reports

- A. Report from Engineering Consultant - Hannibal Blandon, ALDA Engineering
- B. Report from Hydrogeological Consultant - Thomas Harder, Thomas Harder & Co.
- C. Report from Administrative Consultant – Steve Stuart, Dudek
- D. Report from Legal Counsel - Thierry Montoya/Keith McCullough, Frost, Brown, Todd

VII. Discussion Items

- A. Consideration of the Watermaster Budget for Fiscal Year 2023-24 [Memorandum No. 23-12, Page 32]
Recommendation: Approve the Budget for Fiscal Year 2023-24
- B. Resolution 2023-__: Recognizing the Designation of a Specific Amount of Overlying Water Rights to Specific Parcels (Transfer of Water Rights to Beaumont-Cherry Valley Recreation and Park District) [Memorandum No. 23-13, Page 34]
Recommendation: Adopt Resolution 2023-__.
- C. Transfer of Overlying Water Rights from Oak Valley Partners to Yucaipa Valley Water District [Memorandum No. 23-14, Page 37]
Recommendation: Receive and File, or
Discuss and direct staff as desired
- D. 2022 Consolidated Annual Report and Engineering Report – Presentation on Comments Received on Draft Report [Memorandum No. 23-15, Page 92]
Recommendation: That the Watermaster Committee Considers Approving the 2022 Annual Report after Comments Received on the Draft Report are Presented and Discussed

The draft annual report can be downloaded here:
<https://beaumontbasinwatermaster.org/home-2/documents-and-publications/>
- E. Proposal for Development of Data Management System [Memorandum No. 23-16, Page 114]
Recommendation: Consider the proposal from Dudek to develop a GIS-based Data Management System for the Beaumont Basin
- F. Update on Well Survey Project and Request for Proposals for Licensed Surveyors to Survey Wells in the Beaumont Basin Monitoring Network [No written report]
Recommendation: No recommendation.
- G. Discussion of Agenda Items for Proposed July Special Meeting / Workshop [Memorandum No. 23-17, Page 120]
Recommendation: Determine focus and items for a potential special meeting

VIII. Topics for Future Meetings

- A. Monitoring of future west side well sites and methodologies, and potential collaboration with USGS
- B. Procurement Policy
- C. Evaluation of Storage Issues in the Basin (tabled from 12/2/2021 meeting)
- D. Development of a methodology and policy to account for groundwater storage losses in the basin / groundwater management
- E. Incidental discharge

- F. Development of a Recycled Water Policy
- G. Development of a return flow accounting policy

IX. Comments from the Watermaster Committee Members

X. Announcements

- A. Special meeting / workshop date to be determined
- B. The next regular meeting of the Beaumont Basin Watermaster is scheduled for Wednesday, August 22, 2023, at 11:00 a.m.
- C. Future Meeting Dates:
 - October 4, 2023 at 11:00 a.m.
 - December 6, 2023 at 11:00 a.m.
 - February 7, 2024 at 11:00 a.m.

XI. Adjournment

NOTICES

AVAILABILITY OF AGENDA MATERIALS - Agenda exhibits and other writings that are disclosable public records distributed to all or a majority of the members of the Beaumont Basin Watermaster Committee in connection with a matter subject to discussion or consideration at an open meeting of the Committee are available for public inspection in the Office of the Watermaster Secretary, at 560 Magnolia Avenue, Beaumont, California ("Office") during business hours, Monday through Thursday from 7:30 a.m. to 5 p.m. If such writings are distributed to members of the Committee less than 72 hours prior to the meeting, they will be available from the Office at the same time or within 24 hours' time as they are distributed to Board Members, except that if such writings are distributed one hour prior to, or during the meeting, they can be made available in the Board Room at the District Office. Materials may also be available on the Watermaster website: <https://beaumontbasinwatermaster.org/>.

REVISIONS TO THE AGENDA - In accordance with §54954.2(a) of the Government Code (Brown Act), revisions to this Agenda may be made up to 72 hours before the Board Meeting, if necessary, after mailings are completed. Interested persons wishing to receive a copy of the set Agenda may pick one up at the Office, located at 560 Magnolia Avenue, Beaumont, California, or download from the website up to 72 hours prior to the Meeting.

REQUIREMENTS RE: DISABLED ACCESS - In accordance with §54954.2(a), requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the Office, at least 48 hours in advance of the meeting to ensure availability of the requested service or accommodation. The Office may be contacted by telephone at (951) 845-9581, email at info@bcvwd.org or in writing to the Beaumont Basin Watermaster Committee, c/o Beaumont-Cherry Valley Water District, 560 Magnolia Avenue, Beaumont, California 92223.

CERTIFICATION OF POSTING

A copy of the foregoing notice was posted near the regular meeting place of the Beaumont Basin Watermaster Committee and to its website at least 72 hours in advance of the meeting (Government Code §54954.2(a)).

Consent Calendar

**Record of the Minutes of the
Beaumont Basin Committee Meeting of the
Beaumont Basin Watermaster
Regular Meeting
Wednesday, April 5, 2023**

Meeting Location:

Beaumont-Cherry Valley Water District
560 Magnolia Ave.
Beaumont, CA 92223

I. Call to Order

Vice Chair David Armstrong called the meeting to order at 11:02 a.m.

II. Roll Call

<i>City of Banning</i>		<i>ABSENT</i>
<i>City of Beaumont</i>	<i>Jeff Hart</i>	<i>Present</i>
<i>Beaumont-Cherry Valley Water District</i>	<i>Dan Jagers</i>	<i>Present</i>
<i>South Mesa Water Company</i>	<i>David Armstrong</i>	<i>Present</i>
<i>Yucaipa Valley Water District</i>	<i>Jennifer Ares</i>	<i>Present</i>

Hannibal Blandon and Thomas Harder were present as engineers for the Beaumont Basin Watermaster (BBWM).

Thierry Montoya was present as BBWM legal counsel.

Steve Stuart of Dudek was present as BBWM administrator.

Members of the public who registered and / or attended:

Matthew Palavido, Dudek
Nyles O'Harra, Yucaipa Valley Water District
Allison Edmisten, Yucaipa Valley Water District
Mike Kostelecky, Yucaipa Valley Water District
Lance Eckhart, San Geronio Pass Water Agency
John Covington, Morongo Band of Mission Indians
Kevin Walton, San Geronio Pass Water Agency
Robert Ybarra, San Geronio Pass Water Agency
Mickey Valdivia, San Geronio Pass Water Agency
Thaxton Van Belle, City of Beaumont
Cenica Smith, Beaumont-Cherry Valley Water District
Evan Ward, Beaumont-Cherry Valley Water District
Derek Hoffman, Fennemore

III. Pledge of Allegiance: Vice Chair Armstrong led the pledge.

IV. Public Comments: *Member Jagers advised of an error in the title for Agenda Item F. The recommendation should indicate the amount of \$1,300.*

V. Consent Calendar

Vice Chair Armstrong pulled Item C for discussion upon request of Member Jagers.

A. Meeting Minutes

February 1, 2023 Regular Meeting

B. Status Report on Water Level Monitoring throughout the Beaumont Basin through March 22, 2023

It was moved by Member Hart and seconded by Member Jagers to approve Consent Calendar items A and B.

AYES:	Ares, Armstrong, Hart, Jagers
NOES:	None
ABSTAIN:	None
ABSENT:	Vela
STATUS:	Motion Approved

C. A Comparison of Production versus Extraction Credits through February 2023

Member Jagers pointed to the report and asked for confirmation on the water transfers. He asked if the report included the transfers from Beaumont-Cherry Valley Water District to the City of Banning for January and February. Mr. Blandon explained that said transfer is reported annually in the January report and the adjustment was made at the end of the year; however, staff will be providing the information on a monthly basis moving forward.

Mr. Jagers advised that for January and February, BCVWD's production numbers suggest that about 155.35 acre-feet were transferred. Once that is done, a footnote might be appropriate, he stated.

It was moved by Member Jagers and seconded by Member Hart to approve Consent Calendar item C.

AYES:	Ares, Armstrong, Hart, Jagers
NOES:	None
ABSTAIN:	None
ABSENT:	Vela
STATUS:	Motion Approved

VI. Reports

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

No report.

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

Mr. Harder reported that a data request was sent out on February 1 as part of the safe yield reevaluation and model update. Some data from San Geronio Pass Water Agency (SGPWA) has been received. The project is at the last step and if there is any information on new wells constructed or pumping tests since 2012 within the model domain that includes the adjudicated area and just outside, it would help inform the model and it would be appreciated in the next couple of weeks.

- C. Report from Administrative Consultant – Steve Stuart, Dudek

Mr. Stuart updated the Committee on information received for the well survey. South Mesa Water Company has responded. He is seeking documentation from a licensed surveyor on survey elevations or well points/ reference points. He will re-send the email as a reminder, then move forward with assessing the information and determining whether to move forward with contracting the services of a licensed surveyor to fill in any data gaps.

Mr. Jagers reported that BCVWD has reached out to a surveyor to perform the work and the cost appears to be reasonable.

Mr. Stuart advised he will be working with Tom Harder and Hannibal Blandon to put together an agenda for a July workshop, for committee review at the June meeting and in time for public notice / invitation. The workshop would focus on storage issues in the basin and looking at possibilities in enhancement of management of the basin such as establishing management zones.

Mr. Jagers asked that the overlies be invited to the workshop and indicated he would share the List of Interested Parties.

D. Report from Legal Counsel – Thierry Montoya - Frost, Brown, Todd

Mr. Montoya reported receipt of a Public Records Act request from West Yost seeking records that Mr. Harder likely retains. This is agendaized as Item VII – F as it will take work to pull the records and Mr. Harder should be compensated for the effort.

Item VII – C is a request from Beaumont-Cherry Valley Recreation and Park District to transfer some amount of water rights formerly owned by Sunny Cal / Danny Thomas Ranch, and there is some clarification on the issue.

South Mesa Water Company has an alternate candidate, Montoya announced, and Mr. Armstrong introduced Brittany Lim who is the SMWC alternate on the Yucaipa SGMA.

VII. Discussion Items

- A. Certification of Groundwater Production, Imported Water Spreading, and Change in Storage in the Beaumont Groundwater Basin during Calendar Year 2022.

Recommendation: Certify groundwater production, imported water spreading, and change in storage in the Beaumont Groundwater Basin during CY 2022.

Member Jagers reminded that upload of the data was required by April 1 and BCVWD has done so.

It was moved by Member Jagers and seconded by Member Ares to certify groundwater production, imported water spreading, and change in storage in the Beaumont Groundwater Basin during CY 2022 and approved by the following vote:

AYES:	Ares, Armstrong, Hart, Jagers
NOES:	None
ABSTAIN:	None
ABSENT:	Vela
STATUS:	Motion Approved

- B. 2022 Consolidated Annual Report and Engineering Report – Presentation of Draft Report

Recommendation: Presentation only. No action required.

Mr. Anibal Blandon of ALDA Engineering presented the draft consolidated annual report. He highlighted the following components:

- *Nine resolutions were adopted by the BBWM in 2022; eight of them were for authorizing public meetings to be held in person and via teleconference.*
- *Resolution 2022-09 amending Section 3 of the Rules and Regulations*
- *No legal rulings related to the Judgment in 2022*
- *FY 2023 approved budget is \$246,800; expenses in 2021 and 2022 were approximately \$110,000*
- *Historical precipitation from 1998 to 2022 averaged 13.4 inches, significantly lower than the 100-year average of 16.68 inches*
- *In 2022, precipitation was only 6.79 inches, the second lowest ever*
- *Groundwater production by appropriators in 2022 was 17,345 acre-feet, about 900 af higher than the five-year average*
- *Overliers are on a slight upward trend and produced a total of 2,135 af in 2022 which was higher than the five year average of 2,001 af but less than the production right of 6,517 af*
- *The highest use overlayers are Sharondale Mesa HOA, Cal Oak Valley Golf and Resort, Plantation on the Lake, and Tukwet Canyon Golf Club. None of the overlayers are at risk of pumping more than their allocations*
- *Imported water spreading in 2022 totaled 1,811 af, mostly by BCVWD*
- *Overall, since 2003, 127,000 af have been spread primarily by BCVWD and the City of Banning*
- *City of Beaumont treated wastewater discharges were 14 percent lower than the peak in 2020*
- *In 2022, there were no transfers of water between appropriators*
- *Conversion of underproduction to 2022 credit totals 4,296 af*
- *A total of 183.05 af have been permanently transferred from Oak Valley Partners to YVWD*
- *In 2022, 11,055 af were produced from storage (which is an accounting number)*
- *Overall, 290,000 af were allocated to storage, of which only 96,000 remain in storage at the end of 2022*
- *Underproduction by overlayers to be allocated to appropriators in 2027 totals 4,382 af*

Members commented on the record rainfall so far in 2023 and lower anticipated production for the year.

Mr. Tom Harder discussed the 2022 operating safe yield. He described the hydrogeology and potential Basin management zones, and decline in groundwater levels from December 2021 to December 2022. He noted a year-to-year decline in storage of about 10,600 af which matches precipitation conditions and increased pumping.

Member Jagers observed that BCVWD did not pump Well 29 at all in 2022 in an attempt to balance the Basin and pump down the mound created in 2017-2019. He also noted it would be interesting to see the effects of a lot of grading activities in the area of Calimesa and Fairway Canyon on water recharge.

Mr. Harder reported long term declines in groundwater levels at several wells and advised that the Singleton Ranch well has been destroyed.

Annual operating safe yield is based on production, change in storage, and groundwater recharge (normally 11,000 to 12,000 af), Harder explained. Imported water deliveries in 2022 totaled only 1,800 af, he stated, and the operating safe yield for 2022 was around 7,000 af, contrasted with 7,900 in 2021. The long-term safe yield per the previous estimate using the model was 6,700 af.

In response to comment by Member Jagers, Mr. Harder noted that the plan to survey groundwater reference point elevations was based on a number of issues with some of the monitoring wells that affected the change in storage. Some of the previous years' operating safe yield numbers are not as reliable, he added. The model and long-term safe yield will be updated, he advised.

When the water table is drawn down, water that would otherwise have left the Basin is captured, Harder continued, which may be why the operating safe yield is higher than it had been. When water is mounding, safe yield can go down, he added.

Member Jagers expressed hope that the safe yield would increase.

Member Armstrong asked if the management zones would affect storage accounts. Mr. Harder explained all would have to add up to the whole; it is just a matter of managing different areas differently.

Member Jagers reported that it has been observed that high groundwater based on this year's wetness is now percolating in areas via artesian flows in the southwest portion of the Basin.

Mr. Blandon presented the data on water quality and offered the following recommendations:

- Develop policy to account for groundwater storage losses, new yield, and recycled water recharge (carried for several years, hopefully to be addressed at a workshop in July)*
- Develop protocol to increase accuracy and consistency of data reporting*
- Implement a meter maintenance program to reflect accurate production.*

- *File final Annual Report with the Court in June once approved*

Mr. Blandon requested comments by Friday, May 12 in order to be addressed at the June 7 meeting. Comments will be included as an Appendix to the Final Report.

C. Transfer of Water Rights to Beaumont-Cherry Valley Recreation and Park District

Recommendation: No recommendation

Mr. Stuart advised that via donation from a developer, the Beaumont-Cherry Valley Recreation and Park District (BCVRPD) is acquiring six parcels formerly collectively known as the Sunny Cal North on the 2006-02 resolution. At the time, the Sunny Cal Egg and Poultry Company transferred 300 acre-feet per year of water rights to Sunny Cal North. After the 2013 revision of the safe yield that number became 232.4 af per year, which is acknowledged in the letter. He also acknowledged that the area of the Sunny Cal North property is 123 acres, which includes the 122 acres of Sunny Cal North plus one acre of the I-10 Logistics.

The numbers check out, Stuart reported. He requested more time to investigate the supporting documents and deeds which note that portions of the parcels are not part of Sunny Cal North.

Legal Counsel Montoya advised that there is still uncertainty and when approved, it should be done by resolution as has been in the past. The resolution will include an explanation of transfer, identify the APNs and the amount of water that is transferred from who to whom. He emphasized the need to create a clear public record.

Vice Chair Armstrong tabled the item to be brought back as a resolution at the June meeting. Mr. Jagers recommended assuring alignment with the adjusted safe yield.

D. Update on Well Survey Project and Request for Proposals for Licensed Surveyors to Survey Wells in the Beaumont Basin Monitoring Network

Recommendation: No recommendation.

Vice Chair Armstrong reminded the Committee of previous discussion.

Mr. Stuart indicated he is seeking more information from YVWD, BCVWD, City of Beaumont, and City of Banning.

If data is needed from City of Beaumont wells, they can be included in the BCVWD survey, Mr. Jagers noted.

E. Development of Data Management System

Recommendation: Consider the proposal from Dudek to develop a GIS-based Data Management System for the Beaumont Basin

Mr. Matthew Palavido of Dudek demonstrated a web-based application consisting of a GIS / map-based interface for information on wells.

Member Jagers reminded that the five BBWM members will share the costs of approximately \$9,179 each plus ongoing maintenance costs of \$13,695 annually. There are no escalators, Mr. Palavido noted. Most of the annual cost is for the ESRI licensing, which is typically escalated every five years or so and ESRI just escalated their licensing fee this year.

Members discussed taking this item to their Boards. It will be brought back again when the City of Banning is in attendance.

F. Approval of Expenditures related to Public Records Act Request

Recommendation: Approve the expenditure of \$1,300 to Thomas Harder & Company to prepare and furnish public records to the Santa Ana River Watershed Project Authority (SAWPA)

Member Jagers explained that some records may not be readily available and suggested discussion of preauthorization of a not-to-exceed amount to facilitate timely response to PRA requests. Mr. Harder indicated that would be helpful and said he could produce the requested records in about one week.

This request is related to the reassessment of SAWPA's groundwater activities, Jagers continued. Member Hart questioned the designation of a PRA request and said if it is not, then the requester should be footing the bill for the efforts required.

Mr. Harder explained the content of the request for groundwater levels, which will take some effort to put together but is not significant. Mr. Jagers recommended the shortest path to provide the information in support of SAWPA's groundwater management monitoring activity and in the spirit of cooperation.

Counsel Montoya clarified that SAWPA is entitled to the documents, and this is a question of reimbursement of Mr. Harder's time. Mr. Hart indicated support.

It was moved by Member Jaggars and seconded by Member Hart to approve the expenditure of \$1,300 to Thomas Harder & Co. to prepare and furnish public records to the Santa Ana River Watershed Project Authority (SAWPA) and was approved by the following vote:

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

Mr. Harder will send out the requested information.

VIII. Topics for Future Meetings

- A. Monitoring of future west side well sites and methodologies, and potential collaboration with USGS
- B. Procurement Policy including thresholds for RFP process
- C. Evaluation of Storage Issues in the Basin (tabled from 12/2/2021 meeting)
- D. Development of a methodology and policy to account for groundwater storage losses in the basin / groundwater management
- E. Incidental discharge
- F. Development of a Recycled Water Policy
- G. Development of a return flow accounting policy

IX. Comments from the Watermaster Committee Members

None.

X. Announcements

- a. The next regular meeting of the Beaumont Basin Watermaster is scheduled for June 7, 2023 at 11:00 a.m.
- b. Future Meeting Dates:
 - i. August 2, 2023 at 11:00 a.m.
 - ii. October 4, 2023 at 11:00 a.m.
 - iii. December 6, 2023 at 11:00 a.m.

XI. Adjournment

Vice Chair Armstrong adjourned the meeting at 12:32 p.m.

Attest:

DRAFT UNTIL APPROVED

Daniel Jagers, Secretary
Beaumont Basin Watermaster

DRAFT

BEAUMONT BASIN WATERMASTER

Date: June 7th, 2023

From: Hannibal Blandon, ALDA Inc.

Subject: Status Report on Water Level Monitoring throughout the Beaumont Basin through May 16, 2023

Recommendation: Presentation - No recommendation.

At the present time, there are 15 monitoring wells equipped with pressure transducers 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. The location of two potential monitoring wells currently being considered are identified in red in this figure. Ground elevations at all sites was obtained from Google Earth, which has varied over time at selected sites and could continue to vary in the future. The Watermaster Committee has indicated the need to survey all well sites using a common datum.

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. From the summer of 2015 through the spring of 2019, water levels at these two wells were fairly steady; however, over the last four years a significant decline has been observed. An 19-foot decline has been recorded at YVWD 34 over this period. The decline at Oak Valley 5 has been steeper with a drop 24 feet in the first half of 2020 despite the fact that this well has not been pumped since the fall of 2019. Oak Valley 5 is no longer being monitored, as of the Summer of 2020, as it has been destroyed.
- ✓ Figure No. 3 – Two of the Noble Creek observation wells are presented in this figure representing the shallow and deep aquifers. From the summer of 2016 through the spring of 2018, the water level in the shallow aquifer monitoring well increased over 80 feet to an elevation of 2,422 ft. Water level continued to increase, although at a lower rate, over the ensuing 18 months reaching a peak elevation of 2,431 ft in the fall of 2019. Since, it has declined 100 feet to the current elevation of 2,331 ft. In the deeper aquifer, the increase in water level was steady from the summer of 2016 through the spring of 2020 reaching a peak elevation of 2,302 ft.; a decline of 51 feet has been recorded since to the current elevation of 2,251 ft with over half of the decline taking place over the last 12 to 14 months.
- ✓ Figure No. 4 – Southern Portion of the Basin. The water level at the Summit Cemetery well is highly influenced by a nearby pumping well that is used to irrigate the cemetery grounds. Since monitoring began, the water level at this well has fluctuated over a 20-foot range. During the March and May 2022 visits, the water level probe and communications

cable did not work and the collected information could not be extracted. During our July visit, it was determined that the site had been vandalized as both the communications cable and probe were removed. New water level monitoring equipment was installed at the beginning of October at this well and the site has been secured to minimize future vandalism. Current groundwater elevation at this well is 2,512 ft closer to the top of the operating range. Communications cable was not working properly during our most recent visit.

- ✓ Also depicted in Figure No. 4 is the water level at the Sun Lakes well site. Water level at this site has fluctuated minimally between 2015 and the end of 2021, when it began to decline. Between November 2021 and May 2022, the water level dropped by eight feet to 2,405 ft. However, it has recovered to 2,412 ft in the last 12 months. Water level information could not be collected between late May and early October 2022 due to equipment malfunction. A new communications cable and recording probe were installed in early October at this location and has been working properly.
- ✓ Figure No. 5 illustrates water 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 six years, a somewhat significant and steady decline, close to 32 feet, has been recorded at Banning M-8 between the summer of 2015 and the present to its current elevation of 2,047 ft. Water level at Banning M-9 has fluctuated in a 19-foot range, between 2,128 ft and 2,147 ft. Current water level elevation is at 2,138 ft. in the middle part of the range. While the water level probe has been collecting data hourly at this well, over the last year, two communications cables have been replaced due to the failure of the water seal at the bottom of the cable. A new replacement cable was installed during our November 2022 visit and worked as intended for four months; however, during our March and May visits it could not transmit information due to the presence of moisture and may need to be replaced again.
- ✓ Figure No. 6 illustrates recorded water level at BCVWD No. 2 and BCVWD No. 25. Water level at these two wells follow the same seasonal pattern rising in the fall through the spring months and falling during the summer as production increases. The water level at BCVWD No. 25 has been fluctuating over a 25 ft range between 2,190 ft and 2,215 ft in elevation; however, this past summer it has declined more than normal to the summer low elevation of 2,194 ft. Over the last three years, summer lows have been lower each year. At BCVWD No. 2, water levels prior to 2017 were discarded due to their inconsistency as variations of 50 ft or more were recorded from one day to the next without a plausible explanation. Since 2017, water levels have ranged between 2,190 ft and 2,216 ft with a current elevation at this well of 2,204 ft. Similar to BCVWD No. 25, lower summer lows have been recorded in recent years.
- ✓ Figure No. 7 depicts the recorded water level at the two newest observation wells, BCVWD No. 29 and Tukwet Canyon Well “B”. BCVWD No. 29 is a pumping well that is now more actively used to meet peak summer demands. A decline in water level of nine feet has been recorded at this well since monitoring began in the spring of 2019. During the May 2021 visit, the communications cable could not be pulled and information from the water level probe could not be downloaded as reported in the June and August meetings. During our January 2022 visit, the water level meter got lodged between the pump column and the well casing and could not be removed; it has been there since. There is a chance that

the water level meter may not be recovered until the column is pulled from the well and the equipment recovered. Tukwet B is a dedicated monitoring well in the southern portion of the basin with minimal fluctuations in elevation since the probe was installed in the spring of 2019. Current water level elevation is at 2,217 ft representing the highest recorded level since monitoring began. Between November 28, 2022 and January 18, 2023 recorded levels fluctuated significantly with declines of 1.4 feet and rises of 1.3 feet from one hour to the next. A review of seismic activity during the days and times of these sudden changes in water levels reveals that no earthquakes were recorded in Southern California.

Monitoring Wells Additions

No additional monitoring wells were added during this reporting period.

Equipment Installation and Replacement

None during our May visit.

Troubleshooting Issues

The following malfunctioning issues were encountered during our field visit.

- 1.- Water level information was manually retrieved at BCVWD No. 2. This communication cable was working as intended but could not establish communications during our May visit.
- 2.- Water level information was manually retrieved at the Cemetery No. 1 well. This communication cable was working as intended but could not establish communications during our May visit.
- 3.- Water level information at Banning M-8 could not be retrieved during our November and January 2023 visits due to issues with the communications cable. The data stored in the probe was manually retrieved during our March 23 and May 16 visits. A new communications cable needs to be ordered for this site.
- 4.- Communications issues continue at Banning M-9. The communications cable has been replaced two times in the last two years due to the presence of moisture at the connecting port. Manufacturer has replaced cable in the past and will need to do so again.

Potential Monitoring Sites

Two production wells have been identified as potential monitoring wells recently. The owners have been contacted and the sites visited. The first well is owned by the Beaumont-Cherry Valley Recreation and Park District. The well is located on the north side of Cherry Valley Blvd and has been recently used to supply water during grading for construction of two warehouses nearby. Upon construction of these facilities, this well will be available to irrigate nearby lands; a monitoring probe could be installed with minor modifications at the well head.

The second well is owned by Plantation on the Lake. The site has been visited and owner is considering drilling a hole on the well head to accommodate the monitoring probe. No progress has been made by owner.

Figure No. 2
Static Groundwater Elevations at YVWD No. 34 and Oak Valley No. 5
 (July 29, 2015 through May 16, 2023)

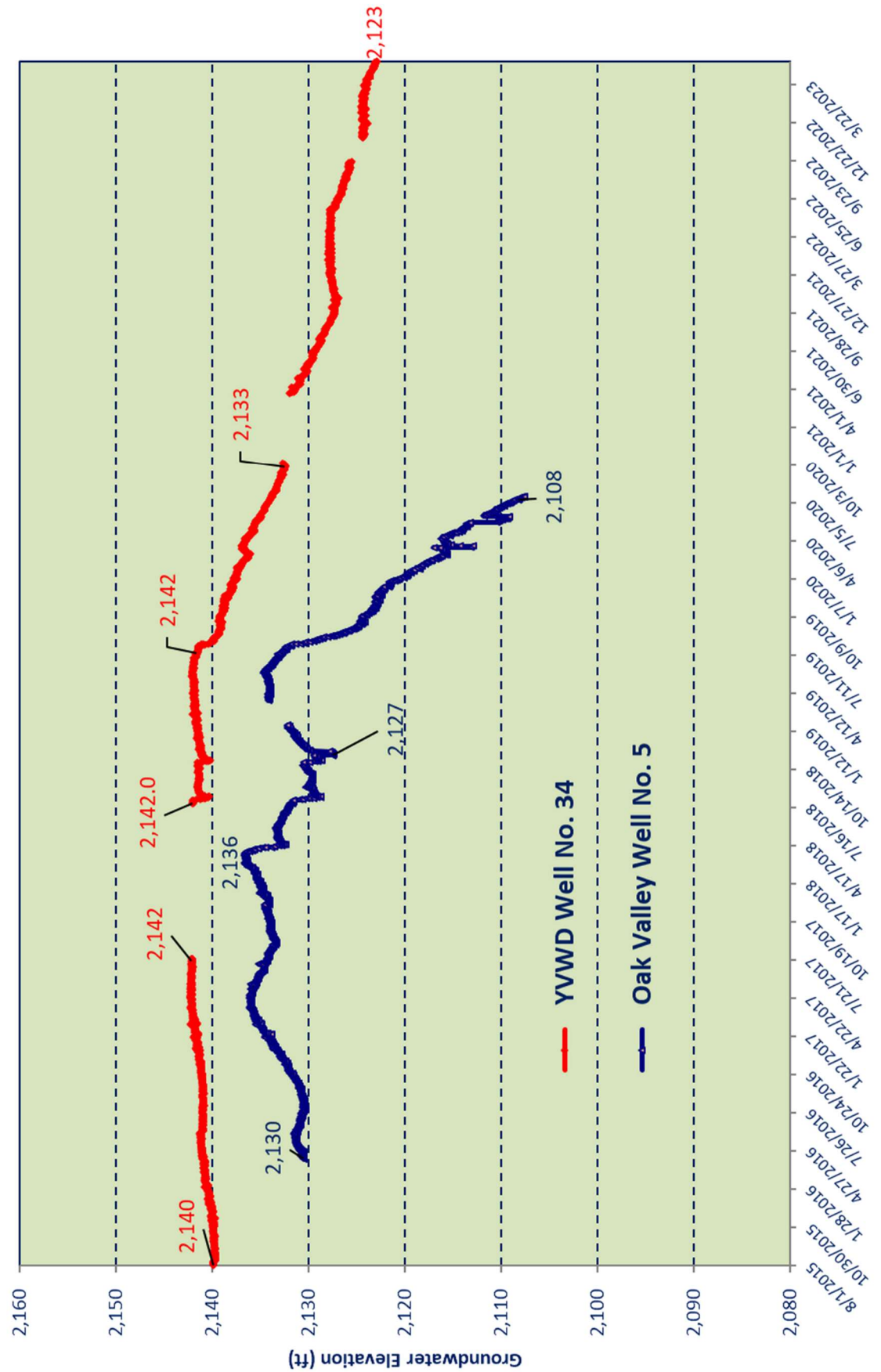


Figure No. 3
Static Groundwater Elevations at Noble Creek Obs. Well 4S and 4D
 (May 28, 2015 through May 16, 2023)

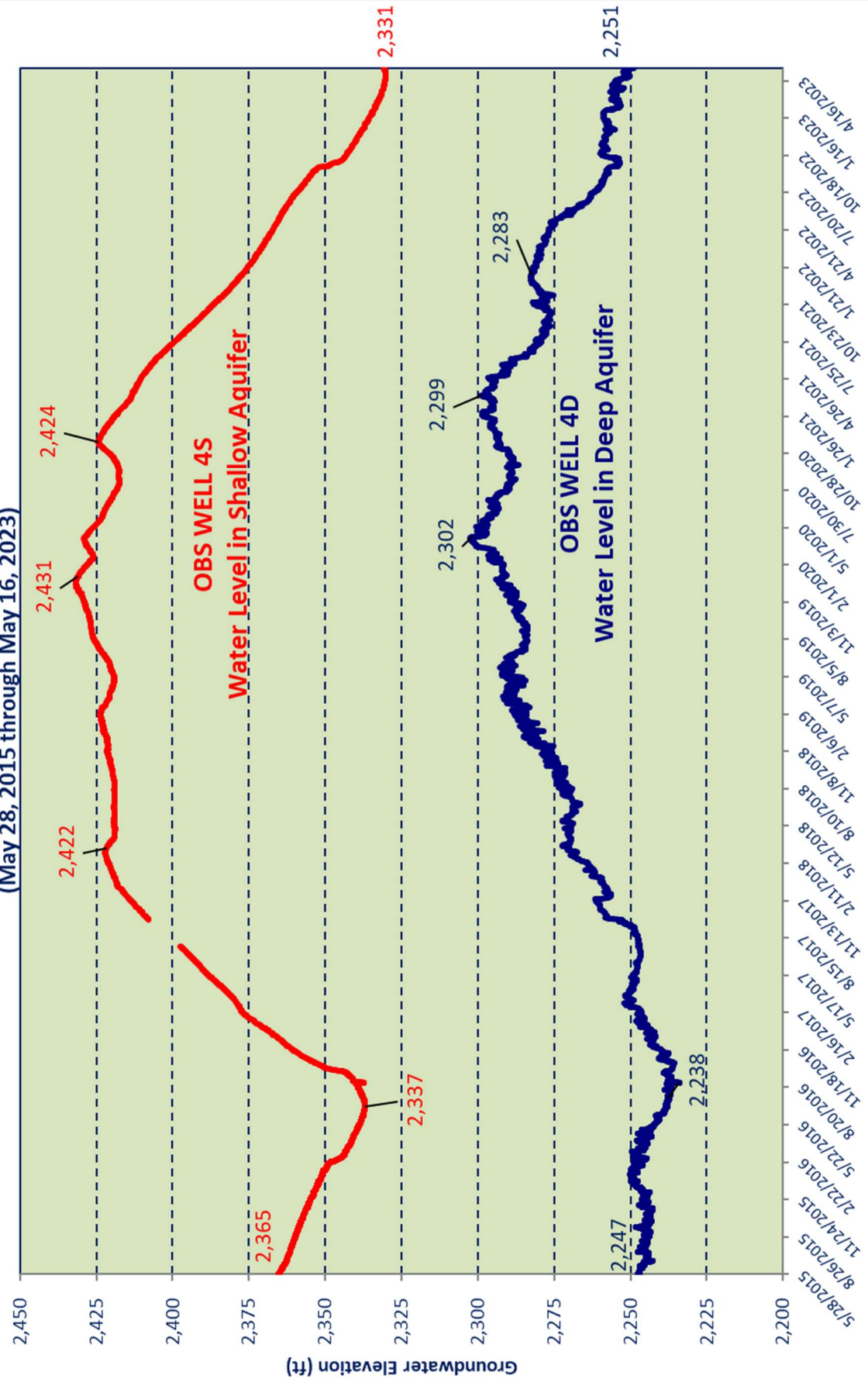


Figure No. 4
Static Groundwater Elevations at Summit Cemetery and Sun Lakes Wells
 (May 28, 2015 through May 16, 2023)

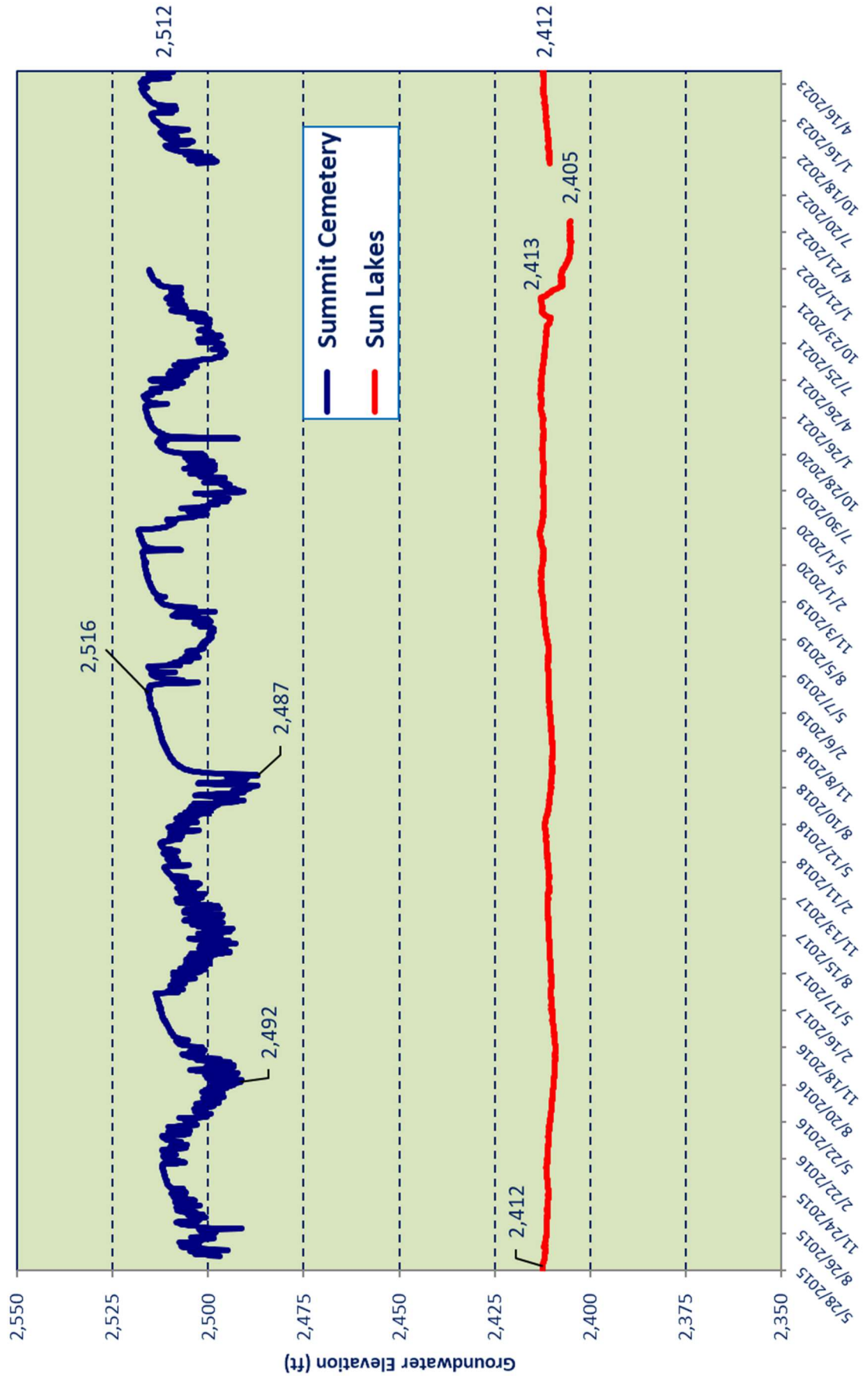


Figure No. 5
Static Groundwater Elevations in the Banning Area
 (May 28, 2015 through May 16, 2023)

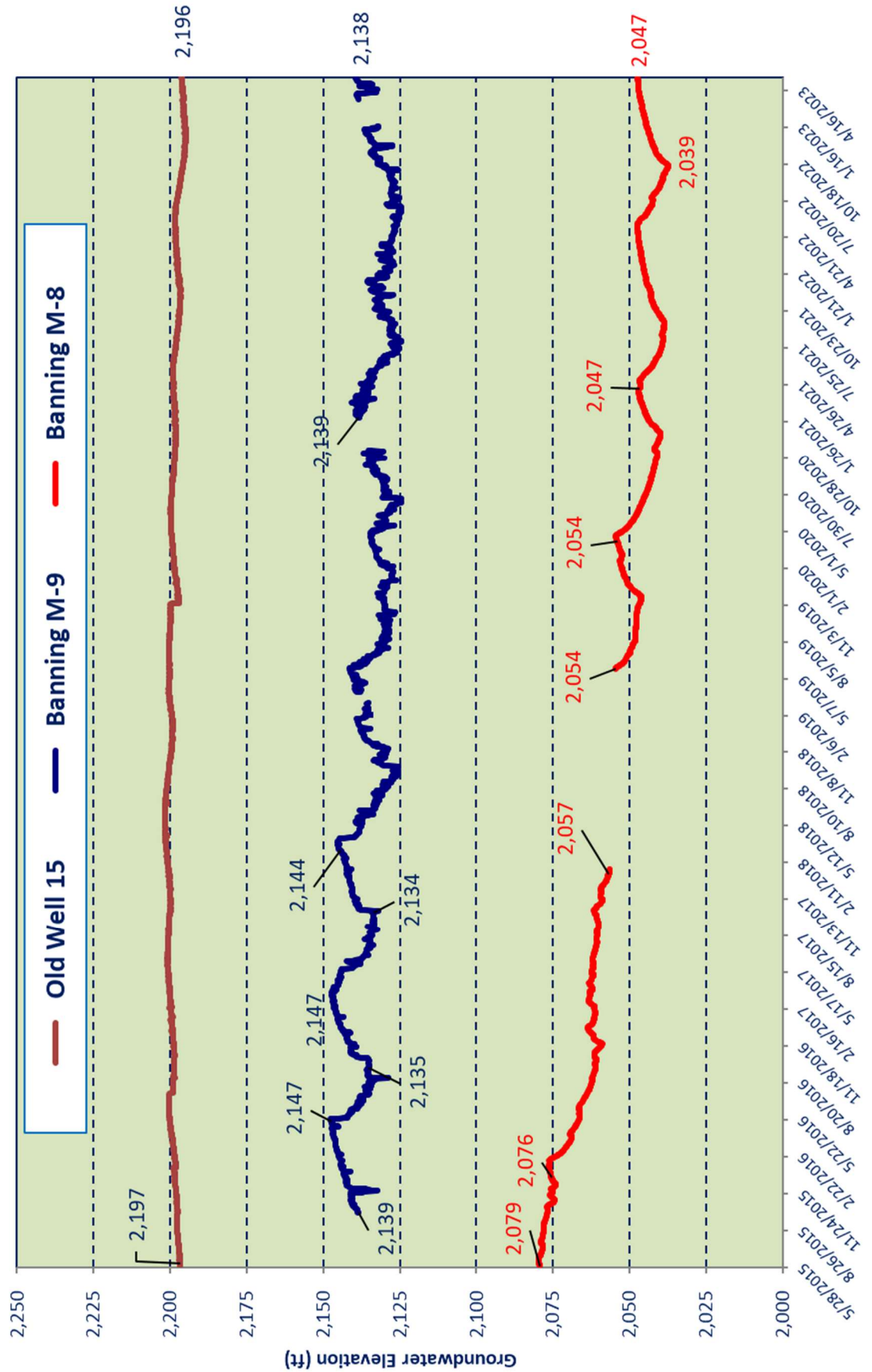


Figure No. 6
Static Groundwater Elevations at BCVWD Wells No. 2 and 25
 (Jan 26, 2017 through May 16, 2023)

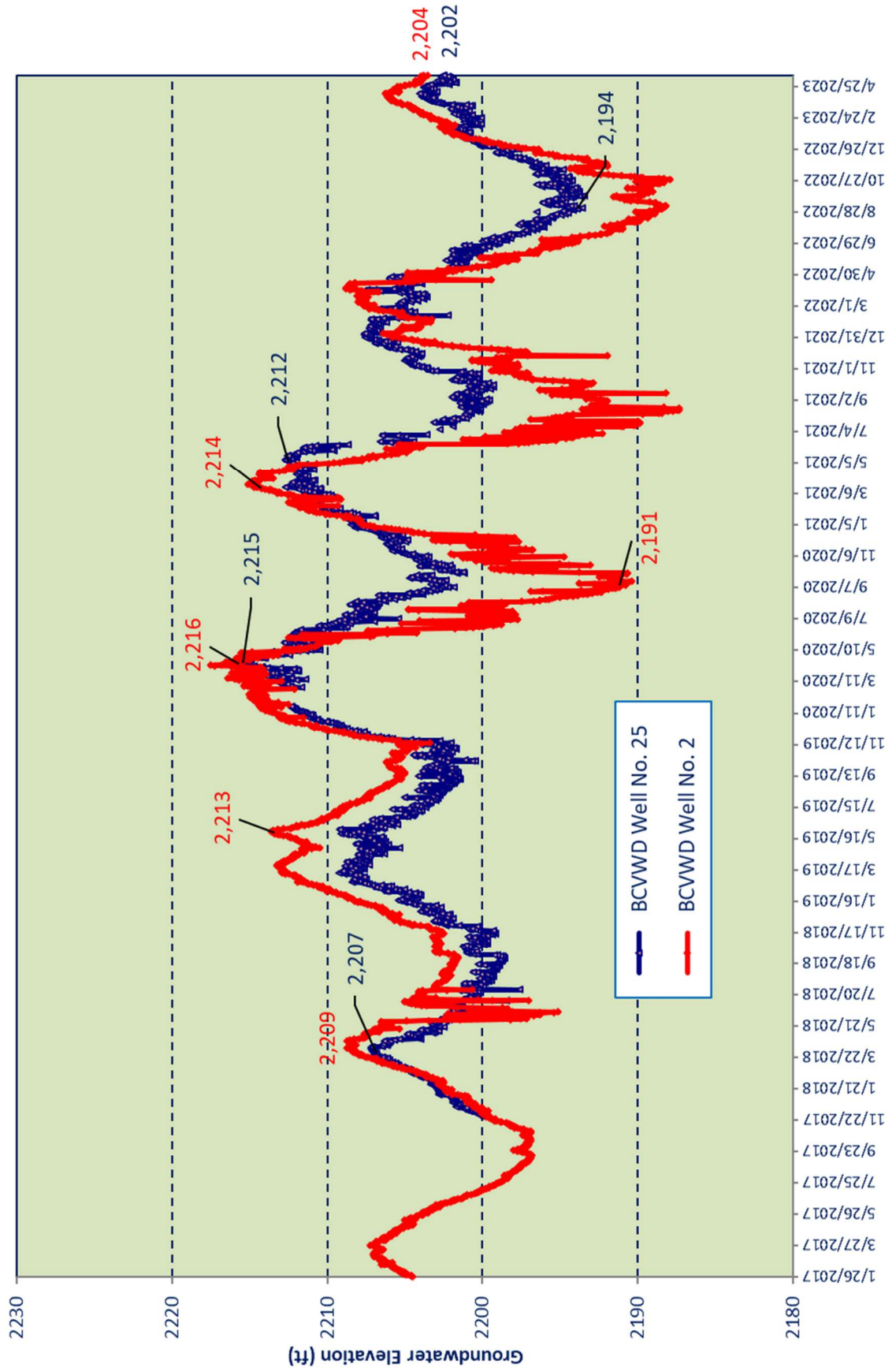
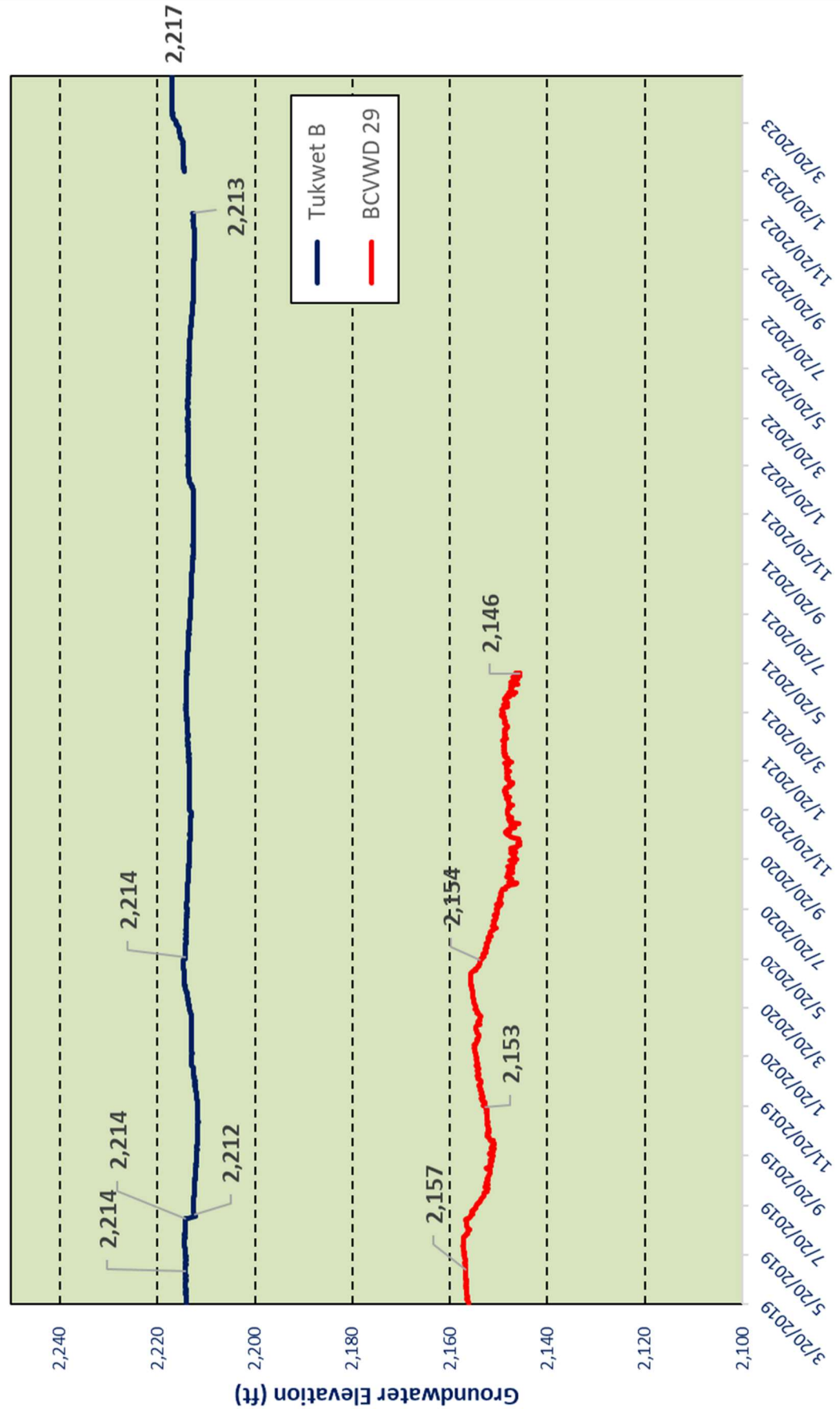


Figure No. 7
Static Water Level at BCVWD No. 29 and Tukwet Cyn Well B
 (Mar 20, 2019 through May 16, 2023)



BEAUMONT BASIN WATERMASTER

Date: June 7th, 2023

From: Hannibal Blandon, ALDA Inc.

Subject: A Comparison of Production vs Extraction Credits through April 2023

Recommendation: No recommendation - For informational purposes only

This Technical Memorandum presents a comparison of extraction credits from the Basin against actual production by Appropriator. At the beginning of each year, Appropriators have certain Extraction Credits resulting from: a) unused production by overlying users from 2018 and/or b) permanent transfers of overlying water rights. Extraction credits for individual Appropriators can be increased through the course of the year by spreading imported (supplemental) water.

Total production by Appropriators for the first four months of calendar year 2023 was 7,571 ac-ft while extraction credits for the same period were 11,676 ac-ft resulting in a positive credit balance of 4,105 ac-ft, as presented in the table below. For the first four months of the year, all appropriators have a positive storage balance. Spreading of imported water has been significant for this period at 6,407 ac-ft; all of which has been on behalf of BCVWD. Based on anticipated production estimates for the rest of the year, groundwater production by some individual appropriators might exceed their extraction credits depending on the amount of imported water spread. Appropriators that produce less than their individual extraction credits can add the positive difference to their storage accounts at the end of the Calendar Year, as listed in the table.

	City of Banning	Beaumont Cherry Valley W. D.	South Mesa Mutual W. C.	Yucaipa Valley W. D. ⁽¹⁾	Total
Transfer of Overlying Rights from 2018	1,408	1,904	559	608	4,479
Transfer of Overlying Rights - OVP to YVWD	0	0	0	790	790
Imported Water	0	6,407	0	0	6,407
Total Extraction Credits	1,408	8,311	559	1,398	11,676
Production ⁽²⁾	581	6,617	67	306	7,571
Credit Balance	827	1,694	492	1,092	4,105
Water in Storage as of Dec 2022	46,570	23,193	10,224	17,029	97,017

1.- YVWD has been credited 790.3 ac-ft of transfers from OVP for 2023. This amount is equal to 2022's deliveries (See Form 5 in Appendix G of 2022 Annual Report). Final credits will be adjusted at the end of the calendar year 2023.

2.- Production by the City of Banning includes 315 ac-ft of groundwater produced through April 2023 by BCVWD and delivered to the city at their two connection points.

BEAUMONT BASIN WATERMASTER MEMORANDUM NO. 23-11

Date: June 7, 2023

From: Joseph Zoba, Treasurer

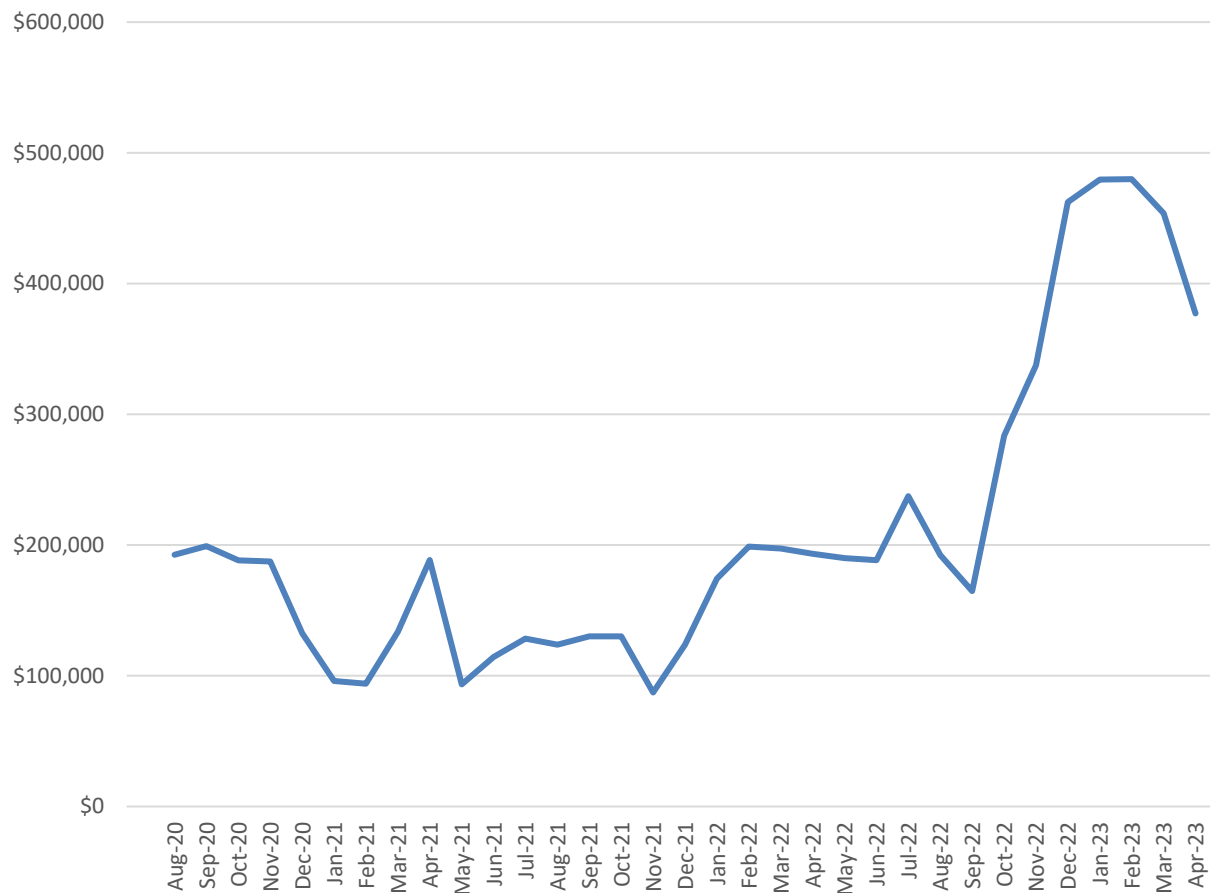
Subject: Financial Status Report

Recommendation: Presentation Only - No Action Required

The following information has been compiled to provide an update on the financial status of the Beaumont Basin Watermaster.

Account Balance - The bank account balance will increase with the receipt of payments from the Watermaster Committee and decrease with the payment of routine expenses incurred by the Watermaster.

Bank Account Balance - Month End

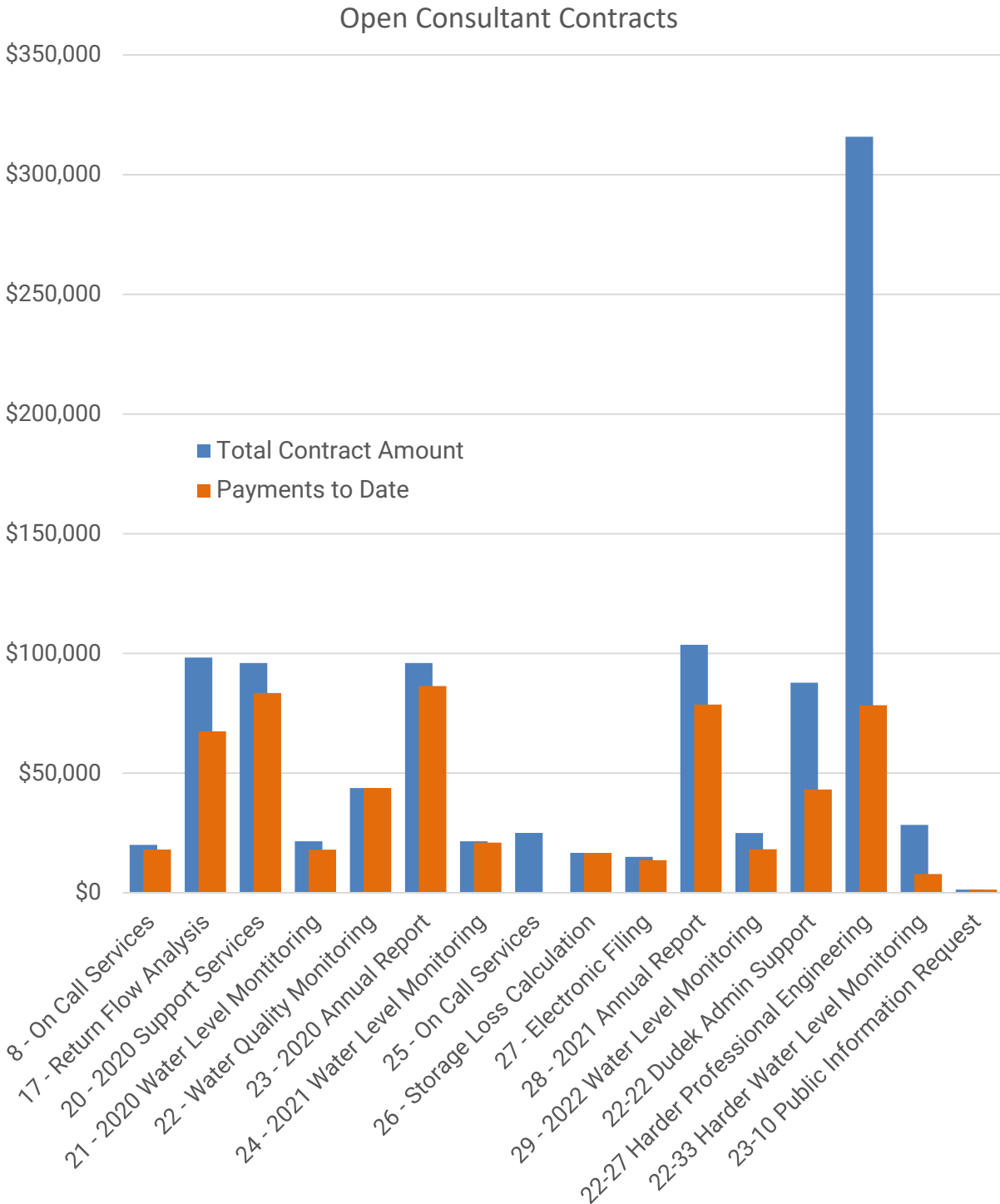


Budget Monitoring - Revenue for the Beaumont Basin Watermaster is received when one of the following events occur: (1) the Watermaster Committee approves a task order; (2) the Watermaster Committee approves a special project; (3) when a budget is adopted with a recommendation to replenish the anticipated administrative expenses for the year; or (4) when the administrative funds have been depleted and additional funds are required.

OPERATING EXPENSES:	Approved Budget Fiscal Year 2023	Year-To-Date Expenses (April-23) 83%	Percentage of Approved Budget
Bank Fees & Interest	\$50.00	-\$58.42	-116.8%
Miscellaneous & Meeting Expenses	\$250.00	\$0.00	0.0%
Acquisition/Computation & Annual Report	\$100,000.00	\$86,682.50	86.7%
Annual Audit	\$1,300.00	\$1,550.00	119.2%
Engineering Services	\$50,000.00	\$118,236.25	236.5%
Monitoring & Data Acquisition	\$50,000.00	\$36,375.20	72.8%
Meter Installation	\$10,000.00	\$0.00	0.0%
Legal Expenses - Special Project	--	--	--
Legal Expenses	\$25,000.00	\$16,443.00	65.8%
Reserve Funding	\$10,000.00	\$0.00	0.0%
Special Project - Engineering	\$0.00	\$0.00	0.0%
Special Project - Litigation	\$0.00	\$0.00	0.0%
Total Operating Expense	\$246,600.00	\$259,228.53	105.1%

Summary of Consultant Task Orders - The following Task Orders are open with our consultants.

Task Order	Description	Contract Amount	Payments to Date	Percent Billed to Date
8	On-Call Services	\$20,000	\$18,062.50	90%
17	Return Flow Analysis	\$98,280	\$67,431.25	69%
20	2020 Support Services	\$95,970	\$83,442.50	87%
21	2020 Water Level Monitoring	\$21,520	\$18,000.00	84%
22	Water Quality Monitoring	\$43,750	\$43,741.25	100%
23	2020 Annual Report	\$95,970	\$86,373.00	90%
24	2021 Water Level Monitoring	\$21,520	\$20,940.00	97%
25	On Call Engineering Services	\$25,000	- -	- -
26	Account for Storage Losses	\$16,700	\$16,700.00	100%
27	Data Compilation & Distribution	\$15,000	\$13,625.00	91%
28	2021 Annual Report	\$103,600	\$78,620.00	76%
29	Water Level Monitoring	\$24,975	\$18,200.00	73%
22-22	Dudek Admin Support	\$87,730.00	\$43,172.50	49%
22-27	Thomas Harder - Professional Services – Task Order 1	\$315,805.00	\$78,350.00	25%
22-27	Thomas Harder - Groundwater Level Monitoring – Task Order 2	\$28,370.00	\$7,825.00	28%
23-10	Thomas Harder – Public Records Request - Task Order 3	\$1,300.00	\$1,300.00	100%



Prior to the end of the current fiscal year, Task Order 8 through Task Order 26 will be closed with any remaining unspent funds to be added to general reserves to fund future administrative expenses. Any remaining unspent funds from special projects will be credited to the individual participants of the special project.

Discussion Items

BEAUMONT BASIN WATERMASTER MEMORANDUM NO. 23-12

Date: June 7, 2023

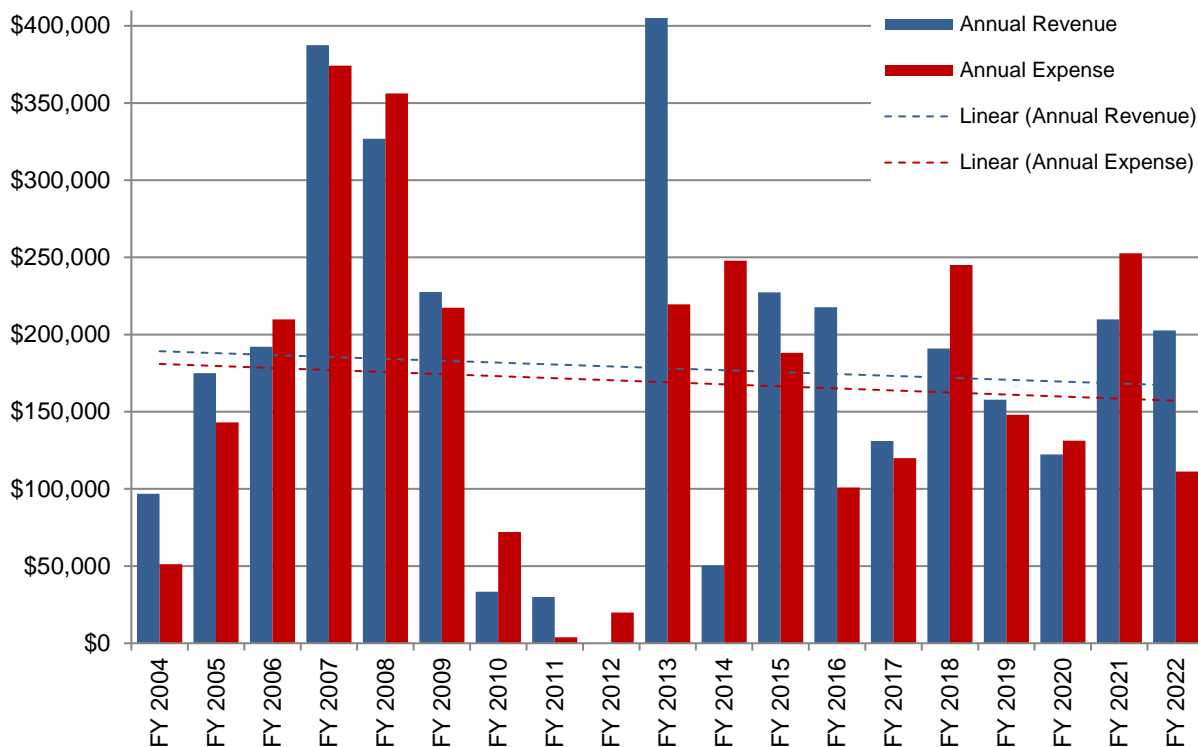
From: Joseph Zoba, Treasurer

Subject: Consideration of the Watermaster Budget for Fiscal Year 2023-2024

Recommendation: That the Watermaster Committee approve the budget as presented.

As of April 30, 2023, the Watermaster had an operating fund balance of \$377,154.94 in a designated account at Bank of America.

The historical annual revenue and expense information is shown below.



The Treasurer of the Beaumont Basin Watermaster sends invoices to Watermaster Committee members when one of the following events occur: (1) the Watermaster Committee approves a task order; (2) the Watermaster Committee approves a special project; (3) when a budget is approved to replenish the anticipated administrative funds for the year; or (4) when the administrative funds have been depleted.

Since the Watermaster Committee members contribute funding following any approved expenditure at a Watermaster meeting, the budget needs to only reflect the remaining expense items not routinely funded throughout the year. Therefore, based on the typical expenses incurred by the Beaumont Basin Watermaster, the estimated annual contribution needed for each member agency at the beginning of the fiscal year will be \$0 for the routine administrative expenses. However, the Watermaster Treasurer will send invoices to Watermaster Committee members when task orders are approved at Watermaster Committee meetings throughout the year.

OPERATING EXPENSES:	Account Number	Recommended Budget Fiscal Year 2023-24	Year-To-Date Expenses (April-23) 83%
Bank Fees & Interest	5000	\$50	-\$58.42
Miscellaneous & Meeting Expenses	5010	\$250	\$0.00
Annual Audit	5040	\$1,650	\$1,550.00
Legal Expenses - Special Project	- -	- -	- -
Legal Expenses	5070	\$25,000	\$16,443.00
Reserve Funding	5080	\$10,000	\$0.00
Special Project – Engineering	- -	\$0	\$0.00
Special Project - Litigation	- -	\$0	\$0.00
Total Operating Expense		\$36,950	\$17,934.58

**BEAUMONT BASIN WATERMASTER
MEMORANDUM NO. 23-13**

Date: June 7, 2023

From: Thierry Montoya, BBWM Counsel

Subject: Resolution 2023-__: Recognizing the Designation of a Specific Amount of Overlying Water Rights to Specific Parcels
Transfer of Water Rights to Beaumont-Cherry Valley Recreation and Park District

Recommendation: Adopt Resolution 2023-__

On March 7, 2023, BBW's counsel received the attached water transfer request from pertaining to the "Danny Thomas Ranch" property.

The March 7 letter summarizes a property donation as between TSG Cherry Valley, L.P. and its affiliated entity 110 Logistics Owner, LLC (Donator) and the Beaumont-Cherry Valley Recreation and Park District (Recipient). The letter lists several assessor's parcel numbers that were donated to the Recipient, with a request that the Beaumont Basin Watermaster transfer the alleged ascribed water rights to the donated assessor's parcel numbers from the Donator to the Recipient.

The proposed resolution was prepared by Watermaster legal counsel and adoption is recommended.

RESOLUTION NO. 2023-__

A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER RECOGNIZING THE DESIGNATION OF A SPECIFIC AMOUNT OF OVERLYING WATER RIGHTS TO SPECIFIC PARCELS

WHEREAS, the Beaumont Basin was adjudicated by Judgment entitled *San Timoteo Watershed Management Authority v. City of Banning, et al.* (Riverside County Superior Court Case No. RCI 389197);

WHEREAS, on March 19, 2019, the Riverside Superior Court entered an Amended Judgment which currently operates to adjudicate water rights and imposes a physical solution over the Beaumont Basin;

WHEREAS, via RESOLUTION 2006-02, the Beaumont Basin Watermaster recognized the allocation of 300 acre-feet-per-year (AFY) of the 1,784 AFY of overlying water right to the Sunny-Cal North parcels, some 122 acres identified in the Amended Judgment's Exhibit D as Assessor Parcel Nos. 407-200-009, -011, and -012, and 407-210-001, -002, and -004;

WHEREAS, on December 31, 2020, via record Grant Deed, TSG Cherry Valley, L.P., a California limited partnership granted to Beaumont-Cherry Valley Recreation & Park Improvement Corporation, a California public benefit corporation all its rights, title and interest to Assessor's Parcel Nos. 407-200-009, 20.35 acres, 407-200-011, 20 acres, 407-200-012, 20.04 acres, 407-210-001, 45.41 acres, 407-210-002, 12.04 acres, 407-210-004, 4.16, representing a total transfer of 122 acres;

WHEREAS, on May 25, 2022, via recorded Grant Deed, Beaumont-Cherry Valley Recreation & Park Improvement Corporation, a California public benefit corporation granted to Beaumont-Cherry Valley Recreation and Park District, a special district in the State of California, its title and interest to Assessor's Parcel Nos. 407-200-013 (came from 407-200-011), 19.53 acres, a portion of 407-200-009, 18.35 acres, 407-200-014 (came from 407-200-012), 19.92 acres, 407-210-001, 45.41 acres, 407-210-002, 12.04 acres, 407-210-004, 4.16 acres, for a total of 119.41 acres; and

WHEREAS, on December 1, 2022, via recorded Grant Deed, I10 Logistics Owner, LLC granted to Beaumont-Cherry Valley Recreation & Park District, a special district of the State of California its title and interest to a portion of Assessor's Parcel No. 407-200-013, 27,067 square feet, or 0.62 acres;

WHEREAS, on February 6, 2023, via recorded Grant Deed, Beaumont-Cherry Valley Recreation & Park Improvement Corporation, a California public benefit corporation granted to Beaumont-Cherry Valley Recreation and Park District, a special district in the State of California, its title and interest to Assessor's Parcel No. 407-200-018 (the remainder parcel in 407-200-009), 2 acres.

WHEREAS, to facilitate the transfer of the requested 122 acres and accompanying Beaumont Basin water rights formerly held by Sunny-Cal North, as awarded under the Amended Judgment and confirmed by Exhibit D of the Amended Judgment as Watermaster Resolution No. 2006-02, the Beaumont-Cherry Valley Recreation and Park District (District) desires that Watermaster recognize a total water rights transfer of 232.4 AFY (300 AFY as reduced by 0.2254 (the amount of re-evaluation of the safe yield) as applied to the new parcel numbers identified in this Resolution, and, henceforth, placed in the District's name alone.

NOW, THEREFORE, the Beaumont Basin Watermaster hereby resolves as follows:

1. **Designation of Rights.** At the District's special instance and request, the Beaumont Basin Watermaster hereby recognizes the designation of 232.4 AFY of Sunny-Cal North's former Overlying Water Right to the District. Such 232.4 AFY of Overlying Water Rights shall henceforth be placed in the District's name alone or its transferee and will be designated for use on the Assessor Parcel Nos. identified this Resolution.
2. **Adjusted Right.** The District's Overlying Water Right of 232.4 AFY represents the original amount of Sunny-Cal North's 300 AFY of Overlying Water Rights as reduced by 0.2254, representing the reevaluation of safe yield, and, therefore, now totaling 232.4 AFY.
3. **Effect of the Amended Judgment on Successors and Assigns.** The Amended Judgment provides in Article VII.4, that the Amended Judgment "...shall be binding on and shall inure to the benefit of...successors and assigns of the parties."
4. **Further Documentation of Action.** The Chief of Watermaster Services is hereby authorized and directed to execute such further documents and instruments, and take such further action, as shall be reasonably required to carry out the purposes and intent of this resolution, including, without limitation, to acknowledge the transfer of the 232.4 AFY of Overlying Water Right allocated herein to the District to any purchaser of the designated Assessors Parcel Nos. set forth in this Resolution.
5. **Effective Date.** The effective date of this designation is June , 2023.
6. **Recording and Notice.** The Chief of Watermaster Services shall record this Resolution and shall mail a true, correct and complete copy as follows:

Beaumont-Cherry Valley Recreation & Park District
c/o Duane Burk, General Manager
390 W. Oak Valley Parkway, Beaumont California 92223.

PASSED AND ADOPTED this ____ day of _____, 2023 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

BEAUMONT BASIN WATERMASTER

BY: _____

ART VELA, CHAIR
BEAUMONT BASIN WATERMASTER

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**BEAUMONT BASIN WATERMASTER
MEMORANDUM NO. 23-14**

Date: June 7, 2023

From: Dan Jagers, BBWM Secretary

Subject: Transfer of Overlying Water Rights from Oak Valley Partners to Yucaipa Valley Water District

Recommendation: Receive and file the attached fully executed Forms 5 documents for Calendar Years 2018, 2019, 2020, 2021, and 2022.

On May 24, 2023, the Beaumont Basin Watermaster (BBWM) received a Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator (Form 5) for calendar years 2018, 2019, 2020, 2021, and 2022. The Form 5 documents pertain to the transfer of Overlying Water Rights from Oak Valley Partners (OVP) to Yucaipa Valley Water District (YVWD).

The following summarizes the timeline of events concerning the transfer of Overlying Water Rights from OVP to YVWD.

2017

1. **Resolution 2017-02** documented the BBWM approval for the transfer of overlying water rights to specific parcels from OVP to YVWD. Resolution 2017-02 resolved the following:
 - “Watermaster hereby approves the transfer of all of OVP’s Overlying Water Rights to the [Summerwind Ranch Specific Plan] Project parcels listed on Exhibit 1...”.
 - “Once OVP and/or its successors or assigns secures commitments from the YVWD to provide water service to the development phases of the Project, and when water service is provided to the designated Project parcels, then the overlying water rights for those Project parcels shall be transferred to YVWD.”

2018

2. **Transfer from OVP to YVWD.** YVWD submitted letters to the BBWM documenting the transfer of water rights from OVP to YVWD for specific tracts pursuant to Resolution 2017-02:

DATE	ACRE-FEET	TRACT NO.
3/21/2018	90.94	32702 and 32702-5
7/27/2018	59.89	32792-1 and 32702-2
9/26/2018	29.57	32702-3
1/11/2019	2.65	33105-6

2019

3. **Resolution 2019-02** amended Section 7 of the BBWM Rules and Regulations and adopted 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". Some of the provisions in the modified Section 7 of the Rules and Regulations in Resolution 2019-02 include:
 - Section 7.0 (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 Judgement, for the purpose of serving the Overlying Party."
 - Section 7.0 (b): "When an Overlying Party receives water service, 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."
 - Section 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."
 - Section 7.1 (a): "Accounting of 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."
4. **Transfer from OVP to YVWD.** YVWD filed a Form 5 dated November 19, 2019 documenting the transfer of "all original 1,806 / revised 1,398.90 acre feet ('Earmarked Water') of Overlying Water Rights" from OVP to YVWD.

2022

5. **Litigation.** YVWD filed a motion to "order the Watermaster to recognize Oak Valley Partners, LP's transfer of overlying water rights" (Thierry Montoya Memorandum to BBWM, dated March 8, 2022).
 - The Court acknowledged that the "main issue presented by this motion is whether YVWD is entitled to Oak Valley's full amount of overlying water rights allocation."

- Recognized discrepancy between Resolution 2017-02 and Form 5 (Resolution 2019-02) in that the latter does not identify parcel numbers and merely indicates service.
 - The Court referred to Section III.3.C. of the Judgement, “When an overlying Party receives water service...the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriator Party.” Section III.3.C. of the Judgement continues, “The Appropriator Party providing such service shall have the right to produce the volume of water foregone by the Overlying Party...”
6. **YVWD confirmation.** Watermaster Committee Member Joseph Zoba confirmed to Legal Counsel Montoya that all [water] provided by YVWD to the Overlying Water Rights holder of Oak Valley Partners was within the area identified in Resolution No. 2017-02.

2023

7. **YVWD files Forms 5.** YVWD filed five individual Forms 5 on May 24, 2023 documenting the transfer of Overlying Water Rights from OVP to YVWD for calendar years 2018, 2019, 2020, 2021 and 2022. The quantities of “Earmarked Water” reported in each Form 5 represent the cumulative amount of retail water served to OVP and constitutes the cumulative transfer of Overlying Water Rights to YVWD from OVP. The cumulative quantity of retail water served (and in annual increments) to OVP by YVWD and reported per year is:

Annual and Cumulative Volumes of Retail Water Served and Transfer of Overlying Water Rights from Oak Valley Partners to Yucaipa Valley Water District				
Calendar Year	Annual Volume of Retail Water Served by YVWD to OVP (AF)	Cumulative Volume of Retail Water Served by YVWD to OVP (AF)	Annual Transfer of Water Rights from OVP to YVWD (AF)	Cumulative Transfer of Water Rights from OVP to YVWD (AF)
2018	0.2	0.2	0.2	0.2
2019	186.8	187.0	186.6	186.8
2020	365.1	552.1	178.3	365.1
2021	630.2	1,182.3	265.1	630.2
2022	790.3	1,972.6	160.1	790.3

Therefore, the total volume of retail water served to OVP by YVWD since 2018 is 1,972.6 acre-feet and the cumulative transfer of Overlying Water Rights from OVP to YVWD is 790.3 acre-feet; which, per the amended Section 7.0 (b) of the Rules and Regulations, “When an Overlying Party receives water service, 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.”

8. **Notice.** Per Section 7.1 of the Rules and Regulations, “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.”

Attachments:

1. Resolution 2017-02
2. 2018-03-21 OVP-YVWD Transfer of Overlying Rights
3. 2018-07-27 OVP-YVWD Transfer of Overlying Rights
4. 2018-09-26 OVP-YVWD Transfer of Overlying Rights
5. 2019-01-11 OVP-YVWD Transfer of Overlying Rights
6. Resolution 2019-02
7. 2022-03-10 BBWM Special Meeting – item 6
8. YVWD 2018 Form 5
9. YVWD 2019 Form 5
10. YVWD 2020 Form 5
11. YVWD 2021 Form 5
12. YVWD 2022 Form 5
13. 2019-11-19 OVP-YVWD Transfer of Overlying Rights

RESOLUTION NO. 2017-02

A RESOLUTION OF THE BEAUMONT BASIN WATERMASTER APPROVING THE TRANSFER OF OVERLYING WATER RIGHTS TO SPECIFIC PARCELS

WHEREAS, the Stipulated Judgment establishing the Beaumont Basin Watermaster (Riverside Superior Court Case No. 389197) ("Adjudication") was filed with the Superior Court of California, County of Riverside on February 4, 2004; and

WHEREAS, Oak Valley Partners, L.P. ("OVP") was designated as holding Overlying Water Rights within the Adjudication, with an overall water amount of 1806 acre-feet/year spread over 5,331.65 acres under the then-specified Safe Yield of the basin as described in the Adjudication. As specified in the Adjudication, OVP's property consists of numerous assessor parcels that are identified within Exhibit D of the Adjudication ("OVP Adjudication Parcels"). Section III, 3(G) of the Adjudication outlines OVP's intended development of its property and specifies the process that OVP may utilize to arrange the transfer of its Overlying Water Rights to particular development parcels eventually to be serviced by one or more retail water service providers upon annexation; and

WHEREAS, OVP now desires to have its designated Overlying Water Rights acknowledged in the Adjudication assigned to the requisite Assessor Parcel Numbers within the Summerwind Ranch Specific Plan ("Project") that correlate to certain of the OVP Adjudication Parcels; and

WHEREAS, the OVP Adjudication Parcels listed on Exhibit D of the Adjudication that correlate to the Project parcels and which total 2409.02 acres include the following parcel numbers from Exhibit D:

- 413-040-002;
- 413-160-003 through 007;
- 413-170-020, 021, 023, 027 through 031, 033, and 035;
- 413-180-017 and 019;
- 413-190-001 and 011;
- 413-200-002, 010, 014, 015, 020, 023, 024, 026 through 030, and 034 through 037;
- 413-290-003 and 007;
- 413-460-038; and

WHEREAS, the Assessor Parcel Numbers for the Project parcels that correlate to the above-designated OVP Adjudication Parcels as contained in Exhibit D to the Adjudication are listed and specified in Exhibit 1 attached hereto; and

WHEREAS, OVP desires that Watermaster approve the transfer of all of OVP's Overlying Water Rights designated within the Adjudication to the Project parcels identified in Exhibit 1 attached hereto for the development of the Project by OVP and its successors and/or assigns; and

WHEREAS, OVP further intends to secure commitments from the Yucaipa Valley Water District to provide water service to development phases of the Project, and requests that when those commitments are made and water service is provided to the designated Project parcels that the Overlying Water Rights for those Project parcels be transferred to the Yucaipa Valley Water District ("YVWD") consistent with the Adjudication.

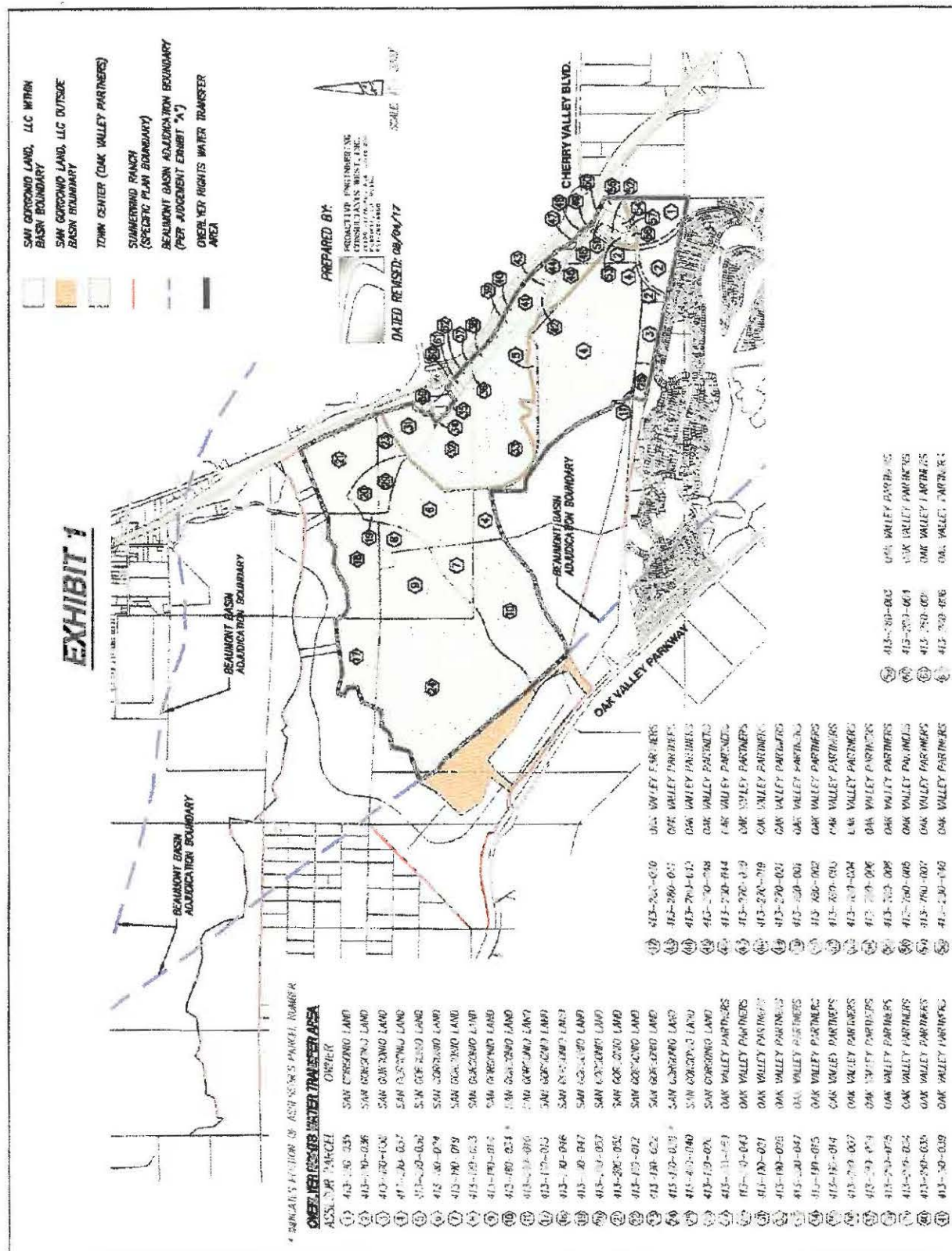
NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN WATERMASTER as follows:

1. Transfer of Overlying Water Rights. Watermaster hereby approves the transfer of all of OVP's Overlying Water Rights to the Project parcels listed on Exhibit 1 attached hereto to provide for the development phases of the Project by OVP and its successors/assigns. OVP shall immediately inform Watermaster of any successor or assign who takes ownership of one or more Project parcels listed on Exhibit 1 to which Overlying Water Rights have been transferred. As of this time, the amount of water associated with the OVP Overlying Water Rights is consistent with the relationship between the redetermined safe yield (6700 acre-feet) and the original Safe Yield (8650 acre-feet), or in other words 77.5% of the original amount identified to OVP in Exhibit B to the Adjudication.
2. Transfer of Rights on Confirmed Water Service by YVWD. Once OVP and/or its successor(s) or assigns secures commitments from the Yucaipa Valley Water District to provide water service to the development phases of the Project, and when water service is provided to the designated Project parcels, then the overlying water rights for those Project parcels shall be transferred to YVWD. YVWD shall report to Watermaster when it has provided retail water service to various properties making up portions of the Project and Watermaster shall account for the same consistent with Section VI, 5. W. of the Adjudication.
3. Use of Wells. The existing and future wells on the Project parcels may be used to extract water for use on the Project parcels and/or any remaining OVP parcels, consistent with the Adjudication and current and future Watermaster rules, regulations and policies.
4. Further Documentation or Action. The Chief of Watermaster Services or Watermaster Engineer is hereby authorized and directed to execute such further documents and instruments, and take such further action, as shall be reasonably required to carry out the purposes and intent of this resolution.
5. Effective Date. The effective date of this resolution is August 30, 2017.

PASSED AND ADOPTED by the Beaumont Basin Watermaster this 30th day of August 2017.

BEAUMONT BASIN WATERMASTER

By: 
Art Vela, Chairman of the
Beaumont Basin Watermaster





Yucaipa Valley Water District

12770 Second Street • P. O. Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.dst.ca.us

March 21, 2018

Mr. Tony Lara, Secretary
Beaumont Basin Watermaster
c/o Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, California 92223

Thierry Montoya
Alvarado Smith
1 MacArthur Place, Suite 200
Santa Ana, California 92707

Hannibal Blandon
ALDA Engineering
5928 Vineyard Avenue
Alta Loma, California 91701

Subject: Transfer of Overlying Water Rights in the Beaumont Basin for Tract No. 32702 (141 lots) and Tract No. 32702-5 (105 lots) Pursuant to Beaumont Basin Watermaster Resolution No. 2017-02

Gentlemen:

On March 20, 2018, the Board of Directors of the Yucaipa Valley Water District accepted the transfer of Overlying Water Rights from Oak Valley Partners for Tract No. 32702 (141 lots) and Tract No. 32702-5 (105 lots) pursuant to Beaumont Basin Watermaster Resolution No. 2017-02 adopted on August 30, 2017.

The attached correspondence dated March 9, 2018, confirms the transfer of 90.94 acre-feet of overlying water rights from Oak Valley Partners and the acceptance of said overlying-appropriative water rights by Yucaipa Valley Water District.

Sincerely,

Joseph B. Zoba
General Manager

Copies to:

- John Ohanian, Oak Valley Partners
- Mike Turner, Argent Management

Directors and Officers

CHRISTOPHER MANN
Division 1

BRUCE GRANLUND
Division 3

JAY BOGH
Division 4

LONNI GRANLUND
Division 2

THOMAS SHALHOUB
Division 5

JOSEPH B. ZOBA
General Manager
and Secretary



Yucaipa Valley Water District

12770 Second Street • P. O. Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.dst.ca.us

July 27, 2018

Mr. Dan Jagers, Secretary
Beaumont Basin Watermaster
c/o Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, California 92223

Thierry Montoya
Alvarado Smith
1 MacArthur Place, Suite 200
Santa Ana, California 92707

Hannibal Blandon
ALDA Engineering
5928 Vineyard Avenue
Alta Loma, California 91701

Subject: Transfer of 59.89 Acre Feet of Overlying Water Rights in the Beaumont Basin for Tract Nos. 32702-1 (121 lots) and 32702-2 (41 lots) Pursuant to Beaumont Basin Watermaster Resolution No. 2017-02

Gentlemen:

The Yucaipa Valley Water District has accepted the transfer of Overlying Water Rights from Oak Valley Partners for Tract Nos. 32702-1 and 32702-2 (162 lots) pursuant to Beaumont Basin Watermaster Resolution No. 2017-02 adopted on August 30, 2017.

The attached correspondence dated July 5, 2018, confirms the transfer of 59.89 acre-feet of overlying water rights from Oak Valley Partners and the acceptance of said overlying-appropriative water rights by Yucaipa Valley Water District.

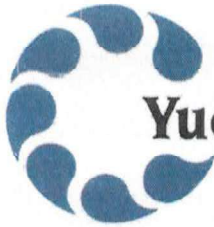
Sincerely,

/s/ Joseph B. Zoba

Joseph B. Zoba
General Manager

Copies to:

- John Ohanian, Oak Valley Partners
- Mike Turner, Argent Management



Yucaipa Valley Water District

12770 Second Street • P. O. Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.dst.ca.us

September 26, 2018

Mr. Dan Jagers, Secretary
Beaumont Basin Watermaster
c/o Beaumont Cherry Valley Water District
560 Magnolia Avenue
Beaumont, California 92223

Thierry Montoya
Alvarado Smith
1 MacArthur Place, Suite 200
Santa Ana, California 92707

Hannibal Blandon
ALDA Engineering
5928 Vineyard Avenue
Alta Loma, California 91701

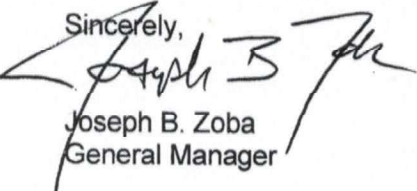
Subject: Transfer of 29.57 Acre Feet of Overlying Water Rights in the Beaumont Basin for Tract No. 32702-3 (80 lots) Pursuant to Beaumont Basin Watermaster Resolution No. 2017-02

Gentlemen:

The Yucaipa Valley Water District has accepted the transfer of Overlying Water Rights from Oak Valley Partners for Tract Nos. 32702-3 (80 lots) pursuant to Beaumont Basin Watermaster Resolution No. 2017-02 adopted on August 30, 2017.

The attached correspondence dated September 17, 2018, confirms the transfer of 29.57 acre-feet of overlying water rights from Oak Valley Partners and the acceptance of said overlying-appropriative water rights by Yucaipa Valley Water District.

Sincerely,


Joseph B. Zoba
General Manager

Copies to:

- John Ohanian, Oak Valley Partners
- Mike Turner, Argent Management

Directors and Officers

CHRISTOPHER MANN
Division 1

BRUCE GRANLUND
Division 2

JAY BOGH
Division 3

LONNI GRANLUND
Division 4

THOMAS SHALHOUB
Division 5

JOSEPH B. ZOBA
General Manager
and Secretary

Beaumont Basin Watermaster - October 3, 2018 - Page 3 of 39

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.

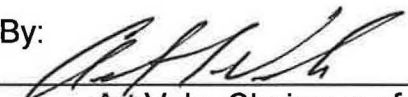
**NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN
WATERMASTER AS FOLLOWS:**

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 25th day of June 2019.

BEAUMONT BASIN WATERMASTER

By:



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

Total 8,650.0¹

6,700.0²

1. Original Safe Yield - February 4, 2004

2. Recalculated Safe Yield - Resolution No. 2015-01

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:

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

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

Attachment 6

Beaumont 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 Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Partners ("Overlying Owner") and that all original 1,806 / revised 1,398.90 acre feet ("Earmarked Water") of Overlying Water Rights will be transferred to the Appropriator when the Overlying Owner received water service on October 9, 2018.

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

Oak Valley Development Company /
Oak Valley Partners

Overlying Party

John Ohanian

Authorized Agent - Print Name

Director of Development
Title

[Signature]
Signature

11/18/2019

Date

Post Office Box 645

Calimesa, California 92320

Address for Notice

(909) 795-8941

Telephone

johanian@tvglc.com

Email Address

APPROPRIATOR

Yucaipa Valley Water District

Appropriator Party

Joseph B. Zoba

Authorized Agent - Print Name

General Manager

Title

[Signature]
Signature

Nov. 9, 2019

Date

Post Office Box 730

Yucaipa, California 92399

Address for Notice

(909) 797-5119 x2

Telephone

jzoba@yvwd.us

Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:

MEMORANDUM

TO: Beaumont Basin Watermaster
FROM: [Thierry R. Montoya](#)
DATE: March 8, 2022
RE: Effect of Court Ruling on Production v. Extraction Credits

On August 31, 2021, the Hon. Irma Asberry ruled on the two motions filed by Yucaipa Valley Water District (“YVWD”). “The first motion was to rescind Watermaster Rule 7.3 (formerly 7.8) and the second was to order the Watermaster to recognize Oak Valley Partners, LP’s transfer of overlying water rights.” See, Attached Notice of Entry of Order (“Order”), Exhibit “B.” The Court denied these motions without prejudice. YVWD did not pursue a motion for reconsideration nor an appeal.

A denial or requested relief “without prejudice” means that a new motion[s] is possible if based on new facts. However, the Order effectively reads as a dismissal with prejudice—as the scope of the briefing leaves little prospect for any viable “new fact[s]” for reconsideration.

The Order went through extensive detail identifying the issues raised in the pleadings, and the Court’s justification for denying the requested relief in a manner that leaves little unturned ground. The Order dismissed the requested relief on grounds that: i) Rule 7.3 conflicts with the physical solution; ii) Rule 7.3 was inconsistent with the Amended Judgment’s provision that only “supplemental water” may be stored within the Basin; iii) appropriator’s production rights do not include unused overlying water rights; iv) Rule 7.3 impedes the overlying parties’ rights to transfer their water rights to appropriators; and, v) appropriator storage accounts potentially harm the Basin’s interest and that such storage does not amount to a beneficial water usage. See, Order, Exhibits. “A” and “B,” pages 16-19.

The accompanying Order affirms Rule 7.3 and the overlying-to-appropriative water rights transfer process in a decisive manner. The Order should, therefore, guide Watermaster’s consideration of production and extraction credits issues.

ORIGINAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SEP 14 2021

K. Thomsen

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SEP 14 2021
R

1 KEITH E. MCCULLOUGH (CA Bar No. 142519)
kmccullough@AlvaradoSmith.com
2 THIERRY R. MONTOYA (CA Bar No. 158400)
tmontoya@AlvaradoSmith.com
3 ALVARADOSMITH
A Professional Corporation
4 1 MacArthur Place, Suite 200
Santa Ana, California 92707
5 Tel: (714) 852-6800
Fax: (714) 852-6899

6 Attorneys for Defendant
7 BEAUMONT BASIN WATERMASTER

EXEMPT FROM FILING FEES
GOV'T CODE § 6103

8
9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF RIVERSIDE HALL OF JUSTICE

BY FAX

12 SAN TIMOTEO WATERSHED
13 MANAGEMENT AUTHORITY, a public
agency,

CASE NO.: RIC389197

14 Plaintiff,

15 v.

16 CITY OF BANNING, a municipal
17 corporation; BEAUMONT-CHERRY
VALLEY WATER DISTRICT, an irrigation
18 district; YUCAIPA VALLEY WATER
DISTRICT, a county water District;
19 PLANTATION ON THE LAKE LLC, a
California limited liability Company;
20 SHARONDALE MESA OWNERS
ASSOCIATION; an unincorporated
21 association; SOUTH MESA MUTUAL
22 WATER COMPANY, a mutual water
company, CALIFORNIA OAK VALLEY
23 GOLF AND RESORT LLC, a California
limited liability company; OAK VALLEY
24 PARTNERS LP, a Texas limited Partnership;
25 SOUTHERN CALIFORNIA SECTION OF
THE PROFESSIONAL GOLFERS
26 ASSOCIATION OF AMERICA, a California
Corporation; SUNNY-CAL EGG AND
27 POULTRY COMPANY, a California
corporation; MANHEIM, MANHEIM &
28

NOTICE OF ENTRY OF ORDER RE
YUCAIPA VALLEY WATER
DISTRICT'S MOTIONS SEEKING: I)
AN ORDER DIRECTING THE
BEAUMONT BASIN WATERMASTER
TO AMEND THE 2019 ANNUAL
REPORT TO ADJUST OAK VALLEY
PARTNER LP'S OVERLYING WATER
RIGHTS AND YVWD APPROPRIATIVE
WATER RIGHTS, AND II) AN ORDER
RESCINDING BEAUMONT BASIN
WATERMASTER RULE 7.3

Assigned for All Purposes to:
Hon. Judge Irma Poole Asberry, Dept. 05

Date: August 31, 2021

Time: 8:30 a.m.

Dept.: Dept. 5

Action Filed: February 20, 2003
Trial Date: N/A

BERMAN, a California General Partnership;
WALTER M. BECKMAN, individually and
as Trustee of the BECKMAN FAMILY
TRUST dated December 11, 1990; THE
ROMAN CATHOLIC BISHOP OF SAN
BERNARDINO, a California 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.

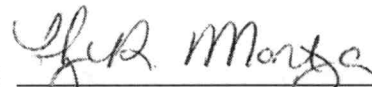
TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that the Court has entered the Order Re Yucaipa Valley Water District's Motions Seeking: I) An Order Directing The Beaumont Basin Watermaster To Amend The 2019 Annual Report To Adjust Oak Valley Partner LP's Overlying Water Rights And YVWD Appropriative Water Rights, And II) An Order Rescinding Beaumont Basin Watermaster Rule 7.3. A copy of said Orders are attached hereto as Exhibit "A." The Tentative Ruling is attached hereto as Exhibit "B."

Dated: September 13, 2021

ALVARADOSMITH APC

By:



KEITH E. MCCULLOUGH
THIERRY R. MONTOYA
Attorneys for Defendant
BEAUMONT BASIN
WATERMASTER

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House

Hearing re: Motion for an Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster 2019 Annual Report to Adjust Oak Valley Partners LP's Overlying Water Rights and Yucaipa Valley Water District's Appropriative Water Rights

08/31/2021
8:30 AM
Department 5

RIC389197

SAN TIMOTEO WATERHSED MANAGEMENT AUTHORITY vs CITY OF BANNING

Honorable Irma Asberry, Judge
M. Vargas, Courtroom Assistant
Court Reporter: None

APPEARANCES:

CITY OF BANNING [DEF] represented by Barbara Brenner .
BEAUMONT-CHERRY VALLEY WATER DISTRICT [DEF] represented by James Lee Markman.
BEAUMONT BASIN WATERMASTER [TP] represented by Thierry Montoya .
SOUTH MESA MUTUAL WATER COMPANY [DEF] represented by Derek Hoffman and Paige Gosney.
YUCAIPA VALLEY WATER DISTRICT [DEF] represented by Gregory Newmark and Bryan Brown.
Wes Miliband, representing Morongo Band is telephonically present.
John Covington is telephonically present.
Joseph Zoba is telephonically present.
Court Reporter George Dominguez is telephonically present.

The court has published instructions for public access (including Livestream) to this hearing on the court website which can be found under the banner COVID-19 information and court operations. If it is your responsibility to provide notice, the notice is to include the Web-Ex information for Department 5.

This matter is being live streamed for public access

At 10:06 AM, the following proceedings were held:

Motion by Yucaipa Valley Water District regarding Motion for an Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster 2019 Annual Report to Adjust Oak Valley Partners LP's Overlying Water Rights and Yucaipa Valley Water District's Appropriative Water Rights is called for hearing.

After issuance of tentative ruling oral argument(s) was requested

Counsel presents argument.

Court makes the following order(s):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

Historic Court House

Hearing re: Motion for an Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster 2019 Annual Report to Adjust Oak Valley Partners LP's Overlying Water Rights and Yucaipa Valley Water District's Appropriative Water Rights

08/31/2021
8:30 AM
Department 5

RIC389197

SAN TIMOTEO WATERSHED MANAGEMENT AUTHORITY vs CITY OF BANNING

Honorable Irma Asberry, Judge
M. Vargas, Courtroom Assistant
Court Reporter: None

Tentative ruling shall become the ruling of the court.

Motion for an Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster 2019 Annual Report to Adjust Oak Valley Partners LP's Overlying Water Rights and Yucaipa Valley Water District's Appropriative Water Rights is denied without prejudice

Request for Judicial Notice: BCVWD and SMMWC request judicial notice of the Chino Basin Judgment, which YVWD objects to. The court declines to take judicial notice of the judgment as it is not relevant. That judgment is not binding in this court and has no persuasive value. The requests are granted as to SMMWC's remaining request for judicial notice, pursuant to Evidence Code § 452(b).

Factual and procedural background: On 2/20/03, Plaintiff San Timoteo Watershed Management Authority filed this action for an adjudication of groundwater rights in the Beaumont Basin. On 11/25/03, Plaintiff filed the First Amended Complaint. Plaintiff is a joint powers public agency, with Defendants City of Beaumont, Beaumont-Cherry Valley Water District, Yucaipa Valley Water District and South Mesa Mutual Water Company. The remaining Defendants claim a right to the groundwater, but there was an overdraft of the water. On 2/4/04, the parties entered into a stipulated judgment which would limit the amount of water drawn (i.e. safe yield) and the creation of a Watermaster to develop and implement a groundwater management plan. An amended judgment was filed nunc pro tunc to 2/4/04. Since entry of judgment, the court has been involved in enforcing various portions of the judgment, and appoint members.

Yucaipa Valley Water District (YVWD) has filed two related motions. The first is to rescind Watermaster Rule 7.3 (formerly Rule 7.8) and the second is to order the Watermaster to recognize Oak Valley Partners, LP's transfer of overlying water rights. YVWD argues that under the Judgment, Section III.3, overlying partners have the right to transfer their adjudicated water rights to an Appropriator. But the Watermaster issued Rule 7.3 which permanently reallocates unused overlying water to Appropriator Storage Accounts after five years without compensation or commitment to provide water. Accordingly, the Watermaster has refused to recognize YVWD's interests in Oak Valley's water rights. YVWD complains that the Watermaster has been making these allocations without determining the regional water conditions in the basin because the Watermaster does not track use of stored water by Appropriators or losses of water from the basin. As such, on 2/3/21,

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Hearing re: Motion for an Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster 2019 Annual Report to Adjust Oak Valley Partners LP's Overlying Water Rights and Yucaipa Valley Water District's Appropriative Water Rights

08/31/2021
8:30 AM
Department 5

RIC389197

SAN TIMOTEO WATERHSED MANAGEMENT AUTHORITY vs CITY OF BANNING

Honorable Irma Asberry, Judge
M. Vargas, Courtroom Assistant
Court Reporter: None

YVWD proposed Watermaster Resolution 21-01 to rescind Rule 7.3 and to update the annual report. In the second motion, it contends that the Watermaster refuses to acknowledge the earmark for agreeing to provide water service to Oak Valley under the Judgment, contending that it does not apply until the water is delivered—which is not in the judgment. As such, this results in a hoarding by the other Appropriators in the storage accounts. It asserts that limiting in this will permanently transfer rights to the other Appropriators while restricting their water rights, and causing major financial losses for it.

The Watermaster has filed an opposition, contending that YVWD's motion is untimely as it is filed beyond the 90 days for challenging any decisions. It contends that the rule is consistent with the Watermaster's powers under the Judgment to account for water rights transfers and storage, which includes the ability to reclassify overlying water rights based on non-use. It argues that previously, YVWD complied with Rule 7 to obtain water transfer credits when it provided water service to Oak Valley, but now seeks credit to the water storage account in the full amount of Oak Valley's former overlying water rights. It argues that YVWD speculates about any harm. For both motions, it argues that if YVWD complies with Resolution 2017-02, i.e. providing water service, it will obtain the credit. It asserts that YVWD's contract with Oak Valley is a lease and not a water transfer.

Beaumont-Cherry Valley Water District (BCVWD) submits an omnibus opposition and contends to allow YVWD's transfer would violate the Judgment of allowing appropriators on an equitable basis. It argues that the Judgment does not allow for transferability of rights between overlying owners and appropriators. It contends that YVWD improperly seeks to reallocate unpumped overlying rights, which would allow it to profit by leasing the overlying water rights. It points to a comparable scenario under the Chino Judgment, which specifically allows transfers, but no such provision is allowed here.

South Mesa Water Company (SMWC) also contends that the motion is untimely. It contends that it was YVWD who developed and recommended the rules it now wants to invalidate. It asserts Rule 7.3 is consistent with common law regarding reclassification of overlying water rights. At the time of the adoption of the Rule, then Watermaster Engineer (Wildermuth Engineering) analyzed the purpose of the rule and noted that for appropriators to obtain access to the safe yield, it would have to be based

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Honorable Irma Asberry, Judge
M. Vargas, Courtroom Assistant
Court Reporter: None

on overlying parties to under produce. It argues that the Rule is consistent with the Physical Solution and the California Constitutional requirement to prevent waste. It asserts that there is no evidence that the Rule harms the Basin, as YVWD has an interest in trying to obtain more water from the Basin since it is relying more and more on outside water sources. If YVWD is successful, that it would have to replace the water source it needs. For the second motion, it argues that YVWD is improperly trying to effectuate a backdated transfer without actually providing water services to Oak Valley. On the second motion, it argues that water service is actually required. It repeats that YVWD approved Resolution 2019-02, but it was YVWD who backdated the form of an effective date of 10/9/18 in order to receive Oak Valley's entire water allotment.

The City of Banning filed a joinder to the oppositions filed by the other parties.

YVWD filed separate replies to address each of the oppositions, but they provide primarily similar arguments. It argues that when Resolution 2017-02 that water service would be provided, it did not understand that this would support only rights transferred on a parcel by parcel basis, rather than the entire development. It points out that Form 5 changed by removing references to specific parcels, and that transfers were made to the overlying owner rather than parcel. It contends that under Rule 7.1, the Watermaster's actions are merely ministerial, which was to comport with the Judgment. It contends that the Judgment acknowledges that the Oak Valley development would apply to the property as a whole. For Rule 7.3, it argues that the Watermaster created new rights not contemplated by the Judgment. It contends that there can be no storage of water other than supplemental water. It asserts that current droughts are not sufficient to depart from the Judgment. It contends that it creates a windfall for the other appropriators.

The Morongo Band of Mission Indians filed a positional statement on 8/12/21. It wants to preserve its overlying rights (via the Tukwet Canyon Golf Course). It contends that transfers do not occur until water service is actually provided, and supports the Rule in that respect. It argues that the requirement of beneficial use should allow it to transfer rights to unused water to other parties inexchange for compensation. The Watermaster's response to the Morongo Band, contends that the Morongo Band has not identified an actual harm from Rule 7.3 to require adjudication by the court

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Honorable Irma Asberry, Judge
M. Vargas, Courtroom Assistant
Court Reporter: None

and there is no indication that the Morongo Band's right to pump has been affected. To the extent it challenges Rule 7.3, the Watermaster contends that it is time barred nor can the court take any action that intrudes on the Watermaster's rule making authority.

As to timeliness of the motions and procedural issues:

Under the judgment:

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:

...

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

(Judgment, ¶VII.6.) YVWD does not dispute that the Watermaster passed Rule 7.3 in 2008 and did not bring a motion with the court to challenge the rule—despite the fact that Joseph Zoba on behalf of YVWD dissented to the rule. (Zoba Decl. ¶26.) Under the Judgment, the Watermaster consists of a committee of persons nominated by the City of Banning, City of Beaumont, BCVWD, SMMWC, and YVWD. (Judgment ¶VI.4.) Under YVWD's interpretation, any time the Watermaster adopts a rule, it can be challenged by a subsequent challenge trying to rescind the rule—which is exactly what YVWD did. This attempt would render the time limitations meaningless since YVWD has the ability via its nominee on the Watermaster to introduce resolutions to challenge rules and restart the clock on challenging years-old decisions. This appears an attempt to get around the time limitations. However, YVWD is correct that the court apparently has jurisdiction on its own motion to consider these issues.

As to the Morongo Band's "statement," to the extent that Morongo seeks affirmative relief, it should file its own motion. Based on the information provided, Morongo has no current controversy to adjudicate. To the extent that Morongo seeks to sell its surplus water, that issue is not currently before the court.

Tentative Ruling to be filed.

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Honorable Irma Asberry, Judge
M. Vargas, Courtroom Assistant
Court Reporter: None

EXHIBIT B

questions are referring to. The original motion does include, though, a copy of the interrogatories sent to Defendant which includes interrogatory number 34. This is a minor issue and does not warrant denying the entire motion or continuing this hearing.

Interrogatory No. 2 asks Securitas to confirm it made a complete search of all records and a diligent inquiry in attempting to discover all available information relating to this action. In response, Defendant objected to the relevance of this interrogatory arguing that it is not directed at discovering information permitted under CCP §2030.010(b).

CCP §2030.010(b) provides that “[a]n interrogatory may relate to whether another party is making a certain contention, or to the facts, witnesses, and writings on which a contention is based. An interrogatory is not objectionable because an answer to it involves an opinion or contention that relates to fact or the application of law to fact, or would be based on information obtained or legal theories developed in anticipation of litigation or in preparation for trial.” Whether or not Defendant has conducted a diligent search and thorough inquiry in searching for documents to provide in discovery relates to the facts, witnesses, and writings on which Defendant’s contentions are based. Whether Defendant has performed a diligent search is relevant. If they haven’t, more discovery would certainly be required. Further response is required.

Interrogatories 34 – 41 and 43 as for all information related to claims made within the last ten years by persons alleging injury due to improper conduct by a guard employed by Securitas. The requests are relevant to the causes of action. However they are overboard in scope. Evidence from other similar cases may help the parties and/or the court in determining whether or not this particular security guard was acting within the course and scope of his duties and shed light on other information relevant to prove or disprove the claims and defenses. Securitas’ has stated objections and argues that these interrogatories are burdensome and oppressive as they do not maintain an informational database regarding claims of improper conduct by its security guards. This is a fair objection. As illustrated in Securitas’ Opposition, the sheer number of security guards employed by Securitas (potentially up to 100,000 nationwide) makes answering this interrogatory as worded burdensome. The court therefore limits the scope as described above.

Securitas also argues the term “improper conduct” is vague. This is well taken, as improper conduct could range from verbal assault to theft to sexual misconduct. A claim for theft is not analogous to the instant claim for physical assault and would force Securitas to unnecessarily review and provide irrelevant documents. Thus, the scope is limited as described above.

Securitas also asserts a privacy rights argument as to the privacy of third parties who are not part of this lawsuit. Thus, the parties are ordered to meet and confer regarding a protective order.

6.

RIC389197	SAN TIMOTEO WATERHSED MANAGEMENT AUTHORITY vs CITY OF BANNING	Joinder to Motion for Order Directing the Beaumont Basin Watermaster to Rescind Beaumont Basin Watermaster Rule 7.3
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Tentative Ruling: See Tentative Ruling No. 9 below.

7.

RIC389197	SAN TIMOTEO WATERHSED MANAGEMENT AUTHORITY vs CITY OF BANNING	Joinder to Motion for Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster’s 2019 Annual Report
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Tentative Ruling: See Tentative Ruling No. 9 below.

8.

RIC389197	SAN TIMOTEO WATERHSED MANAGEMENT AUTHORITY vs CITY OF BANNING	Corrected Motion for an Order Directing the Beaumont Basin Watermaster to Rescind Beaumont Basin Watermaster Rule 7.3
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Tentative Ruling: See Tentative Ruling No. 9 below.

9.

RIC389197	SAN TIMOTEO WATERHSED MANAGEMENT AUTHORITY vs CITY OF BANNING	Motion for an Order Directing the Beaumont Basin Watermaster to Amend the Beaumont Basin Watermaster 2019 Annual Report to Adjust Oak Valley Partners LP's Overlying Water Rights and Yucaipa Valley Water District's Appropriative Water Rights
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Tentative Ruling: Denied without prejudice. The discussion of matters in this Ruling also apply to Nos. 6 – 8 above.

Request for Judicial Notice: BCVWD and SMMWC request judicial notice of the Chino Basin Judgment, which YVWD objects to. The court declines to take judicial notice of the judgment as it is not relevant. That judgment is not binding in this court and has no persuasive value. The requests are granted as to SMMWC's remaining request for judicial notice, pursuant to Evidence Code § 452(b).

Factual and procedural background: On 2/20/03, Plaintiff San Timoteo Watershed Management Authority filed this action for an adjudication of groundwater rights in the Beaumont Basin. On 11/25/03, Plaintiff filed the First Amended Complaint. Plaintiff is a joint powers public agency, with Defendants City of Beaumont, Beaumont-Cherry Valley Water District, Yucaipa Valley Water District and South Mesa Mutual Water Company. The remaining Defendants claim a right to the groundwater, but there was an overdraft of the water. On 2/4/04, the parties entered into a stipulated judgment which would limit the amount of water drawn (i.e. safe yield) and the creation of a Watermaster to develop and implement a groundwater management plan. An amended judgment was filed nunc pro tunc to 2/4/04. Since entry of judgment, the court has been involved in enforcing various portions of the judgment, and appoint members.

Yucaipa Valley Water District (YVWD) has filed two related motions. The first is to rescind Watermaster Rule 7.3 (formerly Rule 7.8) and the second is to order the Watermaster to recognize Oak Valley Partners, LP's transfer of overlying water rights. YVWD argues that under the Judgment, Section III.3, overlying partners have the right to transfer their adjudicated water rights to an Appropriator. But the Watermaster issued Rule 7.3 which permanently reallocates unused overlying water to Appropriator Storage Accounts after five years without compensation or commitment to provide water. Accordingly, the Watermaster has refused to recognize YVWD's interests in Oak Valley's water rights. YVWD complains that the Watermaster has been making these allocations without determining the regional water conditions in the basin because the Watermaster does not track use of stored water by Appropriators or losses of water from the basin. As such, on 2/3/21, YVWD proposed Watermaster Resolution 21-01 to rescind Rule 7.3 and to update the annual report. In the second motion, it contends that the Watermaster refuses to acknowledge the earmark for agreeing to provide water service to Oak Valley under the Judgment, contending that it does not apply until the water is delivered—which is not in the judgment. As such, this results in a hoarding by the other Appropriators in the storage accounts.

It asserts that limiting in this will permanently transfer rights to the other Appropriators while restricting their water rights, and causing major financial losses for it.

The Watermaster has filed an opposition, contending that YVWD's motion is untimely as it is filed beyond the 90 days for challenging any decisions. It contends that the rule is consistent with the Watermaster's powers under the Judgment to account for water rights transfers and storage, which includes the ability to reclassify overlying water rights based on non-use. It argues that previously, YVWD complied with Rule 7 to obtain water transfer credits when it provided water service to Oak Valley, but now seeks credit to the water storage account in the full amount of Oak Valley's former overlying water rights. It argues that YVWD speculates about any harm. For both motions, it argues that if YVWD complies with Resolution 2017-02, i.e. providing water service, it will obtain the credit. It asserts that YVWD's contract with Oak Valley is a lease and not a water transfer.

Beaumont-Cherry Valley Water District (BCVWD) submits an omnibus opposition and contends to allow YVWD's transfer would violate the Judgment of allowing appropriators on an equitable basis. It argues that the Judgment does not allow for transferability of rights between overlying owners and appropriators. It contends that YVWD improperly seeks to reallocate unpumped overlying rights, which would allow it to profit by leasing the overlying water rights. It points to a comparable scenario under the Chino Judgment, which specifically allows transfers, but no such provision is allowed here.

South Mesa Water Company (SMWC) also contends that the motion is untimely. It contends that it was YVWD who developed and recommended the rules it now wants to invalidate. It asserts Rule 7.3 is consistent with common law regarding reclassification of overlying water rights. At the time of the adoption of the Rule, then Watermaster Engineer (Wildermuth Engineering) analyzed the purpose of the rule and noted that for appropriators to obtain access to the safe yield, it would have to be based on overlying parties to under produce. It argues that the Rule is consistent with the Physical Solution and the California Constitutional requirement to prevent waste. It asserts that there is no evidence that the Rule harms the Basin, as YVWD has an interest in trying to obtain more water from the Basin since it is relying more and more on outside water sources. If YVWD is successful, that it would have to replace the water source it needs. For the second motion, it argues that YVWD is improperly trying to effectuate a backdated transfer without actually providing water services to Oak Valley. On the second motion, it argues that water service is actually required. It repeats that YVWD approved Resolution 2019-02, but it was YVWD who backdated the form of an effective date of 10/9/18 in order to receive Oak Valley's entire water allotment.

The City of Banning filed a joinder to the oppositions filed by the other parties.

YVWD filed separate replies to address each of the oppositions, but they provide primarily similar arguments. It argues that when Resolution 2017-02 that water service would be provided, it did not understand that this would support only rights transferred on a parcel by parcel basis, rather than the entire development. It points out that Form 5 changed by removing references to specific parcels, and that transfers were made to the overlying owner rather than parcel. It contends that under Rule 7.1, the Watermaster's actions are merely ministerial, which was to comport with the Judgment. It contends that the Judgment acknowledges that the Oak Valley development would apply to the property as a whole. For Rule 7.3, it argues that the Watermaster created new rights not contemplated by the Judgment. It contends that there can be no storage of water other than supplemental water. It asserts that current droughts are not sufficient to depart from the Judgment. It contends that it creates a windfall for the other appropriators.

The Morongo Band of Mission Indians filed a positional statement on 8/12/21. It wants to preserve its overlying rights (via the Tukwet Canyon Golf Course). It contends that transfers do not occur until water service is actually provided, and supports the Rule in that respect. It argues that the requirement of beneficial use should allow it to transfer rights to unused water to other parties in

exchange for compensation. The Watermaster's response to the Morongo Band, contends that the Morongo Band has not identified an actual harm from Rule 7.3 to require adjudication by the court and there is no indication that the Morongo Band's right to pump has been affected. To the extent it challenges Rule 7.3, the Watermaster contends that it is time barred nor can the court take any action that intrudes on the Watermaster's rule making authority.

As to timeliness of the motions and procedural issues:

Under the judgment:

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:

...

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

(Judgment, ¶VII.6.) YVWD does not dispute that the Watermaster passed Rule 7.3 in 2008 and did not bring a motion with the court to challenge the rule—despite the fact that Joseph Zoba on behalf of YVWD dissented to the rule. (Zoba Decl. ¶26.) Under the Judgment, the Watermaster consists of a committee of persons nominated by the City of Banning, City of Beaumont, BCVWD, SMMWC, and YVWD. (Judgment ¶VI.4.) Under YVWD's interpretation, any time the Watermaster adopts a rule, it can be challenged by a subsequent challenge trying to rescind the rule—which is exactly what YVWD did. This attempt would render the time limitations meaningless since YVWD has the ability via its nominee on the Watermaster to introduce resolutions to challenge rules and restart the clock on challenging years-old decisions. This appears an attempt to get around the time limitations. However, YVWD is correct that the court apparently has jurisdiction on its own motion to consider these issues.

As to the Morongo Band's "statement," to the extent that Morongo seeks affirmative relief, it should file its own motion. Based on the information provided, Morongo has no current controversy to adjudicate. To the extent that Morongo seeks to sell its surplus water, that issue is not currently before the court.

Legal authorities and analysis: The California Constitution, Article X, §2, limits water rights to reasonable and beneficial uses. (City of Santa Maria v. Adam (2012) 211 Cal.App.4th 266, 277-278.) The state owns the groundwater in that it has the right to supervise and regulate water use, while water rights holders do not own the water, but rather, have the right to use the water as long as they do not waste it. (Ibid. at 278.) The reasonable and beneficial use "consideration applies to all water users, regardless of the source from which their rights are grounded [citation], because no party has a protectable interest in the unreasonable use of water." (Antelope Valley Groundwater Cases (2021) 62 Cal.App.5th 992, 1024–1025, review denied (July 21, 2021).)

Water rights in an underground basin are classified as overlying, appropriative or prescriptive. (City of Barstow v. Mojave Water Agency (2000) 23 Cal.4th 1224, 1240.) An overlying right is based on land ownership and provides the right to take underground water for use on his land, similar to a riparian owner. (Ibid.) An overlying rights holder has superior and priority rights over those who do not have priority but are limited "to a reasonable beneficial use." (Ibid.) An appropriator right is the actual taking of surplus water, but yield to the overlying right holder when there is a shortage. (Id. at 1241.) A prescriptive right is the taking of water (that is not surplus) that is "actual, open and notorious, hostile and adverse to the original owner, continuous and uninterrupted for the statutory period of five years, and under claim of right." (Id.)

As to Rule 7.3, under the Judgment, the court's review is de novo, and the decision is final and binding on the Watermaster and parties. (Amended Judgment, ¶VII.6.D.)

The Judgment creates the "Physical Solution," in which the purpose "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." (Amended Judgment, ¶V.1.) It requires flexibility. (Amended Judgment, ¶V.2.) It is to address all production and storage within the Basin. (Amended Judgment, ¶V.3.) "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." (Ibid.) The Judgment created the Watermaster, who has "discretionary powers to develop and implement a groundwater management plan and program." (Amended Judgment, ¶VI.2.) Except for the overlying parties exercising their rights, "groundwater extractions and the replenishment thereof, and the storage of Supplemental Water, shall be subject to procedures established and administered by the Watermaster." (Ibid.) This includes "[t]he monitoring of groundwater levels, ground levels, storage, and water quality." (Amended Judgment, ¶VI.5.G.) While YVWD asserts that the Judgment did not allow for the creation of Rule 7.3, the Judgment gave the Watermaster broad discretion to implement a groundwater management plan. Rule 7.3 is merely the process. The issue is whether in implementing Rule 7.3 does it currently violate the goals of the physical solution.

"A physical solution is an equitable remedy designed to alleviate overdrafts and the consequential depletion of water resources in a particular area, consistent with the constitutional mandate to prevent waste and unreasonable water use and to maximize the beneficial use of this state's limited resource. (Cal. Const., art. X, § 2.) Courts are vested with not only the power but also the affirmative duty to suggest a physical solution where necessary, and it has 'the power to enforce such solution regardless of whether the parties agree.' " (California American Water v. City of Seaside (2010) 183 Cal.App.4th 471, 480.)

Rule 7.3 provides:

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.

...

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.

(Zoba Decl., Ex. J.)

Under the Amended Judgment, overlying parties have the right to exercise their overlying rights. (Amended Judgment, ¶¶III.1 and ¶¶III.3.A.) The only limitation is if an overlying party seeks water service from an appropriator party (i.e. the four public entities—City of Banning, BCVWD, SMWC and YVWD), “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 Right...for the purpose of serving the Overlying Party. The intent of this provision is to ensure that the Overlying Party is given credit towards satisfying the water availability assessment provisions of Government Code, Section 66473.7 et seq. and Water Code, Section 10910 et seq. or other similar provisions of law, equal to the amount of groundwater earmarked hereunder.” (Amended Judgment, ¶¶III.3.B.) Both Government Code §66473.7 and Water Code §10910 et seq. require specific water supplies to be identified during specific phases of development. (Preserve Wild Santee v. City of Santee (2012) 210 Cal.App.4th 260, 283.) The Amended Judgment further provides that once the water is earmarked for the appropriator, the overlying party forbears the use of that water, and the appropriator has the right to produce that foregone water of the overlying party. (Amended Judgment, ¶¶III.3.C.)

The Amended Judgment specifically also addresses Oak Valley, which was developing the property. (Amended Judgment, ¶¶III.3.G.) It acknowledged that the future water supply needs will exceed their production. As a result, YVWD asserts that this violates the storage limitations because storage within the Beaumont Basin is limited to supplemental water. (Rule 7.3 Motion, opening memo., p. 11.) Supplemental water is imported water. (Amended Judgment, ¶¶I.3.Z.) The parties are enjoined from storing supplemental water in the Basin for withdrawal, or causing withdrawal of water stored by that party except pursuant to a written groundwater storage agreement with the Watermaster (i.e. “stored water” which is defined as supplemental water stored in the basin pursuant to a groundwater storage agreement with the Watermaster) and in accordance with the Watermaster Rules and Regulations. (Amended Judgment, ¶¶I.3.Y, ¶¶II.2.) Supplemental water not stored pursuant to a Groundwater Storage Agreement is deemed abandoned and not stored water. (Amended Judgment, ¶¶II.2.)

Thus, while the Amended Judgment specifically contemplates storage of supplemental water pursuant to a written agreement and abandoned water, it does not preclude the storage of unused surplus water—it is merely silent. However, as discussed above, the Watermaster has broad discretion to implement a groundwater management plan. The Amended Judgment permits the court “to make such further or supplemental order or directions as may be necessary or appropriate...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....” (Amended Judgment, ¶¶IV.) The only limitation to the court’s jurisdiction is a redetermination of the safe yield during the first ten years and the fractional shares of each appropriator. (Ibid.)

YVWD also argues that because the Appropriators are not required to use the reallocated water, it accumulates in their storage accounts and has not been put to benefit use, i.e. an improper stockpile. There is nothing per se improper about carry over surplus water. For example, in Antelope Valley Groundwater Cases (2021) 62 Cal.App.5th 992, 1039-1040 (review denied 7/21/21), the judgment imposed a limitation on transfers of waters, which the appellant contended violated the reasonable and beneficial use requirements because the water was being stored rather than provided to appellant. The court rejected that argument contending that there was evidence that the transfer and storage maximized available water as it was essential in the management of the basin and restore groundwater levels. (Id.) Here, YVWD provides no

evidence that the long-term management of the Beaumont Basin is mismanaging the replenishment of the water. Furthermore, as it is clear from the request for judicial notice, California is currently in a historic drought. While YVWD asserts that this is a red herring, it provides no evidence that in light of the current drought, replenishment and maintaining supplies of water is not reasonable and beneficial to the long term health of the basin.

What YVWD appears to have an issue is that with the accumulation of storage "credits" without a reflection of the actual amount of water stored in the basin since water losses were not accounted. First, YVWD's position is still speculative. While it is no doubt concerning that the Watermaster has not yet determined the rules for what would happen if this occurred, it has yet to occur. Second, it is not clear how storage credits is a terrible solution, when compared to YVWD's solution. YVWD's intent, based on its concurrent motion, is to obtain all of Oak Village's overlay water rights as of now because the development's water usage will increase and cause a financial burden to it. (Zoba Decl. ¶¶20-22, 25.) Either YVWD intends to use all of Oak Village's allotment of 1,398.90 AF now, or seek credit for the unused allotment. Under the latter, it is the same scenario currently in place—with the only distinction is that the credit goes solely to YVWD and not the other appropriators. Under the former, it is not clear to me how this is a reasonable and beneficial use (as will be discussed in regards to the next motion).

There is currently no evidence presented that the other appropriators are using the credits. There is no evidence that the use of storage credits rather than allowing immediate withdrawal of the water is reasonable and beneficial use. As such, YVWD's motion to rescind Rule 7.3 is denied.

As to amending the 2019 Annual Report to Adjust Water Rights

The main issue presented by this motion is whether YVWD is entitled to Oak Valley's full amount of overlying water rights allocation. The parties dispute whether the Amended Judgment provides limitations. While the various opposing appropriator parties contend that there are limitations, quoting various provisions, including: "To the extent any Overlying Party requests, and uses its Exhibit "B", Column 4 water to obtain water service from an Appropriator Party...." (Amended Judgment, ¶III.3.B.) Such limitations do not appear in the Amended Judgment. The Amended Judgment was written broadly to provide flexibility.

The dispute is on the impact of Resolutions 2017-02 and 2019-02. Resolution 2017-02 acknowledged Oak Valley's intent to have its overlying rights listed in parcels to YVWP when water service is provided to those parcels. (Zoba Decl., Ex. E.) The Watermaster approved the transfer of the overlying water rights to the parcels. There is no dispute that YVWP supported this resolution. Zoba, in reply, asserts he interpreted this as overlying rights to be transferred as a group and not specific parcels. (Reply Zoba Decl. ¶7.) However, that does not appear to be a reasonable interpretation because the resolution specifically states, "OVP's property consists of numerous assessor parcels....Section III, 3(G) of the Adjudication [i.e. Judgment] outlines OVP's intended development of its property and specifies the process that OVP may utilize to arrange the transfer of its Overlying Water Rights to particular development parcels eventually to be serviced by one or more retail water service providers upon annexation..." Throughout the resolution, the specific parcels are mentioned by APN numbers. It also provides "Once OVP...secures commitments from the Yucaipa Valley Water District to provide water service to the development phases of the Project, and when water service is provided to the designated Project parcels, then the overlying water rights for those Project parcels shall be transferred to YVWD. YVWD shall report to Watermaster when it has provided retail water service to various properties making up portions of the Project...." Thereafter, YVWD sent letters confirming transfer of the overlying rights based on specific tracts. (Zoba Decl., Ex. G-H.)

In 2019, the Watermaster adopted Resolution 2019-02 which replaced Section 7 of the Watermaster Rules and Regulations, and adopted Form 5. (Zoba Decl., Ex. J.) Rule 7.0 merely reiterates the Judgment, ¶III.3.) When there is an adjustment of rights, Rule 7.1 requires overlying parties and appropriators to file Form 5 with the Watermaster, who then maintains an accounting.

Form 5 merely identifies the overlying party and appropriator, and how much earmarked water is transferred to the appropriator when the overlying party receives service. YVWD asserts that this demonstrates that it is development specific rather than parcel specific, and that there is no discretion on the Watermaster. The Watermaster has broad discretion under the Amended Judgment, and Resolution 2017-2 was never rescinded or modified. The only issue is the discrepancy between Resolution 2017-2 and Form 5, as the latter does not identify parcel numbers and merely indicates service. The lack of clarity in Form 5 does not suggest that the requirements of Resolution 2017-2 were not sufficient. By YVWD's admission, it complied with Resolution 2017-2 up until Form 5 was adopted.

The Amended Judgment provides discretion in the implementation and management of the Physical Solution. Under YVWD's proposed interpretation, as long as it began service anywhere in the development, it is entitled to the entire allotment of Oak Valley's overlying rights even if only a small portion of the land was actually being developed. Water rights, even overlying rights holders, are subject to reasonable and beneficial use. By linking it to the specific parcels, it ensures that the water will be used in a reasonable and beneficial manner.

The Amended Judgment provides that the overlying party's "groundwater shall be earmarked to the Appropriator Party...for the purpose of serving the Overlying Party." (Amended Judgment, ¶III.3.B (emphasis added).) "When an overlying Party receives water service...the Overlying Party shall forebear the use of that volume of the Overlying Water Right earmarked by the Appropriator Party." (Amended Judgment, ¶III.3.C.) Here, YVWD asserts it entered into an agreement with Oak Valley to provide service. (Zoba Decl. ¶¶7-17, Ex. J.) Based on the first sentence, the water earmarked is for the purpose of serving the overlying party, i.e. Oak Valley. YVWD asserts it is entitled to the entire allocation of Oak Valley's water since 10/9/18, i.e. the date it commenced service to Oak Valley. (Zoba Decl. ¶14.) Assuming arguendo that the earmarks are triggered merely by service to the development rather than individual parcels, YVWD fails to demonstrate that the entire 1,398.90 AF could even be used for the Oak Valley development. In 2018 and 2019, only .11 AF and 63.92 AF were used respectively. Even in 2020, only 215.49 AF was used. (Zoba Decl. ¶20.) It is not clear why YVWD would be entitled to use the excess water. The only reasonable explanation is that YVWD intends to use Oak Valley's overlying rights to support the entire district—not just Oak Valley which is a limitation based on the Amended Judgment. YVWD fails to explain how using the entire 1,398.90 AF is reasonable and beneficial when the Oak Valley development does not need the entire amount based on YVWD's own estimate. YVWD's estimates indicate that at most, 2022 may use almost nearly the entire overlying rights water demand, but it is reduced by 2023. (Zoba Decl. ¶20.) While actual use and overlying rights are not the same concept and do not need to be identical, here there are too many concerns to provide the full allotment of Oak Valley's overlying rights to YVWD.

The proposed draft of 2019 Annual Report indicates that the allocations for the four assignments between 2018-2019 total 183.05 AF, which is what YVWD seeks to amend. There does not appear to be reason to amend the report in light of these issues.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

San Timoteo Watershed Management Authority v. City of Banning, et al.

Case No. RIC389197

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is **AlvaradoSmith, 1 MacArthur Place, Santa Ana, CA 92707.**

On September 13, 2021, I served the foregoing document described as **NOTICE OF ENTRY OF ORDER RE YUCAIPA VALLEY WATER DISTRICT'S MOTIONS SEEKING: I) AN ORDER DIRECTING THE BEAUMONT BASIN WATERMASTER TO AMEND THE 2019 ANNUAL REPORT TO ADJUST OAK VALLEY PARTNER LP'S OVERLYING WATER RIGHTS AND YVWD APPROPRIATIVE WATER RIGHTS, AND II) AN ORDER RESCINDING BEAUMONT BASIN WATERMASTER RULE 7.3**

on the interested parties in this action.

☒ by placing the original and/or a true copy thereof enclosed in (a) sealed envelope(s), addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY REGULAR MAIL:** I deposited such envelope in the mail at 1 MacArthur Place, Santa Ana, California. The envelope was mailed with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

BY THE ACT OF FILING OR SERVICE, THAT THE DOCUMENT WAS PRODUCED ON PAPER PURCHASED AS RECYCLED.

☒ **BY ELECTRONIC SERVICE:** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification address listed in the Service List.

☐ **BY FACSIMILE MACHINE:** I Tele-Faxed a copy of the original document to the above facsimile numbers.

☐ **BY OVERNIGHT MAIL:** I deposited such documents at the GLS Overnight or Federal Express Drop Box located at 1 MacArthur Place, Santa Ana, California 92707. The envelope was deposited with delivery fees thereon fully prepaid.

☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the above addressee(s).

☒ (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

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☐ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on September 13, 2021, at Santa Ana, California.


DONNA F. HEFLIN

SERVICE LIST

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City of Banning
Arturo Vela
Post Office Box 998
Banning, CA 92220

Email: avela@ci.banning.ca.us

Barbara A. Brenner, Esq.
White Brenner LLP
1414 K Street, 3rd Floor
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(Counsel for City of Banning)

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Yucaipa Valley Water District
Joseph Zoba
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Yucaipa, CA 92399

Email: jzoba@yvwd.us

South Mesa Mutual Water Company
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Post Office Box 458
Calimesa, CA 92320

Email: smwc@verizon.net

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

Email: dan.jagers@bcvwd.org

City of Beaumont
Jeff Hart
550 East Sixth Street
Beaumont, CA 92223

Email: jhart@beaumontca.gov

Sharondale Mesa Owners Association
Ira Pace
9525 Sharon Way
Calimesa, CA 92320

Email: rbnjp@msn.com

Plantation on the Lake
Heidi Johnston
10961 Desert Lawn Drive
Calimesa, CA 92320

Email: info@plantationonthelake.com

California Oak Valley Golf and Resort, LLC
Huey-Min Yu
16124 Glencove Drive
Hacienda Heights, CA 91745
(Agent for Service of Process)

Via U.S. Mail

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3 (Counsel for Oak Valley Partners, L.P.)

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Costa Mesa, CA 92626-1925

Email: michelle.carpenter@lw.com

6 Southern California Professional Golfers
7 Association of America
Tom Addis
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Ontario, CA 91764

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9 Best, Best and Krieger
10 Steve Anderson, Esq.
PO Box 1028
11 3390 University Avenue
Riverside, CA 92502

Via U.S. Mail

12
13
14 Mrs. Beckman
38201 Cherry Valley Boulevard
15 Cherry Valley, CA 92223

Via U.S. Mail

16 Merlin Properties, LLC
Fred and Richard Reidman
17 6475 East Pacific Coast Highway, Suite 399
Long Beach, CA 90803

riedman@gte.net

18 Leonard Stearns
19 PO Box 141
10320 Calimesa Blvd.
20 Calimesa, CA 92320

Via U.S. Mail

21 Wesley A. Miliband
Kristopher T. Strouse
22 Atkinson, Andelson, Loya, Ruud
& Romo
23 2151 River Plaza Drive, Suite 300
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24 (Counsel for Morongo Band of Mission Indians)

Email: Wes.Miliband@aalrr.com
Kristopher.Strouse@aalrr.com

25
26 Albor Properties
Alan S Borstein
27 11766 Wilshire Blvd, Suite 820
Los Angeles, CA 90025

Via U.S. Mail

1	Nick & Angela Nikodinov 803 Eastman Pl. San Pedro, CA 90731	<i>Via U.S. Mail</i>
2		
3	Mac Daddy Dev 38 Balboa Coves Newport Beach, CA 92663	<i>Via U.S. Mail</i>
4		
5	Nicolas Aldama 223 W M St. Colton, CA 92324	<i>Via U.S. Mail</i>
6		
7	Hector Gutierrez 37321 Cherry Valley Blvd. Cherry Valley, CA 92223	<i>Via U.S. Mail</i>
8		
9		
10	Randy Meyers 37303 Cherry Valley Blvd. Cherry Valley, CA 92223	<i>Via U.S. Mail</i>
11		
12	Rancho Calimesa Mobile Home Park 10320 Calimesa Blvd. Calimesa, CA 92320	<i>Via U.S. Mail</i>
13		
14	Roman Catholic Bishop of San Bernardino 1201 E. Highland Ave. San Bernardino, CA 92404	Blemann@flsd.com
15		
16	Wilfrid C. Lenamm, Esq. David P. Colella, Esq. Fullerton, Lemann, Schaefer & Dominick, LLP 215 N. D Street, 1 st Floor San Bernardino, CA 92401 (Counsel for the Roman Catholic Bishop of San Bernardino)	<i>Via U.S. Mail</i>
17		
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20	Beaumont-Cherry Valley Recreation and Park District Duane Park 390 W. Oak Valley Pkwy Beaumont, CA 92223	<i>Via U.S. Mail</i>
21		
22		
23		
24	Shopoff Realty Investments 2 Park Plaza, #700 Irvine, CA 92614	<i>Via U.S. Mail</i>
25		
26	San Gorgonio Pass Water Agency Lance Eckhart 1210 Beaumont Avenue Beaumont, CA 92223	leckhart@sgpwa.com
27		
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Greg J. Newmark, Esq.
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(Counsel for South Mesa Mutual Water
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Tel: 909-890-4499 Ext. 1713
Fax: 909-890-9877
Email: derek.hoffman@greshamsavage.com

James L. Markman, Esq.
Richards Watson & Gershon
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Brea, CA 92822-1059
(Counsel for Beaumont-Cherry Valley Water
District)

Tel: 714-990-0901
Fax: 714-990-6230
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Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.us

Item VII-C - Attachment 8

May 24, 2023

Beaumont Basin Watermaster
c/o Dan Jaggers, Secretary
560 Magnolia Avenue
Beaumont, California 92223

Transmitted via Email

Subject: Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator for 2018

Dear Mr. Jaggers:

Please find attached Beaumont Basin Watermaster Form 5 - *Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator*.

Notice is hereby given that the Yucaipa Valley Water District provided the Oak Valley Development Company / Oak Valley Partners with 0.2 acre feet of water during Calendar Year 2018 with the earmarked water first provided by Yucaipa Valley Water District in October 2018. This 0.2 acre feet of water should be reduced from the Overlying Water Rights in the Judgment, Exhibit B (and future subsequent redeterminations of the safe yield) from Oak Valley Partners to Yucaipa Valley Water District accordingly.

A fully executed Form 5 is attached for your records and should be reflected in annual reports prepared by the Beaumont Basin Watermaster.

Should you have any questions, please contact me directly at (909) 797-5119 x2.

Sincerely,

Joseph B. Zoba
General Manager

Attachment

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

Please take notice that Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Development Company / Oak Valley Partners ("Overlying Owner") and that 0.2 acre feet ("Earmarked Water") of Overlying Water Rights will be transferred to the Appropriator when the Overlying Owner receives water service.

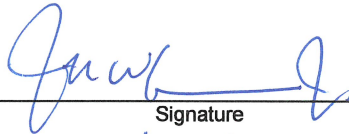
Notice is hereby given that the Watermaster will reduce the Overlying Owner's Overlying Water Right(s) (as shown in Exhibit B, Column 4 of the Judgment and modified by the redetermination of safe yield) by the amount of Earmarked Water and adjust the Appropriative Water Rights of the Appropriator effective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

OVERLYING OWNER

Oak Valley Development Company /
Oak Valley Partners
Overlying Party

John Ohanian
Authorized Agent – Print Name

Director of Development
Title


Signature

5/24/23
Date

Post Office Box 645
Calimesa, California 92320
Address for Notice

(909) 795-8941
Telephone

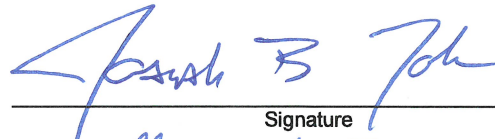
johanian@tvglc.com
Email Address

APPROPRIATOR

Yucaipa Valley Water District
Appropriator Party

Joseph B. Zoba
Authorized Agent – Print Name

General Manager
Title


Signature

May 24, 2023
Date

Post Office Box 730
Yucaipa, California 92399
Address for Notice

(909) 797-5119 x2
Telephone

jzoba@yvwd.us
Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:



Item VII-C - Attachment 9

Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.us

May 24, 2023

Beaumont Basin Watermaster
c/o Dan Jaggers, Secretary
560 Magnolia Avenue
Beaumont, California 92223

Transmitted via Email

Subject: Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator for 2019

Dear Mr. Jaggers:

Please find attached Beaumont Basin Watermaster Form 5 - *Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator*. This correspondence updates the previous adjustment of water rights for Calendar Year 2018.

Notice is hereby given that the Yucaipa Valley Water District provided the Oak Valley Development Company / Oak Valley Partners with 186.8 acre feet of water during Calendar Year 2019 with the earmarked water first provided by Yucaipa Valley Water District in October 2018. This 186.8 acre feet of water should be reduced from the Overlying Water Rights in the Judgment, Exhibit B (and future subsequent redeterminations of the safe yield) from Oak Valley Partners to Yucaipa Valley Water District accordingly.

A fully executed Form 5 is attached for your records and should be reflected in annual reports prepared by the Beaumont Basin Watermaster.

Should you have any questions, please contact me directly at (909) 797-5119 x2.

Sincerely,

Joseph B. Zoba
General Manager

Attachment

Greg Bogh
Division 1

Nyles O'Harra
Division 2

Jay Bogh
Division 3

Brett Granlund
Division 4

Joyce McIntire
Division 5

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

Please take notice that Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Development Company / Oak Valley Partners ("Overlying Owner") and that 186.8 acre feet ("Earmarked Water") of Overlying Water Rights will be transferred to the Appropriator when the Overlying Owner receives water service.

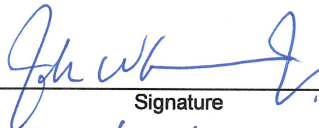
Notice is hereby given that the Watermaster will reduce the Overlying Owner's Overlying Water Right(s) (as shown in Exhibit B, Column 4 of the Judgment and modified by the redetermination of safe yield) by the amount of Earmarked Water and adjust the Appropriative Water Rights of the Appropriator effective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

OVERLYING OWNER

Oak Valley Development Company /
Oak Valley Partners
Overlying Party

John Ohanian
Authorized Agent – Print Name

Director of Development
Title


Signature
5/24/23
Date

Post Office Box 645
Calimesa, California 92320
Address for Notice

(909) 795-8941
Telephone

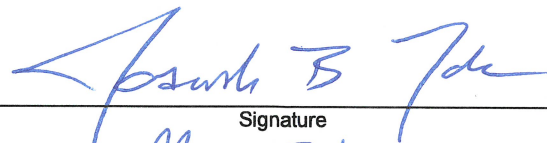
johanian@tvglc.com
Email Address

APPROPRIATOR

Yucaipa Valley Water District
Appropriator Party

Joseph B. Zoba
Authorized Agent – Print Name

General Manager
Title


Signature
May 24 2023
Date

Post Office Box 730
Yucaipa, California 92399
Address for Notice

(909) 797-5119 x2
Telephone

jzoba@yvwd.us
Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:



Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.us

May 24, 2023

Beaumont Basin Watermaster
c/o Dan Jagers, Secretary
560 Magnolia Avenue
Beaumont, California 92223

Transmitted via Email

Subject: Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator for 2020

Dear Mr. Jagers:

Please find attached Beaumont Basin Watermaster Form 5 - *Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator*. This correspondence updates the previous adjustment of water rights for Calendar Year 2019.

Notice is hereby given that the Yucaipa Valley Water District provided the Oak Valley Development Company / Oak Valley Partners with 365.1 acre feet of water during Calendar Year 2020 with the earmarked water first provided by Yucaipa Valley Water District in October 2018. This 365.1 acre feet of water should be reduced from the Overlying Water Rights in the Judgment, Exhibit B (and future subsequent redeterminations of the safe yield) from Oak Valley Partners to Yucaipa Valley Water District accordingly.

A fully executed Form 5 is attached for your records and should be reflected in annual reports prepared by the Beaumont Basin Watermaster.

Should you have any questions, please contact me directly at (909) 797-5119 x2.

Sincerely,

Joseph B. Zoba
General Manager

Attachment

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

Please take notice that Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Development Company / Oak Valley Partners ("Overlying Owner") and that 365.1 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

Oak Valley Development Company /
Oak Valley Partners
Overlying Party

John Ohanian
Authorized Agent – Print Name

Director of Development
Title


Signature
5/24/23
Date

Post Office Box 645
Calimesa, California 92320
Address for Notice

(909) 795-8941
Telephone

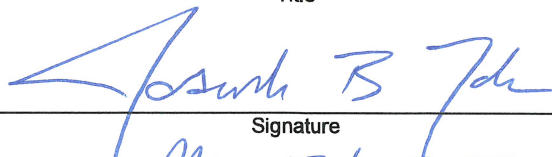
johanian@tvglc.com
Email Address

APPROPRIATOR

Yucaipa Valley Water District
Appropriator Party

Joseph B. Zoba
Authorized Agent – Print Name

General Manager
Title


Signature
May 24, 2023
Date

Post Office Box 730
Yucaipa, California 92399
Address for Notice

(909) 797-5119 x2
Telephone

jzoba@yvwd.us
Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:



Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.us

May 24, 2023

Beaumont Basin Watermaster
c/o Dan Jaggers, Secretary
560 Magnolia Avenue
Beaumont, California 92223

Transmitted via Email

Subject: Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator for 2021

Dear Mr. Jaggers:

Please find attached Beaumont Basin Watermaster Form 5 - *Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator*. This correspondence updates the previous adjustment of water rights for Calendar Year 2020.

Notice is hereby given that the Yucaipa Valley Water District provided the Oak Valley Development Company / Oak Valley Partners with 630.2 acre feet of water during Calendar Year 2021 with the earmarked water first provided by Yucaipa Valley Water District in October 2018. This 630.2 acre feet of water should be reduced from the Overlying Water Rights in the Judgment, Exhibit B (and future subsequent redeterminations of the safe yield) from Oak Valley Partners to Yucaipa Valley Water District accordingly.

A fully executed Form 5 is attached for your records and should be reflected in annual reports prepared by the Beaumont Basin Watermaster.

Should you have any questions, please contact me directly at (909) 797-5119 x2.

Sincerely,

Joseph B. Zoba
General Manager

Attachment

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

Please take notice that Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Development Company / Oak Valley Partners ("Overlying Owner") and that 630.2 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

Oak Valley Development Company /
Oak Valley Partners
Overlying Party

John Ohanian

Authorized Agent – Print Name

Director of Development

Title


Signature

5/24/23
Date

Post Office Box 645
Calimesa, California 92320

Address for Notice

(909) 795-8941

Telephone

johanian@tvglc.com

Email Address

APPROPRIATOR

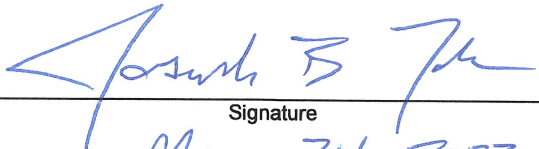
Yucaipa Valley Water District
Appropriator Party

Joseph B. Zoba

Authorized Agent – Print Name

General Manager

Title


Signature

May 24, 2023
Date

Post Office Box 730
Yucaipa, California 92399

Address for Notice

(909) 797-5119 x2

Telephone

jzoba@yvwd.us

Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:



Yucaipa Valley Water District

12770 Second Street • Post Office Box 730 • Yucaipa, California 92399-0730
(909) 797-5117 • Fax: (909) 797-6381 • www.yvwd.us

May 24, 2023

Beaumont Basin Watermaster
c/o Dan Jagers, Secretary
560 Magnolia Avenue
Beaumont, California 92223

Transmitted via Email

Subject: Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator for 2022

Dear Mr. Jagers:

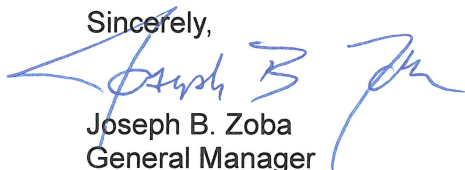
Please find attached Beaumont Basin Watermaster Form 5 - *Notice to Adjust Rights of an Overlying Party Due to Proposed Provision of Water Service by an Appropriator*. This correspondence updates the previous adjustment of water rights for Calendar Year 2021.

Notice is hereby given that the Yucaipa Valley Water District provided the Oak Valley Development Company / Oak Valley Partners with 790.3 acre feet of water during Calendar Year 2022 with the earmarked water first provided by Yucaipa Valley Water District in October 2018. This 790.3 acre feet of water should be reduced from the Overlying Water Rights in the Judgment, Exhibit B (and future subsequent redeterminations of the safe yield) from Oak Valley Partners to Yucaipa Valley Water District accordingly.

A fully executed Form 5 is attached for your records and should be reflected in annual reports prepared by the Beaumont Basin Watermaster.

Should you have any questions, please contact me directly at (909) 797-5119 x2.

Sincerely,



Joseph B. Zoba
General Manager

Attachment

Greg Bogh
Division 1

Nyles O'Harra
Division 2

Jay Bogh
Division 3

Brett Granlund
Division 4

Joyce McIntire
Division 5

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

Please take notice that Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Development Company / Oak Valley Partners ("Overlying Owner") and that 790.3 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

Oak Valley Development Company /
Oak Valley Partners
Overlying Party

John Ohanian

Authorized Agent – Print Name

Director of Development

Title



Signature

5/24/23

Date

Post Office Box 645
Calimesa, California 92320

Address for Notice

(909) 795-8941

Telephone

johanian@tvglc.com

Email Address

APPROPRIATOR

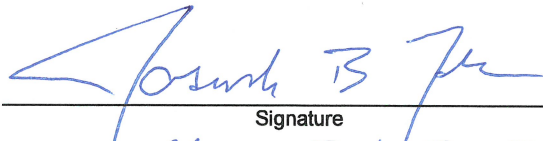
Yucaipa Valley Water District
Appropriator Party

Joseph B. Zoba

Authorized Agent – Print Name

General Manager

Title



Signature

May 24, 2023

Date

Post Office Box 730
Yucaipa, California 92399

Address for Notice

(909) 797-5119 x2

Telephone

jzoba@yvwd.us

Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:

Attachment 13

Beaumont 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 Yucaipa Valley Water District ("Appropriator") proposes to provide retail water service to Oak Valley Partners ("Overlying Owner") and that all original 1,806 / revised 1,398.90 acre feet ("Earmarked Water") of Overlying Water Rights will be transferred to the Appropriator when the Overlying Owner received water service on October 9, 2018.

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

Oak Valley Development Company /
Oak Valley Partners

Overlying Party

John Ohanian

Authorized Agent - Print Name

Director of Development
Title

[Signature]
Signature

11/18/2019
Date

Date

Post Office Box 645

Calimesa, California 92320

Address for Notice

(909) 795-8941

Telephone

johanian@tvglc.com

Email Address

APPROPRIATOR

Yucaipa Valley Water District

Appropriator Party

Joseph B. Zoba

Authorized Agent - Print Name

General Manager

Title

[Signature]
Signature

Nov. 9, 2019
Date

Date

Post Office Box 730

Yucaipa, California 92399

Address for Notice

(909) 797-5119 x2

Telephone

jzoba@yvwd.us

Email Address

For Watermaster Use

Date Form is Received:

Date Earmarked Water is First Used:

BEAUMONT BASIN WATERMASTER MEMORANDUM NO. 23-15

Date: June 7, 2023

From: Hannibal Blandon, ALDA Inc.

Subject: 2022 Consolidated Annual Report and Engineering Report -
Presentation of Comments Received on Draft Report

Recommendation: That the Watermaster Committee Considers Approving the 2022
Annual Report after Comments Received on the Draft Report are
Presented and Discussed

At the April 5, 2023 regular meeting, a draft of the 2022 Consolidated Annual Report and Engineering Report was presented. A formal presentation documenting the findings and recommendations was made. Members of the Watermaster Committee had the opportunity to ask questions during the presentation and requested that comments be submitted in writing and presented at the June 2023 regular meeting.

Written comments were received from the BCVWD as marked up sections of the report; comments by in large were editorial. A response to comments was prepared and sent to the BCVWD via email; our response is attached. The City of Banning, the City of Beaumont, South Mesa Water Company, the Yucaipa Valley Water District indicated that they did not have any comments. Email chains with each of these agencies are also attached. In addition, some portions of the report and tables were discussed with Mr. Stuart, as the Administrative Consultant to the Watermaster Committee; however, no formal comments were provided.

On May 24, Mr. Zoba provided Notice to Adjust Rights on an Overlying Party Due to Proposed Provision of Water Service for an Appropriator for Calendar Year 2018 through Calendar Year 2022. Individual letters along with a Form 5 were provided for each calendar year listed. These letters document the amount of water served individual years by the YVWD, as listed below. Copies of these letters were included under the Item VII-C of the Agenda Packet.

- ✓ 2018 - 0.2 ac-ft
- ✓ 2019 - 186.80 ac-ft
- ✓ 2020 - 365.10 ac-ft
- ✓ 2021 - 630.20 ac-ft
- ✓ 2022 - 790.30 ac-ft

The water right transfers documented in each letter have an impact on the accounting of water production and water rights documented in the Draft of the 2022 Consolidated Annual Report and Engineering Report. Section 3.4.3 Transfer of Overlying Rights for Service by an Appropriator has been rewritten and it is attached for your review. In addition, Table 3-7 and Table 3-8 have been updated and are also attached. Table 3-7 presents a summary of unused Overlying Water and Allocation to Appropriators while Table 3-8 consolidates Appropriator Production and Storage Accounts for calendar years 2003 through 2022.

In addition, ALDA Inc. would like to present a clarification and a recommendation as follows:

- ✓ Footnote No. 6 of Tables 3-2A through 3-2E documenting overlying production for calendar years 2018 through 2022 has been modified to read as follows:

"Monthly production since 2011 provided by Clearwater Solutions for Sharondale Mesa Owners Association and since 2014 for Rancho Calimesa Mobile Home Park"

Initial footnote indicated that Clearwater Solutions provided monthly production for both overlies since 2011.

- ✓ Appendix C – Amended Rules and Regulations (Dec 2022) – The cover page of the amended Rules and Regulations indicates that they were adopted on June 8, 2004, but it does not list the dates of the various revisions that have taken place since. We recommend that the number and date of change should be listed on the cover page.

A formal presentation will be made at the June 7, 2023 meeting to address the comments received and to discuss any other issues that the members of the Watermaster Committee may have.

Should members of the Watermaster Committee be satisfied that all important comments have been addressed properly, we recommend that the Watermaster Committee approves the Draft of the 2022 Consolidated Annual Report and Engineering Report and a final version produced. The final version of the report will incorporate all comments received in writing and additional comments discussed during the meeting.

The Draft 2022 Consolidated Annual Report is available online from the "Documents & Publications" section of the Beaumont Basin Watermaster website (www.beaumontbasinwatermaster.org)

Re: BBWM - 2022 Draft Report Review and Comments

From: Anibal Blandon (blandona@aldaengineering.com)

To: mark.swanson@bcvwd.org

Cc: dan.jaggers@bcvwd.org

Date: Tuesday, May 30, 2023 at 04:57 PM PDT

Mr. Swamson:

This email summarizes the comments received from BCVWD on the Draft of the 2022 Consolidated Annual Report and Engineering Report and our response to said comments.

1.- Title page indicates that Alvarado Smith provided Legal Counsel, that may not be the case as the company merged with Frost Brown Todd.

Response:

We checked with Mr. Montoya who confirmed that the merger was official as of January 1st, 2023. The use of Alvarado Smith, as Legal Counsel to the Beaumont Basin Watermaster during Calendar Year 2022, is correct.

2.- Table of Contents needs to match titles of report sections and subsections as well as figures and tables.

Response:

Table of Contents will match report in the Final version of the annual report.

3.- Location of SGPWA's Ponds and Calimesa Irrigation well need to be shown in various figures in Sections 3 and 4.

Response

Figures have been edited to show the location of the ponds and well in the Final version of the report.

4.- Resolution 2019-02 is not in the Watermaster website.

Response

Resolution 2019-02 - A Resolution of the Beaumont Basin Watermaster to Amend Section 7 of the Rules and Regulations of the Watermaster was included in Appendix A of the Initial Draft, Final Draft, and Final versions of the 2019 Consolidated Annual Report and Engineering Report.

5.- Appendix D - 2022 Active and Interested Party List - Needs to be updated with accurate emails and title designations.

Response

Current emails will be included and personnel titles will be revised.

We appreciate your comments on the report.

Best regards

Hannibal Blandon
ALDA Inc.
909-587-9916

On Monday, May 15, 2023 at 04:01:46 PM PDT, Anibal Blandon <blandona@aldaengineering.com> wrote:

Mark:

Thank you for your detailed comments; they are well appreciated.

With regards to Alvarado Smith, I will check with Terry, but I believe as of the end of 2022 it was still Alvarado Smith.

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

On Monday, May 15, 2023 at 03:43:03 PM PDT, Swanson, Mark (BCVWD) <mark.swanson@bcvwd.org> wrote: M

Hannibal,

Please see the attached comments for the 2022 Annual Report.

Let me know if you have any questions regarding the comments.

Thanks.

Mark Swanson, P.E., QSD
Director of Engineering
Beaumont-Cherry Valley Water District
560 Magnolia Ave.
Beaumont, CA 92223
Office Phone (951) 845-9581 Ext. 218
Fax (951) 845-0159
<http://www.bcvwd.org>

-----Original Message-----

From: Anibal Blandon <blandona@aldaengineering.com>
Sent: Friday, May 12, 2023 3:05 PM
To: Swanson, Mark (BCVWD) <mark.swanson@bcvwd.org>
Subject: Re: BBWM - 2022 Draft Report Review and Comments

Mark:

Thank you for your response; it is well appreciated.

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

On Friday, May 12, 2023 at 11:20:22 AM PDT, Swanson, Mark (BCVWD) <mark.swanson@bcvwd.org> wrote:

Anibal,

BCVWD will have comments. I have provided my comments to Dan and he should have his end done either today or over the weekend.

We will get our comments out to you asap.

Thanks.

Mark Swanson, P.E., QSD
Director of Engineering
Beaumont-Cherry Valley Water District
560 Magnolia Ave.
Beaumont, CA 92223
Office Phone (951) 845-9581 Ext. 218
Fax (951) 845-0159
<http://www.bcvwd.org>

-----Original Message-----

From: Anibal Blandon <blandona@aldaengineering.com>

Sent: Friday, May 12, 2023 11:08 AM

To: Jagers, Dan (BCVWD) <dan.jagers@bcvwd.org>; Swanson, Mark (BCVWD) <mark.swanson@bcvwd.org>; David Armstrong <darmstrong@southmesawater.com>; Joseph Zoba <jzoba@yvwd.us>; Jennifer Ares <jares@yvwd.us>; Jeff Hart <jhart@beaumontca.gov>; Robert Vestal <rvestal@beaumontca.gov>; Arturo Vela <avela@banningca.gov>; Luis Cardenas <lcardenas@banningca.gov>; Thierry Montoya <tmontoya@fbtlaw.com>
Cc: Thomas Harder <tharder@thomashardercompany.com>; Steve Stuart <sstuart@dudek.com>
Subject: Re: BBWM - 2022 Draft Report Review and Comments

All:

Just wondering how you are coming along with the review of the Draft 2022 Consolidated Annual Report. We requested comments by today, Friday, May 12, 2023.

Please complete the review and let me know of any comments you may have by next week. If you completed the review of the report and has no comments, please let me know as well.

Regards

Have a great weekend.

Hannibal Blandon
ALDA Inc.
909-587-9916

On Tuesday, May 2, 2023 at 03:08:34 PM PDT, Anibal Blandon <blandona@aldaengineering.com> wrote:

All:

Just a quick reminder to provide written comments on the Draft Report by Friday, May 12, 2023 as requested at the April 2023 regular meeting.

Please provide all comments via e-mail; if you do not have any comments on the report, please let me know as well.

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

RE: BBWM - 2022 Draft Annual Report Review and Comments

From: Arturo Vela (avela@banningca.gov)
To: blandona@aldaengineering.com
Date: Thursday, May 25, 2023 at 05:15 PM PDT

Hannibal,

No comments from the City of Banning.

Thank you,

Arturo Vela, P.E.
Director of Public Works
Public Works Department
City of Banning
Direct Line: 951-922-3134
Direct Fax: 951-922-3141
avela@banningca.gov
99 E. Ramsey Street
Banning, CA 92220
www.banningca.gov

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-----Original Message-----

From: Anibal Blandon <blandona@aldaengineering.com>
Sent: Tuesday, May 23, 2023 1:54 PM
To: Arturo Vela <avela@banningca.gov>
Subject: Re: BBWM - 2022 Draft Annual Report Review and Comments

Mr. Vela:

Could you please let me know if you have any comments or questions on the 2022 Draft Annual Report.

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

On Friday, May 19, 2023 at 02:08:39 PM PDT, Anibal Blandon <blandona@aldaengineering.com> wrote:

Mr. Vela:

Have you had a chance to review the above referenced document? Do you have any comments and/or questions that you would like to be addressed?

Could you please let me know?

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

RE: BBWM - 2022 Draft Annual Report Review and Comments

From: Jeff Hart (jhart@beaumontca.gov)

To: blandona@aldaengineering.com

Date: Thursday, May 25, 2023 at 10:50 AM PDT

I do not have any comments at this time.

Thanks,
Jeff

-----Original Message-----

From: Anibal Bandon <blandona@aldaengineering.com>

Sent: Tuesday, May 23, 2023 1:53 PM

To: Jeff Hart <jhart@beaumontca.gov>

Subject: Re: BBWM - 2022 Draft Annual Report Review and Comments

Mr. Hart:

Could you please let me know if you have any comments on the 2022 Draft Annual Report.

Thank you for your consideration.

Hannibal Bandon
ALDA Inc.
909-587-9916

On Friday, May 19, 2023 at 02:09:18 PM PDT, Anibal Bandon <blandona@aldaengineering.com> wrote:

Mr. Hart

Have you had a chance to review the above referenced document? Do you have any comments and/or questions that you would like to be addressed?

Could you please let me know?

Regards

Hannibal Bandon
ALDA Inc.
909-587-9916

Re: BBWM - 2022 Draft Annual Report Review and Comments

From: darmstrong southmesawater.com (darmstrong@southmesawater.com)

To: blandona@aldaengineering.com

Date: Tuesday, May 23, 2023 at 01:56 PM PDT

Hannibal,

South Mesa has no comments on the Annual Report.

Dave

From: Anibal Blandon <blandona@aldaengineering.com>

Date: Tuesday, May 23, 2023 at 1:51 PM

To: darmstrong southmesawater.com <darmstrong@southmesawater.com>

Subject: Re: BBWM - 2022 Draft Annual Report Review and Comments

Mr. Armstrong:

Could you please let me know if you have any comments or questions on the 2022 Draft Consolidated Annual Report..

Thank you for your consideration on this matter.

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

On Friday, May 19, 2023 at 02:09:59 PM PDT, Anibal Blandon <blandona@aldaengineering.com> wrote:

Mr. Armstrong:

Have you had a chance to review the above referenced document? Do you have any comments and/or questions that you would like to be addressed?

Could you please let me know?

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

Re: BBWM - 2022 Draft Annual Report Comments

From: Anibal Blandon (blandona@aldaengineering.com)

To: jares@yvwd.us

Cc: jzoba@yvwd.us; sstuart@dudek.com

Date: Tuesday, May 23, 2023 at 01:46 PM PDT

Jennifer:

Thank you for letting me know.

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

On Tuesday, May 23, 2023 at 10:24:09 AM PDT, Jennifer Ares <jares@yvwd.us> wrote:

Hi Hannibal,

I don't have any comments at this time. I like how the report captures the items discussed at each meeting for the 2022 CY.

Also, I'm hoping we can schedule the recommendations for future meetings regarding the inconsistencies of the Rules and Regulations in relation to the Judgement.

-Jennifer

-----Original Message-----

From: Anibal Blandon <blandona@aldaengineering.com>

Sent: Friday, May 19, 2023 2:07 PM

To: Joseph Zoba <jzoba@yvwd.us>; Jennifer Ares <jares@yvwd.us>

Subject: BBWM - 2022 Draft Annual Report Comments

Mr. Zoba and Ms. Ares:

Have you had a chance to review the above referenced document? Do you have any comments and/or questions that you would like to be addressed?

Could you please let me know?

Regards

Hannibal Blandon
ALDA Inc.
909-587-9916

3.4.3 Transfers of Overlying Rights for Service by an Appropriator

The Stipulated Judgment, under Part III, Declaration of Adjustment of Rights, Section 3(B), provides that to 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” for the purpose of serving the Overlying Party.

The Stipulated Judgment, under Part III, Section 3(C), states that in the event that an Overlying Party receives water service from an Appropriative Party, 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 Overlying Party, in addition to other rights otherwise allocated to the Appropriator Party.

Under Resolution 17-02, adopted on August 30, 2017, Oak Valley Partners L.P. (“OVP”) agreed to transfer its Overlying water rights to particular development parcels, intending to secure commitments from YVWD to provide water services to development phases of OVP’s Summerwind Ranch Specific Plan (Project), located in the Beaumont Basin. The Stipulated Judgment allocated OVP an Overlying production right of 1,806 ac-ft/yr based on the initial Safe Yield of 8,650 ac-ft/yr. OVPs rights have been adjusted to 1,398.86 ac-ft/yr based on the recalculated Safe Yield of 6,700 ac-ft/yr as approved by the Watermaster on April 1, 2015. Overlying rights and Overlying-Appropriative rights will be adjusted every 10 years based on the recalculation of the Safe Yield of the Beaumont Basin.

During CY 2018 and CY 2019, OVP transferred, through four separate assignments, a total of 183.05 ac-ft of their Overlying water rights to YVWD. Documentation of these transfers was provided by YVWD to the Watermaster Committee, as Correspondence, in the March 28, 2018, August 1, 2018, October 3, 2018, and February 6, 2019 meetings.

Under Resolution 2019-02, adopted on June 25, 2019, the Beaumont Basin Watermaster rescinded Section 7 of the Beaumont Basin Watermaster Rules and Regulations in its entirety and replaced it as provided in Attachment A of the resolution. Under this resolution, the Beaumont Basin Watermaster also updated 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 to Transfers of Appropriator Production Right of Operating Yield Between Appropriators”.

At the Dec 4, 2019 Watermaster Meeting, YVWD submitted a Form 5, signed Nov 19, 2019, documenting the transfer of OVP’s all original 1,806 / revised 1,398.90 ac-ft (“Earmarked Water”) of Overlying Water Rights to YVWD effective on October 9, 2018 (See Appendix E of the 2020 Annual Report). This issue was extensively discussed at that meeting and throughout the various meetings in 2020 between legal counsel and members of the Watermaster Committee without reaching an agreement. In mid-2021, YVWD filed with the Court two related motions. The first motion was to rescind Watermaster Rule 7.3 (formerly Rule 7.8); the

second motion was to order the Watermaster to recognize Oak Valley Partners, LP's transfer of overlying water rights. On August 31, 2021, the Court denied these motions without prejudice. A copy of the Notice of Entry of Order Regarding YVWD's Motions, along with associated exhibits A and B was included under Appendix A of the 2021 Annual Report.

Consistent with the use of Form 5, on May 24, 2023, YVWD notified the Watermaster that completed Form 5s for calendar years 2018 through 2022, documenting OVP's transfers, will be included in the Correspondence section of the June 7, 2023 meeting packet. While the notification by YVWD did not take place during CY 2022, it is included in this annual report as it affects water rights and storage accounts over the last five years beginning with CY 2018. Copies of the letters and corresponding Form 5 documentation, sent by YVWD for the impacted years are included in Appendix G. Transfer of water rights for these years are summarized as follows:

- ✓ 2018 – 0.20 ac-ft
- ✓ 2019 – 186.80 ac-ft
- ✓ 2020 – 365.10 ac-ft
- ✓ 2021 – 630.20 ac-ft
- ✓ 2022 – 790.30 ac-ft

As a result of these transfers, OVP's Overlying rights have been reduced from 1,398.86 ac-ft to 608.56 ac-ft for CY 2022. OVP's rights will vary from year to year depending on water service provided by YVWD and potential future adjustments to the Safe Yield of the basin. OVP's remaining rights will be considered as unpumped water and will be distributed to the Appropriators based on certain percentages as reflected in Column 3 of Exhibit "C" of the Judgment.

Table 3-7
Summary of Unused Overlying Water and Allocation to Appropriators (ac-ft)

Accounting Year	Overlying Water Right	Overlying Production	Unused Overlying Water Right	Allocation Year	City of Banning	City of Beaumont	Beaumont Cherry Valley WD	South Mesa Water Co.	Yucaipa Valley Water District	Total
2003	4,325	2,441	1,884	2008	592	0	801	235	256	1,884
2004	8,650	3,576	5,074	2009	1,595	0	2,157	633	689	5,074
2005	8,650	3,293	5,357	2010	1,684	0	2,277	669	728	5,357
2006	8,650	3,597	5,053	2011	1,588	0	2,148	631	686	5,053
2007	8,650	3,307	5,343	2012	1,679	0	2,272	667	726	5,343
2008	8,650	2,872	5,778	2013	1,816	0	2,456	721	785	5,778
2009	8,650	2,838	5,812	2014	1,827	0	2,471	725	789	5,812
2010	8,650	1,976	6,674	2015	2,097	0	2,837	833	906	6,674
2011	8,650	1,971	6,679	2016	2,099	0	2,839	833	907	6,679
2012	8,650	2,085	6,565	2017	2,063	0	2,791	819	891	6,565
2013	8,650	2,285	6,365	2018	2,001	0	2,706	794	864	6,365
2014	6,700	2,219	4,481	2019	1,408	0	1,905	559	609	4,481
2015	6,700	2,086	4,614	2020	1,450	0	1,962	576	627	4,614
2016	6,700	1,936	4,764	2021	1,497	0	2,025	595	647	4,764
2017	6,700	2,404	4,296	2022	1,350	0	1,826	536	583	4,296
2018 ¹	6,700	2,220	4,479	2023	1,408	0	1,904	559	608	4,479
2019	6,513	1,773	4,740	2024	1,490	0	2,015	592	644	4,740
2020	6,335	1,912	4,423	2025	1,390	0	1,880	552	601	4,423
2021	6,070	1,966	4,103	2026	1,290	0	1,744	512	557	4,103
2022	5,910	2,135	3,775	2027	1,187	0	1,605	471	513	3,775

1.- In May 2023, YVWD submitted Form 5s documented transfers of Overlying water rights from Oak Valley Partners from 2018 through 2022 as follows: a) 2018, 0.20 ac-ft b) 2019, 186.80 ac-ft, c) 2020, 365.10 ac-ft, d) 2021, 630.20 ac-ft, and e) 2022, 790.30 ac-ft. As a result, Overlying rights were decreased each year by the listed quantities.

Table 3-8
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
City of Banning - Authorized Storage Account: 80,000 ac-ft												
2003	0.0	2,514.5	0.0	2,174.2	340.3	0.0	0.0	0.0	0.0	0.0	340.3	340.3
2004	340.3	5,029.0	0.0	3,397.3	1,631.7	0.0	0.0	0.0	0.0	0.0	1,631.7	1,972.0
2005	1,972.0	5,029.0	0.0	1,808.6	3,220.4	0.0	0.0	0.0	0.0	0.0	3,220.4	5,192.5
2006	5,192.5	5,029.0	0.0	1,827.5	3,201.5	0.0	0.0	0.0	0.0	0.0	3,201.5	8,393.9
2007	8,393.9	5,029.0	0.0	2,772.6	2,256.4	0.0	0.0	1,500.0	0.0	0.0	3,756.4	12,150.3
2008	12,150.3	5,029.0	0.0	2,933.6	2,095.4	0.0	592.2	0.0	1,534.0	0.0	4,221.6	16,371.9
2009	16,371.9	5,029.0	0.0	2,095.0	2,934.0	0.0	1,594.7	0.0	2,741.2	0.0	7,269.8	23,641.8
2010	23,641.8	5,029.0	0.0	1,143.6	3,885.4	0.0	1,683.8	0.0	1,338.0	0.0	6,907.2	30,549.0
2011	30,549.0	5,029.0	0.0	1,341.7	3,687.3	0.0	1,588.2	0.0	800.0	0.0	6,075.5	36,624.5
2012	36,624.5	5,029.0	0.0	1,038.3	3,990.7	0.0	1,679.5	0.0	1,200.0	0.0	6,870.2	43,494.7
2013	43,494.7	2,514.5	0.0	2,100.7	413.8	0.0	1,816.1	0.0	1,200.0	0.0	3,430.0	46,924.7
2014	46,924.7	0.0	0.0	2,585.1	-2,585.1	0.0	1,826.7	0.0	608.0	0.0	-150.4	46,774.2
2015	46,774.2	0.0	0.0	1,678.3	-1,678.3	0.0	2,097.5	0.0	694.0	0.0	1,113.2	47,887.5
2016	47,887.5	0.0	0.0	1,472.7	-1,472.7	0.0	2,099.1	0.0	1,477.0	0.0	2,103.4	49,990.8
2017	49,990.8	0.0	0.0	1,443.5	-1,443.5	0.0	2,063.2	0.0	1,350.0	0.0	1,969.8	51,960.6
2018	51,960.6	0.0	0.0	2,260.8	-2,260.8	0.0	2,000.6	0.0	500.0	0.0	239.8	52,200.4
2019	52,200.4	0.0	0.0	2,121.3	-2,121.3	0.0	1,408.4	0.0	250.0	0.0	-462.9	51,737.5
2020	51,737.5	0.0	0.0	2,548.6	-2,548.6	0.0	1,450.3	0.0	250.0	0.0	-848.3	50,889.2
2021	50,889.2	0.0	0.0	3,668.1	-3,668.1	0.0	1,497.2	60.0	0.0	0.0	-2,110.9	48,778.3
2022	48,778.3	0.0	0.0	3,593.7	-3,593.7	0.0	1,350.3	0.0	35.0	0.0	-2,208.4	46,569.9

1 -- Negative values of under production indicate that the appropriator pumped more than its share of the operating yield.

Table 3-8 (Continued)
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
Beaumont Cherry Valley Water District - Authorized Storage Account: 80,000 ac-ft												
2003	0.0	3,401.0	0.0	3,511.9	-110.9	0.0	0.0	0.0	0.0	0.0	-110.9	-110.9
2004	-110.9	6,802.0	0.0	6,873.9	-71.9	0.0	0.0	0.0	0.0	0.0	-71.9	-182.8
2005	-182.8	6,802.0	0.0	7,025.6	-223.6	0.0	0.0	0.0	0.0	0.0	-223.6	-406.4
2006	-406.4	6,802.0	0.0	9,054.1	-2,252.1	0.0	0.0	0.0	3,501.0	0.0	1,248.9	842.5
2007	842.5	6,802.0	0.0	11,383.3	-4,581.3	0.0	0.0	1,500.0	4,501.0	0.0	1,419.7	2,262.2
2008	2,262.2	6,802.0	0.0	10,710.5	-3,908.5	0.0	801.0	2,500.0	2,399.0	0.0	1,791.5	4,053.7
2009	4,053.7	6,802.0	0.0	10,133.9	-3,331.9	0.0	2,156.8	2,000.0	2,741.2	0.0	3,566.1	7,619.8
2010	7,619.8	6,802.0	0.0	9,421.3	-2,619.3	0.0	2,277.4	0.0	5,727.0	0.0	5,385.1	13,004.9
2011	13,004.9	6,802.0	0.0	9,431.3	-2,629.3	0.0	2,148.1	3,500.0	7,979.0	0.0	10,997.8	24,002.8
2012	24,002.8	6,802.0	0.0	10,162.0	-3,360.0	0.0	2,271.5	0.0	7,783.0	0.0	6,694.5	30,697.3
2013	30,697.3	3,401.0	0.0	11,097.4	-7,696.4	0.0	2,456.4	0.0	7,403.0	0.0	2,163.0	32,860.3
2014	32,860.3	0.0	0.0	10,805.5	-10,805.5	0.0	2,470.6	0.0	4,405.0	0.0	-3,929.9	28,930.4
2015	28,930.4	0.0	0.0	8,972.8	-8,972.8	0.0	2,836.9	0.0	2,773.0	0.0	-3,362.8	25,567.6
2016	25,567.6	0.0	0.0	10,159.8	-10,159.8	0.0	2,839.1	0.0	9,319.0	0.0	1,998.3	27,565.9
2017	27,565.9	0.0	0.0	11,650.7	-11,650.7	0.0	2,790.6	0.0	13,590.0	0.0	4,729.9	32,295.8
2018	32,295.8	0.0	0.0	12,209.2	-12,209.2	0.0	2,705.9	0.0	12,121.0	0.0	2,617.7	34,913.5
2019	34,913.5	0.0	0.0	11,140.9	-11,140.9	0.0	1,904.9	0.0	13,645.0	0.0	4,409.0	39,322.5
2020	39,322.5	0.0	0.0	12,539.2	-12,539.2	0.0	1,961.6	0.0	11,005.0	0.0	427.4	39,749.9
2021	39,749.9	0.0	0.0	12,609.5	-12,609.5	0.0	2,025.0	447.8	2,468.0	0.0	-7,668.7	32,081.2
2022	32,081.2	0.0	0.0	12,490.4	-12,490.4	0.0	1,826.3	0.0	1,776.0	0.0	-8,888.1	23,193.1

1 -- Negative values of under production indicate that the appropriator pumped more th .

Table 3-8 (Continued)
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
City of Beaumont - Authorized Storage Account: 30,000 ac-ft												
2003	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2004	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2005	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2006	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2007	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2008	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2009	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2010	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2011	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2012	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2013	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2014	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2015	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2016	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2017	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2018	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2019	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

1 -- Negative values of under production indicate that the appropriator pumped more than its share of the operating yield.

Table 3-8 (Continued)
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
South Mesa Water Company - Authorized Storage Account: 20,000 ac-ft												
2003	0.0	998.0	0.0	223.2	774.8	0.0	0.0	0.0	0.0	0.0	774.8	774.8
2004	774.8	1,996.0	0.0	482.5	1,513.5	0.0	0.0	0.0	0.0	0.0	1,513.5	2,288.3
2005	2,288.3	1,996.0	0.0	663.2	1,332.8	0.0	0.0	0.0	0.0	0.0	1,332.8	3,621.1
2006	3,621.1	1,996.0	0.0	616.0	1,380.0	0.0	0.0	0.0	0.0	0.0	1,380.0	5,001.1
2007	5,001.1	1,996.0	0.0	665.8	1,330.2	0.0	0.0	-3,000.0	0.0	0.0	-1,669.8	3,331.3
2008	3,331.3	1,996.0	0.0	470.9	1,525.2	0.0	235.2	-2,500.0	0.0	0.0	-739.7	2,591.6
2009	2,591.6	1,996.0	0.0	382.2	1,613.8	0.0	633.2	-2,000.0	0.0	0.0	247.0	2,838.6
2010	2,838.6	1,996.0	0.0	405.0	1,591.0	0.0	668.6	0.0	0.0	0.0	2,259.6	5,098.2
2011	5,098.2	1,996.0	0.0	419.9	1,576.1	0.0	630.6	-3,500.0	0.0	0.0	-1,293.3	3,805.0
2012	3,805.0	1,996.0	0.0	448.5	1,547.5	0.0	666.9	0.0	0.0	0.0	2,214.4	6,019.4
2013	6,019.4	998.0	0.0	308.4	689.7	0.0	721.1	0.0	0.0	0.0	1,410.8	7,430.2
2014	7,430.2	0.0	0.0	473.7	-473.7	0.0	725.3	0.0	0.0	0.0	251.6	7,681.7
2015	7,681.7	0.0	0.0	317.2	-317.2	0.0	832.9	0.0	0.0	0.0	515.7	8,197.5
2016	8,197.5	0.0	0.0	352.6	-352.6	0.0	833.5	0.0	0.0	0.0	480.9	8,678.3
2017	8,678.3	0.0	0.0	368.1	-368.1	0.0	819.3	0.0	0.0	0.0	451.2	9,129.5
2018	9,129.5	0.0	0.0	364.9	-364.9	0.0	794.4	0.0	0.0	0.0	429.5	9,559.0
2019	9,559.0	0.0	0.0	330.7	-330.7	0.0	559.2	0.0	0.0	0.0	228.5	9,787.5
2020	9,787.5	0.0	0.0	229.2	-229.2	0.0	575.9	0.0	0.0	0.0	346.7	10,134.3
2021	10,134.3	0.0	0.0	466.0	-466.0	0.0	594.5	0.0	0.0	0.0	128.5	10,262.7
2022	10,262.7	0.0	0.0	574.7	-574.7	0.0	536.2	0.0	0.0	0.0	-38.5	10,224.2

1 -- Negative values of under production indicate that the appropriator pumped more than its share of the operating yield.

Table 3-8 (Continued)
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
Morongo Band of Mission Indians - Authorized Storage Account: 20,000 ac-ft												
2013	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2014	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2015	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2016	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2017	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2018	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2019	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2020	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2021	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
San Gorgonio Pass Water Agency - Authorized Storage Account: 10,000 ac-ft												
2018	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2019	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	257.8	0.0	257.8	257.8
2020	257.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	214.0	0.0	214.0	471.8
2021	471.8	0.0	0.0	0.0	0.0	0.0	0.0	-507.8	36.0	0.0	-471.8	0.0
2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.0	0.6	0.6

1 -- Negative values of under production indicate that the appropriator pumped more than its share of the operating yield.

Table 3-8 (Continued)
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
Yucaipa Valley Water District - Authorized Storage Account: 50,000 ac-ft												
2003	0.0	1,086.5	0.0	1,162.4	-75.9	0.0	0.0	0.0	0.0	0.0	-75.9	-75.9
2004	-75.9	2,173.0	0.0	1,833.7	339.3	0.0	0.0	0.0	0.0	0.0	339.3	263.4
2005	263.4	2,173.0	0.0	1,281.3	891.7	0.0	0.0	0.0	0.0	0.0	891.7	1,155.1
2006	1,155.1	2,173.0	0.0	2,027.3	145.7	0.0	0.0	0.0	0.0	0.0	145.7	1,300.8
2007	1,300.8	2,173.0	0.0	1,682.9	490.1	0.0	0.0	0.0	0.0	0.0	490.1	1,790.9
2008	1,790.9	2,173.0	0.0	572.0	1,601.0	0.0	255.9	0.0	0.0	0.0	1,856.8	3,647.8
2009	3,647.8	2,173.0	0.0	504.4	1,668.6	0.0	689.0	0.0	0.0	0.0	2,357.6	6,005.4
2010	6,005.4	2,173.0	0.0	672.4	1,500.6	0.0	727.5	0.0	0.0	0.0	2,228.1	8,233.5
2011	8,233.5	2,173.0	0.0	534.1	1,638.9	0.0	686.2	0.0	0.0	0.0	2,325.1	10,558.6
2012	10,558.6	2,173.0	0.0	700.1	1,472.9	0.0	725.6	0.0	0.0	0.0	2,198.5	12,757.2
2013	12,757.2	1,086.5	0.0	1,030.8	55.7	0.0	784.7	0.0	0.0	0.0	840.4	13,597.6
2014	13,597.6	0.0	0.0	1,198.5	-1,198.5	0.0	789.2	0.0	0.0	0.0	-409.2	13,188.4
2015	13,188.4	0.0	0.0	119.2	-119.2	0.0	906.3	0.0	0.0	0.0	787.1	13,975.5
2016	13,975.5	0.0	0.0	4.6	-4.6	0.0	907.0	0.0	0.0	0.0	902.4	14,877.9
2017	14,877.9	0.0	0.0	0.1	-0.1	0.0	891.5	0.0	0.0	0.0	891.3	15,769.2
2018	15,769.2	0.0	0.0	191.2	-191.2	0.2	864.4	0.0	0.0	0.0	673.4	16,442.6
2019	16,442.6	0.0	0.0	528.6	-528.6	186.8	608.5	0.0	0.0	0.0	266.7	16,709.3
2020	16,709.3	0.0	0.0	1,407.7	-1,407.7	365.1	626.6	0.0	0.0	0.0	-416.0	16,293.3
2021	16,293.3	0.0	0.0	1,228.5	-1,228.5	630.2	646.9	0.0	0.0	0.0	48.6	16,342.0
2022	16,342.0	0.0	0.0	686.5	-686.5	790.3	583.4	0.0	0.0	0.0	687.2	17,029.1

1 -- Negative values of under production indicate that the appropriator pumped more than its share of the operating yield.

Table 3-8 (Continued)
Consolidation of Appropriator Production and Storage Accounts
Calendar Year Accounting (ac-ft) 2003 through 2022

Calendar Year	Storage Account Balance at Beginning of CY	Share of Surplus Water	Appropriative Rights	Production	Additions to Storage Account							Ending Account Balance
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators/ SGPWA	SWP Water Recharge	Local Recharge	Total Additions to Storage Account	
Totals - All Agencies with Storage Accounts												
2003	0.0	8,000.0	0.0	7,071.7	928.3	0.0	0.0	0.0	0.0	0.0	928.3	928.3
2004	928.3	16,000.0	0.0	12,587.4	3,412.6	0.0	0.0	0.0	0.0	0.0	3,412.6	4,340.9
2005	4,340.9	16,000.0	0.0	10,778.6	5,221.4	0.0	0.0	0.0	0.0	0.0	5,221.4	9,562.3
2006	9,562.3	16,000.0	0.0	13,524.9	2,475.1	0.0	0.0	0.0	3,501.0	0.0	5,976.1	15,538.3
2007	15,538.3	16,000.0	0.0	16,504.6	-504.6	0.0	0.0	0.0	4,501.0	0.0	3,996.4	19,534.8
2008	19,534.8	16,000.0	0.0	14,687.0	1,313.0	0.0	1,884.2	0.0	3,933.0	0.0	7,130.2	26,665.0
2009	26,665.0	16,000.0	0.0	13,115.6	2,884.4	0.0	5,073.7	0.0	5,482.4	0.0	13,440.6	40,105.6
2010	40,105.6	16,000.0	0.0	11,642.3	4,357.7	0.0	5,357.4	0.0	7,065.0	0.0	16,780.0	56,885.6
2011	56,885.6	16,000.0	0.0	11,727.0	4,273.0	0.0	5,053.3	0.0	8,779.0	0.0	18,105.3	74,990.9
2012	74,990.9	16,000.0	0.0	12,348.9	3,651.1	0.0	5,343.5	0.0	8,983.0	0.0	17,977.6	92,968.6
2013	92,968.6	8,000.0	0.0	14,537.2	-6,537.2	0.0	5,778.4	0.0	8,603.0	0.0	7,844.2	100,812.7
2014	100,812.7	0.0	0.0	15,062.8	-15,062.8	0.0	5,811.8	0.0	5,013.0	0.0	-4,237.9	96,574.8
2015	96,574.8	0.0	0.0	11,087.4	-11,087.4	0.0	6,673.5	0.0	3,467.0	0.0	-946.9	95,628.0
2016	95,628.0	0.0	0.0	11,989.7	-11,989.7	0.0	6,678.6	0.0	10,796.0	0.0	5,484.9	101,112.9
2017	101,112.9	0.0	0.0	13,462.4	-13,462.4	0.0	6,564.6	0.0	14,940.0	0.0	8,042.2	109,155.0
2018	109,155.0	0.0	0.0	15,026.1	-15,026.1	0.2	6,365.4	0.0	12,621.0	0.0	3,960.5	113,115.5
2019	113,115.5	0.0	0.0	14,121.5	-14,121.5	186.8	4,481.0	0.0	14,152.8	0.0	4,699.2	117,814.7
2020	117,814.7	0.0	0.0	16,724.7	-16,724.7	365.1	4,614.4	0.0	11,469.0	0.0	-276.2	117,538.4
2021	117,538.4	0.0	0.0	17,972.1	-17,972.1	630.2	4,763.6	507.8	2,504.0	0.0	-10,074.3	107,464.1
2022	107,464.1	0.0	0.0	17,345.3	-17,345.3	790.3	4,296.1	0.0	1,811.6	0.0	-10,447.3	97,016.9

1 -- Negative values of under production indicate that the appropriator pumped more than its share of the operating yield.

**BEAUMONT BASIN WATERMASTER
MEMORANDUM NO. 23-16**

Date: June 7, 2023

From: Thierry Montoya, BBWM Counsel

Subject: Proposal for Development of Data Management System

Recommendation: Consider the proposal from Dudek to develop a GIS-based Data Management System for the Beaumont Basin

Please find attached Dudek's proposal to develop a Data Management System for the Beaumont Basin. During the meeting, there will be a demonstration of the DMS developed for the Yucaipa GSP. Matt Palavido will be at the meeting to provide the demonstration.

March 16th, 2023

Item VII - E Attachment 1

Art Vela
Chairman
Beaumont Basin Watermaster
560 Magnolia Street
Beaumont, California 92223

Subject: *Proposal to Develop a GIS-Based Data Management System, Beaumont Basin Watermaster*

Dear Beaumont Basin Watermaster Committee,

Dudek is pleased to submit this proposal to develop a geographic information systems (GIS) based data management system (DMS) for the Beaumont Basin Watermaster (Watermaster). In support of this effort, Dudek has prepared a scope of work and fee to produce a GIS-based application to support the collection and compilation of groundwater-related information in and near the Beaumont Basin. The primary focus is to create a centralized geodatabase that serves as a robust foundation for a scalable DMS. This system will also have the flexibility to expand in the future, accommodating other Watermaster systems and workflows seamlessly.

Dudek will leverage the power of ArcGIS Online, a widely accepted industry-standard software as a service cloud platform, for the development and hosting of the DMS. This platform will provide an effortless transfer of technologies between stakeholders, enabling a seamless and productive collaboration process.

1 Database Design

The DMS database design will be developed using Esri technology. The schema will contain the necessary attributes, attribute rules, and related tables to support the tracking, analysis, and visualization of groundwater-related information.

- **Assumptions**
 - The database design will include the following elements in relation to groundwater tracking:
 - Well locations and characteristics.
 - Well production readings at well locations.
 - Groundwater elevation readings at well locations.
 - Water quality readings at well locations.
 - Climatic Station locations
 - Precipitation readings at climatic stations where available
 - Historical data will be included if available.

- Reference data and layers will be included.
- Deliverables/Meetings
 - Dudek will hold one online meeting with Watermaster Committee members to review the DMS schema and confirm it meets the needs of the Watermaster.
- **Cost for Task 1.....\$9,300.00**

2 Web-based GIS Application

The internal web-based GIS application will be accessible only to individuals designated by the Watermaster. The application will be password protected and access granted per the Watermaster's direction. The application will have the capability to reference existing data, add new and update existing data, visualize data, perform queries against the data, and export data.

- **Assumptions**
 - Dudek will provision and set up an ArcGIS Organization account on behalf of the Watermaster. The initial provisioning will include:
 - Initial setup through Esri (current rate is \$1300)
 - This includes two (2) Creator-level licenses necessary to administer the account. Additional licensing is necessary to accommodate stakeholders and is detailed below.
 - Additional user licensing:
 - One (1) Viewer license for use as a login to allow people read-only access to the DMS. \$110.00 annually.
 - Five (5) Mobile-worker licenses to facilitate field data collection. Each license is \$385 annually.
 - Five (5) Editor licenses to facilitate office-based editing via the web-based application. Each license is \$220.00 annually.
 - Provisioning of 10,000 ArcGIS Online Credits. Credits are the currency used within ArcGIS Online to cover costs associated with data storage and analysis. Credits are currently \$120.00 for 1000 credits and are good for two (2) years. Dudek anticipates that 10,000 credits will cover all the needs for 1-year, however, if additional credits are needed, then Dudek will notify the Watermaster and request authorization to purchase the additional credits for a cost not-to-exceed for the fee of the additional credits.
 - Dudek will configure off-the-shelf Esri tools such as ArcGIS Experience Builder and ArcGIS Dashboards

- Functionality will include:
 - Map navigation tools
 - Search tools
 - Query Tools
 - Measuring Tools
 - Basic Print Tools
 - Data Export
 - Basic data graphing
 - Data entry and editing
- Deliverables/Meetings
 - Dudek will hold one in-person meeting with the Watermaster to review the DMS Web-based GIS Application and confirm it meets the needs of the Watermaster.
 - Dudek will provide documentation in the form of a 'How-To' guide for users of the application.
- **Cost for Task 2**..... **\$23,265**

3 Mobile Data Collection

A mobile application will be configured to enable the collection of groundwater-related data, such as groundwater elevation, production, and water quality in the field.

- **Assumptions**
 - The mobile data collection application will be created using ArcGIS Field Maps and/or ArcGIS Survey123.
 - The following data collection types will be included:
 - Groundwater elevation at well locations
 - Production at well locations
 - Water quality at well locations
 - The mobile applications are supported on iOS and Android devices.
 - Mobile data collection requires a Mobile Worker ArcGIS Online user license. Five (5) Mobile Worker licenses are included as part of task 2. If additional licenses are needed, then Dudek will

notify the Watermaster and request authorization to purchase the additional licenses for a cost not-to-exceed the fee of the additional licenses.

- Deliverables/Meetings
 - Dudek will hold one in-person meeting with Watermaster staff to review the mobile data collection application.
 - Dudek will provide documentation in the form of a 'How-To' guide for users of the application.
- **Cost for Task 3**.....**\$13,330.00**

4 Annual Maintenance Costs (Beginning Year 2)

Licensing for ArcGIS Online as well as routine maintenance are necessary for the DMS to remain current. The annual licensing cost, beginning in year 2, based on the licenses outlined in task 2 will be \$4,335.00. Additionally, 4 hours a month will be allocated for routine maintenance of the system at a cost of \$9,360.

- **Cost for Task 4**.....**\$13,695.00**

In summary, Dudek proposes to complete the work described above for tasks 1, 2 and 3 on a time-and-materials basis not to exceed **\$45,895**. Dudek anticipates developing the DMS design over an 8-week period concluding with a meeting with the Watermaster in week 8. Beginning in year two, the recurring annual maintenance cost will be **\$13,695**. We sincerely appreciate the opportunity to serve the Watermaster and to develop an integral tool to effectively track groundwater data in and near the Beaumont Basin.

Sincerely,

Matthew Palavido
Matthew Palavido
GIS Application Developer

Beaumont Basin Watermaster GIS-Based Data Management System

Dudek
Matthew Palavido

Project Start:	Mon, 4/17/2023	
Display Week:	1	

Display Week: <div>1</div>					Apr 17, 2023							Apr 24, 2023							May 1, 2023							May 8, 2023							May 15, 2023							May 22, 2023							May 29, 2023							Jun 5, 2023						
					17	18	19	20	21	22	23	24	25	26	27	28	29	30	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11
TASK	ASSIGNED TO	PROGRESS	START	END	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S							
Database Design																																																												
Databse schema Development			4/17/23	5/7/23																																																								
On-Site Meeting			5/8/23	5/8/23																																																								
Web-based GIS Application																																																												
Web-based GIS Application Development			4/24/23	5/21/23																																																								
User Guide			5/15/23	5/17/23																																																								
On-Site Meeting			5/22/23	5/22/23																																																								
Mobile Data Collection																																																												
Groundwater elevation, production and water quality Survey 123 Forms			5/15/23	6/8/23																																																								
User Guide			5/29/23	6/8/23																																																								
Onsite Meeting			6/9/23	6/9/23																																																								

BEAUMONT BASIN WATERMASTER MEMORANDUM NO. 23-17

Date: May 12, 2023

From: Thomas Harder, Thomas Harder & Co.

Subject: Proposed June 2023 Workshop Agenda

Recommendation: For Information and Discussion

At a Special Meeting of the Beaumont Basin Watermaster (Watermaster) Committee on March 10, 2022, the committee conducted a workshop to review and discuss the goals and objectives of the Watermaster. At the workshop, it was determined that further discussion of basin storage issues previously identified by Alda/Thomas Harder & Co. was needed. These issues related to:

- Apparent conflicts between Appropriator storage account balances and physical storage in the basin,
- Recharge imbalances between the west side of the basin and the east,
- Accounting for storage losses.

We recommend conducting a workshop in July 2023 to further articulate and discuss approaches to the issues previously identified. The scope of topics for discussion will require multiple workshops. For the July workshop, we are recommending the following agenda:

- Initial Articulation of Issues
 - Production from Storage Accounts that Prevents Impacts
 - Possible delineation of management zones in the basin
- Preliminary Identification and Prioritization of Other Issues to Address
- Development of the Committee's Vision for the Basin
- Identify Next Steps (Develop Agenda for Next Workshop)

There are no financial impacts associated with this recommendation.