

Notice and Agenda Regular Meeting of the Beaumont Basin Watermaster

Wednesday, August 2, 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	

Remote attendance options are provided primarily as a matter of convenience to the public. Unless a Watermaster Committee member is attending remotely pursuant to provisions of GC 54953 et. seq., the public, in-person meeting will not stop or be otherwise suspended should a technological interruption occur with respect to the Zoom teleconference or call-in line listed on the agenda. Members of the public are encouraged to attend BBWM meetings in person at the above address, or remotely using the options listed.

Online Meeting Participation Link:

<https://us02web.zoom.us/j/81638720446?pwd=UnNZcC9TbGZzTGFMHdhVkrMblczQT09>

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 – AUGUST 2, 2023

I. Call to Order

II. Roll Call

Committee Member Agency	Primary Representative	Alternate
City of Banning	Arturo Vela, Chair	Nathan Smith
City of Beaumont	Jeff Hart	Robert Vestal
Beaumont-Cherry Valley Water District	Daniel Jagers	Mark Swanson
South Mesa Water Company	Dave Armstrong	Brittany Lim
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. June 7, 2023 Regular Meeting [\[Page 6\]](#)
 - b. July 13, 2023 Special Meeting [\(page 18\)](#)
- B. Status Report on Water Level Monitoring throughout the Beaumont Basin through July 5, 2023 [\[Page 24\]](#)
- C. A Comparison of Production Rights versus Production through June 2023 [\[Page 35\]](#)
- D. Financial Status Report [\[Memorandum No. 23-18, Page 36\]](#)

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. Presentation by San Gorgonio Pass Water Agency General Manager Lance Eckhart
- B. 2022 Consolidated Annual Report and Engineering Report – Presentation of Comments Received on Draft Report (tabled from 6/7/2023) [Memorandum No. 23-19, Page 41]
Recommendation: That the Watermaster Committee Consider 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/>
- C. Discussion / Clarification of Overlier Transfers Process [Memorandum No. 23-20, Page 53]
Recommendation: No recommendation.
- D. Discussion Regarding Structure of the Watermaster Committee and Inclusion of Elected Representatives as Primary Members [Memorandum No. 23-21, Page 67]
Recommendation: No recommendation.
- E. Update on Development of Data Management System [No written report]
Recommendation: No recommendation.
- F. Update on Well Survey Project for Wells in the Beaumont Basin Monitoring Network [No written report]
Recommendation: No recommendation.
- G. Discussion of Agenda Items and Special Meeting Date for Proposed September Workshop [Calendar, Page 75]
Recommendation: Determine focus and items for a Workshop no. 2

VIII. Topics for Future Meetings

- A. Monitoring of future west side well sites and methodologies, and potential collaboration with USGS
- B. Development of a 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, October 4, 2023, at 11:00 a.m.
- C. Future Meeting Dates:
 - December 6, 2023 at 11:00 a.m.
 - February 7, 2024 at 11:00 a.m.
 - April 3, 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, June 7, 2023**

Meeting Location:

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

I. Call to Order

Chair Art Vela called the meeting to order at 11:01 a.m.

II. Roll Call

<i>City of Banning</i>	<i>Art Vela</i>	<i>Present</i>
<i>City of Beaumont</i>	<i>Jeff Hart</i>	<i>Present</i>
<i>Beaumont-Cherry Valley Water District</i>	<i>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:

*Nyles O’Harra, Yucaipa Valley Water District
Joyce McIntire, Yucaipa Valley Water District
Lance Eckhart, San Gorgonio Pass Water Agency
Emmett Campbell, San Gorgonio Pass Water Agency
Matt Howard, San Gorgonio Pass Water Agency
Ron Duncan, San Gorgonio Pass Water Agency
Kevin Walton, San Gorgonio Pass Water Agency*

III. Pledge of Allegiance: Chair Vela led the pledge.

IV. Public Comments: None.

V. Consent Calendar

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

A. Meeting Minutes

April 5, 2023 Regular Meeting

B. Status Report on Water Level Monitoring throughout the Beaumont Basin through May 16, 2023

D. Financial Status Report

It was moved by Chair Vela and seconded by Member Hart to approve Consent Calendar items A, B, and D.

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

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

Member Jagers pointed to the Table in the staff report and noted that it includes items that will be discussed under Item VII-B on the agenda related to transfers of overlie water rights from Oak Valley Partners (OVP) to YVWD. He recommended discussion on the amount credited and footnote 1 in the table prior to approval.

Mr. Blandon provided information. He noted that the 2023 final amount credited will be at the end of the year once it is known how much water YVWD has delivered to the parcels. Alternatively, if the 790.3 acre-feet (af) has been accepted as of 2022, YVWD would have at least 790.3 af in 2023, he stated.

Chair Vela indicated that the item could be corrected at the next meeting and made a motion to accept the report.

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

AYES:	Ares, Armstrong, Hart, Vela
NOES:	Jagers
ABSTAIN:	None
ABSENT:	None
STATUS:	Motion Approved 4-1

VI. Reports

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

Mr. Blandon reminded that at the April meeting, it had been requested to include the total amount of production by BCVWD and amount delivered to the City of Banning, and this has been done.

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

Mr. Harder reported:

- 1. Response to the data request from West Yost regarding a study they are doing for SAWPA was provided on April 20, 2023.*
- 2. The model for the safe yield calculation has been completed the process of calibrating the model has begun. By the end of the month, field analysis should begin.*
- 3. Contact has been made with Terry Erlewine from Provost & Pritchard, which was recently awarded a grant to install some monitoring wells. One of the wells would be near Banning on the east side of the fault between the Beaumont Basin and downstream basin and would provide valuable information. There will be a meeting between Mr. Harder and Terry Erlewine in July.*
- 4. Storage change in the basin is recalculated each year for the annual report. The Watermaster is on a calendar year, and the State required reporting under SGMA is on the water year – October 1 to September 30. To prepare the annual report due April 1 is challenging. He proposed preparing the storage change map for the water year for the State and preparing a second storage change map for the calendar year for the Watermaster. No change in budget is anticipated, but the data request would come to the members in October rather than January. There were no objections.*

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

Mr. Stuart reported that he is working with Mr. Blandon and Mr. Harder to develop a timeline to address all the BBWM open topics and to look at setting some deadlines. It will be presented for consideration at the next meeting.

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

Mr. Montoya reported that a motion to add alternate members for South Mesa Water Company and the City of Banning is set for hearing at Riverside Superior Court Department 5 that has jurisdiction over the

amended judgment set for June 13 at 8:30 in the morning. He expects that the requirements for members and alternates have been met to be presented to the BBWM.

Mr. Montoya stated that Steve Stuart has been very helpful regarding the Forms 5 for water transfers to the Beaumont-Cherry Valley Recreation and Park District. He will talk about discussions on this item later in the agenda.

VII. Discussion Items

A. Consideration of the Watermaster Budget for Fiscal Year 2023-24.

Recommendation: Approve the Budget for Fiscal Year 2023-24.

Chair Vela noted the recommendation is for approval of a budget for fiscal year 2023-2024 of \$36,950. Year to date expenses total \$17,934.

It was moved by Member Ares and seconded by Member Jagers to approve the Watermaster Budget for Fiscal Year 2023-24 and the motion was approved by the following vote:

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

B. Resolution 2023-01: 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 2023-01.

Dudek consultant Mr. Steve Stuart explained the resolution transferring water rights between the former Sunny Cal North parcels to the new owner, the Beaumont-Cherry Valley Recreation and Park Improvement Corporation and then to the Beaumont-Cherry Valley Recreation and Park District (BCVRPD). The parcels to which the water rights were transferred per Resolution 2006-02 were identified, and those corresponding parcel numbers are now being transferred to the BCVRPD and correspond with the parcels identified in Exhibit B of the judgment. With the revised safe yield, the water right of 232.4 af per year will be transferred from the Sunny Cal North parcels to BCVRPD.

Mr. Jagers noted that this action is informed by how the BBWM has previously done reassignments of transfers. He acknowledged the work done on this item.

It was moved by Member Jagers and seconded by Member Hart to adopt Resolution 2023-01 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) by the following vote:

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

C. Transfer of Overlying Water Rights from Oak Valley Partners to Yucaipa Valley Water District

Recommendation: Receive and file or direct staff as desired

Mr. Stuart provided some background on the transfer of all Oak Valley Partners (OVP) water rights to a select number of parcels they owned for the Summerwind Ranch project via Resolution 2017-02. When water service was provided to the Summerwind project parcels by YVWD, then transfer of those water rights would be to YVWD. Subsequently, YVWD filed documents transferring water rights in 2018 and 2019 for specific tracts. Resolution 2019-02 created the Form 5 which documented the transfer of overlying water rights from an overlier to an appropriator and acknowledged that the transfer of water rights would only occur when the water was provided to that particular overlier.

YVWD filed a Form 5 in November 2019 acknowledging the complete transfer of OVP rights to YVWD associated with the parcels of the Summerwind Ranch project. Litigation in 2021 confirmed the overlying water rights are transferred to the appropriator when that water is provided to the overlier and only for that amount at that time, per the judgment.

In 2023, YVWD submitted five Forms 5 representing transfers from 2018 to 2022 documenting the following transfers based on the water served to OVP and the parcels associated with Resolution 2017-02:

HEXI	EGVIJIIX	XVEGXRS2
73653645<	=42=8	76;46\$erh\$76;4619
;36;3645<	9=2=	76;=615\$erh\$76;4616
=36:3645<	6=29;	76;4617
53553645=	62:9	775491:

The cumulative total is 790.38 af from OVP to YVWD, Stuart concluded.

Legal Counsel Thierry Montoya reminded that with transfer from an overliier to an appropriator, the appropriator agrees to provide water service to the overlying properties. The total numbers, as confirmed by Dudek, have transferred over. There are various Forms 5 that take over for the previous 180.4 af that were transferred prior to the litigation. There are water service letters from YVWD stating service has been provided and signatures on the Forms 5 from OVP that they have accepted water service.

Montoya said he confirmed with Member Zoba of YVWD that the water service provided was for the parcels identified in Resolution 2017-02. Mr. Zoba was not aware of OVP owning any of the property within his jurisdiction, but the water service went to all the parcels identified in Resolution 2017-02. Member Ares confirmed the parcels are being served.

The balance of OVP's water rights as having transferred to YVWD as adjusted add up, Montoya continued. There is clear accounting on the BBWM side and also protection for YVWD in case of a claim by an overlying party, and seems to meet the requirements of the amended judgment, he said, and recommended the transfer be approved.

Chair Vela noted that the documentation did not indicate specific phases or tracts being served. He said he would like to confirm that the water delivered is outside of the tracts noted in previous Forms 5 and these are new developments for which transfers have not been accepted. Montoya said it was his understanding that development continued, and this is additional water provided by YVWD for the service of the remaining undeveloped parcels. He pointed out that "water service" is not narrowly defined in the amended judgment, and it may also include recycled water for the benefit of the parcels. This is for the balance of OVP's water rights. Mr. Montoya added that during the litigation, Mr. Zoba had declared that YVWD will use all of OVP's water rights, at OVP's request, because they will need it for their development. Ms. Ares referred to the chart shown above with tract numbers. Vela cautioned

against double counting. Ares suggested a future agenda item to refine the process for beginning to end.

Member Jagers asked for clarification on an adjustment of transfers from 2018. Mr. Stuart indicated that the 0.2 af was in lieu of the previously presented requests.

Member Jagers acknowledged Member Ares' request to refine the process, and posited that the process of transfers needs to be a complete process. He reminded about the passage of AB 1668 and SB 606 requiring reduction in per capita water use per house, and pointed out that there may be potential to be oversupplying water. He said he would like confirmation that figures are a true accounting of water supply over the period and pointed out they could include water consumption related to grading activities.

Previous rules and regulations under Section 7 required accounting to be done every year, but that was deleted at the proposal of Member Zoba, Jagers reminded. He said he now questions whether this will be accurate moving through time given the legislation and reductions in total water supply, and having grading activities aggregated in when the grading process may consume more than some future building or housing. He said he prefers the method where it is known where the water goes and approximate amounts, and there is a handle on it rather than general aggregate activities.

As a minimum, Jagers suggested, the BBWM should have discussion on quantities, as this does not follow the outline set forth in Resolution 2017-02. Further, previous Forms 5 already filed are being duplicated and there is some confusion, he said.

In response to Member Ares, Member Jagers said he did not think the submittal follows the past process and clarifications are needed before receiving and filing. He added that it does not follow the form of Resolution 2017-02 as was previously done. He recalled previous discussion with legal counsel regarding perfection of transfer rights and filings were approved based on the anticipation of the action within a certain period. This is a different thing, he noted.

Member Ares noted this is a matter of interpretation, and the intention / goal moving forward was for informational purposes only, as the recommendation is to receive and file, not to approve.

Member Jagers emphasized clarity; that what was being received and filed was understood. He reiterated that the process now being followed is not what was done previously, which was created to comply with Resolution 2017-02.

Chair Vela acknowledged the difference in process and that the document does not identify the specific phase to which water was delivered as identified in the Resolution. If it had been clear in the correspondence to what phase of development the water was being provided, then the question is whether the water being delivered is associated with those tracts which the transfers had been previously accepted. He reiterated the potential for double counting.

Member Ares suggested agendaizing the process discussion at a later meeting and confirmed that these requests supersede the previous.

In response to Member Jagers, Mr. Blandon indicated he confirmed with Mr. Zoba that there was not an addition.

Member Jagers posited that the current Forms 5 do not provide the information as required by Resolution 2017-02 and requested clarity. He stated that his preference would be to follow the form of that resolution. If there is desire to deviate from it the resolution should be amended, he said.

Chair Vela indicated that he had not picked up that the 790.3 supersedes the previous transfers and those do go away and now there is a total transfer of 790.3 acre-feet. Mr. Blandon discussed how that might be reflected in the annual report. Chair Vela stated there must be a way to streamline this and assure the accounting is as accurate as possible. He noted the challenge of physical confirmation of the transfer taking place when the water is delivered, and said the BBWM should consider some level of confirmation.

Chair Vela invited public comment. There was none.

Member Ares moved to receive and file the fully executed Form 5 document for calendar years 2018, 2019, 2020, 2021 and 2022. There was no second.

Member Jagers offered a substitute motion to receive and file the Form 5 as provided by YVWD with further documented clarification of the rescission of the previous requests for water rights transfers, and further discussion, resolution, and adherence to the format of Resolution 2017-02. The motion was seconded by Member Armstrong and was approved by the following vote:

AYES:	Armstrong, Hart, Jagers, Vela
NOES:	Ares
ABSTAIN:	None
ABSENT:	None
STATUS:	Motion Approved 4-1

D. 2022 Consolidated Annual Report and Engineering Report – Presentation on Comments Received on Draft Report

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

Mr. Blandon reviewed comments received by BCVWD.

Mr. Blandon noted that the impact of YVWD's Form 5 submittal would be documented in the final report, and detailed the revisions by section and table. Mr. Blandon asked for guidance given the discussion and motion under the previous agenda item. In response to Chair Vela, Mr. Blandon indicated it is not imperative to have the annual report approved at this meeting.

Chair Vela advised to hold off on those sections until further discussion. Member Jagers and others concurred.

Mr. Blandon continued the presentation and provided a brief summary of storage accounts.

Chair Vela tabled the item to the next meeting. Mr. Blandon requested agencies submit any further comments by mid-July.

Chair Vela commented on a table regarding water imported by Banning using BCVWD's facilities.

E. 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

Mr. Stuart reminded of the presentation of the proposal at the May meeting without a representative of the City of Banning present. Two members also intended to present the proposal to their respective boards, he noted.

Chair Vela indicated support and noted there is benefit and value for the cost.

Mr. Lance Eckhart, general manager of the San Geronio Pass Water Agency (SGPWA) professed support. He noted that the Groundwater Sustainability entities on either side have developed data management systems as part of their ongoing reporting to the state. "if you can't measure it, you can't manage it," he stated. The data is important, and

having all look at the same thing at the same time with the same tools will be fundamental to good management of the basin, he posited. He recommended the SGPWA participate with an equal share with the Watermaster members.

Chair Vela invited public comment. There was none.

It was moved by Member Jagers and seconded by Chair Vela to approve the proposal from Dudek to develop a GIS-based Data Management System for the Beaumont Basin with equal cost share between the BBWM members and the SGPWA was approved by the following vote:

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

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

Recommendation: No recommendation.

Mr. Stuart explained this is an update to the information presented at the last meeting. So far, information has been received only from SMWC, he reported. Member Jagers explained that BCVWD has contacted one of its contractors to obtain the data in short order.

Mr. Eckhart said he wanted to make sure that even if there is additional cost that SGPWA is plugged in with whomever is used for the data to assure that they are synced up and calibrated with the network.

G. Discussion of Agenda Items for Proposed July Special Meeting / Workshop

Mr. Harder reminded the Committee about an October 2021 presentation on storage and storage balances and comparison to the physical condition of the basin. Issues raised were:

- Per the judgment, this basin in the first 10 years had a ramp up of its allowable storage, which is inconsistent with physical storage in the basin, and there was concern that pulling that water out could create impacts.*
- To date, there has been no accounting for Basin storage losses, but a study has shown that those are occurring in certain areas, and this should be done.*

A workshop was held in March 2022 and a follow up workshop is recommended in July to begin to articulate some of the issues, Harder advised. He recommended discussion regarding:

- Production from Storage Accounts that prevents impact*
- 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*

A next workshop would be agendaized to carry forward, Harder noted. Ultimately, he said he would look at development of a plan to address the issues, and execution of the plan.

Chair Vela said he appreciated the effort to add these items to the workshop agenda.

Member Jagers reminded that the prior report had identified some current losses from the Basin and recalled that based on more extraction in certain areas might change those conditions. He asked about further refinement of the model and discussion of new SGPWA recharge facilities. Mr. Harder said he did not envision analysis, but more of a big picture of what happens in terms of extraction and the way the Basin is operated. He recommended articulation of issues and identification of impediments to addressing those issues, and figuring out what to do to analyze it and arrive at an informed policy.

Mr. Jagers asked for philosophical ideas that can be developed moving forward.

Mr. Hart recommended, as part of any policy decisions that affect the region, discussion about the structure of the BBWM itself, and whether there is benefit or desire to have an elected representative from each agency with the existing primary representative serving as an alternate, or a technical advisory committee to the electeds. He recognized the stipulations for specific background and experience but not all are identical.

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
- H. Update on SGPWA water supply portfolio

IX. Comments from the Watermaster Committee Members

None.

X. Announcements

- a. Special Meeting / Workshop to be scheduled in July
- b. The next regular meeting of the Beaumont Basin Watermaster is scheduled for August 2, 2023 at 11:00 a.m.
- c. Future Meeting Dates:
 - i. October 4, 2023 at 11:00 a.m.
 - ii. December 6, 2023 at 11:00 a.m.
 - iii. February 7, 2024 at 11:00 a.m.

XI. Adjournment

Chair Vela adjourned the meeting at 12:21 p.m.

Attest:

DRAFT UNTIL APPROVED

Daniel Jaggars, Secretary
Beaumont Basin Watermaster

**Record of the Minutes of the
Beaumont Basin Committee Meeting of the
Beaumont Basin Watermaster
Special Meeting
Thursday, July 13, 2023**

Meeting Location:

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

I. Call to Order

Chair Art Vela called the meeting to order at 2:01 p.m.

II. Roll Call

<i>City of Banning</i>	<i>Art Vela</i>	<i>Present</i>
<i>City of Beaumont</i>	<i>Jeff Hart</i>	<i>Present</i>
<i>Beaumont-Cherry Valley Water District</i>	<i>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>Joe Zoba</i>	<i>Present</i>

*Hannibal Blandon and Thomas Harder were present as engineers for the
Beaumont Basin Watermaster (BBWM).
Steve Stuart of Dudek was present as BBWM administrator.*

*Members of the public who registered and / or attended:
San Geronio Pass Water Agency General Manager Lance Eckhart*

III. Pledge of Allegiance: Chair Vela led the pledge.

IV. Public Comments: None.

V. Workshop / Discussion Items

- A. Development of the Committee's vision for the Basin
- B. Production from Storage Accounts that prevents impact
- C. Possible delineation of management zones in the Basin
- D. Preliminary identification and prioritization of other issues to address
- E. Identify next steps

Mr. Steve Stuart explained that consultants had reviewed topics for discussion. This is a great start to talk about some of these important items and begin moving forward, he noted.

Stuart provided some detail on meeting discussion points to go through the issues in a more open environment:

- *Vision for the Watermaster*
- *Production from storage accounts to prevent impact*
- *Accumulation of water available to the different appropriators in their storage accounts versus what has been measured in the Basin, the discrepancy between the two, and how to reconcile those accounts to manage the basin*
- *Possible delineation of two or three management zones to help enhance management of groundwater resources and to develop approaches in achieving better management*

This will be the first meeting in a short series, he noted.

Vision for the Watermaster

Mr. Stuart reviewed the stipulated judgment physical solution and the Watermaster mission statement:

Watermaster's mission is to manage the yield of and storage within the Beaumont Basin to provide maximum benefit to the people dependent on it.

He suggested a vision statement to lead how the Watermaster may perceive its role in the future, and how to manage the Basin, and presented components for consideration.

He recommended developing a plan that will help guide the Committee from where it is today to where it should be in the near future.

Chair Vela suggested coming back to the mission statement.

Production from Basin Accounts that Prevent Impacts

Mr. Harder refreshed the Committee's memory on prior discussion (October 2021) regarding discrepancy in storage accounts and the increase in storage accounts via the judgment.

He indicated concern about the pumping out of all water in storage at the same time which could lead to visible impacts / undesirable results. However unrealistic, there must be management guidelines prepared to avoid that.

Harder stated that the change in storage has not changed much, and overall, the Basin looks pretty good. However, on the west side, the

change in storage has been negative compared to the east side. He provided a map of basin conditions, positing that artificial recharge is propping up groundwater levels on the east side.

Member Jagers indicated that on the west side of the faults, BCVWD Well 29 was shut off in an effort to extract from the east side and move water to the west. He discussed groundwater averages and pointed to return flow that may be beneficial in the long term.

Mr. Harder emphasized balance. Member Armstrong asked about water quality implications. Mr. Harder replied there are none known.

Mr. Harder prompted the Committee to discuss where to go from here.

Member Zoba responded with a suggestion to change the graph representing the Comparison of Appropriator Storage Accounts and Physical Storage Change Estimates. It is not a matter of closing the gap, he stated, but of refilling the change in storage to get back to zero, at the point of adjudication. If all storage accounts are fulfilled or depleted, the Basin probably can't handle it, he noted. Mr. Harder agreed, saying it is more toward creating an impact locally and whether the management will have undesirable results. Per the judgment, that water can be pulled out if it were physically possible, he noted.

Mr. Zoba discussed the potential management zones and expressed concern about production impacts. He pointed out that the storage accounts have signaled to the development community that there is plenty of water available, when water levels have dropped. Mr. Harder noted that the concept of management zones was about management actions: identifying things to make the west side more sustainable.

Member Jagers described BCVWD actions to address the imbalance on the west side. Recharge will likely be needed on the west side, he noted.

Mr. Harder advocated for an optimum Basin management plan that follows the vision of the Committee and includes projects and management actions.

Discussion returned to the graph. Chair Vela suggested discussion of comfort level with being below the zero line. Mr. Harder said the model is available to answer questions. Members provided concepts of what the graph represents, current conditions, sustainability, and potential management actions.

Mr. Harder agreed with Member Zoba that serious action to correct the deficiency should be taken.

Possible Delineation of Management Zones

Mr. Harder presented the proposal for two management zones based on the difference in hydrogeology, and the advantages and disadvantages. Harder and Member Jagers pointed out some complications that would need to be addressed.

Member Jagers noted the positive effects of groundwater recharge activities and said the Basin probably needs more than one opportunity for that to happen.

Preliminary Identification and Prioritization of Issues

Harder stated the Committee would benefit from a vision and a management plan which identifies these issues and how to address them. These would be topics for the next workshop. He recommended developing a preliminary idea of which are most important and should be focused on at the next meeting.

Chair Vela recommended continued discussion of storage losses as low hanging fruit, as work has already gone into analysis, and most were in agreement. It is just missing the next step regarding implementation.

Member Jagers noted that all are intertwined and recommended a big picture approach, looking at everything in order to have as healthy a Basin as possible. He suggested mechanically managing in the short term while recharge is built on the west side.

Member Zoba pointed to the SGMA process as a logical way to determine if the Basin is sustainable. He said he would be interested in an exercise to look at SGMA requirements and where the Beaumont Basin would fall short based on where it is today. Vela concurred.

SGPWA General Manager Lance Eckhart suggested including historic underflows and said it was important to recognize the adjacent Groundwater Sustainability Agency (GSA). He noted that maintaining groundwater levels and gradient is doing what has always been done, and cautioned about another adjudication. "All models are wrong, some models are useful," he noted. Management actions also ride along with climate issues, he added.

Recharge has been working, Eckhart continued. He talked about location of recharge and extraction. Part of the plan should be production wells and a capture zone to manage the eastern boundary and make sure that the historic underflow is maintained. This might include shared production facilities, he noted. Eckhart stated he did not want to see a disincentive on importing water.

Chair Vela stated that today was not the right time to finalize the vision. He suggested it may be worthwhile to tie in the judgment, as the Committee operates in an irregular system as far as compliance with the judgment which gives certain allowances, and that may not mirror the mission statement. He pointed out that looking at the graph next to the mission statement, the BBWM would not be meeting the goal, although the judgment has allowed that.

Member Armstrong requested the agenda packet be distributed earlier in order to have a productive conversation.

Member Jagers commented on BCVWD's efforts to manage the balance through the drought. All of the actions, like sharing water opportunities with Banning, wheeling water to the west side, delivering pipelines, and extracting it in places to balance the Basin are things to talk about, he said. Mr. Harder said it sounds like all of that is in the mix already, and the question would be whether those are watermaster things. Jagers pointed out there is one physical solution.

Harder suggested working with Mr. Blandon to prepare an outline of the SGMA process and applying it to the Beaumont Basin for the next workshop.

Chair Vela said there would be value in that exercise, but cautioned that the Committee must be mindful no to overcommit itself.

Mr. Harder and Mr. Blandon will work together and bring back to the next workshop for continued discussion. He recommended keeping this moving.

VI. 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
- H. Update on SGPWA water supply portfolio

VII. Comments from the Watermaster Committee Members

None.

VIII. Announcements

- a. Set date for next Special Meeting / Workshop – None set
- b. The next regular meeting of the Beaumont Basin Watermaster is scheduled for August 2, 2023 at 11:00 a.m.
- c. Future Meeting Dates:
 - i. October 4, 2023 at 11:00 a.m.
 - ii. December 6, 2023 at 11:00 a.m.
 - iii. February 7, 2024 at 11:00 a.m.

XI. Adjournment

Chair Vela adjourned the meeting at 3:04 p.m.

Attest:

DRAFT UNTIL APPROVED

Daniel Jagers, Secretary
Beaumont Basin Watermaster

BEAUMONT BASIN WATERMASTER

Date: August 2nd, 2023

From: Hannibal Blandon, ALDA Inc.

Subject: Status Report on Water Level Monitoring throughout the Beaumont Basin through Jul 6, 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. A 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 was pumped last in 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 declined 100 feet to 2,331 ft., a minor recovery has been recorded in the last few months to its current elevation of 2,338 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 55 feet has been recorded since to the current elevation of 2,247 ft with over half of the decline taking place over the last 12 to 14 months. The minor recovery observed in the shallow aquifer has not been observed in the deeper aquifer.
- ✓ 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 2022 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. The newly installed optical communications cable worked for a few months, but failed to transmit when visited this past May. Current groundwater elevation at this well is 2,508 ft in the middle of the operating range.

- ✓ 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, while the probe has been working properly, the new optical cable has not and may need to be replaced while it is still under warranty.
- ✓ 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 31 feet, has been recorded at Banning M-8 between the summer of 2015 and the present to its current elevation of 2,048 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, since our March visit 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 2,194 ft and 2,215 ft in elevation; however, this past summer (2022) it 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 2,188 ft and 2,216 ft with a current elevation at this well of 2,193 ft. showing a significant decline since the spring of 2023. 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 on the western portion of the basin. This well was extensively used prior to 2022; however, minimum pumping has been recorded since the winter of 2021. A decline in water level of nine feet has been recorded at this well between 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. 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 probe 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

Water level information was manually retrieved at the following wells due to malfunctioning of the communication cables at the following wells:

- ✓ BCVWD No. 2
- ✓ Summit Cemetery No. 1
- ✓ Noble Creek Park
- ✓ Mountain View
- ✓ Sun Lakes
- ✓ Banning M-8
- ✓ Banning M-9
- ✓ Tukwet B

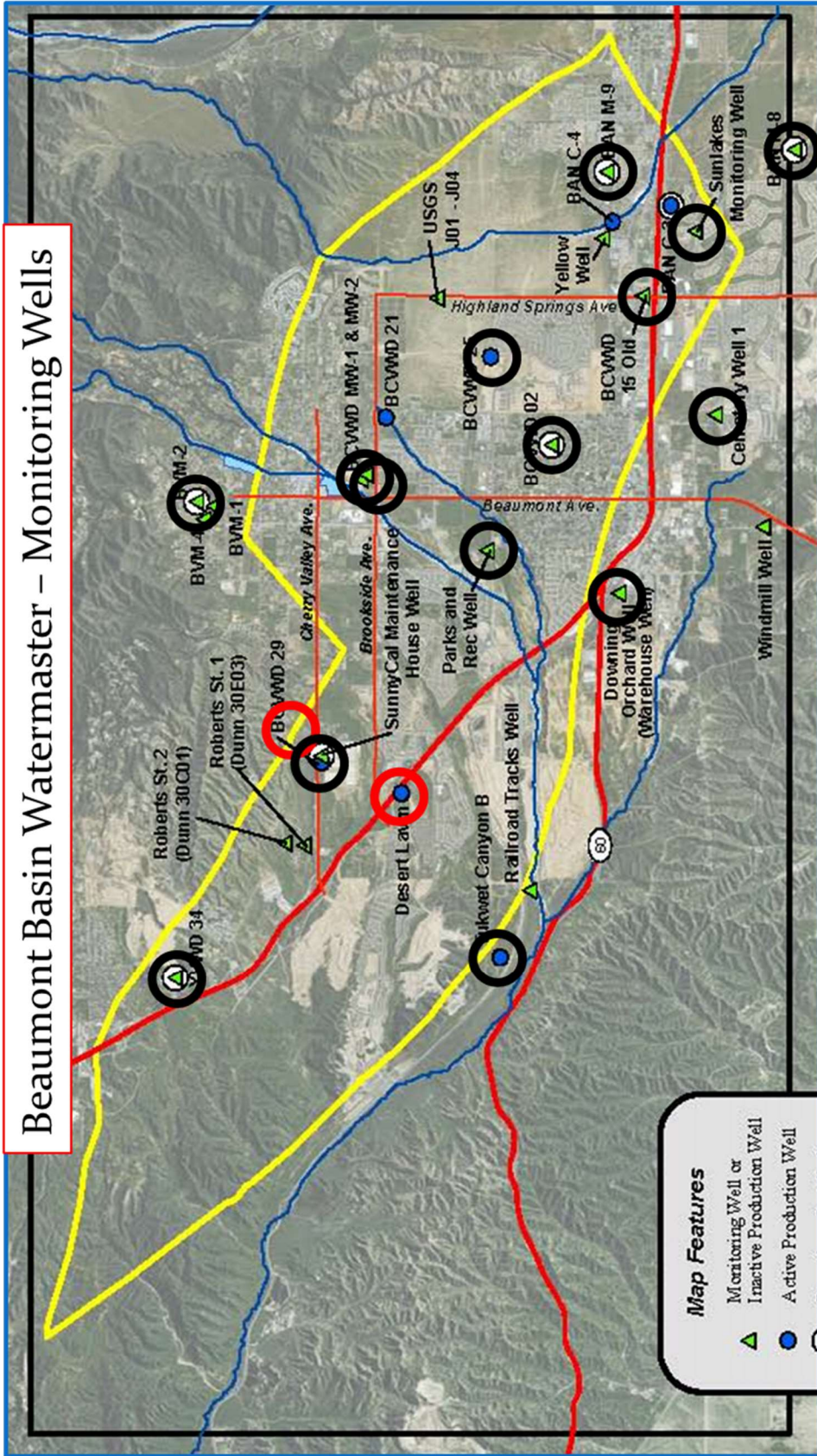
Optical communication cables were recently replaced at four of these wells and are not working at this time. These cables seem to be failing due to the presence of moisture at the optical reader. Optical communication cable at Banning M-9 has been replaced three times over the last two years due to the above reason and would probably need to be replaced again; fortunately, replacement of these cables would be covered under warranty.

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.

Beaumont Basin Watermaster – Monitoring Wells



	Potential Monitoring Wells
	Beaumont Parks and Rec.
	Plantation on the Lake

Wells with Working Monitoring Probes	
Bonita Vista No. 3	Tukwet Well B
Noble Creek Ponds 4 Deep	Summit Cemetery No. 1
Noble Creek Ponds 4 Shallow	Sun Lakes Golf Course
Noble Creek Park	Banning M-8
BCVWWD Old 15 (Banning)	Banning M-9
	BCVWWD No. 2
	BCVWWD No. 25
	BCVWWD No. 29
	YVWWD No. 34
	Icon Warehouse

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

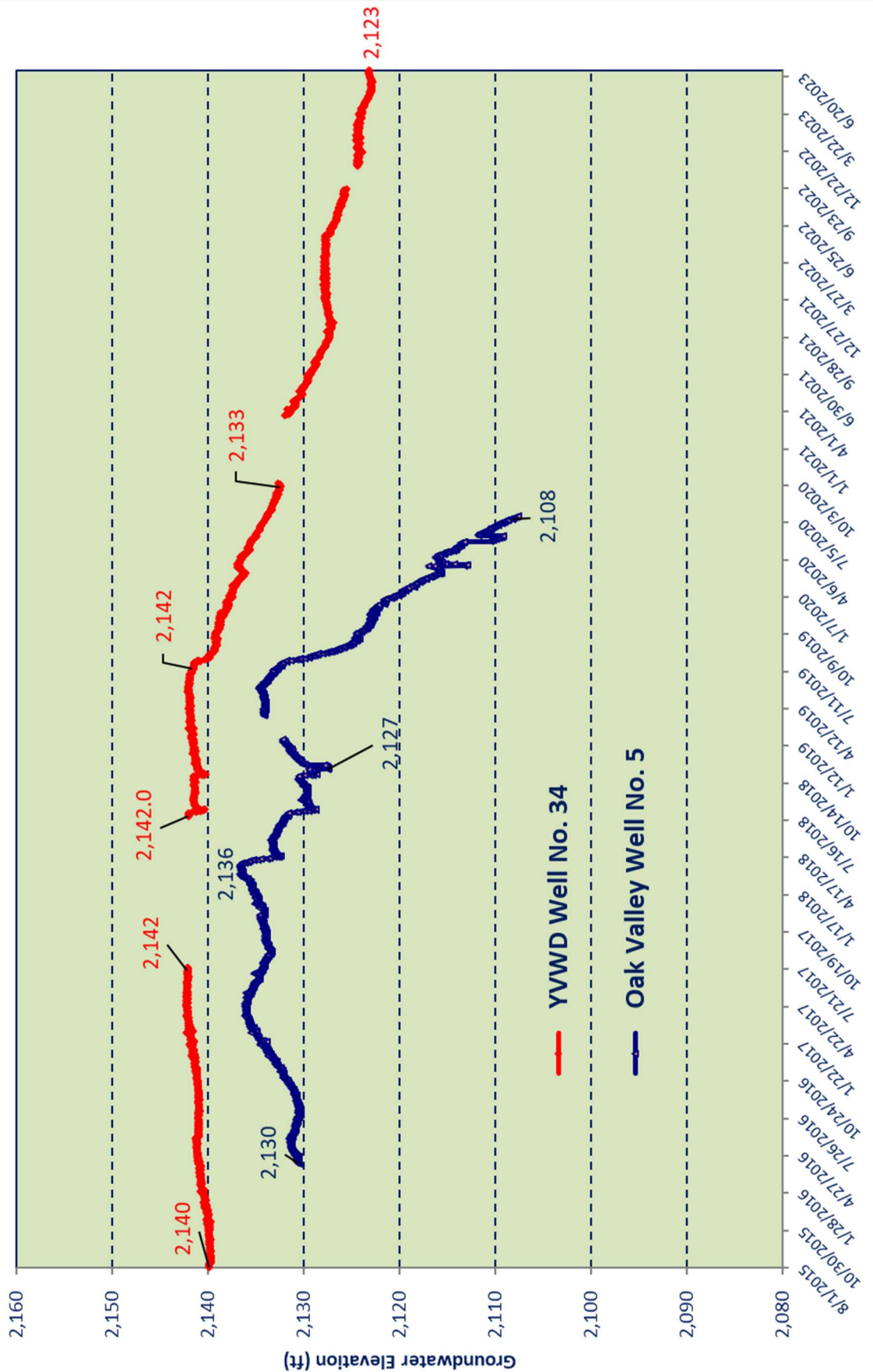


Figure No. 3
Static Groundwater Elevations at Noble Creek Obs. Well 4S and 4D
 (May 28, 2015 through Jul 5, 2023)

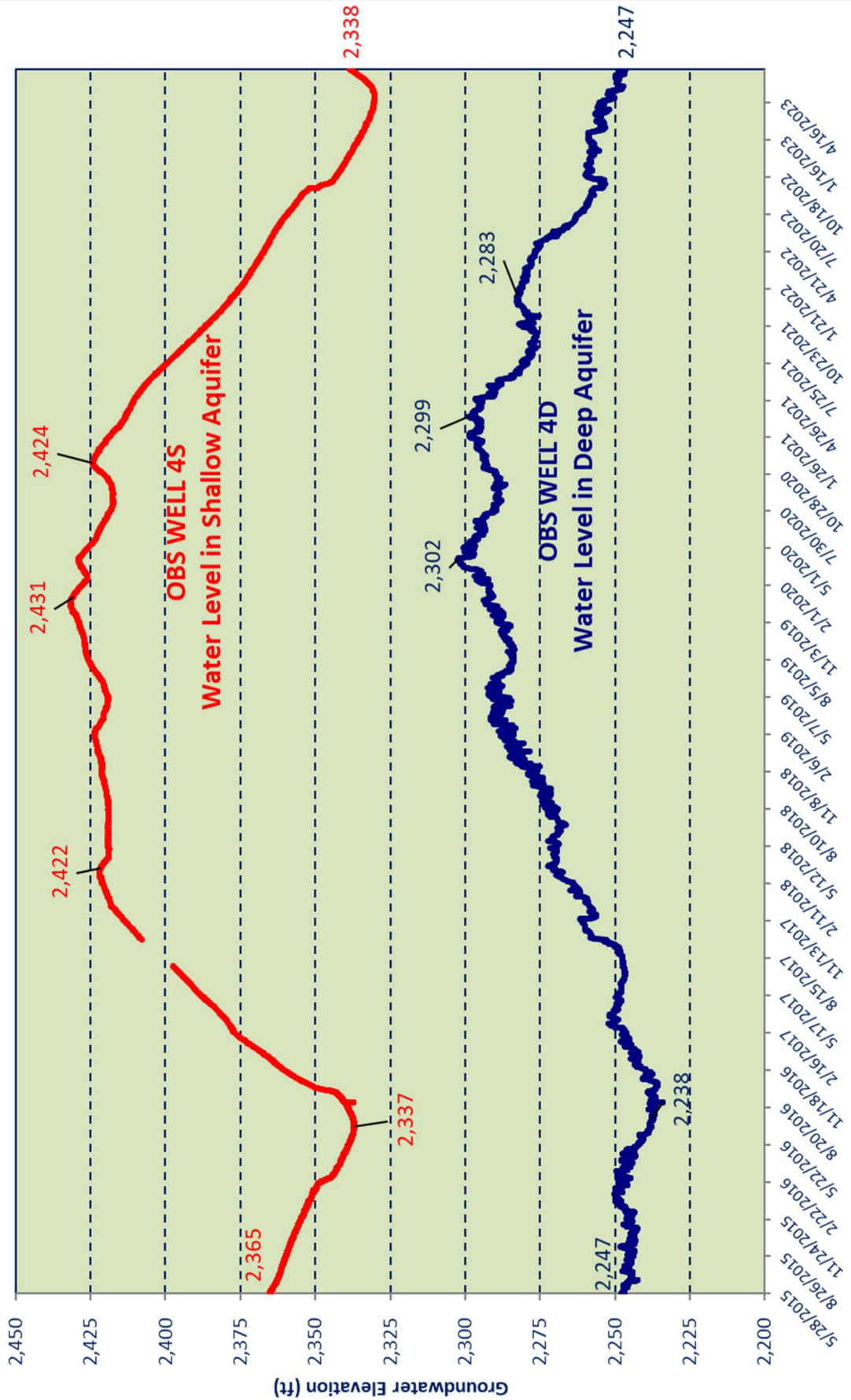


Figure No. 4
Static Groundwater Elevations at Summit Cemetery and Sun Lakes Wells
(May 28, 2015 through Jul 5, 2023)

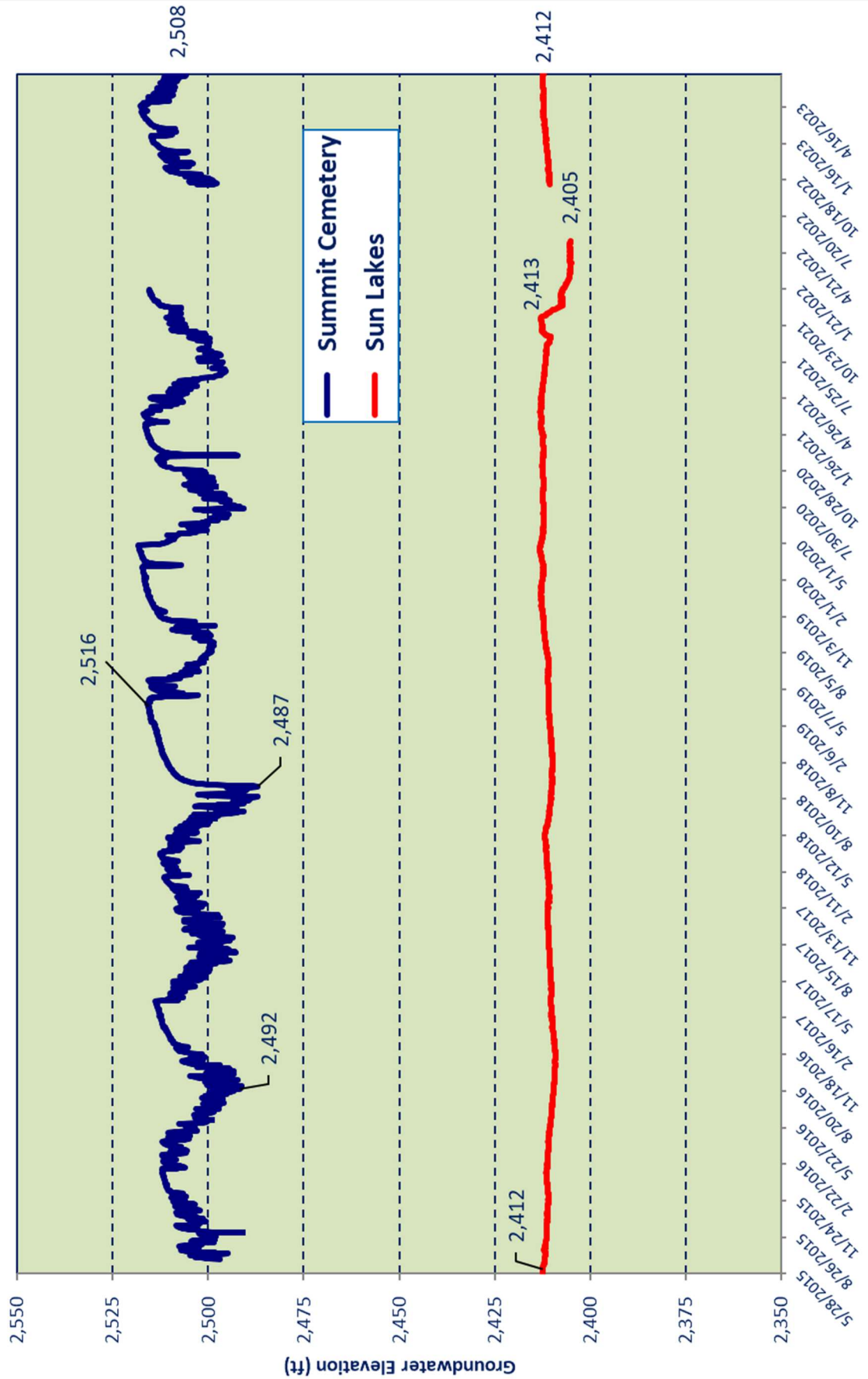


Figure No. 5
Static Groundwater Elevations in the Banning Area
 (May 28, 2015 through Jul 5, 2023)

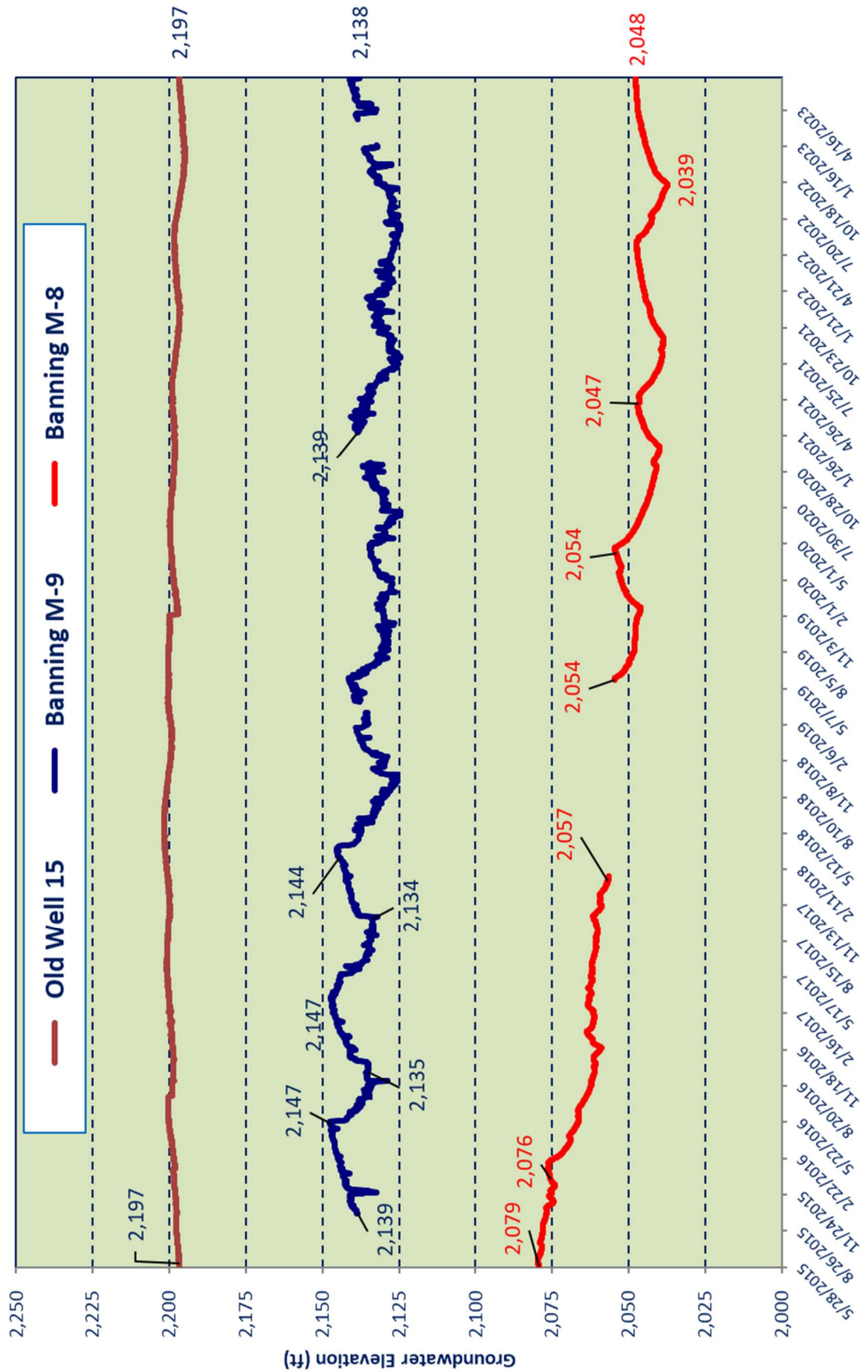


Figure No. 6
Static Groundwater Elevations at BCVWD Wells No. 2 and 25
(Jan 26, 2017 through Jul 5, 2023)

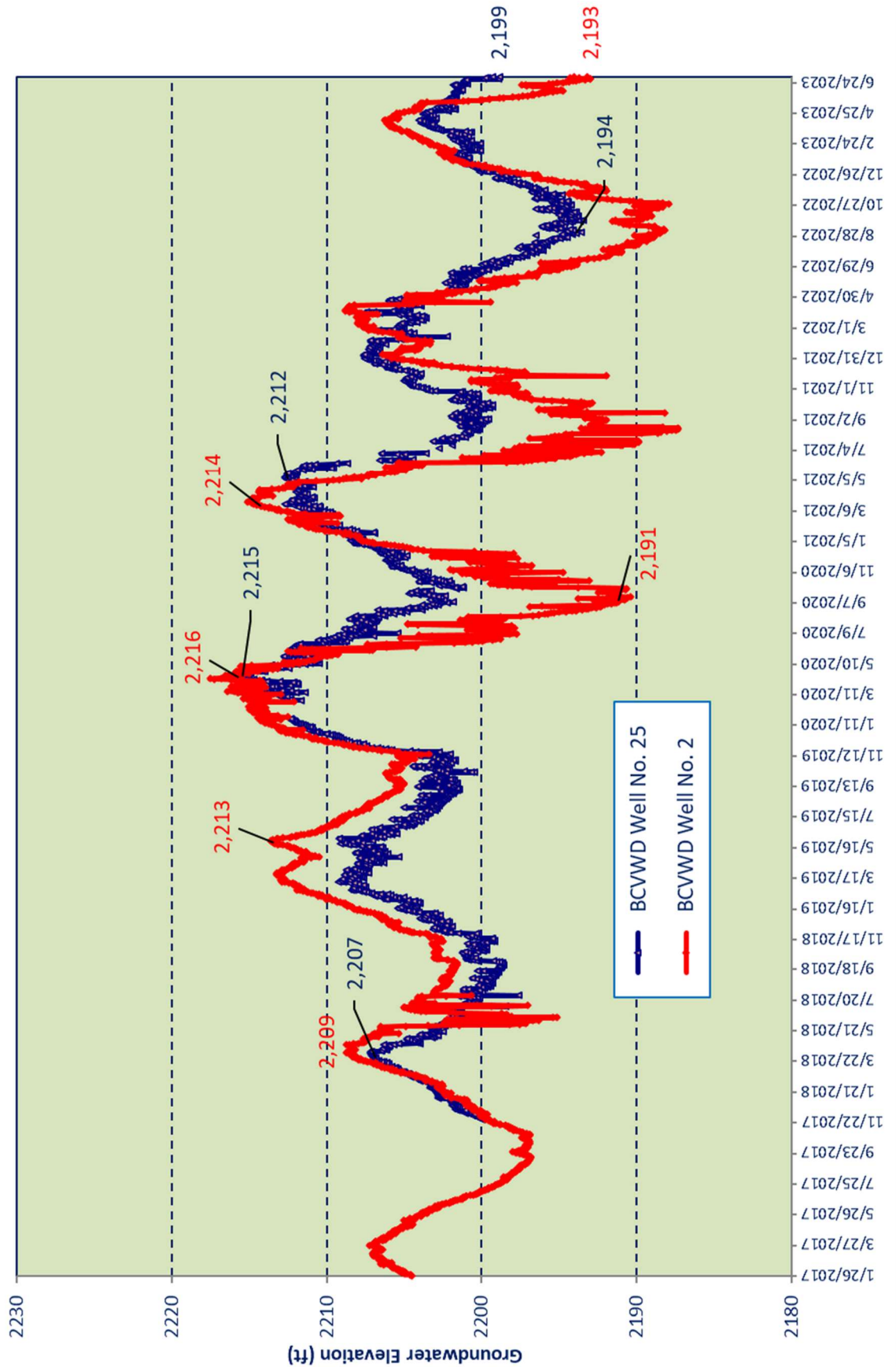
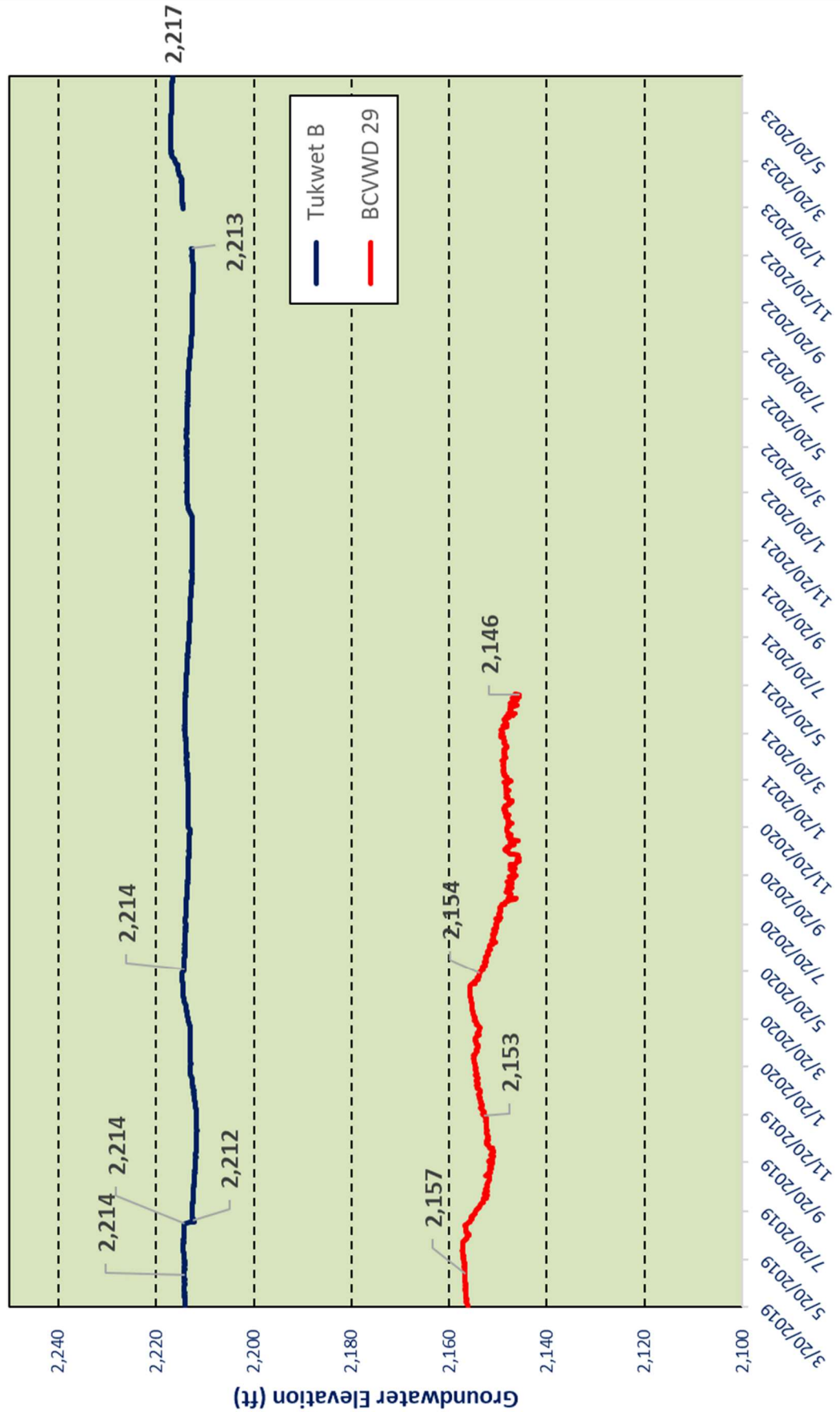


Figure No. 7
Static Water Level at BCVWD No. 29 and Tukwet Cyn Well B
(Mar 20, 2019 through Jul 5, 2023)



BEAUMONT BASIN WATERMASTER

Date: August 2nd, 2023
From: Hannibal Blandon, ALDA Inc.
Subject: A Comparison of Production Rights vs. Production through June 2023
Recommendation: No recommendation - For informational purposes only

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

Total production by Appropriators for the first six months of calendar year 2023 was 5,312 ac-ft while Production Rights for the same period were 15,114 ac-ft resulting in a positive credit balance of 9,803 ac-ft, as presented in the table below. For the first six months of the year, all appropriators have a positive storage balance. Spreading of imported water has been significant for this period at 9,845 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 production rights depending on the amount of imported water spread. Appropriators that produce less than their individual production rights 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	9,845	0	0	9,845
Production Rights	1,408	11,749	559	1,398	15,114
Production ⁽²⁾	780	3,957	117	458	5,312
Credit Balance	628	7,792	442	940	9,803
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 for 2023 will be adjusted at the end of the calendar year.
 2.- Production by the City of Banning includes 474 ac-ft of groundwater produced through June 2023 by BCVWD and delivered to the city at their two connection points. Production by BCVWD was erroneously reported at the June meeting at 6,617 ac-ft; actual production by the District during the first four months of the year was 2,341 ac-ft.

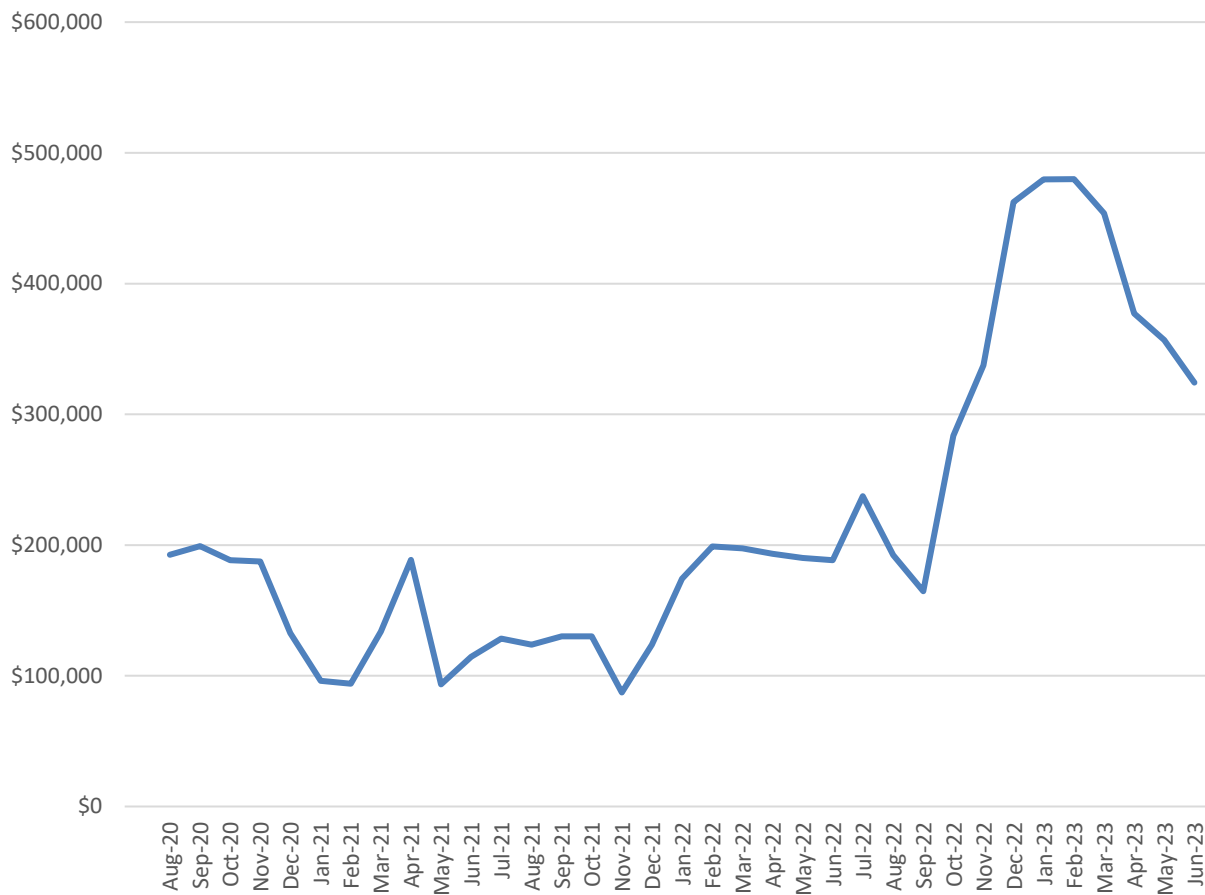
BEAUMONT BASIN WATERMASTER MEMORANDUM NO. 23-18

Date: August 2, 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



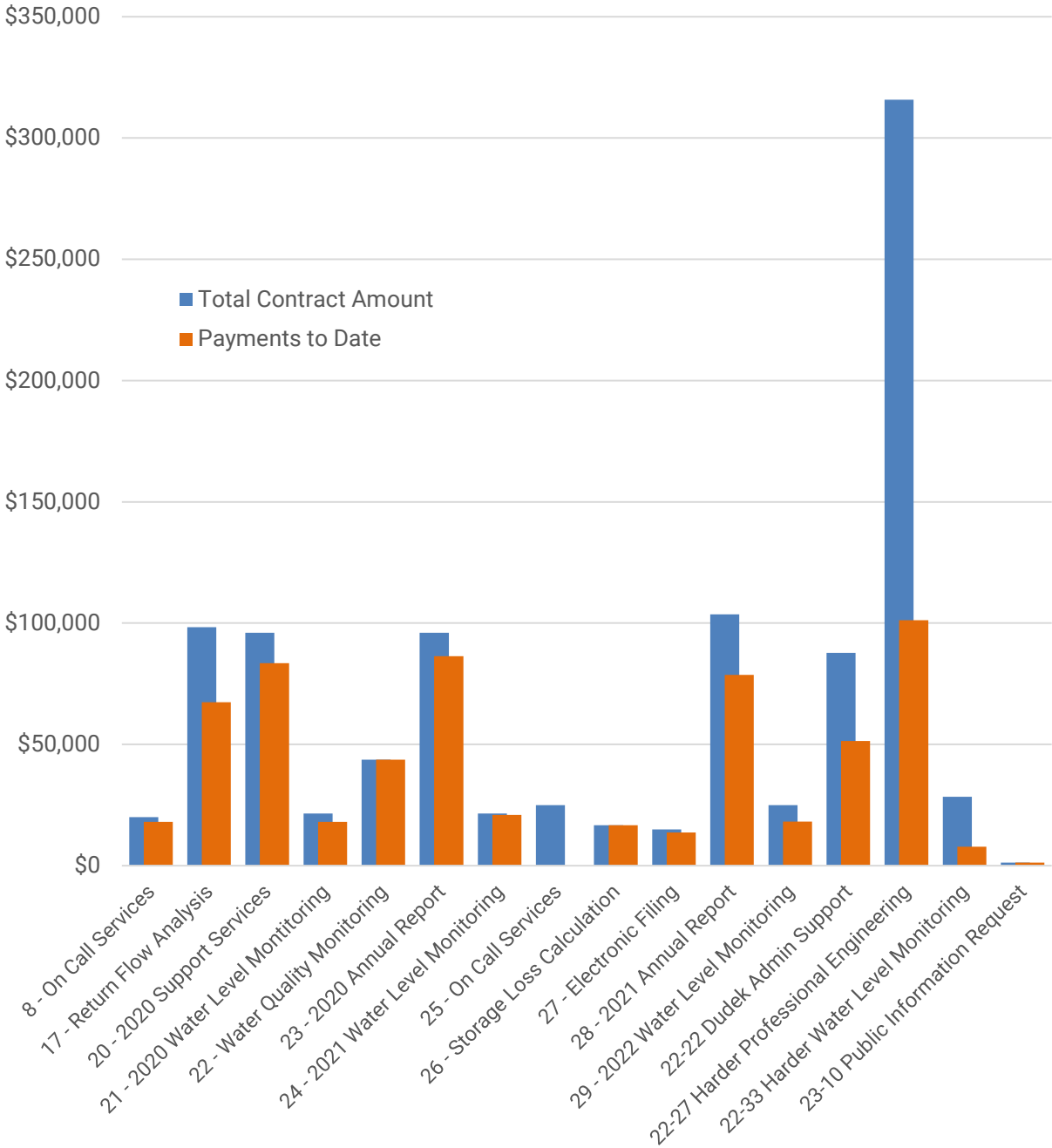
Budget Monitoring - Revenue for the Beaumont Basin Watermaster is received when one of the following events occur: (1) the Watermaster Committee approves a task order; (2) the Watermaster Committee approves a special project; (3) when a budget is adopted with a recommendation to replenish the anticipated 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 (June-23) 100%	Percentage of Approved Budget
Bank Fees & Interest	\$50.00	-\$71.49	-143.0%
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	\$150,700.00	301.4%
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	\$18,067.00	72.3%
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	\$293,303.21	118.9%

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	\$51,342.50	59%
22-27	Thomas Harder - Professional Services – Task Order 1	\$315,805.00	\$101,140.00	32%
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%

Open Consultant Contracts



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. 23-19**

Date: August 2, 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 BCVWD and presented at the June 7, 2023 regular meeting. In addition, Mr. Zoba provided Notice to Adjust Rights on an Overlying Party Due to Proposed Provision of Water Service for an Appropriator for CY 2018 through CY 2022. Individual letters along with a Form 5 were provided for each calendar year listed. Copies of these letters were included under the Correspondence section of the June Agenda Packet.

Approval of the Draft 2022 Annual Report was postponed until the August meeting pending additional discussion of Form 5 letters submitted by Mr. Zoba. As a result, Appropriators and the public had additional time to review the draft annual report and submit comments.

Additional comments were received from SMWC requesting the inclusion of their legal counsel information in Appendix D of the report and from Mr. Steve Stuart, BBWM's Administrative Consultant. Mr. Stuart indicated that the annual report should include a section discussing Production Rights by Appropriators and reflected in Table 3-8 of the annual report. Correspondence with Mr. Stuart on this issue is attached along with a new Section 3.6 and revised Table 3-8. A formal presentation will be made at the August 2, 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)

Item VII-B Attachment 1

Re: BBWM - 2022 Draft Annual Report Review and Comments

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

To: blandona@aldaengineering.com

Date: Monday, June 26, 2023 at 03:14 PM PDT

Hannibal,

Can you please add the following update to the 2022 Draft Consolidated Annual Report.

South Mesa Water Company
Legal Counsel

FENNEMORE
550 E. Hospitality Lane
Suite 350 San Bernardino, CA 92408
PH [909.890.4499](tel:909.890.4499) FX [909.890.9877](tel:909.890.9877)

Thank you,

David A. Armstrong

General Manager

darmstrong@southmesawater.com



South Mesa Water Co.
391 W. Ave. L
Calimesa, Ca. 92320
909-795-2401

RE: Inclusion of Appropriator's Production Right in the 2022 Annual Report

From: Steve Stuart (sstuart@dudek.com)
To: blandona@aldaengineering.com
Cc: tharder@thomashardercompany.com
Date: Wednesday, July 12, 2023 at 11:35 AM PDT

Mr. Blandon,

Thank you for drafting the new section on Appropriators Production Rights, revising Table 3-8 and providing the opportunity to review and provide comments. I have one suggestion for the last sentence in the section: "However, the possibility exists in the future when an Appropriator may not have water in **their respective storage account** and/or may not be able to acquire sufficient imported water for groundwater recharge to make up their difference.

The rest of the text and Table 3-8 look good for inclusion in the annual report.

Sincerely,

Steve

Steven Stuart, PE C79764
Principal Hydrogeologist

605 Third Street, Encinitas, CA 92024
O: 760.479.4128 C: 760.415.9079
www.dudek.com

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

From: Anibal Blandon <blandona@aldaengineering.com>
Sent: Wednesday, July 12, 2023 11:08 AM
To: Steve Stuart <sstuart@dudek.com>
Cc: Thomas Harder <tharder@thomashardercompany.com>
Subject: Inclusion of Appropriator's Production Right in the 2022 Annual Report

Mr. Stuart:

Per your June 12, 2023 email, you have indicated that the Draft 2022 Annual Report should include a discussion on the annual Appropriator Production Right and provided a draft addressing this potential issue.

We have reviewed your request and made revisions to Table 3-8 to incorporate the Appropriators Production Right (See attached). In addition, we have created a new Section 3.5 Appropriators Production Right to address this issue. The language incorporated into this new section is presented below for your review and comments.

Thank you for your valuable input on this matter; it is well appreciated.

Regards

Hannibal Blandon

ALDA Inc.

909-587-9916

3.5 Appropriators Production Right

The Appropriator's Production Right, as defined in Subparagraph I.3.B., "consists of an Appropriator's share of Operating Yield, plus (1) any water acquired by an Appropriator from an Overlying Producer or other Appropriator pursuant to this Judgement, (2) any water withdrawn from the Appropriator's storage account, (3) and New Yield created by the Appropriator."

The Operating Yield, as defined in subparagraph I.3.M, is "the maximum quantity of water which can be produced annually by the Appropriators from the Beaumont Basin, which quantity consists of Appropriative Water plus Temporary Surplus."

Subparagraph V.4.of the Physical Solution states that, "to the extent that pumping exceeds...the share of Operating Yield Right of each Appropriator Party, each such Party shall provide funds to enable the Watermaster to replace such Overproduction."

The Appropriator's Production Right has been calculated and added as the last column in Table 3-8. A comparison against actual groundwater production through CY 2022 indicates that no Appropriator has exceeded its Production Right from the basin. Until now, Appropriators have been able to withdraw an equivalent amount of groundwater from their respective storage accounts to balance out their overproduction in any given year. However, the possibility exists in the future when an Appropriator may not have water in storage and/or may not be able to acquire sufficient imported water for groundwater recharge to make up their difference.

3.6 Appropriators Production Right

The Appropriator's Production Right, as defined in Subparagraph I.3.B., "consists of an Appropriator's share of Operating Yield, plus (1) any water acquired by an Appropriator from an Overlying Producer or other Appropriator pursuant to this Judgment, (2) any water withdrawn from the Appropriator's storage account, (3) and New Yield created by the Appropriator."

The Operating Yield, as defined in subparagraph I.3.M, is "the maximum quantity of water which can be produced annually by the Appropriators from the Beaumont Basin, which quantity consists of Appropriative Water plus Temporary Surplus."

Subparagraph V.4. of the Physical Solution states that, "to the extent that pumping exceeds...the share of Operating Yield Right of each Appropriator Party, each such Party shall provide funds to enable the Watermaster to replace such Overproduction."

The Appropriator's Production Right has been calculated and added as the last column in Table 3-8. A comparison against actual groundwater production through CY 2022 indicates that no Appropriator has exceeded its Production Right from the basin. Until now, Appropriators have been able to withdraw an equivalent amount of groundwater from their respective storage accounts to balance out their overproduction in any given year. However, the possibility exists in the future when an Appropriator may not have water in their respective storage account and/or may not be able to acquire sufficient imported water for groundwater recharge to make up their difference.

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge			
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	2,514.5
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	5,029.0
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	5,029.0
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	5,029.0
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	6,529.0
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	7,155.2
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	9,364.9
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	8,050.8
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	7,417.2
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	7,908.5
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	5,530.6
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	2,585.1
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	2,791.5
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	3,576.1
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	3,413.2
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	2,500.6
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	2,121.3
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	2,548.6
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	3,668.1
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	3,593.7

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

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge			
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	3,511.9
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	6,873.9
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	7,025.6
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	10,303.0
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	12,803.0
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	12,502.0
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	13,700.0
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	14,806.4
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	20,429.1
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	16,856.5
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	13,260.4
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	10,805.5
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	8,972.8
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	12,158.1
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	16,380.6
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	14,826.9
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	15,549.9
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	12,966.6
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	12,609.5
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	12,490.4

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

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge			
<i>City of Beaumont - Authorized Storage Account: 30,000 ac-ft</i>													
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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	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	0.0

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

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge			
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	998.0
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	1,996.0
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	1,996.0
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	1,996.0
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	665.8
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	470.9
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	629.2
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	2,664.6
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	419.9
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	2,662.9
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	1,719.1
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	725.3
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	832.9
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	833.5
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	819.3
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	794.4
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	559.2
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	575.9
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	594.5
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	574.7

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

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge			
<i>Yucaipa Valley Water District - Authorized Storage Account: 50,000 ac-ft</i>													
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	1,162.4
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	2,173.0
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	2,173.0
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	2,173.0
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	2,173.0
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	2,428.9
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	2,862.0
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	2,900.5
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	2,859.2
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	2,898.6
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	1,871.2
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	1,198.5
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	906.3
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	907.0
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	891.5
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	864.6
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	795.3
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	1,407.7
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	1,277.1
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	1,373.7

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

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right	
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge				
<i>Morongo Band of Mission Indians - Authorized Storage Account: 20,000 ac-ft</i>														
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
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	0.0	N/A
<i>San Geronio Pass Water Agency - Authorized Storage Account: 10,000 ac-ft</i>														
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	0.0	N/A
2019	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	257.8	0.0	257.8	257.8	N/A
2020	257.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	214.0	0.0	214.0	471.8	N/A
2021	471.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-507.8	36.0	0.0	-471.8	0.0	N/A
2022	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.0	0.6	0.6	N/A

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

**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						Total Additions or Withdrawals from Storage	Ending Storage Account Balance	Appropriator Production Right
					Under / Over Production ⁽¹⁾	Overlying Users Parcel Conversion	Unused Overlying Production Allocation	Transfers Among Appropriators and SGPWA	SWP Water Recharge	Local Recharge			
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	8,000.0
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	16,000.0
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	16,000.0
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	19,501.0
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	20,501.0
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	21,817.2
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	26,556.1
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	28,422.4
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	29,832.3
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	30,326.5
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	22,381.4
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	15,062.8
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	11,087.4
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	17,474.6
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	21,504.6
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	18,986.6
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	18,820.6
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	16,724.7
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	18,479.9
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	17,345.3

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

**BEAUMONT BASIN WATERMASTER
MEMORANDUM NO. 23-20**

Date: August 2, 2023
From: Dan Jagers, BBWM Secretary
Subject: Discussion / Clarification of Overlier Transfers Process
Recommendation: None. Discussion only

During discussion at the June 7, 2023 BBWM regular meeting, it was suggested that the Overlier Transfers Process be agendized for clarification.

Attachments:

1. Resolution 2017-02 Transfer of Overlying Water Rights to Specific Parcels
2. Resolution 2019-02 Amending Section 7 of the Rules and Regulations
3. Legal Counsel Memorandum dated March 8, 2022
4. Section 7 of the Rules and Regulations

Attachment 1

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

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.

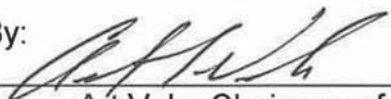
NOW, THEREFORE, BE IT RESOLVED BY THE BEAUMONT BASIN WATERMASTER AS FOLLOWS:

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

TRANSFEEE

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:

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.

7 ADJUSTMENTS OF RIGHTS

7.0 In General

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 transfer,

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.

**BEAUMONT BASIN WATERMASTER
MEMORANDUM NO. 23-21**

Date: August 2, 2023
From: Dan Jagers, BBWM Secretary
Subject: Discussion regarding Structure of the Watermaster Committee and Inclusion of Elected Representatives as Primary Members
Recommendation: None

The structure of the Watermaster Committee is set out in the Judgment (Attachment 1).

Specifically, Section 4 states:

The Watermaster shall consist of a committee composed of persons nominated by the City of Banning, the City of Beaumont, BCVWD, SMWC, and YVWD, each of which shall have the right to nominate one representative to the Watermaster committee who shall be an employee of or consultant to the nominating agency.

Attachments:

1. Stipulated Judgment Section VI - Administration
2. Duties and responsibilities of the Watermaster

Item VII-D - Attachment 1

1 Overlying Water Right as shown on Column 4 of Exhibit "B" hereto, shall not be charged for the
2 replenishment of the Beaumont Basin. To the extent that pumping exceeds five (5) times the share of the
3 Safe Yield assigned to an Overlying Party (Column 4 of Exhibit "B") in any five (5) consecutive years,
4 or the share of Operating Yield Right of each Appropriator Party, each such Party shall provide funds to
5 enable the Watermaster to replace such Overproduction.

6 5. Use of Available Groundwater Storage Capacity

7 A. There exists in the Beaumont Basin a substantial amount of available
8 Groundwater Storage Capacity. Such Capacity can be reasonably used for Stored Water and
9 Conjunctive Use and may be used subject to Watermaster regulation to prevent injury to existing
10 Overlying and Appropriative water rights, to prevent the waste of water, and to protect the right
11 to the use of Supplemental Water in storage and Safe Yield of the Beaumont Basin.

12 B. There shall be reserved for Conjunctive Use a minimum of 200,000 acre feet of
13 Groundwater Storage Capacity in the Beaumont Basin provided that such amount may be
14 reduced as necessary to prevent injury to existing water rights or existing uses of water within the
15 Basin, and to prevent the waste of water. Any Person may make reasonable beneficial use of the
16 Groundwater Storage Capacity for storage of Supplemental Water; provided, however, that no
17 such use shall be made except pursuant to a written Groundwater Storage Agreement with the
18 Watermaster. The allocation and use of Groundwater Storage Capacity shall have priority and
19 preference for Producers within the Beaumont Basin over storage for export. The Watermaster
20 may, from time-to-time, redetermine the available Groundwater Storage Capacity.

21 VI. ADMINISTRATION

22 1. Administration and Enforcement by Watermaster

23 The Watermaster shall administer and enforce the provisions of this Judgment and any
24 subsequent order or instructions of the Court.

25 2. Watermaster Control

26 The Watermaster is hereby granted discretionary powers to develop and implement a
27 groundwater management plan and program for the Beaumont Basin, which plan shall be filed with and
28 shall be subject to review and approval by, the Court, and which may include water quantity and quality

1 considerations and shall reflect the provisions of this Judgment. Except for the exercise by Overlying
2 Parties of their respective Rights described in Column 4 of Exhibit "B" hereto in accordance with the
3 provisions of the Physical Solution, groundwater extractions and the replenishment thereof, and the
4 storage of Supplemental Water, shall be subject to procedures established and administered by the
5 Watermaster. Such procedures shall be subject to review by the Court upon motion by any Party.

6 3. Watermaster Standard of Performance

7 The Watermaster shall, in carrying out its duties and responsibilities herein, act in an impartial
8 manner without favor or prejudice to any Party or purpose of use.

9 4. Watermaster Appointment

10 The Watermaster shall consist of a committee composed of persons nominated by the City of
11 Banning, the City of Beaumont, the Beaumont-Cherry Valley Water District, the South Mesa Mutual
12 Water Company and the Yucaipa Valley Water District, each of which shall have the right to nominate
13 one representative to the Watermaster committee who shall be an employee of or consultant to the
14 nominating agency. Each such nomination shall be made in writing, served upon the other parties to this
15 Judgment and filed with the Court, which shall approve or reject such nomination. Each Watermaster
16 representative shall serve until a replacement nominee is approved by the Court. The nominating agency
17 shall have the right to nominate that representative's successor.

18 5. Powers and Duties of the Watermaster

19 Subject to the continuing supervision and control of the Court, the Watermaster shall have and
20 may exercise the following express powers, and shall perform the following duties, together with any
21 specific powers, authority, and duties granted or imposed elsewhere in this Judgment or hereafter ordered
22 or authorized by the Court in the exercise of its continuing jurisdiction:

23 A. Rules and Regulations: The adoption of appropriate rules and regulations for the
24 conduct of Watermaster affairs, copies of which shall be provided to all interested parties.

25 B. Wellhead Protection and Recharge: The identification and management of
26 wellhead protection areas and recharge areas.

27 C. Well Abandonment: The administration of a well abandonment and well
28 destruction program.

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- D. Well Construction: The development of minimum well construction specifications and the permitting of new wells.
- E. Mitigation of Overdraft: The mitigation of conditions of uncontrolled overdraft.
- F. Replenishment: The acquisition and recharge of Supplemental Water.
- G. Monitoring: The monitoring of groundwater levels, ground levels, storage, and water quality.
- H. Conjunctive Use: The development and management of conjunctive-use programs.
- I. Local Projects: The coordination of construction and operation, by local agencies, of recharge, storage, conservation, water recycling, extraction projects and any water resource management activity within or impacting the Beaumont Basin.
- J. Land Use Plans: The review of land use plans and coordination with land use planning agencies to mitigate or eliminate activities that create a reasonable risk of groundwater contamination.
- K. Acquisition of Facilities: The purchase, lease and acquisition of all necessary real and personal property, including facilities and equipment.
- L. Employment of Experts and Agents: The employment or retention of such technical, clerical, administrative, engineering, accounting, legal or other specialized personnel and consultants as may be deemed appropriate. The Watermaster shall maintain records allocating the cost of such services as well as all other expenses of Watermaster administration.
- M. Measuring Devices: Except as otherwise provided by agreement the Watermaster shall install and maintain in good operating condition, at the cost of the Watermaster, such necessary measuring devices or meters as Watermaster may deem appropriate. Such devices shall be inspected and tested as deemed necessary by the Watermaster and the cost thereof borne by the Watermaster. Meter repair and retesting will be a Producer expense.
- N. Assessments: The Watermaster is empowered to levy and collect the following assessments:

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(1) Annual Replenishment Assessments

The Watermaster shall levy and collect assessments in each year, in amounts sufficient to purchase replenishment water to replace Overproduction by any Party.

(2) Annual Administrative Assessments

a. Watermaster Expenses: The expenses of administration of the Physical Solution shall be categorized as either "General Watermaster Administration Expenses", or "Special Project Expenses".

i. General Watermaster Administration

Expenses: shall include office rent, labor, supplies, office equipment, incidental expenses and general overhead. General Watermaster Administration Expenses shall be assessed by the Watermaster equally against the Appropriators who have appointed representatives to the Watermaster.

ii. Special Project Expenses: shall include special

engineering, economic or other studies, litigation expenses, meter testing or other major operating expenses. Each such project shall be assigned a task order number and shall be separately budgeted and accounted for. Special Project Expenses shall be allocated to the Appropriators, or portion thereof, on the basis of benefit.

O. Investment of Funds; Borrowing: The Watermaster may hold and invest Watermaster funds as authorized by law, and may borrow, from time-to-time, amounts not exceeding annual receipts.

P. Contracts: The Watermaster may enter into contracts for the performance of any of its powers.

Q. Cooperation With Other Agencies: The Watermaster may act jointly or cooperate with other local, state and federal agencies.

R. Studies: The Watermaster may undertake relevant studies of hydrologic conditions and operating aspects of the management program for the Beaumont Basin.

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S. Groundwater Storage Agreements: The Watermaster shall adopt uniform rules and a standard form of agreement for the storage of Supplemental Water, provided that the activities undertaken pursuant to such agreements do not injure any Party.

T. Administration of Groundwater Storage Capacity: Except for the exercise by the Overlying Parties of their respective Overlying Water Rights described in Part III, above, in accordance with the provisions of the Physical Solution, all Groundwater Storage capacity in the Beaumont Basin shall be subject to the Watermaster's rules and regulations, which regulations shall ensure that sufficient storage capacity shall be reserved for local projects. Any Person or entity may apply to the Watermaster to store water in the Beaumont Basin.

U. Accounting for Stored Water: The Watermaster shall calculate additions, extractions and losses and maintain an annual account of all stored water in the Beaumont Basin, and any losses of water supplies or Safe Yield resulting from such stored water.

V. Accounting for New Yield: Recharge of the Beaumont Basin with New Yield water shall be credited to the Party that creates the New Yield. The Watermaster shall make an independent scientific assessment of the estimated New Yield created by each proposed project. New Yield will be allocated on an annual basis, based upon monitoring data and review by the Watermaster.

W. Accounting for Acquisitions of Water Rights: The 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 thereto by an Appropriator.

X. Annual Administrative Budget: The Watermaster shall prepare an annual administrative budget for public review, and shall hold a public hearing on each such budget prior to adoption. The budget shall be prepared in sufficient detail so as to

1 make a proper allocation of the expenses and receipts. Expenditures within budgeted
2 items may thereafter be made by the Watermaster as a matter of course.

3 Y. Redetermining the Safe Yield: The Safe Yield of the Beaumont Basin
4 shall be redetermined at least every 10 years beginning 10 years after the date of entry
5 of this Judgment.

6 6. Reports and Accounting

7 (a) Production Reports: Each Pumper shall periodically file, pursuant to
8 Watermaster rules and regulations, a report showing the total production of such Pumper
9 from each well during the preceding report period, and such additional information as the
10 Watermaster may reasonably require.

11 (b) Watermaster Report and Accounting: The Watermaster shall prepare an annual
12 report of the preceding year's operations, which shall include an audit of all assessments and
13 Watermaster expenditures.

14 7. Replenishment

15 Supplemental Water may be obtained by the Watermaster from any source. The Watermaster
16 shall seek the best available quality of Supplemental Water at the most reasonable cost for recharge in
17 the Basin. Sources may include, but are not limited to:

- 18 (a) Recycled Water;
- 19 (b) State Water Project Water;
- 20 (c) Other imported water.

21 Replenishment may be accomplished by any reasonable method including:

- 22 (a) Spreading and percolation, or injection of water in existing or new facilities;
- 23 and/or
- 24 (b) In-lieu deliveries for direct surface use, in lieu of groundwater extraction.

25 **VII. MISCELLANEOUS PROVISIONS**

26 1. Designation of Address for Notice and Service

27 Each Party shall designate, in writing to the plaintiff, the name and address to be used for
28 purposes of all subsequent notices and service herein, such designation to be delivered to the plaintiff

Item VII-D - Attachment 2

Watermaster Responsibilities (Annual Report Section 1.3)	Powers and Duties of the Watermaster (Stipulated Judgment, pages 12 – 16)
<ol style="list-style-type: none"> 1) Administer the Beaumont Basin Judgment 2) Approve Producer Activities 3) Maintain and Improve Water Supply 4) Monitor and Understand the Basin 5) Maintain and Improve Water Quality 6) Develop and Administer a Well Policy 7) Develop Contracts for Beneficial Programs and Services 8) Provide Cooperative Leadership 	<ol style="list-style-type: none"> A. Rules and Regulations B. Wellhead Protection and recharge C. Well Abandonment D. Well Construction E. Mitigation of Overdraft F. Replenishment G. Monitoring H. Conjunctive Use I. Local Projects J. Land Use Plans K. Acquisition of Facilities L. Employment of Experts and Agents M. Measuring Devices N. Assessments O. Investment of Funds: Borrowing P. Contracts Q. Cooperation with Other Agencies R. Studies S. Groundwater Storage Agreements T. Administration of Groundwater Storage Capacity U. Accounting for Stored Water V. Accounting for New Yield W. Accounting for Acquisitions of Water Rights X. Annual Administrative Budget Y. Redetermining the Safe Yield

Item VII-G Set Workshop date

2023

January

Su	Mo	Tu	We	Th	Fr	Sa
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- 1 New Year's Day
- 16 Martin Luther King Jr. Day

February

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- 2 Groundhog Day
- 12 Lincoln's Birthday
- 14 St. Valentine's Day
- 20 President's Day
- 22 Washington's Birthday
- 22 Ash Wednesday

March

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- 12 Daylight Saving Time Begins
- 17 St. Patrick's Day

April

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- 1 April Fool's Day
- 2 Palm Sunday
- 7 Good Friday
- 9 Easter

May

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- 14 Mother's Day
- 29 Memorial Day

June

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- 14 Flag Day
- 18 Father's Day
- 19 Juneteenth
- 21 Summer Solstice

July

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- 4 Independence Day

August

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- 4 Labor Day
- 10 Grandparent's Day

October

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- 31 Halloween

November

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- 5 Daylight Saving Time Ends
- 7 Election Day
- 11 Veteran's Day
- 23 Thanksgiving

December

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- 21 Winter Solstice
- 25 Christmas
- 31 New Year's Eve

Created at www.CalendarHome.com

2024

January

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1 New Year's Day
 15 Martin Luther King Jr. Day

February

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2 Groundhog Day
 12 Lincoln's Birthday
 14 St. Valentine's Day
 14 Ash Wednesday
 19 President's Day
 22 Washington's Birthday

March

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10 Daylight Saving Time Begins
 17 St. Patrick's Day
 24 Palm Sunday
 29 Good Friday
 31 Easter

April

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1 April Fool's Day

May

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12 Mother's Day
 27 Memorial Day

June

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14 Flag Day
 16 Father's Day
 19 Juneteenth
 21 Summer Solstice

July

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4 Independence Day

August

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2 Labor Day
 8 Grandparent's Day

October

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31 Halloween

November

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3 Daylight Saving Time Ends
 5 Election Day
 11 Veteran's Day
 28 Thanksgiving

December

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21 Winter Solstice
 25 Christmas
 31 New Year's Eve

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