

RESOLUTION NO. 2023-01

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

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

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

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

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

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

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

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

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

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

1. **Designation of Rights.** At the District's special instance and request, the Beaumont Basin Watermaster hereby recognizes the designation of 232.4 AFY of Sunny-Cal North's former Overlying Water Right to the District. Such 232.4 AFY of Overlying Water Rights shall henceforth be placed in the District's name alone or its transferee and will be designated for use on the Assessor Parcel Nos. identified this Resolution.
2. **Adjusted Right.** The District's Overlying Water Right of 232.4 AFY represents the original amount of Sunny-Cal North's 300 AFY of Overlying Water Rights as reduced by 0.2254, representing the reevaluation of safe yield, and, therefore, now totaling 232.4 AFY.
3. **Effect of the Amended Judgment on Successors and Assigns.** The Amended Judgment provides in Article VII.4, that the Amended Judgment "...shall be binding on and shall inure to the benefit of...successors and assigns of the parties."
4. **Further Documentation of Action.** The Chief of Watermaster Services is hereby authorized and directed to execute such further documents and instruments, and take such further action, as shall be reasonably required to carry out the purposes and intent of this resolution, including, without limitation, to acknowledge the transfer of the 232.4 AFY of Overlying Water Right allocated herein to the District to any purchaser of the designated Assessors Parcel Nos. set forth in this Resolution.
5. **Effective Date.** The effective date of this designation is June 7, 2023.
6. **Recording and Notice.** The Chief of Watermaster Services shall record this Resolution and shall mail a true, correct and complete copy as follows:

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

PASSED AND ADOPTED this 7th day of June, 2023 by the following vote:

AYES: Ares, Armstrong, Hart, Jagers, Vela
NOES:
ABSTAIN:
ABSENT:

BEAUMONT BASIN WATERMASTER

BY: 

ART VELA, CHAIR
BEAUMONT BASIN WATERMASTER

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