

**MINUTES
CHINO BASIN WATERMASTER
AGRICULTURAL POOL COMMITTEE MEETING**

July 8, 2021

The Agricultural Pool Committee meeting was held via Zoom (conference call and web meeting) on July 8, 2021.

AGRICULTURAL POOL COMMITTEE MEMBERS PRESENT ON CALL

Bob Feenstra, Chair	Dairy
Jeff Pierson, Vice-Chair	Crops
Ron LaBrucherie, Jr.	Crops
Nathan deBoom	Dairy
Henry DeHaan	Dairy
John Huitsing	Dairy
Geoffrey Vanden Heuvel	Dairy
Steven Raughley	County of San Bernardino
Pete Hall	State of California – CIM
Jimmy Medrano	State of California – CIM
Carol Boyd	State of California – DOJ

WATERMASTER BOARD MEMBERS PRESENT ON CALL

Mike Gardner	Western Municipal Water District
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WATERMASTER STAFF PRESENT ON CALL

Peter Kavounas	General Manager
Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Executive Services Director
Justin Nakano	Water Resources Technical Manager
Frank Yoo	Data Services and Judgment Reporting Mgr.
Janine Wilson	Senior Accountant
Vanessa Aldaz	Administrative Assistant

WATERMASTER CONSULTANTS PRESENT ON CALL

Kimberly Leefatt	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	West Yost
Garrett Rapp	West Yost

OTHERS PRESENT ON CALL

Gino Filippi	Crops
Paul Hofer	Crops
Ruben Llamas	Crops
Tracy Egoscue	Egoscue Law Group, Inc.
Richard Rees	Wood plc

CALL TO ORDER

Chair Feenstra called the Agricultural Pool Committee meeting to order at 1:32 p.m.

ROLL CALL

(0:00:29) Ms. Nelson conducted the roll call and announced that a quorum was present.

AGENDA – ADDITIONS/REORDER

None

(0:02:19) Chair Feenstra announced that Agricultural Pool member Geoffrey Vanden Heuvel's father passed away. A discussion ensued.

I. CONSENT CALENDAR

Note: All matters listed under the Consent Calendar are considered to be routine and non-controversial and will be acted upon by one motion in the form listed below. There will be no separate discussion on these items prior to voting unless any members, staff, or the public requests specific items be discussed and/or removed from the Consent Calendar for separate action.

A. MINUTES

Approve as presented:

1. Minutes of the Agricultural Pool Committee Meeting held June 10, 2021

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of May 2021
2. Watermaster VISA Check Detail for the month of May 2021
3. Combining Schedule for the Period July 1, 2020 through May 31, 2021
4. Treasurer's Report of Financial Affairs for the Period May 1, 2021 through May 31, 2021
5. Budget vs. Actual Report for the Period July 1, 2020 through May 31, 2021
6. Cash Disbursements for June 2021 (Information Only)

C. APPLICATION: RECHARGE – FONTANA WATER COMPANY (MAR)

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve Fontana Water Company's Application for Recharge in the Managed Aquifer Recharge (MAR) pilot project and direct Watermaster staff to account for this supplemental water recharged in Fontana Water Company's existing Local Supplemental Storage account.

D. APPLICATION: RECHARGE – FONTANA WATER COMPANY (VULCAN)

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve Fontana Water Company's Application for Recharge at the Vulcan Basin and direct Watermaster staff to account for this supplemental water recharged in Fontana Water Company's existing Local Supplemental Storage account.

E. APPLICATION: LOCAL STORAGE AGREEMENTS – APPROPRIATIVE POOL

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the Application for Local Storage Agreements as presented.

(0:05:43) A roll call vote was taken.

Motion by Vice-Chair Pierson, seconded by Mr. Henry DeHaan, and passed by unanimous roll call vote as attached to these minutes.

Moved to approve the Consent Calendar as presented.

II. BUSINESS ITEMS

A. FISCAL YEAR 2021/22 GROUND-LEVEL MONITORING COMMITTEE SCOPE AND BUDGET (DISCUSSION ONLY)

(0:07:40) Mr. Kavounas introduced the item and invited Mr. Malone to give a report. A discussion ensued.

B. FISCAL YEAR 2021/22 SCOPE AND BUDGET TO COMPLY WITH APRIL 28, 2017 COURT ORDER REGARDING SAFE YIELD RECALCULATION METHODOLOGY (DISCUSSION ONLY)

The Pool did not wish to receive the report on this item.

C. FISCAL YEAR 2021/22 BUDGET AMENDMENTS (FORM A-21-07-01)

1. Recommend to the Advisory Committee to approve the Fiscal Year 2021/22 Budget Amendment for the Safe Yield Reset methodology evaluation; and
2. Recommend to the Advisory Committee to approve the Fiscal Year 2021/22 Budget Amendment for the scope recommended by the GLMC.

(0:12:53) Mr. Kavounas gave a report.

(0:15:20) A roll call vote was taken.

Motion by Mr. Geoffrey Vanden Heuvel, seconded by Mr. Henry DeHaan, and passed by unanimous roll call vote as attached to these minutes.

Moved to recommend to the Advisory Committee to recommend to the Watermaster Board to approve both II.C.1 and II.C.2.

D. WELLHEAD TAX ASSESSMENTS

There is no recommendation by Watermaster staff.

(0:19:10) A discussion ensued.

(0:39:22) A roll call vote was taken.

Motion by Vice-Chair Pierson, seconded by Mr. Geoffrey Vanden Heuvel, and passed by unanimous roll call vote as attached to these minutes.

Moved to direct legal counsel to work with Watermaster staff to move forward with procedures and documentation as needed to proceed with the wellhead tax assessment at a future OAP meeting.

E. TRANSFER FUNDS TO COVER OUTSTANDING POOL STIPEND PAYMENTS

Authorize staff to complete the Fund Transfer.

(0:40:56) Mr. Joswiak gave a report. A discussion ensued.

(1:09:00) A roll call vote was taken.

Motion by Vice-Chair Pierson, seconded by Mr. Geoffrey Vanden Heuvel, and passed by unanimous roll call vote as attached to these minutes.

Moved to direct Watermaster staff to transfer \$35,000.00 to cover outstanding Pool Member stipend payments.

F. OLD BUSINESS

None

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. June 25, 2021 Hearing
3. Rules & Regulations Update
4. Evergreen Storage Agreements
5. Kaiser Permanente Lawsuit

(1:11:07) Ms. Leefatt gave a report.

B. ENGINEER

None

(1:19:32) Mr. Kavounas mentioned that the 2020 State of the Basin Report has been completed and is available on the Watermaster website.

C. CHIEF FINANCIAL OFFICER

None

D. GENERAL MANAGER

1. DWR Executive Drought Proclamation
2. August Meeting Schedule
3. Other

(1:19:50) Mr. Kavounas gave a report, adding that the hard copies of Dr. Blomquist's book, *The Realities of Adaptive Groundwater Management*, are available for purchase through Watermaster.

IV. POOL DISCUSSION

1. Chairman's Update
2. Pool Member Comments

(1:25:37) Vice-Chair Pierson expressed his condolences to Mr. Vanden Heuvel on the passing of his father.

(1:26:44) Mr. Hofer addressed the issue of the Appropriative Pool pumping unpumped Agricultural Pool water while the Non-Agricultural Pool still had water for sale to the Appropriative Pool.

V. OTHER BUSINESS

None

VI. CONFIDENTIAL SESSION - POSSIBLE ACTION

A Confidential Session may be held during the Pool Committee meeting for the purpose of discussion and possible action.

Chair Feenstra called for a Confidential Session at 3:00 p.m. to discuss the following:

1. Status of Ag Pool Legal Fees Settlement Discussions with AP
2. July 25th Filing
3. Storage Contest

The Agricultural Pool did not reconvene after Confidential session. An email noting the meeting adjournment and reportable action was provided by Pool Legal Counsel and is attached to these minutes.

ADJOURNMENT

The Agricultural Pool Committee meeting adjourned at 4:03 p.m. per email from Pool Legal Counsel.

Secretary: _____

Approved: _____ September 9, 2021

Attachments:

1. 20210708 Roll Call Vote Outcome for Consent Calendar and Business Items II.C, II.D. & II.E.
2. 20210708 Meeting Adjournment Email as provided by Pool Legal Counsel

Attachment 1 to 20210708 Agricultural Pool Committee Meeting Minutes

July 8, 2021 Agricultural Pool Committee Meeting Roll Call Vote Outcome

Member	Alternate	Consent Calendar	Business Items II.C.1 & II.C.2	Business Items II.D.	Business Items II.E.
LaBrucherie, Jr., Ron					
	Filippi, Gino	yes	yes	yes	yes
Pierson, Jeff, Vice-Chair		yes	yes	yes	yes
deBoom, Nathan		yes	yes	yes	yes
DeHaan, Henry		yes	yes	yes	yes
Huitsing, John		yes	yes	yes	yes
Vanden Heuvel, Geoffrey		yes	yes	yes	yes
Raughley, Steven		yes	yes	yes	yes
Boyd, Carol		yes	yes	yes	yes
Hall, Pete		yes	yes	yes	yes
Medrano, Jimmy		yes	yes	yes	yes
Feenstra, Bob, Chair		yes	yes	yes	yes
	OUTCOME:	Passed Unanimously by those present	Passed Unanimously by those present	Passed Unanimously by those present	Passed Unanimously by those present

Attachment 2 to 20210708 Agricultural Pool Committee Meeting Minutes

From: Tracy J. Egoscue <tracy@egoscuelaw.com>

Sent: Thursday, July 8, 2021 5:05 PM

To: Anna Nelson <atruongnelson@cbwm.org>

Cc: Bob Feenstra Email <bobfeenstra@gmail.com>; Jeff Pierson <jpierson@intexcorp.com>; Peter Kavounas <PKavounas@cbwm.org>; Herrema, Brad <BHerrema@bhfs.com>; Tracy J. Egoscue <tracy@egoscuelaw.com>

Subject: Re: 7/8/21 Agricultural Pool Committee Meeting Back in Open Session (Resuming at 4:20pm)

Importance: High

Anna please find the following two motions as reportable action out of closed session (also attached in a Word document):

The Agricultural Pool Closed Session held on July 8, 2021 ended at 4:03 pm with the following reportable action:

Motion by Member G. Vanden Heuvel

Second by Member H. DeHaan

Despite good faith efforts by the Agricultural Pool, settlement efforts with the Appropriative Pool regarding the Agricultural Pool legal fees have not been successful. As a result, the Agricultural Pool hereby directs counsel to file an attorneys fees motion pursuant to the May 28, 2021 Order.

Motion passed unanimously.

Motion by Vice Chair J. Pierson

Second by Member R. La Brucherie

Counsel is ordered to actively oppose any and all attempts to delay the Court's consideration of the Agricultural Pool's filing of July 26th, 2021.

Motion passed unanimously.

Tracy J. Egoscue, Esq.
Egoscue Law Group, Inc.
562.988.5978 office
562.981.4866 cell

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