

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL MEETING

November 13, 2014

The Appropriative Pool meeting was held at the offices of Chino Basin Watermaster located at 9641 San Bernardino Road, Rancho Cucamonga, CA on November 13, 2014.

APPROPRIATIVE POOL MEMBERS PRESENT

Marty Zvirbulis, Chair
Scott Burton, Vice-Chair
Van Jew
John Lopez
Ron Craig
Rosemary Hoerning
Justin Scott-Coe
Teri Layton, for Charles Moorrees
Seth Zielke
Robert Young
Todd Corbin
Ben Lewis
Dave Crosley
Thomas Crowley
Darron Poulsen, for Rene Salas
Bob Page

Cucamonga Valley Water District
City of Ontario
Monte Vista Irrigation Company
Santa Ana River Water Company
City of Chino Hills
City of Upland
Monte Vista Water District
San Antonio Water Company
Fontana Water Company
Fontana Union Water Company
Jurupa Community Services District
Golden State Water Company
City of Chino
West Valley Water District
City of Pomona
County of San Bernardino

WATERMASTER BOARD MEMBERS PRESENT

Robert "Bob" Craig
J. Arnold Rodriguez
Bob Kuhn

Jurupa Community Services District
Santa Ana River Water Company
Three Valleys Municipal Water District

WATERMASTER STAFF PRESENT

Peter Kavounas
Danielle Maurizio
Joseph Joswiak
Anna Truong

General Manager
Assistant General Manager
Chief Financial Officer
Recording Secretary

WATERMASTER CONSULTANTS PRESENT

Brad Herrema
Mark Wildermuth

Brownstein Hyatt Farber Schreck, LLP
Wildermuth Environmental, Inc.

OTHERS PRESENT WHO SIGNED IN

Pete Hall
Tom Harder
Ryan Shaw
Marsha Westropp
John Bosler
Eunice Ulloa
Curtis Paxton
Sheri Rojo

State of California – CIM
Thomas Harder & Company
City of Ontario
Orange County Water District
Cucamonga Valley Water District
Chino Basin Water Conservation District
Chino Basin Desalter Authority
Fontana Water Company

Nadeem Majaj
Jo Lynne Russo-Pereyra
Art Kidman
Tracy Egoscue
Andy Campbell
Manny Martinez
Bob Feenstra
Paula Lantz
Marilyn Levin
Jimmy Gutierrez
Ken Jeske

City of Chino Hills
Cucamonga Valley Water District
Kidman Law, LLP
Egoscue Law Group
Inland Empire Utilities Agency
Monte Vista Water District
Agricultural Pool – Dairy
City of Pomona
State of California, DOJ
Law Offices of Jimmy Gutierrez
California Steel Industries

CALL TO ORDER

Chair Zvirbulis called the Appropriative Pool meeting to order at 9:00 a.m.

AGENDA - ADDITIONS/REORDER

None.

I. CONSENT CALENDAR

A. MINUTES

1. Minutes of the Appropriative Pool Special Meeting held October 2, 2014
2. Minutes of the Appropriative Pool Meeting held October 9, 2014
3. Minutes of the Appropriative Pool Special Meeting held October 16, 2014

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of September 2014
2. Watermaster VISA Check Detail for the month of September 2014
3. Combining Schedule for the Period July 1, 2014 through September 30, 2014
4. Treasurer's Report of Financial Affairs for the Period September 1, 2014 through September 30, 2014
5. Budget vs. Actual Report for the Period July 1, 2014 through September 30, 2014

C. ANNUAL FINDING OF SUBSTANTIAL COMPLIANCE WITH THE RECHARGE MASTER PLAN

Recommend that the Advisory Committee recommend to the Watermaster Board to adopt the finding in the Wildermuth Report that Watermaster is in substantial compliance with the Recharge Master Plan.

D. BUDGET TRANSFER FORM T-14-10-01

Recommend that the Advisory Committee approves Budget Transfer Form T-14-10-01 for FY 2014/15 as presented and authorizes the Watermaster General Manager to amend the Task Order(s) between IEUA and CBWM as required.

(0:00:27)

*Motion by Mr. Darron Poulsen, second by Mr. Robert Young and by unanimous vote
Moved to approve Consent Calendar as presented.*

II. BUSINESS ITEMS

A. CHINO BASIN WATERMASTER 2014/2015 ASSESSMENT PACKAGE

Recommend to the Advisory Committee to approve the Fiscal Year 2014/2015 Assessment Package as presented, including no credit for Stormwater New Yield and postponing the assessment of desalter replenishment.

(0:00:43) Mr. Kavounas gave an introduction and handed the presentation off to Ms. Maurizio.

(0:01:24) Ms. Maurizio gave a presentation. A discussion ensued.

(0:05:25) Mr. Scott Burton joined the meeting.

(0:10:17) Mr. Dave Crosley joined the meeting.

(0:17:10)

Motion by Mr. Justin Scott-Coe, second by Ms. Teri Layton and by unanimous vote
Moved to approve Business Item II.A. as presented

B. LEVYING REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS

Review Resolution 2014-05 as presented, and offer advice to Watermaster.

(0:17:49) Mr. Kavounas gave a report.

(0:18:39)

Motion by Mr. Scott Burton, second by Mr. Ron Craig and by unanimous vote
Moved to approve Business Item II.B. as presented

C. APPROPRIATIVE POOL VOLUME VOTE

Approve the Calendar Year 2015 Appropriative Pool Volume Vote as presented, contingent on Watermaster Board approval of the Assessment Package.

(0:18:58) Mr. Kavounas gave a report.

(0:20:16)

Motion by Mr. Robert Young, second by Mr. Scott Burton and by unanimous vote
Moved to approve Business Item II.C. as presented

D. SAFE YIELD RECALCULATION AND RESET – WATERMASTER MOTION

Review and provide advice and assistance on the draft motion prepared at the Board's direction for possible action.

(0:21:50) Mr. Kavounas gave an introduction and passed the item to Mr. Herrema who walked the Pool through the Watermaster pleading. A discussion ensued.

E. SAFE YIELD RECALCULATION AND RESET – APPROPRIATIVE POOL REQUEST

Consider the Appropriative Pool's request.

Item deferred until after Closed Session.

III. REPORTS/UPDATES

A. LEGAL COUNSEL REPORT

1. Motion for Approval of Physical Solution Transfer Rate Substitution
2. City of Ontario Request
3. West Venture
4. Waters of the United States Rulemaking

(1:29:20) Mr. Herrema gave a report.

B. CFO REPORT

1. Assessment Invoicing

(1:33:00) Mr. Joswiak gave a report.

C. ENGINEER REPORT

None

D. GM REPORT

1. RMPU Amendment – DWR Grant Application
2. Vulcan Materials Company – Recharge Application
3. December Meeting Schedule and Holiday Office Closure

(1:35:46) Mr. Kavounas gave a report. A brief discussion ensued.

IV. INFORMATION

1. Cash Disbursements for October 2014
2. Joint IEUA/CBWM Recharge Improvement Projects

V. POOL MEMBER COMMENTS

(1:40:58) Mr. Todd Corbin raised a question on Consent Calendar Item I.C., the Annual Finding of Substantial Compliance with the Recharge Master Plan and asked Mr. Tom Harder to articulate the point for the Pool.

(1:41:25) Mr. Tom Harder raised a question on the Wildermuth Report of Consent Calendar Item I.C. A discussion ensued. Mr. Corbin suggested the Pool send a memo to Mr. Mark Wildermuth for a response at the next RMPU meeting.

VI. OTHER BUSINESS

None

VII. CONFIDENTIAL SESSION - POSSIBLE ACTION

Chair Zvirbulis called for a closed session at 10:55 a.m. to discuss the following:

1. Safe Yield Recalculation and Reset

Closed session concluded at 1:25 p.m. with the following reportable action:

Chair Zvirbulis asked Mr. Justin Scott-Coe to read the action.

Motion made during closed session:

(1:46:08)

Motion by Mr. Justin Scott-Coe, second by Mr. Ryan Shaw, and by unanimous vote

Moved to approve the motion for the Safe Yield Recalculation and Reset as stated:

“The Appropriative Pool withdraws its Safe Yield Reset proposal. The Appropriative Pool recommends that the Advisory Committee direct Watermaster to revise the draft motion, with assistance from the parties and pools' counsels, into a progress report that provides the basis for the different Safe Yield Reset options that have been developed, with a suggested schedule for resolution. Such progress report would be subject to approval through the Watermaster committee advisory process. The Appropriative Pool directs the Appropriative Pool Chair and Legal Counsel immediately to approach the Agricultural Pool to seek resolution of the competing approaches, and bring such resolution to the Advisory Committee.”

VIII. FUTURE MEETINGS AT WATERMASTER

NOVEMBER 2014:

11/13/14 Thu 9:00 a.m. Appropriative Pool
 11/13/14 Thu 11:00 a.m. Non-Agricultural Pool
 11/13/14 Thu 1:30 p.m. Agricultural Pool
 11/20/14 Thu 8:00 a.m. Joint IEUA/CBWM Recharge Improvement Projects
 11/20/14 Thu 9:00 a.m. Advisory Committee
 11/20/14 Thu 10:00 a.m.* Safe Yield Recalculation and Related Matters
 11/25/14 Tue 11:00 a.m. Watermaster Board
~~11/27/14 Thu 11:00 a.m. Watermaster Board (Rescheduled to 11/25/14)~~

DECEMBER 2014:

~~12/04/14 Thu 10:00 a.m. Safe Yield Recalculation and Related Matters (Cancelled)~~
~~12/11/14 Thu 9:00 a.m. Appropriative Pool (Cancelled)~~
~~12/11/14 Thu 11:00 a.m. Non-Agricultural Pool (Cancelled)~~
~~12/11/14 Thu 1:30 p.m. Agricultural Pool (Cancelled)~~
~~12/18/14 Thu 8:00 a.m. Joint IEUA/CBWM Recharge Improvement Projects (Cancelled)~~
~~12/18/14 Thu 9:00 a.m. Advisory Committee (Cancelled)~~
~~12/18/14 Thu 10:00 a.m.* Safe Yield Recalculation and Related Matters (Cancelled)~~
~~12/25/14 Thu 11:00 a.m. Watermaster Board (Cancelled)~~

ADJOURNMENT

Chair Zvirbulis adjourned the Appropriative Pool meeting at 1:25 p.m.

Secretary: _____

Approved: January 8, 2015