

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL MEETING

June 11, 2015

The Appropriative Pool meeting was held at the offices of Chino Basin Watermaster located at 9641 San Bernardino Road, Rancho Cucamonga, CA on June 11, 2015.

APPROPRIATIVE POOL MEMBERS PRESENT

Rosemary Hoerning, Chair
Darron Poulsen, Vice-Chair
Dave Crosley
Justin Scott-Coe
Josh Swift for Robert Young
Seth Zielke
Teri Layton
Ron Craig
Ryan Shaw for Scott Burton
Marty Zvirbulis
Van Jew
Todd Corbin
Bob Page

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

WATERMASTER BOARD MEMBER PRESENT

Mark Kinsey

Monte Vista 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
Andy Malone

Brownstein Hyatt Farber Schreck, LLP
Wildermuth Environmental, Inc.

OTHERS PRESENT

Pete Hall
Marsha Westropp
Tracy Egoscue
Sheri Rojo
Raul Garibay
Eunice Ulloa
Paula Lantz
Manny Martinez
Art Kidman
Scott Burton
Curtis Paxton

State of California – CIM
Orange County Water District
Egoscue Law Group
Fontana Water Company
City of Pomona
Chino Basin Water Conservation District
City of Pomona
Monte Vista Water District
Kidman Law, LLP
City of Ontario
Chino Basin Desalter Authority

CALL TO ORDER

Chair Hoerning called the Appropriative Pool meeting to order at 9:03 a.m.

AGENDA - ADDITIONS/REORDER

(0:00:23) Mr. Crosley requested that Business Item II.C., Chino Basin Redetermination and Reset is deferred until after confidential session.

(0:01:07) Ms. Layton requested for Consent Calendar Item I.C. to be pulled for discussion.

(0:01:22) Mr. Corbin requested for Consent Calendar Item I.E. to be pulled for discussion.

I. CONSENT CALENDAR

A. MINUTES

1. Minutes of the Appropriative Pool Meeting held May 14, 2015

B. FINANCIAL REPORTS

1. Cash Disbursements for the month of April 2015
2. Watermaster VISA Check Detail for the month of April 2015
3. Combining Schedule for the Period July 1, 2014 through April 30, 2015
4. Treasurer's Report of Financial Affairs for the Period April 1, 2015 through April 30, 2015
5. Budget vs. Actual Report for the Period July 1, 2014 through April 30, 2015

C. MONTE VISTA WATER DISTRICT AQUIFER STORAGE AND RECOVERY AGREEMENT

Recommend Advisory Committee approval of an updated agreement.

D. MONTE VISTA WATER DISTRICT OVERLYING (NON-AGRICULTURAL) POOL INTERVENTION REQUEST

Recommend Advisory Committee approval of the request for Intervention.

E. WATER TRANSACTION

Notice of Sale or Transfer – The permanent transfer of 50.000 acre-feet of Safe Yield from Aqua Capital Management by Monte Vista Water District (MVWD Non-Ag), effective as of the beginning of fiscal year 2015/16. Date of application: May 18, 2015.

(0:01:39)

Motion by Mr. Ron Craig, seconded by Mr. Ryan Shaw, and by unanimous vote

Moved to approve Consent Calendar with the exception of Items I.C. and I.E. as presented

(0:01:57) Ms. Layton raised questions on Consent Calendar Item I.C. A discussion ensued.

(0:07:10)

Motion by Mr. Marty Zvirbulis, seconded by Mr. Dave Crosley, and by unanimous vote

Moved to approve Consent Calendar Items I.C. as presented

(0:07:29) Mr. Corbin raised a questions on Consent Calendar Item I.E. A discussion ensued.

(0:15:13)

Motion by Mr. Todd Corbin, seconded by Mr. Darron Poulsen, and by unanimous vote

Moved to approve Consent Calendar Items I.E. as presented

II. BUSINESS ITEMS

A. CITY OF ONTARIO OVERLYING (NON-AGRICULTURAL) POOL PROPOSED WATER RIGHT USE AND PROPOSED METHODOLOGY

(0:15:38) Mr. Kavounas gave a report. A discussion ensued.

(0:27:24)

Motion by Mr. Ron Craig, seconded by Mr. Marty Zvirbulis, and by unanimous vote

Moved to continue Business Item II.A. and defer to the Ad Hoc committee to seek resolution, and to request input from Watermaster's Legal Counsel

(0:27:41) Mr. Herrema recommended to the Appropriative Pool to also seek input from its Counsel, Mr. John Schatz.

(0:28:00) Mr. Burton joined the meeting.

B. CITY OF ONTARIO AGREEMENT FOR THE CONDITIONAL CONTRIBUTION OF SAFE YIELD TO OFFSET FUTURE DESALTER REPLENISHMENT

(0:28:10) Mr. Kavounas gave a report. A discussion ensued.

(0:29:44) Mr. Page joined the meeting.

(0:36:22)

Motion by Mr. Dave Crosley, seconded by Mr. Ryan Shaw, motion failed 10 to 3 by roll call vote

Moved to recommend approval of the proposed agreement consistent with City of Ontario's request.

No Votes:

1. Josh Swift – Fontana Water Company
2. Seth Zielke – Fontana Union Water Company
3. Justin Scott-Coe – Monte Vista Water District
4. Ron Craig – City of Chino Hills
5. Marty Zvirbulis – Cucamonga Valley Water District
6. Darron Poulsen – City of Pomona
7. Rosemary Hoerning – City of Upland
8. Teri Layton – San Antonio Water Company
9. Van Jew – Monte Vista Irrigation Company
10. Rosemary Hoerning – West End Consolidated Water Co.

Yes Votes:

1. Dave Crosley – City of Chino
2. Ryan Shaw – City of Ontario
3. Todd Corbin – JCSD

(0:38:04) More discussion ensued. Mr. Scott Burton asked that the item is moved forward to the Advisory Committee and the Board regardless of the Appropriative Pool decision.

(0:39:33) Subsequent motion introduced by Mr. Ron Craig

(0:50:45) Vote taken

Motion by Mr. Ron Craig, seconded by Mr. Justin Scott-Coe, and by majority vote

Moved to continue to discuss the item at the Ad Hoc committee.

No Votes:

Ryan Shaw – City of Ontario

Dave Crosley – City of Chino

C. CHINO BASIN SAFE YIELD REDETERMINATION AND RESET (Potential Action)

Offer advice and assistance to the Board by making recommendations on the Key Principles.

The Pool discussed the item in confidential session. Below is the reportable action out of confidential session:

(01:24:33)

With the exception of the City of Chino and San Antonio Water Company, the Appropriative Pool recommends moving forward with the amended language for the Key Principles as presented which incorporates comments from the Agricultural and Non-Agricultural Pools.

(1:25:05) Mr. Kavounas clarified the recommendation on the amended language. Chair Hoerning concurred. He also stated that there is a strong likelihood that all Pools will agree on the amended language. If this is the case, a special Board meeting will not be necessary and drafting sessions will begin. A discussion ensued.

III. REPORTS/UPDATES

A. LEGAL COUNSEL REPORT

1. Appropriative Pool Request to Review State Water Resources Control Board Drought Regulations
2. Waters of the United States Rulemaking

(0:52:20) Mr. Herrema gave a report.

B. ENGINEER REPORT

1. Prado Basin Habitat Sustainability Program
 - Well Drilling, Construction, and Development
 - Monitoring Program Begins
 - Well Completion Report
 - Adaptive Management Plan (Draft)
2. CASGEM Compliance

(0:54:08) Mr. Malone gave a presentation. A discussion ensued.

C. CFO REPORT

1. Exhibit "G" Water Transfers Invoicing
2. Five Year Projection of Watermaster Expenses

(1:10:54) Mr. Joswiak gave a report and presentation. A discussion ensued.

D. GM REPORT

(1:23:41) Mr. Kavounas reminded parties that if they have water transactions they would like to have count in this fiscal year, the paperwork needs to be turned in to Watermaster by June 30, 2015.

IV. INFORMATION

1. Cash Disbursements for May 2015
2. Recharge Investigations and Projects Committee (RIPCom)

V. POOL MEMBER COMMENTS

None.

VI. OTHER BUSINESS

None.

VII. CONFIDENTIAL SESSION - POSSIBLE ACTION

Chair Hoerning called for a confidential session at 10:27 a.m. to discuss the Safe Yield Redetermination and Reset. Confidential session concluded at 11:00 a.m. The reportable action is captured under Business Item II.C. above.

ADJOURNMENT

Chair Hoerning adjourned the Appropriative Pool meeting at 11:04 a.m.

Secretary: _____

Approved: July 9, 2015 _____