

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL MEETING

September 13, 2018

The Appropriative Pool meeting was held at the offices of Chino Basin Watermaster located at 9641 San Bernardino Road, Rancho Cucamonga, CA on September 13, 2018.

APPROPRIATIVE POOL MEMBERS PRESENT

Teri Layton, Chair
Van Jew, Vice-Chair
Todd Corbin
Raul Garibay for Darron Poulsen
John Bosler
Ron Craig
Ben Lewis
Cris Fealy
Eric Tarango
Rosemary Hoerning
Katie Gienger for Scott Burton
Dave Crosley

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

WATERMASTER BOARD MEMBERS PRESENT

Bob Kuhn
Eunice Ulloa

Three Valleys Municipal Water District
City of Chino

WATERMASTER STAFF PRESENT

Peter Kavounas
Joseph Joswiak
Edgar Tellez Foster
Anna Nelson
Justin Nakano

General Manager
Chief Financial Officer
Senior Environmental Engineer
Executive Services Director/Board Clerk
Water Resources Senior Associate

WATERMASTER CONSULTANTS PRESENT

Brad Herrema
Mark Wildermuth
Andy Malone
Carolina Sanchez

Brownstein Hyatt Farber Schreck, LLP
Wildermuth Environmental, Inc.
Wildermuth Environmental, Inc.
Wildermuth Environmental, Inc.

OTHERS PRESENT

Curtis Paxton
Shaun Stone
Scott Burton
Eric Grubb
Courtney Jones
Steve Sentes
Chris Diggs
Joshua Aguilar
Amanda Coker
Manny Martinez
John Schatz

Chino Basin Desalter Authority
Inland Empire Utilities Agency
City of Ontario
Cucamonga Valley Water District
City of Ontario
Chino Basin Water Conservation District
City of Pomona
Inland Empire Utilities Agency
City of Chino
Monte Vista Water District
John J. Schatz, Attorney at Law

CALL TO ORDER

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

AGENDA – ADDITIONS/REORDER

(0:00:19) Chair Layton called for confidential session to be taken first due to time constraint for the Appropriative Pool legal counsel.

(0:01:06) Chair Layton called for Business Item II.D. to be taken following confidential session, and invited Mr. Corbin to speak. See reportable action in sequence below.

I. CONSENT CALENDAR

A. MINUTES

Approve as presented:

1. Minutes of the Appropriative Pool Meeting held August 9, 2018

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of July 2018
2. Watermaster VISA Check Detail for the month of July 2018
3. Combining Schedule for the Period July 1, 2018 through July 31, 2018
4. Treasurer's Report of Financial Affairs for the Period July 1, 2018 through July 31, 2018
5. Budget vs. Actual Report for the Period July 1, 2018 through July 31, 2018

C. OBMP SEMI-ANNUAL STATUS REPORTS 2018-1

Recommend to the Advisory Committee recommend to the Watermaster Board to adopt the Semi-Annual OBMP Status Report 2018-1, along with filing a copy with the Court, subject to any necessary non-substantive changes.

D. CONSIDERATION OF APPLICATION FOR LOCAL STORAGE AGREEMENTS – OVERLYING (NON-AGRICULTURAL) POOL

Recommend to the Advisory Committee to recommend that Watermaster Board approves the application for local storage agreements as presented.

(0:05:35) Ms. Hoerning asked for Item I.D. be pulled from the agenda for separate discussion and made a motion to approve Consent Calendar Items I.A – I.C. and was seconded by Vice-Chair Jew.

(0:05:55) Mr. Kavounas reported that Item I.C., OBMP Semi-Annual Status Report 2018-1, has a minor wording change to refine the intended meaning of the report on page 60, third bullet-point.

(0:07:04) The maker of the motion accepted the changes that Mr. Kavounas reported.

(0:07:20) Vote Taken

Motion by Ms. Rosemary Hoerning, seconded by Vice-Chair Van Jew, and by unanimous vote

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

(0:07:33) Ms. Hoerning asked questions regarding Item I.D. A discussion ensued.

(0:27:09) Motion introduced by Mr. Crosley and seconded by Chair Layton. Further discussion ensued.

(0:29:12) Vote Taken

Motion by Mr. Dave Crosley, seconded by Chair Teri Layton, and by unanimous vote

Moved to defer Consent Calendar Item I.D., reach out to the Non-Ag Pool to discuss, and bring back to October 2018 Pool meeting.

II. BUSINESS ITEMS

A. FISCAL YEAR 2018/19 BUDGET TRANSFER (FORM T-18-07-01)

Recommend to the Advisory Committee to approve Fiscal Year 2018/19 Budget Transfer (Form T-18-07-01).

(0:30:20) Mr. Joswiak gave a report. A discussion ensued.

Mr. Corbin left at 10:46 a.m.

(0:44:54)

Motion by Mr. Van Jew, seconded by Mr. Ron Craig, and by unanimous vote

Moved to approve Business Item II.A. as presented.

B. 2018 RECHARGE MASTER PLAN UPDATE AND RESOLUTION NO. 2018-04

Recommend Advisory Committee to recommend to Watermaster Board to approve the 2018 RMPU as presented and adopt Resolution No. 2018-04.

(0:45:35) Ms. Sanchez from Wildermuth Environmental, Inc. gave a presentation. A discussion ensued.

(0:58:51)

Motion by Mr. Ron Craig, seconded by Ms. Rosemary Hoerning, and by unanimous vote

Moved to approve Business Item II.B. as presented.

C. TASK ORDER NO. 4 UNDER MASTER AGREEMENT FOR COLLABORATIVE PROJECTS: CHINO BASIN CONJUNCTIVE USE ENVIRONMENTAL WATER STORAGE/EXCHANGE PROGRAM EVALUATION AND CONCEPTUAL DESIGN SUPPORT.

Recommend to the Advisory Committee to approve Task Order No. 4 Under Master Agreement for Collaborative Projects: Chino Basin Conjunctive Use Environmental Water Storage/Exchange Program Evaluation and Conceptual Design Support.

(0:59:16) Mr. Kavounas prefaced Business Item II.C. and introduced Mr. Aguilar from Inland Empire Utilities Agency to give a report.

Vice-Chair Jew left the meeting at 11:12 a.m.

Ms. Hoerning left the meeting at 11:13 a.m.

(0:59:53) Mr. Aguilar gave a report.

(1:03:43) Ms. Gienger requested to modify the language on page 115, regarding the last sentence of the first bullet-point under *Proposed* to read "The proposed maximum storage capacity..." Further discussion ensued.

(1:10:46)

Motion by Mr. John Bosler, seconded by Mr. Raul Garibay, and by unanimous vote

Moved to approve Business Item II.C. as presented with the modifications as stated above.

Abstention by Mr. Ron Craig – City of Chino Hills

D. SAFE YIELD RESET-RELATED AGREEMENT DISCUSSION

Discussion and possible action.

This item was taken first after Confidential Session.

(0:02:55) Motion introduced by Mr. Corbin, seconded by Ms. Gienger: The Appropriative Pool approves the 2018 Agreement to Judgment and CAMA Amendments including Exhibit A, subject to the following four conditions:

1. That there is a clarification that the Desalter Replenishment formula with respect to adjusted physical production included in this document includes the production of Exhibit "G," Section 9 transferred water from the Non-Ag Pool to the Appropriative Pool. That was an element that was discussed and our goal here is to just make sure that the language is consistent to what we believe the agreement is between the parties, so we'd like to add that.
2. That the Non-Ag Pooling Plan that is going to be discussed at some point in the future, and I believe today on the Non-Ag Pool agenda, that that Pooling Plan be refined for consistency with this element so that both documents are consistent with each other in relation specifically to Exhibit "G," Section 9.
3. That the Appropriative Pool parties intend to recommend this agreement to their governing boards and that this approval is conditional upon that approval of each of the governing boards.
4. The Appropriative Pool further request confirmation from Watermaster that the agreements provide sufficient clarity for Watermaster to implement them without ambiguity. Some evaluation from Watermaster that what you have before you can be implemented, and any clarification needs to happen, then let's do it before it moves to the Court for approval.

(0:05:16) *Vote taken*

Motion by Mr. Todd Corbin, seconded by Ms. Katie Gienger, and by unanimous vote
Motion to approve Business Item II.D. as shown above.

III. REPORTS/UPDATES**A. LEGAL COUNSEL REPORT**

1. Appeal of April 28, 2017 Order
2. August 24, 2018 Hearing

(1:11:30) Mr. Kavounas reported on behalf of Mr. Herrema, who left to attend the Non-Agricultural Pool Meeting.

B. ENGINEER REPORT

1. Storage Framework
2. Fiscal Year 2017/18 GLMC Annual Report

(1:13:00) Mr. Malone gave a report.

C. CFO REPORT

None

D. GM REPORT

- 1. Proposed Changes to DYY Program Operation
- 2. CDA Production
- 3. Changes to the Overlying (Non-Agricultural) Pool Pooling Plan
- 4. Other

(1:14:22) Mr. Kavounas gave a report, and announced that Watermaster will be sending out a "Save-The-Date" notice for its 40th Judgment Anniversary event on December 4, 2018 at 4:00 p.m. He also provided a status update on the Assessment Packages, and commented on the CalDesal membership. A discussion ensued.

IV. INFORMATION

- 1. Cash Disbursements for August 2018
- 2. Recharge Investigations and Projects Committee (RIPCom)

VI. POOL MEMBER COMMENTS

(1:20:06) Mr. Craig commented that at least one agency (maybe more) are challenging the TCP MCL. A discussion ensued.

(1:22:56) Mr. Corbin informed the Pool that he updated Non-Agricultural Pool on the actions the Appropriative Pool took regarding Consent Calendar Item I.D. and Business Item II.D., and that the Non-Agricultural Pool will discuss further in its confidential session.

VI. OTHER BUSINESS

None

VII. CONFIDENTIAL SESSION - POSSIBLE ACTION

Chair Layton called for a confidential session at 9:01 a.m. to discuss Business Item II.D., Safe Yield-Related Agreement, and Appropriative Pool Strategic Planning. Confidential session concluded at 10:13 a.m. with no reportable action .

The Appropriative Pool considered Item II.D immediately following the Confidential Session.

ADJOURNMENT

Chair Layton adjourned the Appropriative Pool meeting at 11:38 a.m.

Secretary: _____

Approved: _____ October 11, 2018