

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL MEETING

April 9, 2020

The Appropriative Pool meeting was held by GoToMeeting (conference call and web meeting) on April 9, 2020.

APPROPRIATIVE POOL MEMBERS PRESENT ON CALL

John Bosler, Chair	Cucamonga Valley Water District
Cris Fealy, Vice Chair	Fontana Water Company
Cris Fealy	Nicholson Trust
Ron Craig	City of Chino Hills
Dave Crosley	City of Chino
Chris Diggs	City of Pomona
Steve Ledbetter for Rosemary Hoerning	City of Upland
Steve Ledbetter for Rosemary Hoerning	West End Consolidated Water Co.
Katie Gienger for Scott Burton	City of Ontario
Josh Swift	Fontana Union Water Company
Brian Lee for Teri Layton	San Antonio Water Company
Van Jew	Monte Vista Water District
Van Jew	Monte Vista Irrigation Company
Chris Berch	Jurupa Community Services District
Ben Lewis	Golden State Water Company

WATERMASTER BOARD MEMBERS PRESENT ON CALL

Bob Kuhn	Three Valleys Municipal Water District
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WATERMASTER STAFF PRESENT AT WATERMASTER

Peter Kavounas	General Manager
Janine Wilson	Senior Accountant
Vanessa Aldaz	Administrative Assistant

WATERMASTER STAFF PRESENT ON CALL

Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Executive Services Director
Justin Nakano	Water Resources Technical Manager

WATERMASTER CONSULTANTS PRESENT ON CALL

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Mark Wildermuth	Wildermuth Environmental, Inc.
Andy Malone	Wildermuth Environmental, Inc.

OTHERS PRESENT ON CALL

Eduardo Espinoza	Cucamonga Valley Water District
John Schatz	John J. Schatz, Attorney at Law
Sylvie Lee	Inland Empire Utilities Agency
Kevin O'Toole	Orange County Water District
Justin Scott-Coe	Monte Vista Water District
Shaun Stone	City of Ontario
Josh Aguilar	Inland Empire Utilities Agency
Randall Reed	Cucamonga Valley Water District
Praseetha Krishnan	Cucamonga Valley Water District
Courtney Jones	City of Ontario
Ryan Shaw	Western Municipal Water District
Shawnda Grady	Ellison Schneider Harris & Donlan LLP

CALL TO ORDER

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

ROLL CALL

(0:04:14) Ms. Nelson conducted the roll call.

AGENDA - ADDITIONS/REORDER

(0:07:06) Item V, Pool Member Comments, was taken first.

(0:07:31) Mr. Scott-Coe addressed the Pool on behalf of Monte Vista Water District.

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 Appropriative Pool Meeting held March 12, 2020
2. Minutes of the Appropriative Pool Special Meeting held March 19, 2020
3. Minutes of the Appropriative Pool Special Meeting held March 27, 2020

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of February 2020
2. Watermaster VISA Check Detail for the month of February 2020
3. Combining Schedule for the Period July 1, 2019 through February 29, 2020
4. Treasurer's Report of Financial Affairs for the Period February 1, 2020 through February 29, 2020
5. Budget vs. Actual Report for the Period July 1, 2019 through February 29, 2020
6. Cash Disbursements for March 2020 (Information Only)

C. APPLICATION: WATER TRANSACTION

Provide advice and assistance to the Watermaster Board on the proposed transaction:

The transfer of 7,500.0 acre-feet of water from Cucamonga Valley Water District to Fontana Water Company. This transfer is made from Cucamonga Valley Water District's Annual Production Right. Date of application: February 25, 2020.

D. APPLICATION: WATER TRANSACTION

Provide advice and assistance to the Watermaster Board on the proposed transaction:

The transfer of 1,000.0 acre-feet of water from Santa Ana River Water Company to Fontana Water Company. This transfer is made from Santa Ana River Water Company's Annual Production Right. Date of application: February 21, 2020.

(0:08:29) A motion was introduced by Mr. Craig.

(0:09:15) A vote was taken.

Motion by Mr. Ron Craig, seconded by Mr. Chris Berch, and by unanimous vote
Moved to approve the Consent Calendar as presented.

II. BUSINESS ITEMS

A. CONSIDERATION OF 2020 STORAGE MANAGEMENT PLAN

Recommend Advisory Committee support Watermaster Board approval of the 2020 Storage Management Final Report Section 2.1-2.6 as the Storage Management Plan providing direction for the preparation of the required documentation.

(0:09:50) Mr. Kavounas gave a report. A discussion ensued.

(0:20:10) Mr. Crosley requested to continue the discussion in Confidential Session. Further discussion ensued.

(0:22:39) Mr. Jew read three comments into the record on behalf of Monte Vista Water District and Monte Vista Irrigation Company:

1. We disagree that the effects of storage activities on Safe Yield are addressed and mitigated by the Safe Yield recalculation. If storage activities reduce Safe Yield, those activities must fully mitigate this reduction so Operating Safe Yield is kept whole. The SMP should address how this real harm to OSY parties is fully mitigated.
2. The SMP seeks to prioritize Local Storage and Storage and Recovery Program activities to management zones 2 and 3. We disagree with any prioritization of storage activities in specific Basin management zones unless it is agreed to by the Parties and ordered by the Court.
3. The SMP does not clearly identify which water in storage is managed by Watermaster. For example: the SMP includes Carryover in "Managed Storage," even though Carryover is not managed by Watermaster in any way under the Judgment. Also, the SMP does not address Preemptive Replenishment nor include it in "Managed Storage," even though it is water stored in the Basin and subject to an agreement with Watermaster.

(0:25:27) Mr. Crosley suggested again that this discussion continue in closed session. Chair Bosler agreed.

B. 2020 SAFE YIELD RECALCULATION

Offer advice and assistance to Watermaster.

(0:26:36) Messrs. Kavounas and Wildermuth gave a presentation. A discussion ensued.

III. REPORTS/UPDATES

A. LEGAL COUNSEL REPORT

1. San Bernardino County Superior Court Emergency Order
2. June 26, 2020 Hearing

(0:59:28) Mr. Herrema gave a report. A discussion ensued.

B. ENGINEER REPORT

1. Maximum Benefit Annual Report
2. Annual Report of the Prado Basin Habitat Sustainability Committee
3. SGMA Annual Reporting

(1:03:57) Mr. Malone gave a presentation on Item B.1., the Maximum Benefit Annual report, and gave the remainder of the Engineer Report.

C. CFO REPORT

None

D. GM REPORT

- 1. OBMP Implementation Plan Update
- 2. OAP Contest Status
- 3. Water Rights Permit Reporting/SB88 Compliance
- 4. Other

(1:14:00) Mr. Kavounas gave a report and invited Mr. Tellez Foster to give a report on Item D.3., Water Rights Permit Reporting.

(1:16:31) Mr. Tellez Foster gave a report.

IV. INFORMATION

- 1. Ground-Level Monitoring Committee Semi-Annual Status Report
- 2. Chino Airport and South Archibald Plumes Semi-Annual Status Reports

V. POOL MEMBER COMMENTS

This item was taken at the start of the meeting.

VI. OTHER BUSINESS

VII. CONFIDENTIAL SESSION - POSSIBLE ACTION

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

Chair Bosler called for a confidential session at 10:19 a.m. to discuss the following:

- 1. 2020 OBMP
- 2. Ag Pool Contest
- 3. Further discussion on Business Item II.A.

(1:19:00) Mr. Crosley requested that Pool recess until 10:30 a.m.

Confidential session concluded at 11:50 a.m. with the following reportable action:

Recommend Advisory Committee support Watermaster Board approval of the 2020 Storage Management Final Report Section 2.1-2.6 as the Storage Management Plan providing “guidance” for the preparation of the “desired” documentation.

*Motion by Mr. Chris Diggs, seconded by Mr. Josh Swift and by majority vote.
Moved to approve the action as shown above.*

Opposed by Mr. Van Jew representing Monte Vista Water District and Monte Vista Irrigation Company, and by Ms. Katie Gienger, City of Ontario.

ADJOURNMENT

Chair Bosler adjourned the Appropriative Pool meeting at 11:57 a.m.

Secretary: _____

Approved: _____ May 14, 2020