

**MINUTES**  
**CHINO BASIN WATERMASTER**  
**APPROPRIATIVE POOL MEETING**

August 13, 2020

The Appropriative Pool meeting was held by GoToMeeting (conference call and web meeting) on August 13, 2020.

**APPROPRIATIVE POOL MEMBERS PRESENT ON CALL**

John Bosler, Chair	Cucamonga Valley Water District
Cris Fealy, Vice Chair	Fontana Water Company
Cris Fealy	Nicholson Family Trust
Ron Craig	City of Chino Hills
Dave Crosley	City of Chino
Chris Diggs	City of Pomona
Steven Ledbetter for Rosemary Hoerning	City of Upland
Steven Ledbetter for Rosemary Hoerning	West End Consolidated Water Co.
Courtney Jones	City of Ontario
Josh Swift	Fontana Union Water Company
Brian Lee	San Antonio Water Company
Justin Scott-Coe for Van Jew	Monte Vista Water District
Justin Scott-Coe for Van Jew	Monte Vista Irrigation Company
Chris Berch	Jurupa Community Services District
Ben Lewis	Golden State Water Company
Todd Minten	Santa Ana River Water Company

**WATERMASTER STAFF PRESENT AT WATERMASTER**

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

**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
Andy Malone	Wildermuth Environmental, Inc.
Mark Wildermuth	Wildermuth Environmental, Inc.
Samantha Adams	Wildermuth Environmental, Inc
Carolina Sanchez	Wildermuth Environmental, Inc

**OTHERS PRESENT ON CALL**

John Schatz	John J. Schatz, Attorney at Law
Kevin O'Toole	Orange County Water District
Randall Reed	Cucamonga Valley Water District
Praseetha Krishnan	Cucamonga Valley Water District
Eunice Ulloa	City of Chino
Marilyn Levin	State of California – DOJ
Joshua Aguilar	Inland Empire Utilities Agency
Pete Hall	State of California – CIM
Sylvie Lee	Inland Empire Utilities Agency
Jimmy Gutierrez	Jimmy L. Gutierrez, A Law Corporation
Amanda Coker	City of Chino
Brian Geye	California Speedway Corporation

Christopher Quach  
Scott Burton  
David De Jesus  
Eduardo Espinoza  
Kaitlyn Dodson-Hamilton  
Shawnda Grady  
Steve Nix  
Tom O'Neill  
Mark Gibboney

City of Ontario (Non-Ag)  
City of Ontario  
Three Valleys Municipal Water District  
Cucamonga Valley Water District  
Tom Dodson & Associates  
Ellison Schneider Harris & Donlan LLP  
City of Upland  
Chino Basin Desalter Authority  
Cucamonga Valley Water District

### **CALL TO ORDER**

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

### **ROLL CALL**

(0:01:25) Ms. Nelson conducted the roll call and announced that a quorum was present.

### **AGENDA - ADDITIONS/REORDER**

(0:04:10) Mr. Kavounas announced that there was a request from the Pool for Business Item II.C., 2020 OBMP CEQA – Increased Scope of Work (Discussion Only) to be given first during the Business Item portion of the agenda.

#### **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 Special Meeting held July 1, 2020
2. Minutes of the Appropriative Pool Meeting held July 9, 2020
3. Minutes of the Appropriative Pool Special Meeting held July 14, 2020
4. Minutes of the Appropriative Pool Special Meeting held July 20, 2020

##### **B. FINANCIAL REPORTS**

Receive and file as presented:

1. Cash Disbursements for the month of June 2020
2. Watermaster VISA Check Detail for the month of June 2020
3. Combining Schedule for the Period July 1, 2019 through June 30, 2020
4. Treasurer's Report of Financial Affairs for the Period June 1, 2020 through June 30, 2020
5. Budget vs. Actual Report for the Period July 1, 2019 through June 30, 2020
6. Cash Disbursements for July 2020 (Information Only)

##### **C. APPLICATION: WATER TRANSACTION**

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

The purchase of 66.4 acre-feet of water from West End Consolidated Water Company by Golden State Water Company. This purchase is made from West End Consolidated Water Company's Excess Carryover Account. Golden State Water Company is utilizing this transaction to produce its West End Consolidated Water Company shares. Date of application: June 18, 2020.

(0:04:36)

*Motion by Mr. Ron Craig, seconded by Mr. Cris Fealy, and by unanimous vote  
**Moved to approve the Consent Calendar as presented.***

**II. BUSINESS ITEMS****A. OAP LEGAL EXPENSE INCREASE**

Offer advice and assistance to Watermaster on issuing invoices to the Appropriative Pool Parties for the \$167,000 unreimbursed increase, allocated on the basis of the "Ag Pool Reallocation".

(0:42:42) Mr. Kavounas gave a report. A discussion ensued. See reportable action provided under Confidential Session below.

**B. FISCAL YEAR 2019/20 BUDGET TRANSFER FORM (T-20-06-01)**

Recommend Advisory Committee Approve Fiscal Year 2019/20 Budget Transfer Form (T-20-06-01) as presented.

(0:44:35) Mr. Joswiak gave a report. A discussion ensued. See reportable action provided under Confidential Session below.

**C. 2020 OBMP CEQA – INCREASED SCOPE OF WORK (DISCUSSION ONLY)**

No recommendation at this time.

(0:05:38) Mr. Tellez Foster gave a report. A discussion ensued. No action was taken on this item.

**D. DATA AND MODELING REVIEW OF THE CHINO VALLEY MODEL**

Offer advice and assistance toward the proposed process.

(0:55:57) Mr. Tellez Foster gave a report.

**E. PROCEDURE AND FEE SCHEDULE FOR REQUESTING INFORMATION AND DOCUMENTS RELATED TO THE CHINO VALLEY MODEL**

Offer advice and assistance on the proposed draft procedure.

(0:58:45) Mr. Kavounas gave a report. A discussion ensued.

**F. CONSIDERATION OF THE 2020 OPTIMUM BASIN MANAGEMENT PROGRAM UPDATE**

Offer advice and assistance to the Watermaster Board.

(1:03:08) Mr. Tellez Foster gave a report.

**G. THIRD SUPPLEMENT TO THE OBMPU STATUS REPORT**

Offer advice and assistance to the Watermaster Board.

(1:06:20) Mr. Kavounas gave a report. A discussion ensued.

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

1. San Bernardino County Superior Court Emergency Order
2. July 10, 2020 Hearing
3. September 25, 2020 Hearing
4. Ely 3 Basin Update

(1:10:46) Mr. Herrema gave a report.

**B. ENGINEER REPORT**

1. Ground-Level Monitoring Committee – Meeting Summary
2. OCWD Monitoring Wells in Prado Basin
3. 97-005 Study Results

(1:15:19) Mr. Malone gave a report.

**C. CFO REPORT**

None

**D. GM REPORT**

- 1. Status report: OAP Contest
- 2. Watermaster Business Plan
- 3. Other

(1:22:51) Mr. Kavounas gave a report.

**IV. POOL MEMBER COMMENTS**

None

**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 Bosler called for a confidential session at 10:25 a.m. to discuss the following:

- 1. Ag Expenses
- 2. Ag Contest
- 3. OBMP IP/PAA and Related Matters

(1:26:08) Confidential session concluded at 11:55 a.m. with the following reportable actions:

Business Item II.A., OAP Legal Expense Increase, and Business Item II.B., Fiscal Year 2019/20 Budget Transfer Form (T-20-06-01):

*Consistent with the purpose of the Pools offering advice and assistance to Watermaster pursuant to the Special Joint Pool Committee April 11, 2009 memorandum, because the Agricultural Pool's budget increase remains in dispute and the Appropriative Pool continues to extend invitations to the Ag Pool to meet regarding Ag's expenses, pending a meeting, response to requests for information relating to Ag's expenses or other resolution of the dispute, the Appropriative Pool is opposed to the budget increase and related funds transfer.*

**ADJOURNMENT**

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

Secretary: \_\_\_\_\_

Approved: \_\_\_\_\_ September 10, 2020

Attachment:

- 1. 20200813 Appropriative Pool Confidential Session Motion for Business Items II.A. and II.B.

**From:** John Schatz <jschatz13@cox.net>

**Sent:** Thursday, August 13, 2020 11:49 PM

**To:** Anna Nelson <atruongnelson@cbwm.org>; Peter Kavounas <PKavounas@cbwm.org>

**Cc:** John Bosler <JohnB@cvwdwater.com>; Cris Fealy <cifealy@fontanawater.com>

**Subject:** Chino Basin; Confidential Session Reportable Action

Consistent with the purpose of the Pools offering advice and assistance to Watermaster pursuant to the Special Joint Pool Committee April 11, 2009 memorandum, because the Agricultural Pool's budget increase remains in dispute and the Appropriative Pool continues to extend invitations to the Ag Pool to meet regarding Ag's expenses, pending a meeting, response to requests for information relating to Ag's expenses or other resolution of the dispute, the Appropriative Pool is opposed to the budget increase and related funds transfer.