

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING

June 10, 2021

The Appropriative Pool Committee meeting was held via Zoom (conference call and web meeting) on June 10, 2021.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT

John Bosler, Chair	Cucamonga Valley Water District
Scott Burton, Vice-Chair	City of Ontario
Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Chris Diggs	City of Pomona
Steven Ledbetter	City of Upland
Eric Tarango for Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Chris Berch	Jurupa Community Services District
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
Cris Fealy	Nicholson Family Trust
Brian Lee	San Antonio Water Company
John Lopez	Santa Ana River Water Company
Steven Ledbetter	West End Consolidated Water Company

WATERMASTER BOARD MEMBERS PRESENT ON CALL

Bob Kuhn	Three Valleys Municipal Water District
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WATERMASTER STAFF PRESENT ON CALL

Peter Kavounas	General Manager
Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Executive Services Director
Justin Nakano	Water Resources Technical Manager
Frank Yoo	Water Resources Senior Associate
Janine Wilson	Senior Accountant
Vanessa Aldaz	Administrative Assistant

WATERMASTER CONSULTANTS PRESENT ON CALL

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	West Yost

OTHERS PRESENT ON CALL

Amanda Coker	City of Chino
Eunice Ulloa	City of Chino
Courtney Jones	City of Ontario
Christopher Quach	City of Ontario
Nicole deMoet	City of Upland
Braden Yu	City of Upland
Luis Cetina	Cucamonga Valley Water District
Eduardo Espinoza	Cucamonga Valley Water District
Randall Reed	Cucamonga Valley Water District
Jiwon Seung	Cucamonga Valley Water District
Tarren Torres	Egoscue Law Group, Inc.
Shawnda Grady	Ellison Schneider Harris & Donlan LLP

James Curatalo
Stephanie Reimer
Stephanie Reimer
Kevin O'Toole
Pete Hall
Marilyn Levin
David De Jesus
Richard Rees

Fontana Union Water Company
Monte Vista Irrigation Company
Monte Vista Water District
Orange County Water District
State of California – CIM
State of California – DOJ
Three Valleys Municipal Water District
Wood plc

CALL TO ORDER

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

ROLL CALL

(0:00:13) Ms. Nelson conducted the roll call and announced that a quorum was present.

AGENDA - ADDITIONS/REORDER

None

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 Committee Meeting held May 13, 2021
2. Minutes of the Appropriative Pool Committee Special Meeting held May 20, 2021

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of April 2021
2. Watermaster VISA Check Detail for the month of April 2021
3. Combining Schedule for the Period July 1, 2020 through April 30, 2021
4. Treasurer's Report of Financial Affairs for the Period April 1, 2021 through April 30, 2021
5. Budget vs. Actual Report for the Period July 1, 2020 through April 30, 2021
6. Cash Disbursements for May 2021 (Information Only)

C. APPLICATION: WATER TRANSACTION

Provide advice and assistance to the Advisory Committee on the proposed transaction:

The purchase of 6.5 acre-feet of water from Nicholson Family Trust-Exempt Marital Trust by Fontana Water Company. This purchase is made from Nicholson Family Trust-Exempt Marital Trust's Annual Production Right/Operating Safe Yield.

D. APPLICATION: RECHARGE – SAN ANTONIO WATER COMPANY

Recommend to Advisory Committee to recommend to the Watermaster Board to approve San Antonio Water Company's Application for Recharge and direct Watermaster staff to account for this supplemental water recharged in San Antonio Water Company's existing Local Supplemental Storage account.

(0:03:11) A roll call vote was taken.

Motion by Mr. Ron Craig, seconded by Vice-Chair Scott Burton, and passed by unanimous roll call vote as attached to these minutes.

Moved to approve the Consent Calendar as presented.

II. BUSINESS ITEMS

A. FISCAL YEAR 2021/22 BUDGET AMENDMENTS (FORM A-21-07-01)

1. Recommend Advisory Committee approve the Fiscal Year 2021/22 Budget Amendment for the Safe Yield Reset methodology evaluation; and
2. Recommend Advisory Committee approve the Fiscal Year 2021/22 Budget Amendment for the scope recommended by the GLMC.

(0:05:24) Mr. Kavounas gave a presentation. A discussion ensued. Chair Bosler deferred this item to Confidential Session.

B. POOL BUDGET PROCESS, APPROVALS, AND INVOICING

Provide direction to Watermaster staff.

(0:15:45) Mr. Joswiak gave a presentation. A discussion ensued.

C. REFUND OF PRIOR ASSESSED RECHARGE IMPROVEMENT PROJECT FUNDS

Recommend to the Advisory Committee to provide direction to Watermaster staff regarding the carry-over monies for the previously assessed Recharge Improvement Projects Funds of \$1,234,582.42.

(0:19:30) Mr. Joswiak gave a presentation. See vote under II.E.

D. 2020 ANNUAL REPORT OF THE PRADO BASIN HABITAT SUSTAINABILITY COMMITTEE

Recommend Advisory Committee to recommend the Watermaster Board to receive and file.

(0:22:18) Mr. Malone gave a presentation.

(0:34:55)

Motion by Mr. Ron Craig, seconded by Mr. Chris Berch. The Chair called for dissent, and, none being noted, the motion was deemed passed by unanimous vote of those present.

Moved to recommend Advisory Committee to recommend to the Watermaster Board to receive and file.

E. OVERLYING (AGRICULTURAL) POOL EXPENSES PAID BY OVERLYING (NON-AGRICULTURAL) POOL

Provide direction regarding the ONAP request.

(0:36:25) Mr. Kavounas introduced the item. A discussion ensued.

(0:41:45) A roll call vote was taken.

Motion by Vice-Chair Scott Burton, seconded by Mr. Chris Diggs, and passed by unanimous roll call vote as attached to these minutes.

Moved to refund the amount of \$1,234,582.42, broken down by party, as shown on the table "Refund of Prior Assessed Recharge Improvement Project Funds" (as attached to these minutes), and assess the parties the amount of \$107,544.38, as shown on the table "Distribution Based On Agricultural Pool Reallocation By Year" (also attached to these minutes) during the upcoming Assessment Package process in November.

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. May 28, 2021 Hearing
3. June 25, 2021 Hearing
4. Kaiser Permanente Lawsuit

(0:44:19) Mr. Herrema gave a report.

B. ENGINEER

1. 2020 State of the Basin: Groundwater Quality

(0:47:55) Mr. Kavounas offered to give a presentation; the Pool deferred the presentation to next week's Advisory Committee meeting.

C. CHIEF FINANCIAL OFFICER

1. Audit of Recharge O&M Expenses
2. FY 2020/21 Ongoing Auditing Activity by Fedak & Brown, LLP

(0:49:03) Mr. Joswiak gave a report.

D. GENERAL MANAGER

1. Agricultural Pool Well Tax Discussion
2. Other

(0:55:04) 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 9:57 a.m. to discuss the following:

1. OBMP Update – Implementation Plan Agreement
2. FY 2021/22 Budget
3. Ag Pool Legal Expenses
4. Strategic Planning

(0:57:35) Confidential session concluded at 12:00 p.m. with the following reportable actions as provided by Vice-Chair Burton:

Report out on Item II.A. (FY21/22 Budget Amendment)

AP recommends that this item be brought back through the Pools and Advisory next month. We recommend that it not go to the Advisory next week but are committed to working with Watermaster staff and consultants on the final scoping with the objective of taking action in July.

Report out on Item II.B. (Pool Budget Process)
No reportable action at this time.

ADJOURNMENT

Vice-Chair Burton adjourned the Appropriative Pool Committee meeting at 12:04 p.m.

Secretary: _____

Approved: _____ July 8, 2021

Attachments:

1. 20210610 Roll Call Vote Outcome for the Consent Calendar and Business Items II.C. and II.E.
2. 20210610 Reportable Actions as Provided by Pool Leadership
3. 20210610 Refund of Prior Assessed Recharge Improvement Project Funds
4. 20210610 Distribution Based on Agricultural Pool Reallocation by Year

Attachment 1 to 20210610 Appropriative Pool Committee Meeting Minutes

June 10, 2021 Appropriative Pool Committee Meeting Roll Call Vote Outcome

Agency	Member	Alternate	Consent Calendar	Business Item II.C. & II.E.
Arrowhead Mnt. Spring Water Co.	Sage, Kevin			
		Bowcock, Bob		
CalMat Co.	Sage, Kevin			
		Bowcock, Bob		
City of Chino Hills	Craig, Ron		yes	yes
		Wiley, Mark		
City of Chino	Crosley, Dave		yes	yes
		Coker, Amanda		
		Jakher, Amer		
		Castro, Vivian		
Cucamonga Valley Water District	Bosler, John, Chair		yes	yes
		Espinoza, Eduardo Krishnan, Praseetha		
Fontana Union Water Company	Swift, Josh			
		Tarango, Eric	yes	yes
		Zielke, Seth		
Fontana Water Company	Fealy, Cris		yes	yes
		Tarango, Eric		
City of Fontana	Kramer, Keith			
		Martinez, Armando		
Golden State Water Company	Lewis, Ben			
		Moore, Toby		
Jurupa Community Services District	Berch, Chris		yes	yes
		Letulle, Chander		
		Popelar, Steven		
Marygold Mutual Water Company	Andrews, Steven			
		Brokaw, Justin		
Monte Vista Irrigation Company	Scott-Coe, Justin		yes	yes
		Reimer, Stephanie		
Monte Vista Water District	Scott-Coe, Justin		yes	yes
		Reimer, Stephanie		
NCL Co., LLC	Bowcock, Bob			
		Sage, Kevin		
Niagara Bottling Company	Kamansky, Geoffrey			
		Hooks, Cassandra		
Nicholson Family Trust	Fealy, Cris		yes	yes
		Swift, Josh		
City of Norco	Blais, Chad			
		Nelson, Sam		
City of Ontario	Burton, Scott, Vice Chair		yes	yes
		Jones, Courtney		
City of Pomona	Diggs, Chris		yes	yes
		Horton, Nichole		
San Antonio Water Company	Lee, Brian		yes	yes
		Layton, Teri		
County of San Bernardino	Raughley, Steven			
		Meere, Amanda		
Santa Ana River Water Company	Lopez, John		yes	yes
		Minten, Todd		
City of Upland	Yu, Braden			
		Ledbetter, Steven	yes	yes
		deMoet, Nicole		
West End Consolidated Water Co.	Yu, Braden			
		Ledbetter, Steven	yes	yes
		deMoet, Nicole		
West Valley Water District	Manbahal, Rickey S.			
		Jew, Van		
		Chan, Joanne		
OUTCOME:			Passed Unanimously by those present	Passed Unanimously by those present

Attachment 2 to 20210610 Appropriative Pool Committee Meeting Minutes

From: Scott Burton <SBurton@ontarioca.gov>

Sent: Thursday, June 10, 2021 12:08 PM

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

Cc: John Bosler <johnb@cvwdwater.com>

Subject: Reportable Action

Here you go Anna. Reportable action from AP confidential session.

- Report out on Item IIA (FY21/22 budget amendment)
 - AP recommends that this item be brought back through the Pools and Advisory next month. We recommend that it not go to the Advisory next week but are committed to working with Watermaster staff and consultants on the final scoping with the objective of taking action in July.
- Report out on Item IIB (Pool budget process)
 - No reportable action at this time.

Sent from my iPad

REFUND OF PRIOR ASSESSED RECHARGE IMPROVEMENT PROJECT FUNDS

Company	Assessment Information By FY				Refund Amount	Refund Amount	Refund Amount	Refund Amount	Total Refund
	2014	2015	2016	2017					
	PY 2013/14	PY 2014/15	PY 2015/16	PY 2016/17					
	AY 2014/15	AY 2015/16	AY 2016/17	AY 2017/18					
					\$ 1,072,406.02	\$ 56,794.57	\$ 1,171.33	\$ 104,210.50	\$ 1,234,582.42
Arrowhead Mtn Spring Water Co	0.000%	0.000%	0.000%	0.000%	\$ -	\$ -	\$ -	\$ -	\$ -
CalMat Co. (Appropriative)					\$ -	\$ -	\$ -	\$ -	\$ -
Chino Hills, City Of	3.851%	3.851%	3.851%	3.851%	\$ 41,298.36	\$ 2,187.16	\$ 45.11	\$ 4,013.15	\$ 47,543.77
Chino, City Of	7.357%	7.357%	7.357%	7.357%	\$ 78,896.91	\$ 4,178.38	\$ 86.17	\$ 7,666.77	\$ 90,828.23
Cucamonga Valley Water District	6.601%	6.601%	6.601%	6.601%	\$ 70,789.52	\$ 3,749.01	\$ 77.32	\$ 6,878.94	\$ 81,494.79
Desalter Authority	0.000%	0.000%	0.000%	0.000%	\$ -	\$ -	\$ -	\$ -	\$ -
Fontana Union Water Company	11.657%	11.657%	11.657%	11.657%	\$ 125,010.37	\$ 6,620.54	\$ 136.54	\$ 12,147.82	\$ 143,915.27
Fontana Water Company	0.002%	0.002%	0.002%	0.002%	\$ 21.45	\$ 1.14	\$ 0.02	\$ 2.08	\$ 24.69
Fontana, City Of	0.000%	0.000%	0.000%	0.000%	\$ -	\$ -	\$ -	\$ -	\$ -
Golden State Water Company	0.750%	0.750%	0.750%	0.750%	\$ 8,043.05	\$ 425.96	\$ 8.78	\$ 781.58	\$ 9,259.37
Jurupa Community Services District	3.759%	3.759%	3.759%	3.759%	\$ 40,311.74	\$ 2,134.91	\$ 44.03	\$ 3,917.27	\$ 46,407.95
Marygold Mutual Water Company	1.195%	1.195%	1.195%	1.195%	\$ 12,815.25	\$ 678.70	\$ 14.00	\$ 1,245.32	\$ 14,753.26
Metropolitan Water District	0.000%	0.000%	0.000%	0.000%	\$ -	\$ -	\$ -	\$ -	\$ -
Monte Vista Irrigation Company	1.234%	1.234%	1.234%	1.234%	\$ 13,233.49	\$ 700.84	\$ 14.45	\$ 1,285.96	\$ 15,234.75
Monte Vista Water District	8.797%	8.797%	8.797%	8.797%	\$ 94,339.56	\$ 4,996.22	\$ 103.04	\$ 9,167.40	\$ 108,606.22
NCL Co, LLC					\$ -	\$ -	\$ -	\$ -	\$ -
Niagara Bottling, LLC	0.000%	0.000%	0.000%	0.000%	\$ -	\$ -	\$ -	\$ -	\$ -
Nicholson Family Trust	0.007%	0.007%	0.007%	0.007%	\$ 75.07	\$ 3.98	\$ 0.08	\$ 7.29	\$ 86.42
Norco, City Of	0.368%	0.368%	0.368%	0.368%	\$ 3,946.45	\$ 209.00	\$ 4.31	\$ 383.49	\$ 4,543.26
Ontario, City Of	20.742%	20.742%	20.742%	20.742%	\$ 222,438.46	\$ 11,780.33	\$ 242.96	\$ 21,615.34	\$ 256,077.09
Pomona, City Of	20.454%	20.454%	20.454%	20.454%	\$ 219,349.93	\$ 11,616.76	\$ 239.58	\$ 21,315.22	\$ 252,521.49
San Antonio Water Company	2.748%	2.748%	2.748%	2.748%	\$ 29,469.72	\$ 1,560.71	\$ 32.19	\$ 2,863.70	\$ 33,926.32
San Bernardino, County of (Shooting Park)	0.000%	0.000%	0.000%	0.000%	\$ -	\$ -	\$ -	\$ -	\$ -
Santa Ana River Water Company	2.373%	2.373%	2.373%	2.373%	\$ 25,448.19	\$ 1,347.74	\$ 27.80	\$ 2,472.92	\$ 29,296.64
Upland, City Of	5.202%	5.202%	5.202%	5.202%	\$ 55,786.56	\$ 2,954.45	\$ 60.93	\$ 5,421.03	\$ 64,222.98
West End Consolidated Water Co	1.728%	1.728%	1.728%	1.728%	\$ 18,531.18	\$ 981.41	\$ 20.24	\$ 1,800.76	\$ 21,333.58
West Valley Water District	1.175%	1.175%	1.175%	1.175%	\$ 12,600.77	\$ 667.34	\$ 13.76	\$ 1,224.47	\$ 14,506.34
	100.000%	100.000%	100.000%	100.000%	\$ 1,072,406.02	\$ 56,794.57	\$ 1,171.33	\$ 104,210.50	\$ 1,234,582.42
					7690.9	7690.15	7690.16	7690.61	

Attachment 4 to 20210610 Appropriative Pool Committee Meeting Minutes



Agricultural Pool Expenses Paid By Overlying Non-Agricultural Pool Distribution Based On Agricultural Pool Reallocation By Year

Party	FY 2016/17			FY 2017/18			FY 2018/19			FY 2019/20			TOTAL
	AF	%	\$ 9,080.92	AF	%	\$ 12,249.63	AF	%	\$ 13,414.74	AF	%	\$ 15,739.17	
Arrowhead Mtn Spring Water Co	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
CalMat Co. (Appropriative)	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
Chino Hills, City of	2,346.6	4.144%	\$ 376.27	2,287.3	4.089%	\$ 500.88	2,252.6	4.145%	\$ 556.11	2,473.4	4.054%	\$ 638.04	\$ 4,410.24
Chino, City of	10,456.5	18.464%	\$ 1,676.67	10,489.4	18.752%	\$ 2,297.05	10,483.7	19.293%	\$ 2,588.09	10,986.4	18.006%	\$ 2,834.04	\$ 18,884.34
Cucamonga Valley Water District	2,524.7	4.458%	\$ 404.83	2,423.0	4.332%	\$ 530.61	2,269.0	4.176%	\$ 560.14	2,647.4	4.339%	\$ 682.93	\$ 4,934.60
Desalter Authority	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
Fontana Union Water Company	3,401.8	6.007%	\$ 545.47	3,222.2	5.760%	\$ 705.63	2,950.2	5.429%	\$ 728.31	3,618.5	5.931%	\$ 933.43	\$ 6,685.84
Fontana Water Company	834.6	1.474%	\$ 133.82	834.6	1.492%	\$ 182.76	834.5	1.536%	\$ 206.01	834.6	1.368%	\$ 215.30	\$ 1,602.06
Fontana, City of	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
Golden State Water Company	218.9	0.386%	\$ 35.10	207.3	0.371%	\$ 45.40	189.8	0.349%	\$ 46.86	232.8	0.382%	\$ 60.06	\$ 430.17
Jurupa Community Services District	15,298.7	27.014%	\$ 2,453.10	15,644.1	27.967%	\$ 3,425.88	15,739.5	28.965%	\$ 3,885.61	16,079.8	26.354%	\$ 4,147.95	\$ 28,400.22
Marygold Mutual Water Company	348.7	0.616%	\$ 55.92	330.3	0.591%	\$ 72.34	302.4	0.557%	\$ 74.66	370.9	0.608%	\$ 95.69	\$ 685.40
Monte Vista Irrigation Company	360.1	0.636%	\$ 57.74	341.1	0.610%	\$ 74.70	312.3	0.575%	\$ 77.10	383.1	0.628%	\$ 98.81	\$ 707.75
Monte Vista Water District	2,634.8	4.652%	\$ 422.49	2,499.3	4.468%	\$ 547.31	2,294.0	4.222%	\$ 566.32	2,798.4	4.586%	\$ 721.86	\$ 5,162.29
NCL Co, LLC	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
Niagara Bottling, LLC	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
Nicholson Family Trust	2.0	0.004%	\$ 0.33	1.9	0.003%	\$ 0.42	1.8	0.003%	\$ 0.44	2.2	0.004%	\$ 0.56	\$ 4.02
Norco, City of	107.4	0.190%	\$ 17.22	101.7	0.182%	\$ 22.28	93.1	0.171%	\$ 22.99	114.2	0.187%	\$ 29.47	\$ 211.08
Ontario, City of	8,269.3	14.602%	\$ 1,325.96	8,245.5	14.740%	\$ 1,805.66	8,092.7	14.893%	\$ 1,997.83	10,017.5	16.418%	\$ 2,584.11	\$ 16,109.38
Pomona, City of	5,969.0	10.540%	\$ 957.12	5,653.9	10.107%	\$ 1,238.13	5,176.6	9.526%	\$ 1,277.93	6,349.3	10.406%	\$ 1,637.85	\$ 11,731.31
San Antonio Water Company	801.9	1.416%	\$ 128.59	759.6	1.358%	\$ 166.34	695.5	1.280%	\$ 171.69	853.0	1.398%	\$ 220.05	\$ 1,576.09
San Bernardino, County of (Shooting Park)	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	0.0	0.000%	\$ -	\$ -
Santa Ana River Water Company	692.5	1.223%	\$ 111.04	655.9	1.173%	\$ 143.64	600.6	1.105%	\$ 148.26	736.6	1.207%	\$ 190.02	\$ 1,361.00
Upland, City of	1,518.1	2.681%	\$ 243.42	1,437.9	2.571%	\$ 314.89	1,316.5	2.423%	\$ 325.01	1,614.8	2.647%	\$ 416.55	\$ 2,983.57
West End Consolidated Water Co	504.3	0.890%	\$ 80.86	477.7	0.854%	\$ 104.60	437.3	0.805%	\$ 107.96	536.4	0.879%	\$ 138.37	\$ 991.10
West Valley Water District	342.9	0.605%	\$ 54.98	324.8	0.581%	\$ 71.13	297.4	0.547%	\$ 73.41	364.7	0.598%	\$ 94.09	\$ 673.92
	56,633.0	100.000%	\$ 9,080.93	55,937.4	100.000%	\$ 12,249.65	54,339.4	100.000%	\$ 13,414.73	61,014.1	100.000%	\$ 15,739.18	\$ 107,544.38