

**MINUTES**  
**CHINO BASIN WATERMASTER**  
**APPROPRIATIVE POOL COMMITTEE MEETING**  
November 10, 2021

The Appropriative Pool Committee meeting was held via Zoom (conference call and web meeting) on November 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
Braden Yu	City of Upland
Josh Swift	Fontana Union Water Company
Seth Zielke for Cris Fealy	Fontana Water Company
Ben Lewis	Golden State Water Company
Steven Popelar for Chris Berch	Jurupa Community Services District
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
Josh Swift for Cris Fealy	Nicholson Family Trust
Brian Lee	San Antonio Water Company
John Lopez	Santa Ana River Water Company
Braden Yu	West End Consolidated Water Company

**WATERMASTER BOARD MEMBERS PRESENT ON CALL**

Mike Gardner	Western 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	Data Services and Judgment Reporting Mgr.
Janine Wilson	Sr. Accountant
David Huynh	Sr. Field Operations Specialist
Alonso Jurado	Sr. Field Operations Specialist
Ruby Favela	Administrative Assistant

**WATERMASTER CONSULTANTS PRESENT ON CALL**

Scott Slater	Brownstein Hyatt Farber Schreck, LLP
Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Garrett Rapp	West Yost

**OTHERS PRESENT ON CALL**

Marilyn Levin	Agricultural Pool – State of CA
Pete Hall	Agricultural Pool – State of CA
Steve Anderson	Best Best & Krieger LLP
Gene Tanaka	Best Best & Krieger LLP
Amanda Coker	City of Chino
Courtney Jones	City of Ontario
Christopher Quach	City of Ontario
Nicole deMoet	City of Upland

Eduardo Espinoza  
Rob Hills  
Kevin Kenley  
Gidti Ludesirishoti  
Randall Reed  
Jiwon Seung  
Shawnda Grady  
Elizabeth Calciano  
Joshua Aguilar  
Liz Hurst  
Sylvie Lee  
Andrew Gagen  
Fred Fudacz  
Kevin O'Toole  
Jeff Davis

Cucamonga Valley Water District  
Cucamonga Valley Water District  
Cucamonga Valley Water District  
Cucamonga Valley Water District  
Cucamonga Valley Water District  
Cucamonga Valley Water District  
Ellison Schneider Harris & Donlan LLP  
Hensley Law Group  
Inland Empire Utilities Agency  
Inland Empire Utilities Agency  
Inland Empire Utilities Agency  
Kidman Gagen Law LLP  
Nossaman LLP  
Orange County Water District  
Provost & Pritchard Consulting Group

### **CALL TO ORDER**

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

### **ROLL CALL**

(0:00:20) 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 October 14, 2021
2. Minutes of the Appropriative Pool Committee Special Meeting held October 28, 2021

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

Receive and file as presented:

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

##### **C. ANNUAL FINDING OF SUBSTANTIAL COMPLIANCE WITH THE RECHARGE MASTER PLAN**

Recommend to Advisory Committee to recommend to the Watermaster Board to adopt the finding that Watermaster is in substantial compliance with the Recharge Master Plan.

**D. 2020/21 ANNUAL REPORT OF THE GROUND-LEVEL MONITORING COMMITTEE**

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the 2020/21 Annual Report of the Ground-Level Monitoring Committee, along with filing a copy with the Court.

**E. CALENDAR YEAR 2022 APPROPRIATIVE POOL VOLUME VOTE**

Approve the Calendar Year 2022 Appropriative Pool Volume Vote as presented, subject to Watermaster Board approval of the FY 2021/22 Assessment Package at the November 18, 2021 meeting.

(0:03:42) A roll call vote was taken.

*Motion by Mr. Ron Craig, seconded by Mr. Chris Diggs, 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 SCOPE AND BUDGET FOR THE SAFE YIELD RESET METHODOLOGY UPDATE (DISCUSSION ONLY)**

(0:06:29) Mr. Kavounas introduced the item and handed off to Mr. Rapp of West Yost to give a presentation. A discussion ensued.

**B. FISCAL YEAR 2021/22 BUDGET AMENDMENT (FORM A-21-11-01)**

Recommend to the Advisory Committee to approve the Fiscal Year 2021/22 Budget Amendment (Form A-21-11-01).

(0:21:40) Mr. Kavounas gave a report. A discussion ensued. The Pool took this item into Confidential Session for further discussion and no reportable action was provided following Confidential Session.

**C. DRY YEAR YIELD PROGRAM (DISCUSSION ONLY)**

(0:33:25) Mr. Kavounas, Mr. Tellez Foster, and Ms. Hurst of IEUA gave a report. A discussion ensued.

**D. FISCAL YEAR 2021/22 ASSESSMENT PACKAGE**

Review Fiscal Year 2021/22 Assessment Package as presented and offer advice to Watermaster.

(1:26:40) Mr. Kavounas introduced Mr. Yoo who gave a presentation. A discussion ensued.

(2:14:50)

*Substitute Motion by Mr. Dave Crosley, seconded by Mr. Justin Scott-Coe; motion failed with 426.572 volume votes as attached to these minutes.*

***Moved to recommend Advisory Committee approval of half the annual assessments to be processed now and the remaining half later in the year.***

(2:18:14)

*Motion by Mr. Braden Yu, seconded by Mr. Brian Lee; motion passed by majority 681.904 volume votes as attached to these minutes.*

***Moved to recommend Advisory Committee approval of Business Item II.D., and for Watermaster staff to address the City of Ontario's concerns about the Dry Year Yield program at a later date.***

**E. RESOLUTION TO LEVY REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS FOR FISCAL YEAR 2021/22**

Review Resolution 2021-05 as presented and offer advice to Watermaster.

(1:58:48) Mr. Kavounas gave a report. No action was taken on this item.

**III. REPORTS/UPDATES**

**A. LEGAL COUNSEL**

1. San Bernardino County Superior Court Emergency Order
2. November 5, 2021 Hearing
3. Rules & Regulations Update
4. Evergreen Storage Agreements
5. Kaiser Permanente Lawsuit

(2:22:14) Mr. Herrema gave a report.

**B. ENGINEER**

1. Data Collection and Evaluation Workshop #1
2. Plan to Mitigate for Loss of Hydraulic Control
3. Responses to Storage Questions

(2:25:57) Mr. Rapp of West Yost gave a report on behalf of Mr. Malone.

**C. CHIEF FINANCIAL OFFICER**

1. Fiscal Year 2021/22 Assessment Invoicing

(2:29:14) Mr. Joswiak gave a report.

**D. GENERAL MANAGER**

1. Personnel and Compensation Items
2. Chino Basin Sustainability
3. Watermaster's Holiday Charity Event
4. December Meetings
5. Other

(2:30:22) Mr. Kavounas gave a report on Item 1 and responded to questions. Mr. Kavounas also gave a report on Item 2 and informed the Pool that Pool Members will be asked for their advice and assistance during the next regular meeting of the Pool on the topic of Basin stewardship efforts that are currently not being undertaken. Ms. Nelson reported on Items 3 and 4. Mr. Kavounas also added a report regarding grant funding opportunities and presented a slide showing a summary of grant and low interest loan opportunities supporting State water projects as of October 15, 2021. A discussion ensued.

**IV. POOL MEMBER COMMENTS**

**V. OTHER BUSINESS**

**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 Confidential Session at 11:44 a.m. to discuss the following:

Existing Litigation; Ag Expenses Motion and Related Matters

Confidential session concluded at 1:02 p.m. with no reportable action.

**ADJOURNMENT**

Vice-Chair Burton, on behalf of Chair Bosler, adjourned the Appropriative Pool Committee meeting at 1:02 p.m.

Secretary: 

Approved: January 13, 2022

Attachments:

1. 20211110 FWC Representative Substitute (Email from Josh Swift)
2. 20211110 Roll Call Vote Outcome for the Consent Calendar
3. 20211110 Volume Vote Outcome for Business Items II.D. (Substitute Motion)
4. 20211110 Volume Vote Outcome for Business Items II.D. (Main Motion)

**Anna Nelson**

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**To:** Anna Nelson  
**Subject:** RE: FWC Rep.

**From:** Josh M. Swift <jmswift@fontanawater.com>  
**Sent:** Wednesday, November 10, 2021 9:42 AM  
**To:** Anna Nelson <atruongnelson@cbwm.org>  
**Subject:** FWC Rep.

Anna,

Pursuant to Cris Fealy being on vacation and Eric Tarango on medical leave, FWC has asked Seth Zielke to stand in for AP meetings conducted on 11.10.21.

Thank you,

**Josh Swift**  
**Vice President and General Manager**  
**San Gabriel Valley Water Company**  
**Fontana Water Company Division**  
**909-822-2201**

**Attachment 2 to 20211110 Appropriative Pool Committee Meeting Minutes**

**November 10, 2021 Appropriative Pool Committee Meeting Roll Call Vote Outcome**

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

# Attachment 3 to 20211110 AP Minutes (Substitute Motion)



## 2021 APPROPRIATIVE POOL VOLUME VOTE Assessment Year 2020-2021 (Production Year 2019-2020)

**QUORUM  
MET?  
YES**

*Enter Y or N in Each Cell*

Party	Present (Y/N)	Vote (Y/N)	Assigned	Reallocated	Avail Votes	Quorum	Total Yes
BlueTriton Brands, Inc.	N	N	1.996	-1.996	0.000	0.000	0.000
CalMat Co. (Appropriative)	N	N	0.000	0.000	0.000	0.000	0.000
Chino Hills, City Of	Y	N	29.331	4.393	33.724	29.331	0.000
Chino, City Of	Y	Y	52.490	7.862	60.352	52.490	60.352
Cucamonga Valley Water District	Y	N	75.344	11.284	86.629	75.344	0.000
Fontana Union Water Company	Y	N	58.285	8.729	67.014	58.285	0.000
Fontana Water Company	N	N	74.573	-74.573	0.000	0.000	0.000
Fontana, City Of	N	N	0.000	0.000	0.000	0.000	0.000
Golden State Water Company	N	N	8.327	-8.327	0.000	0.000	0.000
Jurupa Community Services District	Y	N	106.336	15.926	122.262	106.336	0.000
Marygold Mutual Water Company	N	N	12.127	-12.127	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	Y	6.170	0.924	7.094	6.170	7.094
Monte Vista Water District	Y	Y	90.955	13.622	104.577	90.955	104.577
NCL Co, LLC	N	N	0.000	0.000	0.000	0.000	0.000
Niagara Bottling, LLC	N	N	12.585	-12.585	0.000	0.000	0.000
Nicholson Family Trust	Y	N	0.035	0.005	0.040	0.035	0.000
Norco, City Of	N	N	1.840	-1.840	0.000	0.000	0.000
Ontario, City Of	Y	Y	203.257	30.442	233.699	203.257	233.699
Pomona, City Of	Y	N	177.723	26.618	204.341	177.723	0.000
San Antonio Water Company	Y	Y	18.134	2.716	20.850	18.134	20.850
San Bernardino, County of (Shooting Park)	N	N	0.054	-0.054	0.000	0.000	0.000
Santa Ana River Water Company	N	N	12.885	-12.885	0.000	0.000	0.000
Upland, City Of	Y	N	43.038	6.446	49.484	43.038	0.000
West End Consolidated Water Co	Y	N	8.640	1.294	9.934	8.640	0.000
WestValley Water District	N	N	5.875	-5.875	0.000	0.000	0.000
			<b>1,000.000</b>	<b>0.000</b>	<b>1,000.000</b>	<b>869.739</b>	<b>426.572</b>

CALCULATE  
QUORUM

CALCULATE  
VOTES

"YES" VOTES  
42.657%

RESET ALL

RESET VOTES

"NO" VOTES  
57.343%

# NOT PASSED

MAJORITY OF VOTES REQUIRED



# Attachment 4 to 20211110 AP Minutes (Main Motion)



## 2021 APPROPRIATIVE POOL VOLUME VOTE Assessment Year 2020-2021 (Production Year 2019-2020)

**QUORUM  
MET?  
YES**

*Enter Y or N in Each Cell*

Party	Present (Y/N)	Vote (Y/N)	Assigned	Reallocated	Avail Votes	Quorum	Total Yes
BlueTriton Brands, Inc.	N	N	1.996	-1.996	0.000	0.000	0.000
CalMat Co. (Appropriative)	N	N	0.000	0.000	0.000	0.000	0.000
Chino Hills, City Of	Y	Y	29.331	1.730	31.061	29.331	31.061
Chino, City Of	Y	Y	52.490	3.095	55.586	52.490	55.586
Cucamonga Valley Water District	Y	Y	75.344	4.443	79.788	75.344	79.788
Fontana Union Water Company	Y	Y	58.285	3.437	61.722	58.285	61.722
Fontana Water Company	Y	Y	74.575	4.398	78.971	74.573	78.971
Fontana, City Of	N	N	0.000	0.000	0.000	0.000	0.000
Golden State Water Company	N	N	8.327	-8.327	0.000	0.000	0.000
Jurupa Community Services District	Y	Y	106.336	6.271	112.607	106.336	112.607
Marygold Mutual Water Company	N	N	12.127	-12.127	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	N	6.170	0.364	6.534	6.170	0.000
Monte Vista Water District	Y	N	90.955	5.364	96.319	90.955	0.000
NCL Co, LLC	N	N	0.000	0.000	0.000	0.000	0.000
Niagara Bottling, LLC	N	N	12.585	-12.585	0.000	0.000	0.000
Nicholson Family Trust	Y	Y	0.035	0.002	0.037	0.035	0.037
Norco, City Of	N	N	1.840	-1.840	0.000	0.000	0.000
Ontario, City Of	Y	N	203.257	11.986	215.243	203.257	0.000
Pomona, City Of	Y	Y	177.723	10.481	188.204	177.723	188.204
San Antonio Water Company	Y	Y	18.134	1.069	19.203	18.134	19.203
San Bernardino, County of (Shooting Park)	N	N	0.054	-0.054	0.000	0.000	0.000
Santa Ana River Water Company	N	N	12.885	-12.885	0.000	0.000	0.000
Upland, City Of	Y	Y	43.038	2.538	45.576	43.038	45.576
West End Consolidated Water Co	Y	Y	8.640	0.510	9.150	8.640	9.150
West Valley Water District	N	N	5.875	-5.875	0.000	0.000	0.000
			<b>1,000.000</b>	<b>0.000</b>	<b>1,000.000</b>	<b>944.312</b>	<b>681.904</b>

CALCULATE QUORUM	CALCULATE VOTES	<u>"YES" VOTES</u> 68.190%	PASSED
RESET ALL	RESET VOTES	<u>"NO" VOTES</u> 31.810%	