

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

January 13, 2022

The annual Appropriative Pool committee meeting was held via Zoom (conference call and web meeting) on January 13, 2022.

**APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT**

Eduardo Espinoza, Chair	Cucamonga Valley Water District
Chris Diggs, Vice-Chair	City of Pomona
Kevin Sage	BlueTriton Brands, Inc.
Bob Bowcock	CalMat Co.
Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Chris Berch (Proxy for Chad Blais)	City of Norco
Chris Quach	City of Ontario
Braden Yu	City of Upland
Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Ben Lewis	Golden State 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
Braden Yu	West End Consolidated Water Company
Rickey Manbahal	West Valley Water District

**WATERMASTER BOARD MEMBERS PRESENT**

Bob Kuhn	Three Valleys Municipal Water District
Mike Gardner	Western Municipal Water District

**WATERMASTER STAFF PRESENT**

Peter Kavounas	General Manager
Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
Anna Nelson	Director of Administration
Justin Nakano	Water Resources Technical Manager
Frank Yoo	Data Services and Judgment Reporting Mgr.
Janine Wilson	Senior Accountant
Gabby Garcia	Executive Assistant II/Board Clerk
Ruby Favela	Administrative Assistant

**WATERMASTER CONSULTANTS PRESENT**

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

**OTHERS PRESENT**

Amanda Coker	City of Chino
Eunice Ulloa	City of Chino
Scott Burton	City of Ontario
Chris Quach	City of Ontario
Nicole De Moet	City of Upland

John Bosler  
Luis Cetina  
Mark Gibboney  
Gidti Ludesirishoti  
Jiwon Seung  
Jim Curatalo  
Tarren Alicia Torres  
Joshua Aguilar  
Liz Hurst  
John Schatz  
Stephanie Reimer  
Kevin O'Toole  
David De Jesus  
Matthew Litchfield  
Todd Minten  
Larry Cain  
Diana Frederick  
Pete Hall  
Marilyn Levin

Cucamonga Valley Water District  
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Cucamonga Valley Water District  
Fontana Union Water Company  
Egoscue Law Group, Inc.  
Inland Empire Utilities Agency  
Inland Empire Utilities Agency  
John J. Schatz, Attorney at Law  
Monte Vista Water District  
Orange County Water District  
Three Valleys Municipal Water District  
Three Valleys Municipal Water District  
Santa Ana River Water Company  
State of California  
State of California  
State of California  
State of California

**CALL TO ORDER**

Mr. Bosler, the 2021 Appropriative Pool Committee Chair, called the annual Appropriative Pool Committee meeting to order at 9:00 a.m.

**ROLL CALL**

(0:02:20) Ms. Garcia conducted the roll call and announced that a quorum was present.

**AGENDA – ADDITIONS/REORDER**

None

**I. ANNUAL ELECTIONS (ACTION)**

A. Elect the following Calendar Year 2022 Officers of the Pool: Chair, Vice-Chair, Secretary, Treasurer, and Assistant Secretaries and Treasurers as may be appropriate.

Chair	<u>Eduardo Espinoza</u>
Vice-Chair	<u>Chris Diggs</u>
Secretary/Treasurer	<u>Watermaster General Manager</u>

Mr. Bosler handed the meeting over to Mr. John Schatz, the Appropriative Pool's legal counsel, to conduct the annual elections.

(0:06:15)

*Motion by Mr. Ron Craig, seconded by Mr. Cris Fealy, and by unanimous vote*

***Moved to approve the Calendar Year 2022 Appropriative Pool Chair as indicated in I.A. above.***

(0:08:32)

*Motion by Mr. Ron Craig, seconded by Mr. Cris Fealy, and by unanimous vote*

***Moved to approve the Calendar Year 2022 Appropriative Pool Vice-Chair as indicated in I.A. above.***

(0:10:01)

As in prior years, the Pool decided to keep the Watermaster General Manager as Secretary/Treasurer for Calendar Year 2022 as indicated in I.A. above. There was no dissent.

**B. Calendar Year 2022 Appropriative Pool Minor Representatives to the 2022 Advisory Committee**

Elect two Minor Representatives to the Calendar Year 2022 Advisory Committee. According to the Appropriative Pool Pooling Plan, each major Appropriator is entitled to one representative on the Advisory Committee. The minor Appropriators shall elect two representatives to serve on the Advisory Committee. The minor producers for 2022 are: BlueTriton Brands, Inc., CalMat Co., City of Fontana, City of Norco, County of San Bernardino, Golden State Water Company, Marygold Mutual Water Company, Monte Vista Irrigation Company, NCL Co., LLC, Niagara Bottling Company, Nicholson Family Trust, San Antonio Water Company, Santa Ana River Water Company, West End Consolidated Water Company, and West Valley Water District.

Minor Rep #1                      San Antonio Water Company

Minor Rep #2                      Monte Vista Irrigation Company

(0:12:00)

*Motion by Mr. Braden Yu, seconded by Mr. Ben Lewis, and by unanimous vote*

***Moved to approve San Antonio Water Company as Minor Representative 1 to serve on the Advisory Committee for Calendar Year 2022.***

(0:12:31)

*Motion by Mr. Braden Yu, seconded by Mr. Ben Lewis, and by unanimous vote*

***Moved to approve Monte Vista Irrigation Company as Minor Representative 2 to serve on the Advisory Committee for Calendar Year 2022.***

**C. Calendar Year 2022 Appropriative Pool Member Appointed to Serve as Advisory Committee Officer**

Appoint a designated representative to serve as an officer of the Advisory Committee during Calendar Year 2022. According to the rotation sequence established among the Pools, the Appropriative Pool appointee will be filling the position of Chair.

Appropriative Pool Officer (Chair) Appointment to the Advisory Committee:

Chris Berch

(0:14:31)

*Main Motion by Mr. Justin Scott-Coe, seconded by Mr. Braden Yu*

***Moved to approve Mr. Brian Lee to serve as Vice-Chair on the Advisory Committee for Calendar Year 2022.***

(0:15:43)

*Substitute Motion by Mr. Ron Craig, seconded by Mr. Josh Swift, and by unanimous vote*

***Moved to approve Mr. Chris Berch to serve as Vice-Chair on the Advisory Committee for Calendar Year 2022.***

As the Substitute Motion carried by unanimous vote, the Main Motion was not considered.

**D. Calendar Years 2022 and 2023 Minor Appropriators Election For Watermaster Board Appointment**

Appoint a representative to the Watermaster Board for Calendar Years 2022 and 2023.

Minor Appropriators for Appointment to the Watermaster Board:

James Curatalo

(0:16:38)

*Motion by Mr. Brian Lee, seconded by Mr. Rickey Manbahal, and by unanimous vote*

***Moved to approve Mr. James Curatalo as the representative and Mr. Tom Thomas as the alternate to serve on the Watermaster Board for Calendar Years 2022 and 2023 on behalf of the Minor Representatives.***

**E. Calendar Year 2022 Appropriative Pool Representation on the Watermaster Board (Information Only)**

According to the Board rotation schedule filed with the Court in 2000 and updated on November 17, 2015, the Appropriators listed below will have a seat on the Watermaster Board in Calendar Years 2022 and 2023, and has appointed a representative and alternate for 2022 as shown below:

Monte Vista Water District

New Member: Scott Burton

Alternate: Manny Martinez

(0:18:09) Ms. Nelson announced that the Monte Vista Water District representative is Mr. Scott Burton, and the alternate is Mr. Manny Martinez. A discussion ensued.

**II. CONSENT CALENDAR**

**A. MINUTES**

Approve as presented:

1. Minutes of the Appropriative Pool Meeting held November 10, 2021
2. Minutes of the Appropriative Pool Special Meeting held November 17, 2021
3. Minutes of the Appropriative Pool Special Meeting held December 09, 2021

**B. FINANCIAL REPORTS**

Receive and file as presented:

1. Cash Disbursements for the month of October 2021
2. Watermaster VISA Check Detail for the month of October 2021
3. Combining Schedule for the Period July 1, 2021 through October 31, 2021
4. Treasurer's Report of Financial Affairs for the Period October 1, 2021 through October 31, 2021
5. Budget vs. Actual Report for the Period July 1, 2021 through October 31, 2020
6. Cash Disbursements for the month of November 2021
7. Watermaster VISA Check Detail for the month of November 2021
8. Combining Schedule for the Period July 1, 2021 through November 30, 2021

9. Treasurer's Report of Financial Affairs for the Period November 1, 2021 through November 30, 2021
10. Budget vs. Actual Report for the Period July 1, 2021 through November 30, 2021
11. Cash Disbursements for December 2021 (Information Only)

**C. CHINO BASIN WATERMASTER INVESTMENT POLICY**

Recommend that the Advisory Committee recommends approval of Resolution 2022-01 – Resolution of the Chino Basin Watermaster, San Bernardino County, California, Re-Authorizing the Watermaster's Investment Policy.

**D. LOCAL AGENCY INVESTMENT FUND**

Recommend that the Advisory Committee recommends approval of Resolution 2022-02 – Resolution Authorizing Investment of Monies in the Local Agency Investment Fund (LAIF).

**E. CHINO BASIN WATERMASTER 43<sup>rd</sup> ANNUAL REPORT (FISCAL YEAR 2020/21)**

Recommend that the Advisory Committee recommend to the Watermaster Board to adopt the 43<sup>rd</sup> Annual Report, along with filing a copy with the Court, subject to any necessary non-substantive changes.

(0:26:00)

*Motion by Mr. Ron Craig, seconded by Mr. Chris Diggs, and by unanimous vote*

***Moved to approve the Consent Calendar as presented.***

**III. BUSINESS ITEMS**

**A. DRY YEAR YIELD PROGRAM**

Offer any advice and assistance to the Watermaster Board.

(0:29:32) Mr. Kavounas gave a report. A discussion ensued.

**B. 2022 UPDATE TO THE 2019 CHINO BASIN WATERMASTER RULES AND REGULATIONS**

Recommend Advisory Committee to approve the 2022 Update to the 2019 Chino Basin Watermaster Rules and Regulations.

(0:36:53) Mr. Kavounas gave a report and invited Mr. Herrema to give an update on the recent comments received by the City of Chino and Monte Vista Water District. A discussion ensued.

**C. 2020 OBMP IMPLEMENTATION PLAN**

Recommend studies and/or planning efforts necessary to advance implementation of the 2020 OBMP.

(0:48:25) Mr. Tellez Foster gave a report. A discussion ensued.

**IV. REPORTS/UPDATES**

**A. LEGAL COUNSEL**

1. San Bernardino County Superior Court Emergency Order
2. February 4, 2022 Hearing
3. Evergreen Storage Agreements
4. Kaiser Permanente Lawsuit

(1:18:48) Mr. Herrema gave a report.

**B. ENGINEER**

1. Storage Q&A
2. Safe Yield Reset Methodology Update
3. GLMC Update
4. Proposed Hexavalent MCL NOP Comments

(1:24:19) The Pool opted to receive only item IV.B.1., the Storage Q&A, and deferred the remainder of the Engineer's report to the Advisory Committee. Mr. Malone gave a report on the Storage Q&A.

**C. CHIEF FINANCIAL OFFICER**

1. FY 2021/22 Assessment Package Payments Status
2. Upcoming FY 2021/22 Mid-Year Review

(1:26:41) Mr. Joswiak gave a report.

**D. GENERAL MANAGER**

1. WUE Rulemaking Update
2. Groundwater Management and Drinking Water Well Principles and Strategies
3. Exhibit "G" Physical Solution Transfers
4. Calendar Year 2022 Letters of CBWM Representation
5. Hearing Officer Panel Additions/Removals
6. 2021 Shriners Hospitals for Children Fundraiser
7. Jim Theirl's Passing
8. Other

(1:29:14) Mr. Kavounas introduced Mr. Tellez Foster who gave a report on Item 1, the Water Use Efficiency (WUE) Rulemaking and Item 2, the Groundwater Management and Drinking Water Well Principles and Strategies.

(1:34:31) Mr. Yoo gave a report on the Fiscal Year 2021/22 Exhibit "G" Physical Solution Transfers indicating that Hamner Park Associates offered 800 acre-feet for purchase at \$715 per acre-foot and stated that Appropriators will have until March 1, 2022 to declare interest.

(1:37:04) Ms. Garcia gave an update on outstanding representative letters.

(1:38:20) Mr. Kavounas gave an update on the 2022 Hearing Officer Panel indicating that Mr. John Rossi is no longer able to serve, and that staff will bring a recommendation for a replacement to the Board at its January 27, 2022 meeting for consideration.

(1:39:03) Ms. Nelson gave a report on the 2021 staff fundraiser supporting Shriners Hospitals for Children indicating that the goal was set at \$6,000 and with the overwhelming support by the Watermaster family, the goal was surpassed and closed at \$13,612. She thanked everyone for their generosity and for making the fundraiser a huge success.

(1:40:45) Mr. Kavounas commented on Mr. Jim Theirl's passing and invited Messrs. Nakano and Malone to share their thoughts.

Mr. Nakano commented that Mr. Theirl was an associate engineer with Chino Basin Watermaster from 1999 through 2012. During this time, he set the foundation for fieldwork and was very knowledgeable and will be sorely missed.

Mr. Malone commented that Mr. Theirl was an interesting man who was a mentor to him, and who cared very deeply about the basin.

**V. INFORMATION**

1. Notice of Intent Regarding the Determination of Operating Safe Yield
2. Recharge Investigations and Projects Committee (RIPCom)

**VI. POOL MEMBER COMMENTS**

(1:44:30) Mr. Craig congratulated the 2022 Pool leadership and expressed appreciation for the 2021 Chair, Mr. John Bosler for his tireless efforts.

(1:45:30) Mr. Berch thanked Messrs. Bosler and Burton for their leadership in 2021.

(1:45:51) Mr. Scott-Coe echoed the above sentiments.

**VII. OTHER BUSINESS**

None

**VIII. CONFIDENTIAL SESSION – POSSIBLE ACTION**

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

(1:48:16) The Pool convened into confidential session at 10:48 a.m. to discuss the following:

Conference with Legal Counsel Regarding Agricultural Expenses, Related Matters and Appropriative Pool Administrative Matter

(1:48:35) Confidential session concluded at 12:17 p.m. with no reportable action.

**ADJOURNMENT**

(1:49:20) Chair Espinoza adjourned the Annual Appropriative Pool Committee meeting at 12:23 p.m.

Secretary: 

Approved: February 10, 2022