

**MINUTES**  
**CHINO BASIN WATERMASTER**  
**APPROPRIATIVE POOL COMMITTEE MEETING**  
June 9, 2022

The Appropriative Pool committee meeting was held at the Watermaster offices located at 9641 San Bernardino Road, Rancho Cucamonga, CA., and via Zoom (conference call and web meeting) on June 9, 2022.

**APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER**

Eduardo Espinoza, Chair	Cucamonga Valley Water District
Chris Diggs, Vice-Chair	City of Pomona
Courtney Jones	City of Ontario
Nicole deMoet for Braden Yu	City of Upland
Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Bryan Smith for Chris Berch	Jurupa Community Services District
Cris Fealy	Nicholson Family Trust
Teri Layton for Brian Lee	San Antonio Water Company
Nicole deMoet for Braden Yu	West End Consolidated Water Company

**APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM**

Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
John Lopez	Santa Ana River Water Company

**WATERMASTER BOARD MEMBERS PRESENT ON ZOOM**

Jim Curatalo	Minor Representative
Pete Hall	State of California
Bob Kuhn	Three Valleys Municipal Water District
Mike Gardner	Western Municipal Water District

**WATERMASTER STAFF PRESENT**

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
Denise Morales	Executive Assistant II/Board Clerk
Ruby Favela	Administrative Assistant
David Huynh	Senior Field Operations Specialist

**WATERMASTER CONSULTANTS PRESENT AT WATERMASTER**

Andy Malone	West Yost
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**WATERMASTER CONSULTANTS PRESENT ON ZOOM**

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
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**OTHERS PRESENT AT WATERMASTER**

Jiwon Seung	Cucamonga Valley Water District
Jeff Davis	Provost & Pritchard Consulting

**OTHERS PRESENT ON ZOOM**

Steve Anderson	Best Best & Krieger
Natalie Avila	City of Chino
Chris Quach	City of Ontario
Mark Gibboney	Cucamonga Valley Water District
Eric Grubb	Cucamonga Valley Water District
Rob Hills	Cucamonga Valley Water District
Tarren Alicia Torres	Egoscue Law Group, Inc.
Shawnda Grady	Ellison Schneider Harris & Donlan LLP
Ben Lewis	Golden State Water Company
Jerry Burke	Inland Empire Utilities Agency
William McDonnell	Inland Empire Utilities Agency
Manny Martinez	Monte Vista Water District
Stephanie Reimer	Monte Vista Water District
Kevin O'Toole	Orange County Water District
Todd Minten	Santa Ana River Water Company
Bill Wyatt	Sheppard, Mullin, Richter & Hampton
Marilyn Levin	Ag Pool – State of California
David De Jesus	Three Valleys Municipal Water District

**CALL TO ORDER**

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

**ROLL CALL**

(0:00:27) Ms. Wilson conducted the roll call and announced that a quorum was present.

**AGENDA - ADDITIONS/REORDER**

(0:04:12) Ms. Teri Layton requested to pull Item I.B., line item 6 for discussion Chair Espinoza proceeded to pull Item I.B. in its entirety for discussion

**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 May 12, 2022
2. Minutes of the Appropriative Pool Special Meeting held May 19, 2022

**B. FINANCIAL REPORTS**

Receive and file as presented:

1. Cash Disbursements for the month of April 2022
2. Watermaster VISA Check Detail for the month of April 2022
3. Combining Schedule for the Period July 1, 2021 through April 30, 2022
4. Treasurer's Report of Financial Affairs for the Period April 1, 2022 through April 30, 2022
5. Budget vs. Actual Report for the Period July 1, 2021 through April 30, 2022
6. Cash Disbursements for May 2022 (Information Only)

**C. APPLICATION: WATER TRANSACTION**

Provide advice and assistance to the Advisory Committee on the proposed transaction:  
The purchase of 4.5 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: WATER TRANSACTION**

Provide advice and assistance to the Advisory Committee on the proposed transaction:  
The purchase of 2,000 acre-feet of water from Santa Ana River Water Company by Niagara Bottling, LLC. This purchase is made from Santa Ana River Water Company's Excess Carryover Account.

**E. APPLICATION: WATER TRANSACTION**

Provide advice and assistance to the Advisory Committee on the proposed transaction:  
The purchase of 5,000 acre-feet of water from City of Chino by Fontana Water Company. This purchase is made from City of Chino's Excess Carryover Account

(0:04:50)

*Motion by Mr. Josh Swift, seconded by Mr. Chris Diggs, and passed unanimously.*

***Moved to approve the Consent Calendar without Item I.B. as presented.***

(0:05:28) Ms. Teri Layton raised a question for clarification about Item I.B. A discussion ensued.

(0:08:58)

*Motion by Mr. Chris Diggs, seconded by Mr. Cris Fealy, and passed unanimously.*

***Moved to approve the Consent Calendar Item I.B. as presented.***

**II. BUSINESS ITEMS**

**A. 2021 ANNUAL REPORT OF THE PRADO BASIN HABITAT SUSTAINABILITY COMMITTEE**

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

(0:09:31) Mr. Tellez Foster introduced Mr. Malone who gave a report and a presentation on Business Item II.A. A discussion ensued.

(0:21:06)

*Motion by Mr. Chris Diggs, seconded by Mr. Ron Craig, and passed unanimously.*

***Moved to approve Business Item II.A. as presented.***

**III. REPORTS/UPDATES**

**A. LEGAL COUNSEL**

1. San Bernardino Superior Court Emergency Order
2. June 17, 2022 Hearing
3. Governor's Executive Order N-7-22
4. Kaiser Permanente Lawsuit

(0:21:27) Mr. Herrema gave a report. A discussion ensued.

**B. ENGINEER**

1. Safe Yield Reset Methodology Update

(0:26:10) Mr. Malone gave a report. A discussion ensued.

**C. CHIEF FINANCIAL OFFICER**

1. FY 2021/22 Ongoing Auditing Activity by Fedak & Brown, LLP

(0:28:37) Mr. Joswiak gave a report.

**D. GENERAL MANAGER**

1. Regional Supply/Drought Update
2. May 26, 2022 Special Board Meeting
3. July Meeting Schedule
4. Other

(0:30:12) Mr. Tellez Foster asked Mr. William McDonnell of IEUA to report on Item 1. Mr. Tellez Foster gave a report on Item 2. Ms. Nelson gave a report on item 3 informing the Pool that Watermaster plans to be dark in the month of July and that staff is available to assist with any special meetings as needed. She also indicated that at present, there is only one scheduled meeting on July 20, 2022 from 9 am to 12 pm for the Safe Yield Peer-Review Workshop. Ms. Nelson also reminded parties that the deadline to submit any water transaction applications is June 30, 2022 for it to be counted in the current production year. Under Other, she informed the Pool that the Robert's Rules of Order webinar training is still being finalized and that staff will inform everyone once the date and agenda have been set should they be interested in attending. A discussion ensued.

**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 Espinoza called for a confidential session at 9:35 a.m. to discuss the following:

1. April 27, 2022 Order and Related Matters, AP Administrative Matters, Safe Yield Reset Methodology, and OBMP Update

Confidential session concluded at 11:39 a.m. with the following reportable action as provided by Pool Leadership:

*"By a volume vote of 59.425% the Appropriative Pool approved the payment of the outstanding balance of \$75,868.59 from reserves to satisfy the remaining obligation of the terms of the agreement for the Agricultural Pool."*

**ADJOURNMENT**

Chair Espinoza adjourned the Appropriative Pool Committee meeting at 11:45 a.m.

Secretary: 

Approved: August 11, 2022

Attachment:

1. 20220609 Appropriative Pool Committee Meeting (Reportable Action as provided by Pool Leadership)

From: Taya Victorino <tayav@cvwdwater.com>  
 Sent: Monday, July 18, 2022 11:13 AM  
 To: Denise Morales <dmorales@cbwm.org>  
 Cc: Anna Nelson <atruongnelson@cbwm.org>  
 Subject: RE: 6/9 AP Confidential Session Vote

**ATTACHMENT 1**

Meeting reconvened at 11:39am

By a volume vote of 59.425% the Appropriative Pool approved the payment of the outstanding balance of \$75,868.59 from reserves to satisfy the remaining obligation of the terms of the agreement for the Agricultural Pool.

And just to confirm; moving forward WM will no longer record the reportable action from AP confidential session when it is reported out during the regular AP meeting; we have to send reportable action in writing?

Taya Victorino, CAP, OM, PM  
 Executive Assistant  
 Cucamonga Valley Water District  
 (909) 987-2591



**2022 APPROPRIATIVE POOL VOLUME VOTE**  
**Assessment Year 2021-2022 (Production Year 2020-2021)**

**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.			1.847	-1.847	0.000	0.000	0.000
CalMat Co. (Appropriative)			0.000	0.000	0.000	0.000	0.000
Chino Hills, City Of			36.004	-36.004	0.000	0.000	0.000
Chino, City Of	Y	N	55.596	4.141	59.737	55.596	0.000
Cucamonga Valley Water District	Y	Y	71.996	5.362	77.358	71.996	77.358
Fontana Union Water Company	Y	Y	58.285	4.341	62.626	58.285	62.626
Fontana Water Company	Y	Y	75.362	5.613	80.975	75.362	80.975
Fontana, City Of			0.000	0.000	0.000	0.000	0.000
Golden State Water Company	Y	Y	11.066	0.824	11.890	11.066	11.890
Jurupa Community Services District	Y	Y	91.046	6.781	97.827	91.046	97.827
Marygold Mutual Water Company			11.701	-11.701	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	N	6.170	0.460	6.630	6.170	0.000
Monte Vista Water District	Y	N	95.217	7.091	102.308	95.217	0.000
NCL Co, LLC			0.000	0.000	0.000	0.000	0.000
Niagara Bottling, LLC			11.928	-11.928	0.000	0.000	0.000
Nicholson Family Trust	Y	Y	0.035	0.003	0.038	0.035	0.038
Norco, City Of			1.840	-1.840	0.000	0.000	0.000
Ontario, City Of	Y	N	220.641	16.432	237.074	220.641	0.000
Pomona, City Of	Y	Y	164.866	12.279	177.145	164.866	177.145
San Antonio Water Company	Y	Y	18.347	1.366	19.713	18.347	19.713
San Bernardino, County of (Shooting Park)			0.117	-0.117	0.000	0.000	0.000
Santa Ana River Water Company	Y	Y	13.060	0.973	14.033	13.060	14.033
Upland, City Of	Y	Y	40.358	3.006	43.364	40.358	43.364
West End Consolidated Water Co	Y	Y	8.640	0.643	9.283	8.640	9.283
West Valley Water District			5.875	-5.875	0.000	0.000	0.000
			1,000.000	0.000	1,000.000	930.687	594.252

CALCULATE QUORUM

CALCULATE VOTES

"YES" VOTES  
59.425%

RESET ALL

RESET VOTES

"NO" VOTES  
40.575%

**PASSED**