

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING
September 8, 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 September 8, 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
Josh Swift	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Bryan Smith for 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

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Braden Yu	City of Upland
Ben Lewis	Golden State Water Company
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 ZOOM

James Curatalo	Appropriative Pool – Minor Representative
Mike Gardner	Western Municipal Water District

WATERMASTER STAFF PRESENT

Peter Kavounas	General Manager
Joe 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
Alonso Jurado	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
Garrett Rapp	West Yost

OTHERS PRESENT AT WATERMASTER

Christopher Quach
Amanda Coker
Jiwon Seung

City of Ontario
Cucamonga Valley Water District
Cucamonga Valley Water District

OTHERS PRESENT ON ZOOM

Natalie Avila
Nicole deMoet
Luis Cetina
Rob Hills
Randall Reed
Tarren Alicia Torres
Bill Wyatt
Jimmy Medrano
David De Jesus
Nicole deMoet

City of Chino
City of Upland
Cucamonga Valley Water District
Cucamonga Valley Water District
Cucamonga Valley Water District
Egoscue Law Group, Inc.
Sheppard, Mullin, Richter & Hampton
Agricultural Pool – State of California
Three Valleys Municipal Water District
West End Consolidated Water Co.

CALL TO ORDER

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

ROLL CALL

(0:00:23) Ms. Morales conducted the roll call and announced that a quorum was present.

AGENDA - ADDITIONS/REORDER

None

I. CONSENT CALENDAR

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 August 11, 2022

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of July 2022
2. Watermaster VISA Check Detail for the month of July 2022
3. Combining Schedule for the Period July 1, 2022 through July 31, 2022
4. Treasurer's Report of Financial Affairs for the Period July 1, 2022 through July 31, 2022
5. Budget vs. Actual Report for the Period July 1, 2022 through July 31, 2022
6. Cash Disbursements for August 2022 (Information Only)

C. OBMP SEMI-ANNUAL STATUS REPORT 2022-1

Recommend to the Advisory Committee to recommend to the Watermaster Board to adopt the Semi-Annual OBMP Status Report 2022-1, along with filing a copy with the Court, subject to any necessary non-substantive changes.

(0:03:48)

Motion by Vice-Chair Chris Diggs, seconded by Mr. Justin Scott-Coe, and passed unanimously.

Moved to approve the Consent Calendar as presented

II. BUSINESS ITEMS

A. SAFE YIELD RESET METHODOLOGY UPDATE

Provide advice and assistance.

(0:04:24) Mr. Kavounas introduced Mr. Rapp of West Yost who gave a presentation. A discussion ensued.

(0:27:58) Chair Espinoza announced that the committee would further discuss Business Item II.A. in confidential session.

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. September 30, 2022 Hearing
3. Motion Challenging Watermaster's Budget Action To Fund Unauthorized CEQA Review
4. Governor's Executive Order N-7-22
5. Kaiser Permanente Lawsuit
6. Rules and Regulations Update

(0:28:22) Mr. Herrema gave a report.

B. ENGINEER

1. Ground-Level Monitoring Committee Update

(0:32:15) Mr. Malone gave a report.

C. CHIEF FINANCIAL OFFICER

None

D. GENERAL MANAGER

1. 2020 OBMP
2. SNMP Presentation Date – October 27, 2022 at 9:30am
3. Workshop IV
4. Supplemental Water Flowchart
5. 2023 RMPU
6. Water Activity Reports
7. Other

(0:34:05) Mr. Kavounas reported on Items 1-5 and reminded the Pool that the 2023 RMPU is due to be filed with the Court in October 2023 and will include an asset management assessment this year. Mr. Kavounas invited for Mr. Yoo to present on Item 6 and showed the committee the water activity reports on Watermaster's website. Mr. Kavounas proceeded to Item 7 indicating that Watermaster has experienced an increase in workload for administrative staff in light of the uncertainty of payments and increasing litigation from some parties. As a result, he is contemplating additional resources to support the increased workload and will keep stakeholders apprised.

IV. POOL MEMBER COMMENTS

(0:44:24) Mr. Ron Craig thanked Watermaster for the 2020 OBMP Environmental Review Process Workshop hosted on September 1, 2022.

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 9:45 a.m. to discuss the following:

1. Ag Legal Expenses
2. AP Administrative Matters
3. Business Item II.A. (Safe Yield Rest Methodology Update)

Confidential session concluded at 11:26 a.m. with the following reportable actions as provided by Pool Leadership:

1. *Motion to approve and pay Ag Pool's May and June legal invoices, Motion by Chris Diggs, seconded by Josh Swift. Motion passed by volume vote of 60.936%*
2. *Second item that was added during open session to move the Safe Yield Rest Methodology Update discussion into closed session. The AP Pool had a discussion and requests that Watermaster allow for 1 more month for the AP pool to provide recommendation and advice on this item.*

ADJOURNMENT

Chair Espinoza adjourned the Appropriative Pool Committee meeting at 11:26 a.m.

Secretary: 

Approved: October 13, 2022

Attachment:

1. 20220908 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership)

ATTACHMENT 1

From: [Eduardo Espinoza](#)
To: [Denise Morales](#)
Cc: [Edgar Tellez Foster](#); [Diggs, Chris](#); [John Schatz](#); [Taya Victorino](#); [Jiwon Seung](#); [Amanda Coker](#)
Subject: RE: 20220908 AP Closed Session (Closing Remarks)
Date: Saturday, September 10, 2022 2:25:51 PM

Hi Denise,

I made one minor edit below: AP approved Ag Pool's May **and June** invoices. Here's attendance and the voting results on the Ag Pool legal expenses item:

1. Chris Quach
2. Justin Scott-Coe
3. Bryan Smith
4. Courtney Jones
5. Eduardo Espinoza
6. Amanda Coker
7. Jiwon Seung
8. Josh Swift
9. Cris Fealy
10. Chris Diggs
11. Randall Reed
12. Ron Craig
13. Brian Lee
14. John Lopez
15. Dave Crosley
16. Braden Yu
17. Ben Lewis
18. Nicole deMoet
19. John Schatz
20. Jimmy Gutierrez



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.	N		1,847	-1,847	0.000	0.000	0.000
CalMat Co. (Appropriative)	N		0.000	0.000	0.000	0.000	0.000
China Hills, City Of	Y	Y	36,004	1,241	37,245	36,004	37,245
China, City Of	Y	N	55,596	1,916	57,512	55,596	0.000
Cucamonga Valley Water District	Y	Y	71,996	2,481	74,476	71,996	74,476
Fontana Union Water Company	Y	Y	58,285	2,008	60,293	58,285	60,293
Fontana Water Company	Y	Y	75,362	2,597	77,959	75,362	77,959
Fontana, City Of	N		0.000	0.000	0.000	0.000	0.000
Golden State Water Company	Y	Y	11,066	0.381	11,448	11,066	11,448
Jurupa Community Services District	Y	Y	91,046	3,137	94,183	91,046	94,183
Manegold Mutual Water Company	N		11,701	-11,701	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	N	6,170	0.213	6,383	6,170	0.000
Monte Vista Water District	Y	N	95,217	3,281	98,498	95,217	0.000
NCL Co, LLC	N		0.000	0.000	0.000	0.000	0.000
Niagara Bottling, LLC	N		11,928	-11,928	0.000	0.000	0.000
Nicholson Family Trust	Y	Y	0.035	0.001	0.036	0.035	0.036
Norco, City Of	N		1,840	-1,840	0.000	0.000	0.000
Ontario, City Of	Y	N	220,641	7,603	228,244	220,641	0.000
Pomona, City Of	Y	Y	164,866	5,681	170,547	164,866	170,547
San Antonio Water Company	Y	Y	18,347	0.632	18,979	18,347	18,979
San Bernardino, County of (Shooting Park)	N		0.117	-0.117	0.000	0.000	0.000
Santa Ana River Water Company	Y	Y	13,060	0.450	13,510	13,060	13,510
Upland, City Of	Y	Y	40,358	1,391	41,749	40,358	41,749
West End Consolidated Water Co	Y	Y	8,640	0.298	8,938	8,640	8,938
West Valley Water District	N		5,875	-5,875	0.000	0.000	0.000
			1,000,000	0.000	1,000,000	966,691	609,304

YES VOTES
60.930%

NO VOTES
39.064%

PASSED

Eduardo

Eduardo Espinoza, PE
 Assistant General Manager
 Cucamonga Valley Water District
 (909) 987-2591

From: Denise Morales <dmorales@cbwm.org>
Sent: Thursday, September 8, 2022 4:42 PM
To: Eduardo Espinoza <EduardoE@cvwdwater.com>
Cc: Edgar Tellez Foster <etellezfoster@cbwm.org>; Diggs, Chris <Chris.Diggs@pomona.gov>; John Schatz <jschatz13@cox.net>
Subject: 20220908 AP Closed Session (Closing Remarks)

Hi Eduardo,

Below is what I have gathered from your closed session reportable items (recording attached). Please let us know if you agree or have changes. Also, would you provide us with your closed session attendance list?

1. AP Pool came out of closed session at 11:26
2. Motion to approve and pay Ag Pool's May and June legal invoices, Motion by Chris Diggs, seconded by Josh Swift. Motion passed by volume vote of 60.936%
3. Second item that was added during open session to move the Safe Yield Rest Methodology Update discussion into closed session. The AP Pool had a discussion and requests that Watermaster allow for 1 more month for the AP pool to provide recommendation and advice on this item.
4. Adjourned at 11:27

Regards,
Denise

Denise Morales

Executive Assistant II/Board Clerk
Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730

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