

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING

February 9, 2023

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 February 9, 2023.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Chris Diggs, Chair	City of Pomona
Chris Berch, Vice Chair	Jurupa Community Services District
Amanda Coker	Cucamonga Valley Water District
Dave Crosley	City of Chino
Courtney Jones	City of Ontario
Marty Zvirbulis	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
Marty Zvirbulis	Nicholson Family Trust

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Ron Craig	City of Chino Hills
Braden Yu	City of Upland
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
Bob Kuhn	Three Valleys 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.
Alexandria Moore	Executive Assistant I/Board Clerk
Ruby Favela	Administrative Analyst
Adaisel Rosales	Administrative Assistant
David Huynh	Senior Field Operations Specialist
Alonso Jurado	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

Andy Malone	West Yost
Garrett Rapp	West Yost
Laura Yraceburu	Brownstein Hyatt Farber Schreck, LLP

OTHERS PRESENT AT WATERMASTER

Jiwon Seung	Cucamonga Valley Water District
Bryan Smith	Jurupa Community Services District

OTHERS PRESENT ON ZOOM

Natalie Avila	City of Chino
Nicole deMoet	City of Upland
Michael Mayer	County of SB – Flood Control District
John Bosler	Cucamonga Valley Water District
Eduardo Espinoza	Cucamonga Valley Water District
Mark Gibboney	Cucamonga Valley Water District
Tarren Alicia Torres	Egoscue Law Group, Inc
Shawnda Grady	Ellison Schneider Harris & Donlan LLP
Derek Hoffman	Fennemore Law
Kevin O’Toole	Orange County Water District
Bill Wyat	Sheppard, Mullin, Richter & Hampton
Jimmy Medrano	State of CA – CIM
Leon Kazandjian	State of CA – CDCR
Marilyn Levin	State of CA – DOJ
Nicole deMoet	West End Consolidated Water Company
Mallory Gandara	Western Municipal Water District

CALL TO ORDER

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

ROLL CALL

(0:00:08) Ms. Moore 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 Annual Appropriative Pool Committee Meeting held on January 12, 2023

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of December 20
2. Watermaster VISA Check Detail for the month of December 2022
3. Combining Schedule for the Period July 1, 2022 through December 31, 2022
4. Treasurer’s Report of Financial Affairs for the Period December 1, 2022 through December 31, 2022
5. Budget vs. Actual Report for the Period July 1, 2022 through December 31, 2022
6. Cash Disbursements for January 2023 (Information Only)

C. APPLICATION: WATER TRANSACTION – CITY OF CHINO TO NIAGARA BOTTLING, LLC

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

The purchase of 4,000 acre-feet of water from City of Chino by Niagara Bottling, LLC. This purchase is made from City of Chino’s Excess Carryover Account.

(0:04:22)

Motion by Mr. Cris Fealy, seconded by Mr. Chris Berch, there being no dissent, the item passed unanimously.

Moved to approve the Consent Calendar as presented.

II. BUSINESS ITEMS

A. BUDGET AMENDMENT TO THE EXISTING SAFE YIELD COURT ORDER IMPLEMENTATION PLAN

Recommend Advisory Committee approval.

(0:09:10) Mr. Kavounas invited Mr. Rapp to give a presentation. A discussion ensued.

(0:19:33)

Motion by Mr. Dave Crosley, seconded by Ms. Courtney Jones, there being no dissent, the item passed unanimously.

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

B. OPTIMUM BASIN MANAGEMENT PROGRAM (OBMP) IMPLEMENTATION PLAN UPDATE

Provide advice and assistance to the Advisory Committee on whether to retain a facilitator to assist with an update of the OBMP Implementation Plan.

(0:20:14) Mr. Kavounas gave a report. The Pool took the item into Confidential Session; the reportable action is shown below.

C. OPTIMUM BASIN MANAGEMENT PROGRAM (OBMP) UPDATE ESSENTIAL MANAGEMENT ACTIONS

Provide advice and assistance.

(0:21:35) Mr. Kavounas gave a presentation. A discussion ensued.

III. REPORTS/UPDATES

A. WATERMASTER LEGAL COUNSEL

1. January 20, 2023 Hearing
2. March 17, 2023 Hearing
3. Court of Appeal Case No. E079052
4. Court of Appeal Case No. E080457
5. Court of Appeal Case No. E080533
6. Kaiser Permanente Lawsuit
7. Rules and Regulations Update

(0:54:56) Ms. Yraceburu gave a report on behalf of Mr. Herrema who was absent.

B. ENGINEER

1. Ground-Level Monitoring Committee

(0:58:07) Mr. Malone gave a report.

C. CHIEF FINANCIAL OFFICER

1. Fiscal Year 2023/24 Budget Schedule

(1:00:05) Mr. Joswiak gave a report.

D. GENERAL MANAGER

1. Other

(1:02:29) Mr. Kavounas gave a report and showed the email he received from Mr. Deshmukh of IEUA regarding the OBMP Project Description (PD). IEUA is requesting that if Parties have any language they would like considered for the PD to submit it by February 20, 2023.

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.

(1:05:46) The Pool convened into confidential session at 10:06 a.m. to discuss the following:

1. Review and approve AG legal payments for December and January.
2. OBMP IP Discussion

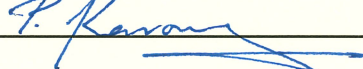
(1:06:01) Confidential session concluded at 11:04 p.m. with the reportable actions shown below:

1. Approved December 2022 and January 2023 Legal Counsel invoices.
Passed (62.467% yes)
2. The AP is not unanimously ready to move forward with facilitation (Business Item II.B.) in its current form and wishes to delay indefinitely until the Pool has made more progress.

The AP asked for Watermaster staff to include Business Item II.B. (OBMP Facilitation) on the Advisory Committee agenda and placed under the GM Report for the Board agenda.

ADJOURNMENT

Chair Diggs adjourned the Appropriative Pool Committee meeting at 11:12 a.m.

Secretary: 

Approved: March 9, 2023

Attachment:

1. 20230209 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership.)


From: [Cansino, Melissa](#)
 To: [Anna Nelson](#)
 Cc: [Diggs, Chris](#); [Alexandria Moore](#)
 Subject: 2/9/23 AP Closed Session Meeting - Motion to approve AG legal bills
 Date: Thursday, February 9, 2023 2:52:14 PM
 Attachments: [2-9-23 AP Sign in sheet .pdf](#)

Hi Anna,

The AP held its closed session meeting shortly after the AP regular session concluded. I have attached the sign-in sheet.

Motion: To approve AG legal bills as follows:
 \$18,462.50 for general counsel - December 2022 Invoice
 \$24, 250.00 for general counsel -January 2023 Invoice

Motion by Cris Fealy FWC, second by Chris Berch/JCSD
 Passed (62.467% yes)



2023 APPROPRIATIVE POOL VOLUME VOTE
 Assessment Year 2022-2023 (Production Year 2021-2022)

QUORUM MET?
YES

Enter Y or N in Each Cell

Party	Present (Y/N)	Vote (Y/N)	Assigned	Avail Votes	Quorum	Total Yes
BlueTrison Brands, Inc.	N	N	1,666	0.000	0.000	0.000
CalMart Co. (Appropriative)	N	N	0.000	0.000	0.000	0.000
Chino Hills, City Of	Y	Y	36,689	36,689	36,689	36,689
Chino, City Of	Y	N	57,077	57,077	57,077	0.000
Cucamonga Valley Water District	Y	Y	95,130	95,130	95,130	95,130
Fontana Union Water Company	Y	Y	58,285	58,285	58,285	58,285
Fontana Water Company	Y	Y	75,523	75,523	75,523	75,523
Fontana, City Of	N	N	0.000	0.000	0.000	0.000
Golden State Water Company	N	N	10,820	0.000	0.000	0.000
Jurupa Community Services District	Y	Y	95,731	95,731	95,731	95,731
Marygold Mutual Water Company	N	N	12,236	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	N	6,170	6,170	6,170	0.000
Monte Vista Water District	Y	N	90,372	90,372	90,372	0.000
NCL Co, LLC	N	N	0.000	0.000	0.000	0.000
Niagara Bottling, LLC	N	N	11,167	0.000	0.000	0.000
Nicholson Family Trust	Y	Y	0.035	0.035	0.035	0.035
Norco, City Of	N	N	1,840	0.000	0.000	0.000
Ontario, City Of	Y	N	199,137	199,137	199,137	0.000
Pomona, City Of	Y	Y	169,803	169,803	169,803	169,803
San Antonio Water Company	N	N	16,409	0.000	0.000	0.000
San Bernardino, County of (Shooting Park)	N	N	0.131	0.000	0.000	0.000
Santa Ana River Water Company	Y	Y	12,549	12,549	12,549	12,549
Upland, City Of	Y	Y	34,713	34,713	34,713	34,713
West End Consolidated Water Co	Y	Y	8,640	8,640	8,640	8,640
West Valley Water District	N	N	5,875	0.000	0.000	0.000
			1,000,000	939,853	939,853	587,098

CALCULATE QUORUM

CALCULATE VOTES

"YES" VOTES

62.467%

"NO" VOTES

37.533%

PASSED

Thank you,
 Melissa Cansino
 City of Pomona - Water Resources Department
 (909) 620-2236
Melissa.Cansino@pomona.gov