

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING

April 13, 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 April 13, 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
Ron Craig	City of Chino Hills
Marty Zvirbulis	Fontana Union Water Company
Cris Fealy	Fontana Water Company
Marty Zvirbulis	Nicholson Family Trust

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Courtney Jones	City of Ontario
Braden Yu	City of Upland
Ben Lewis	Golden State Water Company
Stephanie Reimer for Justin Scott-Coe	Monte Vista Irrigation Company
Stephanie Reimer for Justin Scott-Coe	Monte Vista Water District
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
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 Quintero	Administrative Analyst
Kelli Hills	Office Specialist/Receptionist
David Huynh	Senior Field Operations Specialist
Alonso Jurado	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

Andy Malone	West Yost
Carolina Sanchez	West Yost

WATERMASTER CONSULTANTS PRESENT ON ZOOM

Benjamin Markham	Brownstein Hyatt Farber Schreck, LLP
Garrett Rapp	West Yost

OTHERS PRESENT AT WATERMASTER

Melissa Cansino	City of Pomona
Jiwon Seung	Cucamonga Valley Water District

Bryan Smith
Jesse Pompa

Jurupa Community Services District
Jurupa Community Services District

OTHERS PRESENT ON ZOOM

Christopher Quach
Nicole deMoet
Eduardo Espinoza
Eric Grubb
Ben Roden
Tarren Alicia Torres
Shawnda Grady
Derek Hoffman
Bill Wyat
Leon Kazandjian
Marilyn Levin
David De Jesus
Nicole deMoet
Mallory Gandara
Laura Roughton

City of Ontario
City of Upland
Cucamonga Valley Water District
Cucamonga Valley Water District
Cucamonga Valley Water District
Egoscue Law Group, Inc.
Ellison, Schneider, & Harris, LLP
Fennemore Law
Sheppard, Mullin, Richter & Hampton
State of CA – CIM
State of CA – DOJ
Three Valleys Municipal Water District
West End Consolidated Water Company
Western Municipal Water District
Western Municipal Water District

CALL TO ORDER

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

ROLL CALL

(0:00:04) Ms. Moore conducted the roll call and announced that a quorum was present.

AGENDA - ADDITIONS/REORDER

(0:02:23) Chair Diggs requested for Consent Calendar Item I.C. to be pulled for separate discussion.

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 on March 9, 2023

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of February 2023
2. Watermaster VISA Check Detail for the month of February 2023
3. Combining Schedule for the Period July 1, 2022 through February 28, 2023
4. Treasurer's Report of Financial Affairs for the Period February 1, 2023 through February 28, 2023
5. Budget vs. Actual Report for the Period July 1, 2022 through February 28, 2023
6. Cash Disbursements for March 2023 (Information Only)

(0:02:34)

Motion by Mr. Marty Zvirbulis, seconded by Mr. Dave Crosley, there being no dissent, the item passed unanimously.

Moved to approve the Consent Calendar Items I.A. and I.B. as presented.

C. ARUNA REDDY OVERLYING (AGRICULTURAL) POOL INTERVENTION REQUEST

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve and direct staff to file the request for intervention with the court.

(0:03:18) Consent Calendar Item I.C. was pulled from the Consent Calendar for separate discussion. Chair Diggs requested more information from Watermaster on behalf of the Pool. Mr. Kavounas gave a report. A discussion ensued. No vote was taken after discussion; the item will be brought back to a future meeting once more information is provided by the well owner.

II. BUSINESS ITEMS

A. WATERMASTER BOARD PHILOSOPHY RE STAFFING AND COMPENSATION

Review the draft principles and provide input.

(0:25:42) Mr. Kavounas gave a report. A discussion ensued.

III. REPORTS/UPDATES

A. WATERMASTER LEGAL COUNSEL

1. March 17, 2023 Hearing
2. April 5, 2023 Hearing
3. May 12, 2023 Hearing
4. Court of Appeal Case No. E079052
5. Court of Appeal Case No. E080457
6. Court of Appeal Case No. E080533
7. Kaiser Permanente Lawsuit

(0:30:19) Mr. Markham gave a report.

B. ENGINEER

1. Safe Yield Court Order Implementation
2. Maximum Benefit Annual Report

(0:33:52) Mr. Malone gave a report.

C. CHIEF FINANCIAL OFFICER

1. Budget Schedule

(0:39:01) Mr. Joswiak gave a report.

D. GENERAL MANAGER

1. State Excess Water Supplies and Opportunities for Recharge
2. Other

(0:43:53) Mr. Kavounas gave a report indicating that he attended a Metropolitan Water District management meeting regarding excess State water supplies due to the recent rain and encouraged parties to consider recharge opportunities in the Chino Basin. Mr. Kavounas invited Ms. Sanchez of West Yost to give a report on the Board-Requested Recharge Projects Analysis. Mr. Kavounas mentioned that the May Appropriative Pool Committee meeting would be happening during the week of the ACWA Spring Conference, and that staff suggests rescheduling it from May 11, 2023 to May 16, 2023. The Appropriative Pool Committee agreed that the date change is a good idea. 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.

(1:17:09) The Pool convened into confidential session at 10:17 a.m. to discuss AP Administrative Business.

(1:17:56) Confidential session concluded at 10:55 a.m. with the reportable actions shown below:

1. *To approve AG legal bills as follows:*

\$24,250.00 for general counsel – February Invoice

Motion by Chris Berch/JCSD, second by Chris Diggs/City of Pomona

2. *To approve an increase in the AG expense budget to cover upcoming costs of \$100,000 and AP expenses of \$100,000 for forthcoming expenses total of \$200,000 for both.*

Motion by Chris Berch/JCSD, second by Chris Diggs/City of Pomona

Passed (62.398% yes)

ADJOURNMENT

Chair Diggs adjourned the Appropriative Pool Committee meeting at 10:59 a.m.

Secretary: 

Approved: May 16, 2023

Attachment:

1. 20230413 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership)

ATTACHMENT 1

From: [Anna Nelson](#)
To: [Cansino, Melissa](#)
Cc: [Diggs, Chris](#); [Alexandria Moore](#)
Subject: Re: 4/13/23 AP Closed Session Meeting - Motion to approve AG legal bills & Motion to Increase AG and AP expense budget by 100K each
Date: Thursday, April 13, 2023 2:24:51 PM

Thank you, Melissa.

Anna Truong Nelson, CAP, OM, TA
Director of Administration

Chino Basin Watermaster
9641 San Bernardino Road
Rancho Cucamonga, CA 91730
Office: 909.484.3888
Web: www.cbwm.org

From: Cansino, Melissa <Melissa.Cansino@pomona.gov>
Sent: Thursday, April 13, 2023 1:22 PM
To: Anna Nelson <atruongnelson@cbwm.org>
Cc: Diggs, Chris <Chris.Diggs@pomona.gov>
Subject: 4/13/23 AP Closed Session Meeting - Motion to approve AG legal bills & Motion to Increase AG and AP expense budget by 100K each

Good afternoon Anna,

The AP held its closed session meeting shortly after the AP regular session concluded.

**Motion: To approve AG legal bills as follows:
\$24,250.00 for general counsel - February Invoice**

Motion by Chris Berch/JCSD, second by Chris Diggs/City of Pomona



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
BlueTriton Brands, Inc.	N	N	1,668	0,000	0,000	0,000
CalMar 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	Y	Y	10,820	10,820	10,820	10,820
Jurupa Community Services District	Y	Y	95,731	95,731	95,731	95,731
Marygold Mutual Water Company	N	N	12,256	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	15,409	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	N	N	12,549	0,000	0,000	0,000
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
TOTAL			1,000,000	938,124	938,124	585,399

CALCULATE
QUORUM

CALCULATE
VOTES

YES VOTES
62.398%

RESET ALL

RESET VOTES

NO VOTES
37.602%

PASSED

Second Motion: To approve an increase in the AG expense budget to cover upcoming costs of \$100,000 and AP expenses of \$100,000 for forthcoming expenses total of \$200,000 for both:

Motion by Chris Berch/JCSD, second by Chris Diggs/City of Pomona

Passed (62.398% 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
BlueTriton Brands, Inc.	N	N	1,668	0.000	0.000	0.000
CalMer 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	Y	Y	10,820	10,820	10,820	10,820
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
Orrtario, 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	N	N	12,549	0.000	0.000	0.000
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
TOTAL			1,000,000	938,124	938,124	585,369

CALCULATE
QUORUM

CALCULATE
VOTES

YES VOTES
62.398%

RESET ALL

RESET VOTES

NO VOTES
37.602%

PASSED

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