

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING
May 16, 2023

The Appropriative Pool Committee meeting was held at the Chino Basin Watermaster offices located at 9641 San Bernardino Road, Rancho Cucamonga, CA, and via Zoom (conference call and web meeting) on May 16, 2023.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Chris Diggs, Chair	City of Pomona
Chris Berch, Vice Chair	Jurupa Community Services District
Christopher Quach for Courtney Jones	City of Ontario
Amanda Coker	Cucamonga Valley Water District
Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Marty Zvirbulis	Fontana Union Water Company
Eric Tarango for Cris Fealy	Fontana Water Company
Marty Zvirbulis	Nicholson Family Trust

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

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
Alyssa Coronado for John Lopez	Santa Ana River Water Company
Braden Yu	West End Consolidated Water Company

WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

Bob Bowcock	CalMat Co.
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WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

James Curatalo	Appropriative Pool – Minor Representative
Manny Martinez	Monte Vista 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

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

WATERMASTER CONSULTANTS PRESENT ON ZOOM

Garrett Rapp	West Yost
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OTHERS PRESENT AT WATERMASTER

Melissa Cansino
Jiwon Seung

City of Pomona
Cucamonga Valley Water District

OTHERS PRESENT ON ZOOM

Natalie Avila
Nicole deMoet
Eduardo Espinoza
Ben Roden
Tarren Alicia Torres
Derek Hoffman
Bryan Smith
Bill Wyatt
Marilyn Levin
David De Jesus
Nicole deMoet
Mallory Gandara

City of Chino
City of Upland
Cucamonga Valley Water District
Cucamonga Valley Water District
Egoscue Law Group, Inc.
Fennemore Law
Jurupa Community Services District
Sheppard, Mullin, Richter & Hampton
State of CA – DOJ
Three Valleys Municipal Water District
West End Consolidated Water Company
Western Municipal Water District

CALL TO ORDER

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

ROLL CALL

(0:00:07) Ms. Moore conducted the roll call and announced that a quorum was present.

AGENDA - ADDITIONS/REORDER

(0:02:39) 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 April 13, 2023

B. FINANCIAL REPORTS

Receive and file as presented:

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

C. APPLICATION: RECHARGE – CHINO BASIN WATER CONSERVATION DISTRICT

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve Chino Basin Water Conservation District's application for recharge and direct Watermaster staff to account for the same.

D. APPLICATION: LOCAL STORAGE AGREEMENT (ONAP)

Recommend to the Advisory Committee to recommend to the Watermaster Board to approve the proposed agreements.

(0:02:39)

Motion by Mr. Ron Craig, seconded by Ms. Amanda Coker, there being no dissent, the item passed unanimously.

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

(0:02:55) Mr. Kavounas gave a report on Item I.C. A discussion ensued.

(0:12:26)

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

Moved to approve the Consent Calendar Item I.C. as presented.

II. BUSINESS ITEMS

A. WATERMASTER FISCAL YEAR 2023/24 PROPOSED BUDGET

Recommend Advisory Committee approval of the Watermaster Fiscal Year 2023/24 Proposed Budget as presented.

(0:13:52) Mr. Joswiak gave a presentation. A discussion ensued.

(0:38:07)

Motion by Mr. Marty Zvirbulis, seconded by Mr. Chris Berch; a volume vote was taken, and the item passed by majority 62.894 votes as attached to these minutes.

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

B. ARUNA REDDY OVERLYING (AGRICULTURAL) POOL INTERVENTION REQUEST

The staff report will be distributed separately.

(0:41:48) Mr. Kavounas indicated the item was not yet ready to be heard by the Committees and will be brought back to future meeting once more information is obtained by the well owner. A discussion ensued.

III. REPORTS/UPDATES

A. WATERMASTER LEGAL COUNSEL

1. May 12, 2023 Hearing (Watermaster Motion for Receipt and Filing of Semi-Annual OBMP Status Report; City of Ontario Motion re 2022-23 Assessment Package)
2. Court of Appeal Case No. E079052 (City of Chino, MVIC, MVWD, City of Ontario appeal re OAP Expenses and Attorney Fees)
3. Court of Appeal Case No. E080457 (City of Ontario appeal re 2021-22 Assessment Package)
4. Court of Appeal Case No. E080533 (Cities of Chino, Ontario appeal re 2022-23 Watermaster budget expenses to support CEQA analysis)
5. Kaiser Permanente Lawsuit

(0:42:19) Mr. Herrema gave a report. A discussion ensued.

B. ENGINEER

1. 2023 Storage Framework Investigation
2. Data Collection and Evaluation Report for FY 2021/2022
3. Board-Requested Recharge Project Analysis

(0:50:46) Mr. Rapp gave a report on items 1 and 3, and a presentation on item 2. A discussion ensued.

C. CHIEF FINANCIAL OFFICER

None

D. GENERAL MANAGER

1. 2022/23 DYY Operation
2. Available Grant Opportunities
3. Other

(1:12:35) Mr. Kavounas gave a report on item 1, indicating that Watermaster received a letter from Metropolitan Water District with the intent to recharge up to 25 KAF in the current fiscal year and 25 KAF next fiscal year, and that approximately 900 AF has been recharged at about 75+ CFS. On item 2, he reported that the available grant opportunities table has been updated and is available on the Watermaster website should parties wish to review it. Mr. Kavounas indicated that staff will provide an update on the construction issue at San Sevaine Basin once more information becomes available. He also reminded parties about the Chino Basin Watermaster and Chino Basin Conservation District Stakeholder BBQ on May 25, 2023 at 4:00 p.m. at the Conservation's offices.

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.

(1:18:46) The Pool convened into confidential session at 10:20 a.m. to discuss AP Administrative Business.

(1:18:56) Confidential session concluded at 10:40 a.m. with the reportable action as shown below:

1. To approve AG legal bills as follows:

\$26,200.00 for general counsel – March 2023 Invoice (Feb. billing)

\$42,539.16 for general counsel –April 2023 Invoice (March billing)

Motion by Martin Zvirbulis/SGVW, Second by Chris Berch/JCSD

Passed (62.398% yes)

ADJOURNMENT

Chair Diggs adjourned the Appropriative Pool Committee meeting at 10:43 a.m.

Secretary: _____



Approved: _____ June 8, 2023

Attachments:

1. 20230516 Appropriative Pool Committee Meeting (Volume Vote Outcome for Business Item II.A.)
2. 20230516 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership)

ATTACHMENT 1



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
CalMat 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
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	950.673	950.673	597.918

CALCULATE
 QUORUM

CALCULATE
 VOTES

"YES" VOTES
 62.894%

PASSED

RESET ALL

RESET VOTES

"NO" VOTES
 37.106%

Alexandria Moore

Subject: RE: AP Closed Session Meeting - Motion to approve AG legal bills March & April 2023

From: Cansino, Melissa <Melissa.Cansino@pomona.gov>

Sent: Tuesday, May 16, 2023 1:00 PM

To: Anna Nelson <atruongnelson@cbwm.org>

Cc: Diggs, Chris <Chris.Diggs@pomona.gov>

Subject: AP Closed Session Meeting - Motion to approve AG legal bills March & April 2023

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:

\$26,200.00 for general counsel - March 2023 Invoice (Feb. billing)

\$42,539.16 for general counsel -April 2023 Invoice (March billing)

Motion by Martin Zvirbulis SGVW, Second by Chris Berch/JCSD

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	1,568	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	12,236	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
Nagara 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	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
			1,000,000	938,124	938,124	585,369

CALCULATE QUORUM

CALCULATE VOTES

"YES" VOTES
62.398%

"NO" VOTES
37.602%

PASSED

RESET ALL

RESET VOTES

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