

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING
September 14, 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 September 14, 2023.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Chris Diggs, Chair	City of Pomona
Chris Berch, Vice-Chair	Jurupa Community Services District
Courtney Jones	City of Ontario
Amanda Coker	Cucamonga Valley Water District
Dave Crosley	City of Chino
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
Ben Lewis	Golden State Water Company
John Lopez	Santa Ana River Water Company
Braden Yu	West End Consolidated Water Company

APPROPRIATIVE POOL COMMITTEE LEGAL COUNSEL PRESENT ON ZOOM

John Schatz	John J. Schatz, Attorney at Law
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WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

Jim Curatalo	Appropriative Pool – Minor Representative
Manny Martinez	Monte Vista Water District
Mike Gardner	Western Municipal Water District
Bob Kuhn	Three Valleys Municipal Water District

WATERMASTER STAFF PRESENT

Peter Kavounas	General Manager
Edgar Tellez Foster	Water Resources Mgmt. & Planning Dir.
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
Alonso Jurado	Water Resources Associate
Jordan Garcia	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

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

WATERMASTER CONSULTANTS PRESENT ON ZOOM

Scott Nelsen	Eide Bailly
Lucy Hedley	West Yost

OTHERS PRESENT AT WATERMASTER

Melissa Cansino
Jiwon Seung
Oscar Ramos
Bryan Smith

City of Pomona
Cucamonga Valley Water District
Fontana Union Water District
Jurupa Community Services District

OTHERS PRESENT ON ZOOM

Natalie Avila
Nicole deMoet
Eduardo Espinoza
Rob Hills
Peter Dopulos
Shawnda Grady
Derek Hoffman
Brian Lee
Bill Wyatt
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.
Ellison, Schneider, & Harris, LLP
Fennemore Law
San Antonio Water Company
Sheppard, Mullin, Richter & Hampton
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

(0:00:10) 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 Appropriative Pool Committee Meeting held on August 10, 2023
2. Minutes of the Appropriative Pool Committee Special Meeting held on August 17, 2023

B. FINANCIAL REPORTS

The monthly financial reports are being redesigned and will be available next month.

C. OBMP SEMI-ANNUAL STATUS REPORT 2023-1

Recommend to the Advisory Committee to recommend to the Watermaster Board to adopt the Semi-Annual OBMP status Report 2023-1, along with filing a copy with the Court, subject to any necessary non-substantive changes.

(0:02:25) *Motion by Vice-Chair Berch, seconded by Mr. Marty Zvirbulis, there being no dissent, the item passed unanimously.*

Moved to approve the Consent Calendar as presented.

II. **BUSINESS ITEMS**

A. **2023 RECHARGE MASTER PLAN UPDATE AND RESOLUTION NO. 2023-06**

Recommend Approval of the 2023 RMPU as presented, adopt Resolution No. 2023 – 06

(0:03:37) Mr. Kavounas prefaced the item and introduced Ms. Sanchez to give a presentation. A discussion ensued.

B. **BOARD-REQUESTED RECHARGE PROJECT ANALYSIS**

Recommend Advisory Committee approval to move forward with gathering necessary information and documentation for each project to be considered grant-ready and prepare the Work Plan.

(0:19:36) Ms. Sanchez gave a report. A discussion ensued.

(0:33:39) *Motion by Chair Diggs, seconded by Vice-Chair Berch, there being no dissent, the item passed unanimously.*

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

III. **REPORTS/UPDATES**

A. **WATERMASTER LEGAL COUNSEL**

1. Court Tour of Chino Basin
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. City of Ontario Appeal of August 18, 2023 Order (Challenge to 2022-23 Assessment Package)
6. Kaiser Permanente Lawsuit

(0:35:26) Mr. Herrema gave a report.

B. **ENGINEER**

1. 2025 Safe Yield Reevaluation
2. Model Update and Required Demonstrations
3. Ground-Level Monitoring Committee
4. 2022 State of the Basin Report

(0:39:09) Mr. Malone gave a report on items 1-3, Ms. Hedley gave a report on item 4. A discussion ensued.

C. **GENERAL MANAGER**

1. Long Term Planning Efforts
2. Other

(0:58:42) Mr. Kavounas explained the long term planning efforts upcoming over the next three years. He stated all Stakeholders will be able to download the various workshops and other non-routine meeting dates through the Watermaster calendar as an ICS file. A discussion ensued.

IV. **POOL MEMBER COMMENTS**

(1:07:48) Chair Diggs thanked IEUA for the change order for San Sevaie. He also recommended that the Appropriative Pool Committee should have a RIPComm representative. Ms. Coker volunteered to be the representative for the Pool.

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.

The Pool convened into confidential session at 10:10 a.m. to discuss the following AP Business.

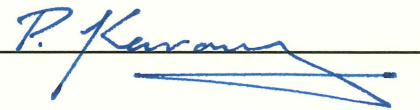
(1:09:19) Confidential session concluded at 11:26 a.m. with the reportable action as shown below:

1. *Motion: To approve AG legal bill as follows:
\$13,450.00 for general counsel – Sept. 2023 Invoice (Aug. 2023 billing)
Motion made by Martin Zvirbulis, (FUWC), and seconded by Chris Diggs, (Pomona): Passed with 62.894% volume votes in favor.*
2. *Motion: To approve John Schatz's proposed budget of \$260,000 for the calendar year 2024.
Motion made by Ron Craig (Chino Hills), seconded by Cris Fealy, (Fontana Water): Passed with 62.894% volume votes in favor.*
3. *Motion: To approve the AG budget of expenses in the amount of \$361,000.00:
Legal Fees: \$250,000
Pool Admin. Fees: \$50,000
Special Projects: \$61,000
Motion made by Ron Craig (Chino Hills), seconded by Martin Zvirbulis (FUWC): Passed with 62.894% volume votes in favor.*
4. *Motion: To approve Tom Harder's proposal in the amount of \$25,000.00.
Motion made by Ron Craig (Chino Hills), seconded by Chris Diggs (Pomona): Passed with 74.493% volume votes in favor.*

ADJOURNMENT

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

Secretary: _____



Approved: _____ October 12, 2023

Attachment:

1. 20230914 Appropriative Pool Committee Meeting (Reportable Action from Confidential Session as provided by Pool Leadership)


From: [Cansino, Melissa](#)
To: [Alexandria Moore](#)
Cc: [Diggs, Chris](#); [Anna Nelson](#)
Subject: AP Closed Session Meeting - Motions 9.14.23
Date: Thursday, September 14, 2023 2:18:12 PM
Attachments: [image002.png](#)
[image004.png](#)
[image006.png](#)
[image008.png](#)
[Zoom meeting attendance 9-14-23.txt](#)
[9-14-23 sign-in sheet.pdf](#)

The AP convened its closed session meeting at 10:15 AM, concluding at 11:26 AM. I've attached the sign-in sheets for your convenience.

Here are the motions and their outcomes:

Motion: To approve the AG legal bill as follows:

\$13,450.00 for general counsel - Sept. 2023 Invoice (Aug. 2023 billing)
 Motion made by Martin Zvirbulis (SGVW), seconded by Chris Diggs (Pomona): Passed with 62.894% in favor.



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
BlueTreon Brands, Inc.	N		1,668	0,000	0,000	0,000
CalWater Co. (Appropriative)	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		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		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
WCL Co, LLC	N		0,000	0,000	0,000	0,000
Niagara Bottling, LLC	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		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		16,409	0,000	0,000	0,000
San Bernardino, County of (Shooting Park)	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		5,875	0,000	0,000	0,000
TOTAL			1,000,000	950,673	950,673	597,918

CALCULATE QUORUM

CALCULATE VOTES

YES VOTES
62.894%

NO VOTES
37.106%

PASSED

RESET ALL

RESET VOTES

Motion: To approve John Shchatz's proposed budget of \$260,000 for the year 2024.

Motion made by Ron Craig (Chino Hills), seconded by Cris Fealy (Fontana Water): Passed with 62.894% in favor.



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BlueTriton Brands, Inc.	N		1,668	0.000	0.000	0.000
CalMar Co. (Appropriative)	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		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		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		0.000	0.000	0.000	0.000
Niagara Bottling, LLC	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		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		16,409	0.000	0.000	0.000
San Bernardino, County of (Shooting Park)	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		5,875	0.000	0.000	0.000
TOTAL			1,000,000	950,673	950,673	597,918

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Motion: To approve the AG budget of expenses in the amount of \$361,000.00:
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Special Projects: \$61,000

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CalMet Co. (Appropriative)	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		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		12,238	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		0.000	0.000	0.000	0.000
Niagara Bottling, LLC	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		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		16,409	0.000	0.000	0.000
San Bernardino, County of (Shooting Park)	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		5,875	0.000	0.000	0.000
TOTAL			1,000,000	950,673	950,673	597,918

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VOTES

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PASSED

Motion: To approve Tom Harder's proposal in the amount of \$25,000.00.

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Cell-Mat Co. (Appropriative)	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	Y	57,077	57,077	57,077	57,077
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		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		12,256	0.000	0.000	0.000
Monte Vista Irrigation Company	Y	Y	6,170	6,170	6,170	6,170
Monte Vista Water District	Y	Y	90,372	90,372	90,372	90,372
NCL Co, LLC	N		0.000	0.000	0.000	0.000
Niagara Bottling, LLC	N		11,167	0.000	0.000	0.000
Nicholson Family Trust	Y	Y	0.035	0.035	0.035	0.035
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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
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Santa Ana River Water Company	Y	Y	12,549	12,549	12,549	12,549
Upland, City Of	Y	N	34,713	34,713	34,713	0.000
West End Consolidated Water Co	Y	N	8,640	8,640	8,640	0.000
West Valley Water District	N		5,875	0.000	0.000	0.000
TOTAL			1,000,000	950,673	950,673	708,183

CALCULATE
QUORUM

CALCULATE
VOTES

YES VOTES
74.493%

RESET ALL

RESET VOTES

NO VOTES
25.507%

PASSED

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