

MINUTES
CHINO BASIN WATERMASTER
APPROPRIATIVE POOL COMMITTEE MEETING

November 9, 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 November 9, 2023.

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT AT WATERMASTER

Chris Diggs, Chair	City of Pomona
Dave Crosley	City of Chino
Ron Craig	City of Chino Hills
Courtney Jones	City of Ontario
Amanda Coker	Cucamonga Valley Water District
Marty Zvirbulis	Fontana Union Water Company
Oscar Ramos for Cris Fealy	Fontana Water Company
Bryan Smith	Jurupa Community Services District
Marty Zvirbulis	Nicholson Family Trust

APPROPRIATIVE POOL COMMITTEE MEMBERS PRESENT ON ZOOM

Braden Yu	City of Upland
Ben Lewis	Golden State Water Company
Justin Scott-Coe	Monte Vista Irrigation Company
Justin Scott-Coe	Monte Vista Water District
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
Bob Kuhn	Three Valleys Municipal Water District
Mike Gardner	Western Municipal Water District

WATERMASTER STAFF PRESENT

Edgar Tellez Foster	Acting General Manager
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
Rudy Nunez	Office Specialist/Receptionist
Alonso Jurado	Water Resources Associate
Jordan Garcia	Senior Field Operations Specialist
Erik Vides	Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	West Yost
Garrett Rapp	West Yost
Veva Weamer	West Yost

D. CALENDAR YEAR 2024 APPROPRIATIVE POOL COMMITTEE VOLUME VOTE

Approve the Calendar Year 2024 Appropriative Pool Committee Volume Vote as presented, subject to Watermaster Board approval of the Fiscal Year 2023/24 Assessment Package at the November 16, 2023 meeting.

(0:02:35)

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

Moved to approve the Consent Calendar as presented.

II. BUSINESS ITEMS

A. WATERMASTER REAPPOINTMENT

Recommend future Watermaster appointment to the Advisory Committee.

(0:03:03) Mr. Tellez Foster gave a report. Mr. Zvirbulis supported moving the item to the Advisory Committee. A discussion ensued. No formal action was taken.

B. FISCAL YEAR 2023/24 ASSESSMENT PACKAGE

Review Fiscal Year 2023/24 Assessment Package as presented and offer advice to Watermaster.

(0:04:33) Mr. Yoo gave a presentation, no comments were provided, and no formal action was taken.

C. RESOLUTION 2023-07 TO LEVY REPLENISHMENT AND ADMINISTRATIVE ASSESSMENTS FOR FISCAL YEAR 2023/24, BASED ON PRODUCTION YEAR 2022/23

Review Resolution 2023-07 as presented and offer advice to Watermaster.

(0:14:24) Mr. Tellez Foster gave a report.

III. REPORTS/UPDATES

A. WATERMASTER LEGAL COUNSEL

1. December 1, 2023 Court Hearing (OBMP Semi-Annual Status Report and 2023 Recharge Master Plan Update)
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 Consolidated Cases No. E080457 and E082127 (City of Ontario appeal re 2021-22 and 2022-23 Assessment Packages)
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

(0:14:58) Mr. Herrema gave a report.

B. ENGINEER

1. Water Quality Committee
2. 2025 Safe Yield Reevaluation
3. Storage and Recovery Master Plan

(0:17:31) Ms. Weamer gave a report on item 1, Mr. Rapp gave a report on items 2 and 3.

C. GENERAL MANAGER

1. OBMPU CEQA Process
2. Annual Finding of Substantial Compliance with the Recharge Master Plan
3. December Meeting Schedule
4. Other

(0:21:49) Mr. Tellez Foster invited Mr. Nakano to give an update on RIPComm. Mr. Nakano indicated that the local land investigated for purchase to be used for recharge had already been sold. On November 6, 2023, Watermaster staff met with IEUA and the County of San Bernardino and was asked by a developer to build a parking lot above an existing recharge basin; Mr. Nakano is currently working with IEUA to submit feedback to the developers. Mr. Tellez Foster reported that the Board requested the DYY extension be brought to the January 2024 operating committee for discussion.

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.

The Pool convened into confidential session at 9:27 a.m. to discuss AP business.

(00:27:16) Confidential session concluded at 10:03 a.m. with the reportable actions as shown below:

1. *Motion: To approve AG legal bill as follows:
\$15,600.00 for general counsel – November 2023 Invoice (Oct. 2023 billing)
**Motion made by Marty Zvirbulis, (FUWC), and seconded by Bryan Smith, (JCSD):
Passed with 62.398% volume votes in favor.***
2. *Motion: A motion was proposed to approve Chris Diggs, (Pomona) as Chair for 2024 and Chris Berch, (JCSD) as Vice-Chair.
Motion made by Marty Zvirbulis, (FUWC), and seconded by Ron Craig, (Chino Hills). The motion garnered unanimous approval from all attending AP Members.*

ADJOURNMENT

Chair Diggs adjourned the Appropriative Pool Committee meeting at 10:04 a.m.

Secretary: _____

Approved: _____ January 11, 2024

Attachment:

1. 20231109 Appropriative Pool Committee Meeting (Reportable Action and Volume Vote Outcome from Confidential Session as provided by Pool Leadership)

ATTACHMENT 1

From: [Melissa Cansino](#)
To: [Alexandria Moore](#); [Chris Diggs](#); [Melissa Cansino](#)
Subject: November 11, 2023: AP Closed Session Reportable Actions (Approve AG Inv. & Vote for Chair & Vice Chair 2024)
Date: Thursday, November 9, 2023 11:37:21 AM
Attachments: [image.png](#)
[11-9-23 Zoom Attendees.pdf](#)


Hi Alex,

I wanted to inform you that the AP held a closed session meeting today from 9:30 am to 10:00 am. I have attached the sign-in sheet for your reference.

During the meeting, two motions were put forward and both were approved. Here are the details:

Motion: To approve AG legal bill as follows:

\$15,600.00 for general counsel – November 2023 Invoice (Oct. 2023 billing) Martine Zvirbulis, representing FUWC, moved the motion, which was seconded by Bryan Smith, representing JCSD. The motion passed with a 62.398% affirmative vote.



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
BlueTricon Brands, Inc	N		1.688	0.000	0.000	0.000
CalMat 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		12.286	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	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		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

Motion: A motion was proposed to approve Chris Diggs, (Pomona) as Chair

for 2024 and Chris Berch, (JCSD) as Vice Chair. Martine Zvirbulis, representing FUWC, introduced the motion, seconded by Ron Craig, representing Chino Hills. The motion garnered unanimous approval from all attending AP Members.