

**Minutes**  
**CHINO BASIN WATERMASTER**  
**BOARD MEETING**  
*March 24, 2005*

The Watermaster Board Meeting was held at the offices of the Chino Basin Watermaster, 9641 San Bernardino Road, Rancho Cucamonga, California, on March 24, 2005 at 11:00 a.m.

**WATERMASTER BOARD MEMBERS PRESENT**

Robert Neufeld, Chair	Fontana Union Water Company
John Anderson	Inland Empire Utilities Agency
Paul Hamrick	Jurupa Community Services District
Al Lopez	Western Municipal Water District
Robert Kuhn	Three Valleys Municipal Water District
Bob Bowcock	Vulcan Materials Company
Paul Hofer	Agricultural Pool, Crops
Bill Kruger	City of Chino Hills
Geoffrey Vanden Heuvel	Agricultural Pool

**Watermaster Staff Present**

Kenneth R. Manning	Chief Executive Officer
Sheri Rojo	Finance Manager
Gordon Treweek	Project Engineer
Danielle Maurizio	Senior Engineer
Sherri Lynne Molino	Recording Secretary

**Watermaster Consultants Present**

Scott Slater	Hatch & Parent
Michael Fife	Hatch & Parent
Mark Wildermuth	Wildermuth Environmental Inc.

**Others Present**

Terry Catlin	Inland Empire Utilities Agency
Raul Garibay	City of Pomona
Robert DeLoach	Cucamonga Valley Water District
Dave Crosley	City of Ontario
Josephine Johnson	Monte Vista Water District

The Watermaster Board Meeting was called to order by Chair Neufeld at 11:00 a.m.

**PLEDGE OF ALLEGIANCE**

**AGENDA - ADDITIONS/REORDER**

Mr. Manning asked that Item C on the consent calendar be pulled and taken as a separate action item.

**I. CONSENT CALENDAR**

**A. MINUTES**

1. Minutes of the Watermaster Board meeting held on February 24, 2005

**B. FINANCIAL REPORTS**

1. Cash Disbursements for the month of February 2005
2. Combining Schedule of Revenue, Expenses and Changes in Working Capital for the Period July 1, 2004 through January 31, 2005
3. Treasurer's Report of Financial Affairs for the Period January 1, 2005 through January 31, 2005
4. Profit & Loss Budget vs. Actual July 2004 through January 2005

The question regarding check #9372 made out to Global Presenter.com and what that was specifically for was presented. Ms. Rojo responded that is the company who modified the microphone system for the board room.

*Motion by Kruger, second by Anderson, and by unanimous vote*

***Moved to approve Consent Calendar Items A through B, as presented***

**C. STATUS REPORT #13**

Consider Authorization to File Status Report #13 with Court and Authorize Staff and Counsel to Make Minor Edits as Necessary

Mr. Manning stated this item was explained to the Advisory Committee in that there was a glitch right after his coming on board regarding status report #12. This report was written and circulated amongst the pools in the Watermaster process, however, was never approved by the board and in the meantime status report #13 has been prepared and been presented to the pools. Without reading and approving status report #12, #13 does not make any sense; the Advisory Committee was approached at considering approving both #12 and #13 together since they both have been circulated with the additional language changes made by the City of Chino. The Advisory Committee did approve status report #12 and #13 together with the revised language incorporated from the City of Chino. The question if there was a specific reason they both need to be approved today was presented. Mr. Manning stated that if the Board felt it was important to run them both through the process again then they would be placed back on the agenda for approval next month. The committee members expressed the desire to review both #12 and #13 for clarification purposes and to have them placed on the agenda for approval next month after a final review.

**II. BUSINESS ITEMS****A. MITIGATION OF TEMPORARY LOSS OF HYDRAULIC CONTROL**

Mr. Manning stated that in December of 2002 Inland Empire Utilities Agency and Watermaster submitted the proposal to the Regional Board requesting the TDS and Nitrogen objectives be established utilizing the maximum benefit concept. The Regional Board accepted this proposal with some slight modifications and incorporated those modifications into the Basin Plan Amendment with one condition which was the approval of the mitigation of temporary loss of hydraulic control and Mr. Wildermuth will explain that process in more detail. Mr. Wildermuth stated that in the Basin Plan Amendment there is a requirement, time certain, to submit a plan to the Regional Board as to how we would mitigate temporary loss of hydraulic control. Mr. Wildermuth gave a detailed description of what temporary loss means and how it affects the Santa Ana River. In discussions with the Regional Board regarding the temporary loss and because it is a short term issue that will not show up for months later this proposal which is being presented today states the solution/conclusion. This proposal has been run by the staff at the Regional Board and it was felt that this proposal was acceptable to them. A discussion ensued with regard to rising water and the potential for nitrates and solids getting into the water. Mr. Wildermuth noted that during a discussion with the Regional Board and Jerry

Thibeault it was made clear that any type of loss of hydraulic control will have to be mitigated and at the staff level what was proposed seemed satisfactory. A question regarding the last paragraph on page 51 of the packet referring to water quality was presented. Mr. Wildermuth commented that the Regional Board was told that all discharges had to be looked at and as part of the hydraulic control monitoring program that data is collected from cooperators (any person who discharges to the river) as well as in stream measurements from time to time.

*Motion by Bowcock, second by Lopez, and by unanimous vote*

***Moved to approve the proposed mitigation of temporary loss of hydraulic control plans, as presented***

### III. REPORTS/UPDATES

#### A. WATERMASTER GENERAL LEGAL COUNSEL REPORT

##### 1. Attorney-Manager

Counsel Slater stated that the meeting of March 15th to review technical data took place and was widely attended and it was felt that it was a very constructive meeting. There are a number of items that Watermaster must address in calendar year 2005 and those items include: 1) The fate of wet water recharge – the 6,500 acre-feet of supplemental water in MZ1, 2) Whether or not there would be limitations on local storage accounts, 3) A required report on the plan for future desalters, and 4) There is a default mechanism built into the Peace Agreement regarding losses. There are certain things that Watermaster is obliged to address in this calendar year and in some instances by a date certain. Parties were mindful of these issues and attempted to start discussing them in 2004. There are a wide variety of items being discussed at these meetings and it has been decided, with so many issues to resolve, meetings would take place every two weeks. Parties are hopeful to move along at a reasonable pace and to address the issues as they come up. Counsel Slater stated there is an issue that has been raised and has historically not been directly discussed in Attorney-Manager meetings; it was raised at the last Attorney-Manager meeting. Counsel was very clear in indicating that we had no authority to mediate or negotiate the question regarding the nine member board. If the parties wanted to raise the fate and composition of the nine member board that they were always free to do that and a consensus came at that meeting that whatever discussion ensued around the nine member board (the composition and its fate) would trail; all the participants in the room accepted that resolution. This issue has been set aside and is trailing all other issues; however, counsel wanted to apprise the board members that at least one of parties has suggested that this is an issue that should be negotiated.

Mr. Vanden Heuvel gave comments on and inquired into Watermaster's water supply plans along with storage accounts in accordance with the Peace Agreement. It was asked to give an update as to the current marketing of the storage accounts and to explain to what extent the water supply plans to influence our ability or willingness to market our storage facilities in the Chino Basin. Counsel Slater stated there has been a consistent stream of contact between Watermaster and other agencies that might be interested in executing a storage arrangement with the Chino Basin Watermaster. All those arrangements involve the Metropolitan Water District as a potential exchange partner. Counsel stated there at least three pending requests to negotiate issues related to a storage account in this basin. Counsel Slater reviewed in detail the components of those storage requests. Mr. Manning stated that the lack of activity is not due to the fact that there is not interest, there is a great deal of interest in other parties utilizing the assets of the Chino Basin for their purposes. The parties of this basin need to be comfortable with the information exchanged and then that would allow us and them to be able to move forward with those arrangements for storage. A discussion ensued with regard to the information given on storage accounts.

Chair Neufeld stated that he has had the opportunity over the last few months to be involved with ACWA in the development of the California Water Blueprint. That plan will be submitted to the ACWA board of directors on March 25, for their approval. Chair Neufeld spoke on the opportunities that may be made available for storage and on the water supply projects for the State of California coming out of the Department of Water Resources. The DWR prioritizes those items that need to be addressed to make sure that Southern California has a secure water future. The 1<sup>st</sup> item on their list is, Water Use Sufficiency, the 2<sup>nd</sup> is, Conjunctive Use Groundwater, the 3<sup>rd</sup> is, Water Recycling, and the 4<sup>th</sup> is, Surface Storage. As a result of these items the ACWA Blueprint makes a great effort to capitalize on those items.

Counsel Slater stated that as the facilitator/mediator in this process and relating back to the question regarding the nine member board; it is being trailed now and will not be actively negotiated. Direction on this issue is not needed at this moment in time; however, in the future this issue will come up and counsel knowing the direction and standing of the Watermaster Board will be needed in order to present the facts correctly. Counsel Slater stated it is not presently an issue and wants the board to have the understanding and comfort level that it will be brought up in the near future. A statement was made with regard to the levels that the Watermaster process goes through to make decisions and with the high level of consensus and the fact that it is working to create progress and meaningful cooperation. A discussion ensued with regard to the decision making process and the possibility of changing a process that is clearly working. Chair Neufeld spoke on the issue of equity and the importance of that impartiality. Counsel Slater stated that the board members need to think about this issue in terms of its ultimate resolution; it will come up in September and Watermaster will be obliged to make a filing 45 days in advance of that date.

## 2. Santa Ana River Water Rights Application

Counsel Slater commented that this issue continues to move forward. Mr. Manning and Counsel Fife had a very productive meeting with the State Water Resources Control Board. There was a concurrence that the prior CEQA documentation, our Environmental Impact Report and subsequent documentation consistency findings is adequate for purposes of moving our application forward. There are some additional data requests that have come forward from the State Board that we will continue to comply with; good progress is being made on this issue. There is some report of awareness on the part of the Center for Biological Diversity, which is a well known environmental group, in what we are doing. That group has been through the Western application and has been making inquiries about the Chino Basin. They are not a formal protestant; however, the fact is we are getting a little more attention from the environmentalists.

## 3. Legislation

Counsel Slater noted there are three pieces of legislation to report on that may be in interest to the Chino Basin. The first is Senator Kuehl's bill, there is a summary in today's packet of that bill, and this is one item that our stakeholders are going to want to watch carefully. The second piece of legislation was proposed which is attributable to an effort try to improve the level of judicial decision making regarding groundwater. This legislative proposal was created to mirror the concept of the Regional Boards and the CEQA process where there were nine regional boards; this would create nine judiciary areas where groundwater cases would go to a judge specialized in water matters within each one of the nine areas. There are several elements in this legislation being questioned. The third piece of legislation is directed at the permitting related to waste discharge and the need to obtain waste water permits. Counsel Slater reviewed some cases that are presently taking place regarding this similar type of permitting requirement. Chair Neufeld discussed the possibility of writing

letters of opposition. Counsel Slater stated that Watermaster is not authorized to lobby; however, members of Watermaster have participated on state taskforce and provided information. There is no prohibition against Watermaster working with its constituents to create an organized commenting base. Counsel Nuefeld inquired if this Watermaster Board could submit a letter in opposition to legislation. Counsel Salter stated that a comment rather than an opposition would be the preferred way to handle this. A discussion ensued with regards to this bill as well as the Kuehl bill. Mr. Manning stated that this issue came up at the Advisory Committee meeting this morning and the comment was made that if a stand or position is going to be made it will need to go through the Watermaster process to ensure complete consensus and in the meantime encouraged the sub-agencies and other water agencies to take a similar route.

## **B. CEO/STAFF REPORT**

### **1. AGWA Update**

Mr. Manning noted this item is an update on the AGWA committee which started in 1994; Mr. Rossi is very involved in this committee and currently acts as chair. Mr. Manning stated that he has currently been asked to chair the communications public information's committee for that organization. AGWA is primarily there for an effective means of enhancing groundwater basins and promote reliability of the groundwater basins.

Mr. Manning stated that as chair of the public information campaign, the committee is focusing on three areas; 1) a newsletter, 2) potential conference in the future and, 3) the web page.

The question regarding the philosophy of AGWA regarding regulating groundwater was presented. Mr. Manning offered comments on how the Chino Basin is perceived by Senator Kuehl and noted this basin is being looked at as an example as to how other basins can mimic what we are doing here. A discussion ensued with regard to symmetry within the basins. Mr. Rossi offered comment on discussions at AGWA regarding state regulations of groundwater and noted there are some very different views. Mr. Vanden Heuvel offered comments on groundwater usage, pumping, and the pending Kuehl bill. Chair Neufeld stated that there are supporters on the thoughts and view points of Mr. Vanden Heuvel by several others as noted at several of the ACWA Blueprint meetings. Chair Neufeld asked that Mr. Rossi and Mr. Manning bring back this issue to the AGWA board.

### **2. Budget Schedule**

Mr. Manning stated that the draft budget will be available in April; there will be a workshop scheduled slightly after the draft is distributed and if all goes well and on schedule the budget will be in the May package for Pool, Advisory, and Watermaster Board approval. If there are any revisions to be made, the budget will then come back in June though the approval process. No date for the workshop have been set, however look for it being in the late April early May time frame.

### **3. DOGS/CWIS Update**

Mr. Manning stated this is a program that Watermaster has been involved with and noted it started with John Rossi and Martha Davis's input in putting together a data collection process. The Pools, Advisory Committee, or Watermaster Board has not been brought up to speed on the progress of this project to date. Watermaster staff has been working with Wildermuth Environmental on the development of this idea and our key staff person is Danielle Maurizio. Danielle will present a slide show on what has transpired and where staff plans on seeing this process evolve. Ms. Maurizio presented the committee members with the presentation titled "DOGS (Data Organizational Group and

Subgroups), CWIS (Chino Watershed Information System) Map-Based Water Resource Data Management System". Ms. Maurizio reviewed the background of Phase I of the project which started in October 2003 and gave an analysis of the project approach. Ms. Maurizio noted the mapping and viewing data will be easy to use and allow users to quickly view data along with being able to annotate and print. The benefits to Watermaster parties were reviewed and the future work to be performed was examined in detail. The question regarding what type of access the producer party has to the database which is being developed was presented. Ms. Maurizio noted that data requests still come through Watermaster, however, this database would allow for a much faster process because so many locations house different sets of information that need to be collected. In the development of the scoping for this project it was the intent that various access levels would be granted according to need and authority. This system will allow water parties to enter water levels and production data. Mr. Manning stated that the intent of the process is that as it evolves it will meet the needs of the users; as we move through this process, given the sensitivity to data and data acquisition, we will keep presenting the progress back to the committee members to keep all parties informed. This is only Phase I of the project and Phase II is in the process of evolving and will be built out over many phases to ensure we have all the parties included and give maximum protocol access to parties for what is needed. Water quality data will also be selective in release of data for only authorized parties to receive that information. A question regarding the budget for the Phase II process was presented. Mr. Manning stated that the budget we are currently working from has had Phase I approved and Phase II will be addressed on the new budget which will be coming out shortly. This program will continue to be brought to this board for updates because staff feels this is an exciting opportunity to have data more adequately used within agencies. The question regarding the cost of the Phase I budget was presented and Ms. Maurizio stated it was approximately \$134,000 dollars and then Inland Empire Utilities Agency also has that amount budgeted. A discussion ensued with regard to the utilization of Phase I prior to Phase II. Mr. Wildermuth offered comment on the areas that can be utilized at this point in time. It was noted that the SCADA system will be incorporated into and at the time Phase II is in development. A discussion ensued with regard to monitoring wells and discharging.

4. Future Recharge Facility Improvements

Mr. Manning stated there is a handout on the back table titled "Future Recharge Facility Improvements" for reference to this item. This is a list which was compiled by IEUA that also had input from Watermaster and others on things that have been reintroduced for reconsideration. During the process of building the facilities there were decisions made during that process to balance the projects and fit the amount of money that was then available and so a number of improvements on the basins were deleted or scaled back. In the process of reviewing recharge over the past few months staff has recognized that there are some items that need to be put back on the list and this is a list of those items that need consideration under the grant funding that IEUA has of \$15 million dollars. Mr. Manning reviewed some of the items on the list that need to be considered.

Added Comment:

Mr. Manning stated that Watermaster has not yet received the final calculations of the last storms; however noted there is well over 12,000 acre-feet of recharge from our basins. An update will be available next month as to the data collected for all the storms to date.

**IV. INFORMATION**

1. Newspaper Articles

The committee members thanked Watermaster staff for including these informative articles in the packet each month.

**V. BOARD MEMBER COMMENTS**

No comment was made regarding this item.

**VI. OTHER BUSINESS**

No comment was made regarding this item.

**VII. CONFIDENTIAL SESSION - POSSIBLE ACTION**

Pursuant to Article 2.6 of the Watermaster Rules & Regulations, a Confidential Session may be held during the Watermaster Board meeting for the purpose of discussion and possible action regarding Personnel Matters and/or Potential Litigation.

No confidential session was called to order for the March 24, 2005 Watermaster Board meeting.

**VIII. FUTURE MEETINGS**

March 21, 2005	1:00 p.m.	AGWA Meeting
March 24, 2005	9:00 a.m.	Advisory Committee Meeting
March 24, 2005	11:00 a.m.	Watermaster Board Meeting
March 28, 2005	8:30 a.m.	Water Quality Meeting
March 30, 2005	9:00 a.m.	MZ1 Technical Meeting
April 14, 2005	9:00 a.m.	Joint Appropriative & Non-Agricultural Pool Meeting
April 12, 2005	9:00 a.m.	Agricultural Pool Meeting @ IEUA
April 28, 2005	9:00 a.m.	Advisory Committee Meeting
April 28, 2005	11:00 a.m.	Watermaster Board Meeting

The Watermaster Board Meeting Adjourned at 12:15 p.m.

Secretary: \_\_\_\_\_

Minutes Approved: April 28, 2005