

**MINUTES**  
**CHINO BASIN WATERMASTER**  
**WATERMASTER BOARD – SPECIAL MEETING**  
January 11, 2019

The Watermaster Board special meeting was held at the offices of the Chino Basin Watermaster located at 9641 San Bernardino Road, Rancho Cucamonga, CA and via conference call on January 11, 2019.

**WATERMASTER BOARD MEMBERS PRESENT AT WATERMASTER**

Jeff Pierson, Chair	Agricultural Pool – Crops
Bob Kuhn, Secretary/Treasurer	Three Valleys Municipal Water District
Bob Bowcock	CalMat Co.
Steve Elie	Inland Empire Utilities Agency
Gino Filippi	Appropriative Pool – Minor Representative
Paul Hofer	Agricultural Pool – Crops
Eunice Ulloa	City of Chino

**WATERMASTER BOARD MEMBERS PRESENT VIA CONFERENCE CALL**

Darron Poulsen, Vice-Chair	City of Pomona
Don Galleano	Western Municipal Water District

**WATERMASTER STAFF PRESENT**

Peter Kavounas	General Manager
Joseph Joswiak	Chief Financial Officer
Edgar Tellez Foster	Senior Environmental Engineer
Anna Nelson	Executive Services Director/Board Clerk

**WATERMASTER CONSULTANTS PRESENT**

Scott Slater	Brownstein Hyatt Farber Schreck, LLP
Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Mark Wildermuth	Wildermuth Environmental, Inc.
Andy Malone	Wildermuth Environmental, Inc.

**OTHERS PRESENT AT WATERMASTER**

Eldon Horst	Jurupa Community Services District
Bob Feenstra	Agricultural Pool – Dairy
Courtney Jones	City of Ontario
Praseetha Krishnan	Cucamonga Valley Water District
Eduardo Espinoza	Cucamonga Valley Water District
Ron Craig	City of Chino Hills
Jasmin Hall	Inland Empire Utilities Agency
Dave Crosley	City of Chino
Ryan Shaw	Western Municipal Water District
Amanda Coker	City of Chino
Van Jew	Monte Vista Water District
Rosemary Hoerning	City of Upland
Brian Geye	California Speedway Corporation
Richard Rees	Wood plc

**OTHERS PRESENT VIA CONFERENCE CALL**

David De Jesus	Three Valleys Municipal Water District
Scott Burton	City of Ontario
Teri Layton	San Antonio Water Company
John Bosler	Cucamonga Valley Water District
Jimmy Gutierrez	Jimmy L. Gutierrez, A Law Corporation

**CALL TO ORDER**

2018 Vice-Chair Jeff Pierson called the Watermaster Board meeting to order at 1:07 p.m.

**PUBLIC COMMENTS**

None

**AGENDA – ADDITIONS/REORDER**

None

**INTRODUCTIONS – CALENDAR YEAR 2019 WATERMASTER BOARD MEMBERS**

Overlying (Ag) Pool	Jeff Pierson (Crops)
Overlying (Ag) Pool	Paul Hofer (Crops)
Overlying (Non-Ag) Pool	Bob Bowcock (CalMat Co.)
Appropriative Pool	Darron Poulsen (City of Pomona)
Appropriative Pool	Gino Filippi (Minor Representative)
Appropriative Pool	Eunice Ulloa (City of Chino)
Municipal	Steve Elie (Inland Empire Utilities Agency)
Municipal	Don Galleano (Western Municipal Water District)
Municipal	Bob Kuhn (Three Valleys Municipal Water District)

Mr. Pierson welcomed the 2019 Board and introduced himself. The remaining Board members also introduced themselves.

**I. CALENDAR YEAR 2019 OFFICERS – ACTION**

**A. ELECTION OF OFFICERS**

Chair	<u>Jeff Pierson</u>
Vice-Chair	<u>Darron Poulsen</u>
Secretary/Treasurer	<u>Bob Kuhn</u>

Mr. Pierson turned control of the meeting over to Mr. Slater to conduct the election of officers.

*Motion by Mr. Bob Kuhn, seconded by Mr. Paul Hofer, and by unanimous vote.*

***Moved to elect Calendar Year 2019 Watermaster Board Officers as indicated above.***

**II. BUSINESS ITEMS**

**A. CONSIDERATION OF 2018 AGREEMENT TO APPROPRIATIVE POOL POOLING PLAN AND CAMA AMENDMENTS (DISCUSSION AND POSSIBLE ACTION)**

Mr. Kavounas gave a report. A discussion ensued.

The Board requested to take the item into confidential session.

Following confidential session, Mr. Kavounas gave a report and stated that the Advisory Committee at its 10:00 a.m. special meeting today made the following motion:

**Advisory Committee Motion 1-11-19:**

**The Advisory Committee supports (if an Appropriative Party, this support includes the intent to sign the agreement following any necessary governing body approvals) the**

**“2018 Agreement to Appropriative Pool Pooling Plan and CAMA Amendments” and hereby forwards it to the Watermaster Board for their support.**

**Volume Vote Outcome:  
No: Ag Pool  
Yes: All others  
Passed by 80%**

Mr. Kavounas indicated Watermaster has reviewed the Appropriative Pool Pooling Plan and CAMA Amendments (“2018 Changes”) at the request of the Advisory Committee, and that this version of the document is very similar to the version provided previously to Watermaster in November 2018, at which time the Board, at the request of the Advisory Committee, authorized a review of the then-current version to determine if the terms provided clarity and could be implemented.

Mr. Kavounas noted that the prior provision changing Safe Yield to 135,000 acre-feet per year has been removed from 2018 Changes. Other clarifications that had been provided by Watermaster staff during the November review have been addressed. Mr. Kavounas noted that the Desalter Reoperation Schedule is different in the 2018 Changes document from the 2015 Safe Yield Reset Agreement, and invited Mr. Wildermuth to opine on the 2018 Changes as it relates to Material Physical Injury to the Basin. Mr. Wildermuth opined that he does not believe the 2018 Changes have any implications of Material Physical Injury.

Mr. Kavounas stated that the 2018 Changes are implementable and Watermaster staff and Counsel have prepared a draft Resolution 2019-03 that, if adopted, would indicate Watermaster’s support.

Ms. Ulloa requested clarity on the effective date of the Safe Yield Reset. Mr. Kavounas indicated that the effective date of the Safe Yield Reset is July 1, 2010, and the Accounting of the revised Safe Yield is effective July 1, 2014 with no retroactive accounting prior to that date; and that it is clear that the Safe Yield calculation methodology can be updated in the future should advances in technology suggest it is appropriate.

Mr. Slater then walked everyone through the background of the matter and indicated that signatures by all parties to the Peace Agreement are required to effectuate changes to the Peace Agreement. He also reminded everyone that the Agricultural Pool has voted against the January 11, 2019 Advisory Committee motion, and requested that the Agreement should include Sections 4.1 – 4.8 found on pages 15-18 of the April 28, 2017 Order. Mr. Slater then reviewed Resolution 2019-03 for the Board and stated that Watermaster’s Resolution supports the technical underpinnings of the 2018 Changes. Mr. Slater further stated that Watermaster does not execute agreements among the parties and that the custom and practice is to approve a resolution in support of the changes and to move the court in support. Resolution 2019-03 is Watermaster’s action, and not the moving parties’; moving parties are not bound by the Resolution 2019-03 and they may provide their own pleadings and supporting documents in any motion to the Court. Resolution 2019-03 creates a basis for Watermaster to support the 2018 Changes by also including a provision that removes the basis of the Agricultural Pool’s objection .

2:13 p.m.: A motion was introduced by Vice-Chair Poulsen, and seconded by Mr. Kuhn.

Board Comments:

Further discussion ensued and Ms. Ulloa thanked parties for their hard work and collaboration and thanked staff and counsel for the clarification. Mr. Elie expressed his support for the Resolution and indicated that this is the only way forward.

Public Comments:

Mr. Gutierrez expressed concerns about the Resolution. Mr. Jew expressed a desire to have had more time to review the Resolution.

2:21 p.m. (Vote taken)

*Motion by Vice-Chair Poulsen, and seconded by Mr. Kuhn, and by unanimous vote  
**Moved to approve Resolution 2019-03 as presented.***

**III. 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.

1:13 p.m.: The Board convened into confidential session to discuss the Appeal of April 28, 2017 Order.

1:58 p.m.: Confidential session concluded at 1:58 p.m. with no reportable action.

**IV. FUTURE MEETINGS AT WATERMASTER**

1/10/19	Thu	9:00 a.m.	Annual & Election Appropriative Pool
1/10/19	Thu	11:00 a.m.	Annual & Election Non-Agricultural Pool
1/10/19	Thu	1:30 p.m.	Annual & Election Agricultural Pool
1/11/19	Fri	10:00 a.m.	Advisory Committee – Special Meeting
1/11/19	Fri	1:00 p.m.	Watermaster Board – Special Meeting
1/15/19	Tue	9:00 a.m.	OBMP Update – Listening Session 1
1/17/19	Thu	9:00 a.m.	Advisory Committee
1/17/19	Thu	9:30 a.m.	Recharge Investigations and Projects Committee (RIPCom)
1/24/19	Thu	11:00 a.m.	Watermaster Board

**ADJOURNMENT**

Chair Pierson adjourned the Watermaster Board special meeting at 2:21 p.m.

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

Approved: \_\_\_\_\_ January 24, 2019

ATTACHMENT TO MINUTES: RESOLUTION 2019-03