

MINUTES
CHINO BASIN WATERMASTER
WATERMASTER BOARD MEETING

August 25, 2022

The Watermaster Board meeting was held at the offices of the Chino Basin Watermaster located at 9641 San Bernardino Road, Rancho Cucamonga, CA, and via Zoom (conference call and web meeting) on August 25, 2022.

WATERMASTER BOARD MEMBERS PRESENT AT WATERMASTER

James Curatalo, Chair	Appropriative Pool – Minor Representative
Jeff Pierson, Vice Chair	Agricultural Pool – Dairy
Bob Kuhn, Secretary/Treasurer	Three Valleys Municipal Water District
Betty Folsom	Jurupa Community Services District
Mike Gardner	Western Municipal Water District
Brian Geye for Bob Bowcock	California Speedway Corporation
Steve Elie	Inland Empire Utilities Agency
Scott Burton	Monte Vista Water District

WATERMASTER BOARD MEMBERS PRESENT ON ZOOM

Pete Hall	Agricultural Pool – State of CA, CIM
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WATERMASTER STAFF PRESENT

Peter Kavounas	General Manager
Joseph 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.
Janine Wilson	Senior Accountant
Denise Morales	Executive Assistant II/Board Clerk
Ruby Favela	Administrative Assistant
David Huynh	Senior Field Operations Specialist

WATERMASTER CONSULTANTS PRESENT AT WATERMASTER

Scott Slater	Brownstein Hyatt Farber Schreck, LLP
Andy Malone	West Yost

WATERMASTER CONSULTANTS PRESENT ON ZOOM

Brad Herrema	Brownstein Hyatt Farber Schreck, LLP
Garrett Rapp	West Yost

OTHERS PRESENT AT WATERMASTER

Amanda Coker	Cucamonga Valley Water District
Eduardo Espinoza	Cucamonga Valley Water District
Chris Diggs	City of Pomona
Chris Berch	Jurupa Community Services District
Bryan Smith	Jurupa Community Services District
Joel Ignacio	Inland Empire Utilities Agency

OTHERS PRESENT ON ZOOM

Gino Filippi	Agricultural Pool – Crops
Natalie Avila	City of Chino
Dave Crosley	City of Chino
Eunice Ulloa	City of Chino
Ron Craig	City of Chino Hills
Courtney Jones	City of Ontario
Braden Yu	City of Upland

Jiwon Seung
Ben Lewis
Tarren Alicia Torres
Joshua Aguilar
Christiana Daisy
Michael Hurley
Jason Marseilles
Justin Scott-Coe
Justin Scott-Coe
David De Jesus
John Lopez
Bill Wyatt
Carol Boyd
Nichole deMoet
Richard Rees

Cucamonga Valley Water District
Golden State Water Company
Egoscue Law Group, Inc.
Inland Empire Utilities Agency
Inland Empire Utilities Agency
Inland Empire Utilities Agency
Inland Empire Utilities Agency
Monte Vista Water District
Monte Vista Irrigation Company
Three Valleys Municipal Water District
Santa Ana River Water Company
Sheppard, Mullin, Richter & Hampton
State of CA – DOJ
West End Consolidated Company
Wood plc

FLAG SALUTE

Chair Curatalo led the Board in the flag salute.

CALL TO ORDER

Chair Curatalo called the Watermaster Board meeting to order at 11:02 a.m.

ROLL CALL

(00:00:54) Ms. Morales conducted the roll call and announced that a quorum was present.

PUBLIC COMMENTS

This is an opportunity for members of the public to address the Board on any short non-agenda items that are within the subject matter jurisdiction of the Chino Basin Watermaster. No discussion or action can be taken on matters not listed on the agenda, per the Brown Act. Each member of the public who wishes to comment shall be allotted three minutes, and no more than three individuals shall address the same subject.

None

AGENDA – ADDITIONS/REORDER

(00:03:07) Mr. Kavounas stated that minutes for July 28, 2022 Special Board meeting would need to be revised due to a missing attachment that was not included, and recommended approval of these minutes with the attachment which was the roll call vote outcome for the amended motion for Business Item I.C.

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 Watermaster Board Meeting held June 23, 2022
2. Minutes of the Watermaster Board Special Meeting held July 28, 2022

B. FINANCIAL REPORTS

Receive and file as presented:

1. Cash Disbursements for the month of May 2022
2. Watermaster VISA Check Detail for the month of May 2022

3. Combining Schedule for the Period July 1, 2021 through May 31, 2022
4. Treasurer's Report of Financial Affairs for the Period May 1, 2022 through May 31, 2022
5. Budget vs. Actual Report for the Period July 1, 2021 through May 31, 2022
6. Cash Disbursements for the month of June 2022
7. Watermaster VISA Check Detail for the month of June 2022
8. Combining Schedule for the Period July 1, 2021 through June 30, 2022
9. Treasurer's Report of Financial Affairs for the Period June 1, 2022 through June 30, 2022
10. Budget vs. Actual Report for the Period July 1, 2021 through June 30, 2022
11. Cash Disbursements for July 2022 (Information Only)

C. APPLICATION: WATER TRANSACTION

Approve the proposed transaction:

The purchase of 4.5 acre-feet of water from Nicholson Family Trust-Exempt Marital Trust by Fontana Water Company. This Purchase is made from Nicholson Family Trust-Exempt Marital Trust's Annual Production Right/Operating Safe Yield.

D. APPLICATION: WATER TRANSACTION

Approve the proposed transaction:

The purchase of 2,000 acre-feet of water from Santa Ana River Water Company by Niagara Bottling, LLC. This purchase is made from Santa Ana River Water Company's Excess Carryover Account.

E. APPLICATION: WATER TRANSACTION

Approve the proposed transaction:

The purchase of 5,000 acre-feet of water from City of Chino by Fontana Water Company. This purchase is made from City of Chino's Excess Carryover Account.

F. CHINO CREEK WELL FIELD EXTENSOMETER LAND LEASE EXTENSION

Approve the extension of the Land Lease Agreement and authorize the General Manager to sign the letter to the County.

G. FISCAL YEAR 2022/23 REVISED PAY SCHEDULE

Adopt the revised Pay Schedule, effective September 1, 2022.

(00:03:42)

Motion by Mr. Bob Kuhn, seconded by Vice-Chair Jeff Pierson, and passed unanimously by roll call vote as attached to these minutes.

Moved to approve the Consent Calendar with the amendment to Item I.A.2. as presented.

II. BUSINESS ITEMS

A. SECOND AMENDMENT TO TASK ORDER NO. 9 UNDER THE MASTER AGREEMENT FOR COLLABORATIVE RECHARGE PROJECTS (PROJECT 23a)

Approve the Second Amendment to Task Order No. 9 to increase the total budgeted cost.

(00:07:51) Mr. Kavounas prefaced the item and introduced Mr. Joel Ignacio with the Inland Empire Utilities Agency who gave a presentation. A discussion ensued.

(00:22:50)

Motion by Vice-Chair Jeff Pierson, seconded by Mr. Mike Gardner, and passed unanimously by roll call vote as attached to these minutes.

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

III. REPORTS/UPDATES

A. LEGAL COUNSEL

1. San Bernardino County Superior Court Emergency Order
2. August 31, 2022 Hearing
3. Governor's Executive Order N-7-22
4. Kaiser Permanente Lawsuit

(00:25:18) Mr. Slater gave a report A discussion ensued.

B. ENGINEER

1. Safe Yield Reset Methodology Update
2. Chino Basin Maximum Benefit SNMP

(00:30:24) Mr. Malone introduced Mr. Garrett Rapp who gave a report on Item 1 and Mr. Malone gave a report on Item 2. A discussion ensued.

C. CHIEF FINANCIAL OFFICER

1. FY 2020/21 Audit of Groundwater Recharge Basin O&M Expenses

(00:43:13) Ms. Wilson gave a report on behalf of Mr. Joswiak. Mr. Burton raised a question on the cost per acre foot for O&M. Mr. Nakano will provide a response to the Board after the meeting. A discussion ensued.

D. GENERAL MANAGER

1. Supplemental Water Tracking
2. July 28, 2022 Board Workshop: OBMP
3. 2020 OBMP Environmental Review
4. Other

(00:48:24) Mr. Kavounas prefaced Item 1 and handed off to Mr. Nakano who gave a presentation. Mr. Kavounas gave a report on the remainder of the GM items and noted that a workshop will be held on September 1, 2022, at 1:00 p.m. to advance the 2020 OBMP Environmental Review process. Mr. Kavounas invited Mr. Joshua Aguilar from IEUA to give an update on the drought. Ms. Christiana Daisy, IEUA's Deputy General Manager, announced that Mr. Aguilar would be leaving IEUA and expressed her gratitude for his 17 years of service. A discussion ensued.

IV. BOARD MEMBER COMMENTS

(01:19:54) Mr. Gardner mentioned the Governor's new water plan. A discussion ensued.

V. OTHER BUSINESS

None

VI. CONFIDENTIAL SESSION – POSSIBLE ACTION

Pursuant to Article II, Section 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.

The Board convened into Confidential Session at 12:24 p.m. to discuss the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION:

- a) Chino Basin Municipal Water District v. City of Chino et al., San Bernardino County Superior Court Case No: RCVRS51010
- b) Chino Basin Municipal Water District et al. v. City of Ontario et al., California Court of Appeal 4th Appellate District Case No: E079052

2. GOVERNMENT CODE SECTION 54956.9(d)(2) – CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION: One Case

(01:23:27) Confidential Session concluded at 1:45 p.m. with the following reportable action as provided by Watermaster counsel:

Direction was given to the General Manager to explore the interest of the parties to the Judgment in Watermaster's facilitation of OBMP project level implementation, and to report back on his findings to the Board in 30 days.

ADJOURNMENT

Chair Curatalo adjourned the Watermaster Board meeting in memory of Senator Bob Dutton (San Bernardino County's Assessor-Recorder-Clerk) at 1:47 p.m.

Secretary: _____

Approved: _____ September 22, 2022

Attachments:

1. 20220825 Roll Call Vote Outcome for the Consent Calendar
2. 20220825 Roll Call Vote Outcome for Business Item II.A.

ATTACHMENT 1

August 25, 2022 Watermaster Board Meeting Roll Call Vote Outcome

Member	Alternate	Consent Calendar
Burton, Scott		Yes
Elie, Steve		Yes
Folsom, Betty		Yes
Gardner, Mike		Yes
Hall, Pete*		Yes
Kuhn, Bob, Secretary/Treasurer		Yes
Pierson, Jeff, Vice-Chair		Yes
Brian Geye for Bowcock, Bob	Yes	
Curatalo, James, Chair		Yes
	OUTCOME:	Passed Unanimously

*Participated via Zoom

ATTACHMENT 2

August 25, 2022 Watermaster Board Meeting Roll Call Vote Outcome

Member	Alternate	Business Item II.A.
Burton, Scott		Yes
Elie, Steve		Yes
Folsom, Betty		Yes
Gardner, Mike		Yes
Hall, Pete*		Yes
Kuhn, Bob, Secretary/Treasurer		Yes
Pierson, Jeff, Vice-Chair		Yes
Brian Geye for Bowcock, Bob	Yes	
Curatalo, James, Chair		Yes
	OUTCOME:	Passed Unanimously

*Participated via Zoom