

CHINO BASIN WATERMASTER

Board Briefing 2014
Role of the Board





What is a Watermaster?

- Employee of a court hired to administer a court decree.
- One who allocates the right to use water from a specific source.
- Special master with unique qualifications or subject matter expertise.
- May be imposed by judicial order or stipulation among parties and judicial approval.



Origin of CBWM

- Chino Basin Judgment was created by stipulation (contract).
- 1st Watermaster appointment was to the Chino Basin Municipal Water District (CBMWD) – now IEUA.
- CBMWD was replaced on motion of the parties and by order of the Court.
- The 9 member board serves at the pleasure of the Court.



Characteristics of Watermaster

- Extension of the Court.
- Not a public agency; no Public Records and Brown Act.
- Not subject to CEQA.
- Decree preempts conflicting local agency / city / county regulation and binds all parties regarding the subject matter (Chino Basin).
- Makes findings of fact and makes recommendations to the Court for the administration of the decree.



Shared Governance / Prescribed Powers

- By stipulation, the 3 Pools, the Advisory Committee and the Board comprise Watermaster.
- The Watermaster Board possesses the prescribed discretionary powers embodied in the decree and as provided by further stipulation and Court order.
- The question of continuing jurisdiction and organic discretionary authority Article X, Section 2.



Role of Pools

- Each of the Pools has the right and opportunity to provide advice and counsel to the Advisory Committee and the Watermaster Board.
- Each member of each Pool has the right to request Watermaster action or review on matters within the subject matter jurisdiction of Watermaster.



Role of Advisory Committee

- To provide advice and counsel to the Board.
- To mandate certain actions by the Board where 80% or more of stakeholders are in agreement.
- To establish a budget and control expenditures.
- To represent the production rights of the Basin in accordance with their relative stakes.



Role of the Board: Administer the Decree

- Pursuant to the Judgment, the Peace Agreement and its progeny, and continuing orders of the Court, the 9-Member Board administers the decree and implements the physical solution.
- All of its actions and authorities are prescribed and limited by these same instruments.



Advisory Committee / Board Interface

- Advice and Counsel. The Board must consider a recommendation from the AC but unless there is an 80 percent or greater mandate from the AC, the Board may elect to disregard the recommendation by providing notification and opportunity to be heard and supported by a written decision.
- Mandate. In the event of an 80 percent mandate, the Board must either: (a) approve; (b) return to the AC for clarification or request for revision; or (c) challenge the decision before the judge.



Confidential Session

- Who may attend
- Board Member duty



Hypothetical #1: Adoption of Budget

- Watermaster submits a proposed budget and recommendations to Advisory Committee.
- Pools make recommendations and Advisory Committee takes action by 80 or more volumetric vote.
- Must the Board must adopt the budget?
- May the Board adopt the budget as submitted but then transfer 10 percent of the administrative budget from one expense to another provided that the total budget is not exceeded?



Hypothetical #2: Engagement of Information Consultant

- Mid-fiscal year, the Board identifies a new consultant requirement to complete a defined OBMP task.
- Two of the Pools recommend against the consultant.
- The Advisory Committee is 60/40 in favor of the retaining the consultant.
- There is no fiscal impact to retain the consultant as other Watermaster expenses have been less than budget in amount greater than the new consultant contract.
- May the Board retain the consultant?



Conflict of Interest

(Refer to handouts in binders)

- Hypothetical Situation #1
- Hypothetical Situation #2

Board Briefing 2014

Role of the Board

Conclusions & Discussion

CHINO BASIN WATERMASTER

Board Briefing 2014
Staff Functions

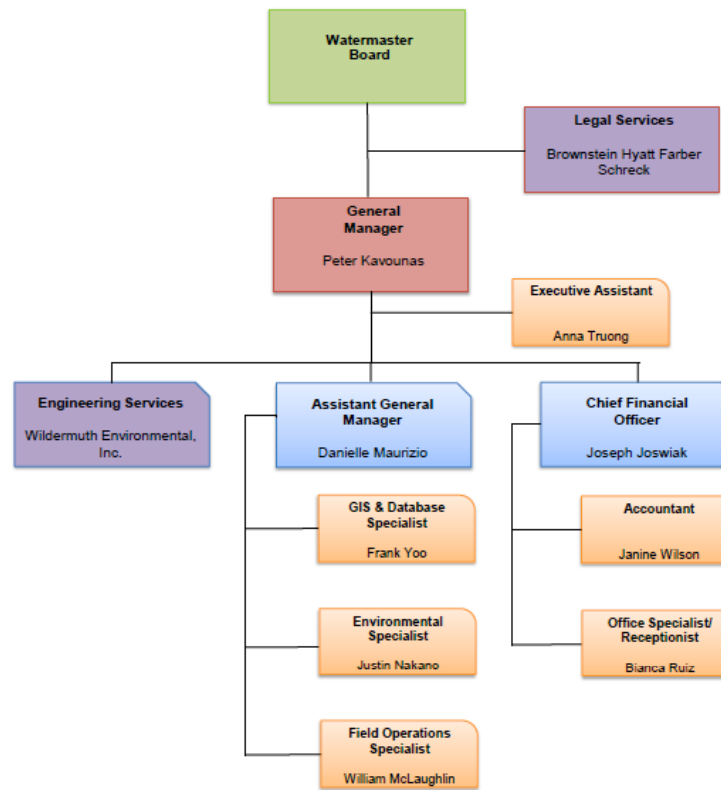




Staff Functions



Chino Basin Watermaster
2014 Staff Organization Chart





Staff Functions

GM Role

- Receives direction from and is responsible to the Watermaster Board
- Responsible for all matters pertaining to the administration and operations of the Basin under the provisions of the OBMP Implementation Plan
- Ensure compliance with the Judgment; Peace Agreements; Court mandates
- Day-to-day leadership of Watermaster



Staff Functions

AGM Role

- Assessment Package Preparation
- Annual Report Development
- Supervise Ops Staff
- Data Requests
- Water Transfer (and other) Transactions
- Groundwater Recharge Coordination and Development
- Consultant Management Report/Permit Review
- Interagency Agreement/Permit Management
- Regional Water Resources/Quality/Contamination Coordination



Staff Functions

CFO Role

- Accounting/Financial Reporting
- Budgeting/Treasury Operations
- Human Resources
- IT Services
- Risk Management
- Administration



Staff Functions-Consultants

- General Counsel Role
 - Reports to the Board
 - Provides legal services necessary for Watermaster function
 - Assists GM and staff as necessary in carrying out tasks
- WEI Role
 - Receives direction from staff
 - Performs various tasks including technical analysis, data gathering, report preparation



Staff Functions-External Agencies

- IEUA
 - Coordination on recharge operations
 - Recharge facilities maintenance cost share
 - Improvement project management and cost share
 - Hydraulic Control cost share
 - Storage and Recovery programs



Staff Functions-External Agencies

- TVMWD; WMWD
- CDA
- CBWCD
- SBCFCD
- MWD

Board Briefing 2014

Staff Functions

Conclusions & Discussion

CHINO BASIN WATERMASTER

Board Briefing 2014
Major Achievements





Peace Agreement

- 30/60 Year Agreement on Basin Management Strategies.
- Ministerial Active Short Term and Long Term Transfers Provided There is No Harm.
- 500,000 AF of Total Storage.
- Ministerial Local Storage Agreements Provided There is No Harm.
- Storage and Recovery Authorization.



Peace Agreement Continued

- Early Transfer of Ag Surplus to App Pool.
- Orderly Land Use Conversion.
- Yield Preservation.
- OBMP Implementation Plan.
- 30 MGD of Desalting Capacity.
- Recharge Improvements (Stormwater; Basin Balance, Arrest Subsidence).
- Conflict Avoidance



Peace Agreement Implementation

- 100,000's of AF transferred.
- 100,000's of AF stored pursuant to Local Storage Agreements.
- MWD Dry-Year Yield Storage and Recovery Agreement.
- 30 MGD of desalting capacity physically constructed and fully operational.
- Wet Water Recharge, Arrest Subsidence, Stormwater
- No opposition to Watermaster approval, environmental review or implementation.



Peace Agreement 2

- Enhanced Management Plan Strategy.
- Authorization of 10 MGD of desalting capacity (40 total).
- Appropriate 400,000 AF of water.
- Enhance recycled water use.
- Safe Yield Preservation Santa Ana River Inflow
- Redistribute 40,000 AF of stranded Non-Ag water to App Pool.
- Continued Conflict Avoidance.



Peace 2 Implementation

- Successful Implementation of All Measures
- Recharge Master Plan: WIP



Cumulative Economic Benefits

- Values spread among parties to the Judgment.
- Public grants and contribution towards infrastructure projects.
- Storage comps \$1,500 per AF.
- Yield preservation.
- Litigation and Lost Opportunity Costs Avoided.
- Cumulative Benefits Greater Than \$1 Billion.

Board Briefing 2014

Major Achievements

Conclusions & Discussion

CHINO BASIN WATERMASTER

Board Briefing 2014
Current Topics
Future Considerations





Current Topics

- Safe Yield Recalculation
- City of Fontana Motion
- RMPU Implementation



Current Topics

Safe Yield Recalculation

- Required by the OBMP Implementation Plan
- No impact on overlying land owners rights (Ag and Non Ag); possibly lower production rights for Appropriators
- Recalculation, pursuant to OBMP Implementation Plan and Rules and Regulations, has been done and is being presented/explained to Parties
- Assisting Parties to offer advice and recommendations to the Board



Current Topics

City of Fontana Motion

- Challenged Section 5 of the 2013 Amendment to the 2010 Recharge Master Plan Update: City believes a sentence regarding credit for recharge from MS4 permit compliance that was in 2010 RMPU must be included in 2013 Amendment
- Stipulation allowed Court approval of the RMPU Amendment minus Section 5, and initiated a facilitated discussion among City and Appropriators
- Scheduled for Court hearing in April; City withdrew from facilitated discussion



Current Topics

RMPU Implementation

- Appropriators and IEUA agreed to implement a number of projects; CBWCD will consider funding some.
- IEUA is leading the projects; Watermaster is coordinating overall RMPU implementation
- Various contracts will be coming to the Board for consideration

Board Briefing 2014

Current Topics

Conclusions & Discussion



Future Considerations

- Implementation of Recalculated Safe Yield
- Hydraulic Control/CDA Expansion
- Storage Agreements
- Evaluation of Storage Losses
- Annotated Judgment
- Role of the Board with respect to Water Quality
- Pool Membership Cleanup

Board Briefing 2014

Future Considerations

Conclusions & Discussion