

PERS00429

**Minutes**  
**CHINO BASIN WATERMASTER**  
**APPROPRIATIVE POOL MEETING**  
August 11, 2011

The Appropriative Pool Meeting was held at the offices of Chino Basin Watermaster, 9841 San Bernardino Road, Rancho Cucamonga, CA, on August 11, 2011 at 9:00 a.m.

**APPROPRIATIVE POOL MEMBERS PRESENT WHO SIGNED IN**

John Mura, Chair	City of Chino Hills
Mark Kinsey	Monte Vista Water District
Raul Garbay	City of Pomona
Mohamad El-Amamy	City of Ontario
Jo Lynne Russo-Pereyra	Cucamonga Valley Water District
Sheri Rojo	Fontana Water Company
Seth Zieke	Fontana Union Water Company
Tom Harder	Jurupa Community Services District
Charles Mocreos	San Antonio Water Company
Dave Crosley	City of Chino
Shaun Stone	City of Upland
Ben Lewis	Golden State Water Company

**Watermaster Board Members Present**

Bob Kuhn	Three Valleys Municipal Water District
Paula Lantz	City of Pomona

**Watermaster Staff Present**

Desi Alvarez	Chief Executive Officer
Joe Joswiak	Chief Financial Officer
Sheri Molino	Recording Secretary

**Watermaster Consultants Present**

Michael Fife	Brownstein, Hyatt, Farber & Schreck
Mark Wildermuth	Wildermuth Environmental Inc.

**Others Present Who Signed In**

Scott Burton	City of Ontario
Justin Scott-Coe	Monte Vista Water District
Van Jew	Monte Vista Water District
Robert Tock	Jurupa Community Services District
Ryan Shaw	Inland Empire Utilities Agency
Geoff Kamansky	Niagara Bottling Company
David DeJesus	Three Valleys Municipal Water District
Rick Hansen	Three Valleys Municipal Water District
Eunice Ulloa	Chino Basin Water Conservation District

Chair Mura called the Appropriative Pool Meeting to order at 9:01 a.m.

**AGENDA - ADDITIONS/REORDER**

Chair Mura reordered Business Items 2B and 2C to take item 2C first.

*Motion by El-Amamy second by Russo-Pereyra, and by unanimous vote  
Moved to reorder Business Items 2B and 2C, as presented*



CBWM0133

PERS00431

Minutes Agricultural Pool Meeting

August 11, 2011

to discuss the TMDL issues. Ms. Egoscue stated she has also retained Mr. Brommenschenkel as a consultant who is retained under the Paul Hastings contract, and is now moving forward. Ms. Egoscue stated she has met with Cliff McFarland of the ABGL Group and have had discussions with him on the plume situation, and will report further on that discussion during closed session. Ms. Egoscue stated she has also had several opportunities to speak with the Agricultural Pool Chair and the deputy in preparation of this meeting. Chair Feenstra inquired if Ms. Egoscue had an opportunity to review the presentation prepared by the ABGL Group and Ms. Egoscue stated she has seen the presentation with Mr. McFarland.

**IV. INFORMATION**

1. Cash Disbursements for July 2011  
No comment was made.

2. Newspaper Articles  
No comment was made.

**V. POOL MEMBER COMMENTS**

Mr. Durrington stated it appears there are people in the valley using agricultural water for commercial business purposes. Mr. Durrington offered examples on how that agricultural water is being used. Chair Feenstra stated he has shared this concern with the City of Ontario and is waiting to schedule a meeting with Mohamed El-Amamy. A lengthy discussion regarding this matter ensued.

Mr. Hofer stated he is a board member here at Watermaster as a representative of the Agricultural Pool and noted he is also an elected board member for the Chino Basin Water Conservation District. Mr. Hofer stated when he voted for the \$5M loan to Watermaster for the Replenishment Water purchase he abstained from the vote as advised by the CBWCD counsel and asked for some clarification on this matter. A discussion regarding Mr. Hofer's comments ensued. Counsel Fife stated under Watermaster's Conflict Rules that would not be a conflict, and noted there are very narrow conflict rules that state there is only a conflict when the person is personally affected by a decision. Counsel Fife stated the Conflict Rules recognize that this is an interest based organization and that an entity that one represents may have an interest in an issue that comes before the Board. That does not constitute a conflict, so under the Watermaster rules a person would not be required to abstain. However, how that ties to anything that CBWCD has would be up to Mr. Brunick.

**VI. OTHER BUSINESS**

No comment was made.

The regular open Agricultural Pool meeting was convened to hold its confidential session at 2:35 p.m.

**VII. CONFIDENTIAL SESSION - POSSIBLE ACTION**

Pursuant to the Agricultural Pool Rules & Regulations, a Confidential Session may be held during the Watermaster Pool meeting for the purpose of discussion and possible action.

The confidential session concluded at 3:24 p.m.

No action was taken.

**VIII. FUTURE MEETINGS**

Thursday, August 11, 2011	9:00 a.m.	Appropriative Pool Meeting @ CBWM
Thursday, August 11, 2011	11:00 a.m.	Non-Agricultural Pool Conference Call Meeting
Thursday, August 11, 2011	1:00 p.m.	Agricultural Pool Meeting @ CBWM
Thursday, August 18, 2011	8:00 a.m.	IEUA Dry Year Yield Meeting @ CBWM
Thursday, August 18, 2011	9:00 a.m.	Advisory Committee Meeting @ CBWM
Thursday, August 18, 2011	10:30 a.m.	Land Subsidence Committee Meeting @ CBWM
Thursday, August 25, 2011	11:00 a.m.	Watermaster Board Meeting @ CBWM
Friday, September 30, 2011	10:30 a.m.	Watermaster Court Hearing @ Chino Court

PERS00432

Minutes Agricultural Pool Meeting

August 11, 2011

appointed counsel, and she needs to clearly understand the process for not just the Agricultural Pool helping with the education process of the Zone of Influence property owners, but of what is being filed with the court. Ms. Egoscue asked for clarification for this Committee what the intentions are and then indicate, if in light of those intentions, if this Committee would have additional time for review and comment. Ms. Egoscue stated pleadings which are going to be presented to the court need to be digested, analyzed, and then expressed and communicated to the Agricultural Pool Committee members. Counsel Fife stated in terms of what is being asked for today, this is for assistance in contacting the land owners and making sure they have notice of this. Counsel Fife stated how this is going to be accomplished is unknown at this time, which is why it is being brought up. To make this Committee aware this was brought up last week, and counsel and staff could see immediately that the Agricultural Pool needed to be engaged on this endeavor. Counsel Fife stated the history at Watermaster regarding pleadings is that when pleadings like this are filed, they are circulated to everyone first for their review, and then the pleading is not filed until the Watermaster Board gives direction. It normally goes through the entire Watermaster process first for review and comment. Counsel Fife stated it appears the September 30<sup>th</sup> date is cutting it short, and it will be locked into to move the date out. Chair Feenstra offered final comments regarding this matter and acknowledged the Agricultural Pool wants to be involved in all that this subject entails. Ms. Novak commented on moving the court hearing out, and wanted to be assured this change would not affect any dealings with the RWQCB or the CDA. Counsel Fife stated at this point in time counsel is not aware of any deadline that would be missed by moving the date of the hearing, and noted he will check on that and report it back to this Committee if there is going to be any conflicts.

2. Restated Judgment

Counsel Fife stated the first phase of the Restated Judgment has been posted to the Watermaster ftp site. Counsel Fife stated only one comment has been received regarding a missed 1985 appendix. That was found and also put on the ftp site; no other comments have been received. Counsel Fife stated a database with all the court orders going back to 1978 has also been included in that suite of documents. Chair Feenstra inquired if the Restated Judgment is on track. Mr. Alvarez stated it is on track. However, that depends on how many comments come in.

B. CEO/STAFF REPORT

1. Recharge Update

Mr. Alvarez stated approximately 18,000 acre-feet has been recharged and water recharge has regained some of the capabilities. If we stay at this rate the goal of 50,000 acre-feet estimate might be accomplished.

Added Comment:

Chair Feenstra stated recently he had gone to Mr. Joswiak regarding some financial questions regarding a past report on the Agricultural Pool's funds, and it is his understanding the report on that item is on the CEO's desk. Mr. Alvarez stated he has the report that Mr. Joswiak has put together of the complete history of this matter, and it is still being reviewed and will be forthcoming.

Added Comment:

Chair Feenstra stated he has sent Ms. Egoscue documents on the TMDL matter from SAWPA, a report from Mr. Brommenschenkel on his attendance on those issues, and he believes he had Ms. Egoscue speak with Mr. Kocoman regarding the Desalters. The Chair also welcomed Ms. Egoscue to her first official Agricultural Pool meeting. Ms. Egoscue stated it is an honor to represent this Pool and she appreciates the opportunity. Ms. Egoscue stated in response to Chair Feenstra's requests, she has reached out to Celeste Cantu of SAWPA and has introduced herself as the new Agricultural Pool's general counsel. Ms. Egoscue noted she has a relationship with Ms. Cantu which precedes this assignment and they will be scheduling a meeting in the near future.

PERS00433

Minutes Agricultural Pool Meeting

August 11, 2011

from start to finish while giving the individuals the protection needed and to have their voices clearly heard by this Committee by September 30<sup>th</sup>. Chair Feenstra inquired if Ms. Egoscue knew of last Thursday's meeting. Ms. Egoscue acknowledged she was not aware of the meeting and was brought up to speed on this issue only minutes before this meeting started today. Mr. Koopman stated 45 days is not adequate time for preparation and there is only one more Agricultural Pool meeting before September 30<sup>th</sup>. Mr. Koopman offered history on drawdown when the first Desalter came on line and noted all we can do is learn from history. Mr. Koopman stated this Committee needs to know what the individual wells are in that area, and maybe even further out than the original Zone of Influence as to completely be covering all affected wells. Mr. Koopman acknowledged 45 days is not enough time for all that must be done and noted this Committee needs to review the plan prior to it going to the court. A lengthy discussion regarding this matter ensued. Mr. Hofer stated he remembers what happened to several people when the Desalters came on line and noted it was not only animals that were in danger, it was during hotter weather and crops were depending on water daily. By the time things were sorted out it was a bad situation overall. Mr. Hofer offered comment on cattle health restrictions set by the Health Department and noted if those restrictions are violated then they are out of compliance and that is a big issue. Mr. Hofer stated as a reminder when the Judgment was first put into place and agricultural gave up their rights to the water, the court stated with giving up those rights the parties will be protected and the other users will take care of whatever the agricultural water problems are. Mr. Hofer stated he does not know how it will be handled this time when drawdown occurs and causes animals and farms to be out of water. Those parties will need it immediately, and not in days or weeks. Mr. Hofer stated that the last time, as it has been stated more than once, everyone was assured the Desalter would not affect any existing wells and that was not the case. Ms. Novak offered comment regarding the prison, human rights, and potential law suits. A lengthy discussion regarding the plan, drawdown, potential legal issues, and protection for people, animals and crops ensued. Counsel Fife reminded the parties that this discussion is on the court process and the plan has already been drafted as part of IEUA's Environmental Impact Report for the project. Right now this is just the court approval of everything. Mr. Koopman stated the plan has never been to the Agricultural Pool, nor does he remember any details coming to the board at IEUA. It was noted that the Committee members want more details. Ms. Novak stated she understood a plan was being worked on, but not that it was finished and noted it did not come through the process for review. Ms. Novak stated this Committee not only needs to see the plan but an analysis of who it affects and how, including a presentation on the complete history inclusive of all the details, so that it is clear what information was or was not provided. Chair Feenstra offered the history on a situation in which two wells collapsed after turning on the Desalter, and the well owner's actions after eleven hours of no water. Chair Feenstra stated this board is about agricultural, and about this entire basin, and this board will not hear about things that happened in this basin until a week later. Mr. Durrington stated he remembers telling people that the Desalter was going to affect wells and he was assured it wouldn't, and offered further comment on drawdown in wells. Chair Feenstra stated he was told personally several months ago there was a water problem. However, this board was never told, which is serious. Mr. Pierson stated he believes everyone knew that when the Desalter was turned on that there was going to be drawdown, and there is an obligation to every single person that has a well that is pumping. Mr. Pierson noted he does not remember seeing an EIR or an SEIR, or whatever documents that identify the mitigation required. If there is an impact by the CDA to private properties owners' assets, it needs to be mitigated prior to putting these wells operational. Mr. Pierson stated the impacts need to be fairly well identified and if they are, then wells need to sink deeper or do whatever is necessary prior to the switch being turned on. Mr. Pierson stated this Committee always seems to be the last to hear what is going on and are only given bits and pieces of information. Mr. Pierson stated he is not going to vote for anything until he knows the method and the plan in which we are going to mitigate all the people in the Zone of Influence so we don't have the problem that we had before. Ms. Egoscue stated she serves this fine body of the Agricultural Pool Committee and has an ethical duty as the

CBWM0129

**PERS00430**

**Minutes Agricultural Pool Meeting**

**August 11, 2011**

**Chair Feanstra dismissed the Agricultural Pool Committee meeting at 3:25 p.m.**

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

**Minutes Approved: September 8, 2011**