

AGENDA ITEM 4A

MINUTES OF THE

REGULAR MEETING OF THE

CENTRAL BASIN WATERMASTER WATER RIGHTS PANEL

VIDEO/TELECONFERENCE PURSUANT TO EXECUTIVE ORDER N-29-20 ISSUED
BY GOVERNOR GAVIN NEWSOM

THURSDAY, JANUARY 12, 2023
1:30 P.M.

Chair Moore called the meeting of the Central Basin Watermaster Water Rights Panel to order at 1:33 pm.

1. PLEDGE OF ALLEGIANCE

Suspended until meetings are conducted in-person.

2. ROLL CALL

Panel Members

Steve Lenton	Bellflower-Somerset Mutual Water Company
Dan Mueller	City of Downey (joined during Item No.10)
Derek Nguyen	City of Lakewood
Anatole Falagan	City of Long Beach
Adriana Figueroa	City of Paramount (Absent)
Thomas Bekele	City of Signal Hill (Absent)
Toby Moore	Golden State Water Company

Also Present

Derwin Dy	City of Lakewood
Matt Qassis	LADWP
Kenneth Scott	EcoGas
Jim Markman	RWG Law
Yvette Stevenson-Rodriguez	Orchard Dale Water District
Jackie Ramirez	Water Replenishment District (Secretary)
Esther Rojas	Water Replenishment District
Asha Kreiling	Water Replenishment District
Brian Partington	Water Replenishment District
Rob Beste	Water Replenishment District

3. PUBLIC COMMENTS

No public comments were received.

4. CONSENT CALENDAR

Chair Moore entertained a motion to approve Item 4. The motion was made by Panel Member Lenton and seconded by Vice Chair Falagan.

The motion was approved by a unanimous voice vote of 5 ayes, 0 abstention, and 0 no's (5-0-0).

5. TREASURER'S REPORT

Treasurer Nguyen presented the Treasurer's Report.

Water Replenishment District's summary reports showed the activities from Fiscal Year from July 1, 2022, to December 21, 2022. As of December 21, payments totaling \$29,740.02 were processed leaving a balance of \$653,633.96.

The CBWRP summary tables showed payments broken down into four types of services: Administrative Services, Meter Testing, Legal Services, and Miscellaneous. For the 2022-2023 Fiscal Year, the October and November payments totaled \$16,280, bringing the overall 2022-2023 Fiscal Year expenditures to \$18,217.74; the current account balance is \$133,682.26, approximately 88% of the total budget.

Chair Moore entertained a motion to receive and file the Treasurer's Report. The motion was made by Vice Chair Falagan and seconded by Panel Member Lenton.

The motion was approved by a unanimous voice vote of 5 ayes, 0 abstentions, and 0 no's (5-0-0).

6. ADMINISTRATIVE BODY REPORT

Esther Rojas provided an update on the status of the Administrative Body.

2022 – 2023 Groundwater Pumping

For Administrative Year (AY) 2022-23 through the end of November, Central Basin groundwater pumping was 61,370.75 acre-feet (af), which is 16.7% less than the same period in the previous AY. The decrease can be attributed to the storage withdrawals.

2022 – 2023 Water Rights Activity

For AY 2022-23 through January 3rd, there were 27 leases processed transferring 11,305.57 af of rights, of which 21 leases are with flex and 6 leases without flex.

There were 3 sale transactions transferring a total of 702.50 af in AY 2022-23.

2022 – 2023 Storage Activity

For Administrative Year (AY) 2022-23 a total of 12,919.40 af have been withdrawn from storage.

Watermaster Budget

The Administrative Body closed out invoices for the AY 2022-23 budget. WRD issued reimbursement totaling \$69,575.11 to the Water Rights Panel. That will be reflected on the next account statement.

Other Announcements

Staff finalized the AY 2021-22 Watermaster Annual Report. The report will be submitted for printing and if you would like a physical copy, please contact staff to request one.

Esther Rojas announced that staff will be holding a Watermaster 101 Workshop on March 1, 2023, from 8:30-11am at the Albert Robles Center in Pico Rivera. In this workshop, she will go over the history of the Judgments, water rights accounting, and the water rights calculator. This is a great opportunity for new staff to learn about Watermaster.

Chair Moore entertained a motion to receive and file the Administrative Body report. The motion was made by Panel Member Nguyen and seconded by Vice Chair Falagan.

The motion was approved by a unanimous voice vote of 5 ayes, 0 abstentions, and 0 no's (5-0-0).

7. ATTORNEY'S REPORT

Jim Markman had nothing to report.

8. SECRETARY'S REPORT

Secretary Ramirez had nothing to report.

9. WATER METER TESTING

Secretary Ramirez presented the meter testing report summaries for October and November of 2022. During this period, 25 meters were tested, and 23 meters were determined to be within the acceptable margin of error. The owner of the wells who did not pass was notified.

In addition, Secretary Ramirez received a past due invoice from September 2021 that was missed due to an oversight from DWR. During that period, 27 meters were testing, and 26 were determined to be within the acceptable margin of error.

Chair Moore entertained a motion to receive and file the Administrative Body report. The motion was made by Panel Member Lenton and seconded by Panel Member Nguyen.

10. INFORMATIONAL: NON-CONSUMPTIVE WATER USE PERMITS AND CAL TRANS DEWATERING

Esther Rojas stated that non-consumptive water use permits (NCWUP) are issued to Parties or Non-Parties who do remediation. Any water extracted does not count against any Party's APA. Non-Parties can do clean-up work by partnering with sponsor that is a Party. Groundwater extracted is subject to a replenishment assessment, but they can choose to apply for a replenishment assessment exemption with the WRD Board, which is issued when re-injection occurs. The entity would pay an RA on the net difference of what is extracted and re-injected. Currently, there are five NCWUP holders in the Central Basin that have pumped an average of 80.30 afy. Only two permit holders, Ashland and Omega have a replenishment assessment exemption for water that is reinjected.

Chair Moore questioned if any reporting is submitted to WRD regarding the water, specifically water quality, that is injected. Esther stated that there is discharge permit with Los Angeles Regional Water Quality Board.

Esther Rojas provided history on the Cal Trans 105 FWY dewatering. When the 105 was first built, the water table was rising and impacting the freeway. To mitigate the impacts, Cal Trans extracts groundwater in proximity to the 105 FWY and discharges the water in the Los Angeles River. In 2003, Cal Trans and WRD came to a settlement agreement for \$8 million. The agreement was that WRD would find beneficial use for the groundwater extracted and potentially inject it in the Dominguez Gap Barrier. In 2008, WRD's Technical Advisory Committee decided not to move forward with the project due to inter-basin conflicts. Today, groundwater extracted by Cal Trans is charged an RA, which is deducted from the \$8 million settlement; currently, there is a \$5 million balance remaining. On average they have been extracting 91 af, but originally had planned to extract 2,500 to 3,500 af, which has not occurred in the last ten years. They have an APA of 50 af, but some years do exceed that amount; however, extractions have been decreasing in recent years.

Panel Member Mueller joined during this item.

Chair Moore sought clarification regarding the overextractions per the arrangement with WRD but stated that they are outside the Judgment limits. Esther confirmed and stated that Cal Trans is in a deficit of about 24,000 af due to the pumping done early on.

Rob Beste stated that he looked into the WRD and Cal Trans agreement to determine if a project would make sense. This is a great discussion for the Panel to consider potentially using the five million for a project to put water back into the Central Basin. He stated that he could bring back some project options for the Panel for discussion at a future time.

Panel Member Nguyen questioned what the settlement between Cal Trans and WRD was, Esther Rojas clarified it was an agreement for \$8 million to settle the over-pumping discrepancy.

Rob Beste clarified that Watermaster at one-point was overseen by DWR and because both Cal Trans and DWR are state agencies they could not sue each other for the overextraction at the 105 FWY dewatering. The settlement funds accrued interest over time and the RA had paid itself with the interest earnings.

Chair Moore had questions for Attorney Markman regarding a letter that the Panel sent to Cal Trans. Attorney Markman said that the response was that they would take the money and conduct a project that returns water to the basin. WRD will provide project ideas in the future.

This item was a discussion only, no action taken.

11. ALTERNATIVES FOR REMOTE ATTENDANCE AT PANEL MEETINGS

Attorney Markman provided three alternatives for remote attendance at Panel meetings. He clarified that the CBWRP are not elected officials, but appointees under the Judgment and act as an agent of the court.

Attorney Markman stated that the Panel has very few people attend meetings and alternates are available for the Panel Members. He does not believe that the remote options will work for the CBWRP. He also stated that the CBWRP has never held remote meetings prior to COVID-19.

The first option is the Brown Act. Each remote location of the Panel Members must be identified on the agenda, the location must be accessible to the public and posted on the door. The public must be allowed to address the Panel remotely. The quorum for the CBWRP, which is four should be within Panel's adjudicated Central Basin.

The second option, which was used for the past two years and no longer will be available due to the Governor declaring the COVID-19 emergency over. There is no requirement of quorum, posting of remote locations, provide public access at remote location, public participation of the same method of the board member, and entirely virtual.

The third option is AB2449, available as of January 1, 2023. It does not require posting of remote meeting locations on agendas or public access to remote location. There are requirements of audio and visual capability, identify all persons present over 18 and relationship, if present, a quorum of the Panel must participate in the regular meeting, which would take place at Progress Park. If a Panel Member is going to participate remotely, there must be a "just cause" or "emergency circumstances" reflected in the agenda. Both reasons must request remote access with an agenda item stating that the Panel Member is going to participate remotely, and it then needs to be approved for the Panel Member to participate virtually. There

are limitations on the number of remote meetings that a Panel Member can participate in within a calendar year.

Attorney Markman recommends that the Panel goes back to the regular Brown Act rules since the other remote options are more complicated when it comes to posting locations of the members and additional requirements for operating remotely.

Vice Chair Falagan stated that the Panel would need the capacity to hold hybrid meeting with an alternative like AB2449, but the current meeting location at Progress Park does not have the virtual capabilities and would create more difficulty for the Panel.

Chair Moore stated that the Panel Members have alternates which provides flexibility if someone cannot attend meetings.

Secretary Ramirez stated that Progress Park Board Room has been reserved for the remaining meetings this year.

This item was information only regarding options of remote teleconferencing.

12. WRITTEN COMMUNICATIONS

None.

13. AGENDA ITEMS FOR THE MARCH 13, 2023 WATER RIGHTS PANEL MEETING

Additional items identified in the interim should be emailed to Chair Moore and Secretary Ramirez.

14. WATER RIGHTS PANEL MEMBER COMMENTS

Esther Rojas introduced Asha Kreiling, WRD's new addition to Watermaster.

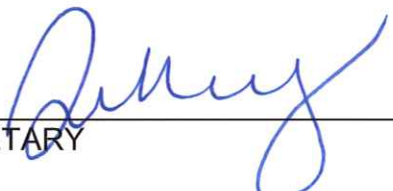
Vice Chair Falagan announced that Long Beach Water merged with City of Long Beach Gas Department and are now Long Beach Utilities. This change does not affect his role.

Regular Meeting was adjourned at 2:22 pm.



CHAIRMAN

ATTEST:



SECRETARY