

March 11, 2015  
Tracy, CA 95304

Pursuant to adjournment, February 11, 2015, the Board of Directors of the Banta-Carbona Irrigation District met at 9:00 a.m. at 3514 W. Lehman Road, Tracy California on the above named date.

PRESENT: Directors: James M. McLeod, Glenn Robertson, Keith Robertson, and Roger Elissagaray

OTHERS PRESENT: General Manager David Weisenberger, Secretary Margaret Howe and District Counsel Jeanne Zolezzi

ABSENT: None

ITEM 1 – CONSIDER ANY QUALIFIED CANDIDATES FOR APPOINTMENT TO THE BOARD OF DIRECTORS TO FILL THE VACANCY IN DIVISION V. ACTION AS NECESSARY.

On motion of Director Keith Robertson, and seconded by Director Glenn Robertson the following resolution was approved and adopted by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, and Glenn Robertson; Noes: None; Abstain: None; Absent: None

### **RESOLUTION 2015-03**

#### **RESOLUTION APPOINTING JAMES M. THOMING TO FILL THE VACANCY ON THE BOARD OF DIRECTORS OF THE BANTA-CARBONA IRRIGATION DISTRICT (DIVISION V) OCCASIONED BY THE RESIGNATION OF DIRECTOR JAMES L THOMING.**

WHEREAS, as a result of the resignation of Director James L. Thoming on February 11, 2015 a vacancy occurred on the Board of Directors of the Banta-Carbona Irrigation District; and

WHEREAS, subject to certain exceptions not here applicable, an irrigation district which elects its directors by division shall, pursuant to Section 21265.5, fill all vacancies on the board of directors pursuant to Government Code Section #1780; and

WHEREAS, the remaining members of the governing board of the district, pursuant to Government Code Section #1780, may fill the vacancy by appointment if, after notice, the appointment is made within sixty (60) days after the effective date of such vacancy; and

WHEREAS, the Secretary of the Board of Directors posted a notice of such vacancy in Three (3) conspicuous places in the District at least fifteen (15) days before the date of the resolution; and

WHEREAS, the Board of Directors finds that James M. Thoming is willing to serve on the Board of Directors and that he meets all qualifications set forth in Water Code Section #21100 for service as a director and is in all other respects a proper person for appointment to said office.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Banta-Carbona Irrigation District hereby appoints James M. Thoming to fill the vacancy on the Board of Directors and to represent Division V of the District. Upon qualification, James M. Thoming, shall hold office for the balance of the unexpired term;

BE IT FURTHER RESOLVED that the Secretary shall give notice of this appointment to the Registrar of Voters of San Joaquin County.

PASSED AND ADOPTED this 11<sup>th</sup> day of March, 2015.

AYES: Directors James McLeod, Glenn Robertson, Roger Elissagaray and Keith Robertson

NOES: None

ABSENT: None

Secretary Howe administered the Oath of Office to Director James M. Thoming

ITEM 2 – SELECTION OF DISTRICT OFFICERS. ACTION AS NECESSARY.

Secretary Howe reported that since the retirement of Board Vice President James L Thoming at the February meeting the Board needs to appoint a new Vice President. Director Keith Robertson made a motion to appoint Director Roger Elissagaray as Vice President of the Board of Directors and make no changes in the slate of other officers or staff. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson, and James M Thoming; Noes: None; Abstain: None; Absent: None

ITEM 3 – REVIEW REPRESENTATION FOR BCID AT ACWA/JPIA BOARD OF DIRECTORS. ACTION AS NECESSARY.

Secretary Howe reported that due to the retirement of Director James L. Thoming the Board needs to appoint a new director for the ACWA/JPIA Board of Directors. Director Keith Roberson made a motion that President James McLeod be appointed as Banta-Carbona Irrigation District's director on the ACWA/JPIA Board of Directors. Director Roger Elissagaray seconded the motion and it carried by the following vote; Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson, and James M Thoming; Noes: None; Abstain: None; Absent: None

ITEM 4 – CONSIDER FOR APPROVAL RESOLUTION RECOGNIZING JAMES THOMING'S MANY YEARS OF SERVICE ON THE BOARD OF DIRECTORS OF THE BANTA-CARBONA IRRIGATION DISTRICT.

On motion of Director Glenn Robertson, and seconded by Director Keith Robertson the following resolution was approved and adopted by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

RESOLUTION 2015 - 04

HONORING JAMES L THOMING  
**for his many years of service to the  
 Banta-Carbona Irrigation District**

WHEREAS, James L. Thoming was appointed Director of Division V on April 12, 1989 by the Board of Directors, and thereafter served in that capacity for 25 plus years; and

WHEREAS, James L Thoming has retired as Director of Division V of the Board on February 11, 2015; and

WHEREAS, James L. Thoming has earned the admiration and respect of his fellow directors and colleagues at Banta-Carbona Irrigation District for his dedication, enthusiasm, professionalism, sense of humor and hard work; and

WHEREAS, during his term of office, he has shared his wisdom, experience and knowledge in the administration of the District, thereby contributing greatly to the successful operation of the District; and

WHEREAS, James L. Thoming has exhibited integrity and reason in all matters to come before him in the course of his service to the Banta-Carbona Irrigation District, he therefore is held in high esteem; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and staff of Banta-Carbona Irrigation District regret that he has severed his connection as Director of Division V of said District and that the Board, acting on behalf of the people he has represented, hereby offers acknowledgment and appreciation for the service he has rendered; and

BE IT FURTHER RESOLVED that the Board of Directors wishes he and his wife, Sharon, many years of health, happiness and prosperity.

PASSED AND ADOPTED THIS 11<sup>th</sup> day of March 2015 by the following roll call vote:

AYES: Directors James McLeod, Keith Robertson, Glenn Robertson, Roger Elissagaray, and James M. Thoming

NOES: None

ABSENT: None

#### ITEM 5 - MINUTES & TREASURER'S REPORT

Director Glenn Robertson made a motion to approve the minutes of the February 11, 2015 board meeting as amended. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

Secretary Howe presented the Treasurer's report and after review by the Board it was filed for audit.

#### ITEM 6 - MISCELLANEOUS CORRESPONDENCE

The District received a letter from the Family Farm Alliance acknowledging the District's 2015 contribution to them.

The District received notice from the Bureau of Reclamation regarding the CVP operation and maintenance (O&M) component of the District's CVP water rates. The rates are calculated using a five year average of historical deliveries. Since 2015 is expected to be a critically dry year and deliveries are expected to be significantly less than the five year historical average, it is possible that the O&M component could be underestimated by as much as \$79 per acre foot for irrigation water. The purpose of the notice is to notify districts of the underestimated 2015 water rate and make them aware of possible O&M deficits when the 2015 Annual Contractor Accountings are calculated in August 2016.

Secretary Howe presented correspondence from the Tracy High FFA Foundation, Inc. requesting a contribution. The Tracy FFA is the most active, non-athletic group on the high school campus and encourages practical skill development and critical thinking skills. Because of the positive impact that Tracy High FFA has on agriculture and on the community, Director Keith Robertson moved to approve sending a contribution of \$1000 to the Tracy High FFA. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

#### ITEM 7 - MANAGER'S REPORT & DISCUSSION ITEMS.

##### **MANAGER'S REPORT**

**March 11, 2015**

PP #1 River Gauge 5.8, River @ Fishscreen 1.84 msl. Vernalis 540 cfs.  
Currently pumping 110 cfs

**MAINTENANCE** - In PP #3 we had to pull the Cascade pump, the #5-40cfs pump. It has had a leak through the top along the shaft. It was thought that packing needed to be tightened. Delta Pump was called out to take a look at it. They determined that the bottom bearing seal was bad and was causing it to leak. The leak had reached a point that it was deemed best to pull the pump and have it fixed. It has been re-installed in Pumping Plant #3.

The #3-40 stator in PP #3 was replaced and the unit is operational. The old stator will be taken to Stanley Electric for rewinding. This was a unit that failed in December upon startup.

The District was informed that Valley Pattern Inc. of Stockton California will be closing its doors later this year. Valley Pattern is the company that made the patterns for the District's 20, 40, and 60 cfs pumps in about the years 1978 – 1980. Valley Pattern has been pouring impeller castings for the District for thirty years. They have been commissioned to pour two more 20 cfs pump impellers and two 40 cfs pump impellers before they close in May 2015. These will be stored for future use.

When replacing the trash grates at PP #2 the boom truck snagged the #5-40 penstock in the driveway and ripped a hole in it. We used a steel clamp, epoxy and concrete to make the patch. Surprisingly the penstock was in excellent condition where we ripped it open. The grout was intact and the steel had plenty of thickness, about one-quarter inch. Our troubles seem to be confined to where there is wetting and drying frequently such as at the water line during the winter and where water can puddle in the penstock up near the discharge point.

Staff is weed spraying, disking, repairing leaky pipelines, and delivering water.

**PONDWEED and ALGAE CONTROL** - Still no progress on tracking down DFG people to help determine if they will allow Triploid Grass Carp in our canals. Imperial Irrigation District (IID) said that they are getting excellent control and have clean canals as a result of using these fish. IID sells these fish to others in California under the supervision of the California Department of Fish and Wildlife (CDF&W). The receiving district must first obtain a permit from the CDF&W before ordering any fish from IID. IID will then produce the fish and at about 12 inches of growth ship the fish to us. The Triploid Grass Carp is a Chinese Grass Carp that has its reproductive ability

removed via removal of specific chromosomes. All fish are tested for the missing chromosomes while being observed by the CDF&W before shipping the fish out. In addition, all of the fish are tagged with a unique tag number and are recorded as to who owns the fish. They do not want these fish in areas that have not been pre-approved by CDF&W.

**SWRCB** - We continue to monitor State Water Resources Control Board (SWRCB) activities and meetings related to water rights and the drought. On September 24, 2014 they held a workshop to discuss a letter request they received from the State and Federal water Projects requesting that the SWRCB collect more detailed information from delta diverters about the diverter's right and the amount of their right. Jeanne Zolezzi and I attended the workshop. The state and federal water project representatives along with some state and federal water contractors offered oral comments on the subject of getting more diversion information from the south and central delta water diverters. Basically they want the SWRCB to go out and beat the bushes for information about diversions in the delta.

There was a process that was a directive of the SWRCB in their July 3<sup>rd</sup> emergency regulation resolution curtailing all post 1914 water diversions for 2014. SWRCB staff is directed to have a plan completed by January 31, 2015 that is the result of process that includes water right holders' participation. On Friday, January 30, at 4:30 pm they did release their Dry Year Program Report as to how to improve implementation and enforcement of water rights in 2015. The BCID also received a SWRCB Informational Order the first week of February to provide more detailed information about the water rights we claim and the usage we had under those rights in 2014. In addition it asks for monthly updates this year as to how much the BCID is diverting in 2015. This order was given to all water rights on the San Joaquin and Sacramento River systems as well as Delta diverters. We did respond to the order by mail, not by using their website.

The BCID also received a letter from the SWRCB in mid January advising us that we may be subject to curtailment in 2015 if dry conditions persist. This notice was sent to all water rights holders on the San Joaquin River as well as the Sacramento River.

SPUR DIKE – No new information this month.

#### ITEM 8 - DIRECTOR AND STAFF ITEMS

There were no Director or Staff items.

#### ITEM 9 - REVIEW CURRENT WATER SUPPLIES AND 2015 WATER SUPPLIES AVAILABLE TO THE DISTRICT, POTENTIAL RATIONING, AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY.

General Manager Weisenberger reported the U.S. Bureau of Reclamation announced a zero percent allocation to agricultural water service contractors South-of-Delta. The District still has 24,340 acre feet of water to carry over into 2015. Staff still expects to be able to pump from the San Joaquin River until April or possible May and that the carry over water would last through August and maybe into September.

#### ITEM 10 – CONSIDER A REQUEST FROM THE WEST SIDE IRRIGATION DISTRICT (TWSID) FOR BCID TO DO A TEMPORARY ASSIGNMENT OF A PORTION OF BCID PRE-1914 WATER RIGHTS IN 2015 TO TWSID. ACTION AS NECESSARY.

Jack Alvarez, President of the Board at The West Side Irrigation District, and Dave Kaiser, General Manager at The West Side Irrigation District, were present to discuss with the Board a counter-offer to the terms approved for a temporary assignment of a portion of BCID Pre-1914 Water Rights in 2015 at the February 11, 2015 Board meeting. The terms approved at the February Board meeting were a \$50,000 non-refundable payment and \$200 per acre foot of water taken. Mr. Alvarez presented a counter-offer from the TWSID of \$10,000 non-refundable payment and \$175 per acre foot of water. After some discussion, Director Keith Robertson made a motion to accept the counter-offer presented, that TWSID pay all legal fees, and that President McLeod execute the agreement. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

#### ITEM 11 – UPDATE ON STATE WATER RESOURCES CONTROL BOARD (SWRCB) PROCEEDINGS REGARDING CURTAILMENT DIRECTIVES AND ORDERS TO WATER RIGHTS HOLDERS ON THE SAN JOAQUIN RIVER AND THE SACRAMENTO RIVER BASINS. ACTION AS NECESSARY.

We continue to monitor State Water Resources Control Board (SWRCB) activities and meetings related to water rights and the drought.

On Friday, January 30, at 4:30 pm the SWRCB released their Dry Year Program Report as to how to improve implementation and enforcement of water rights in 2015. The BCID also received a SWRCB Informational Order the first week of February to provide more detailed information

about the water rights we claim and the usage we had under those rights in 2014. In addition it asks for monthly updates this year as to how much the BCID is diverting in 2015. This order was given to all water rights on the San Joaquin and Sacramento River systems as well as Delta diverters. We did respond to the order by mail, not by using their website.

The BCID also received a letter from the SWRCB in mid January advising us that we may be subject to curtailment in 2015 if dry conditions persist. This notice was sent to all water rights holders on the San Joaquin River as well as the Sacramento River.

**ITEM 12 – CLOSED SESSION:**

**CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS**

Property:	District's Pre-1914 Water Rights
Agency Negotiator:	David Weisenberger and Jeanne Zolezzi
Negotiating Party:	State Water Resources Control Board
Under negotiation:	Water Rights

**CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (2 potential cases)

The Board returned to open session and announced that Director Glenn Robertson made a motion to authorize the District joining in the Petition for Reconsideration of the State Water Board Information Order filed by the San Joaquin Tributaries Agency. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

**ITEM 13 – REQUEST BY PEREZ FARMS FOR DISTRICT TO ENTER INTO A LETTER AGREEMENT WITH INTENTION TO NEGOTIATE FOR WHEELING SERVICES BY THE BCID FOR THE PEREZ FARMS. ACTION AS NECESSARY.**

General Manager Weisenberger presented a draft letter to Perez Farms for review by the Board of Directors. The letter explains to Perez Farms information required by Banta-Carbona Irrigation District prior to making a decision about issuing a letter that states an intent to negotiate a contract to wheel water and that Banta-Carbona Irrigation District will only negotiate with another water or irrigation district for wheeling arrangements. After reviewing the letter, the Board directed staff to send the letter to Perez Farms.

**ITEM 14– UPDATE ON 2015 WARREN ACT CONTRACT 15-WC-20-4659 WITH THE UNITED STATES BUREAU OF RECLAMATION. ACTION AS NECESSARY**

General Manager Weisenberger reported the District is still waiting for clarification from the Bureau of Reclamation regarding what the notification process will be for the District to be able to pump water to storage or for transfer.

**ITEM 15 – CONSIDER FUTURE OPPORTUNITIES FOR WHEELING WATER FROM SAN JOAQUIN RIVER TO THE DELTA-MENDOTA CANAL (DMC) AND POSSIBLE WWD/SLWD FUNDING. ACTION AS NECESSARY**

General Manager Weisenberger reported he had no new information on future opportunities for wheeling water.

**ITEM 16 – REPORT ON VIABILITY OF BUILDING SPUR DIKES IN THE SAN JOAQUIN RIVER AT THE BCID DIVERSION POINT TO PROTECT THE FISH BYPASS DISCHARGE OUTFALL AND TO MINIMIZE ANNUAL DREDGING MAINTENANCE IN THE RIVER. ACTION AS NECESSARY.**

General Manager Weisenberger reported that he had no new information on the spur dikes. He had seen Brian Mizuno, a trustee of McMullin Reclamation District, who indicated that he would like to talk to General Manager Weisenberger regarding the spur dikes. But they have not been able to get together yet.

**ITEM 17 – REVIEW REPORT TITLED “BCID NETWORK & SYSTEMS REPORT” PREPARED BY ALEX PINEDA. ACTION AS NECESSARY.**

Mr. Alex Pineda presented a brief review of his report “BCID Network & Systems Report” to the Board of Directors and answer any questions they might have. The report covers such issues as security, network speed, and the SCADA system and makes suggestions for improvements in District policies as well as equipment. After discussing several issues, the Board thanked Mr. Pineda for his attendance at the meeting.

**ITEM 18 - APPROVAL OF WARRANTS.**

Director Keith Robertson moved that the March 2015 Warrants in the amount of \$167,518.37 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Roger Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, April 15, 2015 at 9:00 a.m.

Respectfully,

Margaret G. Howe  
Secretary