

November 16, 2016  
Tracy, CA 95304

Pursuant to adjournment, October 12, 2016, 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, Roger Elissagaray and James M. Thoming

OTHERS PRESENT: General Manager David Weisenberger, District Counsel Jeanne Zolezzi

ABSENT: Secretary Margaret Howe

In the absence of Secretary Howe, the Board of Directors appointed General Manager Weisenberger to record the minutes of the meeting.

#### ITEM 1 - MINUTES & TREASURER'S REPORT

Director James M. Thoming made a motion to approve the minutes of the October 12, 2016 as presented. 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

General Manager Weisenberger presented the Treasurer's report and after review by the Board it was filed.

#### ITEM 2 - MISCELLANEOUS CORRESPONDENCE

There was no correspondence presented.

#### ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

### **MANAGER'S REPORT November 16, 2016**

Vernalis flow 840 cfs. Diverting 18 cfs plus Wheeling 15 cfs

**FRIANT SJRRP Restoration Flows and Wheeling** – Before BCID was allowed to wheel any San Joaquin River Restoration Program flows the USBR wanted to enter into a Memorandum Of Agreement (MOA). We began work in earnest on the MOA with the Bureau during the last week of October and completed one last Wednesday, November 9<sup>th</sup>. BCID began wheeling 15 cubic feet per second (cfs) on the ninth and continues to do so.

**USBR "Borrowed Water" summer 2016** – USBR used all of the water in San Luis Reservoir that was recorded as being stored in the federal side of the reservoir by the end of July 2016. This included water stored by others such as BCID under Warren Act Contracts. This became an issue in the third week of July when the USBR sent out a notice that said that all deliveries to contractors would have to cease by July 23, 2016. The USBR did find other water to borrow by the 23<sup>rd</sup> of July and no one had to cease deliveries.

This episode led to questions such as how the USBR operates SLR with other people's water and secondly, does this borrowing impact negatively south of delta water allocations in future years. The GM of BCID along with legal counsel, Jeanne Zolezzi, have been pursuing these questions and continue to do so.

On November 3<sup>rd</sup> the general manager attended a "2017 Operations Optimization" team meeting in Sacramento. This team consists of Friant, Exchange, SLDMWA, Bureau and other miscellaneous members. The BCID GM represents the northern DMC. The meeting revolved more around what might be long term solutions to improving CVP south of delta allocations. The action item out of the meeting was to meet again in December, lock everyone in a room for a day and develop an operations plan for 2017 around another potential borrowing episode.

**Sustainable Groundwater Management Act (SGMA)** – The San Luis Delta-Mendota Water Authority (SLDMWA) has produced a draft activity agreement for providing services to Tracy Sub-basin Groundwater Sustainability Agencies (GSA) for assisting in the development of Groundwater Sustainability Plans (GSP). A group of GSA's did meet to discuss the first draft of the activity agreement. An attorney for the SLDMWA is making recommended changes to the agreement before re-distributing it for our own legal review. Frances Mizuno, assistant executive director of the SLDMWA, estimates that the cost to develop a GSP will be over a million dollars. The SLDMWA believes they will need to hire two more staff members in order to support the various GSA's within the SLDMWA boundaries.

No new activities since the October board meeting.

**State Water Resources Control Board (SWRCB) Phase 1 Proceedings** – The SWRCB released the Substitute Environmental Document (SED) September 15, 2016. The

Phase 1 proceedings are to develop new flow requirements on the San Joaquin River and salinity standards in the south delta. The SED is recommending a 40% of natural flow requirement for the spring months on the San Joaquin River and everyone on the San Joaquin River and its tributaries will be expected to donate water. The public comment period has been extended from November 17, 2016 out to January 17, 2017.

Patterson ID, West Stanislaus ID and BCID had a teleconference call with east side ID's to discuss possible ways to collaborate in fighting the 40% unimpaired flows recommendation. The call was not as productive as we on the west side had hoped. East side attorney Tim O'Laughlin ran the conversation and pretty much told us what he and his crew planned to do in this process. He didn't express any need on our part to collaborate with them.

WSID, PID and BCID managers think we should be more proactive in the public comment process in promoting non-flow solutions to the fish survival problems. To that end we have a meeting with Fishbio Consultants on November 22 to learn what they would recommend as potential actions and partnerships on the San Joaquin River and its tributaries.

Also as a part of research and understanding of what physical projects help salmon the GMI attended an ACWA Region 4 field day in Winters California on November 7<sup>th</sup>. They had four speakers of which three were involved in river habitat projects that produced more salmon on the Sacramento River and its tributaries. All three projects were sponsored by and paid for by water purveyors, one of them was the Glenn-Colusa Irrigation District (GCID).

**Cal Poly Irrigation Training and Research Center (ITRC) testing flows from "metered gate" installations.** – The ITRC brought a mobile pump and metering station to BCID and tested flow rates through BCID metered gate installations. They are currently preparing final reports of the testing This mobile station and the testing was paid for by the Bureau of Reclamation as a part of their water conservation program to assure that measuring devices are within the acceptable limits of their water conservation program.

We are still waiting for their written report.

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

**Lift Canal Project** – We are working to close out the contracts and purchase orders for construction of the pumping plant #6 replacement project. Final payments have not gone out to Control Tech for MCC's, Cascade Pump, or for Syblon Reid as we are awaiting written documentation from each of these contractors to meet their contract requirements. We are still working out the kinks on the XIO SCADA controls as well.

Prepared by:

David Weisenberger

General Manager

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

There were no Director or Staff items discussed.

#### ITEM 5 – REVIEW CURRENT WATER SUPPLIES AND 2016 WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY.

There has been no change to the District's available water supplies. As of October 31, 2016 the District has 31,167 acre feet of water available for its use. The Board discussed the possibility of transferring water and Director Glenn Robertson made a motion to transfer any remaining 2013 CVP water to Meyers Family Farms Trust. Director Keith 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

### **RESOLUTION 2016- 03**

#### **RESOLUTION OF November 16, 2016**

#### **AUTHORIZING THE SALE OF 182 ACRE-FEET OF 2013 RESCHEDULED CVP WATER AS PROPERTY NO LONGER NECESSARY FOR DISTRICT PURPOSES**

WHEREAS, the District may sell for a valuable consideration any property of the District which it finds to be no longer necessary for District purposes; and

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District finds that 182 acre-feet of its 2013 Rescheduled CVP water allotment is no longer necessary for District purposes during the 2016 irrigation season and that it is in the best interests of the District to sell said property; and

WHEREAS, the District find that \$325.00 per acre-foot plus costs for 182 acre-feet is a valuable consideration for said property: and

WHEREAS, the District has received an offer from Meyers Family Farms Trust for purchase of 182 acre-feet at a \$325.00 per acre-foot plus costs

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the General Manager of the District is directed to sell said water to Meyers Family Farms Trust, at the agreed price of \$325.00 per acre-foot plus costs

BE IT FURTHER RESOLVED AND ORDERED that the General Manager and Secretary are authorized and directed to take all necessary steps and execute all documents necessary to transfer said property.

PASSED AND ADOPTED ON THIS 16<sup>TH</sup> day of November 2016, by the following roll call vote:

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

NOES: None

ABSENT: None

**ITEM 6 – REVIEW AND CONSIDER PROPOSAL BY EMPLOYEES FOR CHANGES TO EMPLOYEE RETIREMENT BENEFITS. ACTION AS NECESSARY.**

The Board reviewed a written proposal submitted by the employees for changes to employee retiree benefits. It was decided to revisit the proposal at the December Board meeting at which time the draft budget for 2017 will be reviewed.

**ITEM 7 – PROGRESS UPDATE ON LIFT CANAL REHABILITATION PUMP STATION 6 REPLACEMENT PROJECT. ACTION AS NECESSARY.**

General Manager Weisenberger reported the remaining work includes working out the bugs in the XIO scada system, acquiring written documents such as “as-builts” from vendors, O&M manuals, and certified startup reports. There are still remaining balances to be paid on the project to some vendors.

**ITEM 8 – UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY.**

General Manager Weisenberger reported no work occurred since the last board meeting.

**ITEM 9 – STATUS OF BCID WARREN ACT WATER STORED IN CENTRAL VALLEY PROJECT (CVP) FACILITIES AND 2017 SOUTH OF DELTA OPERATIONS PLANNING. ACTION AS NECESSARY.**

On November 3<sup>rd</sup> General Manager Weisenberger attended a “2017 Operations Optimization” team meeting in Sacramento. This team consists of Friant, Exchange, SLDMWA, Bureau and other miscellaneous members. General Manager Weisenberger is representing the northern DMC. The meeting revolved more around what might be long term solutions to improving CVP south of delta allocations. The action item out of the meeting was to meet again in December, lock ourselves in a room for a day and develop an operations plan for 2017 around another borrowing episode.

**ITEM 10 – CLOSED SESSION:**

- 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code

Banta-Carbona Irrigation District v. California State Water Resources Control Board, et al, Case No. 2015-1-CV-285182 in Santa Clara County Superior Court, Dept 1. This case originated in San Joaquin County as Case No. 39-2015-00326421-CU-WM-STK

- 2) CONFERENCE LEGAL COUNSEL - ANTICIPATED LITIGATION

a) Significant exposure to litigation pursuant to subdivision (b) Section 54956.9 (1 case)

b) Initiation of litigation pursuant to § 54956.9(c): 1 potential case

The Board returned to open session and announced they authorized counsel to intervene on behalf of Banta-Carbona Irrigation District in the case of Friant Water Authority against the U.S. Bureau of Reclamation in Federal Claims Court.

ITEM 11 - APPROVAL OF WARRANTS.

Director Keith Robertson moved that the November 2016 Warrants in the amount of \$434,584.29 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, Glenn Robertson and James Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, December 14, 2016 at 9:00 a.m.

Respectfully submitted,

David Weisenberger