

March 16, 2016  
Tracy, CA 95304

Pursuant to adjournment, February 17, 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, Secretary Margaret Howe and District Counsel Jeanne Zolezzi

ABSENT: None

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

Director Glenn Robertson made a motion to approve the minutes of the February 17, 2016 as amended. 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

Secretary Howe 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.

The District started the 2016 irrigation season on February 22, 2016, but stopped delivering water due to rain. We are continuing to pump water into the Delta-Mendota Canal for storage.

Staff continues to work on gate repair and weed control.

General Manager Weisenberger met with representatives of San Luis Water District regarding possible water wheeling for them in the future. He also continues to work with both the US Bureau of reclamation and the Friant Water Users about conveying San Joaquin River Restoration Flows from the San Joaquin River to the Delta-Mendota Canal.

The San Luis and Delta-Mendota Water Authority is working on a "pump-back" project for 2016 in case it is needed for delivery of stored water.

The "Agreement for Settlement of Water Rights Protests" with Del Puerto Water District has been executed.

The District has been contact by a property owner in Maurland who would like to expand his backyard over the District's easement. Staff informed the owner a formal request is needed to present to the board of directors.

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

Once the District's current "Lift Canal Rehabilitation Pump Station #6 Replacement Project" is complete the next area on the Lift Canal that needs to be improved is Pump Station #4. General Manager has asked Dahl Consultants, Inc. to provide an estimate of the costs.

Secretary Howe reported she has opened a new checking account at Oak Valley Community Bank in Tracy. Effective April 1, 2016 all of the District's checking activities will be done at the new bank.

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

The US Bureau of Reclamation is not expected to make any announcements about a 2016 CVP Allocation before April 1<sup>st</sup>.

The District currently has 19,744 acre feet of water available to carry over into the 2016 irrigation season. Of that amount 7,892 acre feet is committed to growers from the 2015 allocations, the District will have 11,882 acre feet plus any additional water pumped into storage for a new allocation in 2016 if it becomes necessary.

**ITEM 6 – 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 2016 TO TWSID. ACTION AS NECESSARY. REPRESENTATIVES FROM TWSID WILL BE PRESENT TO DISCUSS REQUEST.**

Dave Kaiser, General Manager of TWSID, and Jack Alvarez, President of the Board, were present to discuss a possibility of doing a temporary of assignment of a portion of the BCID Pre-1914 Water Rights in 2016 to TWSID. The Board felt that since there is no guarantee TWSID will take any water, there should be a non-refundable payment of \$10,000. Director Glenn Robertson made a motion to approve the proposal from TWSID with the condition that TWSID make a non-refundable payment of \$10,000 prior to any pumping. Director Roger Elissagaray 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 7– REVIEW AND ESTABLISH COST OF SERVICE RATES FOR 2016. ACTION AS NECESSARY.**

The Board reviewed the formula for establishing the District's cost of service rates and decided they did not need to make any adjustments.

**ITEM 8 – CONSIDER PROVIDING WATER SERVICE TO KASSON CONTRACT HOLDERS OUTSIDE OF THE CONTRACT SERVICE YEAR AND REVIEW AGREEMENT ACKNOWLEDGING CONDITIONS FOR SERVICE. ACTION AS NECESSARY.**

Staff asked the Board about allowing Kasson Contract Holders receiving water service outside of their contract service year. There have been no requests for service at this time, but with the dry conditions staff expects there may be requests before the next board meeting. Director Keith Robertson made a motion to allow the Kasson Contract Holders to receive water service outside the contract service year through December 2016, providing the landholder sign an agreement acknowledging the cost of the water would be at the current outside the district rate and it would be deducted from their annual allocation of water. 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 9 – UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY.**

General Manager Weisenberger reported the District received requests from both the San Luis & Delta-Mendota Water Authority and the City of Brentwood for letters in support of their proposed sub-basin boundary modifications. Staff presented draft letters for review by the Directors. After reviewing the requests and the letters, Director James M Thoming made a motion to authorize General Manager Weisenberger to send the letters. 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

Staff also presented a copy of Senate Bill #1317 introduced by Senator Wolk for review by the Directors. This bill, if passed, could severely curtail the ability of a city or county to issue permits for new wells to be drilled. The Board discussed the bill with District Counsel Zolezzi, but took no action.

**ITEM 10– 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.**

The West Side Irrigation District (TWSID) and Byron-Bethany Irrigation District's (BBID) phase 1 hearing will start on Monday, March 22<sup>nd</sup>. Phase 1 is the consolidated portion of the hearing to determine if water was available for diversion by TWSID under their license and BBID under their pre-1914 appropriative right. General Manager Weisenberger plans to attend hearings.

**ITEM 11 – 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. 39-2015- 00326421-CU-WM-STK

2) CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

Property:	Wheel water through lift canal and pump station facilities for third parties.
Agency Negotiator:	David Weisenberger and Jeanne Zolezzi, Esq.
Negotiating Party:	Friant Water Users
Under Negotiation:	Price, Quantity and Terms of Agreement for use of facilities

3) CONFERENCE LEGAL COUNSEL - ANTICIPATED LITIGATION

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

Returned to open session with no announcement.

ITEM 12 – PROGRESS UPDATE ON LIFT CANAL REHABILITATION PUMP STATION 6 REPLACEMENT PROJECT. ACTION AS NECESSARY.

A. CONSIDER PROPOSED CHANGE ORDER #1 AND ALTERNATIVES. ACTION AS NECESSARY.

General Manager Weisenberger reported change order #1 issues had been resolved and there would be no need for the change order.

Syblon-Reid, the contractor for the project, will be finished laying the pipe by the end of March. They will be doing hydro testing this week. The electrical is being done by Bockman & Woody. The pumps and motors are scheduled to be delivered on June 15, 2016.

ITEM 13 - APPROVAL OF WARRANTS.

Director Keith Robertson moved that the March 2016 Warrants in the amount of \$2,408,972.62 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, April 13, 2016 at 9:00 a.m.

Respectfully,

Margaret G. Howe