

August 12, 2015
Tracy, CA 95304

Pursuant to adjournment, July 15, 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, 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 Keith Robertson made a motion to approve the minutes of the July 15, 2015 as presented. 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 2 - MISCELLANEOUS CORRESPONDENCE

There was no correspondence presented.

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

General Manager Weisenberger reported all of the district using the pump back system installed on the Delta-Mendota Canal would be sponsoring a luncheon at Byron-Bethany Irrigation District on August 25, 2015 as a "Thank you" to all of the people who had worked on the project.

District staff continues to do maintenance and work on aquatic weed control.

The State Water Resources Control Board contacted the District regarding its filing for riparian rights on the Homestead Ranch. The diversion point identified on the claim is incorrect and needs to be adjusted.

ITEM 4 - DIRECTOR AND STAFF ITEMS

General Manager Weisenberger reported he attended the San Joaquin County Water Advisory Commission meeting in July and feels that even though the Water Advisory Commission is not supporting H.R. 2898, Banta-Carbona Irrigation District should. He presented a letter to Congressmen David Valadao in support of H.R. 2898 for review by the Board. The Board reviewed the letter and authorized staff to send it.

ITEM 5 - REVIEW CURRENT WATER SUPPLIES AND 2015 WATER SUPPLIES AVAILABLE TO THE DISTRICT, POTENTIAL RATIONING, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY.

Staff instituted the District's rationing policy, as approved at the April 15, 2015 Board Meeting, affective June 26, 2015 and expects to continue the rationing policy through February 2016.

The District has used 6,535 acre feet of its available stored water, leaving 17,805 acre feet of water available for the 2015 irrigation season.

The expected CVP allocation for the 2016 water year is zero.

ITEM 6 – CONSIDER APPROVAL OF RESOLUTION RECOGNIZING THE SAN LUIS DELTA-MENDOTA WATER AUTHORITY'S STAFF'S EFFORTS ON THE CONSTRUCTION OF THE EMERGENCY PUMP BACK STATIONS ON THE DELTA - MENDOTA CANAL. ACTION AS NECESSARY

General Manager Weisenberger he felt the efforts of the San Luis & Delta-Mendota Water Authority's staff should be recognized for their efforts on the construction of the emergency pump back stations on the Delta-Mendota Canal and requested the Board of Directors review and approve the following resolution. Director James M. Thoming made a motion to approve the following resolution and 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

RESOLUTION 2015-06

RECOGNIZING THE HERCULEAN EFFORTS OF THE EMPLOYEES OF THE SAN LUIS-DELTA MENDOTA WATER AUTHORITY IN THE PROMPT DESIGN AND CONSTRUCTION OF THE DMC REVERSE FLOW PUMPING STATIONS IN 38 DAYS.

WHEREAS, on January 23, 2015, the State Water Board issued a "Notice of Surface Water Shortage and Potential for Curtailment of Water Right Diversions for 2015" (2015 Shortage Notice). The 2015 Shortage Notice alerted water right holders in critically dry watersheds that water may become unavailable to satisfy beneficial uses at junior priorities; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 (Executive Order) to strengthen the state's ability to manage water and habitat effectively in drought conditions and called on all Californians to redouble their efforts to conserve water. The Executive Order finds that the on-going severe drought conditions present urgent challenges across the state including water shortages for municipal use and for agricultural production, increased wildfire activity, degraded habitat for fish and wildlife, threat of saltwater contamination, and additional water scarcity if drought conditions persist. The Executive Order confirms that the order and provisions in the Governor's previous drought proclamations and orders, the January 17, 2014, Proclamation, April 25, 2015 Proclamation, and Executive Orders B-26-14 and B-28-14, remain in full force and effect; and

WHEREAS, on April 2, 2015, the State Water Board issued another notice warning that notices of unavailability of water were likely to be issued soon; and

WHEREAS, on April 23, 2015, the State Water Board issued a "Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the San Joaquin River Watershed with Post-1914 Appropriative Rights" (April 23 Unavailability Notice), which notifies all holders of post-1914 appropriative water rights within the San Joaquin River, watershed of the State Water Board's opinion of a lack of availability of water to serve their post-1914 water rights, and threatening fines for those who continue to pump; and

WHEREAS, in April 2015 general managers of the water agencies being served on the upper DMC met with SLDMWA staff to discuss the implications of a possible curtailment to Jones Pumping Plant (JPP); and

WHEREAS, as a result of the meetings between water managers and SLDMWA staff it was determined that it would be prudent to study and determine what size pumping plants would be required to pump water back from San Luis Reservoir to Tracy in the DMC; and

WHEREAS, after studying the projected demands on the DMC for May, June, July, and August 2015 it was determined that three pump stations would be required to be located at checks ten, seven, and four; and

WHEREAS, on May 1, 2015, the State Water Board issued a "Notice of Unavailability of Water and Immediate Curtailment for Those Diverting Water in the Sacramento River Watershed and Sacramento-San Joaquin Delta with a Post-1914 Appropriative Right" (May 1 Unavailability Notice), which notified all holders of post-1914 appropriative water rights within the Sacramento River and Sacramento-San Joaquin Delta watershed of the State Water Board's opinion of a lack of availability of water to serve their post-1914 water rights, and threatening fines for those who continue to pump; and

WHEREAS, after we were notified the May Sacramento River Temperature Management Plan was insufficient and needed to be revised, there was considerable concern that the revised plan could severely impact Jones pumping to meet the upper DMC demands in the summer months; and

WHEREAS, options were developed to convey water stored in SLR to the upper DMC to Byron Bethany Irrigation District, Banta-Carbona Irrigation District, the City of Tracy, Del Puerto Water District, West Stanislaus Irrigation District and Patterson Irrigation District for a worst case scenario where there would be no JPP pumping; and

WHEREAS, on June 12, 2015, the State Water Board issued a "Notice of Unavailability of Water and Need for Immediate Curtailment for Those Diverting Water in the Sacramento-San Joaquin Watersheds and Delta with a Pre-1914 Appropriative Claim Commencing During or After 1903" (June 12 Unavailability Notice), which notifies all holders of pre-1914 appropriative water rights with a priority date of 1903 or later within the Sacramento and San Joaquin River watersheds of the State Water Board's opinion of a lack of availability of water to serve their pre-1914 water rights and threatening fines for those who continue to pump; and

WHEREAS, Sacramento River Temperature Management Plan was revised for the protection of a listed endangered winter run Chinook salmon resulting in drastically reduced releases from Shasta Reservoir; and

WHEREAS, as a result of the revised temperature plan for fish there was a high potential for a complete shutdown of JPP for the months of July & August; and

WHEREAS, on June 16th, SLDMWA & Upper DMC Districts met with USBR Central Valley Operations (CVO) to discuss JPP deliveries; and

WHEREAS, on June 16th the parties learned that the USBR had pumps and motors in the Friant Water Authority yard; and

WHEREAS, on June 18th, SLDMWA and & Upper DMC Districts met with a USBR design group to discuss conceptual design; and

WHEREAS, on June 19th, USBR/SLDMWA design team performed design analysis and prepared design details; and

WHEREAS, on June 23rd, fabrication began and construction was complete on all three pump stations 28 days later; and

WHEREAS, SLDMWA employees designed, fabricated and installed 3 pumping plants in 38 days without any incident; and

WHEREAS, without the pump back stations designed and installed by SLDMWA the farmers and the agricultural region within the five districts would be at severe risk of catastrophic crop loss and the resulting economic losses; and

WHEREAS, without the pump back stations designed and installed by SLDMWA the residents of the City of Tracy would be at severe risk of lack of water supply; and

WHEREAS, the employees of the SLDMWA have earned the admiration and respect of the Banta-Carbona Irrigation District for their dedication, enthusiasm, professionalism, and hard work; and

WHEREAS, the employees have exhibited integrity and reason in all matters to come before them in the course of this design/build project, they therefore are held in high esteem; and

WHEREAS, the employees' dedicated service on this DMC Pump back Project will not easily be forgotten; and

WHEREAS, the farmers of the Banta-Carbona Irrigation District, including the Board of Directors, wish to thank all of the SLDMWA employees and show appreciation for their professionalism, hard work and wish all of them good luck; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors and staff of Banta-Carbona Irrigation District hereby recognize the heroic efforts of the SLDMWA employees on the DMC Pump back Project of 2015, and that the Board, acting on behalf of the people they represent, hereby offer acknowledgment and appreciation for the service the SLDMWA employees have rendered; and

BE IT FURTHER RESOLVED that the Board of Directors wish all of the employees of the SLDMWA, many years of health, happiness and prosperity.

PASSED AND ADOPTED THIS 12th day of August 2015 by the following roll call vote:

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

NOES: None

ABSENT: None

“The reward of a thing well done is to have done it.”

Ralph Waldo Emerson

ITEM 7 – 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.

Due to existing litigation this item was reviewed in closed session.

ITEM 8 – REVIEW FOR APPROVAL “PROPOSALS FOR AUDITING SERVICES” FOR THE 2015 ANNUAL AUDIT. ACTION AS NECESSARY.

Secretary Howe reported that since the District's current auditor had informed the Board he would be unavailable to do the District's 2015 audit, she sent out a “Request for Proposal for Auditing Services”. The District received three replies ranging in cost from \$8,000 to \$10,500. After reviewing the proposal and qualifications of the auditing firms, Director James M. Thoming made a motion to accept the proposal from Fechter & Co of Sacramento. 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 9 – CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS

A) Property:	District's Pre-1914 Water Rights
Agency Negotiator:	David Weisenberger and Jeanne Zolezzi
Negotiating Party:	United States Bureau of Reclamation
Under negotiation:	Transfer or Exchange of Stored Water

1) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 (1 potential cases)

2) 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

Returned to open session with no announcement.

**ITEM 10 – UPDATE ON 2015 WARREN ACT CONTRACT 15-WC-20-4659 WITH THE
UNITED STATES BUREAU OF RECLAMATION. ACTION AS NECESSARY**

Staff reported the District had received a corrected 2015 Warren Act Contract 15-WC-20-4659. President McLeod signed the document and staff had returned it to the Fresno office of the United States Bureau of Reclamation. We have not yet received a fully executed copy back from the Bureau.

**ITEM 11 – CONSIDER OPENING A NEW ACCOUNT FOR DEPOSIT OF
INDEMNIFICATION FUNDS. ACTION AS NECESSARY.**

Secretary Howe reported the District received a deposit of indemnification funds from Mattos Farms for water delivered to his ground in the Kasson area. She would like to be able to keep those funds separate from the District's regular checking account and requested permission from the Board to open a second account at Central Valley Community Bank (CVCB). Director Glenn Robertson made a motion to authorize Secretary Howe to open a second account at CVCB signatures on the account to be both Secretary Howe and President James McLeod. 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

RESOLUTION NO. 2015-07

**RESOLUTION AUTHORIZING OPENING BANK ACCOUNT AT
CENTRAL VALLEY COMMUNITY BANK AND ESTABLISHING
SIGNATURE REQUIREMENTS THEREFOR**

WHEREAS, the Board of Directors of the Banta-Carbona Irrigation District (the "Board" and the "District," respectively) has received the report from staff recommending that the District establish a business bank account, with Central Valley Community Bank; and

WHEREAS, the staff has recommended, in keeping with prior authorizations of the Board, that checks written on any District checking account at Central Valley Community Bank be issued on two (2) original signatures, being Director James McLeod and Secretary – Treasurer Margaret G. Howe.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The facts set forth in the recitals above are true and correct and the Board so finds and determines.

Section 2. District officials are hereby authorized and directed to open a business bank account with Central Valley Community Bank.

Section 3. Checks drawn on the District account at Central Valley Community Bank shall be issued on two (2) original signatures obtained from Director James McLeod and Secretary – Treasurer Margaret G. Howe.

Section 4. The provisions of any form of resolution prescribed by Central Valley Community Bank for adoption by the District to implement the actions authorized by this Resolution are hereby adopted and incorporated herein by reference as though fully set forth herein.

Section 5. District Treasurer Margaret Howe, and President of the Board of Directors James McLeod are hereby authorized and directed to execute all documents, including without limitation contracts for deposit of moneys and waiver of security agreements, and to take any and all other steps which may be necessary or convenient to implement the intent of this Resolution.

Section 8. This Resolution shall take effect immediately.

PASSED AND ADOPTED, this 12th day of August 2015 on the following vote:

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

NOES: None

ABSENT: None

ITEM 12 - APPROVAL OF WARRANTS.

Director Keith Robertson moved that the August 2015 Warrants in the amount of \$245,820.76 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, September 16, 2015 at 9:00 a.m.

Respectfully,

Margaret G. Howe
Secretary