

August 15, 2018
Tracy, CA 95304

Pursuant to adjournment, July 11, 2018 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, Keith Robertson, Glenn Robertson, James M. Thoming and Annette Elissagaray

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

ABSENT: None

ITEM 1 - MINUTES & TREASURER'S REPORT

Director James M Thoming made a motion to approve the minutes of the July 11, 2018 as presented. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray 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.

REPORT

August 15, 2018

Vernalis flow +/- 525 cfs. Diverting +/- 150-200 cfs

Maintenance – Applying aquatic herbicide for algae and pondweed in canals. Otis Clifton is back again to remove sediment per our Streambed Alteration Agreement in front of the Fishscreen facility out to river.

VFD in PP #2 has been down since July 15 as the result of a hole in the penstock. It has not hampered capacity on lift canal. This pump will be pulled this fall and we will look at how to repair the hole in the steel pipe.

Camera server hard-drive at fishscreen as failed. ISPYVISION is currently working on it. New server is to be installed on Friday, August 17, 2018. No video or recordings are working right now.

We have discovered a capacity problem with Lateral L3. This is an eleven hundred foot pipeline lateral off of the main lift canal above PP #2 that serves a single ranch on the north side of Linne Road. It is a 24 inch pipeline that can only deliver 2.5 cfs with thirty inches of head pressure today. In September we plan to open up the pipe at about the midway point and see what is in the pipeline. We looked in the pipeline last winter at the beginning of it and found the pipeline clean.

Rescheduled Water – BCID share of 150,000 af ended up at 1,691 af – We did reschedule the water. The incremental cost to reschedule is an additional \$8.19/af. We have transferred 1,350 af of the rescheduled water to WWD. We are waiting for Reclamation acknowledgement of the transfer. That leaves us 341 af of rescheduled water of which we have used 80 af leaving us a current balance of 261 acre feet. Rescheduled water is the first CVP water required to be used by Reclamation this year. We did transfer 500 af of CVP water in July to WWD facilitated by Erick Johnson.

FRIANT SJRRP Restoration Flows and Wheeling – Wheeled 178 af for USBR/Friant in July. There was 1,225 af available to wheel in July for Friant. Our own demands combined with very low river flows prevented us from wheeling the full amount of Friant water and from exercising our full water right of 200 cfs. In August it appears that we will be able to wheel our full share of the Friant restoration water, total of 1,225 af.

Reclamation CVP 9(e) contract to a 9(d) contract. We received our construction repayment estimate from Reclamation. The current estimate owed as discounted for today on Unpaid Construction Cost is \$2,083,844 and for Unpaid Intertie Construction Cost, \$136,960, for a total owed of \$2,220,804 dollars. Need to follow up with reclamation on timetable for next steps.

Sustainable Groundwater Management Act (SGMA) –The next milestone due is a Groundwater Sustainability Plan (GSA) for our GSA as well as for the Tracy Sub-basin which is due by January 31, 2022.

Replacement Pumping Plant 5 Low Head Lift – We have completed the construction of the 16' by 16' foot Remote Terminal Unit (RTU) Room in Fishscreen Storage Building. We have started educating our staff on how to build the RTU and have started building the RTU. The SCADA upgrade has been installed and is running. We will be debugging any issues in the coming weeks, altering screen displays, setting up trend screens, etc.

San Joaquin County Community Development Application # PA 1600049 (AP) – There isn't any more news at the county on this application.

Vacation – I was on vacation July 14 through July 22.

Respectfully submitted by:

David Weisenberger
General Manager

ITEM 4 - DIRECTOR AND STAFF ITEMS

Director James M Thoming suggested staff research what would be needed to transfer some of the District's fund to the State of California Local Agency Investment Fund (LAIF) and report back to the Board. LAIF is paying 1.90% on invested funds and the District's bank is currently only paying .40%.

Director James M Thoming reported he attended a town hall meeting with Agriculture Secretary Perdue and Representative Jeff Denham. The issues discussed were water, trade and labor.

ITEM 5 - REVIEW CURRENT WATER SUPPLIES AVAILABLE TO THE DISTRICT, CONSIDER TRANSFERS, AND REVIEW SCHEDULING OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY

The current CVP Allocation is still 50%; this will provide the District with additional 10,000 acre feet of CVP Water plus 261 acre feet of rescheduled 2017 CVP water. The expected rescheduling maximum of 2018 CVP Water into the 2019 water year is still a total of 150,000 acre feet.

Erick Johnson of the Water Agency was present to discuss with the board the possibility of a water transfer of the District's 2018/2019 water. Mr. Johnson presented an offer for the transfer of up to 2,825 acre feet of the District's CVP water. After some discussion Director Keith Robertson made a motion to approve the transfer and Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

Mr. Johnson also indicated he might be able to move additional water for the District. Director Keith Robertson made a motion to authorize General Manager Weisenberger to transfer up to 3,500 af of 2018/2019 CVP water. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 6– REQUEST FOR EASEMENT CROSSING BY GEORGE CLEVER. ACTION AS NECESSARY

General Manager Weisenberger reported he received a request from George Clever for an easement across District property for a driveway. Mr. Clever does not at the present time have a definite location for the requested easement. After a definite location is provided the Board will review the documents for authorization. Mr. Clever will be required to provide legals descriptions and maps reflecting those descriptions and pay for all expenses incurred by the District, provide a deposit of \$1,000 to start the legal and engineering work to verify the legal descriptions, and the District's legal counsel will prepare the easement agreement.

ITEM 7– UPDATE ON AGREEMENT FOR ACCESS FOR NUTRIA MONITORING AND TRAPPING BY CADF&WS. ACTION AS NECESSARY

District Counsel presented a revised access agreement to the CADF&WS with the changes requested by the Board of Directors. The CADF&WS did not feel the changes requested were appropriate and did not accept the revised access agreement. At the present time no access agreement has been executed.

ITEM 8– UPDATE ON AGREEMENT FOR TEMPORARY CONSTRUCTION EASEMENT CALTRANS. ACTION AS NECESSARY

District received a request for a Temporary Construction Easement from Caltrans on district property located on the south side of Lehman Rd, east of the UPRR tracks and Ahern Rd. Caltrans will be doing bridge rehabilitation work on I-5. District Counsel Jeanne Zolezzi amended the agreement to include additional conditions discussed by the Board and sent it to Caltrans. Caltrans responded and requested justification for the changes to the original Temporary Construction Easement. District Counsel and staff will work on providing the needed justification.

ITEM 9 – CONSIDER SUBMITTING A CONCEPT PROPOSAL FOR A PROP 1 GRANT TO STUDY, DESIGN, AND PERMIT A HABITAT RESTORATION PROJECT TO INCLUDE SPUR DIKES FOR LONG TERM SUSTAINABILITY OF THE HABITAT RESTORATION. ACTION AS NECESSARY.

General Manager Weisenberger reported there is grant money available for habitat restoration projects. This money could be used to fund the District's spur dike project. A concept proposal will need to be completed and submitted by August 31, 2018. FishBio can do the proposal at a cost of \$10,000 - \$12,000. After some discussion Director Keith Robertson made a motion to authorize FishBio to provide a concept proposal for a grant to study, design and permit a habitat restoration project to include spur dikes for long term sustainability of the habitat restoration. Director James M Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

ITEM 10 – CONSIDER PROPOSAL BY NATEL ENERGY FOR A TURN-KEY INSTALLATION OF A LOW HYDRO GENERATOR AT 6 SUMP. ACTION AS NECESSARY.

General Manager Weisenberger presented a proposal by Natel Energy for a low hydro generator at 6 Sump for review by the Board. This would be demo project for Natel and would have no cost to the District for construction or design. It would require some staff time for monitoring the construction. PWRPA would provide the any agreements needed and District Counsel would review any agreements. After some discussion, the Board authorized staff to execute any necessary agreements for the project.

ITEM 11 – REVIEW LONG TERM PLAN FOR REPLACING PUMP STATIONS. CONSIDER PROPOSAL FROM DAHL CONSULTANTS FOR 100% DESIGN FOR NEW PP #4. WAYNE DAHL PRESENT TO DISCUSS. ACTION AS NECESSARY.

Wayne Dahl of Dahl Consultants was present to review his proposal for 100% design of the new Pumping Plant #4. Cost of the final design engineering would be approximately \$186,450. The Board reviewed the proposal and Director Keith Robertson made a motion to approve the proposal for 100% design of the new Pumping Plant #4. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming; Noes: None; Abstain: None; Absent: None

The Board of Directors also discussed with Mr. Dahl the necessity of installing a Flap Gate on the 48" pipeline at the Delta Mendota Canal and authorized Dahl Consultants to provide the needed specs for the project.

ITEM 12 – UPDATE ON BCID/WSID/PID SAN JOAQUIN RIVER PREDATION STUDY. ACTION AS NECESSARY.

Staff reported there was no new information on the San Joaquin River Predation Study. FishBio has received the permission to do some electro fishing

ITEM 13- CLOSED SESSION:

- 1) CONFERENCE WITH LEGAL COUNSEL on EXISTING LITIGATION PURSUANT to Subdivision (a) of Section 54956.9 of the Government Code
 - A. 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
 - B. Natural Resources Defense Council v. Sally Jewell, U.S., Department of the Interior Case No. 1:05-cv-01207 LJO-GSA

2) CONFERENCE WITH REAL PROPERTY NEGOTIATIONS

- A. Property: Water Transfer
Agency negotiator: District Counsel Jeanne Zolezzi
Negotiating parties: Modesto Irrigation District
Under Negotiation: Quantity, price, period of transfer
- B. Property: Wheel Water through lift canal and Pump Station Facilities for
Third Parties
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi
Negotiating parties: Friant Water Authority

3) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION

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

Returned to open session with no announcement.

ITEM 14 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the August 2018 Warrants in the amount of \$280,979.70 be approved for payment. Director Annette Elissagaray seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James M. Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Wednesday, September 12, 2018 at 9:00 a.m.

Respectfully,

Margaret G. Howe