

August 13, 2016  
Tracy, CA 95304

Pursuant to adjournment, July 13, 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, District Counsel Jeanne Zolezzi

ABSENT: None

### **Item too late to be agenized**

President McLeod asked to include an item on the agenda pursuant to Government Code section 54954.2(b)(2). A property owner inside the District, Rena Cole, has filed a claim for water damage to a neighboring parking lot. Director James M Thoming made a motion to add the item to the agenda, upon the finding that (1) the need for action on this item came to the attention of the district after the agenda had been posted, and (2) there is a need for immediate action which cannot reasonably wait for the next regularly scheduled meeting. Director Keith Robertson seconded the motion and it carried by unanimous vote.

General Manager Weisenberger reported Rena Cole has filed a claim with the District regarding water damage to property owned by her at 7527 Linne Rd. Tracy, The damage was the result of a leaking District pipeline next to the property. The estimated cost to repair the damage is \$8,550.00. After discussing the claim, Director Roger Elissagaray made a motion to accept the claim and file it with the District's insurance carrier. 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

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

Director James M. Thoming made a motion to approve the minutes of the July 16, 2016 as presented. 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**

Secretary Howe presented a request for a contribution from Pacific Legal Foundation ("PLF"). The Board has approved a contribution to PLF in past years because of their ongoing work in property rights cases and other matters of interest and benefit to those involved in agriculture. Therefore, Director Glenn Robertson made a motion to approved sending a contribution of \$500 to Pacific Legal Foundation. 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

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

#### **MANAGER'S REPORT August 17, 2016**

Vernalis flow 270 cfs. Diverting 165 cfs

**60 Kv pole fire at substation #1** – On the morning of July 15 2016 the 60 Kv cross arms on the pole just outside of BCID substation #1 caught fire. A couple of crows had built a nest in the cross arms and evidently when they stretched their wings that morning they touched two different phases creating a cross phase arc that ignited a fire. This knocked the entire lift canal off line. Staff called the fire department and PG&E immediately. PG&E responded and opened up the 60 Kv switch which killed power to that pole so that the fire department could put the fire out. Bockmon and Woody also were called and were on the site before the fire was out. Bockmon and Woody repaired the two wires that had arced and determined that the pole and cross arms could survive the balance of this irrigation season before being replaced. Wooden poles are not covered under our insurance coverage in the JPIA.

**Canal Leak into Parking Lot** - District staff were called to Four Corners as a representative of the property owner Annette Pombo reported that there was water on the property's parking lot. She was uncertain of where the water was coming from and asked district staff to check BCID facilities. Staff went to the site and through experimentation drained a portion of our canal and the water ceased flowing into the parking lot. Staff determined that water was leaking through cracks in the concrete lining and the water found a gopher hole which took the water to the parking lot. From looking at the condition of the parking lot it appears that there has been a leak in that area for some time and it has damaged the asphalt. The property owner discovered it through a contractor they had hired to coat the parking lot and re-stripe.

**Cal Poly Irrigation Training and Research Center (ITRC) testing flows from "metered gate" installations.** – The ITRC has brought a mobile pump and metering station to BCID and has been testing flow rates through BCID metered gate installations. As of yesterday they had tested four turnouts. The test results are not known yet as they will be taking information back to their center to prepare the reports. This mobile station 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 program.

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

**Groundwater Sustainability Act activities** – The SLDMWA this week released a draft agreement for the establishment of a multi-agency Groundwater Sustainability Agency in the Tracy sub-basin using the SLDMWA as the umbrella organization. Three agencies have expressed interest in the past of creating a GSA using this method, The West Side ID, Byron-Bethany ID and the City of Tracy.

Prepared by:

David Weisenberger

#### ITEM 4 - DIRECTOR AND STAFF ITEMS

Secretary Howe reported the ACWA Board of Directors has elected to continue the Advance Deposit on Dues Program. The Program will begin on January 1, 2016 and continue for five years at an interest rate of 2.25%. The District currently has \$5,715.94 on deposit in the Program. The Program provides an annual offset of 2.25% of the funds on deposit as of January 1, 2016. This offset is credited against dues each year for five years beginning with the 2017 dues calculation. The calculation used to determine the balance of the funds held in the advance deposit program as of each January 1<sup>st</sup>, is the prior year's balance reduced by 2.25% of the January 1, 2016 deposit as applied to each calendar year's dues. An additional annual credit to dues will be computed at the rate of 2.25% per annum and calculated on the balance of the advance dues on deposit at the time dues billings are prepared. The first credit will appear on the 2017 dues calculation. The Board directed to leave the funds in the program for another five years.

General Manager Weisenberger reported staff is researching the advantages of paying off the District construction balance with the Bureau of Reclamation.

#### 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.

General Manager Weisenberger reported the District was notified on July 20<sup>th</sup> that as of Saturday, July 23<sup>rd</sup> the water level in the San Luis Reservoir would be so low there would no water available for pumping by CVP Contractors. The Bureau of Reclamation was able to "borrow" sufficient water that the shut down did not occur. Since the District was supplying San Joaquin River water to growers it had no effect on deliveries.

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

The motors are expected to be delivered on Monday, August 22<sup>nd</sup>, and the electricians are expected to be on the job Tuesday to do the wiring. The current schedule is to have the motor ready to test by September 1<sup>st</sup>.

#### ITEM 7 – UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY.

The San Luis and Delta Mendota Water Authority (SLDMWA) has released a draft agreement for the establishment of a multi-agency Groundwater Sustainability Agency in the Tracy sub-basin using the SLDMWA as the umbrella organization. Three agencies have expressed interest in the

past of creating a GSA using this method, The West Side ID, Byron-Bethany ID and the City of Tracy.

**ITEM 8 – 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.**

Staff continues to monitor SWRCB activities and meetings related to water rights and the drought.

**ITEM 9 – STATUS OF BCID WARREN ACT WATER STORED IN CENTRAL VALLEY PROJECT (CVP) FACILITIES. ACTION AS NECESSARY.**

The U.S. Bureau of Reclamation (USBR) has “borrowed” Warren Act Water stored in CVP facilities to meet other obligations. The USBR has assured District’s they will be returning the “borrowed” water back to storage by July 2017.

**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. 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

- 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

**ITEM 11 - APPROVAL OF WARRANTS.**

Director Keith Robertson moved that the August 2016 Warrants in the amount of \$572,919.82 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, September 14, 2016 at 9:00 a.m.

Respectfully,

Margaret G. Howe