

September 16, 2015
Tracy, CA 95304

Pursuant to adjournment, August 12, 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 August 12, 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

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 Roger Elissagaray 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.

Since the demand for irrigation water has dropped to about 40 cfs staff has taken a couple of men off irrigation schedule and put them on maintenance. Staff has been working at Pumping Plant #5 in preparation for the Replacement of PP 6 Project.

We expect to start pumping ground water into storage in October. Depending on the depth of the well, pumping maybe limited to a couple of weeks a month to avoid causing problems for residential well owners in the area.

General Manager Weisenberger has completed and filed the District's "Waste Discharge Report" as required.

In reviewing the District's water sales and the amount of water pumped from storage, there is some loss of water occurring. Staff is reviewing procedures and checking deliveries for possible errors.

General Manager Weisenberger attended a meeting with Bureau of Reclamation (USBR) staff from Denver regarding changing the way the rates for conveyance and storage are computed for Exhibit B on the Warren Act Contracts. These rates are changed on an annual basis, and the USBR is planning on changing to a "market rate" computation or a cost of replacement basis.

ITEM 4 - DIRECTOR AND STAFF ITEMS

There were no Director and Staff items discussed.

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, effective June 26, 2015. The District made available to growers 1.5 acre feet of water per acre of ground a total of 22,090 acre feet. Growers have used 10,830 acre feet of the available water as of August 31, leaving 11,260 acre feet available through February 2016.

General Manager Weisenberger reported the San Luis & Delta-Mendota Water Authority (SL&DMWA) has agreed to purchase up to 24,000 acre feet of water from Oakdale Irrigation District/South San Joaquin Irrigation District, 50% (12,000 acre feet) of this will be available to CVP Contractors that are members of the SL&DMWA. Banta-Carbona's estimated share of the available water is 131 acre feet; the cost is \$500 per acre foot plus CVP charges of about \$70.00 per acre foot. After some discussion, Director James M. Thoming made a motion to participate in the purchase of this supplemental supply of water and authorize General Manager Weisenberger to execute the necessary documents. 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 6 - CONSIDER END OF 2015 IRRIGATION SEASON. ACTION AS NECESSARY.

Staff requested input from the Board of Directors for an ending date for the 2015 irrigation season. After some discussion, it was decided to set a tentative end of season date of November 13, 2015, depending on demand.

ITEM 7 – UPDATE ON 2015 WARREN ACT CONTRACT 15-WC-20-4659 WITH THE UNITED STATES BUREAU OF RECLAMATION. ACTION AS NECESSARY

Staff reported the District has received an executed copy of its 2015 Warren Act Contract 15-WC-20-4659.

ITEM 8 - REVIEW PROPOSED PRIVATE PARTY IMPROVEMENTS TO DISTRICT EASEMENT ON 4 WEST CANAL IN T3S R5E SECTION 13. ACTION AS NECESSARY

General Manager Weisenberger reported property owner at 5372 W. Lehman Rd requested the District review access road improvements he wants to make on his property. He wants to pave/concrete his entrance from Lehman Rd. to Misfeldt Rd.; replace the address monument at the entrance to his property; and widen the bridge crossing, add decorative safety barriers and pave the crossing. The Board reviewed the request and directed staff to request engineered drawings for review at the October 14, 2015 board meeting if the applicant wanted a prompt reply.

ITEM 9 - REVIEW PLANS FOR REPLACING PUMPING PLANT #6. ACTION AS NECESSARY.

Wayne Dahl of Dahl Consultants, Inc. was present to discuss any questions the Board might have regarding the replacement project. Since the last Board Meeting, District staff and consultants have been reviewing the cost of replacing Pumping Plant #6 during the off season in 2015-16. To completely replace Pumping Plant #5, which would replace pumping plants five through seven, has an estimated cost of 8 to 9 million dollars. Staff does not feel the District has sufficient cash reserves to fund a project of that size at this time. It is estimated the District could equip and connect pumps at pump station #5 with a capacity of 135 cfs that could deliver water to pumping plant #7 at a cost of 3.5 million dollars. If the District connected pumps at pump station #5, it would eliminate the need to replace the leaking penstock in pump station #5 and doing needed repairs to #3-12 cfs pump in pump station #6. After reviewing the plans and discussing the issues, Director James M. Thoming made a motion to approve the project to equip and connect pumps at pump station #5. 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 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.

General Manager Weisenberger reported the State Water Resources Control Board has scheduled a hearing regarding the alleged unauthorized diversion by Byron-Bethany Irrigation District for the third week of October.

ITEM 11 – 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 12 - APPROVAL OF WARRANTS.

Director Keith Robertson moved that the September 2015 Warrants in the amount of \$244,559.05 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, October 14, 2015 at 9:00 a.m.

Respectfully,

Margaret G. Howe
Secretary