

October 11, 2017  
Tracy, CA 95304

Pursuant to adjournment, September 13, 2017, 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 Glenn Robertson made a motion to approve the minutes of the September 13, 2017 as presented. 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 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe reported the District received correspondence from Manulife containing information regarding changes to their stock transfer agent, registrar and dividend disbursing agent for the District's Manulife stock.

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

##### **MANAGER'S REPORT**

**October 11, 2017**

Vernalis flow +/- 2,750 cfs. Diverting +/- 80 cfs plus Wheeling 0 cfs

**Maintenance** – Weed control continues using herbicides and by discing. Aquatic weeds have also been treated. Algae is being treated with copper products. Pondweed is being treated with Teton. Other maintenance activities this month include repairing pipeline leaks and repairing or replacing turnout gates.

**Operations** – Some ditchtenders have been pulled off of irrigation deliveries and put on the maintenance schedule (M-F, 7-4.).

**FRIANT SJRRP Restoration Flows and Wheeling** – There are two agreements ready for execution that will allow us to begin wheeling water for the San Joaquin River Restoration Program (SJRRP). One agreement is a Memorandum of Understanding between the USBR and BCID that BCID will wheel for the SJRRP and the second agreement is with Friant Contractors that they will pay for the wheeling service. The District is waiting to receive the Bureau's signatures on these documents.

**Sustainable Groundwater Management Act (SGMA)** – There is a state grant funding application round on-going right now. The San Joaquin County sat down with GSA's in the Tracy sub-basin on Thursday, September 14, to discuss the possibility of applying for a grant for our sub-basin. The Tracy Sub-basin group did not see any urgency to starting a Groundwater Sustainability Plan at this time. The County plans to apply for some money at their expense to get some basic work accomplished in the Tracy Sub-basin that will not go stale on the shelf. The County is not in a hurry to do a GSP in the Tracy sub-basin as they agree that waiting until some plans have been accepted by the state before doing a GSP is the best policy at this time. 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 been tracking down price estimates for using our old PP #7 pumps and motors and associated electrical gear to replace old PP #5. We received a proposal from Syblon Reid of over \$800,000 just to install the pipeline, check valves, pumps and motors, which did not include any of the electrical work. We have been working separately with Bockmon and Woody to obtain estimates to move and install the VFD drives. So far we have roughed out that it would be another \$150,000 to \$200,000 for the electrical and SCADA work. We contacted Garrett Arnaudo and he expressed interest in submitting a proposal. To date we have not received a proposal from Mr. Arnaudo.

**JPIA Site Visit** – Scott Wood of ACWA JPIA visited the BCID to do the annual risk assessment review. Jorge Flores and Tim Bristow provided him with a tour. Mr. Wood has not submitted his written report yet.

**USBR Water Conservation Report** – The Bureau published the District's Water Conservation Plan in the Federal Register earlier this year. They have informed the District that

the plan meets the 2017 Standard Criteria and no comments were received from the public and the review process is officially complete.

**Meetings participated in by tele-conference or in person:**

SLDMWA Board Meeting September 14 Los Banos

SGMA Meeting at BBID September 14 Byron

West Side Contractors meeting with Fresno Office of Bureau, teleconference call Sept 15

Sexual Harassment Training, September 19, WEBEX

PWRPA Governance Committee meeting, Sept 20, Tele-conference call

PWRPA Renewable Energy Committee meeting Sept 21 at BCID

Local Water managers meeting, Sept 22, lunch

PWRPA mtg in Roseville Chair and GM, and met with WAVE Engineering in Sac, Sept 26

PWRPA board mtg Sept 4 at BCID

SLDMWA board mtg Sept 5 at Los Banos

**ITEM 4 - DIRECTOR AND STAFF ITEMS**

The District's crane truck was delivered in October and staff is working on getting employees trained in its use and qualified to drive it.

**ITEM 5 - REVIEW CURRENT WATER SUPPLIES AND 2017 WATER SUPPLIES AVAILABLE TO THE DISTRICT, TRANSFER AND SCHEDULING THE USE OF AVAILABLE WATER SUPPLIES. ACTION AS NECESSARY**

The U.S. Bureau of Reclamation announced on April 11 a 2017 CVP allocation of 100% (20,000 acre feet) for the South-of-Delta Contractors. The District used 2 acre feet of its allocation in June. The District continues to pump Pre-1914 water to the Meyers Family Trust under their current agreement.

General Manager Weisenberger has talked to Erik Johnson of the Water Agency regarding any possible transfers of water, but the market is still very weak. The District received an inquiry from San Luis Water District regarding 2017 carryover water.

**ITEM 6 – CONSIDER END OF WATER SEASON. ACTION AS NECESSARY.**

General Manager Weisenberger reported the end of water season is usually around November 10<sup>th</sup>. His suggestions for the end of 2017 water year are either November 10<sup>th</sup> or November 17<sup>th</sup>. After discussing the needs of the District's water users, the board determined the end of the 2017 water year should be November 10th

**ITEM 7 – CONSIDER RESOLUTION FOR APPROVAL OF LETTER OF AGREEMENTS CONTRACT NO'S 17-WC-20-5109 AND 17-WD-20-5110 WITH THE BUREAU OF RECLAMATION FOR THE REPLACEMENT OF PROJECT USE POWER AND FEES INCURRED FOR PUMPING NON-PROJECT WATER UNDER WARREN ACT CONTRACT NO'S 15-WC-20-4659 AND 13-WC-20-4380. ACTION AS NECESSARY.**

The Board reviewed the Letter of Agreements Contract no's 17-WC-20-5109 and 17-WD-20-5110 with the Bureau of Reclamation for the replacement of Project Use Power and fees incurred for pumping non-project water under Warren Act Contract no's 15-WC-20-4659 and 13-WC-20-4380, and after some discussion Director James M. Thoming made a motion to approve the following resolutions. 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

**RESOLUTION NO. 2017 – 06  
Resolution of October 11, 2017**

**THE BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION APPROVING THE LETTER OF AGREEMENT FOR REPLACEMENT OF PROJECT USE POWER AND FEES INCURRED FOR THE CONVEYANCE OF GROUNDWATER WATER IN FEDERAL FACILITIES**

WHEREAS, the District and the United States Department of the Interior, Bureau of Reclamation (“**Reclamation**”) executed Contract No. 17-WC-20-4380, entitled, “*Temporary Contract Between the United States and Banta-Carbona Irrigation District (District) Providing for Multi-Year Storage and Conveyance of Non-Project Water,*” (“**Contract**”) and

WHEREAS, subdivision (g) of Article 3 of the Contract states that if electrical power is required to convey or pump the Non-Project Water into, through, or from the CVP facilities, the District will, prior to the introduction, conveyance, storage, and delivery of any Non-Project water, enter into a letter of agreement with the United States that provides for the payment of all actual energy costs and fees incurred in the introduction, conveyance, storage, and delivery of Non-Project water, and

WHEREAS, the Contract provides for the conveyance of up to 2,000 acre-feet (AF) of Non-Project Groundwater from wells located on the Delta-Mendota Canal, and further provides that the Non-Project water will be delivered to the District through conveyance facilities of the Delta-Mendota Canal or other location(s) mutually agreed to in writing by the contracting officer and the contractor, and

WHEREAS, upon execution of the Letter of Agreement (“LOA”), the District will submit an initial deposit to Reclamation using the Forecast Calculation Methodology described in the LOA, attached as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Banta-Carbona Irrigation District:

1. The Board of Directors hereby agrees to the terms of the “Letter of Agreement for the Replacement of Project Use Power and Fees Incurred for the Conveyance of Groundwater in Federal Facilities (Non-Project Water) –2013-2018 – Delta Division and San Luis Unit – Central Valley Project (CVP)” (“**Letter of Agreement**”).

2. The Board President or the General Manager are authorized to execute the Letter of Agreement.

**PASSED AND ADOPTED**, this 11<sup>th</sup> day of October 2017 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District.

BANTA-CARBONA IRRIGATION DISTRICT

By: \_\_\_\_\_  
James M. McLeod, President

Attest: \_\_\_\_\_  
Margaret G. Howe, Secretary

**RESOLUTION NO. 2017 – 07**  
**Resolution of October 11, 2017**

**THE BANTA-CARBONA IRRIGATION DISTRICT RESOLUTION APPROVING THE LETTER OF AGREEMENT FOR REPLACEMENT OF PROJECT USE POWER AND FEES INCURRED FOR THE CONVEYANCE OF PRE-1914 WATER IN FEDERAL FACILITIES**

WHEREAS, the District and the United States Department of the Interior, Bureau of Reclamation (the “**Reclamation**”) executed Contract no. 15-WC-20-4659, entitled, “*Temporary Contract Between the United States and Banta-Carbona Irrigation District (District) Providing for Storage and/or Conveyance of Non-Project Water,*” (“**Contract**”) and

WHEREAS, subdivision (g) of Article 3 of the Contract states that if electrical power is required to convey or pump the Non-Project Water into, through, or from the CVP facilities, the District will, prior to the introduction, conveyance, storage, and delivery of any Non-Project water, enter into a letter of agreement with the United States that provides for the payment of all actual energy costs and fees incurred in the introduction, conveyance, storage, and delivery of Non-Project water, and

WHEREAS, the Contract provides for the conveyance of up to 10,000 acre-feet (AF) of Non-Project Pre-1914 San Joaquin River water rights water, and further provides that the Non-Project water will be delivered to the District through conveyance facilities of the Delta-Mendota Canal or other location(s) mutually agreed to in writing by the contracting officer and the contractor, and

WHEREAS, upon execution of the Letter of Agreement (“LOA”), the District will submit an initial deposit to the Bureau using the Forecast Calculation Methodology described in the LOA, attached as Exhibit A.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Banta-Carbona Irrigation District:

1. The Board of Directors hereby agrees to the terms of the “Letter of Agreement for the Replacement of Project Use Power and fees Incurred for the Conveyance of Pre-1914 Water in Federal Facilities (Non-Project Water) –2015-2020 – Delta Division and San Luis Unit – Central Valley Project (CVP)” (“**Letter of Agreement**”).

2. The Board President or the General Manager are authorized to execute the Letter of Agreement.

**PASSED AND ADOPTED**, this 11<sup>th</sup> day of October 2017 by unanimous vote of the Board of Directors of the Banta-Carbona Irrigation District:

BANTA-CARBONA IRRIGATION DISTRICT

By: \_\_\_\_\_  
James M. McLeod, President

Attest: \_\_\_\_\_  
Margaret G. Howe, Secretary

**ITEM 8 – REVIEW DRAFT CASH RESERVE POLICY FOR THE DISTRICT. ACTION AS NECESSARY.**

General Manager Weisenberger presented a draft cash reserve policy for the Board to review. The Board reviewed the draft and made some suggestions for changes to the policy and requested it be brought back to them at the November 15<sup>th</sup> meeting.

**ITEM 9 – REVIEW POTENTIAL LOW HEAD PUMP INSTALLATION PROJECT AT PP #5 ON LIFT CANAL SYSTEM. ACTION AS NECESSARY.**

General Manger Weisenberger reported staff is continuing to track down price estimates for using our old PP #7 pumps and motors and associated electrical gear to replace old PP #5. We received a proposal from Syblon Reid of over \$800,000 just to install the pipeline, check valves, pumps and motors, which did not include any of the electrical work. We have been working separately with Bockmon and Woody to obtain estimates to move and install the VFD drives. So far we have roughed out that it would be another \$150,000 to \$200,000 for the electrical and SCADA work. We contacted Garrett Arnaudo and he expressed interest in submitting a proposal. To date we have not received a proposal from Mr. Arnaudo.

**ITEM 10 - UPDATE ON FISHBIO ACTIVITIES IN PREPARATION OF THE PREDATION STUDY IN THE DELTA. ACTION AS NECESSARY.**

Staff reported there was no new information regarding FISHBIO predation study. They are working on scheduling a meeting with Doug Demko later in October for an update on progress and plans for next year.

**ITEM 11 -UPDATE ON DEVELOPMENT OF A SPUR DIKE PROJECT ON SAN JOAQUIN RIVER. ACTION AS NECESSARY**

Staff and the District’s Legal Counsel are working on the application process. Staff is also working with Dahl Consultants on an update project design including estimated costs and a time schedule.

**ITEM12-UPDATE ON SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) IMPLEMENTATION IN THE TRACY SUB-BASIN. ACTION AS NECESSARY**

General Manager Weisenberger reported there is a state grant funding application round on-going right now. The San Joaquin County sat down with GSA’s in the Tracy sub-basin on Thursday, September 14, to discuss the possibility of applying for a grant for our sub-basin. The Tracy Sub-basin group did not see any urgency to starting a Groundwater Sustainability Plan at this time. The County plans to apply for some money at their expense to get some basic work accomplished in the Tracy Sub-basin that will not go stale on the shelf. The County is not in a hurry to do a GSP in the Tracy sub-basin as they agree that waiting until some plans have been accepted by the state before doing a GSP is the best policy at this time. 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.

**ITEM 13 – REVIEW PROPOSALS RECEIVED FOR LEASING APPROXIMATELY TWO HUNDRED ACRES OF DISTRICT OWNED FARM LAND ON KASSON RD. REFERRED TO AS HOMESTEAD RANCH. ACTION AS NECESSARY.**

Staff presented the proposals received for leasing the District owned farm land on Kasson Rd. for review by the Board. James McLeod, President of the Board, then adjourned to closed session to discuss the proposals received.

**ITEM 14 - 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: Lease of Homestead Farm Property, parcels 239-270-10, 239-270-11, 239-270-12, 239-270-14 and 239-270-14  
Agency Negotiator: David Weisenberger and Jeanne Zolezzi, Esq.  
Negotiating Party: Bidders for property  
Under Negotiation: Price
  - C. Property: Water Transfer  
Agency negotiator: David Weisenberger and District Counsel Jeanne Zolezzi  
Negotiating parties: San Luis Water District  
Under Negotiation: Quantity, price, period of transfer

The Board returned to open session and made the following announcement.

After reviewing the proposals received regarding leasing the District owned property on Kasson Rd., Director Keith Robertson made a motion to accept the proposal from Mike Mattos Farms at \$355 per farmable acre and to authorize staff and district counsel to finalize the lease. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Keith Robertson, Annette Elissagaray and James M. Thoming; Noes: Glenn Robertson; Abstain: None; Absent: None

**ITEM 15 - APPROVAL OF WARRANTS**

Director Keith Robertson moved that the October 2017 Warrants in the amount of \$305,697.07 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, November 15, 2017 at 9:00 a.m.

Respectfully,

Margaret G. Howe