

April 12, 2017
Tracy, CA 95304

Pursuant to adjournment, March 15, 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, Glenn Robertson, Keith Robertson, James M. Thoming and Annette Elissagaray

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

ITEM 1 - MINUTES & TREASURER'S REPORT

Director Keith Robertson made a motion to approve the minutes of the March 15, 2017 as amended. 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

Secretary Howe presented the Treasurer's report and after review by the Board it was filed.

ITEM 2 - MISCELLANEOUS CORRESPONDENCE

Secretary Howe presented correspondence from the Tracy High FFA Foundation, Inc. requesting a contribution. The Tracy FFA is the most active, non-athletic group on the high school campus and encourages practical skill development and critical thinking skills. Because of the positive impact that Tracy High FFA has on agriculture and on the community, Director Keith Robertson moved to approve sending a contribution of \$1000 to the Tracy High FFA. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

ITEM 3 - MANAGER'S REPORT & DISCUSSION ITEMS.

MANAGER'S REPORT

April 12, 2017

Vernalis flow 21,900 cfs. Diverting 38 cfs plus Wheeling 0 cfs

Irrigation Season – Irrigation deliveries began on March 15, 2017. Deliveries ceased at about March 24 due to heavy rains. Deliveries have resumed as of Monday April 3, 2017.

Maintenance – Weed control continues as rains continue to generate and germinate more weeds. Weed control is being conducted using herbicides and by disking. Aquatic weeds have also been treated. Algae was treated at the first of April with copper products. Pondweed was treated this week with Teton. We experimented with the Teton by treating at a low lift system flow rate between 10-20 cfs.

FRIANT SJRRP Restoration Flows and Wheeling – Nothing to report in regards to wheeling. There is a NEPA document that was circulated for long term wheeling of restoration flows. BCID commented on the fact that exchanges will not work with BCID. We also cleaned up some descriptions regarding existing facilities and potential future facilities. There haven't been any proposals to wheel water in the short term, 2017.

USBR "Borrowed Water" summer 2016 – It appears that this issue has died out due to all of the water available in 2017. The following is a brief history of the issues. USBR used all of the water in San Luis Reservoir that was recorded as being stored in the federal side of the reservoir by the end of July 2016. This included water stored by others such as BCID under Warren Act Contracts. This became an issue in the third week of July when the USBR sent out a notice that said that all deliveries to contractors would have to cease by July 23, 2016. The USBR did find other water to borrow by the 23rd of July and no one had to cease deliveries.

This episode led to questions such as how the USBR operates SLR with other people's water and secondly, does this borrowing impact negatively south of delta water allocations in future years. The GM of BCID along with legal counsel, Jeanne Zolezzi, had been pursuing these questions but the issue has been lying dormant the past two months.

Sustainable Groundwater Management Act (SGMA) – The San Luis Delta-Mendota Water Authority (SLDMWA) has produced a draft activity agreement for providing services to Tracy Sub-basin Groundwater Sustainability Agencies (GSA) for assisting in the

development of Groundwater Sustainability Plans (GSP). A group of GSA's did meet to discuss the first draft of the activity agreement. This group met again on February 2nd 2017. The group agreed that having individual GSA's was the best option and that working as a group to develop a Groundwater Management Plan was preferred. Next action item is to eliminate over lapping boundaries of the various proposed GSA's so that the GSA's can be recognized as established by DWR. The County of San Joaquin County Public Works department is to do the map cleanup for us. The first draft of the cleanup was circulated earlier this week.

State Water Resources Control Board (SWRCB) Phase 1 Proceedings – The SWRCB released the Substitute Environmental Document (SED) September 15, 2016. The Phase 1 proceedings are to develop new flow requirements on the San Joaquin River and salinity standards in the south delta. The SED is recommending a 40% of natural flow requirement for the spring months on the San Joaquin River and everyone on the San Joaquin River and its tributaries will be expected to donate water. The public comment period has been extended from November 17, 2016 out to January 17, 2017 and that was extended out to March 17, 2017. The public comment period has closed now.

SWRCB - We continue to monitor State Water Resources Control Board (SWRCB) activities and meetings related to water rights and the drought. A couple of weeks ago the governor of California officially proclaimed his drought proclamation to be over.

Lift Canal Project – All contracts and purchase orders for construction of the pumping plant #6 replacement project, connection at 6 Sump, the new discharge structure for PP #5, and the surge relief valve installation at 6 Sump have been completed.

Respectfully submitted by:

David Weisenberger

General Manager

ITEM 4 - DIRECTOR AND STAFF ITEMS

General Manager Weisenberger reported he has been unable to make a connection with Congressman Denham's office for possible federal funding of the District's spur dike project on the San Joaquin River.

Secretary Howe reported that her notary license will expire in August of 2017, and if the the Board wants her to renew the license. The Board directed Secretary Howe to take the necessary steps to renew her license.

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% for the South-of-Delta Contractors. It is expected there will be sufficient water in the San Joaquin River this season to supply the Districts' needs.

ITEM 6 – REVIEW ALL DISTRICT WATER RATES FOR 2017. ACTION AS NECESSARY.

The Board reviewed the District's current water rates and the O&M costs of providing water. The District's current water rates per acre foot are:

Inside District	\$ 75.00
Outside District	\$200.00
Kasson	\$ 45.00 (first 3 acre feet per acre of ground)
	\$ 75.00 (fourth acre foot per acre of ground)
	\$106.41 (fifth acre foot cost of service as determined by District's annual audit)
Water Trucks	\$200.00 per day

It costs the District approximately \$100 per acre foot to pump water and at the current water rate of \$75.00 per acre foot the District is subsidizing the rate by \$25.00 per acre foot. After discussing the rates the Board determined to make no changes to the water rates at this time.

ITEM 7 – REVIEW FOR APPROVAL RESOLUTION FOR SUPPORT OF ACWA'S POLICY STATEMENT ON THE SWRCB PHASE 1 PROCEEDINGS. ACTION AS NECESSARY

The Board reviewed ACWA's policy statement on the SWRCB Phase 1 proceedings and agreed it is worth supporting. Director Keith Robertson made a motion to approve the following resolution. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

Resolution 2017 - 03
In Support of the Association of California Water Agencies'
Policy Statement on Bay-Delta Flow Requirements

WHEREAS, California is facing a defining moment in water policy that will be substantially impacted by the State Water Resources Control Board's approach to water quality objectives under the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta; and

WHEREAS, the State Water Board has the responsibility for updating the Bay-Delta Plan in a manner that establishes water quality objectives that ensure the reasonable protection of all beneficial uses of water in a way that is consistent with the coequal goals of improving water supply reliability and protecting, restoring and enhancing the Delta ecosystem and with respect to the commitments made in the California Water Action Plan; and

WHEREAS, the State Water Board staff's current proposal, which focuses singularly on an "unimpaired flow" approach, is irreconcilable with a policy of coequal goals of improving both water supply reliability and ecosystem health; it is also inconsistent with the broader water policy objectives of the Brown Administration; and

WHEREAS, the ACWA Board of Directors has unanimously adopted a strong policy statement calls for a better approach that can more effectively achieve ecological objectives while maintaining water supply reliability. The statement calls on the State Water Board to set aside its "unimpaired flow" approach and heed Gov. Jerry Brown's call for negotiated agreements, which have been successful on many rivers and tributaries in California.

WHEREAS, the ACWA statement notes that to be successful, the state's flow policy must be consistent with the principles of collaboration, comprehensive solutions, science, functional flows, economic considerations, consistency with state policy, and leadership; and

WHEREAS, California's local urban and agricultural water managers are united in their vision for a future that includes a vibrant California economy as well as healthy ecosystems and fish populations, and believe that vision is best achieved through a comprehensive, collaborative approaches;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Banta-Carbona Irrigation District hereby supports ACWA's Policy Statement on Bay-Delta Flows and encourages the State Water Resources Control Board to embrace the approach articulated in ACWA's policy statement.

PASSED AND ADOPTED, this 12th day of April 2017 on the following vote:
 AYES: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming

NOES: None

ABSENT: None

ITEM 8 - CONSIDER LETTER OF SUPPORT FOR ASSEMBLY BILL 313
AUTHORED BY ASSEMBLYMAN ADAM C. GRAY BILL TO CHANGE
WATER RIGHTS AUTHORITY FROM SWRCB TO DWR. ACTION AS
NECESSARY.

Assemblyman Adam Gray has introduced Assembly Bill 313 in an attempt to overhaul California's water management structure. The bill proposes to restructure the administration and enforcement of water rights and the State Water Project. It would move authority and enforcement of water rights from the State Water Resources Control Board to the Department of Water Resources and enforcement proceedings would be conducted by the Office of Administrative Hearings. Staff presented a draft letter to be sent to Assemblyman Gray to the Board for their review. The Board reviewed the letter and Director Glenn Robertson made a motion to approve the letter and authorizing General Manager Weisenberger to sign the letter. Director James M. Thoming seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

ITEM 9 – REVIEW FOR APPROVAL RESOLUTION AUTHORIZING DIRECTOR ANNETTE ELISSAGARAY AS A SIGNATORY ON THE DISTRICT CHECKING ACCOUNT AND ACKNOWLEDGING THAT OAK VALLEY COMMUNITY BANK NOT LONGER WILL REQUIRE 2 SIGNATURES ON CHECKS. ACTION AS NECESSARY.

On motion of Director Keith Robertson, and seconded by Director James Thoming the following resolution was approved and adopted by the following vote; Ayes: Directors James McLeod, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

RESOLUTION NO. 2017- 04

RESOLUTION AUTHORIZING ADDING ANNETTE ELISSAGARAY AS A SIGNER ON THE BANK ACCOUNT AT OAK VALLEY COMMUNITY BANK AND ESTABLISHING SIGNATURE REQUIREMENTS THEREFORE

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 add newly appointed Director Annette Elissagaray as a signer to business bank account, with Oak 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 Oak Valley Community Bank be issued on two (2) original signatures, being any two (2) of the following: Directors: James McLeod, Glenn S. Robertson, James M. Thoming, Annette Elissagaray and Keith Robertson; and Staff: Margaret Howe and David Weisenberger, so long as one of the persons signing is from the Director group and one is from the staff group.

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 Oak Valley Community Bank.

Section 3. Checks drawn on the District checking account at Oak Valley Community Bank shall be issued on two (2) original signatures obtained from any two (2) of the following: Directors: James McLeod, Glenn S. Robertson, James M. Thoming, Annette Elissagaray and Keith Robertson; and Staff: Margaret Howe and David Weisenberger, so long as one of the persons signing is from the Director group and one is from the Staff group.

Section 4. The provisions of any form of resolution prescribed by Oak 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 6. The Banta-Carbona Irrigation District requires two signatures for withdrawals/checks written, however the bank will not be held responsible for monitoring our compliance with this requirement. This requirement will be monitored internally within the irrigation district.

Section 7. This Resolution shall take effect immediately.

PASSED AND ADOPTED, this 12th day of April 2017 on the following vote:

AYES: Directors James McLeod, Keith Robertson, Glenn Robertson, Annette Elissagaray and James M. Thoming
NOES: None
ABSENT: None

ITEM 10 – UPDATE ON FISHBIO INC. ACTIVITIES TO CONDUCT PREDATION STUDIES IN THE DELTA AND LOWER SAN JOAQUIN RIVER. ACTION AS NECESSARY.

District Counsel Zolezzi presented a Professional Services Agreement/FISHBIO/ Banta-Carbona Irrigation District – West Stanislaus Irrigation District – Patterson Irrigation District – Predation Study for review by the Board. The Board reviewed the agreement and Director Keith Robertson made a motion to approve the agreement and authorize General Manager Weisenberger to sign it. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, James M. Thoming and Glenn Robertson; Noes: None; Abstain: None; Absent: None

ITEM 11 - 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

Returned open session with no announcement.

ITEM 12 - APPROVAL OF WARRANTS

Director Keith Robertson moved that the April 2017 Warrants in the amount of \$213,265.15 be approved for payment. Director Glenn Robertson seconded the motion and it carried by the following vote; Ayes: Directors James McLeod, Annette Elissagaray, Keith Robertson, Glenn Robertson and James Thoming; Noes: None; Abstain: None; Absent: None

The meeting was then adjourned to Tuesday, May 16, 2017 at 9:00 a.m.

Respectfully submitted,

Margaret Howe